

# Parks and Playgrounds Movement Inc

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<http://www.geocities.com/parksandplaygrounds>

<http://parksandplaygroundsmovement.blogspot.com/>

## 56th ANNUAL REPORT of the Parks and Playgrounds Movement Inc 2007– 2008

Ladies and gentlemen,

I would like to thank all those people who have helped in keeping the movement's momentum this year especially our committee members with special mention to secretary Pat Hyde and treasurer Suska Scobie and Helen Smith..

Also I want to remind the annual meeting of the continuous activity of the Movement which began in 1932 with a review in conjunction with the Department of Lands of all the parkland reserves in Sydney area. The secretary at that time was the distinguished WWI historian, lawyer and journalist C E W Bean. Our own Tom Farrell was a member and in 1952 he encouraged the formation of a Northern Parks and Playgrounds Movement at Newcastle to work for parks and safeguard the Hunter's Natural and Cultural Heritage.

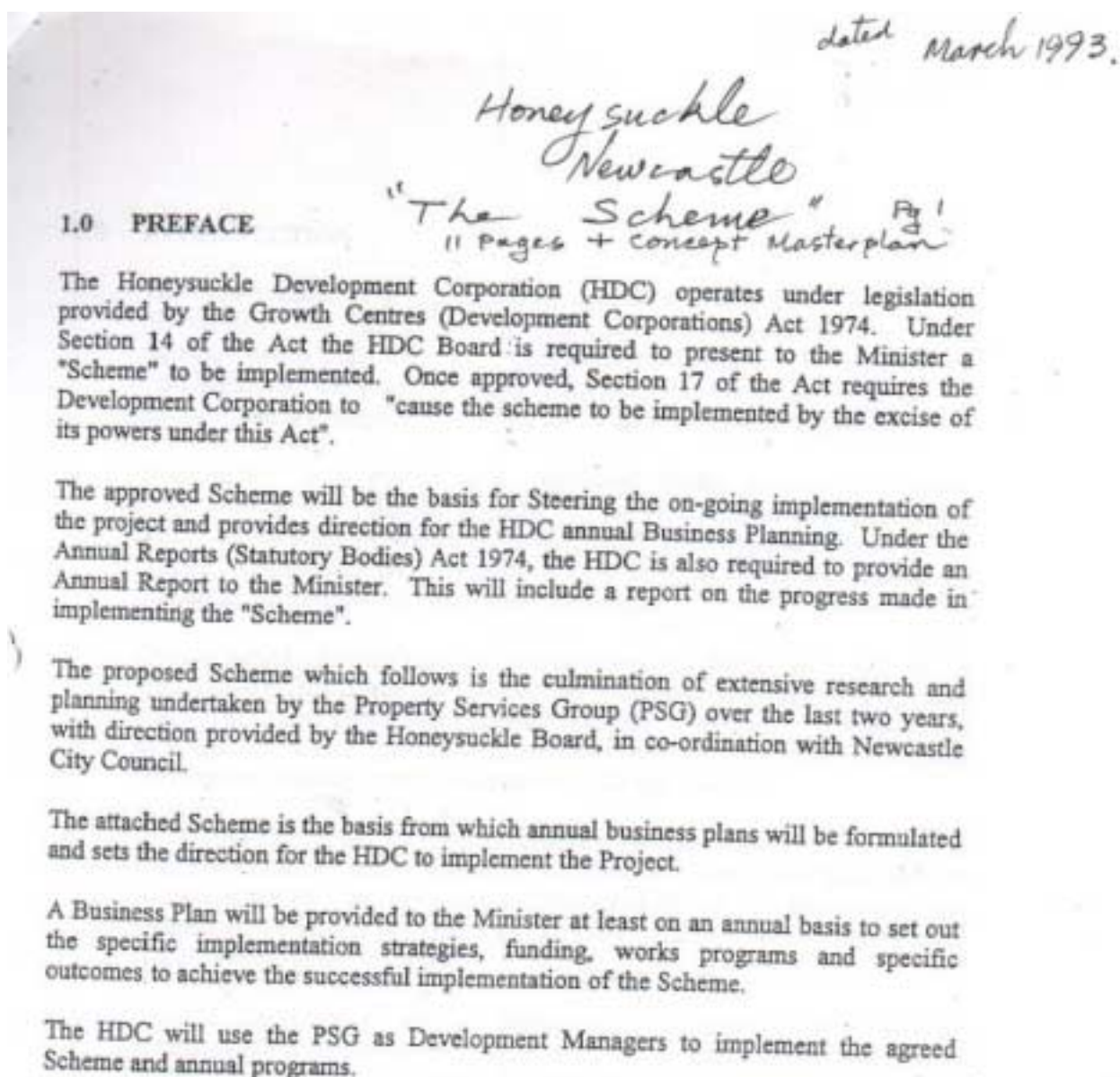
The Lower Hunter's first town plan was the Northumberland County Scheme and was exhibited in the same year that and our group was formed with its early work being the protection of the openspace provisions of the scheme. The Movement began the campaigns for the major parks at Barrington Tops, Cardiff Point on Lake Macquarie and State Parks at Port Stephens and for Blackbutt Reserve and Flaggy Creek Reserve. We were involved with committee member Rod Earp in lobbying for the first National Parks Association and the National Parks Act in 1967. Over our 56 years we have helped form and worked closely with National Parks Association and the Newcastle Flora and fauna Protection Society and the Residents Action Committees and established URGE at lake Macquarie. The Movement was instrumental in extending the work of the National Trust of Australia (NSW) to our region by initiating the Newcastle East Historic Site project in 1969 and bring all the conservation groups together to formulate the "Hunter 2000" conservation proposals under the banner of the Conservation & Landscape Committee of the National Trust.. The Hunter 2000 document was published in 1972 by the trust and Supplements were published on Newcastle East and Kooragang. This work proved very influential in making conservation an integral part of Town Planning.

