

21 March 2017

Mr Peter Chrystal  
Interim Chief Executive Officer  
Newcastle City Council  
282 King St  
NEWCASTLE 23  
00

**By email and post:** [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au)

Dear Mr Chrystal

### **Council works in State Heritage Listed area**

1. We act for the Newcastle East End resident Group (NERG). NERG are concerned about the impact on the social and heritage fabric of the Newcastle east end resulting from the V8 Supercars event proposed for November 2017.
2. We note that no approval has been issued for this event either from Destination NSW or the NSW Heritage Council and therefore no works for the purpose of enabling the event can be authorised.

### **Newcastle Government House and Domain**

3. We are instructed that Newcastle City Council are currently undertaking works on a part of Church Street and the Esplanade which will form part of the proposed Supercars racetrack.
4. We have been provided with photographs of the site works which may indicate that Council is excavating within the State Heritage listed Newcastle Government House and Domain precinct.
5. We have further been instructed that a tree has been removed and vegetation damaged. The photographs are attached as **Appendix A** to this letter.
6. We note that damaging or despoiling a place or precinct listed of the State Heritage Register, or damaging or removing a tree or vegetation, without approval from the Heritage Council is prohibited and, without an exemption applying, is an offence.
7. The affected Lot 7050 DP 1116454 is shown below from the NSW Government Six Viewer website.



<https://maps.six.nsw.gov.au/>

8. We request as a matter of urgency that Council inform us:
- if any survey has been recently conducted to mark out the Precinct boundary from the road and if Council is satisfied it is working outside the precinct; or
  - If either an approval has been obtained from the NSW Heritage Council or an exemption gazetted by the Minister; or
  - If a conservation management plan has been entered into under section 38A of the *Heritage Act 1977*, or
  - If a heritage agreement has been entered into under Part 3B of the Act;
- which would authorise the conducting of works within the precinct.

### Works on V8 Supercars racetrack

- As stated above we understand there is as yet no approval for any Supercars event in Newcastle in 2017. Therefore no substantial works can occur apart from those necessary to allow engineering plans or environmental assessment to be prepared.
- We note that the works currently underway at the corner of Watt St and Church St and proceeding into The Esplanade are notified on the Council's webpage as being part of the Bathers Way project.
- In our view the diagram available on Council's webpage appears to show that road widening will occur where the Supercars V8's would turn left into The

Esplanade from Watt St. The diagram appears to show that the pedestrian path will be removed. The diagram is attached below

12. Council's website says with regard to community consultation on this part of the Bathers Way

*Public consultation on the proposed traffic changes to Shortland Esplanade was undertaken in December 2016 and January 2017. A report on the results from the consultation will be tabled to Council in March 2017 for final determination.*

*The civil works proposed under the construction project can allow for alternate traffic conditions if required (including maintaining two way traffic), so there is no effect in initiating the civil works prior to the resolution by Council on the traffic proposal.*

13. We further note that the Bathers Way material available on Council's webpage does not show road widening as part of the project. This diagram is also attached below.
14. We appreciate more detailed plans might be available regarding the road widening underway at this particular intersection and we request as a matter of urgency those be provided to us along with the date on which they were proposed so we might best advise our client.
15. We also request as a matter of urgency the engineering drawings of the racetrack layout and construction required.
16. In our view Council can act as a local roads authority in order to carry out repairs and essential maintenance works on Council roads. However, where substantial road widening and altered traffic arrangements are to occur, it would be usual to do so after Council has adopted a plan for those works.

### **Consideration of Newcastle City Council Report - Significant Civil Works Renewal Opportunity (Former Confidential Report Item 3, 14 March 2017)**

17. We note that Council considered and adopted an amended version of this report on the evening of Tuesday, 14 March 2017.
18. In our view the language of the report assumes that the Supercars Event has a legal approval in place and the Councillors have potentially been misdirected by the report to believe that the event has been approved.
19. Indeed Cllr Posniak, in moving the amendment, stated in Council that the event has been approved.
20. As far as we are aware no approval has been issued for the Supercars event in Newcastle and the preconditions for such an approval have not yet been met. In these circumstances Council's decision must be considered suspect.

21. Further to the issue of road widening raised above in paragraph 11 of this letter, the Report to Council also indicates (in its paragraph 15) that Nobbys Road will be widened north of Stephenson's Place.
22. The Report does not provide any information as to how the road widening at Nobby's Road fits into Council's current Plans of Management for Council-owned or managed land. It is not clear to our client that the Nobby's Road widening work was envisaged prior to the Supercars event being contemplated.
23. On behalf of our client, we request your written response as to which approved Plan of Management and/or work plan Council is relying on to authorise the road widening at Nobby's Road, separate to the proposed Supercars Event which has not yet been approved.

