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NORTHERN TABLELANDS & BEYOND

29 January 2024

Mr Craig Parson
Civil Design Engineer
Infrastructure and Works
Maitland City Council

By email: Craig Parsons <Craig.Parsons@maitland.nsw.gov.au>

Dear Craig

**Re: Statement of Heritage Impact & Archaeological Assessment
Scobies Lane Realignment, Oakhampton.**

Maitland City Council (MCC) commissioned Eureka Heritage (Eureka) to provide a statement of heritage impact (SOHI) for the proposed realignment of Scobies Lane, Oakhampton. MCC required a SOHI to address any potential impact upon the State heritage listed Walka Water Works, located adjacent to the site of the proposed works.

This SOHI has been prepared according to the most recent guidelines issued by the Department of Planning and Environment in June 2023.

The following pages provide:

1. A review of the heritage listing for Walka Water Works;
2. Images of the area of proposed works;
3. An overview of the proposed project works;
4. Synthesis and analysis of heritage context;
5. Statutory considerations;
6. A statement of heritage impact; and
7. Management recommendations.

In addition to the references within the footnotes of this document, the preparation of this assessment report has relied upon those publications and documents listed below.

- *Pipelines And People. The History of The Hunter District Water Board Newcastle, New South Wales* by John W Armstrong.
- *Shaping the Hunter* by the Newcastle Engineering Heritage Division, J W Armstrong (ed).

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- *The Walka Water Works – How did it work?* by Maitland City Council. This study by Don Godden and Associates Pty Ltd has been extracted from ‘Specialist Reports for Walka Waterworks Conservation Plan’ Tresev Pty Ltd 1986.
- *Newcastle’s First Water Supply – the Walka Scheme nomination for engineering heritage recognition* prepared by Engineering Heritage Newcastle in 2015.
- *Walka Water Works Remedial Action Plan*, by GDH in 2022.

Site Location

A site location plan showing the study site in relation to the city of Maitland is provided in **Figure 1**. An aerial view of the site and surrounding development is shown in **Figure 2**.

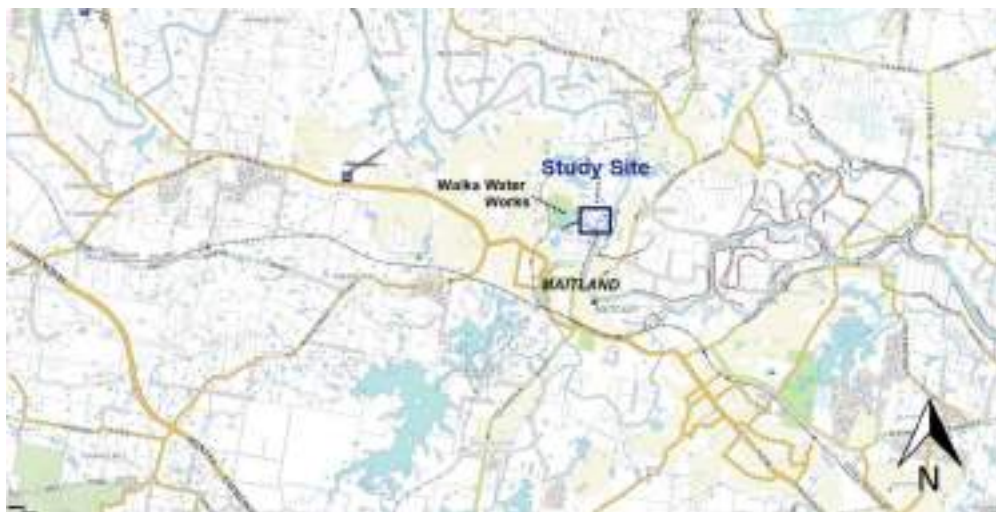


Figure 1 – Location of study site. Source: Spatial Information Exchange (SIX <https://maps.six.nsw.gov.au/>)



Figure 2 – Aerial view of project site showing the current alignment of Scobies Lane, surrounding features and rural development, including the existing flood levy extending from Oakhampton Road. Source: Google Earth.

Proposal Under Assessment

Maitland City Council is proposing the realignment of Scobies Lane, Oakhampton to reduce the risk of isolation during a flood event for the residents of neighbouring Oakhampton Heights. A plan showing the design of the proposed realignment is provided in **Figure 3**.

The project would be carried out in stages. Stage 1 for this project is planned to commence in February 2024 and is scheduled to be completed by 30 June 2024. Stage 1 would include construction of an embankment adjacent to the flood control levy, and the formation of an access track which, during this stage of works, would only be used for access during flood events. Future stages of works would involve the completion of the road pavement along the embankment, and the closure of the existing alignment of Scobies Lane.

To avoid duplication, a full set of design and construction plans are available with the Review of Environmental Factors.



Figure 3 – Plan of proposed stage 1 project works. Source: MCC

Planning Pathway

The proposed works would be carried out pursuant to the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021. MCC would carry out this work as development without consent.

The provisions of clause 2.11 of the SEPP (Consultation with councils – development with impacts on local heritage) requires an assessment of the heritage impact to be undertaken and referred to Council for consultation and comment.

For items of State Heritage Significance, standard exemptions may apply under the NSW Heritage Act. Standard exemptions may be self-assessed or there may be site-specific standard exemptions that can be applied. For self-assessment, it is the responsibility of a proponent to ensure that the proposed activities/works fall within the standard exemptions. Further information is available online at

<https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/state-heritage-register-items/standard-exemptions>.

Activities/works that do not fit strictly within the exemption regime require approval by way of an application under section 60 of the Heritage Act 1977. The application of statutory controls against the proposed works has been detailed in the section on Statutory Controls below.