The Movement has witnessed the rise of wise planning in the region with the Regional Plans REP1982 and REP 1989 and Council's Local Plans (LEPs) but now we are watching the demise of Town Planning and the use of the emasculated EP&A Act with its Part 3A facilitation networks and windfall profit taking. Planning as a statutory process now lacks the altruism of the great men of planning in NSW like Nigel Ashton in Sydney and Eric Wilmot in the Hunter.

The current threats to Newcastle's Heritage, its rail connection, its foreshore and general amenity began in 1988 with a non statutory plan called the Newcastle CBD Business Plan. It was not a Town Plan. It was initiated by business interests and a former property developer Lord Mayor in

1988 and created a CityCentre Committee separate from Council but funded by a special rate to fund implementation. No doubt the Council had the best of motives but CBD Business Plan became the roadmap for the demise of the CBD Old Town and the continuing alienation of the Newcastle railway lands and calls for the removal of the Railway and of the Royal Newcastle Hospital at Newcastle. It also identified public and privately owned sites demolition and redevelopment. It was the start of the elected Councillors losing effective control.

Initially it was the quasi plan behind many of the demolitions that took place immediately after the Dec.1989 Earthquake it closed the rail and alarmed the people of the city but was never widely displayed. People would have only heard of the City Centre Committee. The 1988 Newcastle Business plan was absorbed into the Honeysuckle "Approved Scheme and Master plan" in 1993 and is required to be implemented annually through the Honeysuckle Development Corporation. (Which is now extended to the whole of the Hunter and called the Hunter Development Corporation) That plan listed as "The Scheme" has not been revised and is still in force. The previous Minister was challenged but claimed that it was still relevant. (Pg1 of the Scheme is shown below.



It was flawed because it failed to maintain the passenger rail to Newcastle and did not extend the Joy Cummings 1981 winning scheme for the Foreshore. The "Scheme" was extended in 2002 to

whole of Newcastle but how this scheme could be relevant under Sec 17 of the Growth Centres Act to the new Hunter Development Corporation defies belief. It must be amended to comply with the vastly widened role and the reference to cutting the rail section must be revoked so that the HDC can be given the socially acceptable role of working for Regional Sustainability.