### **Conclusion**

24. As indicated above we will be forwarding a copy of this letter to the NSW Heritage Council for their information.
25. We would appreciate your urgent response within two working days.

Thank you for your attention to this matter.

If there are any matters that you would like to discuss please do not hesitate to contact the Elaine Johnson on 9262 6989 or by email at [elaine.johnson@edonsw.org.au](mailto:elaine.johnson@edonsw.org.au)

Yours sincerely,

**EDO NSW**



Elaine Johnson  
Principal Solicitor

Our Ref: 1624469

## Annexure A – photographs obtained by the residents

Current excavation in or adjacent to Newcastle Government House and Domain heritage precinct (photograph taken at works on corner of Watt St and The Esplanade 12 March 2017)



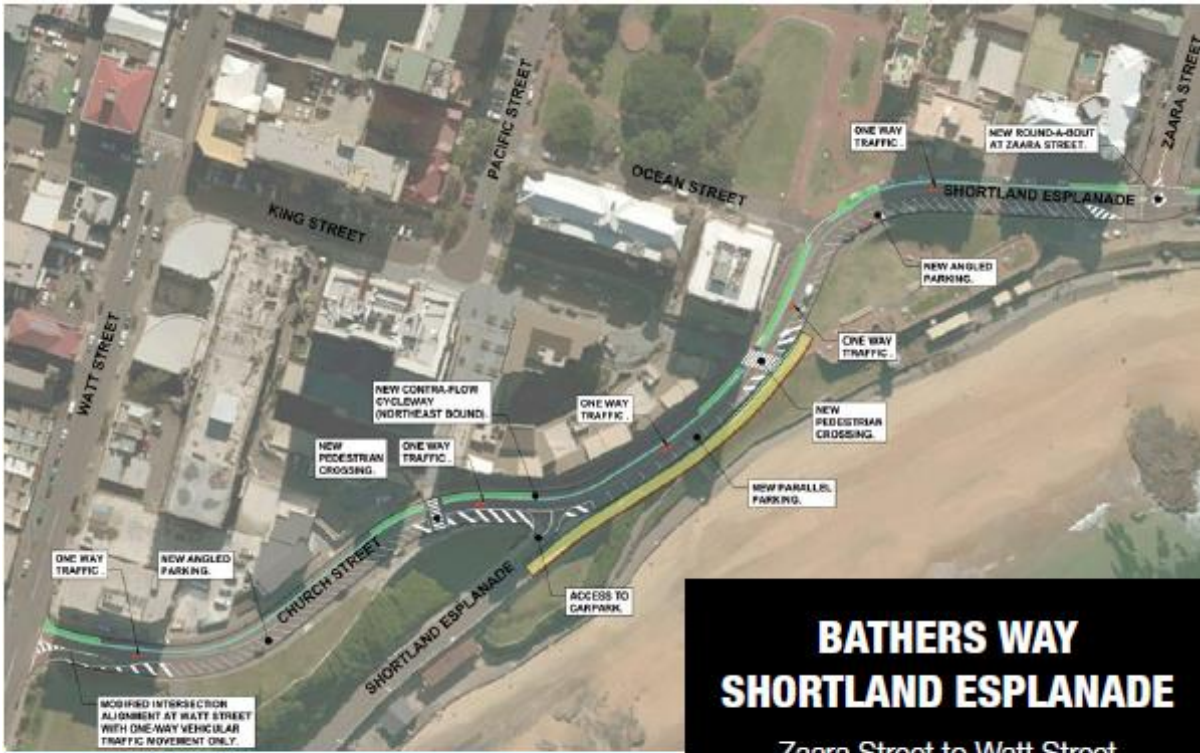
Tree which has been removed during the excavation works being conducted by Newcastle City Council (photograph taken 14 March 2017 at work on corner of Watt St and The Esplanade))



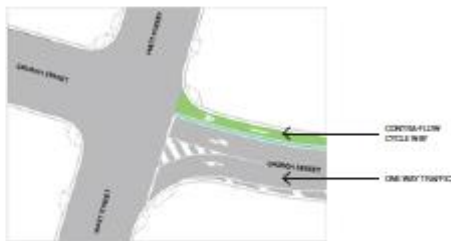
Digging blade on site at excavation on Church St/Esplanade ( photograph taken on 12 March 2017 at works on corner of Watt St and The Esplanade).



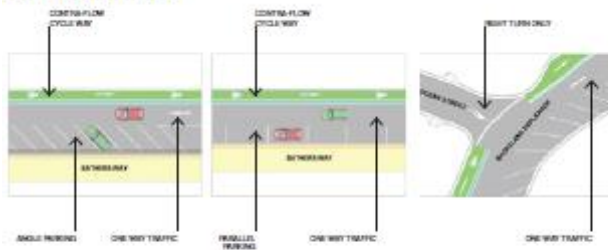
Bathers Way Shortland Esplanade – brochure on Council’s website (downloaded 16.3.17)



**WATT STREET**



**OCEAN STREET**



**ZAARA STREET**



**BATHERS WAY  
SHORTLAND ESPLANADE**

Zaara Street to Watt Street

**LEGEND**

- GENERAL TRAFFIC FLOW
- ← SHORTLAND ESPLANADE - ONE WAY TRAFFIC AND CYCLISTS
- CONTRAFLOW TRAFFIC - EMERGENCY VEHICLES AND CYCLISTS
- THE BATHERS WAY

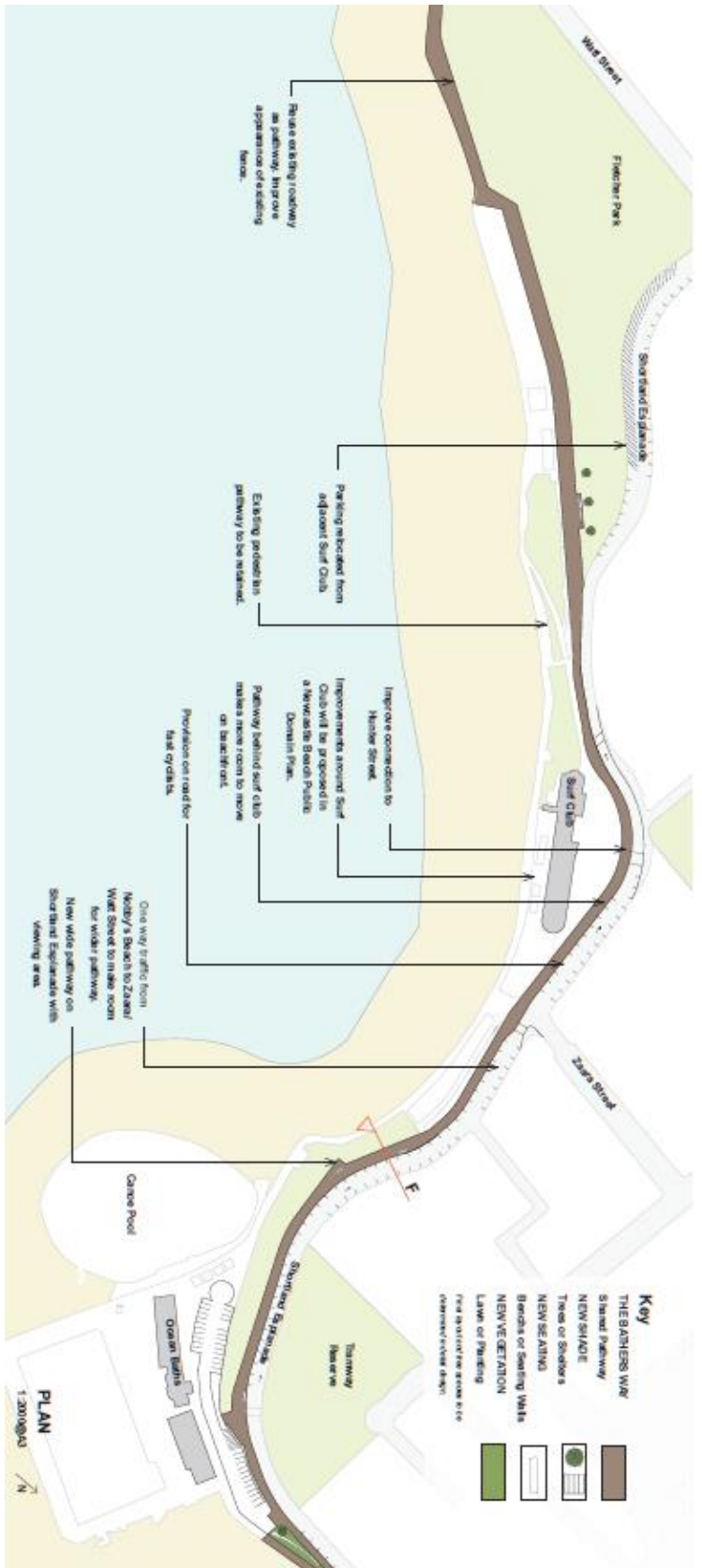
*Bathers Way is a  
Newcastle City Council  
priority project*



For more information visit:  
[www.newcastle.nsw.gov.au](http://www.newcastle.nsw.gov.au)



From page 37 of the Bathers Way Public Domain Plan – available on Newcastle City Councils webpage (downloaded 16.3.17).



## Newcastle Beach

### What is proposed?

- New wide shared pathway on Shortland Esplanade to take advantage of views
- Reuse and upgrade of existing pathways
- Improved connection to the city centre and Hunter Street