Heritage Review

The site of the project area is not listed as a heritage item or located within heritage conservation area. The site does sit alongside the Walka Water Works which is listed on the State Heritage Register and is Item 222 on the heritage schedule of the Maitland LEP, 2011. According to the SHR inventory sheet, the site is considered significant to the state as follows:

Walka Waterworks is one of the largest and most intact 19th century industrial complexes in the Hunter Valley. The surviving water treatment features at the site constitute the most comprehensive set in NSW and clearly illustrate water filtration and reticulation processes and the major developments which occurred during the late 19th and early 20th century. The pump house, chimney and boiler house are elegant finely executed polychrome brick structures in a traditional configuration which are located within an attractive landscape. The entire complex, including reservoir and tanks, is an important cultural landmark. (Godden & Assoc 1986: 30)

Of note, the SHR includes that *a cast iron pipe network and a steel pipe network remain*.

A plan showing the defined heritage curtilage included in the SHR listing, in relation to the location of proposed project works, is provided in **Figure 4**. The SHR Inventory Sheets can be accessed online at [HMS - ViewItem \(nsw.gov.au\)](https://www.environment.nsw.gov.au/heritage/ViewItem).

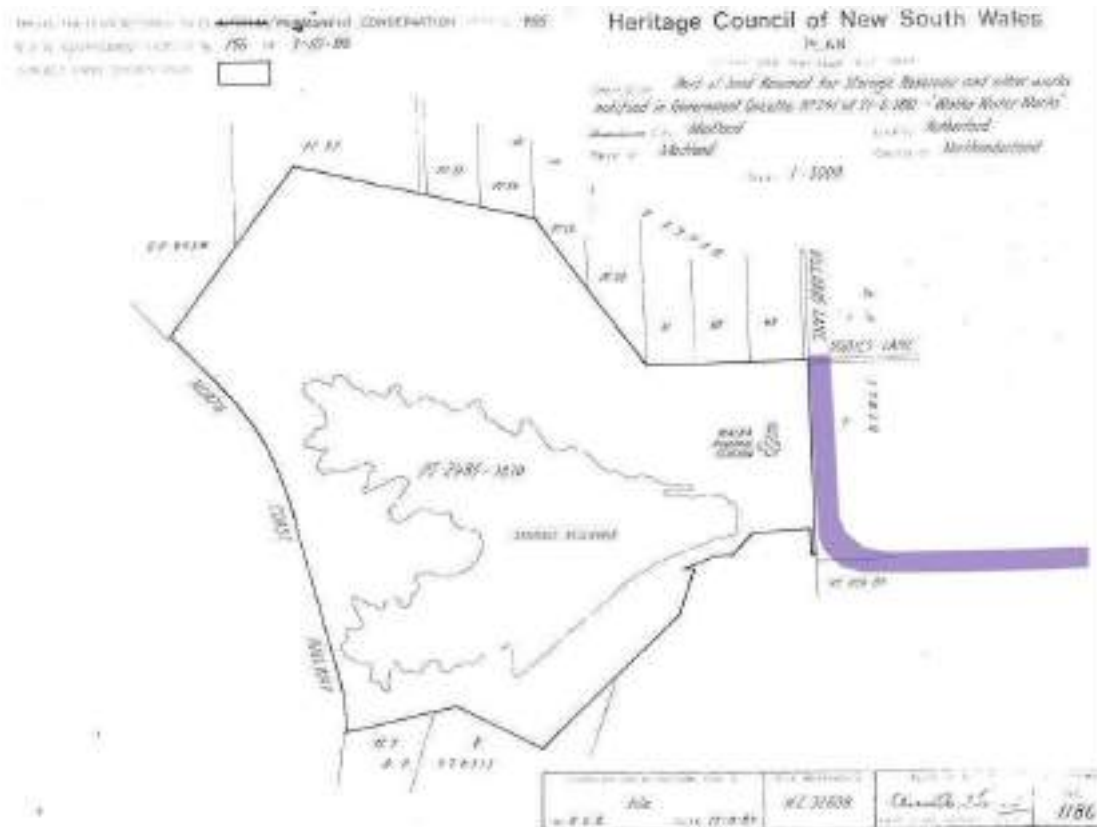


Figure 4 SHR Plan showing curtilage of Walka Water Works in relation to location of proposed works shown in blue.
Source: SHR Inventory Listing No 466.

A search for other listed heritage items within proximity to the proposed works revealed four sites located on Oakhampton Road (see Table 1). All four sites are listed as locally significant. Please not that none of those sites are at risk of disturbance or impact from the proposed works.

Table 1 – Heritage Sites

Site	Address	LEP Reference	Potential for Impact
Oakhampton Methodist Cemetery	Oakhampton Road	I217	No
Timber cottage	211 Oakhampton Road	I218	No
"Lyndon Oakes"	233 Oakhampton Road	I219	No
Former school	365 Oakhampton Road	I220	No

History

The history of the Walka Water Works has been comprehensively recorded in many historical resources and many consultancy reports, along with conservation and interpretation plans. A brief historical overview is provided here but should further historical detail of the Walka Water Works be sought, please refer to those references provided in the introduction, and those provided in the footnotes.

Oakhampton

Relevant to the current assessment is an understanding of the development of the area of Oakhampton, including the site of the Walka Water Works (Lot 100) and the neighbouring land parcel of Lot 84 – Botanic Garden, granted to William Purnell in 1825 - as shown on the 1912 Parish Map (**Figure 5**).

In 1822 one thousand acres was granted to William B Wilkinson who named the property *Okehampton Park Estate*. The name and spelling came from Devonshire, England. This became Oakhampton in later years. Wilkinson sold his land to Captain Robert Lethbridge, who occupied his acquisition in about 1823. His house (likely a slab hut, replaced later by a more durable stone and slate dwelling) was constructed on the summit of the highest hill in Oakhampton in view of the people's town of West Maitland.

At least part of the Oakehampton Estate was subdivided in about 1840. Owing to the natural boundary formed by the Hunter River as well as the Walka Lagoon, these lots were of various differing shapes and sizes. Names such as Logan, Willard, Scobie, (hence Scobie's Lane) and Young appeared in Oakhampton. These men and their families became the pioneers of Oakhampton. They lived on their small allotments, built simple slab huts, and farmed the alluvial soils. As time and money allowed, they built larger homes of timber or stone.¹

The land now occupied by the Walka Water Works was granted to Houston Mitchell and comprised 416 acres and named "Walka". In the early 20th century, this estate had been subdivided with the land of the water works described as Lot 100 on Parish Maps (refer Figure 5).

Granted to ex-convict William Purnell² in 1825, Lot 84 (see Figure 5) *was bounded by the north by part of Houston Mitchell's grant called "Walka"- commencing at the lagoon and running east thirty-seven chains to Hunter's River; on the east by the said river thirteen*

¹ Bulletin of Maitland and District Historical Society Inc., February 2017. From Bulletin Vol. 2, no.5 (November, 1978) is a "History of Oakhampton" (part 1) by Warwick Berthold. <https://www.maitlandhistorical.org/resources/Bulletin%20February%202017.pdf>

² <https://australianroyalty.net.au/tree/purnellmccord.ged/individual/I54/William-Purnell>

Purnell had been sentenced to 7 years transportation in 1816 on suspicion of feloniously stealing three pigs, the property of Joseph Packer. It is recorded that he could read but not write.

chains; on the south by a line west thirty chains and twenty-five links to the lagoon, and on the west by the lagoon to the north west corner³.

Purnell named his land grant Botanic Garden but there is no historical or physical evidence to indicate that a botanical garden as such was established. The evidence indicates that Purnell did not reside there or farm that land, instead he lived and farmed 50 acres of land on Lane Cove Road near Milson's Point in Sydney⁴.

The land history for Lot 84 is not further investigated here as historical records for the area indicate the dairying was a primary industry in the 19th and 20th centuries. Council acquired the land in 2005, at that time a former dairy farm.⁵

The population of Oakhampton increased rapidly from 1840 to 1880, and it was about this time that Oakhampton's reputation as an area of elegance arose. The district became known as "The Garden Suburb."⁶

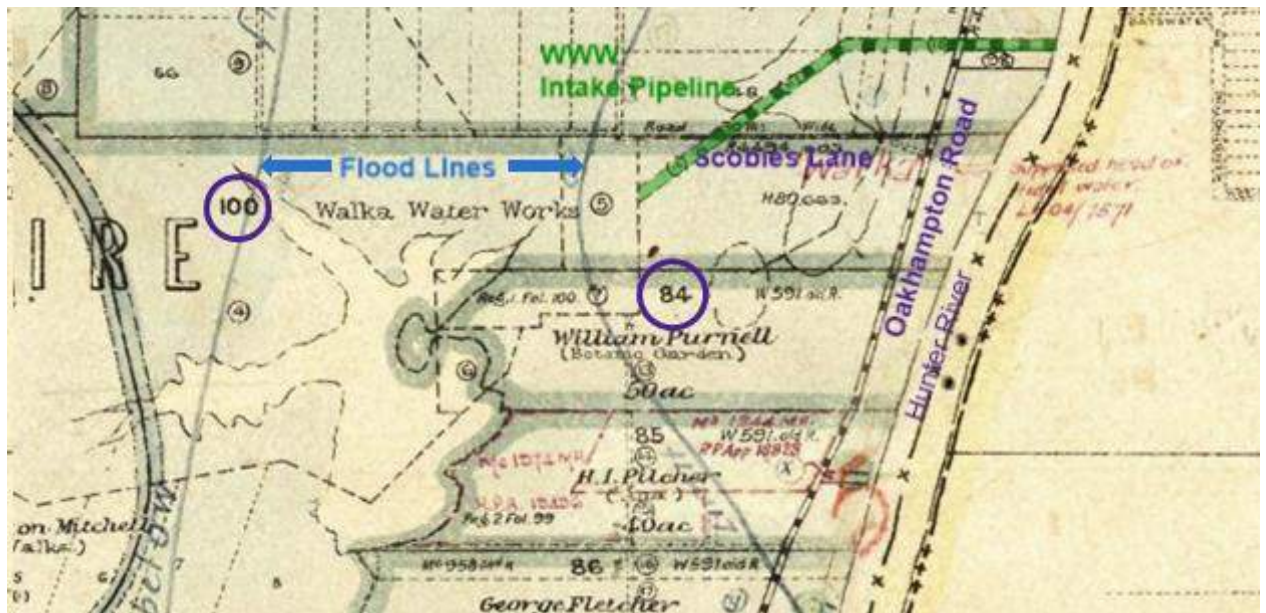


Figure 5 – County Northumberland, Parish Maitland Map 1912. Note the head of tidal water is marked just below the intake point. Source: Historical Lands Record Viewer <https://hlrv.nswlrs.com.au/>

³ Ibid.

⁴ Ibid

⁵ Maitland City Council, *A brief history of the land at Walka Water Works and surrounding Council land.* https://www.maitland.nsw.gov.au/sites/default/files/documents/2023-05/walka_history_fact_sheet%20%282%29.pdf

⁶ History of Oakhampton.

