

NOBBYS LIGHTHOUSE NEWCASTLE NSW

Submission Controlled Action EPBC Act Assessment



Proposed New building impacting on the historic lighthouse should be rejected.

Nobbys Lighthouse Newcastle must stand free and operate as a lighthouse.

Development should be by adaptive reuse of existing cottages.

Photo C. 1910

**Parks and Playgrounds Movement
National Trust of Australia (NSW) Hunter Regional Committee
Nature Conservation Council of NSW
National Parks Association NSW
Total Environment Centre
Colong Foundation for Wilderness
Standing Committee on Newcastle East Development**

Nobbys Lighthouse Newcastle NSW Submission Controlled Action EPBC Act Assessment

11 July 2007

The conservation movement of NSW objects to the proposed development partially encircling, impacting on and impairing, the unique Nobbys Lighthouse.

The Proponents, Newcastle Port Corporation and Nobbys Lighthouse Pty Ltd were in breach of section 26 of the Environment and Protection and Biodiversity Conservation Act 1999 and the development has been declared a Controlled Action making it obligatory for the proponents to openly exhibit the details of their proposal. .

1. **The proponents have not considered the Commonwealth Heritage Values** of the unique Nobbys Lighthouse or exhibited an alternative layout for their proposal that does not impact on the Lighthouse (**the exhibition under the EPBC Act notwithstanding**). Nobbys is one of the oldest continuously operating Lighthouses on the Australian Coast. It replaced a coal-fired beacon on Signal Hill. In 1854-1857 Nobbys Head was reduced in height from 62 metres to 28 metres to create a flat base for the lighthouse and signalman's dwelling.
2. **The development proposal does not meet the adaptive reuse objective** set out in the '**Expression of Interest**' document published by the Newcastle Port Corporation, May 2003. It appears that the company has been given special treatment to extend their proposed new development right up to the cadastral boundary just 700mm from the base of the Lighthouse. This will impact significantly upon the iconic site. Under the proposed plan the general public will be unable to see the lighthouse as a freestanding lighthouse. The view of, or from, the lighthouse (as depicted in the historic photo on the front page of this document) will be impossible if this development goes ahead.
3. **The independent and objective assessments of the N S W Consent Authorities, Newcastle City Council and Department of Planning Heritage Office**, have been compromised by the applicant's inappropriate use of **S116C of the NSW EP&A Act** and the requirement that, a consent authority is unable to refuse or set conditions without the applicant's approval. The Commonwealth EPBC Act, therefore, has provided the first opportunity for an objective assessment of the proposal as it affects Nobbys Lighthouse.
4. **The argument that Nobbys Headland must be commercially developed and leased in order to allow public access and prevent vandalism is unsubstantiated and baseless.** Nobbys Headland was only recently closed to the public with a gate. Real public access to the headland, and the adaptive reuse of the existing cottages (with the removal of the garage currently alienating the Lighthouse curtilage) would encourage pride in the Aboriginal significance and history of the headland, and develop an already

strong appreciation of the lighthouse and its ongoing role as a sentinel protecting shipping off the Newcastle coast.

5. **The alienation of the Lighthouse curtilage has occurred in the recent past** but should not be used to justify a permanent impact on the lighthouse. The pre-existing Crown Plan boundary for the lighthouse and for access should be restored.
6. **The historic and the Commonwealth Heritage Values of Nobbys Lighthouse must be acknowledged and protected.** Nobbys Lighthouse is 150 years old on the 31 Dec this year (2007), and the relationship of Nobbys Lighthouse to the broader Coal River Precinct cannot, and should not, be underestimated. (See www.newcastle.edu.au/coalriver)

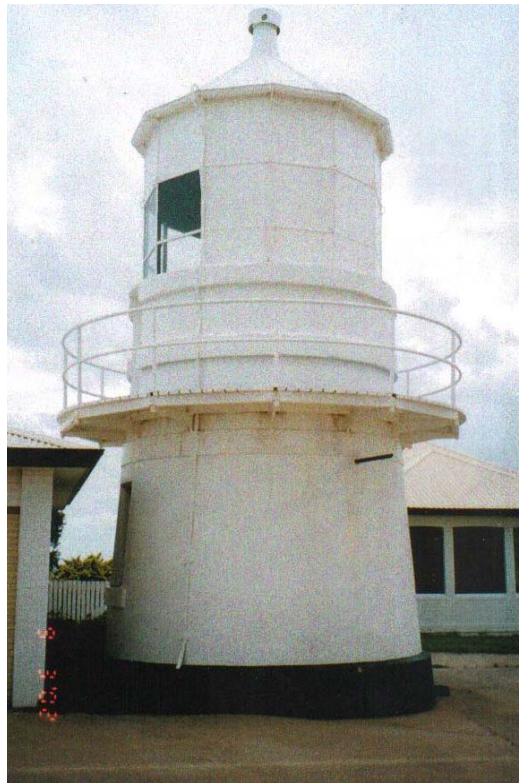
We maintain that the proposal for a new building partly encircling, and impacting upon, the Lighthouse must be refused. Instead, a development that actually meets, the objectives laid out by the Port Corporation's own published invitation for 'Expressions of Interest' (May 2003) should be encouraged..

