

Project Number: HN000056-B



STATEMENT OF HERITAGE IMPACT TOMAGO RESOURCE RECOVERY FACILITY

FINAL 11 / 11 / 2020

REMONDIS AUSTRALIA PTY LTD C/O JACKSON ENVIRONMENT AND
PLANNING

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Executive Summary

Heritage Now has been engaged by Jackson Environment and Planning on behalf of REMONDIS Australia Pty Ltd to prepare a Statement of Heritage Impact for the proposed Tomago Resource Recovery Facility and Truck Parking Depot, located at 21D & 21F School Drive, Tomago. The assessment is required as part of the Environmental Impact Statement and Development Application process.

The Project Area is located at 21D and 21F School Drive, Tomago (Lots 8 and 11 DP 270328, and part of lot 301 DP 634536) approximately 12 km north west of Newcastle.

The closest heritage items are 350 m from the Project Area - Tomago House and Chapel – they are listed as two separate heritage items on the Port Stephens Local Environmental Plan 2013 and as a single listing on the State Heritage Register.

Past land use of the Project Area by early settlers was likely agricultural. The land has since been heavily modified through industrial land use, including sandmining.

There are no heritage items within the Project Area. No specific mitigation measures are needed

In general, all on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977* and the below recommendation is to be followed.

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 historic, or suspected historic material. This may be implemented through an onsite induction or other suitable format.

Abbreviations, Acronyms, Terms and Definitions

| Acronym | Definition |
|---------|---|
| DCP | Development Control Plan |
| DP | Deposited Plan |
| DPIE | Department of Planning Industry and Environment |
| EP&A | Environmental Planning and Assessment |
| LEP | Local Environmental Plan |
| NSW | New South Wales |
| OEH | Office of Environment and Heritage |
| SHR | State Heritage Register |
| SoHI | Statement of Heritage Impact |

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1 Introduction

Heritage Now has been engaged by Jackson Environment and Planning on behalf of REMONDIS Australia Pty Ltd to prepare a Statement of Heritage Impact for the proposed Tomago Resource Recovery Facility and Truck Parking Depot, located at 21D & 21F School Drive, Tomago. The assessments are required as part of the Environmental Impact Statement and Development Application process.

1.1 Project Area

The Project Area is located at 21D and 21F School Drive, Tomago (Lots 8, and 11 DP 270328) approximately 12 km north west of Newcastle. The total area of the Project Area is 48455m² (Figure 1).

1.2 Project Proposal

REMONDIS intends to relocate their existing truck parking depot and resource recovery facility in Thornton to Tomago. This facility will involve the processing of waste, including hazardous materials. The proponent also intends on constructing a truck parking depot on the vacant lot of 21F School Drive (Figure 2).

1.3 Methodology

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

- Assessing Heritage Significance (OEH 2015)
- Statements of Heritage Impact (OEH, formerly Heritage Office 2002)

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 prepared by Crystal Phillips, Heritage Consultant at Heritage Now and Tessa Boer-Mah, Principal Heritage Consultant at Heritage Now.