Walka Water Works – Brief History

The drought of 1876 and a long dry spell in 1885, along with a growing population in Newcastle, were the impetus for the NSW Government to commence construction of the Walka Waterworks to provide a more reliable and safer water supply to the Newcastle, Maitland, Morpeth, and Cessnock districts. Prior to that time, water was drawn from the Hunter River, and existing storage tanks, wells, natural creeks, and boreholes, for domestic and industrial use. Deaths attributed to the poor water quality were additional motivation to the Government's action⁷.

The waterworks served as the sole water supply of the Lower Hunter towns from 1887 until 1929 when it was superseded by the Tarro Pumping Station. The completion of the Chichester Dam in 1924 saw the waterworks downgraded to a standby function in 1925. The waterworks were shut down as an economy measure in 1931. The engines and pumps were started only so that the plant could be tested or overhauled. In 1945 the works finally closed permanently.

Between 1951 and 1978 a portion of the site was leased to the Electricity Commission of NSW for siting of a pre-fabricated power plant as a temporary solution to overcome post war deficiencies in generating capacity. The powerplant was decommissioned in 1976 and dismantled in 1978.

The Walka Water Works site became Crown Reserve 97511 for the purpose of 'preservation of historical sites and buildings' notified on 2 November 1984. After 1984 and prior to 2007, the reserve was managed by a board of volunteers and Ex Officio members on behalf of the State Government. Maitland City Council was appointed to manage the reserve in 2007. Council resolved to acquire a former dairy farm adjacent to Walka Water Works (48 ha to the east) on 12 April 2005. That land has never been part of the Walka Water Works Reserve⁸.

During its era of operation, the scheme took water from the Hunter River at Dickson's Falls (about 2 kilometres upstream from the Belmore Bridge). At that location, the river is above tidal influence and the brackish (salty) water that occurs below the falls. A pumping station was to be erected on a site known locally as "Scobie's Garden and Vineyard" at an estimated price of £170,000.

An overview plan of the Walka Water Works at the height of its operation is shown in **Figure 6**. This drawing shows the suction pipeline (refer to Clarification section below) taking water from the Hunter River, and delivering to the filter beds. This plan shows another pipeline or drain extending south from the Waterworks site, and another drain orientated west to east draining back to the river, likely an overflow. No further detail has been found during this

⁷ Newcastle Division of the Institution of Engineers Australia (ed) John Armstrong, 1983. *Shaping the Hunter*.

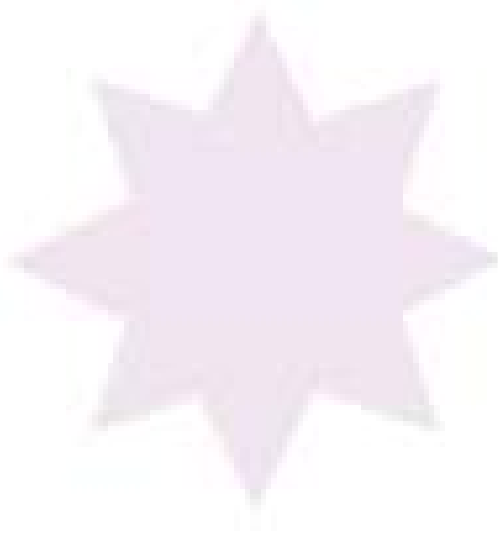
⁸ *A brief history of the land at Walka Water Works*.

study to identify the line extending south and this could be a delivery pipeline similar in form to the intake line.

Records indicate the delivery pipelines from Walka were a 450mm cast iron pipeline and a 500mm rivetted steel pipeline. These pipelines carried the water to Buttai Reservoir, located just south of Maitland, and to other reservoirs in Newcastle and East Maitland⁹. A useful description of the water works reflecting the features recorded in the plan below follows...

Walka Water Works consisted of an ornate brick structure, housing the pumps and boilers, a small structure in the river from where the water was taken, a huge settling tank, a clear water tank, and a huge lagoon with a stone wall and specially mixed clay covering the bottom. Also adjacent to the station but further uphill, was located five cottages for the use of the workers at Walka and their families [and] a huge stone house for the Resident Engineer; all six of these houses were built of stone and slate.¹⁰

An aerial view of the site prior to the dismantling of the power station in 1978 is shown in **Figure 7**. This image demonstrates the use of surrounding land for farming, with little observable development across the proposed project site, and the presence of the flood levy.



⁹ *Shaping the Hunter*.

¹⁰ Bulletin of Maitland and District Historical Society, Vol 24 No 1, 2017 – Excerpt from Vol. 2, no.5 (November, 1978) “History of Oakhampton” (part 1) by Warwick Berthold, <https://www.maitlandhistorical.org/resources/Bulletin%20February%202017.pdf>

