Appendix R

Statement of heritage impact
Pacific Highway / Wyong Road intersection upgrade, Tuggerah

Statement of Heritage Impact for Non-Aboriginal heritage

Report to SKM/RMS

September 2012

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Executive Summary

Artefact Heritage was commissioned by Sinclair Knight Mertz (SKM) for the Roads and Maritime Services (RMS) to prepare a Statement of Heritage Impact (SoHI) prior to the upgrade of the Pacific Highway and Wyong Road intersection and approaches, at Tuggerah. The aims of this study were to assess the impacts of the proposal on items of heritage significance, outline opportunities and constraints on the proposed development regarding non-Aboriginal heritage, and recommend if further action is required to fulfil statutory heritage obligations.

Two heritage items within the vicinity of the study area are listed on the Wyong Shire Local Environmental Plan (LEP) (1991): All Saints Anglican Church on Anzac Road, and Pioneer Dairy on the Pacific Highway.

The church was demolished in 1994 and a new industrial/commercial building was constructed on the site in late 2011. These changes mean that the site of the former church is no longer of heritage significance. The Pioneer Dairy is located approximately one kilometre from the study area, and the proposed development will have no impacts on the fabric of the site, or on its views and setting.

No areas of potential archaeological or heritage significance have been identified in the vicinity of the proposed development area. There is potential for unidentified non-Aboriginal heritage items to be located within the fenced rail corridor land, which was not inspected during the site survey due to access restrictions. However, it is unlikely that relics associated with the original railway line or Tuggerah platform would have survived subsequent upgrades to the railway line and station.

On the basis of background research and a site inspection and adhering to all statutory obligations, it is recommended that there are no constraints on the proposed development with regard to non-Aboriginal heritage.
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1.0 Introduction and Background

1.1 Background

The Roads and Maritime Services (RMS) propose to upgrade the intersection of the Pacific Highway and Wyong Road at Tuggerah on the New South Wales (NSW) Central Coast. The intersection is located in the Wyong Local Government Area (LGA) and is currently a four-leg dual-lane circulating roundabout. The RMS proposes to replace the existing round-about configuration with a modified and fully signalised intersection (the proposal), see Figure 1.

Sinclair Knight Merz (SKM) was commissioned by RMS to undertake an environmental impact assessment in the form of a Review of Environmental Factors (REF) under Part 5 of the NSW Environmental Planning and Assessment Act 1979. SKM commissioned Artefact Heritage to prepare a Statement of Heritage Impact (SoHI) to assess the potential impacts to non-Aboriginal Heritage impacts associated with the proposal. The aims of this study were to assess the impacts of the proposal on items of heritage significance, outline opportunities and constraints on the proposed development regarding non-Aboriginal heritage, and recommend if further action is required to fulfil statutory heritage obligations.

This SoHI has been completed in accordance with the NSW Heritage Branch guidelines for preparing Statements of Heritage Impact (http://www.heritage.nsw.gov.au/docs/hm_statementsofhi.pdf). Archaeologist Adele Anderson wrote this report with management input from Principal Archaeologist Dr Sandra Wallace.

1.2 Project overview

The Pacific Highway runs north/south along the NSW coastline between Sydney and Brisbane and historically has been the main transportation route between these two cities. However in the vicinity of the proposal, the role of Pacific Highway as the main road corridor has been superseded by the construction of the Sydney-Newcastle (F3) Freeway. Currently the Pacific Highway provides a link between the F3 Freeway and Tuggerah, as well as a link between Wyong and Toukley to the north, and Ourimbah and Gosford to the south. Wyong Road is orientated generally north-west/south-east and provides an alternate link to the F3 Freeway to the north-west and the suburbs of Killarney Vale, Bateau Bay, and The Entrance to the south-east.