At the annual Conference of the Nature Conservation Council in 2004 the Movement submitted a motion for the NSW NCC to campaign for the biodiversity Corridors to the North and South of the Lower Hunter and for a Transport Orientated Development related to the Newcastle Rail network. Viz:

**Resolution 27 Nature Conservation Council NSW Annual Conference 2004 Minutes Pg 24**  
*Submitted by the Parks and Playgrounds Movement for the Lower Hunter Planning Strategy*

**That the Nature Conservation Council of NSW:**

- (a) Campaign to have the NSW State Government recognise and establish a biodiversity corridor for conservation from Stockton Bight through the Hunter estuary to the Sugarloaf Range, and a biodiversity corridor for conservation in the Wyong/Lake Macquarie buffer zone from the Wallarah Peninsular to the Watagans.**
- (b) Urge the NSW Government to amend the existing statutory Hunter Regional Environmental Plan 1989 and any future Lower Hunter Planning Strategy , to include these corridors as inviolate conservation zones and to dedicate Nature Reserves, National Parks Regional Parks and State Conservation Areas within these corridors.**
- (c) Reaffirm its support for the retention of passenger rail services to the historic Newcastle Railway Station and recommend to the NSW Government that the Regional Planning Strategy encourage urban development adjacent to railway stations in the rail transport corridor.**

Newcastle has had twenty years of the annual aggressive calls from property speculators for the removal of rail and the do nothing action except remove overbridges and crossings.

We must renew our call for an Ecologically Sustainable future for the Lower Hunter based on the Nature Conservation Council's above policy.

I have tried to explain to the annual meeting how our region came to be a leader in wise planning which is now in serious demise. Transparency and real community consultation is vital if the twenty-first century is to become the sustainable century..

In closing I once again thank you all and especially my committee for their support and enclose example of typical letters sent to authorities conserving matters brought to the Committee.

Doug Lithgow Freeman of the City of Newcastle  
Parks and Playgrounds Movement  
<http://www.geocities.com/parksandplaygrounds/>

**26<sup>th</sup> November 2008**

Sample letter re the Nobbys Lighthouse and Coal River below.

A large volume of letters and Emails have been sent out this year on important matters.

# **Parks & Playgrounds Movement Inc**

<http://www.geocities.com/parksandplaygrounds>

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**Doug Lithgow President**

**18 Hillcrest Pde**

**HIGHFIELDS 2289**

**The Hon Morris Iemma MP**

**Premier of NSW and Minister for Citizenship**

**Governor Macquarie Tower**

**Level 40, No. 1 Farrer Place, SYDNEY NSW 2000**

**Dear Premier**

**Nobbys Lighthouse (1857) Coal River Precinct (SHR 1647) Newcastle NSW**



Nobbys Head and Lighthouse 1984

## **Nobbys and Newcastle's Coal River Precinct: Birthplace of a City**

**Parks and Playgrounds Movement is pleased to report the decision, of the Commonwealth Minister for the Environment , Heritage and the Arts, the Hon Peter Garrett AM MP, to reject the development that would have adversely affected Newcastle's unique Nobbys Lighthouse.**

**I feel sure you would agree that we must all take care that the historic Nobbys Lighthouse continues to stand proud and free as shown in the historic photograph below in any future adaptive reuse of the signalman's cottages.**

**We had been perturbed by the shelf company, Nobbys Lighthouse Pty Ltd proposing to alienate the lighthouse in breach of commonwealth legislation and that the private development was incorrectly assessed as a Crown Development Application.**



1902 view of Nobbys Lighthouse Newcastle: NSW State Library

**Nobbys and Nobbys Lighthouse are the cultural symbols of Newcastle and should not have been dealt with in this way. The Lighthouse is an important aid to navigation and is the successor to the first light on the Australian coast which was a beacon fuelled by coal mined by convict coalminers at Colliers Point beneath what is now Fort Scratchley. The lighthouse is of particular significance to Newcastle and is seen in the old and the new city Coat of Arms and in the Newcastle City Hall clock tower which is a representation of the ancient Pharos Lighthouse of Alexandria.**

**Parks and Playgrounds Movement have a continuing interest in this notable place dating from 1969 when we first proposed the statutory recognition of the area as a historic site. The proposal including Nobbys, the convict breakwater and the convict coal mines, Fort Scratchley and Shortland's camp location. In 1999 we prepared a Prospectus for the Coal River Historic Site and a ten point plan for the Newcastle Lord Mayor, John Tate, to take to Canberra but were disappointed when the funding gained was not used to prepare the Masterplan as envisaged.**

**The lighthouse controversy and the intervention of the Commonwealth Minister has saved Nobbys lighthouse and given the Coal River Precinct the national focus it deserves and has highlighted the need for a guiding overall conservation plan.**

**We appeal to your Government to look with new clarity at Newcastle's Coal River Precinct which is the birth place of our city and has made an immense contribution to the history and heritage of Australia. Furthermore we particularly ask that your Government**

favourably endorse the Department of Planning and the Newcastle City Council's draft Conservation and Cultural Tourism Management Plan for the precinct.