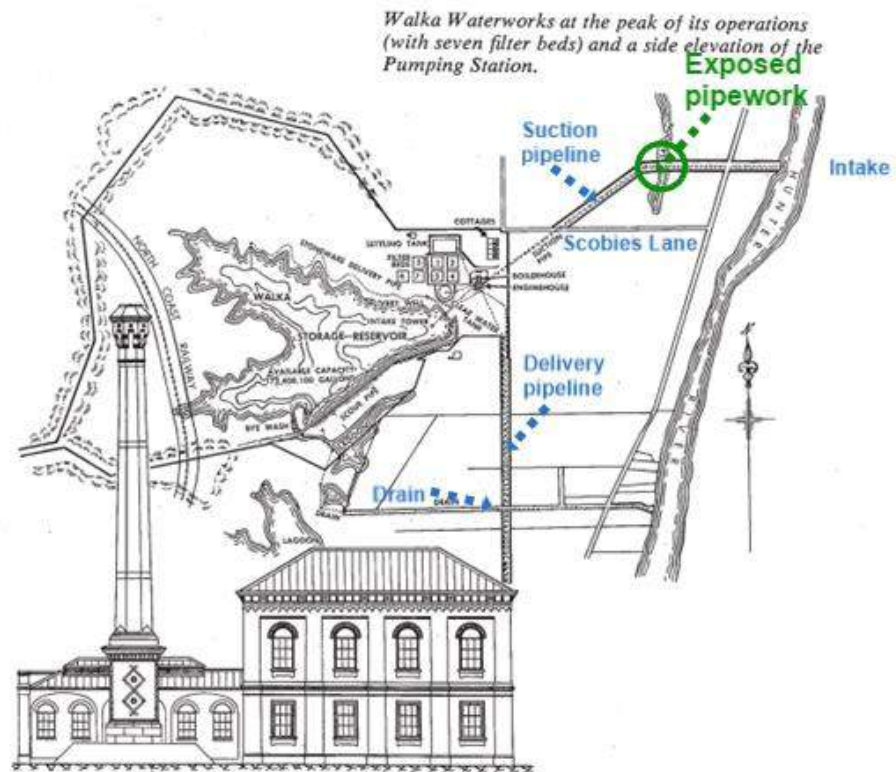


Figure 6 – This illustrative plan thought to have been created by Hunter District Water from archive documents. The date and accuracy of the plan is unknown. In the absence of other early plans, it provides at least an indicative layout of the suction pipeline and the delivery and drainage lines. Source: Engineering Heritage Newcastle, and Pipelines and People.



Figure 7 – Aerial view of The Walka Water Works pre 1978 [the date the power plant was dismantled] –looking east to Oakhampton Road and the Hunter River. Source: Picture Maitland

Site Inspection

Site inspection images were provided by MCC. A selection of images is provided below (**Figure 8** to **Figure 19**) and the full photographic log prepared by MCC is attached as **Appendix 1**. Commentary below, within the image captions, provides additional detail on site context. For brevity, Walka Water Works has been abbreviated to WWW within the captions.

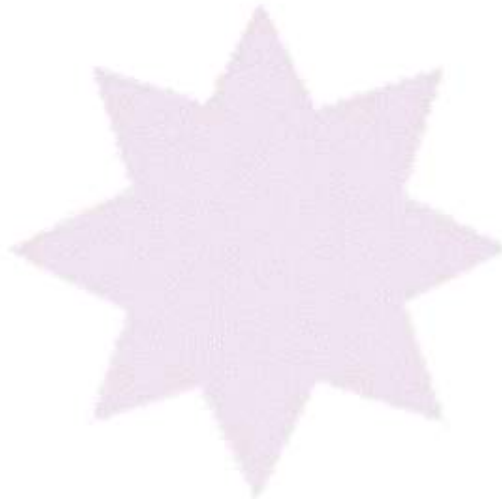
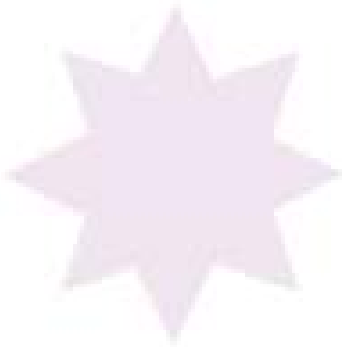




Figure 8 –Proposed Stage 1 works with images showing location and orientation of views. Image numbers align with the full photograph log Appendix 1.



Figure 9 – (refer Figure 9 Image 03). Looking south along proposed line of re-alignment from the current Scobies Lane. The white building (former dairy building) is currently being demolished as it is within the proposed new alignment.



Figure 10 – (refer Figure 9 Image 07). Located within the Hunter Water easement, and located outside the area of projects works, this structure appears to be a remnant of the former intake pipeline to the Walka Water Works. Possibly an air vent and/or inspection portal. Further investigation is required to identify purpose and provenance. The presence of this remnant may provide an indication that some associated remnant works remain underground. MCC is in the process of acquiring the easement from Hunter Water. Historical records mention an inspection man hole with rickety iron ladder located east of the pump house.



Figure 11 – (refer Figure 9 Image 76). Looking east along WWW internal road to the location of the proposed new alignment beyond the fencing.



Figure 12 – (refer Figure 9 Image 22). Looking south along the proposed alignment of the proposed embankment with gabion structure of the existing flood levy visible in the distance.



Figure 13 - (refer Figure 9 Image 45). Looking north-west from the existing flood levy along the proposed line of embankment for the Scobies Lane realignment. The WWW pumphouse is difficult to see but is just beyond the tree line.



Figure 14 – (refer Figure 9 Image 44). Looking east to Oakhampton Road along line of existing levy bank.



Figure 15 - (refer Figure 9 Image 29). Context view of the low-lying land adjacent to the WWW site looking south-east with the existing flood levy middle distance.



Figure 16 - (refer Figure 9 Image 52). Looking north-west from flood levy to proposed new Scobies Land roadway adjacent following the existing flood levy and along the eastern boundary of the WWW site (along tree line) with the WWW chimney stack visible beyond tree centre right of view.



Figure 17 - (refer Figure 9 Image 54). Looking east along the flood levy to the Oakhampton Road. The proposed new roadway would lie to the left of the levy.



Figure 18 - (refer Figure 9 Image 63). Looking west from Oakhampton Road along line of proposed embankment to the right of the flood levy . The chimney stack of the WWW is just visible centre right of view.



Figure 19 - (refer Figure 9 Image 65). Looking north along Oakhampton Road showing the rural context of the area, at the intersection of the proposed new intersection with Scobies Lane.

Proposed Works

- Project works would consist of the construction of an embankment for a 6-metre-wide access track to be topped with 200mm of thick gravel, located as shown in **Figure 20**.
- Proposed earthworks would key into existing flood control levy works (**Figure 21**), where material would be imported to raise the height of the track over the existing surface and create an embankment.
- Typical cross sections are shown in **Figure 21** and **Figure 22** where there is no requirement for ground disturbance other than minimal surface preparation to remove topsoil, and the placement of fill.
- It is noted that any vibration required for compaction of the fill for the embankment, would not occur within 100 metres of any buildings within the SHR site.

Clarification of Pipe Network

In response to reports from the public of leaking pipework, Hunter Water advised MCC of the presence of exposed pipework across a drainage line north of Scobies Lane Oakhampton (**Figure 23**). It was recognised that the line had been long abandoned, and it was correctly identified as the remnants of the suction main that pumped water from the Hunter River to the Walka Water Works.

Information available to substantiate the provenance of the pipes is contained in various sources referenced during the current study. While this does not provide a comprehensive investigation or an assessment, historical resources appear to substantiate the physical evidence by location and the characteristics of the exposed pipes.

Pumps located in the main pump house at the north-eastern end of the reservoir drew water from the Hunter River through a suction main 5'5" in diameter which was housed in a tunnel on account of the raised level of the ground between the pumps and the Hunter River. The suction pipe within the river was protected by a strainer and could be raised or lowered to suit the water level. Usually, the water from the Hunter was sufficiently clear to be pumped directly into the settling tank. On occasions when the water was too muddy it was pumped from the river to an outlet at the western end of the reservoir and from an intake at the eastern end to the settling tank¹¹.

Of note to the current study, it appears that the intake and outlet pipes could be inspected via a man hole with rickety iron ladder located immediately east of the pump house¹². There is potential for the structure identified within the intake pipe easement (refer Figure 10) to also be an inspection portal.



¹¹ *How did it work?*

¹² *Ibid.*



Figure 23 – Location of exposed pipework (orange pin) across a drainage line located to the north of the current alignment of Scobies Lane, and well beyond any risk of impact by the proposed Stage 1 works. The easement created for the line of the intake pipes is still clearly defined on cadastral plans. The extent of the presence of remnant pipework within the ground of the easement is not currently known.



Figure 24 – Detail of the reported leaking pipes showing two different types of pipe manufacture, cast iron and rivetted steel. Source: Hunter Water.



Figure 25 – Alternative view of the pipes where the timber supports appear to be rotted and failing. Source: Hunter Water.

Statutory Controls – Heritage & Archaeology

NSW Heritage Act, 1977

Items of environmental heritage are protected under the NSW Heritage Act 1977 (the Act). The Act provides that environmental heritage may be places, buildings, works, relics, moveable objects, and precincts of State or local heritage significance. The Heritage Act further provides measures for the protection and management of the different types of environmental heritage. Definitions are often critical to the formulation of appropriate management of a site.

The entire Heritage Act serves to protect heritage but historical archaeological remains are additionally protected from being moved or excavated through the operation of the relic's provisions. These provisions protect unidentified relics which may form part of the environmental heritage in NSW, but which may not have been listed on statutory registers or databases.

Section 4(1) of the NSW Heritage Act 1977 defines a relic as:

Any deposit, artefact, object, or material evidence that:

- Relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- Is of State or local heritage significance.

The guidelines of 2009¹³ further define a relic as an archaeological deposit, resource or feature that has heritage significance at a local or State level. This significance-based approach to identifying 'relics' is consistent with the way other heritage items such as buildings, works, precincts or landscapes are identified and managed in NSW.

There are two levels of heritage significance defined by Section 4A of the Act as follows:

'State heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic value of the item.

'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

According to the Act no disturbance or excavation may proceed that may expose or discover relics except with an Excavation Permit and that an excavation permit is required, if a relic is:

1. Listed on the State Heritage Register (state significant items), pursuant to **Section 60** and **Section 63** of the Act; and
2. Not listed on the State Heritage Register (locally significant items on the SHI and those considered as locally significant items through assessment), pursuant to **Section 140** and **Section 141** of the Act.

According to **Section 146** of the Act:

A person who is aware or believes that he or she has discovered or located a relic (in any circumstances, and whether or not, that person has been issued with a permit) must:

- (a) within a reasonable time after he or she first becomes aware or believes that he or she has discovered or located that relic, notify the Heritage Council of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware of the location of the relic, and
- (b) within the period required by the Heritage Council, furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.

Exemptions and Exceptions

For sites not listed on the SHR or under an Interim Heritage Order, **Section 139(4)** the Act includes exceptions for works in relation to relics which may not need an excavation permit if they fall within specified terms. The relevant exceptions are:

¹³ [Assessing Significance for Historical Archaeological Sites and 'Relics' \(nsw.gov.au\)](#)

- (1B) the excavation or disturbance of land will have minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or
- (1C) a statement describing the proposed excavation demonstrates that evidence relating to the history of nature of the site, such as its level of disturbance, indicates that the site has little likelihood of relics or no archaeological research potential.

For items listed on the State Heritage Register, certain activities and work are exempt from approval under the Heritage Act 1977. The guidelines stipulate that before any activity or work takes place:

- a. determine if your proposed activity or work can be done under a standard exemption and therefore there is no need to lodge an application for approval; and
- b. understand how to comply with standard exemption requirements.