The intersection currently carries approximately 64,700 vehicle movements per day in total, with 34,800 vehicles on Wyong Road and 29,900 vehicles on the Pacific Highway. The intersection is currently at capacity, with significant delays during morning and afternoon peak periods affecting traffic heading to and from the Wyong Town Centre, Tuggerah and the F3 Freeway. In addition there are safety considerations including:
The sight distance over the existing railway bridge, which limits sight lines to extensive queues, resulting in a number of rear end crashes westbound on Wyong Road.

Crashes on the roundabout and approach roads as a result of risk taking due to congestion and small gaps.

The proposed design of the intersection upgrade is displayed in Figure 1. The general features of the proposal include:

- Replacement of the existing roundabout with a set of traffic signals to enable better management of the traffic volumes at this intersection.
- A new rail overbridge over the Main Northern Railway Line to accommodate eastbound movements along Wyong Road. The existing Tuggerah Rail Overbridge will accommodate all westbound movements, including turning lanes to the Pacific Highway (north).
- Widening of the intersection to accommodate extra lanes in all four directions and tie in with the recently completed Pacific Highway Upgrade, Tuggerah Straight, north of the intersection at Anzac Road.
- At-grade pedestrian crossings on all four legs of the intersection.
- Extension of the existing pedestrian underpass including improvement of the general amenity of the underpass facility.
- Extension of the pedestrian/cyclist shared path network to improve off-road pedestrian/cyclist connections to adjacent areas including: Tuggerah Railway Station, Tuggerah Supa Centa, Tuggerah Business Park and Westfield Shopping Centre.
- Upgrade of the intersection of Wyong Road and Gavenlock Road to incorporate an additional left turn slip lane into Gavenlock Road (southbound).
- Construction of retaining walls on the northern side of Wyong Road (east and west of the intersection), the southern side of Wyong Road (east of the intersection) and the western side of Pacific Highway (north of the intersection).
- Relocation of underground and overhead utilities to accommodate the proposal.
- Installation of temporary sediment control basins at four locations during the construction period, construction of onsite and offsite diversion drains and provision of sediment fences and erosion controls at the source.
- Installation of bio-retention swales to be used as operational storm water control.
- Ancillary construction facilities, including compound and stockpile sites.
- Installation of new temporary access tracks during the construction phase.

The study area for the SoHi includes the roundabout at the intersection of Wyong Road and the Pacific Highway, as well as the four approaches to the roundabout. This area encompasses a 765 m section of Wyong Road and a
430 m section of the Pacific Highway. The study area is defined as the proposed area of impact, which includes the road reserves, as well as land to either side of the subject roads in some places.

### 1.3 Site inspection

A site inspection of the area surrounding the proposal and the site of the former All Saints Anglican Church was undertaken on 2 May 2012 by archaeologist Adele Anderson and Principal Archaeologist Dr Sandra Wallace. The inspection did not include the fenced rail corridor land due to access restrictions; however, a visual inspection was undertaken from beside the fenced corridor and above from the Tuggerah Rail Overbridge. The survey did not locate any unidentified non-Aboriginal heritage items associated with the railway line or Tuggerah Railway Station.
Figure 1: Plan of proposed development adapted from the Strategic Concept Design.
2.0 Legislative Framework

2.1 Relevant legislation

There are several items of State legislation that are relevant to the current study. A summary of these Acts and the implications for the proposed development follow.

The NSW Heritage Act 1977

The NSW Heritage Act 1977 (the Heritage Act) is the primary piece of State legislation affording protection to items of environmental heritage (natural and cultural) in New South Wales. Under the Heritage Act, ‘items of environmental heritage’ include places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items are listed on the NSW State Heritage Register (SHR) and are given automatic protection under the Heritage Act against any activities that may damage an item or affect heritage significance.

The Heritage Act also protects 'relics', which can include archaeological material, features and deposits. Section 4(1) of the Heritage Act (as amended 2009) defines ‘relic’ as follows:

“relic means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.”

Section 139(1) of the Heritage Act states that:

“A person must not disturb or excavate any land knowingly or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.”