Figure 1 Project Area

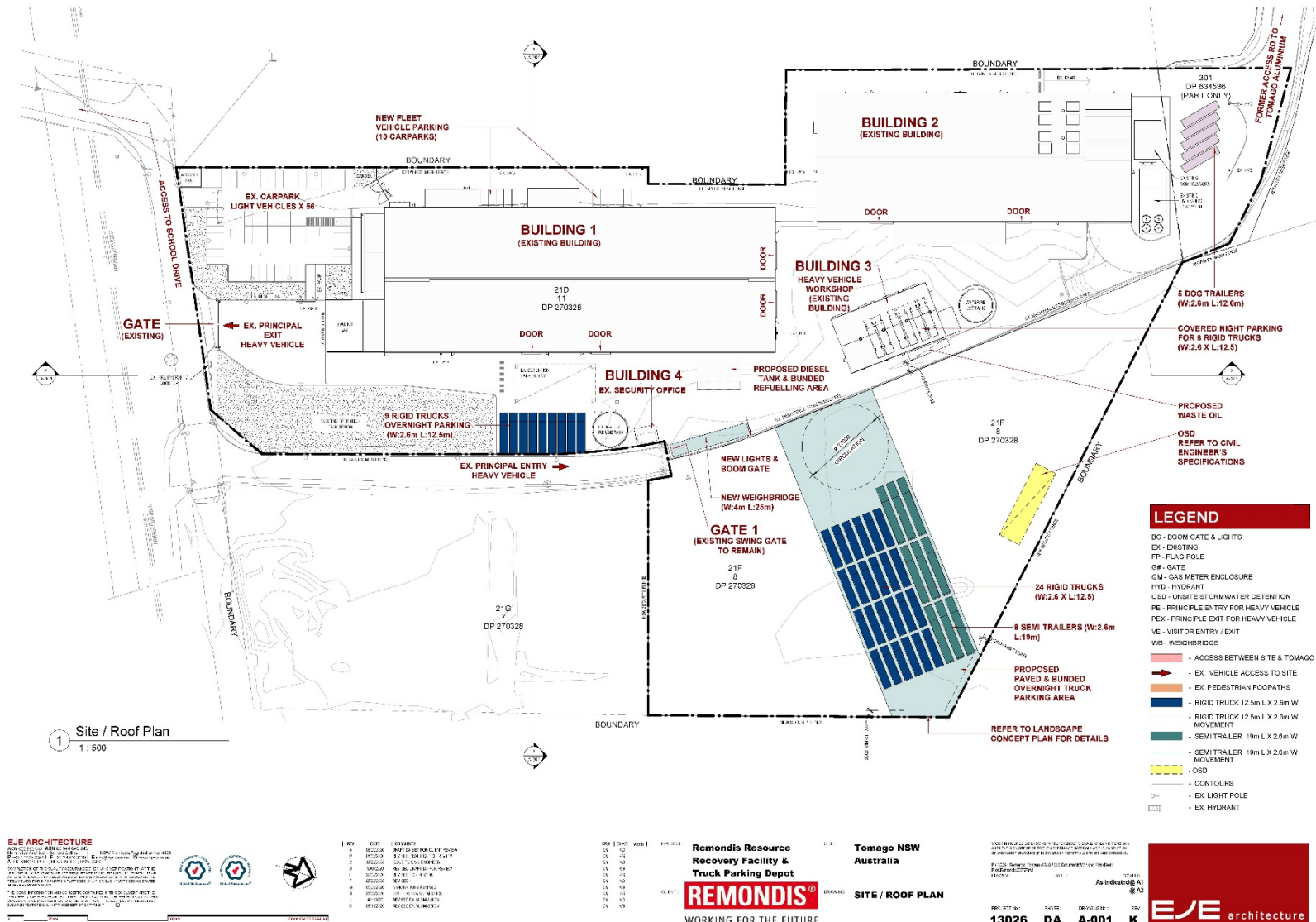


Figure 2 Project Proposal

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 Tomago

The traditional custodians of the land at Tomago are the Worimi people. The word 'Tomago' is said to derive from the Worimi word for 'sweet water' as they knew of the underground fresh water sources in the area long before European settlers invaded.¹

One of the earliest European settlers in Tomago was Richard Windeyer in the 1830s. He used the land to cultivate a variety of crops including wheat, cotton, millet, tobacco, date palms, onions and grapes as well as breeding silkworms.² With his grapes, Windeyer was a founding member of the Hunter River Wine Association in 1847.³ During his life, Windeyer employed many on his farm and estate. According to an article in *The Voice of the North*, he was much kinder than other pioneers of the Hunter as he always paid his servants regular wages.⁴

Following an economic downturn in 1847, Windeyer had to sell off much of his land, and he died soon afterwards. Windeyer was a prominent Sydney barrister before moving to Tomago, and later a member of the local council. *The Maitland Mercury and Hunter River General Advertiser* attributed his death to the mental wear and tear of his public and private duties.⁵ Many of those who went on to buy Windeyer's allotments had worked on his estate. These people were the founders of Tomago and with the assistance of Maria Windeyer (wife of Richard Windeyer) helped to establish the first school and church in Tomago.⁶

Windeyer's home 'Tomago House' and church still survive and are state heritage listed. Tomago House is recognised as being one of the most important houses of the 1840s to survive largely unaltered in a geographical context that is also intact.⁷

¹ Hunter, C. (2001). *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study, p. 104.

² Goold, W. (1932, June 10). The Pioneers: Richard Windeyer of Tomago. *The Voice of the North*, p. 7.

³ Hunter, C. (2001). *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study, p. 126.

⁴ Goold, W. (1932, June 10). The Pioneers: Richard Windeyer of Tomago. *The Voice of the North*, p. 7.

⁵ Death of Richard Windeyer Esq., M.C. (1847, December 22). *The Maitland Mercury and Hunter River General Advertiser*, p. 2.

⁶ Goold, W. (1932, June 10). The Pioneers: Richard Windeyer of Tomago. *The Voice of the North*, p. 7; Hunter, C. (2001). *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study, p. 54.

⁷ DPIE. (2007). *Tomago House and Tomago Chapel*. Retrieved from NSW Environment Energy and Science: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045718>

Coal was discovered in Tomago in the 1850s and was subsequently mined. This led to the growth in the number of people in the area as the mine provided work for many people. A post office, inn and other establishments followed to meet the new demands of the growing village.⁸ The mine operated until the 1860s. Later in the 1940s the shaft was reused to dispose of scrap metal. Evidence of the early mine is now covered with concrete and steel.

Tomago played an important part in the water supply of the Port Stephens Area as the Tomago sand beds retain and accumulate water. For many years the Tomago Well provided water to ships to replenish their water supply. Infrastructure was later constructed in Tomago in the 1930s to supply water. This water supply was incredibly important during World War II, supplying a number of military and navy depots in Port Stephens and the Lower Hunter River.⁹

The opening of the Hexham Bridge over the Hunter River in 1952 transformed the region. On its opening the President of the Lower Hunter Shire Council stated that the bridge would open up the Hunter Valley and entire north coast and that the savings in time and money as a result of no longer needing to waiting for the ferry would pay for the bridge.¹⁰ For Tomago, the bridge increased the value of the suburb as a site for factories and other industrial workplaces as it allowed for easier connection with the growing industrial city of Newcastle.¹¹

Today Tomago is a mixture of Industrial Estates and small acreages with large brick homes.

2.2 History of the Project Area

The Project Area is located on land that previously was part of Windeyer's estate in Tomago before the land was subdivided. Tomago Road now divides Tomago House and Chapel from the Project Area. There are no historic records indicating that structures were built within the Project Area and in Windeyer's time it was likely used as a field, either to grow crops or raise animals. Figure 3 shows the location of the Project Area in relation to Tomago House on a 1923 Parish Map.¹² The land is still listed as Windeyer's on Parish Maps of the County of Stockton as late as 1962.¹³

Historical aerial images indicate that in 1954 the land had not been developed and was thickly vegetated, but by 1974 (Figure 4) it had been completely transformed by sandmining. The Preliminary Contamination Assessment also identified elevated levels of zinc and copper in the soil that were considered consistent with sandblasting as part of metal manufacturing.¹⁴ These past land uses have heavily impacted the environment and would have disturbed past archaeological contexts.

⁸ *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study, p. 54.

⁹ *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study, p. 104.

¹⁰ Hexham Bridge Opened for Road Traffic. (1952, December 18). *Newcastle Morning Herald and Miner's Advocate*, p. 2.

¹¹ *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study, p. 133.

¹² Parish of Stockton: County of Gloucester. (1923). Land and Water Conservation.

¹³ Parish of Stockton: County of Gloucester. (1962). Land and Water Conservation.