We trust also that the redevelopment of the Port Corporation's valuable waterfront land around the Pilot Station and Cornish Dock area will be coordinated and professionally managed as an integral part of the whole precinct and that public access be made to the Nobbys headland without further delay.

Yours Sincerely,

Doug Lithgow,  
Freeman of the City of Newcastle  
President Parks and Playgrounds Movement Inc.  
<http://www.geocities.com/parksandplaygrounds>

**Right:**  
Escutcheon attached to Nobbys Lighthouse.  
Lighthouses Act 1911  
(Photo 2008)



**Thursday, 16 October 2008**

Ms Lindy Hyam  
General Manager  
Newcastle City Council  
Dear Ms Hyam,

**Complaint against the Newcastle City Council in requiring a DA for holes to prove Convict Coal Mines at Fort Scratchley and not for new buildings on same site**

Reference is made to Council's letter dated 26<sup>th</sup> November 2007 in reply to our Email letter that was sent to the Ward 1 Councillors of the Newcastle City Council and the Lord Mayor concerning a building being erected within the boundary of the Fort Scratchley Historic Site which is Commonwealth Heritage Place situated at 31 Nobbys Rd Newcastle East NSW.

The Parks and Playgrounds Movement resolved to lodge a complaint against the Newcastle City Council with the NSW Ombudsman and the NSW Department of Local Government and the Commonwealth Ombudsman at the Council's action in not requiring a Development Application, planning assessment or Development Consent for the erection of two new buildings at Fort Scratchley. We believe that the Council has not been evenhanded and transparent in the way it has handled this development. Council's actions were in contrast to those used when the University of Newcastle was contracted to prove the existence of the 1801-1804 Convict Coal Mines on the same site. The proving of the Convict Coalmines required the drilling of a small hole for a camera in each of three mine adits that had been located by survey and Ground Penetrating Radar. The university was required by the Council to prepare a Development Application and Heritage Impact Statement for these small holes and obtain council assessment and consent.

**Remedy requested.**

Parks and Playgrounds Movement requests that the NSW Ombudsman and the NSW Local Government Department and the Commonwealth Ombudsman inquire into the Council and Commonwealth actions in requiring a DA and Heritage Impact Statement for the minor activity of drilling three small holes on the Fort Scratchley site and the Council's actions in not requiring a Development Application, Heritage Impact Statement, planning assessment and consent for the construction of two new buildings on the same site. Council has discriminated against the heritage values of the Fort Scratchley Historic Site and the State Heritage Registered Coal River Precinct SHR 1674.

**Background**

Parks and Playgrounds Movement as a bona-fide objector, has experienced other examples where due process was not followed regarding officially recognized heritage matters and we believe that the Newcastle City Council has an endemic problem with management of heritage properties and relics. The Parks and Playgrounds Movement is anxious that a new sense of probity is established within the Council Administration so that the new General Manager is not obliged to justify the discriminatory and wrong actions of the past. We would hope that a formal investigation of our complaint at state and commonwealth level will lead to improvements in the city administration and a greater appreciation and better management of Newcastle's important heritage.

Fort Scratchley is a listed Commonwealth Heritage Place ID: 105333 and is a central feature of the Coal River Precinct NSW `SHR 1674 and widely regarded as an essential heritage and community asset deserving of the best professional management. The Coal River Precinct and associated Coal River cultural landscape is also a potential National Heritage site. Council's

actions in not assessing a DA for the buildings are in contrast to the action of Council taken against the Newcastle University and the geotechnical personnel proving of the Convict mines. Council's action against the university staff was unprecedented and caused embarrassment to the academic community who had been contracted by the Council to carry out the heritage research. Council served a Solicitors letter on Dr Eklund and the volunteer professionals who had made their specialised machinery available for the exploratory drilling. We understand that approval had been obtained from the Commonwealth and the State Heritage Office on each occasion when the work was to commence. We know that many more holes were drilled by the Commonwealth on the site as part of the refurbishment and that DA's and consent were never requested by Council.