Permits to disturb or excavate ‘relics’ are issued by the NSW Heritage Council or a Delegate of the NSW Heritage Council under Section 140 (for relics not protected by an SHR listing) or Section 60 (for relics protected by an SHR listing) of the Heritage Act. Exceptions or exemptions to these permits may be applicable under certain conditions.

The Heritage Act also requires all government agencies to identify and manage heritage assets in their ownership and control. Under Section 170 of the Heritage Act, government agencies must establish and keep an s170 register which includes all previously identified items of environmental heritage that are owned, occupied or managed by that government body including items listed on the SHR, an environmental planning instrument, or which may be
subject to an interim heritage order. Under Section 170A of the Heritage Act all government agencies must also ensure that items entered on its register are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Minister on advice of the NSW Heritage Council.

The Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act also requires that Local Governments prepare planning instruments (such as Local Environmental Plans – LEPs, and Development Control Plans - DCPs) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required. The current study area falls within the boundary of the Wyong local government area (LGA). As the current proposal is being undertaken by a state agency (RMS), the LEP is overridden by the State Environmental Planning Policy (Infrastructure) (ISEPP) 2007.

State Environmental Planning Policy (Infrastructure) (ISEPP) 2007

In 2007, the ISEPP was introduced in order to streamline the development of infrastructure projects undertaken by state agencies, including the RMS. Generally, where there is conflict between the provisions of the ISEPP and other environmental planning instruments, the ISEPP prevails. Under the ISEPP, development for the purpose of a road or road infrastructure facilities may be carried out by a public authority without consent on any land. The ISEPP overrides the controls included in the Wyong LEP, and the RMS is only required to consult with the councils when development may “have an impact that is not minor or inconsequential” on a local heritage item. When this is the case, a SoHI would be provided to the relevant council, and the response of the council must be taken into consideration (Clause 14).

Implication of Legislation

The implication of the legislation for the study area is that any item found to be of heritage significance or listed on the statutory registers is protected from direct harm, or harm to its heritage significance. This applies to items within the study area and in its vicinity that may be indirectly impacted, for example impacts may occur to views and setting.

Although the ISEPP 2007 overrides the development controls within the Wyong LEP, it is still necessary for the applicant to submit a SoHI to the Council in cases where the development would have more than minimal impact on the heritage significance of an item, and to take into consideration the response of the Council.

The Wyong LEP, as well as protecting heritage items from direct harm, also deals explicitly with cases where development occurs or is proposed in the vicinity of a heritage site or item. In this case it should be ensured that the development does not impact on the heritage significance of the item or place. This includes considerations of
fabric, settings and views. The LEPs require that a SoHI be produced if direct harm or impact is likely to occur to a heritage listed item. The LEPs also provide protection to archaeological deposits, and require SoHIs to be prepared if the development is likely to impact on known or probable archaeological sites.

2.2 Register listings

Statutory registers provide legal protection for heritage items. The State Heritage Register, the sl70 registers, and heritage schedules of LEPs are statutory listings. Places on the National Heritage List are protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

National, State and sl70 heritage registers

No items in the vicinity of the study area are listed on the National Heritage List, the State Heritage Register, or any sl70 registers.

Wyong Local Environmental Plan (LEP) 1991

The Wyong LEP includes a list and maps of items/sites of heritage significance. There are two listed items within the vicinity of the proposal: All Saints Anglican Church on Anzac Road (Item No. 51), and Pioneer Dairy on the Pacific Highway (Item No. 52) (Figure 2).
Figure 2: Wyong LEP heritage items (blue) in relation to location of study area (red dotted line) (Source of background image: <http://mapping.wyong.nsw.gov.au/WSCMapping/mapping.html#>).
3.0 Historical Context

The following section presents a brief history of the development of the Wyong/Tuggerah region. More detailed histories for the heritage listed sites in the vicinity of the study area will be provided in the subsequent sections.