¹⁴ JM Environments. (2020). *Preliminary Contamination Assessment: 21D, 21F and 21G School Drive, Tomago*. Report to Remondis Australia Pty Ltd.

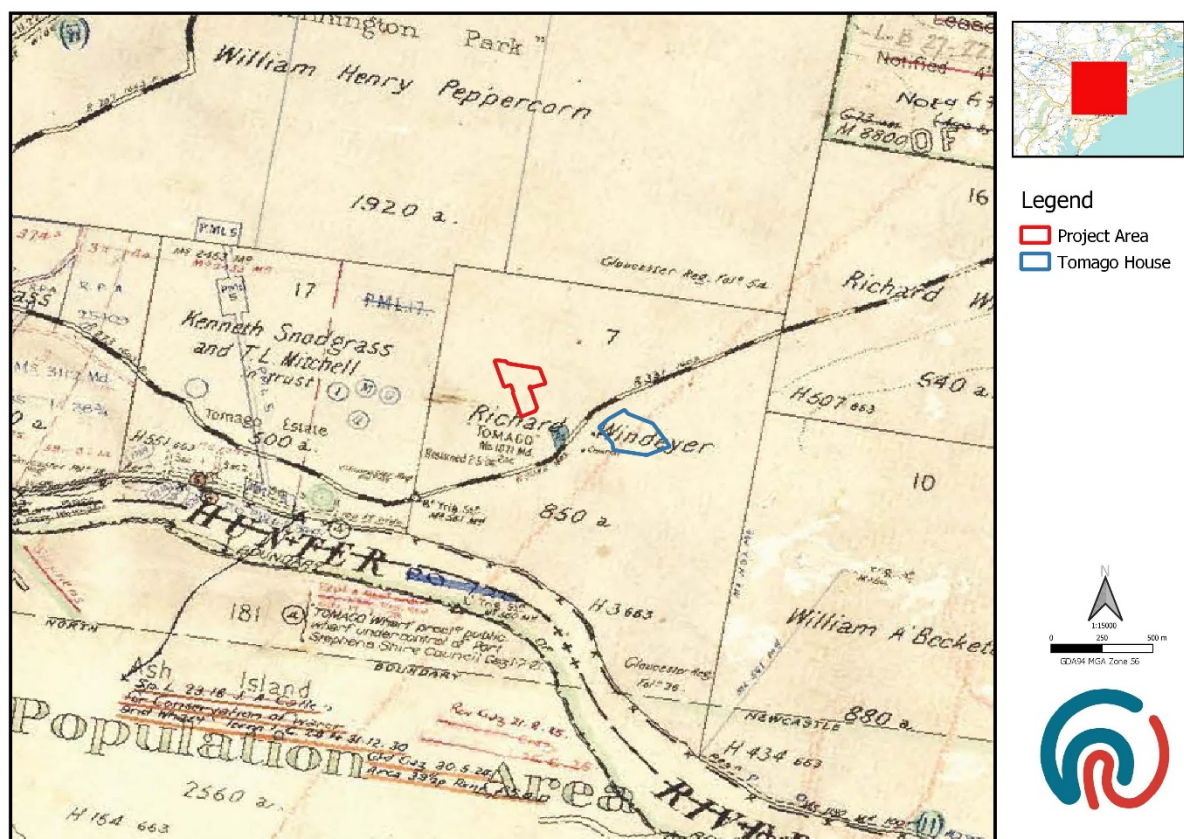


Figure 3: 1923 Parish Map showing location of Project Area and Tomago House

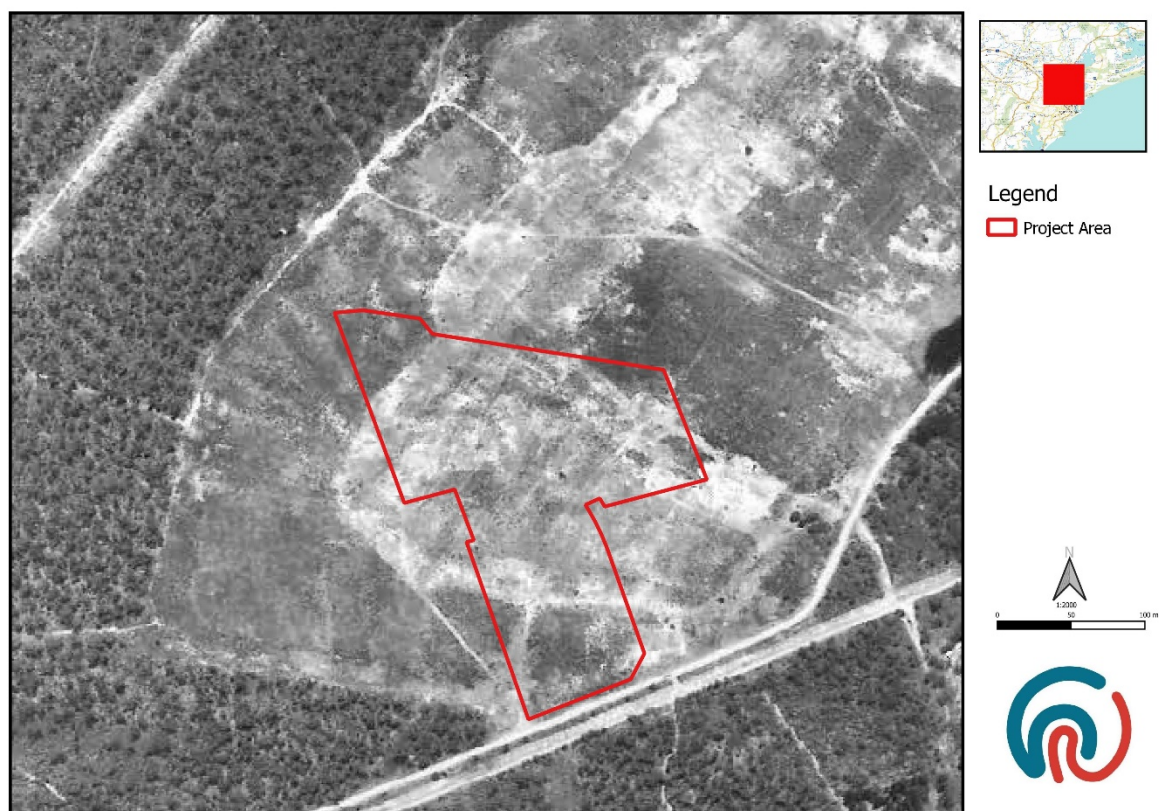


Figure 4 Project Area overlaid on the 1974 aerial photograph

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). With regard to heritage items of State significance, the State Heritage Register is maintained under Part 3A of the Heritage Act and comprises a list of places and objects of particular importance 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).

Archaeological material is protected under the relics provision of the *NSW 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 excavating land in NSW when an interim heritage order, or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, 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.

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 or to which an Interim Heritage Order applies, where any land will be disturbed or excavated in NSW 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 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 (SHR) 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 Port Stephens LEP 2013.

The Heritage Listings in Tomago are summarised in Table 1. There are two local heritage listings (I103 and I104) and a State Heritage Register listing which incorporates both I103 and I104 which are located approximately 350 metres from the Project Area (Figure 5). The local heritage listing map shows I103 and I104 as combined area.

Table 1 Summary of Heritage Listings

| Listing | Item | Significance | Item Number |
|---------|-------------------------|--------------|-------------|
| LEP | Tomago House | State | I103 |
| LEP | Tomago House Chapel | State | I104 |
| SHR | Tomago House and Chapel | State | 00207 |



Figure 5 Heritage listings near the Project Area

3.2.1 Statement of Significance

The following statement of Statement of Significance is taken from the State Heritage Register:

The principal heritage significance of Tomago House relates to its association with the Windeyer family. The house was the family home for 150 years of one of the most eminent legal families in New South Wales. It was built in a style and to a standard which befitted the social status of the Windeyers in the early years of expansion and development in the colony. It is one of the most important houses of the 1840s to survive largely unaltered in a geographical context which is also intact¹⁵

3.2.2 Development Control Plan

The built heritage provisions are contained within sections B8.A to B8.4 of the Port Stephens Development Control Plan 2014 (DCP). These provisions relate to listed heritage items or properties within heritage conservation areas. The Project Area as it is located over 350 m from the nearest heritage item - Tomago House and Chapel – and thus these heritage provisions do not apply.