For sites listed in the State Heritage Register, site-specific exemptions may be negotiated with the property owner/manager to ensure certain activities and work can be done without needing approval by the Heritage Council. These site-specific exemptions may include activities and work that:

- are necessary for day-to-day management of the property;
- have been previously approved (by the relevant consent authority);
- are overseen by a qualified heritage consultant; and/or
- are not covered by the standard exemptions.

The application of standard exemptions is now self-assessed by land/property owners¹⁴. It is the responsibility of a proponent to ensure that the proposed activities/works fall within the standard exemptions. The guidelines further state, if the proposed activity or work is not clearly covered by any exemption you must apply and be granted approval before the activity or work takes place.

The Distinction Between a Work & a Relic

In circumstances where there is little likelihood that relics exist or that such relics are unlikely to be of a significant nature, and/or that disturbance will result in a minor impact and/or where excavation involves removal of fill only, the Heritage Act makes provision for the granting of an **exemption** to the need for an excavation permit for State significant sites under s57(2) of the Heritage Act, or an **exception** to the need for an excavation permit for locally significant sites under s139(4).

¹⁴ New Standard Exemptions for items listed on the State Heritage Register were gazetted on 19 December 2022.

An archaeological 'relic' under the Act is an archaeological deposit, resource or feature that has heritage significance at a local or State level. In reference to the definition of *environmental heritage* contained in the Act, a *work* is not further defined by the Act, but dictionary definitions are adopted such that a work is taken to mean '*an engineering structure, such as a building, bridge, dock, etc.*' As such structures such a bridge, culvert, building footings, industrial sites and drains are, by definition, considered works not relics.

It is therefore reasonable to define the remnants of subsurface infrastructure, such as overflow drains or pipework, of substantiated association with the former Walka Water Works, as *works* not *relics*.

The implications of the definition are that where a *work* will be impacted, there is no requirement for a statutory permit application under the NSW Heritage Act 1977. However, the potential for the relics' provisions of the Heritage Act to be triggered should be carefully considered if a site is to be disturbed and there is a potential for *relics* to be exposed in proximity, or in association with, a *work*.

If the exposure of relics (associated with a work) is considered possible, appropriate management measures should be put in place, including an unexpected finds strategy and/or application for an appropriate permit. In addition, an item, element, or site defined as a work and considered to attain a level of heritage or archaeological significance, should still be the subject of appropriate heritage and/or archaeological management.

Synthesis and Analysis

1. The proposed Stage 1 works are located outside the SHR curtilage of the Walka Water Works, but some works would occur directly adjacent to the eastern most boundary of the SHR site. Plans show there is potential for fill of the embankment to extend close to, and perhaps just intrude upon the boundary of the SHR curtilage.
2. It is reasonable to require a SHI as part of the due diligence process when works occur in such close proximity to an SHR item.
3. It is noted works can be carried out without consent according to SEPP Transport and Infrastructure 2021.
4. Review of proposed works against the maps and plans available of the Walka Water Works indicate that the works would not impact upon any known heritage or archaeological resources within that site, or any that might be present beyond the SHR boundary, such as the intake pipeline. This is further supported by the absence of substantial ground disturbance other than minimal surface preparation (removal of topsoil), and the importation of fill to increase surface levels.
5. Vibration for compaction associated with the works, would not occur within 100 metres of any buildings within the SHR site.
6. A drainage/pipeline line extending south from SHR site can be seen on a historical sketch plan (refer Figure 6). However, it has been noted that this plan is undated and

unsubstantiated by ground truthing. Therefore, there may be some potential for remnants of a pipeline (overflow or delivery lines) to still be present in the ground as has been represented on that sketch plan.

7. Any remnant structure of a pipeline would be defined as a work and not a relic and therefore, would not be subject to the relics' provisions of the NSW Heritage Act. However, given the potential association with the State significant WWW site, there is potential for the pipeline to also attain a State level of significance.
8. The implications of the definition of work are that an application under s60 is not required to cover the disturbance of a work. However, considered management would still be required to manage any remnant drain structure so that this historical information could be recorded. The potential for the disturbance of any subsurface drain structure could be covered through the adoption of an Unexpected Heritage Finds Strategy.
9. A heritage/archaeological investigation of the suction pipe line per Hunter Water advice is fully supported, but is considered beyond the scope of this current SHI as there no potential for adverse impact by the currently proposed works. Notwithstanding, some points of clarification surrounding the provenance of the pipelines has been provided above (see page 9).

Statement of Heritage Impact

The updated guidelines for SOHI, issued in June 2023, have been reviewed against the design plans prepared by Maitland City Council dated 12/12/23, and has allowed the following conclusions to be drawn.

- Project works would not intrude within the SHR curtilage of the Walka Water Works other than along the immediate boundary where fill would be introduced in the construction of the embankment.
- No substantial excavation or ground disturbance is required for the currently proposed works, other than some minor surface preparation that does not post any risk for archaeological impact.
- The introduction of imported fill and the movement of heavy machinery and other vehicles across the area does not impose a risk for detrimental heritage impact upon any heritage or archaeological resources.
- Based on an understanding of the historical development and use of the land of the project site there is no reasonable expectation for project works to expose material with the potential to meet the definition of relic within the NSW Heritage Act 1977. In this regard, there is no reasonable likelihood that the relics provisions of the Heritage Act would be triggered and there is no potential for the works to adversely impact upon the heritage values of the site.
- There is no reasoned or identified potential for detrimental heritage impact or adverse archaeological impact to occur because of project works.