General history

During the first half of the 19th century, the wealth of timber resources in the Wyong region and its close proximity to Sydney attracted timber-getters, but permanent settlement was slow due to the area’s rugged topography. Gradually, a commercial fishing industry developed on the Tuggerah Lakes, around which numerous small fishing villages were established (Pry and Fenton, 1998:21).

With the arrival of the Great Northern Railway in the late 1880s, the isolation of the area was eased, opening up the region to tourists who visited on day trips and for holidays, and giving local farmers quick and reliable access to markets (Pry and Fenton, 1998:21). The railway acted as a stimulus to development, and by the 1890s, citrus farming and dairying were growing industries in the region (Pittendrigh Shinkfield Bruce, 2007:13). A railway platform first opened at Tuggerah in 1890, however, the present-day railway station is a modern construction and does not appear to incorporate any of the original fabric from this platform.

During the first half of the 20th century, the Central Coast became a favourite holiday destination and by the 1954 the population of Wyong Shire had risen to 13,000. From the 1960s, the region’s rural industries were superseded by coal mining and urban development. The population shifted from holiday-makers to more permanent residents, and rapid urban development has continued to the present.
4.0 Pioneer Dairy

4.1 History

The Tuggerah Pioneer Dairy is included in the Tuggerah Lakes Reserve which is owned by the Crown and managed by the Department of Primary Industries, Catchments and Lands. The reserve was originally part of 2260 acres granted to Frederick Augustus Hely in 1831. Hely did not live on the property, but under the terms of the grant he was required to clear and cultivate at least 120 acres of it, and erect permanent improvements such as buildings or fences. In 1872, the property was acquired by William Alison and unsubstantiated evidence suggests that Alison built a homestead on the site in 1875, which was later destroyed by fire (Pittendrigh Shinkfield Bruce, 2007: 13).

In 1897, William John Chapman began operating a licensed dairy farm on 668 of Alison’s 1246 acres, though he did not take formal ownership until 1901 (Pittendrigh Shinkfield Bruce, 2007:14). As the president of the Wyong Progress Association, Chapman was among the provisional board of directors who established Wyong’s Co-operative Dairy Company in 1906. The Co-operative established The Butter Factory at Wyong in 1907, which supplied cream and milk to Sydney (Pittendrigh Shinkfield Bruce, 2007:14).

Chapman’s dairy became known as the Tuggerah Pioneer Dairy and operated as the largest commercial dairy in the Wyong Shire until its closure in 1986, when the site was acquired by the Electricity Commission of NSW (Pittendrigh Shinkfield Bruce, 2007:15). Figure 3 shows the dairy in the 1950s.

Figure 3: Sketch of Pioneer Dairy by Manney c.1950s (Pittendrigh Shinkfield Bruce, 2007:14).
4.2 Description

The Pioneer Dairy is comprised of a complex of structures including some from the early twentieth century, and additions dating to the 1940s-1960s period (Figures 4 and 5). These structures are:

- Manager’s house and garage.
- Sleep-out building attached to manager’s house.
- Old milking bails.
- Modern milking bails.
- Slab of early 1950s barn.
- Silos dating to the 1940s-1960s.
- Feed stalls.
- Storage hayshed (1960s).

The site is located over one kilometre from the area of proposed impact.

Figure 4: Site Plan of the Pioneer Dairy (EJE 2004, Drawing A02).
4.3 **Assessment of significance**

The statement of significance for the dairy in the Wyong Heritage Inventory is as follows:

> Historically the building group, especially the turn of the century buildings are of regional significance for representing the maturation of the local dairy industry into an exporter of dairy products to external markets. Its regional significance also relates to the evidence of the success and expansion of the dairy in the early 20th Century. Aesthetically the original dwelling has local significance for its unusual “broad and batten” construction. Scientifically the group must be considered to have at least regional significance for their potential to contribute to information which could lead to an understanding of the advances in technology in butter production in the Wyong Valley.