3.3 Summary

Tomago House and Tomago House Chapel are located over 350 m from the Project Area and are the closest heritage items. On the State Heritage Register, these two buildings are contained within the one heritage listing SHR 207 and are separated into two separate listings on the Port Stephens LEP (103 and I104).

¹⁵ DPIE. (2007). *Tomago House and Tomago Chapel*. Retrieved from NSW Environment Energy and Science: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045718>

4 Site Visit and Physical Assessment

The site was inspected by Tessa Boer-Mah and Crystal Phillips on 10 July 2020. The purpose of the visit was to determine if there were any unlisted heritage items or areas of archaeological sensitivity within the Project Area.

4.1 Project Area

The buildings presently on site are modern and used for industrial purposes, primarily metal works, and are not of heritage significance (Plate 1, Figure 6 unshaded area).

The survey then focused on the currently undeveloped part of the Project Area in order to identify whether there was archaeological evidence or unlisted built heritage items (Figure 6, shaded area).

The vacant part of the Project Area had been heavily disturbed and modified through past land use. There were areas where rubbish had been dumped and piled up with modern fill (Plate 2 and Plate 3). No areas of archaeological sensitivity were observed. As early use of the land by settlers appears to have been primarily agricultural, no evidence for earlier built structures were identified.



Figure 6 Survey Area

4.2 Summary

No built heritage items were identified, and no historical archaeological deposits were identified.

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 proposed works include the construction of a Resource Recovery Facility and Truck parking Depot. These works will involve modifications to the existing warehouse building, clearing of the vacant block to build the truck depot as well as installation of associated services and access roads. The facility will also deal with the processing of waste.

5.2 Significance Overview

The Project Area lies within the historical boundary of Richard Windeyer's property. Windeyer was one of the earliest settlers and pioneers in Tomago. However, there are no items of heritage significance within the Project Area.

5.3 Impact Assessment

There are no heritage items or historical archaeological deposits in the Project Area.

5.4 Mitigation Measures

No specific mitigation measures are needed for historic built or archaeological heritage.

In general, all on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977*, including the reporting of any historic, or suspected historic material. This may be done through an onsite induction or other suitable format.

6 Conclusions and Recommendations

There are no heritage items within the Project Area. No specific mitigation measures are needed.

In general, all on-site personnel are to be made aware of their obligations under the *NSW Heritage Act 1977* and the below recommendation is to be followed.

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 historic, or suspected historic material. This may be implemented through an onsite induction or other suitable format.

7 References

Death of Richard Windeyer Esq., M.C. (1847, December 22). *The Maitland Mercury and Hunter River General Advertiser*, p. 2.

DPIE. (2007). *Tomago House and Tomago Chapel*. Retrieved from NSW Environment Energy and Science:
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Goold, W. (1932, June 10). The Pioneers: Richard Windeyer of Tomago. *The Voice of the North*, p. 7.

Hexham Bridge Opened for Road Traffic. (1952, December 18). *Newcastle Morning Herald and Miner's Advocate*, p. 2.

Hunter, C. (2001). *Historical Context Report Including Thematic Analysis*. Port Stephens: Prepared for the Port Stephens Council Community Based Heritage Study.

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Parish of Stockton: County of Gloucester. (1923). Land and Water Conservation.

Parish of Stockton: County of Gloucester. (1962). Land and Water Conservation.

8 Plates



Plate 1 Modern industrial buildings



Plate 2 Modern fill from industrial activities



Plate 3 Disturbed contexts and modern rubbish