Parks and Playgrounds Movement Inc have a longstanding interest and commitment to this historic area as the proposer of the Newcastle East Historic Site in 1968 and are advocates for the establishment of a legal Plan of Management to guide the development of the full precinct. A plan of management for Fort Scratchley and for the wider Coal River Precinct has been in preparation for some time and consent for the buildings in question should have relied on careful coordination and consideration by the Newcastle City Council.

**Summary Statement of Significance:**

Fort Scratchley and Flagstaff Hill on which it stands are of great historical significance to our nation. It is the site of Australia's first mining of coal, thereafter to be the primary resource of the new settlement of King's Town in the Newcastle district. It is also the site of the first navigational aids to safeguard the flow of ships servicing the coastal ports as well as the inner Hunter River system. From the beginning, the little settlement and its precious coal needed protection, and Flagstaff Hill was the first and a continuing site of a garrison and battery, including the notorious Fort Fiddlesticks and the now Fort Scratchley.

In view of the significance of this Commonwealth Heritage Place and its wider importance to the Coal River Precinct and the Coal River cultural landscape we believe that it is essential that a reasonable and unbiased process be established for the assessment of all developments so that firm trust and propriety is developed between the Newcastle City Council, the Newcastle community, the Commonwealth of Australia and the NSW State Government.

We believe that the listed heritage items and historic relics of the City of Newcastle would benefit from an even handed approach to developments that may impact identified heritage items and relics.

The Parks and Playgrounds Movement request this inquiry in the public interest and would be pleased to place evidence before an impartial investigation.

Yours sincerely,

Doug Lithgow. Freeman of the City of Newcastle  
President of the Parks and Playgrounds Movement.

431781 or 0419226897 <http://www.geocities.com/parksandplaygrounds/>

**The attached photos show clearly the difference between the impact of a 10cm hole and large buildings on Fort Scratchley a Commonwealth Heritage Place.**

# Digging in on tunnels

The Herald  
19/2/2005

## Council, explorers at odds

By MIKE SCANLON

AN organiser of a plan to drill inside the convict coal tunnels at Fort Scratchley hopes Newcastle City Council does not put obstacles in its path.

Coal River Working Party chairman Erik Eklund said yesterday that he was disappointed the council halted proposed hillside drilling.

Mr Eklund said the council had asked for a costly heritage impact statement before work could begin.

Newcastle council threatened legal action last week if the Coal River party's drill rig started any work on the hillside, directly above Noblys Beach.

The team had waited 11 months for the opportunity to drill.

A portable camera was to have been inserted in two proposed test borings on Fort Drive. It was hoped the project would reveal the inner workings of the sealed 1860s convict mines.

The site is considered the birthplace of European Newcastle.

"I am amazed and appalled, it's really frustrating," Mr Eklund said, referring to what he said was the council's high-handed, last-minute action.

The council had once acknowledged it had received his group's development application to drill.

A copy had been lodged four days before work was to begin.



HIDDEN: Fort Scratchley won't give up its colonial mining secrets for now.

"But consent is only ever a signature away," Mr Eklund said. "We already had State Heritage Office and Commonwealth Government approval to work there. We also believed it was a council contract, because it originally contributed money to get us going."

Newcastle council denied it had tried to obstruct the group.

Council general manager Janet Dore said the Coal River committee had been warned several times to lodge a development application for any drilling.

"They haven't and we had to get heavy with them," she said. "We can't waver rules. We must treat everyone the same."

Mr Eklund said no one in the drilling industry could remember submitting a development application for such work.

The Coal River committee will meet next week to discuss matters.

19.2.05

Newcastle Council required a Development application and Heritage Impact Statement for the 10 cm diameter hole into the Convict mines shown below. Photo 11/10/2008



11/10/2008

Below: Two buildings recently built without a Newcastle City Council Development Application or Development Consent



11/10/2008