1. The Coal River Precinct of which the Lighthouse is a pivotal, iconic landmark, has been Nominated, for national heritage listing. The lighthouse and the historical and heritage values thereof, need to be considered, with regard to the entire Coal River precinct. (See www.newcastle.edu.au/coalriver)
2. There are significant concerns over the whether the Newcastle Port Corporation is the appropriate body to manage what is a Commonwealth Heritage Place especially with regard to the recent history, of the Port Corporation, and their apparent disregard, for the conditions of consent for the access road. (Item 15 Appendix D Letter to Proponents Newcastle Council Consent) Also www.icac.nsw.gov.au/go/investigations-and-inquiries/transcripts/glen-oakley---use-of-fraudulent-qualifications

We propose that:

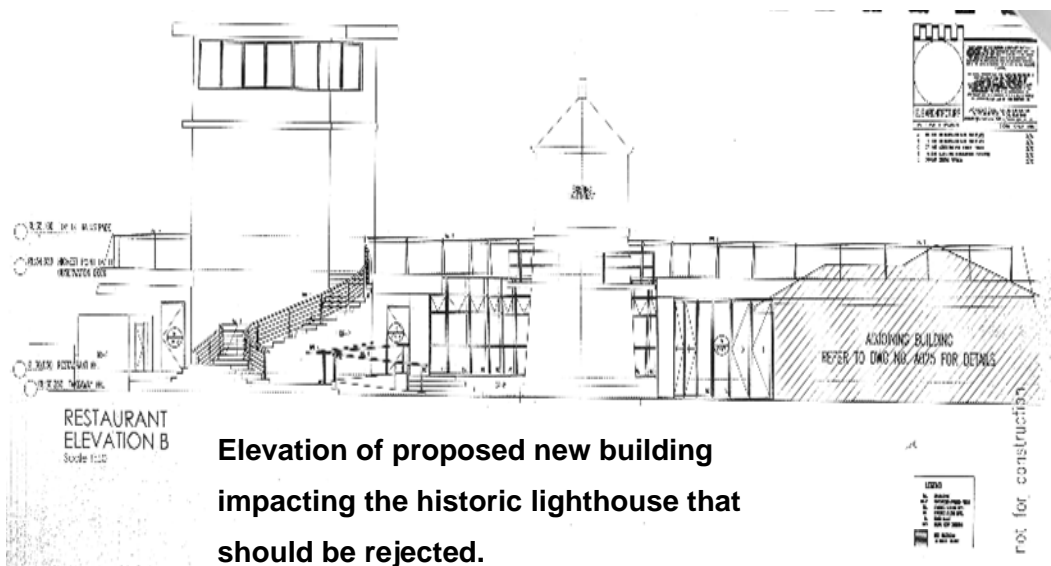
1. Any future redevelopment within the Coal River Precinct should be situated in the vicinity of the Pilot Station and Cornish Dock. This site is currently owned by the Port Corporation and could be developed in a sympathetic and intensive way with direct access to existing facilities (sewer water and electricity) without undermining the heritage and historical fabric of the Coal River Precinct or the operation of the Port. This alternative location provides visual and physical access to the Nobbys headland and lighthouse as well as to Fort Scratchley and the Convict Coalmines. It is ideally located for a genuine interpretive centre including a kiosk and restaurant. The site is close to the CBD and rail transport and has ample public parking nearby. Coal River Precinct represents the birthplace of Newcastle and development within the precinct deserves to be guided by a publicly acceptable Conservation and Cultural Tourism Management Plan that is currently being prepared by the Newcastle Council and NSW Heritage Office and is almost ready for public exhibition.
2. The care and ownership of the Nobby Lighthouse and Nobbys Headland should be transferred to the NSW National Parks and Wildlife Service or the Historic Houses Trust NSW who have legislative requirements to consider heritage values. Such custodianship would secure the integrity of Nobbys Lighthouse, provide public access and allow sensitive development of this nationally significant site for future generations.

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Nobbys Lighthouse Newcastle 2003

(Garage on the left should be removed)



**Elevation of proposed new building
impacting the historic lighthouse that
should be rejected.**