Recommendations

The following recommendations are made on the basis that:

- The proposed works are located outside the SHR curtilage of the Walka Water Works although located directly adjacent.
- Project works require the importation of fill to create an embankment with levels above the flood line, no excavation or ground disturbance is to be carried out for construction of the embankment.
- This statement of heritage impact has concluded that there is little to no likelihood for adverse impact to any physical remnants, or associated works, of the adjacent SHR Walka Water Works.
- There is no risk of detrimental impact upon the heritage values, landscape values, views, and/or vistas by the proposed works and the realignment of Scobies Lane that is not offset by the need for flood mitigation works and the safety of the community.
- While it is rare to discount the presence of works or relics entirely within a heritage listed site, project works would occur outside the heritage curtilage and therefore there is an extremely low/negligible potential for the discovery of unexpected finds during works at this location, that might meet the definition of work or relic.

Recommendation 1 - Statutory Requirements

Works would be carried out according to the SEPP (Transport and Infrastructure) 2021. The definition of work applied to any historical features associated with Walka Water Works infrastructure along the line of proposed project works means the relics provisions of the NSW Heritage Act 1977 do not apply. Therefore, disturbance and/or destruction of works do not require a statutory permit.

However, the potential for the relic's provisions of the Heritage Act to be triggered should be carefully considered. Heritage NSW is always concerned about the presence of significant relics that may occur in association with works, such as moveable artefacts or other archaeological remains.

Project works would not require ground disturbance, other than the movement of vehicles and machinery across the site, and the importation of fill materials to increase the surface level, effectively burying and preserving any works or relics that might be present. Therefore, there is no reasonable expectation for significant archaeological resources that meet the definition of relic to be disturbed during project works. However, attention is directed to s139 and s146 of the *NSW Heritage Act* 1977 and the provisions of the Act in relation to the exposure of relics whereby the Act requires that if:

- i) *a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or*

- ii) *any relic is discovered during excavation that will be disturbed, damaged, or destroyed by further excavation;*

those responsible for the discovery must notify nominated management personnel who will assess whether to notify Heritage NSW, and suspend work that might have the effect of disturbing, damaging, or destroying such relic until the requirements of the Heritage NSW have been satisfied.

In summary, there is no statutory requirement under the NSW Heritage Act 1977 for a permit application or exemption notification to cover the proposed works.

Recommendation 2 - Due Diligence During Project Works

All project management personnel and construction contractors engaged in project works should be made aware of the presence of the Walka Water Works, its State level of significance, and the associated easement marking the location of former intake pipeline. Site personnel should take an all care and due diligence approach in order not to cause inadvertent damage or impact to any historical feature found to be in proximity of project works.

The movement of vehicles and machinery should be managed carefully to avoid any inadvertent impact to any built components that might be present in proximity of project works. Materials stockpiles, site facilities and the like should be placed with consideration to avoid impact to any buildings, plantings or infrastructure associated with the Walka Water Works.

When required, specialist advice should be sought as a precautionary approach to avoid damage or the loss of information before it can be adequately recorded.

Recommendation 3 - Unexpected Find Procedure

While the potential for unexpected finds to occur has been assessed as extremely low/negligible, an unexpected finds procedure should be in place during works.

A flow chart showing the procedure to follow for unexpected finds is presented graphically below. This procedure should be included in site inductions and in briefings for all site personnel.

A suitably qualified specialist/archaeologist should be retained in an on-call during project works to provide an assessment and guide management should unexpected heritage or archaeological items be discovered or suspected.



Should any additional detail or clarification of any aspect of this SOHI be required, Eureka welcomes your contact.

Yours faithfully

Sue Singleton
HERITAGE CONSULTANT/ARCHAEOLOGIST

Attachment 1 – Photographic Log



P:\Task Folders 2324\Scobies Lane Oakhampton Heights - Road Reconstruction & Drainage - 4105\02 DESIGN\4105-3B (Overall Plan).dwg

B	BOUNDARY AMENDED	C.P.	31/08/2023
A	PRELIMINARY PLAN	C.P.	26/06/2023
	SHEET REVISION	BY	DATE

CONCEPT PLAN - NOT FOR CONSTRUCTION

RATIO @A3
Ratio: 1:2500

SURVEYOR S. Puller	DATUM A.H.D.
DESIGNER C. Parsons	DATE OF PLAN 31/08/2023

MAITLAND CITY COUNCIL
INFRASTRUCTURE & WORKS

285-287 HIGH STREET
P.O. BOX 220
MAITLAND 2320

PHONE: (02) 49349700
FAX (02) 49333209
DX 21613 MAITLAND

SCOBIES LANE REALIGNMENT
SCOBIES LANE
OAKHAMPTON
OVERALL PLAN

PLAN No.

4105-3B

Sheet 1 of 1



Photo 01



Photo 02



Photo 03



Photo 04



Photo 05



Photo 06



Photo 07



Photo 08



Photo 09



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Photo 28



Photo 29



Photo 30



Photo 31



Photo 32



Photo 33



Photo 34



Photo 35



Photo 36



Photo 37



Photo 38



Photo 39



Photo 40



Photo 41



Photo 42



Photo 43



Photo 44



Photo 45



Photo 46



Photo 47



Photo 48



Photo 49



Photo 50



Photo 51



Photo 52



Photo 53



Photo 54



Photo 55



Photo 56



Photo 57



Photo 58



Photo 59



Photo 60



Photo 61



Photo 62



Photo 63



Photo 64



Photo 65



Photo 66



Photo 67



Photo 68



Photo 69



Photo 70



Photo 71



Photo 72



Photo 73



Photo 74



Photo 75



Photo 76



Photo 77



Photo 78



Photo 79



Photo 80



Photo 81



Photo 82



Photo 83



Photo 84



Photo 85



Photo 86