4.4 **Assessment of impact**

The Pioneer Dairy is located over one kilometre from the area of impact (Figure 6) and the proposed development will have no impacts on the site, or its views and setting.
Figure 6: The Pioneer Diary site in relation to the proposed area of impact (Background GoogleEarth).
5.0 All Saints Anglican Church

5.1 History

The former All Saints Anglican Church at 51 Anzac Road, Tuggerah, was constructed during the inter-war period, and was one of several small churches that served people in the Wyong region (Figure 7). From the 1960s, the ready availability of car transport and other changes to life in the local area meant that many of these small churches closed, as new churches were built in major centres and growth areas (Pry and Fenton, 1998:195-6).

All Saints held its final service in 1979 and during the following years was used as the site of the Wyong District Museum. In 1994, the church property was sold and the church was demolished. The stained-glass windows from the church, which had been donated by local families in the 1930s, were returned to the families who had donated them. Two sets of these windows were later donated by the families to the Wyong Historical Society and were incorporated into a rebuilt wall during the restoration of Alison Homestead, which accommodated the Wyong District Museum. The wall was created as a memorial to pioneer children who died before reaching adulthood (Harris, 2008). In 2011, the homestead (including the preserved windows from the church) was destroyed by fire (http://www.alisonhomestead.org.au/). The site of the former church remained vacant for many years, but has recently had a new building constructed on it.

Figure 7: Former All Saints Anglican Church (Wyong Shire Heritage Inventory).
5.2 Description

The site is located approximately 56 m north of the proposed area of impact. After the church was demolished it was replaced by a service centre, which was built after October 2011 (Figure 8).

**Figure 8: Current building on former church site.**

5.3 Assessment of significance

**Assessment Criteria**

The statement of significance for the church in the Wyong Heritage Inventory is as follows:

 Historically the building is significant locally because of its role in the provision of a place of worship for the emerging town of Tuggerah. Aesthetically it is significant locally for its exclusive use of local timber in a building of relatively large scale. Socially the building is of significance locally to many generations of locals for providing for their spiritual needs. Scientifically the building is of significance locally for its potential to contribute to an understanding of the size of the local Anglican community in the inter-war period and its pattern of worship. The building is representative of type regionally, rare locally.

The subsequent demolition of the church and the construction of a new building on the site have removed these heritage values.
5.4 Assessment of impact

The church site is over 40 m from the area of impact and will not be impacted by the proposed development (Figure 9). If any indirect impacts to views or context were to occur these would not impact on heritage values, as these have been lost with the demolition of the church.

Figure 9: Location of former church site in relation to proposed area of impact (background GoogleEarth).
6.0 Conclusions and Recommendations

This study found that the proposed development will not impact upon any non-Aboriginal heritage listed items. No areas of potential archaeological or heritage significance have been identified in the vicinity of the proposed development area. There is a minor potential for unidentified non-Aboriginal heritage items to be located within the fenced rail corridor land, which was not inspected during the site survey due to access restrictions. It appears that the original Great Northern line ran along the same alignment as the current line. However, it is unlikely that relics associated with the original railway line or Tuggerah platform would have survived subsequent upgrades to the railway line and station.

On the basis of background research and a site inspection, and adhering to all statutory obligations, it is recommended that there are no constraints on the proposed development with regard to non-Aboriginal heritage.

If unanticipated non-Aboriginal relics or remains are located during construction the RMS Unexpected Archaeological Finds Procedure (2011) would be implemented. Details of the procedure can be found at the following link.

7.0 References

Harris, D (2008) speech to the Legislative Assembly regarding the Pioneer Children’s Memorial Wall at Alison Homestead (Legislative Assembly Hansard record, 21st October 2008).

NSW Heritage Database entry “Pioneer Dairy”

NSW Heritage Database entry “All Saints Anglican Church”


Wyong Heritage Inventory, Items 51 and 52. Accessed online at: