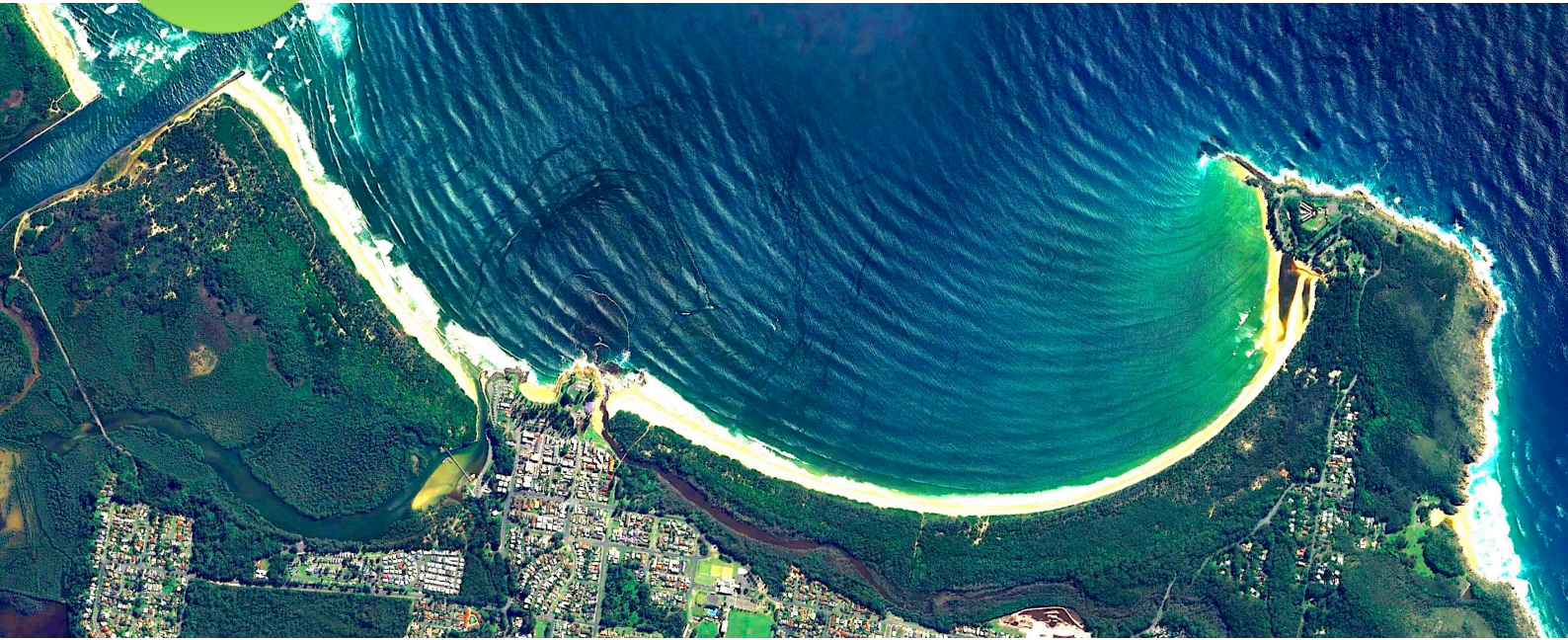


STATEMENT OF HERITAGE IMPACT & SECTION 60 SUPPORTING DOCUMENT

Dan
TUCK



MACLEAY COAST DESTINATION PROJECT

Arakoon National Park, NSW Mid North Coast

Trial Bay + Cardwell Street Precinct Works

Report to NPWS : 29 July 2024

Macleay Coast Destination Project, Arakoon National Park Trial Bay + Cardwell Street Precinct Works: SoHI + S60 Report

Copyright + Disclaimer

This report was prepared by Dan Tuck in good faith exercising all due care and attention, but no representation or warranty, express or implied, is made as to the relevance, accuracy, completeness or fitness for purpose of this document in respect of any particular user's circumstances. Users of this document should satisfy themselves concerning its application to, and where necessary seek expert advice in respect of, their situation. The views expressed within are not necessarily the views of the Department of Climate Change, Energy, the Environment and Water and may not represent department policy.

© Copyright State of NSW and the Department of Climate Change, Energy, the Environment and Water

TABLE OF CONTENTS

Introduction	3
History	7
Heritage	45
Project	56
Impacts	70
Mitigation	72
Recommendations	95
References	97
Attachments	101

INTRODUCTION

The National Parks and Wildlife Service (NPWS) of the Environment and Heritage Group within the Department of Climate Change, Energy, the Environment and Water (DCCEEW) is responsible for the management of Arakoon National Park on the NSW Mid North Coast. The park is centred on the landmark Trial Bay Gaol: a late nineteenth century public works prison and later WWI internment camp.

The gaol, set at elevation on Lagers Point, is a focal point for regional tourism and serves as front-of-house for the popular Trial Bay campground that partially encircles the gaol site to the south and east. The locale has high cultural heritage significance at a state level related to its unique cultural, historical, natural, scientific and recreational values. As a consequence, much of the park is listed on the NSW State Heritage Register (SHR) as *Trial Bay Gaol, Breakwater and Environs* (SHR 01825).

PROJECT

As part of the Master Plan for the Macleay Coast Destination Project (MCD), NPWS are preparing to undertake a staged program of improvements and upgrades at four significant Macleay Coast visitor precincts: Trial Bay, Cardwell Street and Little Bay (Arakoon National Park) and Smoky Cape Lightstation (Hat Head National Park). Works to improve the visitor experience within the Trial Bay Visitor Precinct include improvements to campground circulation, beach access, infrastructure and public amenities. Works at Cardwell Street centre on repurposing of the NPWS depot and improving day use amenities.

REQUIREMENT

As part of the project planning process, NPWS are required to prepare a Review of Environmental Factors (REF) to address any environmental concerns associated with the proposal and meet its obligations under the Environmental Planning and Assessment Act 1979 (Section III - Part 5). Concurrently, the service has engaged Dan Tuck (archaeologist/heritage consultant) to prepare this contributory report: a Statement of Heritage Impact (SoHI) and s60 supporting document that assesses the heritage impacts of the works (based on the most recent design drawings); presents impact amelioration strategies (including historical archaeological oversight) and provides information in support of the Heritage NSW approval process.

STUDY AREA

The study area comprises the Trial Bay and Cardwell Street visitor precincts in Arakoon National Park, which are encapsulated in the SHR listing curtilage for the gaol, breakwater and surrounds..

ACKNOWLEDGMENTS

The author would like to thank Daryl Moncrieff (NPWS Senior Project Officer) and Brandan Argent (NPWS Project Officer) for managing the project, facilitating site access and providing background information.

☞ Refer **figures 1 - 6** and **attachments 1** and **2**.

📎 Trial Bay Gaol Visitor Park Upgrade : Detailed Design (GeoLINK July 2024)

📎 Macleay Coast Destination: Master Plan (NPWS 2024)

Note

This document supersedes and expands upon an earlier SoHI (Tuck 2023) that was prepared in response to the Concept Design presented in the Draft MCD Master Plan (2022).



FIGURE 1: NEW SOUTH WALES

NSW SPATIAL SERVICES SIX VIEWER 2023

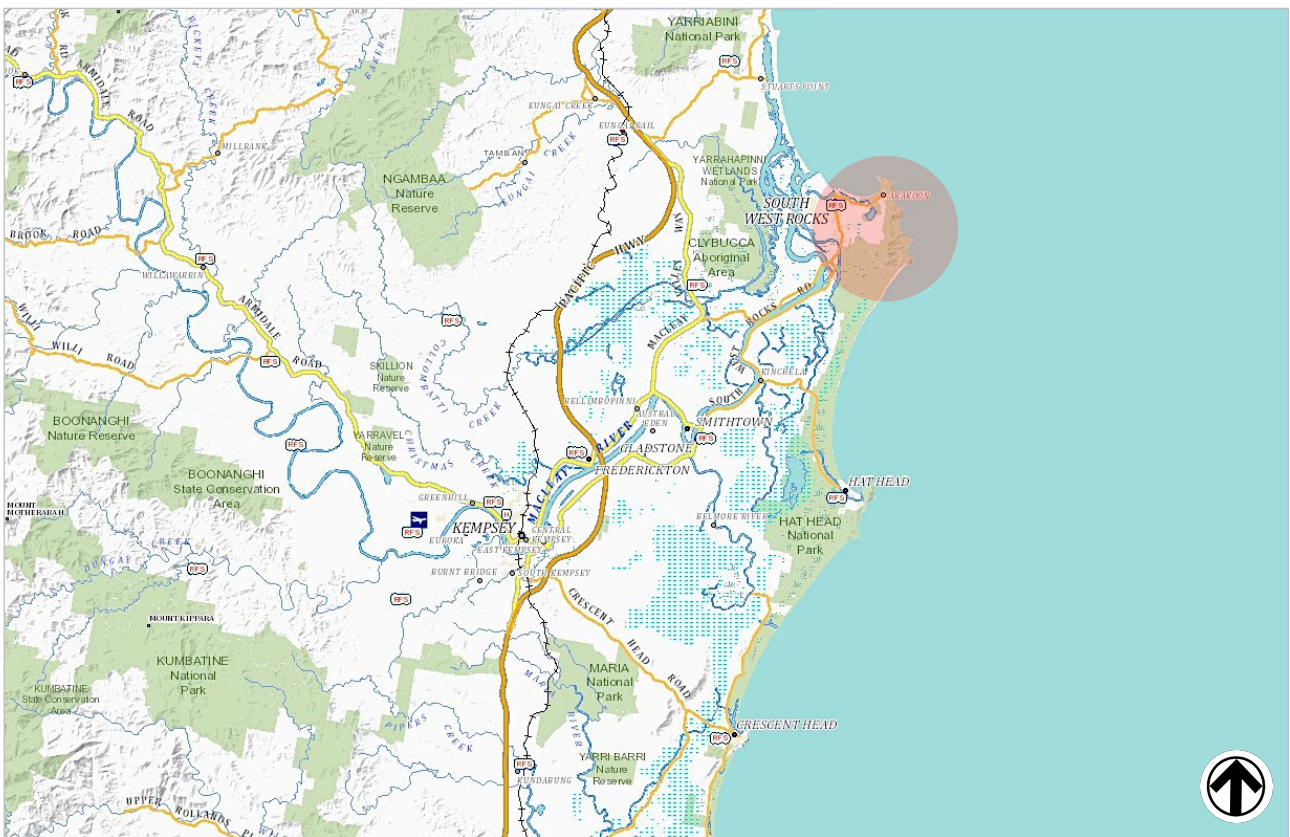


FIGURE 2: MCD STUDY AREA

NSW SPATIAL SERVICES SIX VIEWER 2023



FIGURE 3:
MCD PRECINCTS
 MCD MASTER PLAN 2024

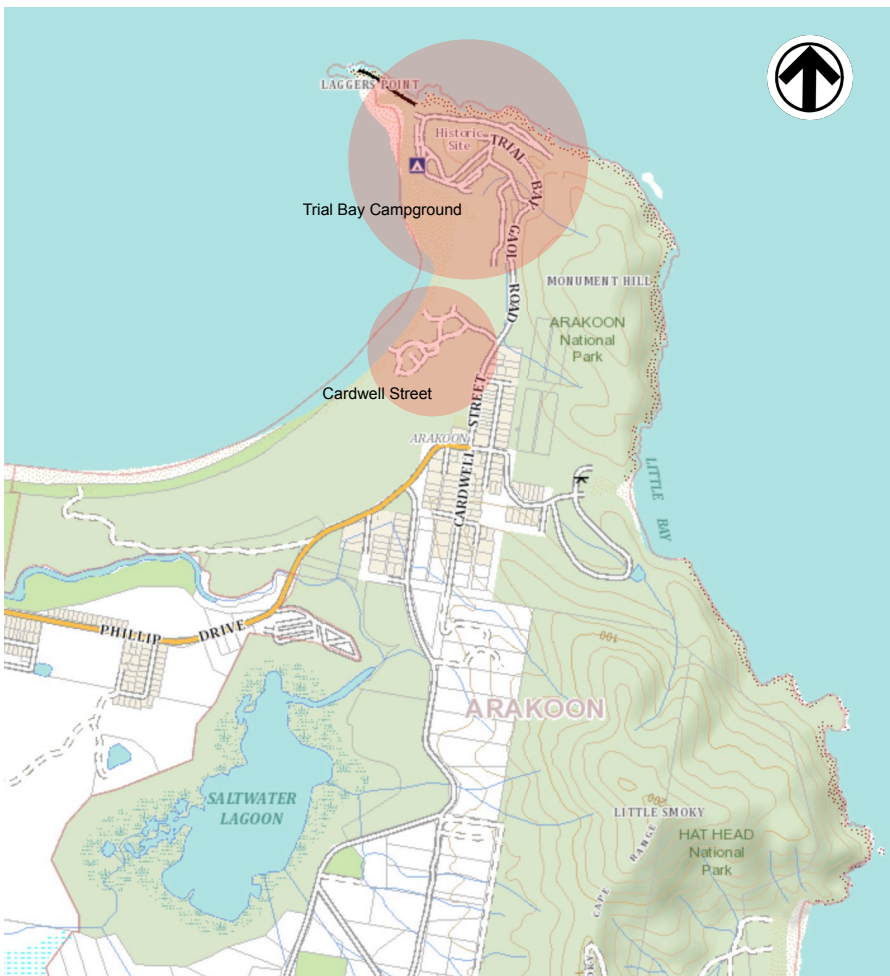


FIGURE 4:
ARAKOON NATIONAL PARK
 NSW SPATIAL SERVICES



FIGURE 5:
TRIAL BAY VISITOR PRECINCT
 MCD MASTER PLAN 2024

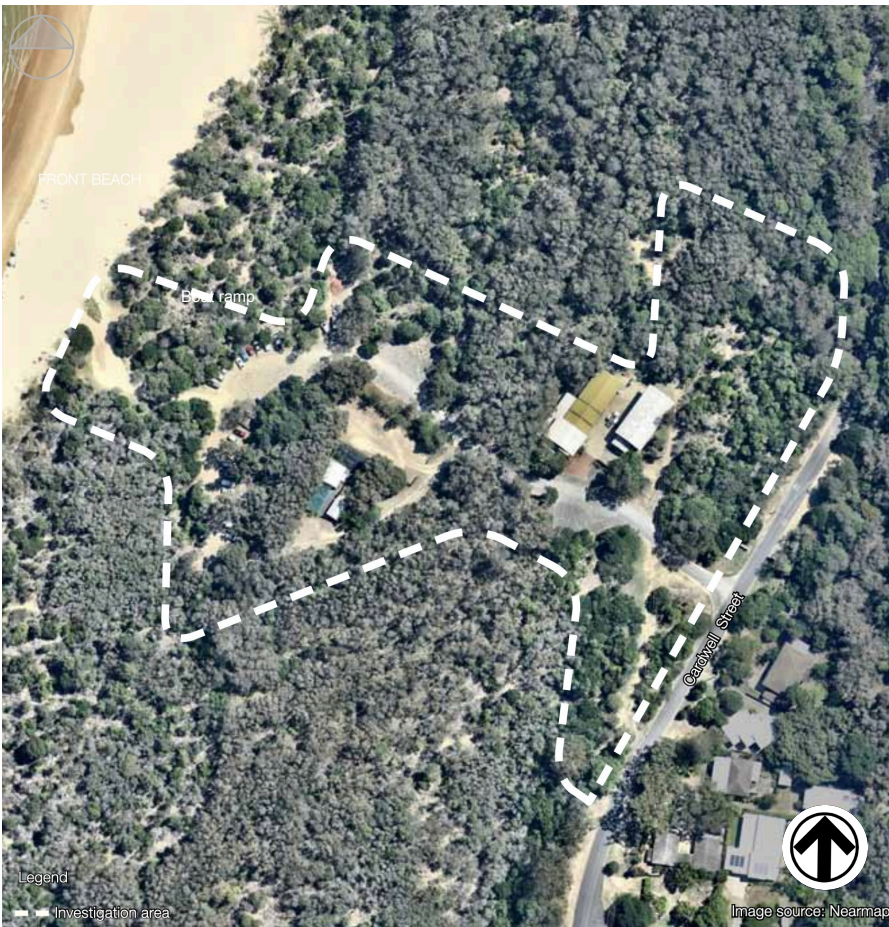


FIGURE 6:
CARDWELL STREET PRECINCT
 MCD MASTER PLAN 2024

HISTORY

FIRST PEOPLE

For thousands of years the Smoky Cape-Arakoon area was the sole domain of the Dunghutti: an Aboriginal nation of the Macleay Valley, who occupied the coastal area that extended south from Nambucca Heads to the Hastings Valley and west to the Great Dividing Range.¹

The Smoky Cape Range itself, and the coastal fringe, is important to Aboriginal communities and features numerous sites, landscapes and places of high cultural significance.² These include the AHIMS-heritage listed mythological sites of Birrooguns Grave (NPWS 22-4-035) at South West Rocks and the Gulgarng Sea Eggs (NPWS 22-4-052) in the vicinity of Trial Bay.

EXPLORATION

In the late eighteenth and early nineteenth centuries explorers such as Captain James Cook aboard the *Endeavour* (1770) and later surveyors and excursionists including John Oxley (1818-1820) visited the Trial Bay area: both noted the coastal range fires that ultimately gave Smoky Cape its moniker.³ The name Trial Bay itself relates to a maritime piracy incident in 1816, when convicts at Sydney Cove stole the brig *Trial* and piloted it north.⁴ Beset by bad weather on the Mid North Coast, the brig foundered and was wrecked at Trial Bay, with many hands lost at time of the incident. Others died later, with some attempting to walk to Newcastle and disappearing en route, and others unsuccessfully sailing on in a makeshift craft constructed of brig wreckage.⁵

INCURSION

Although the Macleay River was 'discovered' by Europeans in the 1820s it took some time before the district was intensively visited and settlement established.⁶ The discovery of cedar in the lower reaches of the Macleay Valley in the mid-1820s, and its subsequent exploitation in the 1830s, kick started intensive resource exploitation in the region. The passing of the *Crown Lands Occupation Act 1836*, which allowed settlement beyond Port Macquarie, then heralded the beginning of tentative small settlement and the establishment of strategic townships.⁷

Arakoon

The village of Arakoon (to the south of Trial Bay) was established in the 1860s. It was surveyed by Ernest Herborn, along with South West Rocks to the west in 1866. The township was gazetted in 1867 and subdivided and sold off in the 1870s.⁸ Somewhat of a late starter due to its remoteness, the village's history became inextricably linked with Trial Bay Gaol: a public works prison designed to house those engaged in the building of a breakwater to enhance anchorage facilities at Trial Bay. Arakoon was the service town for the gaol and by the 1890s featured a police station, telegraph office, mechanics institute, school and several hotels and inns (including the Rose and Arakoon House).⁹

¹ Egloff and Oxley 1989; Paul Davies 2004; Tindale 1974

² McBryde 1974; Ryan 1964

³ Paul Davies 2004; Tuck 2006; Egloff and Oxley 1989; Ryan 1964

⁴ Sydney Gazette 1 February 1817; 14 September

⁵ Paul Davies 2004; Tuck 2006

⁶ Reiner 1986

⁷ Morris 1989

⁸ Carey 1993; Morris 1989

⁹ Paul Davies 2004; Tuck 2006

Lightstation

Maritime traffic along Australia's East Coast grew rapidly during the mid to late nineteenth century and from around the 1850s there was a concerted push for the establishment a system of coastal lights to aid shipping and improve maritime safety.¹⁰ By the late 1870s, Smoky Cape had been chosen as a place to establish a coastal light on account of both its prominent location, its maritime hazards (reefs, near-shore islands and treacherous waters) and the significant history of local shipwrecks including the ketch *Woolloomooloo* (1864), steamer *Noongah* (1869) and the brig *Annie Ogle* (1875).¹¹

Smoky Cape Lighthouse and facilities were designed by noted Colonial Architect James Barnet and the Colonial Architects Office in 1888. The plans were put out to tender in 1889, with construction undertaken by Messrs Oaks and Co. (and their successors after his untimely death) in the ensuing years. The light was first lit 15 April 1891, with the station opened by the Engineer for Harbours C. W. Darley 29 April 1891.¹²

TRIAL BAY GAOL

In association with rapidly increasing East Coast shipping and the growth of the coastal lights network during the second half of the nineteenth century, was the establishment of places of maritime refuge. Trial Bay had long been considered a suitable place for the development of a harbour to support the North Coast shipping trade. Located some 500 kilometres north of Sydney, it was ideally positioned midway between the colony's commercial and residential centre and the northern port at Moreton Bay. The natural features of the bay offered safe refuge for ships during south-easterly gales, and provided sailors with one of the few sheltered natural harbours between Port Stephens and Moreton Bay.

Impetus

In 1866, at the direction of the newly-appointed government administration of Charles Martin and Henry Parkes, Edward Orpen Moriarty, the engineer-in-chief for the Harbours and River Navigation Branch of the Department of Public Works put before parliament his plan for a 'harbour of refuge' at Trial Bay'. Moriarty considered Trial Bay:

*... as the place, on the whole of our northern coast line, where a safe and commodious harbour, easily accessible at all times, can and should be formed.*¹³

Moriarty proposed the construction of a breakwater built from the Laggars Point headland at the east end of the bay jutting 4,950 feet in a north-westerly and westerly direction to create a sheltered anchorage of about 700 acres '... a space wherein the navy of Great Britain might anchor in easily'.¹⁴

Moriarty's proposal was not immediately acted on due the financial crisis of 1867, and subsequent changes in government. However, in 1874 with the reappointment of a Henry Parkes-led ministry, £10,000 was flagged for the construction of the breakwater and the establishment of the gaol to hold a prison workforce to build it. The location of the Gaol was to be a reserve of 200 acres (gazetted in 1867) for the prison, located to the north and east of the Arakoon village reserve, adjacent to proposed breakwater.¹⁵

¹⁰ RA 2008; Clive Lucas, Stapleton and Partners 1994

¹¹ Graham Brooks and Assoc. 2001; Coltheart and Fraser 1987; The Sydney Mail and New South Wales Advertiser 20 March 1975

¹² RA 2008; Clive Lucas, Stapleton and Partners 1994

¹³ Sydney Mail 27 October 1866

¹⁴ Sydney Mail 27 October 1866

¹⁵ Paul Davies 2004; Tuck 2006

The public works prison-breakwater project was a unique joint initiative of the Department of Public Works and the Justice Department: a component of a grander scheme to reform the penal system.

Planning

During 1876, plans for the prison were prepared in Moriarty's Harbours and River Navigation Branch, and the site inspected by Moriarty and Maclean. The prison was to be constructed of locally sourced granite : comprising a central hall and a single two-storey cell block, all enclosed by a high stone wall with four watchtowers, and provision for an additional cell block.

Maclean's design for the prison is believed to have been based on either the Intermediate Prison in Lusk (Ireland) or his observations of Bendigo Prison (Victoria) completed in 1861. The design was not dissimilar to Darlinghurst Gaol's E Wing, which was completed 1866 - 1872.¹⁶ The contract for the construction of the prison was let to Dan E M(a)cQuarie of Sydney in 1877, for the sum of £25,550. Assisting McQuarie was John O'Brien (works manager), Michael Leeds (foreman), and a Mr Salt (clerk of works).

Work on the prison commenced in June 1877 and it was only fully completed in 1889. Reasons for the significant delay - which impacted on the Breakwater works program - included problems in working the hard local granite, securing parliamentary funding and the untimely death of the head contractor.¹⁷

Construction

Initial site establishment at the Trial Bay Gaol site involved the shipping in from Sydney of all of the quarrying machinery (including steam cranes, winches and stone cutters) by the contractor. Additional set-up tasks included the establishment of a permanent water supply, secured through the construction of a dam on the hillside above the gaol at Little Bay, and the formation of roads to the town reserves at Arakoon and South West Rocks. Prisoner accommodation was initially a temporary stockade of tents, which were replaced by stone gaol cells as progress was made on the permanent structures.¹⁸

By 1878, 80 men were employed at the works, including 33 stonemasons. The first wing (the northern most), comprising 62 cells, took two years to build and was made ready for occupation in 1879. During that year an additional £30,000 was allocated by parliament to provide for the construction of the high enclosing wall, four watchtowers, and ancillary buildings including the hospital and staff quarters.

By the beginning of 1886 the prison cell block accommodation had been completed, and in March the first draft of prisoners other than those who had laboured on the construction of the facility were received.¹⁹ This new batch of prisoners, had been convicted of serious crimes and they were serving lengthy, hard labour, prison terms. The superintendent at the time was William 'Berrima Bill' Small who had formerly been in charge of the notorious Berrima Gaol: the subject of a Royal Commission in 1879 related to allegations of cruel treatment.

SECURITY

The remoteness of the site necessitated a higher level of security than usual. This was achieved through a larger than normal number of guards who were also above average in their qualifications and experience, and included a senior warder and 14 warders. Accommodation and food rations for the guards and other

¹⁶ Paul Davies 2004

¹⁷ Carey 1993; Paul Davies 2004

¹⁸ Carey 1993; Paul Davies 2004

¹⁹ NSW State Archives Prisons Report for 1885 A. R. 1885/86, 4: 947

employees, such as the superintendent, deputy-superintendent and clerk, were provided free of charge. A full-time resident surgeon and two chaplains were also engaged: the first surgeon being Dr R T Paton.²⁰

A SECOND WING

The second gaol wing, comprising three wooden huts with a total of 18 rooms, each accommodating six men, was completed in c1887. This new wing housed the Public Works licensees who under the Criminal Law Amendment Act 1883, received partial freedom from incarceration as well as other privileges. These prison licences were awarded at the end of a prisoner's sentence to accustom them to self-guidance and enable them to earn limited wages prior to life outside of prison. In certain circumstances, licence holders were permitted to take a 'leave of absence' from the gaol. Licensees made up the bulk of the breakwater workforce over the life of the prison from 1888.²¹

Prior to the death of Harold Maclean, then comptroller-general of prisons, in 1889, licensed prisoners at Trial Bay enjoyed a range of privileges not observed elsewhere in the New South Wales prison system including 'free association', a short working week and reasonable rations and wages.²²

After Maclean's death, George Miller was appointed comptroller-general and tightened the reins on prisoners. Miller was responding to evidence that prisoners had abused their privileges under Maclean: MP Dangar having claimed in 1889 that prisoners granted leave were known to frequent the sly grog shops operating in Arakoon village. Two years later, the prisoner's work at Trial Bay was described by Miller as follows:

The construction of the breakwater is carried on by mechanical means, and the labour to be performed is of a skilled kind which commands high wages in the colony. A drunkard or thief who has led prior to his conviction of a crime an idle and worthless life, is taught habits of sobriety and industry. He learns how to use a pick, shovel and other tools in blacksmithing, road-making, skilled quarrying, and other useful labour. His health and constitution are greatly improved and strengthened by the regular and steady life he leads in the open air of a fine climate like Trial Bay, under a system which comprises healthy discipline, industrial training, and humane treatment, and one which should undoubtedly educate him to the habits of self restraint, and tend to reform him, if any elements of reformation exist for him.²³

Miller's subsequent changes were designed to make life more difficult for those incarcerated and brought to an end Maclean's reform-orientated regime.

Despite the appointment of a reformer in Captain Frederick W. Neitenstein (appointed comptroller-general of Prisons in 1895), by 1898 Trial Bay prisoners had been shorn of nearly all their privileges.

Consolidation

The second permanent wing of prison cells (the southern most) was completed in 1900, providing single cell accommodation for all prisoners. The three wooden dormitories that had been used to accommodate the privileged licence-holders were then demolished. The new wing provided cell accommodation for 128 prisoners, although prisoners at the end of 1900 numbered a mere 67. The subsequent locking of prisoners in their cells at night that accompanied the completion of the new wing was reported to have led '... to a much healthier moral tone' in the prison environment.

Other developments at the turn of the century included:

²⁰ Paul Davies 2004

²¹ Paul Davies 2004; Tuck 2006

²² NSW State Archives Department of Prisons Annual Report 1888

²³ Quoted in Ramsland 1966: 111

- Installation of an electric light service throughout the prison complex
- Construction of a new kitchen (with scullery and bakehouse)
- New lavatories and washhouses
- Construction of a weather shed
- Improvements to the warders accommodation
- Re-modelled single warders accommodation block.²⁴

These developments were instigated after consolidation of administrative control of the prison and breakwater under the Prisons Department (1898) and reflected broader reforms in the New South Wales prison system which included the wider use of electric lighting and an emphasis on personal hygiene, which saw increased in-prison bathing and ablutions facilities.

The belief in the future in the public works prison experiment would seem to have been affirmed with the turn-of-the-century outlay of public money to expand the gaol and improve facilities.

In 1902 the daily average number of prisoners was 61, about 40 of whom were employed at the breakwater, building construction and road works, while the remainder assisted with the prison service.²⁵ However, in 1903 it was decided to close the prison. The comptroller-general of Prisons in his report for 1903 remarked on the decision as follows:

For some years the prison authorities have viewed this place with disfavour, and it is now some time since arrangements were approved of to close down on the breakwater attaining a certain length. The lines laid down for the conduct of this establishment were not in harmony with the general system, and the association which was unavoidable did not assist reform. Its abolition is a relief to the general policy of the Department, and is also a gain to economical working.²⁶

Closure

The prison ceased operations on 18 July 1903 and was closed by proclamation on 1 August, with all remaining prisoners transferred to Sydney's Darlinghurst Prison and the site disestablished.²⁷

The total cost of the public works prison experiment totalled £186,000.²⁸ In March 1904 the houses and other buildings outside of the gaol walls were sold off and removed from the site. The best of the cottages were relocated to South West Rocks for the newly established pilot station, while others were moved to a variety of locations throughout the district including Kempsey and Jerseyville.²⁹

Trial Bay Gaol was not used again as a place of incarceration, however, for a short period during WWI (August 1915 to May 1917), it was used as an internment camp for *enemy aliens*: housing over 500 prisoners-of-war and civilians who had been identified as either German, or of German descent.

☞ Refer **figures 7 - 16**.

²⁴ Paul Davies 2004; Tuck 2006

²⁵ NSW State Archives Prisons Report for 1902, A. R. 1903, 2: 390

²⁶ NSW State Archives Prisons Report for 1903, A.R. 1904 1: 697

²⁷ NSW Government Gazette No. 395, 1903 p. 5654

²⁸ Paul Davies 2004

²⁹ Tuck 2006



FIGURE 7: ERNEST HERBORN'S PLAN OF THE COUNTRY SOUTH OF TRIAL BAY (1879)

NSW STATE ARCHIVES AND RECORDS AO 5871

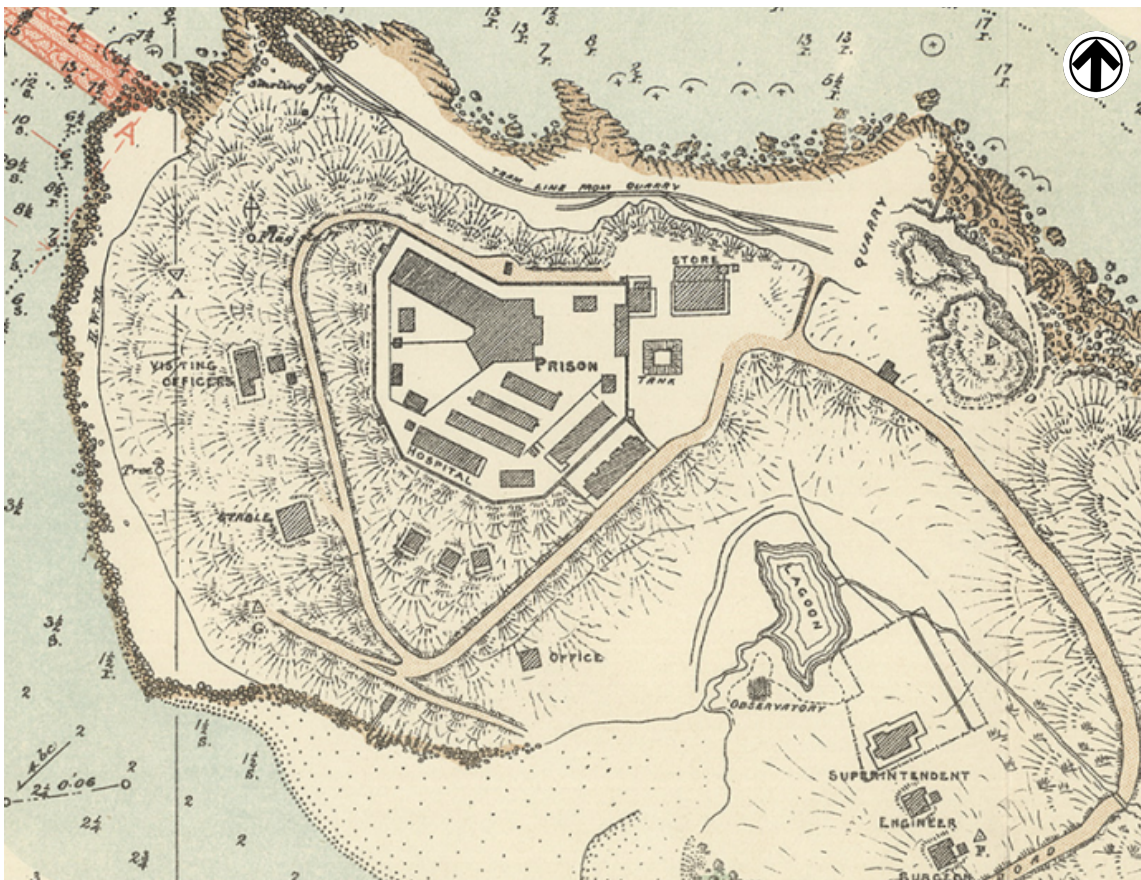


FIGURE 8: F. HOWARD'S PLAN OF THE TRIAL BAY GAOL (1889)

STATE LIBRARY OF NSW ML M3 811.22/1889/1



FIGURE 9: PHOTOGRAPH OF TRIAL BAY GAOL UNDER CONSTRUCTION (C.1880S)

At this stage the gatehouse, second cellblock and several of the watchtowers are yet to be constructed.

NSW STATE ARCHIVES COLLECTION NRS-4481-4-35-[AF00193441]



FIGURE 10: PHOTOGRAPH OF TRIAL BAY GAOL UNDER CONSTRUCTION (PRE-1889)

The gatehouse and towers have been completed, but the second permanent cell block is yet to be constructed.

STATE LIBRARY OF NSW ML SPF



FIGURE 11: PHOTOGRAPH OF TRIAL BAY GAOL (ND)

Gatehouse entrance with warders quarters and store to the right of frame.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 12: PHOTOGRAPH OF TRIAL BAY GAOL FROM MONUMENT HILL (ND)

In the foreground is one of the powder magazines, with the surgeons, assistant engineers and governor's residences behind. To the left of frame, near the beach, are the unmarried foremen's quarters and Harbours and Rivers office. The top of the stables can just be seen directly behind these structures. To the immediate left of the prison walls are the three, four-roomed warder's cottages and nestled below the prison wall (in the centre of frame) are the married men's quarters. The chief and general warder's quarters and store can also be seen to the right of the gaol entrance.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION

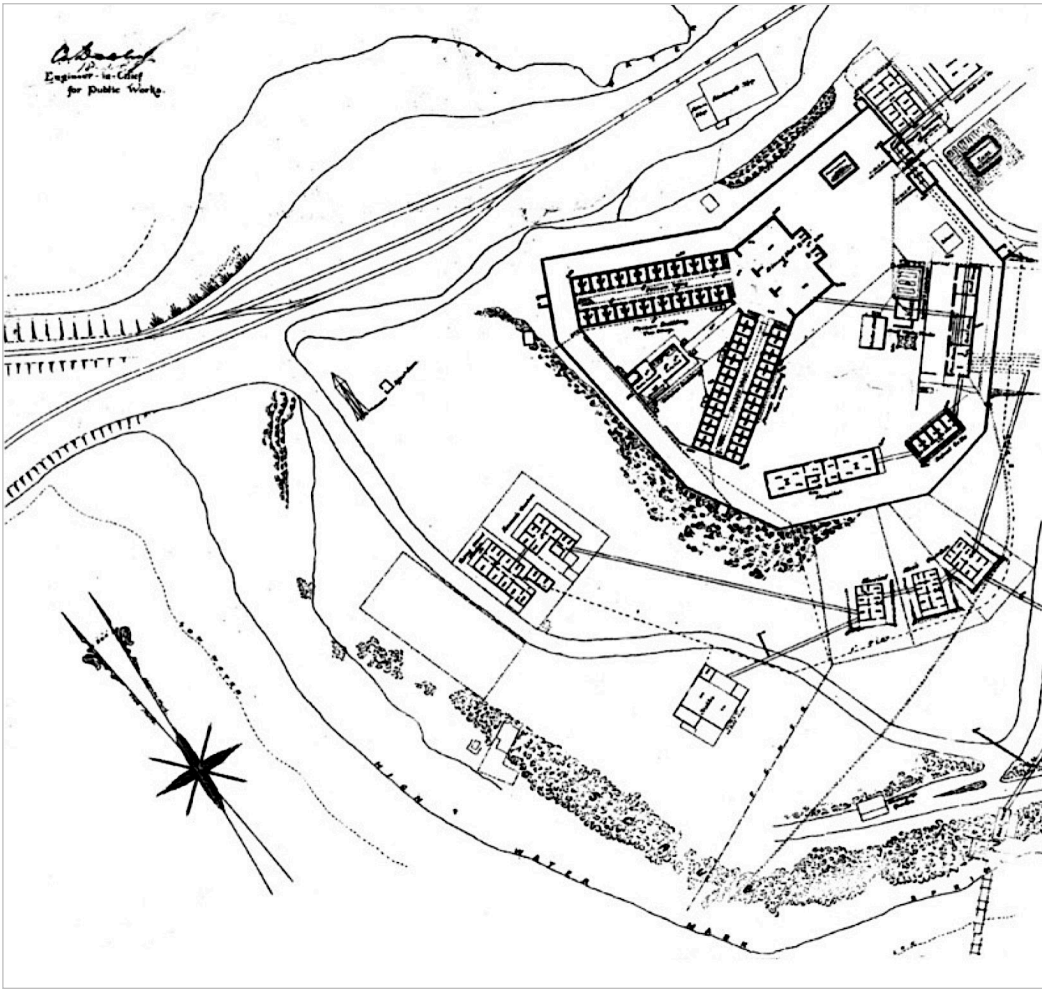


FIGURE 13: TRIAL BAY GAOL ELECTRIC LIGHT INSTALLATION PLAN (1901)

This plan shows the gaol layout and main features at the turn of the century.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 14: PHOTOGRAPH OF TRIAL BAY GAOL AND SURROUNDS (C.1901)

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 15: DAMAGED PHOTOGRAPH OF KNOBS ALLEY (ND)

This view to the southwest, from the prison, shows the governor's residence in the foreground with the assistant engineers quarters and surgeon's quarters behind. The latter is the site of Trial Bay Cafe.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 16: TRIAL BAY (ND)

This image appears to date to c1903. Most of the structures external to the gaol appear to have been demolished. The sawmill, painters and carpenters shop are still visible (albeit partly demolished) to the right of frame.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION

BREAKWATER

The construction and operation of the prison occurred in tandem with the construction of the Laggars Point breakwater: both components of the unprecedented Trial Bay public works prison experiment.

In 1877, the Harbours and Rivers Branch sent C S Brownrigg (engineer) to Trial Bay to oversee construction of the breakwater. After significant delays for over a decade, preliminary works commenced in 1889 with the opening up of the stone quarry and establishment of a levelled transit platform to allow transport of the quarried stone by way of a travelling steam crane and horse tramway.³⁰

Construction of the breakwater proper commenced in 1890, with Moriarty's successor, Cecil Darley amending the original plans by moving the wall line 600 feet in a southwesterly direction to reduce the quantity of stone required to be quarried and lower costs. All the while, prisoners were trained in the use of equipment (such as steam driven drills and explosive charges) under the direction of a team of Department of Public Works employees that includes a supervising engineer, draughtsman, overseer, ostler (who looked after the horses) and two blacksmiths.³¹

By the end of the year, 206 feet of breakwater had been completed, but subsequent progress was painfully slow, with the wall being subjected to frequent washaways. Two years later the length of the constructed wall was 445 feet: less the 219 feet that had washed out over the preceding two years.³²

In 1896, an additional quarry was opened up to secure larger stone, to be used as a means of securing the breakwater and circumventing the deleterious effects of the storms. A government wharf was also constructed nearby. However, by this time, the attention of the Public Works Department had been partly redirected to the construction of a training wall at the entrance of the Macleay River (Grassy Head).³³ By the close of the 1890s, after ten years of continuous labour, the breakwater measured 721 feet with 684 feet of displaced stonework having been lost over the years of construction. Perhaps not surprisingly, Thomas Keele, principal engineer for harbours, reported that given the record of past progress on the breakwater, the projected completion time should be revised up to 74 years.³⁴

Work on the breakwater was ultimately abandoned in 1903 and Trial Bay Gaol was closed after the government decided that neither a public works prison nor a harbour of refuge was needed, given contemporary philosophy in penology and advances in shipping technology (principally the advent of the steamship). At the time, the breakwater measured 994 feet, was less than 20% of its intended length, and had cost £67,000. Adding insult to injury, the completed section of the breakwater resulted in extensive shoaling inside the intended harbour and sand build-up at the government wharf site rendered the structure inoperable.³⁵ Cessation of works heralded the decline of the Village of Arakoon as government services and infrastructure were withdrawn in favour of South West Rocks.

The proposal to use Trial Bay as a port was revived in 1911 as part of the broader investigative work of the Royal Commission on Decentralisation in Railway Transport. Ironically, the shoaling and silting of the southern side of the bay caused by the breakwater itself prevented any prospect of establishing a port.³⁶

☛ Refer **figures 17 - 20**.

³⁰ Carey 1993; Paul Davies 2004; Tuck 2006

³¹ Carey 1993; Paul Davies 2004; Tuck 2006

³² Carey 1993; Paul Davies 2004; Tuck 2006

³³ Carey 1993; Paul Davies 2004; Tuck 2006

³⁴ Carey 1993; Paul Davies 2004; Tuck 2006

³⁵ Carey 1993; Paul Davies 2004; Tuck 2006

³⁶ Carey 1993; Paul Davies 2004; Tuck 2006



FIGURE 17: APPROACH TO THE BREAKWATER AT TRIAL BAY (ND)

This image shows the quarry platform that facilitated construction of the tramway and the movement of stone. Buildings shown include the day stables (foreground) and the blacksmiths/fitters shop (at the base of the cliff face).

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION

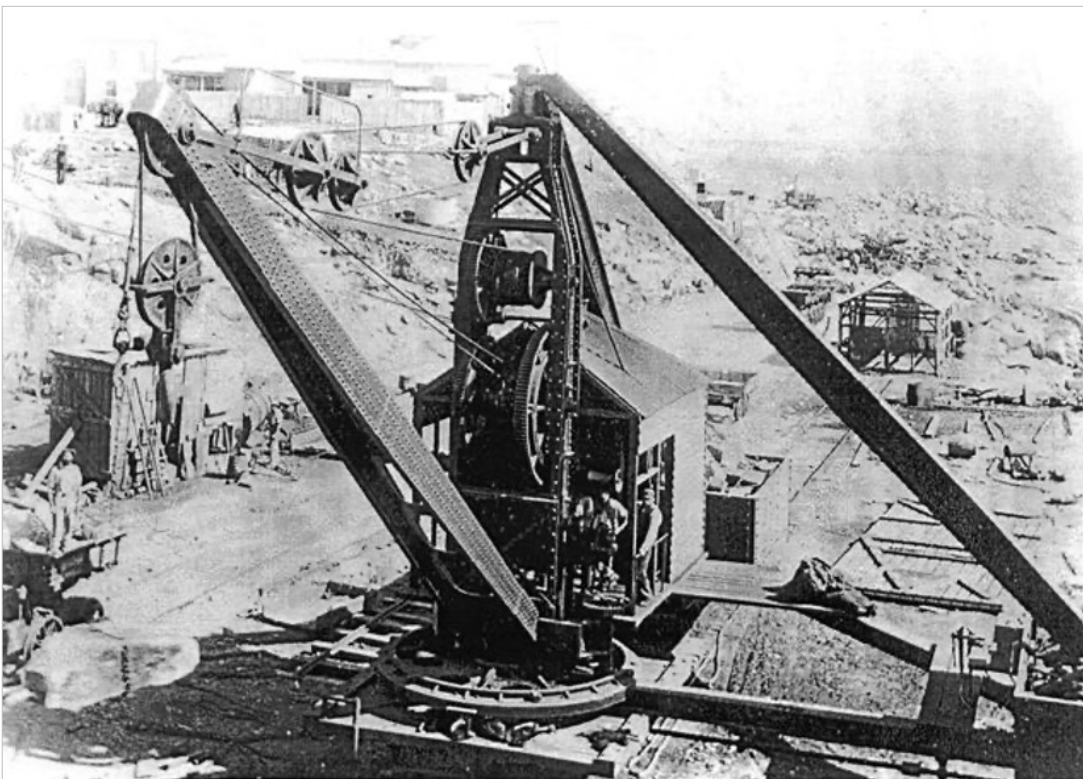


FIGURE 18: MOVING CRANE AT WORK AT TRIAL BAY (ND)

This 30-tonne travelling steam crane enabled the movement of heavy stone blocks for breakwater construction.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 19: TRIAL BAY BREAKWATER TRAMWAY

This photo, taken from the partially constructed breakwater itself, shows the tramway and a hand cart in operation. The gaol can be seen in the distance as can the flagstaff and morgue.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 20: TRIAL BAY BREAKWATER CONSTRUCTION (ND)

This image shows the breakwater in progress, with the weighbridge and timekeeper's office in the foreground.

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION

INTERNMENT CAMP

The outbreak of hostilities in Europe in August 1914 drew Australia into what became known as the Great War. Within a week of the declaration of war, all German subjects in Australia were declared *enemy aliens* and were required to report to the Government and notify its officials of their addresses. In February 1915 all enemy aliens were interned.³⁷

In New South Wales the principal internment facility was Holsworthy Military Camp where between 4,000 and 5,000 men were detained, with many women and children accommodated at Bourke (and later Molongolo). Several former gaols were also pressed into service, with male internees sent to both Berrima prison and Trial Bay.³⁸

The suitability of the Trial Bay prison for internment was determined in May 1915 by Major Sands, the commander of German prisoners and enemy alien internment camps. The first group of internees left Sydney on the steamship *Yulgilbar* in August 1915, disembarking at the Jerseyville wharf. 500 men were interned at Trial Bay during the war years including many from the British colonies in Asia and the Pacific as well as the former German colonies in New Guinea.

The men were mostly middle class professionals with private incomes or comfortable salaries. This contrasted markedly with the Holsworthy internees.³⁹

Operation

At Trial Bay the internees were under a continuous military guard of some 100 men and three officers. Despite loss of liberty, mail censorship, and detachment from family and friends, life at the camp was not overly arduous and those held were free to associate and engage in a wide range of pursuits. Internees are known to have fished, swum, played tennis and walked: often outside the prison walls but within an area defined by a wire fence laid across the peninsula.

The gates to the prison were opened at 9am and closed at 6.30pm. At night the internees were accommodated in the unlocked prison cells (two per cell), and in wooden barracks built between the walls and cell blocks and elsewhere throughout the grounds. Additional huts were erected by the internees outside the walls, and caves were dug out of the surrounding hill sides for recreational use.

Controversy

In July 1917 a report was lodged accusing the internees of making radio communication with the German raider *Wolf*, which had been spotted off the coast in February. At the time, German internees were erecting a stone cairn on the hill above Lagers Point in memory of five former comrades who had died during their period of confinement, with the bodies of two internees, Conrad Peter (1877 - 1917) and Herman I W Adam (1879 - 1915) buried at the cairn site.⁴⁰ It was during the construction of the memorial that the initial illegal off-shore communication was said to have been made by the internees.⁴¹

A second report from the same informant - received in April 1918 - predicted German boats would again be off the coast sometime in May. Military authorities then determined that an attempt to rescue the

³⁷ NSW Migration Heritage Centre: The Enemy at Home

³⁸ Paul Davies 2004

³⁹ NSW Migration Heritage Centre: The Enemy at Home

⁴⁰ National Archives (NSW) SP1008/1, 482/1/812

⁴¹ National Archives (NSW) SP1896/1 - 13

prisoners, by means of fast sea launches or motor boats, was considered likely and that the only adequate precaution was closure of the camp.⁴²

Closure

The camp was closed amidst this late-war paranoia, and with little warning, on the recommendation of Lieutenant Commander Bavin of the Royal Australian Naval Intelligence Service (later premier of NSW) acting on the basis of intelligence received. All internees were swiftly relocated to Holsworthy and much of the mosaic of temporary infrastructure that had been built by the internees was burnt or otherwise destroyed in a wave of anti-German sentiment.

Disestablishment

In 1918, with no foreseeable use for an isolated prison complex, Trial Bay was stripped of all movable materials and saleable fixtures. In December of that year all the remaining outbuildings were sold at auction and finally in 1922 the roofs, gates, and complete fit-out were dismantled and sold for £800.⁴³

The monument erected by the German internees was destroyed in July 1919 following widespread local community displeasure. Forty years later it was rebuilt as a belated act of post-World War II reconciliation. Funds for the rebuild were provided by the former West German Government, with material assistance provided the Macleay Shire Council and Rotary Club of Kempsey.⁴⁴

☞ Refer **figures 21 - 34**.

⁴² National Archives (NSW) SP1896/1 - 13

⁴³ Paul Davies 2004; Tuck 2006

⁴⁴ NSW Migration Heritage Centre: The Enemy at Home



FIGURE 21: VIEW OF THE GAOL FROM MONUMENT HILL (1915-1917)

Distant view of the gaol during wartime showing access roads and surrounds.

CALDERWOOD COLLECTION 1914 - 1919

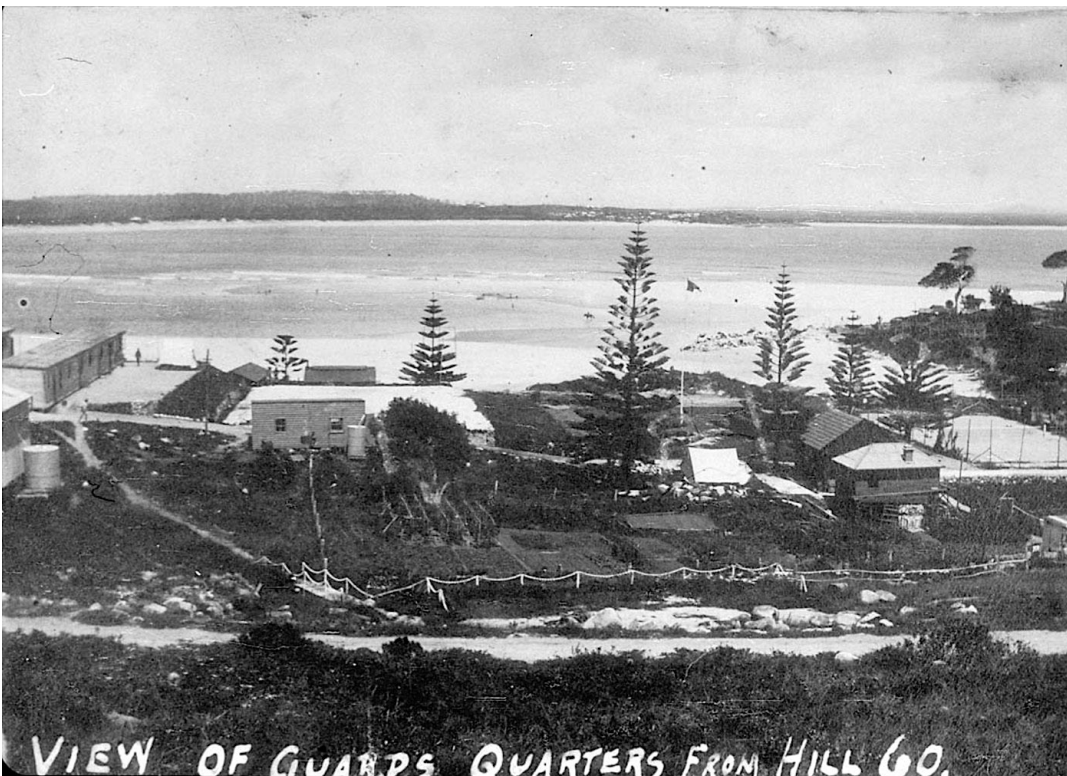


FIGURE 22: VIEW OF THE GUARDS QUARTERS FROM MONUMENT HILL (1915-1917)

View showing the military guard's quarters, surrounds and Trial Bay's Front Beach

STATE LIBRARY OF NSW BCP_04262H



FIGURE 23: VIEW OF THE GUARDS QUARTERS AT TRIAL BAY (1915-1917)

STATE LIBRARY OF NSW BCP_04264H



FIGURE 24: WARTIME HUTS AND STRUCTURES NEAR THE BEACH FRONT AT TRIAL BAY (1915-1917)

STATE LIBRARY OF NSW BCP_04279H



FIGURE 25: TRIAL BAY INTERNMENT CAMP (1917)

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-151996329



FIGURE 26: RAILWAY DUMP CARS ON THE BREAKWATER AT TRIAL BAY (1917)

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-151992829

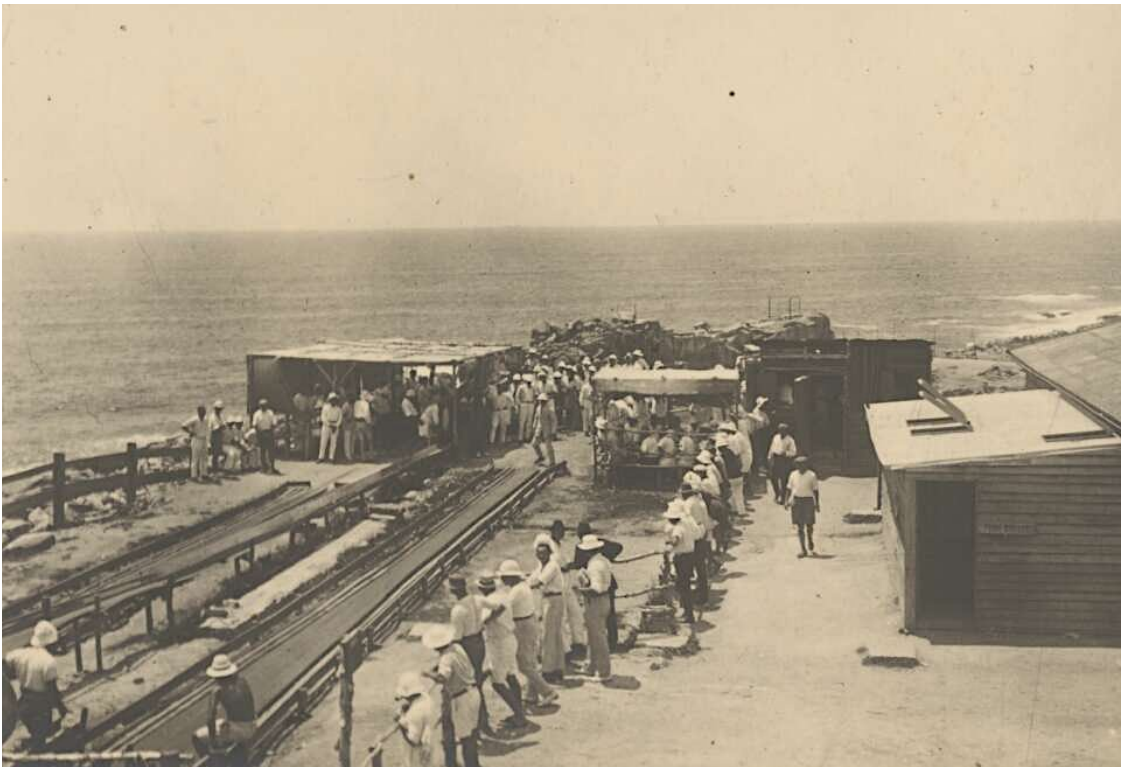


FIGURE 27: BOWLING ALLEY AT TRIAL BAY (1917)

Internee kegel alley, near the gaol gatehouse, on the site of the current visitor carpark.

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-151986225



FIGURE 28: GAOL AND SURROUNDS FROM BREAKWATER-WHARF (1917)

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-151984521



FIGURE 29: VIEW ACROSS FORMER QUARRY TO GAOL (1916)

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-141209521



FIGURE 30: VIEW TOWARDS MONUMENT HILL SHOWING CAMP AND OLD GAOL POWDER MAGAZINES (1917)

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-141209120



FIGURE 31: PRISON INTERNEES INCLUDING ORTHOPAEDIC SURGEON MAX HERTZ (1915-1917)

CALDERWOOD COLLECTION 1914 - 1919



FIGURE 32: INTERNEE DAY HUTS AT TRIAL BAY (1915-1917)

CALDERWOOD COLLECTION 1914 - 1919



FIGURE 33: GERMAN INTERNEES DEPARTING TRIAL BAY (MAY 1918)

AUSTRALIAN WAR MEMORIAL COLLECTION



FIGURE 34: BURNING OF THE GERMAN INTERNEE HUTS AT TRIAL BAY (MAY 1918)

Anti-German sentiment saw the rapid burning of wartime structures built by internees (May 1918) and later the demolition of the German memorial on Monument Hill (July 1919), which was eventually rebuilt (1959).

STATE LIBRARY OF NSW ML BCP_04284

RECREATION

Trial Bay has been a North Coast recreational centre since the 1880s due to its natural splendour, sandy beaches, ragged rocky headlands and numerous lagoons. In the 1880s, South West Rocks at the mouth of the Macleay River was the main focus of tourism activity and official accounts of the village at that time recorded large-scale seasonal influxes of campers. In 1888 for instance, about 200 Macleay River farmers and their families were reported to be regularly camped there '... from Christmas to the end of January'.⁴⁵

The first licensed hotel was opened at South West Rocks in 1887 and there were a number of holiday houses by 1890 (though a store did not open until about 1905). The coming of the North Coast Railway to Kempsey improved access to the area for visitors from beyond the Macleay valley and the town continued to grow with churches, a surf club, community halls, stores, and butchers, established by the 1920s.⁴⁶

When Trial Bay Gaol closed and all fixtures were removed (1918 and 1922), the gaol became a ruin: with historic associations as a place of incarceration and internment. While the area had a number of places of interest including Smoky Cape lightstation and the pilot station at South West Rocks, it is evident that the gaol at Laggery Point became (and continues to be) the focus of many visitors attention.⁴⁷ Correspondents for *Walkabout*, the then-popular Australian journal of travel and geographical interest, reported on visits to the gaol site in 1942 and 1957. The 1942 visit noted the rugged walls and cell blocks without roofing, and had photographs indicating that the site was cleared and the interior of the buildings accessible.⁴⁸

RESERVATION

In recognition of its unique recreational resources and high visitation, the area was designated a Reserve for Public Recreation in 1946. From around that time, in the aftermath of WWII, the North Coast was fast becoming a focus for holiday makers, intent on a seaside holiday where productive fishing and a moderate climate were guaranteed. When surfing took off in the late 1950s and 1960s, surf pilgrimages up and down the East Coast of Australia brought more people to the area (particularly Crescent and Hat Heads) and Trial Bay became both a destination point and a desirable stopover.⁴⁹

Management

In 1965 the Trial Bay Reserve Trust was established, comprising a board of local representatives responsible for care and management of the buildings and immediate environment. This reserve was re-badged the Arakoon Recreation Area in 1974, with management structure replaced by the more formal Arakoon State Recreation Area Trust. NPWS became joint managers of the Recreation Area and Trial Bay in 1987, with a Plan of Management (POM) prepared, and a field office and depot established at Cardwell Street, at around the same time.⁵⁰

Thereafter a range of specialist studies were commissioned and in a host of major and minor heritage and conservation works were undertaken: with the aim of balancing preservation imperatives against demand for increased use of the gaol and campground for visitation and public recreation. These have included the undertaking of numerous heritage studies and the preparation of a Conservation Management and Cultural Tourism Plan (2004), as well as allied documents including an historical Archaeological Landscape Management Plan, moveable heritage and historic graffiti reports, and an Interpretation Plan.

⁴⁵ Paul Davies 2004

⁴⁶ Dan Tuck 2006

⁴⁷ Paul Davies 2004

⁴⁸ *Walkabout* August 1942

⁴⁹ Paul Davies 2004; Tuck 2006

⁵⁰ Paul Davies 2004; Tuck 2006



FIGURE 35: TRIAL BAY GAOL (C.1940)

FRANK LEYDEN NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-147016559



FIGURE 36: TRIAL BAY GAOL (ND - C.1940S)

NSW STATE ARCHIVES COLLECTION NRS-12932-1-[X2450]-10-73

Gazettal

Trial Bay Gaol, Breakwater and Surrounds was gazetted as an item of State Heritage Significance and added to the NSW State Heritage Register on 14 May 2010 (SHR 01825). The State Conservation Area that encapsulated the gaol thereafter became part of Arakoon National Park, reflective of its upgraded status.

Improvements

Improvements that have been undertaken at the Trial Bay Campground under the auspices of various entities and authorities since the 1950s have included, variously:

- Infilling of part of the former back-dune saltwater lagoon
- Construction of a public boat ramp
- Establishment of sealed roadways and associated drainage
- Laying of bitumen car parking (as well as general landscaping and site maintenance)
- Provision of camping areas (including powered and unpowered sites and overflow areas)
- Construction and upgrade of amenities (including BBQs, weather shelters, toilets/shower blocks)
- Stabilisation of bush tracks, pathways and walks
- Construction of the Kiosk/Cafe (1988) on the site of the former surgeon's quarters
- Establishment of the gaol museum in the gatehouse.

Conservation and improvement works in and around the gaol proper have included:

- Provision of new toilets and drainage improvements
- Paving of the axial pathway
- Installation of way-finding and interpretive signage
- Provision of a weather shelter over the moveable heritage display
- Supply of framing and galvanised iron roofing over the kitchen and kitchen approach
- Weatherproofing of the silent cellblock (including supply of a new pitched roof)
- Installation of new cell doors
- Conservation of gaol ironwork
- Gatehouse wall stonework conservation works (including desalination and repointing)
- Laggery Point Road upgrade and the provision of boat trailer parking

☞ Refer figures **37** - **46**.



FIGURE 37:
AIR PHOTO 1956

This image post-dates the establishment of Trial Bay Public Recreation Reserve by ten years.

The site is largely featureless, save the gaol, track network and Norfolk Pines (along the foreshore). The Cardwell Street Precinct is a dunescape featuring intermittent, backdune watercourses.

NSW SPATIAL SERVICES



FIGURE 38:
AIR PHOTO 1966

This images shows the locale one year after the establishment of the Trial Bay Reserve Trust. Both Trial Bay Gaol and the Cardwell Street site are notably more vegetated than in the 1950s.

NSW SPATIAL SERVICES



FIGURE 39:
AIR PHOTO 1979
NSW SPATIAL SERVICES



FIGURE 40:
AIR PHOTO 1987
NPWS assumed part-management responsibility for the site in this year. The NPWS depot can be seen at Cardwell Street in mid frame.
NSW SPATIAL SERVICES



FIGURE 41:
AIR PHOTO 1990
NSW SPATIAL SERVICES

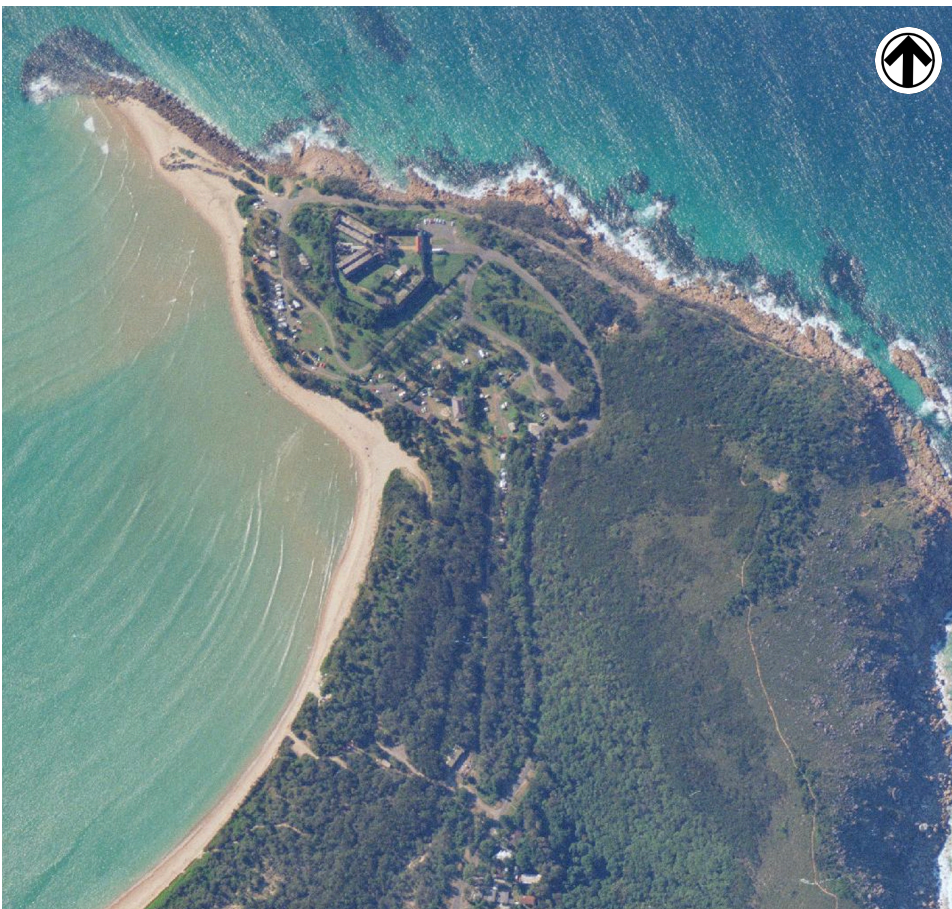


FIGURE 42:
AIR PHOTO 1996
NSW SPATIAL SERVICES

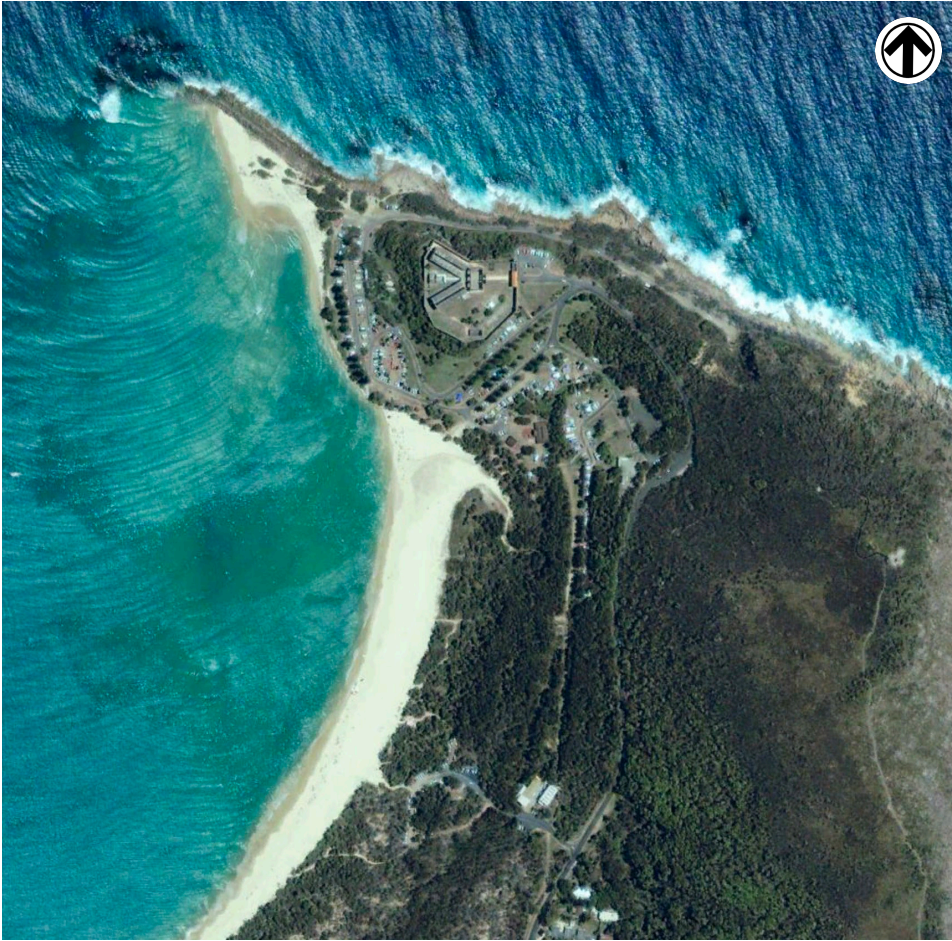


FIGURE 43:
AIR PHOTO 2003
NSW SPATIAL SERVICES

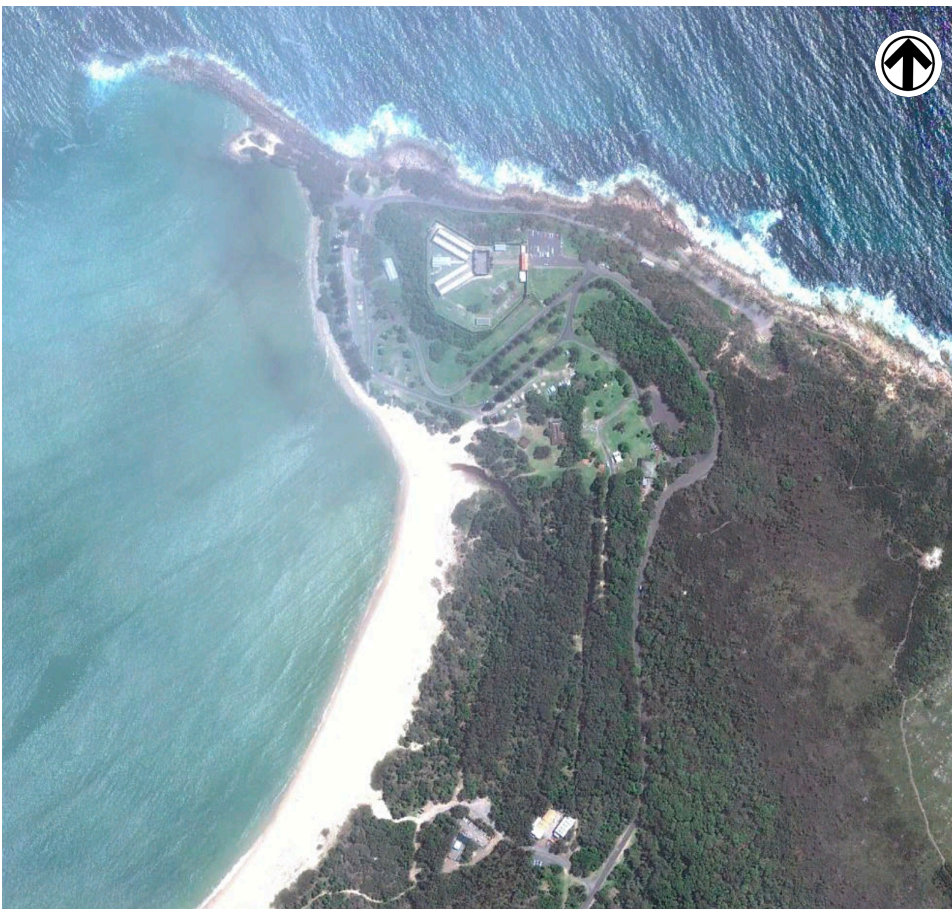


FIGURE 44:
AIR PHOTO 2010
NSW SPATIAL SERVICES

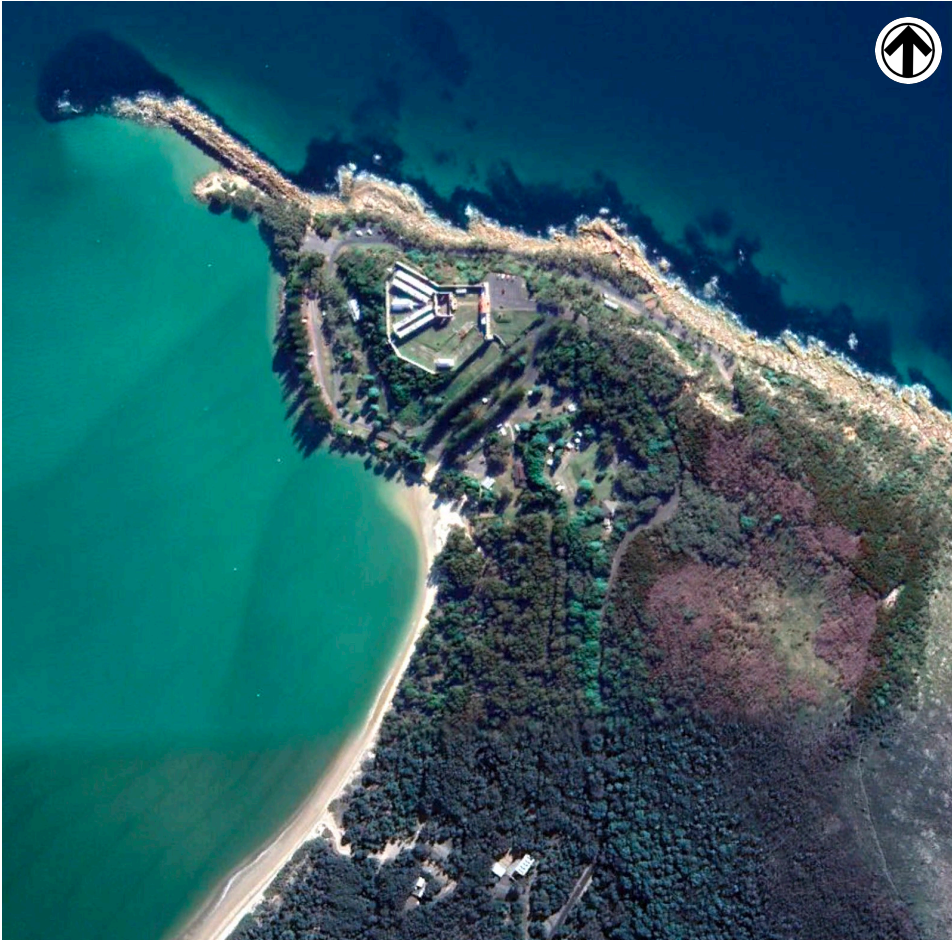


FIGURE 45:
AIR PHOTO 2018
NSW SPATIAL SERVICES

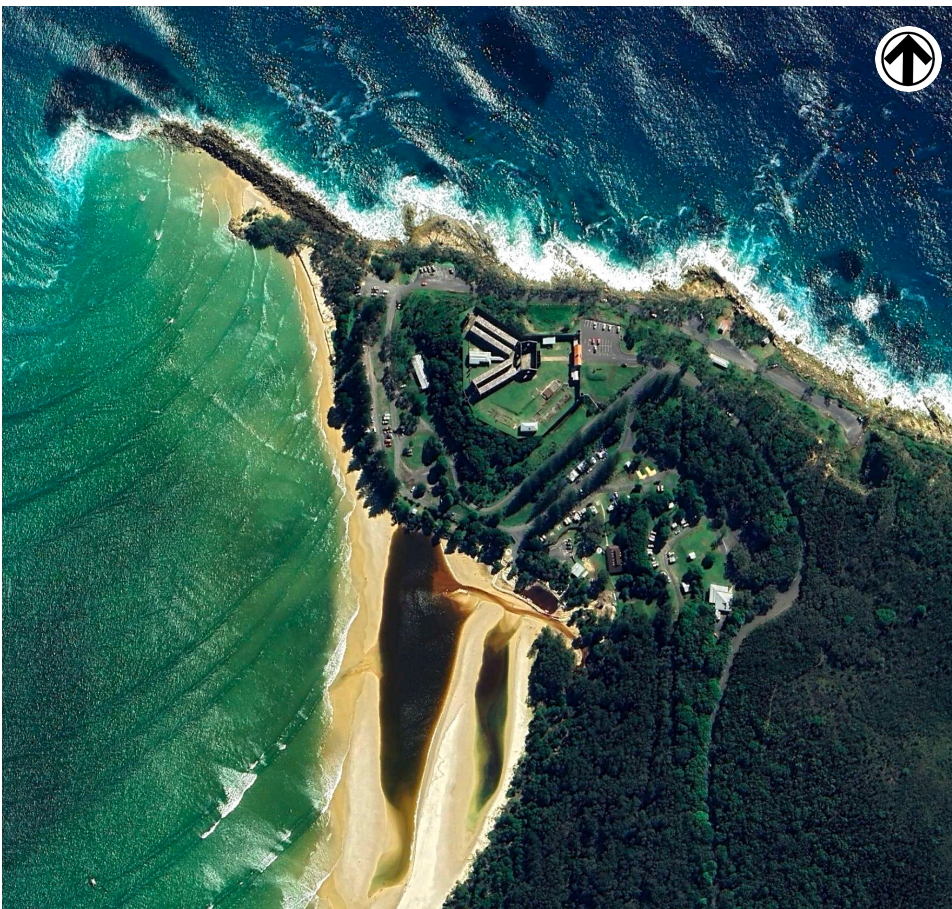


FIGURE 46:
AIR PHOTO 2024
NSW SPATIAL SERVICES

BUILT HISTORY

The following summarises the built history of Trial Bay Gaol and environs:

Trial Bay Gaol and Surrounds: Summary Timeline

Phase 1	1870s - 1886	Trial Bay Public Works Prison (Construction)
Phase 2	1886 - 1903	Public Works Prison Period (Use)
Phase 3	1915 - 1918	WWI German Prisoner Internment Phase
Phase 4	Post-1920	Disestablishment, Recreation and Restoration Phase

1870s -1886 : Public Works Prison (Construction)

This initial phase of site establishment was characterised by significant changes to the local landscape and environment, including:

- Widespread clearing of local vegetation
- Preparation of the building platforms for the various gaol buildings (cutting, filling and levelling)
- Construction of the first wing (the northern or 'A' cell block) comprising 62 cells (1878-79)
- Construction of stone retaining walls (1880).

Beyond the gaol, the following infrastructure was established:

- Quarry sites on the eastern side of Lagers Point
- Tracks and roadways
- Overshot dam at Little Bay
- Engineers house (c.1879)
- Governor's residence (1880)
- Chief warder's quarters and general warder's quarters (1880)
- Married and single men's quarters (1880)
- Sawmill, carpenters and paint shop (c1884-1889)
- Timber jetty (1885).

☞ Refer **table 1** overleaf.

Note:

Item and complex designation numbers shown in the ensuing tables derive from the CM+CTP (Paul Davies 2004). Wherein, they acknowledge and extend the numerical identification system first used in the Trial Bay Prison Study (Jackson Teece Chesterman Willis and Partners Pty Ltd 1985).

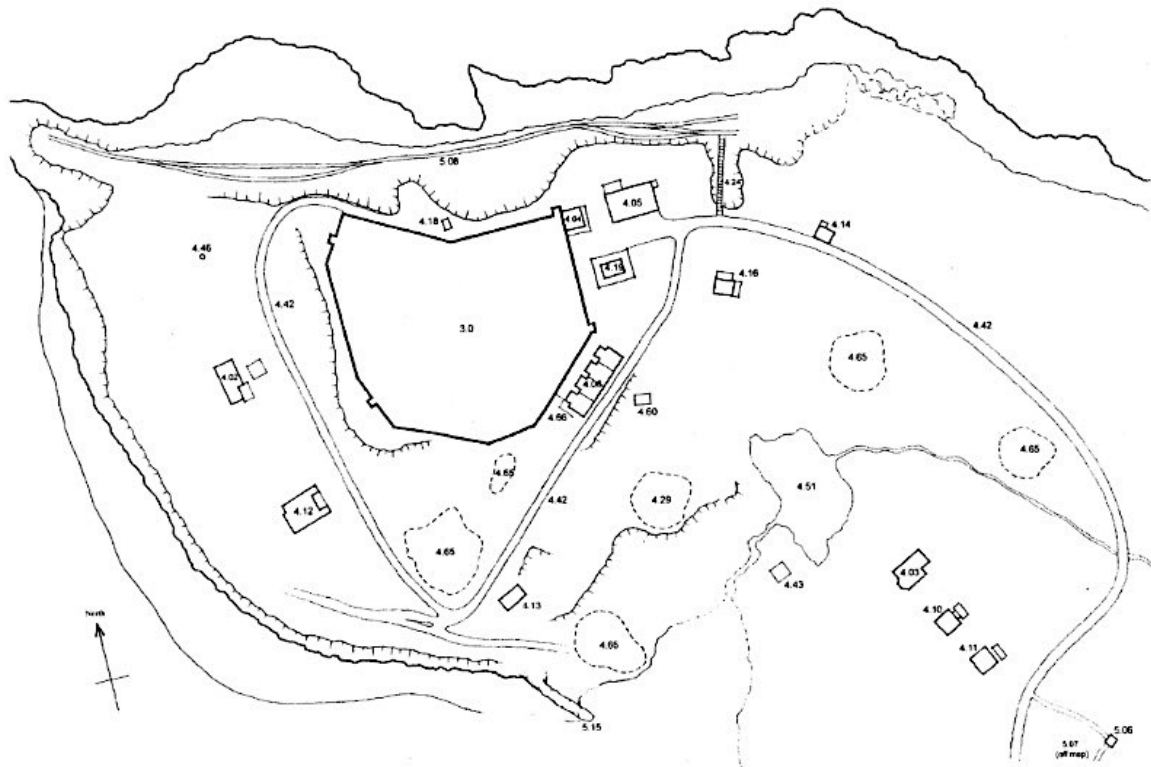


Table 1: Trial Bay Gaol & Surrounds c.1888

3.00	Gaol	4.22	Unmarried foreman's quarters
4.02	Resident engineer's House	4.23	Steps to foreman's quarters
4.03	Governor's residence	4.24	Steps to quarry
4.04	Chief warden's quarters	4.26	6" sewer main
4.05	General warden's quarters & store	4.29	Prison burial ground (?)
4.06	Married men's quarters	4.32	Well
4.08	Blacksmith's quarters	4.33	Footbridge
4.09	3 x 4 warden's quarters	4.43	Observatory
4.10	Assistant engineers house	4.46	Flagstaff
4.11	Surgeon's quarters	4.51	Lagoon-swamp
4.12	Stables & cart shed	5.02	Breakwater
4.14	Harbour & Rivers store	5.03	Wharf
4.15	Boatshed	5.04	Quarry for Prison
4.16	Sawmill, carpenter & paint shop	5.05	Quarry for breakwater
4.17	Morgue	5.06	Powder magazine No. 1
4.18	Gasoline house	5.07	Powder magazine No. 2
4.19	459000 gallon in-ground tank	5.09	Quarry blacksmiths & fitters shop
4.20	Main drain	5.10	Day stables
4.21	Foreman's quarters	5.15	Small breakwater

1886-1903 : Public Works Prison (Use)

During this period, when the prison was in use and accomodating those working on the construction of the breakwater, the following additional features were built:

- In-ground water storage tanks (1884-89)
- Powder magazines (1885-1887)
- Morgue (pre-1889)
- Blacksmith's quarters (c.1889)
- Assistant engineer's quarters (c.1889)
- Surgeon's quarters (c.1889)
- Stables, cart shed and boat shed (c.1889)
- Harbours and Rivers store and office (c.1889)
- Breakwater and Wharf
- Quarry tramway
- Quarry blacksmith's and fitter's shop
- Breakwater quarry (1889+)

Several major improvements occurred within and beyond the gaol enclosure in c.1900 including:

- Installation of electric lights throughout the prison complex
- Construction of a new kitchen (with scullery and bakehouse)
- Provision of new lavatories and washhouses
- New sewerage and drainage works
- Construction of a weather (shelter) shed
- Improvements to the warder's accommodation: construction of ten cottages for married warders and remodelling of the single warder's accommodation block.

☞ Refer **table 2** overleaf.

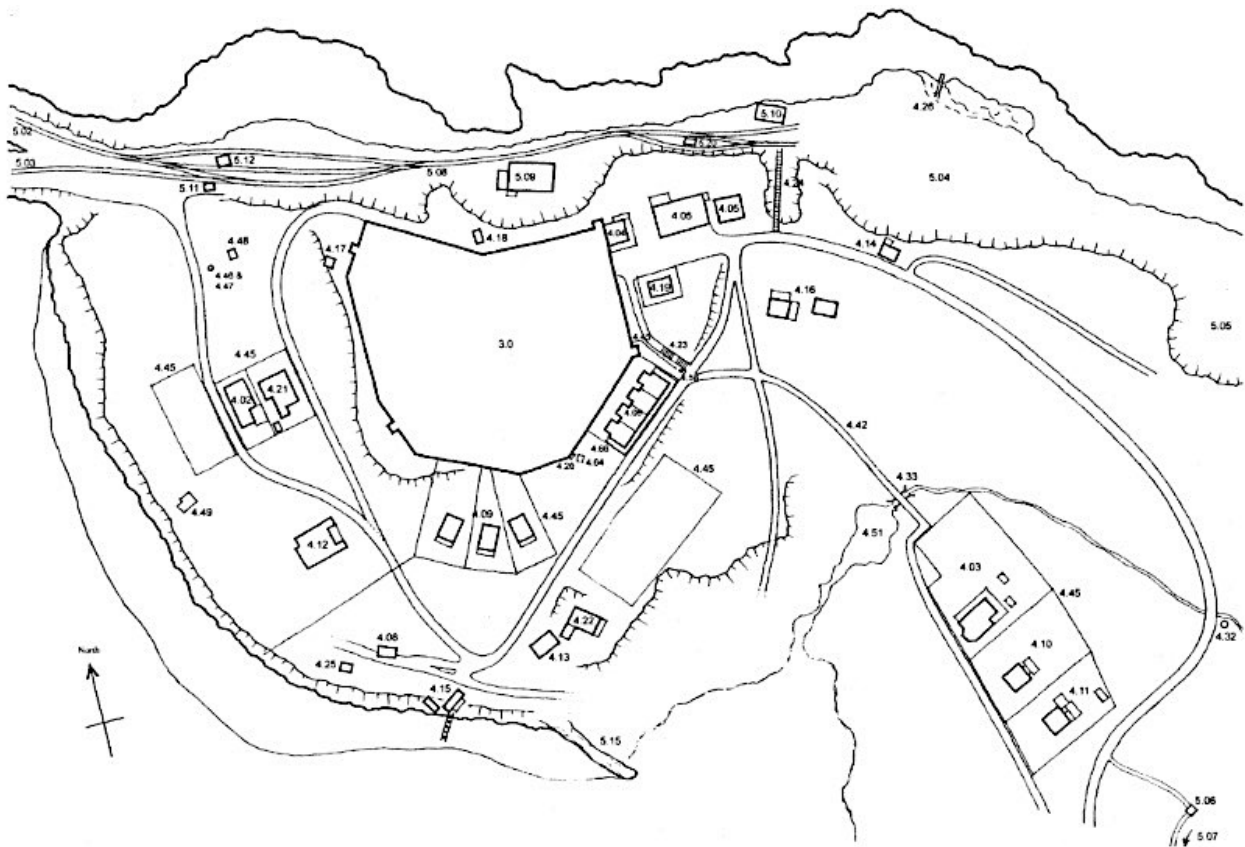


Table 2: Trial Bay Gaol & Surrounds c.1900

3.00	Gaol	4.21	Foreman's quarters
4.02	Resident engineer's house	4.22	Unmarried foreman's quarters
4.03	Governor's Residence	4.23	Steps to foreman's quarters
4.04	Chief warder's quarters	4.24	Steps to quarry
4.05	General warder's quarters & store	4.25	Salt water pumphouse
4.06	Married men's quarters	4.26	6" sewer main
4.08	Blacksmith's quarters	4.29	Prison burial ground (?)
4.09	3 x 4 warder's quarters	4.32	Well
4.10	Assistant engineer's house	4.33	Footbridge
4.11	Surgeon's quarters	4.43	Observatory
4.12	Stables & cart shed	4.46	Flagstaff
4.13	Harbour & Rivers Office	5.02	Breakwater
4.14	Harbour & Rivers store	5.03	Wharf
4.15	Boatshed	5.04	Quarry for prison
4.16	Sawmill, carpenter & paint shop	5.05	Quarry for breakwater
4.17	Morgue	5.06	Powder magazine No. 1
4.18	Gasoline house	5.07	Powder magazine No. 2
4.19	459000 gallon in-ground tank	5.09	Quarry blacksmith's & fitter's shop
4.20	Main drain	5.10	Day stables

1915-1918 : WWI Internment Period

After a period of dormancy lasting twelve years, and during which many of the structures external to the prison were demolished or removed, the site was subject to wartime redevelopment to accommodate German internees identified by the authorities as 'enemy aliens'. Most of the internees were originally accommodated within the gaol cells and in army tents, however considerable modification to the landscape and site occurred during WWI. Notable works were undertaken to better the site by both the attendant military personnel and the inmates themselves, all of whom were merely waiting out the war.

Although official plans of this period appear to be very limited, photographs and a sketch plan drawn by an internee in 1917 indicate that a major feature of this time was the construction of dense, ad-hoc developments on the slopes exterior to the Gaol, particularly to the south and west of the prison. These areas, protected from prevailing easterly winds by the headland and gaol perimeter walls, were dotted with a range of huts and other structures constructed of bush pole framework with crude timber and bark cladding. Some had elaborate facades and equally elaborate names.

Notable constructions during this period were:

- Wooden hospital
- Theatre, post office and canteen
- Various guard posts and shelters for prison sentries
- Well, windmill and additional toilets
- Gardens
- Weatherboard barracks (constructed on the site of the former governor's quarters)
- Lean-to powerhouse (located where the former married men's quarters had been)
- Leisure buildings such as a café referred to as The Artists Den
- Tennis courts (in the stone quarry), bowling/kegel alley (near the main gaol entrance) and boxing ring
- Internee burial ground and memorial (Hill 60/Monument Hill).

☞ Refer **table 3** overleaf.

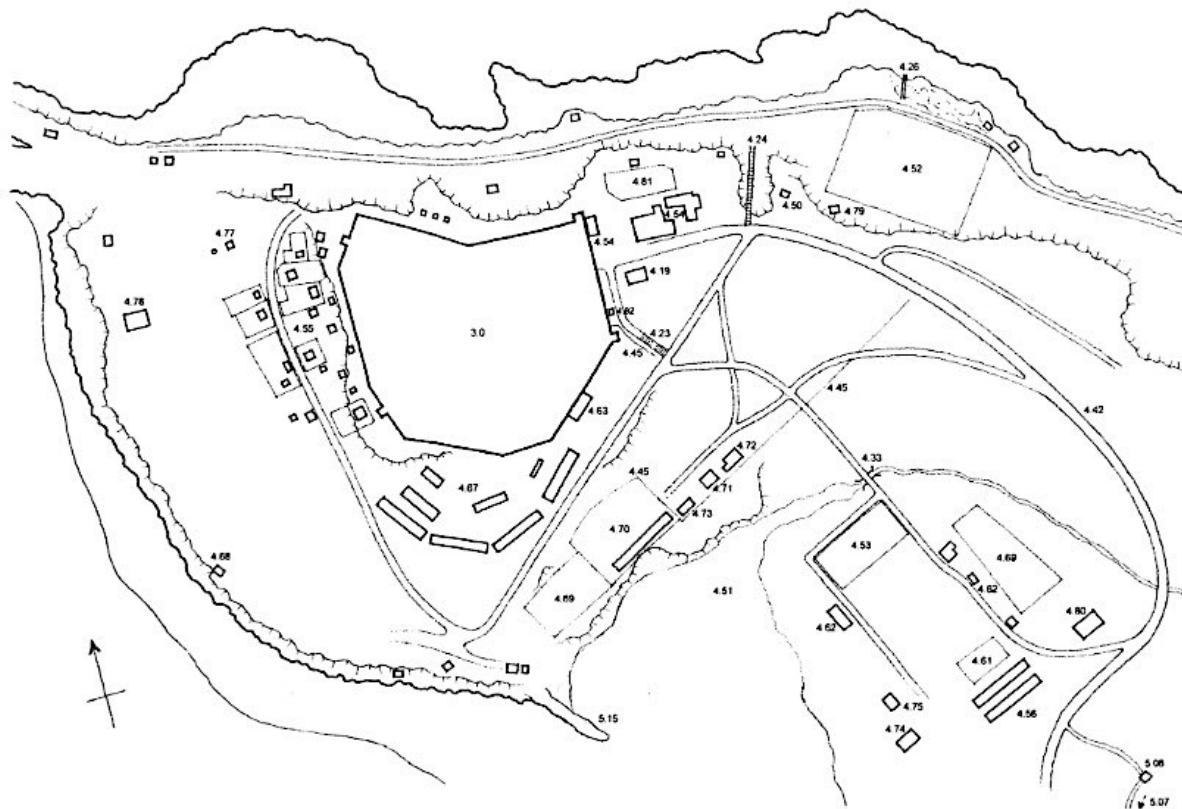


Table 3: Trial Bay Gaol & Surrounds c.1915-1918

3.00	Gaol	4.69	Gardens
4.19	459000 gallon in-ground tank	4.70	Paddock
4.23	Steps to foreman's quarters	4.71	Smithy
4.33	Footbridge	4.72	Carpentry shop
4.45	Fenceline	4.73	Horse fodder shed
4.50	Store	4.74	Sentries shelter
4.52	Quarry tennis courts	4.75	Guardhouse
4.53	Staff tennis court	4.77	Café
4.54	Post office & canteen	4.78	Machinists school
4.55	Hobby huts	4.79	Watchtower
4.56	Weatherboard barracks	4.80	Reading room
4.61	Parade ground	4.81	Skittle ally
4.62	Unknown	4.82	WC
4.63	Lean-to powerhouse	5.04	Quarry for prison
4.67	Internee phase huts & other structures	5.05	Quarry for breakwater
4.68	Storage shed	5.54	Rocket Store

Post-1920 : Disestablishment, Recreation and Restoration Phase

In 1922, most saleable fixtures (including all stairs, doors and roofing) were removed and sold off and the gaol was abandoned. The monolithic ruins of the gaol and the picturesque bay surrounding were subject to visitation in the ensuing years. The site was designated a Reserve for Public Recreation in 1946.

In 1965, the Trial Bay Reserve Trust was established and set about cleaning up the site. Trust members and volunteers were largely responsible for clearing the vegetation that had grown over the gaol, removing rubbish and collecting the items that later became part of the museum display. They were also responsible for infilling the in-ground water storage tanks. Trial Bay Gaol and surrounds was declared a State Recreation Area in 1974, with the Arakoon State Recreation Area Trust established to manage it.

The NSW National Parks and Wildlife Service became joint managers of the site in the 1980s. In 1987 the Arakoon State Recreation Area Plan of Management was prepared and NPWS undertook considerable works to formalise camping, amenities and access. Since the mid-60s, these developments have included:

- Construction of a public boat ramp
- Laying of bitumen car parking (as well as general landscaping and site maintenance)
- Establishment of sealed roadways and associated drainage
- Provision of camping areas and amenities (including the construction of BBQs, toilets and shower blocks, and powered sites)
- Infilling of part of the former back-dune saltwater lagoon
- Stabilisation of bush tracks and walks
- Construction of the kiosk/cafe (1988) on the site of the former surgeon's quarters
- Establishment of the gaol museum in the gatehouse.
- Conservation and improvement works in and around the gaol have included:
 - Paving of the axial pathway
 - Provision of new toilets and drainage improvements
 - Installation of way-finding/interpretive signage, as well as a shelter over the moveable heritage display
 - Provision of galvanised iron roofing over the kitchen and kitchen approach
 - Weatherproofing of the silent cellblock (including supply of a new pitched roof)
 - Installation of new cell doors and conservation of some gaol ironwork
 - Gatehouse wall stonework conservation works (including desalination and repointing)
 - Camping ground site and amenities upgrades (ongoing) and gaol carpark resurfacing.
 - Laggery Point Road upgrade and the provision of boat trailer parking.

☞ Refer **table 4** overleaf.

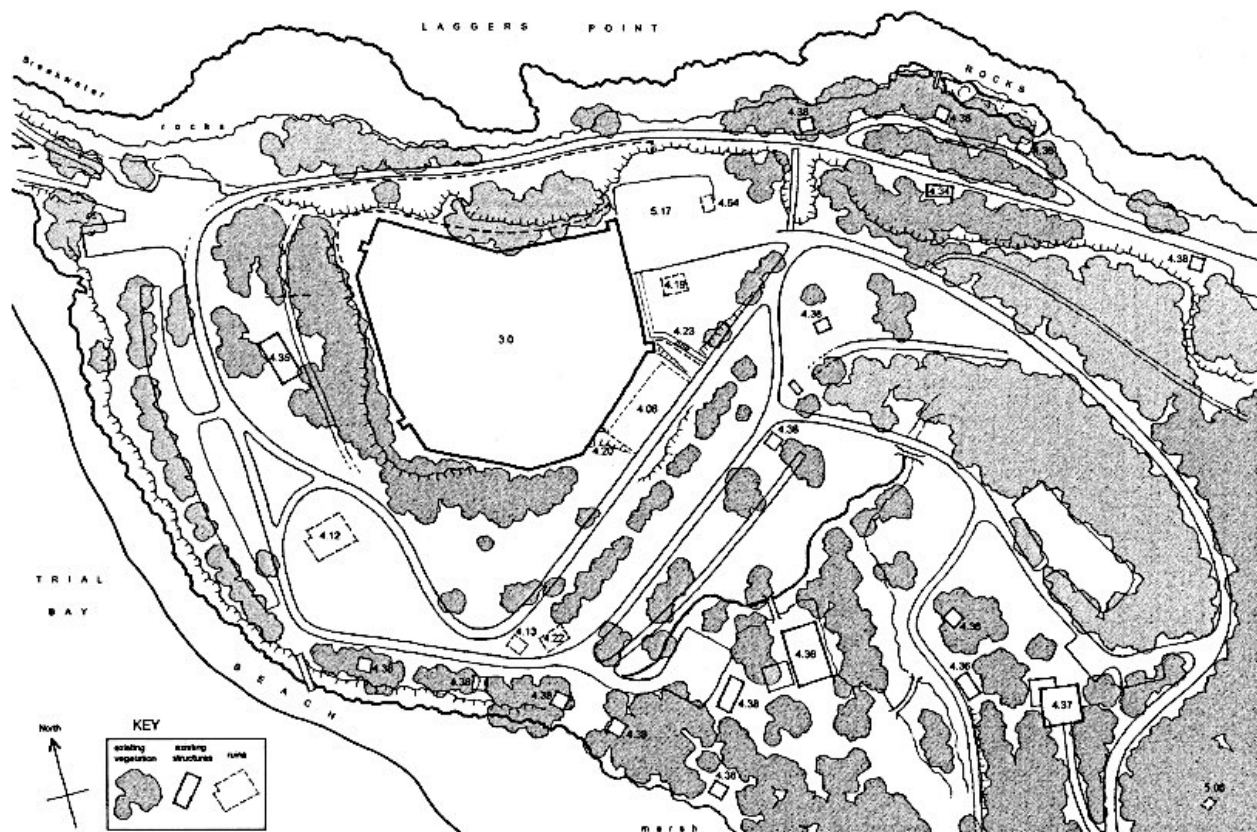


Table 4: Trial Bay Gaol & Surrounds in the Modern Era

3.00	Gaol	4.36	Amenities block
4.06	Married mens quarters (site)	4.37	Cafe
4.12	Stables & cart shed (site)	4.38	BBO shelter
4.13	Harbour & Rivers office (site)	4.54	Rocket store floor
4.19	459000 gallon in-ground tank	5.02	Breakwater
4.20	Main drain	5.03	Wharf
4.22	Unmarried foremans quarters (site)	5.04	Quarry for prison
4.23	Steps to foremans quarters	5.05	Quarry for breakwater
4.24	Steps to quarry	5.06	Powder Magazine No. 1
4.26	6" sewer main	5.07	Powder Magazine No. 2
4.35	Amenities block	5.17	Carpark
		5.54	Rocket Store Floor

HERITAGE

LEGISLATION

NSW Heritage Act 1977

The *NSW Heritage Act 1977* is the principal document governing the management of heritage items (relics and places containing relics) in NSW.

http://www.austlii.edu.au/au/legis/nsw/consol_act/ha197786/

Environmental heritage is broadly defined under Section 4 of The Act as comprising the following items:

... those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.

Section 146 of the Act defines a relic as:

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

(b) is of State or local heritage significance.

The definition of a relic is no longer based on age. Relics do not encompass all types of information that can be found under the ground, and to be labelled as such must meet the threshold definition of a relic.

http://www.austlii.edu.au/au/legis/nsw/consol_act/ha197786/s4.html

All relics are afforded automatic statutory protection by the relic's provisions of the Act.

Sections 139 to 145 within Division 9 of the Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except by a qualified archaeologist to whom an excavation permit from the Heritage NSW has been issued.

Section 146 of the Act requires that the inadvertent discovery of relics be reported to Heritage NSW in a timely and appropriate manner.

Environmental Planning and Assessment Act 1979

The Environment Protection Authority (EPA) within the NSW Department of Planning and Environment (DPE) administers the EPA Act, which provides the legislative context for environmental planning instruments to be made to legislate and guide the process of development and land use.

Local heritage items (including known archaeological items, identified Aboriginal Places and heritage conservation areas) are protected through listings on Local Environmental Plans (LEPs) or Regional Environmental Plans (REPs).

The EPA Act also requires that potential Aboriginal and historical archaeological resources are adequately assessed and considered as part of the development process, in accordance with the requirements of the *National Parks & Wildlife Act 1974* (NPW Act) and the Heritage Act.

http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/

National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 is the primary legislation relating to the management and protection of Aboriginal cultural heritage in NSW. Broad objectives of the Act are as follows:

- (a) conservation of nature
- (b) conservation of objects, places or features (including biological diversity) of cultural value within the landscape
- (c) fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation
- (d) providing for the management of land reserved under this Act in accordance with the management principles applicable for each type of reservation.

http://classic.austlii.edu.au/au/legis/nsw/consol_act/npawa1974247/

National Parks in NSW are managed in accordance with a legislative and policy framework centred on the NPW Act and Regulations as well as the *Biodiversity Conservation Act 2016* and the policies of the NPWS. They are specifically managed for:

- Protection and preservation of scenic and natural features
- Conservation of wildlife
- Maintenance of natural processes as far as is possible
- Preservation of Aboriginal sites and places
- Preservation of historic places, landscapes, objects and relics
- Provision of appropriate recreation opportunities
- Encouragement of scientific and educational research into environmental features and processes, prehistoric and historic places and landscapes and park use patterns.

http://classic.austlii.edu.au/au/legis/nsw/consol_act/npawa1974247/s30f.html

National Parks and Wildlife Regulation 2019

This more recent piece of legislation also addresses cultural heritage management on-park at Division 3, Section 19: Cultural Heritage. It is stated therein that:

(3) A person must not:

d). Interfere with or remove or assist in the removal of any deposit, object or material evidence relating to the settlement or occupation of New South Wales or a part of New South Wales (not being settlement or occupation by Aboriginal people) if the deposit, object or material evidence is more than 25 years old at the date of the interference or removal.

However:

(4) A person does not commit an offence under this clause for anything done or omitted to be done with the consent of a park authority and in accordance with any conditions to which the consent is subject.

LISTINGS

The following planning instruments, registers and databases were all reviewed as part of the current study and provide a summary of the heritage status of the locale and specifically the subject items within it:

- Kempsey LEP (KLEP)
- NSW Heritage Management System (HMS)
- Australian Heritage Database (AHD)
- NPWS Section 170 Heritage Register (HHIMS)
- Maritime Heritage Database.

Kempsey Local Environmental Plan 2013

The Kempsey LEP (KLEP) as amended, is the primary local government planning instrument. Part 5.10 Heritage Conservation provides objectives for heritage conservation and identifies when development consent is required (or not required) for heritage items, archaeological sites and Aboriginal places, or locations in the vicinity thereof. Schedule 5 lists items of Environmental Heritage consecutively under Heritage Items (part 1) and Heritage Conservation Areas (part 2).

<https://www.legislation.nsw.gov.au/#/view/EPI/2013/712>

<https://www.legislation.nsw.gov.au/#/view/EPI/2013/712/sch5>

'Trial Bay Gaol, Breakwater and Environs: comprising remains of gaol, gaol wall, reservoirs and German graves' is listed as an item of state significance in the Kempsey LEP 2013 (Schedule 5: Environmental Heritage; Part 1 Heritage Items; Item 15).

NSW Heritage Management System

The State Heritage Inventory (SHI) is an umbrella database of heritage items in NSW that is curated by Heritage NSW via its Heritage Management System (HMS). It includes:

- Declared Aboriginal Places
- Items listed on the State Heritage Register (SHR) or subject to Interim Conservation Orders (ICOs)
- Items included in local or regional planning instruments, heritage studies or the s170 heritage conservation registers of State government agencies.

Items on the SHR have been assessed and acknowledged as having state-level heritage significance and development that is likely to affect SHR listed items generally requires Heritage NSW approval (s60) or an exemption (s57/2) in accordance with the NSW Heritage Act 1977. Development that is likely to impact non-SHR listed inventory items generally requires NSW Heritage approval in the form of a s140 permit or relevant s139(4) exception.

'Trial Bay Gaol, Breakwater and Environs' are listed on the NSW SHR (SHR # 01825).

<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5055109>

☞ Refer figure **47 & 48**.

Australian Heritage Database

The Australian Heritage Database (AHD) is maintained by the Australian Government under the auspices of the Department of Agriculture, Water and Environment. It contains information about places on the World Heritage List (WHL); National Heritage List (NHL); Commonwealth Heritage list (CHL); Register of the National Estate (RNE) and List of Overseas Places of Historic Significance to Australia.

'Trial Bay Gaol, Cardwell Street, South West Rocks' is listed on the Australian Heritage Database, as a consequence of its listing on the Register of the National Estate (ID # 3479).

http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;search=place_name%3DTrial%2520Bay%3Bkeyword_PD%3Don%3Bkeyword_SS%3Don%3Bkeyword_PH%3Don%3Blatitude_1dir%3DS%3Blongitude_1dir%3DE%3Blongitude_2dir%3DE%3Blatitude_2dir%3DS%3Bin_region%3Dpart;place_id=3479

NPWS Historic Heritage Information Management System

HHIMS is the foundation source of the NSW NPWS s170 Register.

Trial Bay Gaol is listed within the HHIMS as an item of state significance.

Maritime Heritage Database

The Maritime Heritage Database (MHD) contains information about shipwrecks, submerged aircraft, and other maritime and underwater cultural heritage sites and relics in New South Wales. It was subject to broad review in 2020, and is now accessed by way of the NSW Heritage Management System.

Trial Bay Gaol/Museum is listed in the Maritime Heritage Database.

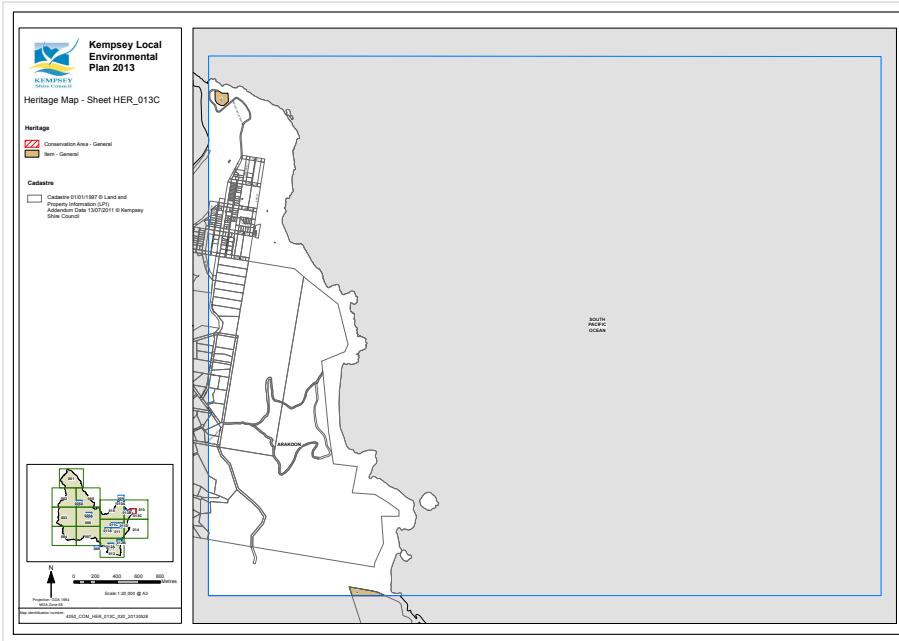


FIGURE 47:
KEMPSEY LEP 2013
HERITAGE LISTING MAP
 NSW DPE PLANNING PORTAL

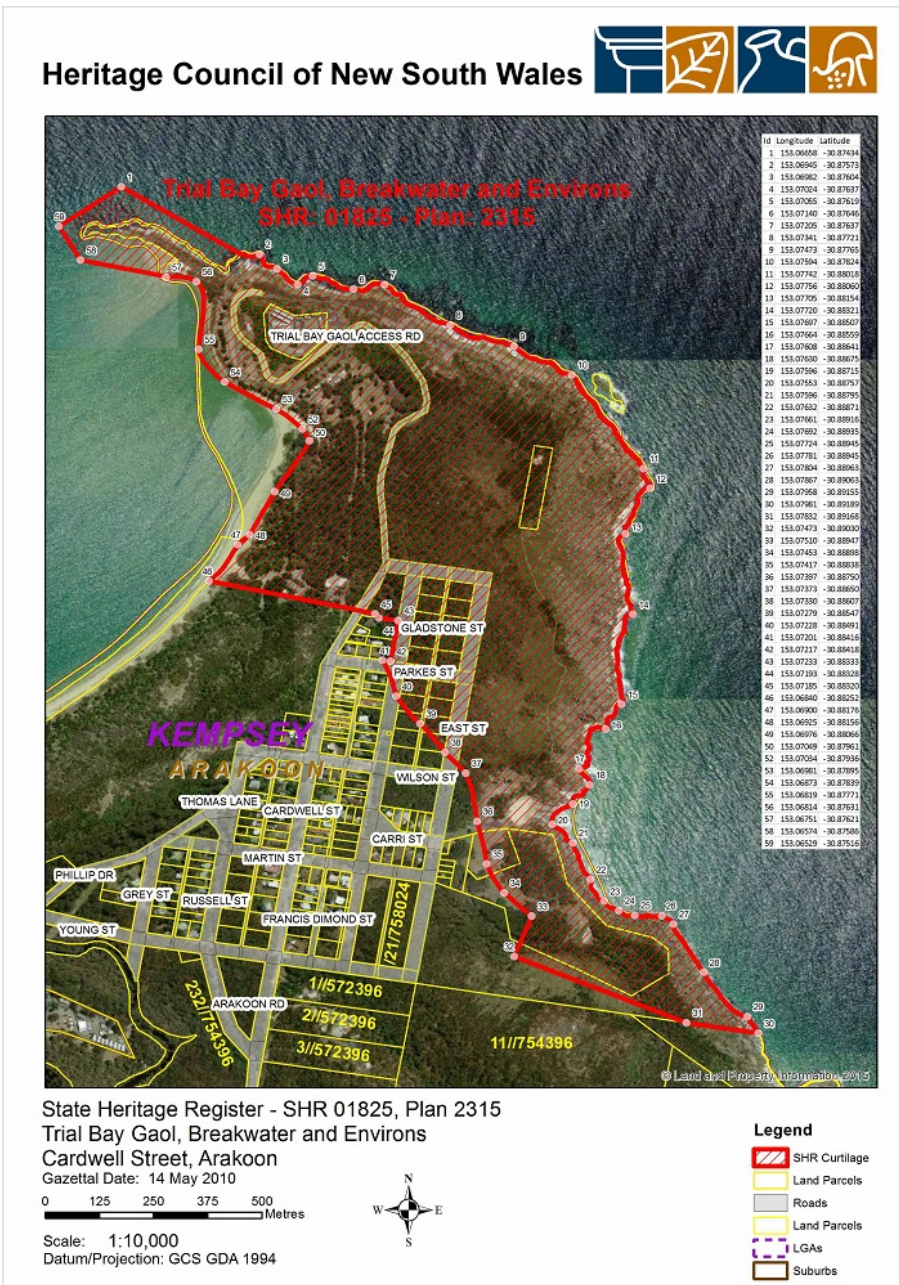


FIGURE 48:
TRIAL BAY GAOL, BREAKWATER
AND ENVIRONS SHR LISTING
CURTILAGE MAP
 HERITAGE NSW HMS

MANAGEMENT

The documents that guide heritage management at Trial Bay Gaol and surrounds include:

State Agency Heritage Guide 2005

This document comprises principles and guidelines that have been issued under section 170A of the Heritage Act 1977 (NSW). It acknowledges that management of state-owned heritage assets is a State agency service responsibility: to be jointly managed with other service delivery responsibilities and given high priority in the corporate planning and budgetary processes. It also recognises that effective management of heritage assets will achieve an appropriate balance between the twin objectives of efficient provision of government services and conservation of the State's heritage for future generations.

Each agency is required to identify, list and conserve heritage assets that fall within their respective jurisdictions in an appropriate, sustainable and integrated manner. The guide requires that each agency:

- Actively identifies heritage assets and keeps a s170 Heritage and Conservation Register
- Prepare Statements of Heritage Impact for works that may have an impact on a listed item
- Update and review information on heritage assets and their management from time to time
- Take a strategic approach to the management of heritage assets (including the application of Heritage Asset Management Plans, Management Action Plans and Maintenance Action Plans)
- Manage assets according to and with respect for their significance
- Consider archaeology as well as structural and moveable heritage
- Appropriately and sensitively manage change and alteration to use and function
- Acquire the relevant approvals when altering or conserving an asset
- Monitor, report on, interpret and promote heritage assets and agency conservation initiatives.

<https://www.heritage.nsw.gov.au/assets/Uploads/a-z-publications/s-u/State-Agency-Heritage-Guide.pdf>

HHIMS (Historic Heritage Information Management System) contains all NPWS s170 Heritage and Conservation Register records.

Guide to Historic Heritage Approvals: How to Seek Approvals for Activities and Work at Historic Heritage Places on Park 2019

This Office of Environment and Heritage (OEH) guide (2019) is designed to assist NPWS staff to:

- Ensure that heritage approvals are obtained, where required, before any works are undertaken
- Provide a consistent level of heritage impact assessment
- Ensure that any Statements of Heritage Impact (SoHIs) prepared are consistent with guidelines
- Understand the requirements following the issue of an approval
- Understand the range of cultural heritage protected on park.

Trial Bay Prison Study 1985

This report, by Jackson Teece Chesterman Willis and Partners Pty Ltd in association with Dr James Kerr, was prepared for NPWS and the Arakoon State Recreation Area Trust. It sought to identify and assess historic features in and around the gaol and provide baseline planning and conservation guidelines.

Arakoon State Conservation Area Plan of Management 1987

This Plan of Management is over thirty years old, and although it remains current under law and provides overarching planning guidelines, it is significantly outdated. It is soon to be replaced by the pending Arakoon and Hat Head National Parks Plan of Management.

Trial Bay Conservation Management and Cultural Tourism Plan 2004

This expansive Conservation Management and Cultural Tourism Plan (CM+CTP) was prepared by Paul Davies Pty Ltd in association with Austral Archaeology and Bangalay Botanical Surveys. It was designed to advance on, and update, the work the earlier work of Kerr et al (1985) in the light of changes in legislation, park management and heritage policy.

Amended in 2007 with policy addendums, the report although dated, remains the principal heritage planning document for the locale.

Trial Bay Gaol Archaeological Landscape Management Plan 2006

The Trial Bay Gaol Archaeological Landscape Management Plan (ALMP) was prepared by Dan Tuck for the Department of Environment and Climate Change, NPWS, Macleay Area. It was designed specifically to address the site's historical archaeological resource and provide zoning, guidelines and related policy.

As with the CMP+CTP, it predates changes in park management and the gazettal of the site in the State Heritage Register and requires updating. That said, it remains the principal historical archaeological management document for the place.

Trial Bay Gaol and Arakoon State Conservation Area Interpretation Plan 2008

This Interpretation Plan (IP) prepared by Lookear Pty Ltd was for Department of Environment and Climate Change, NSW, Northern Branch. The aim of the plan was to guide the interpretive regime for the site in a holistic and consistent manner. Again, the plan is somewhat outdated.

SIGNIFICANCE

The SHR listing summarises the significance of 'Trial Bay Gaol, Breakwater and Environs' as follows:

Statement of Significance

Trial Bay Gaol, breakwater and environs is of State heritage significance for its place in the development several aspects of the history and evolution of NSW. The gaol, designed and constructed under the auspices of penal reformer, Harold Maclean between 1877 and 1900, is a unique example of his ideas for prison reform and the evolution of the penal system in NSW. The construction of the breakwater at Laggery Point to provide a safe haven for wind powered shipping on the NSW coast is evidence of a significant phase in coast shipping and the development of maritime infrastructure along the North Coast of NSW. The historical significance of the place was further developed through the gaol's significant usage as one of only five internment camps for Germans in NSW during WWI.

The gaol's State heritage significance is enhanced through its historic association two figures important to the historical development of NSW; Comptroller of Prisons Harold Maclean who was a noted penal reformer and also Edmund Orpen Moriarty, Engineer in Chief of the Harbours and Rivers proponent and designer of the breakwater and an important figure in the development of water and maritime infrastructure in the later nineteenth century.

Significant contemporary social/community associations with the site include the ongoing association of the Thungutti people living throughout the State and former German internees interned at the gaol during WWI and their families.

The gaol's technical significance and rarity lies in its layout, design and construction. The high perimeter walls, entry gates, pair of cell blocks is a unique demonstration of the principle tenets of 'enlightened' nineteenth century prison design in NSW. The gaol, sited as it is, high on the peninsular above Trial Bay is aesthetically distinctive and has significant landmark qualities as a ruin which are unique throughout the State.

Trial Bay Gaol is a rare example of a large scale gaol constructed in NSW in a remote location for the purpose of carrying out a public work, the construction of Trial Bay Breakwater, a rare and ambitious project in itself. The gaol contains the only example of a double storey cell block constructed in precast mass concrete block in NSW.

The use of the gaol and environs as a German internment camp during WWI contributes to the rarity values of the site as it was one of only five such camps in NSW and the only one of these to house Germans of high social standing in the business and professional and political arenas. It was also the only internment camp to house internees from other colonial outposts.

The gaol and breakwater provide a unique research opportunity for the study of Victorian engineering works and construction. The impact the breakwater has had on the bay similarly provides a rare insight into the effects of human intervention on the landscape.

The significant potential archaeological resource at Trial Bay Gaol may provide a valuable insight into the construction, use and evolution of the gaol and breakwater and later internment camp, the life of former inmates, internees and visitors. The archaeology on site has the potential to contribute to knowledge of a wider complex of penal and correctional institutions in NSW.

ARCHAEOLOGY

Resource

The Trial Bay Gaol ALMP (Tuck 2004: 82) notes that the archaeological resource associated with the place includes (or is likely to include) the following:

- Deposits and features associated with extant historic structures and infrastructure buildings dating from the late nineteenth to early twentieth centuries
- Deposits and features associated with former structures (visible ruins or potential archaeological sites), dating from the late nineteenth to early twentieth centuries
- Modified landscapes including quarry sites, pathways, steps and former building platforms (terraces)
- Service infrastructure including storage tanks, sewerage-drainage lines, and an ocean outfall dating from the late eighteenth century
- Maritime features including the breakwater and remnants of a boat slip and wharf
- Isolated rubbish dumps containing buried refuse (predominately dating to the late nineteenth to early twentieth centuries) as well as select items of movable heritage
- Historic prison and internment period burials dating from the late nineteenth to early twentieth centuries.

The archaeological resource has cultural heritage significance as elements of it have the potential - if subject to further investigation - to provide insight into the establishment, development, operation and modification of Trial Bay Gaol-Arakoon National Park from the 1870s to the present day.

Significance

The Summary Statement of Archaeological Significance from the ALMP (Tuck 2004: 100) is as follows:

The Trial Bay Gaol study area possesses cultural heritage significance at a state and local level. The site retains a suite of extant buildings and relics that recall the history of the site as a place of incarceration, firstly as a public works prison, and later as a German internment camp during WWI.

The evocative extant remains associated with the gaol, such as the gaol walls and cellblocks, are the most obvious and tangible reminders of the history of the place. However, the study area also possesses a range of more subtle, ephemeral remains that also relate to the history of the place and are part of the rich cultural heritage of the site.

The low level ruins, historic landscape features and areas of archaeological sensitivity all constitute elements of the archaeological heritage of the study area. These elements have heritage significance because they contribute to the overall significance values of the study area, and because further study of select features has the potential to increase our understanding of the development, occupation and use of Trial Bay and surrounds.

Generally, the archaeology of the study area is assessed as having moderate to high significance at a state and local level. This significance generally relates to its context as part of a site of overall high significance rather than the individual merit of its constituent parts.

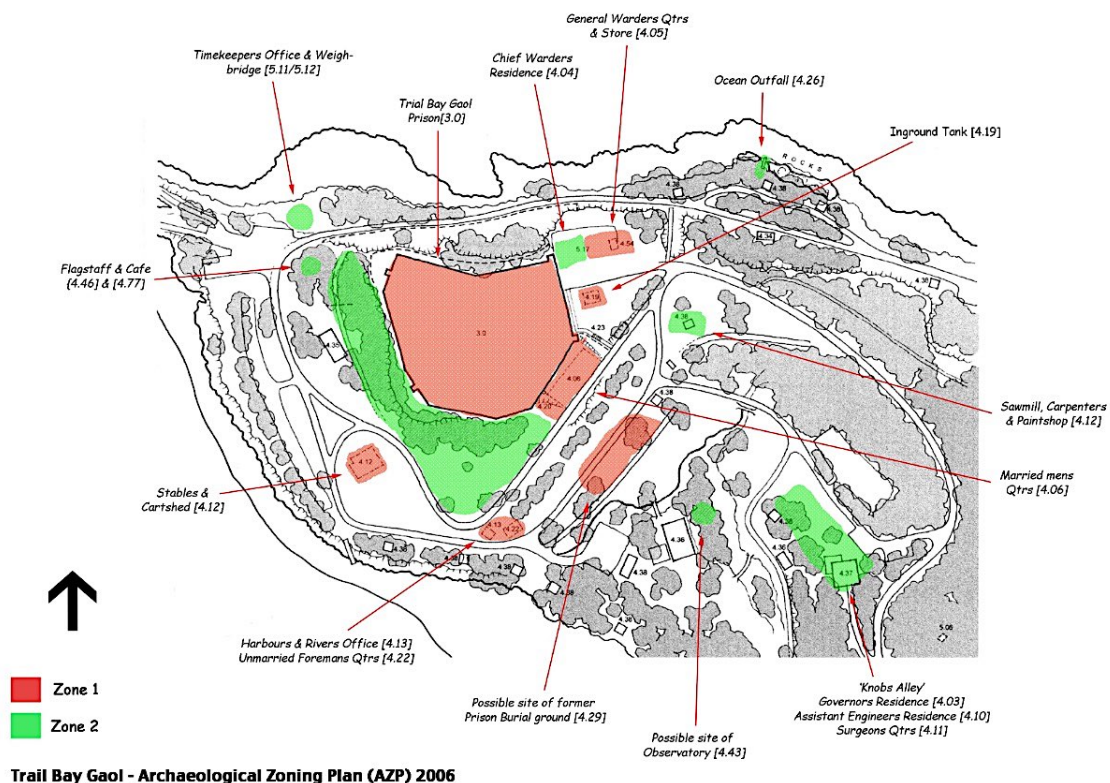
Zoning

In the ALMP, the archaeological potential and significance of the locale was assessed as moderate to high. This evaluation was based largely on the context of the site's archaeology - being within a place of high significance - rather than on the value of the individual features/deposits, which was considered variable.

The division of the locale into areas of relative archaeological sensitivity is shown on the plan below and reflects the variability of the site's archaeological heritage. The zones of sensitivity relating to the plan (and the accompanying primary management recommendations and conditions) are also detailed.

Table 5: Trial Bay Gaol & Surrounds - Archaeological Sensitivity

Zone	Sensitivity	Management	Notes
Zone 1	Moderate - high	Retain in situ & avoid disturbance	See condition 1
Zone 2	Low - moderate	Retain in situ & avoid disturbance	See condition 2
Zone 3	Low	No archaeological oversight required	See condition 3



1. Moderate to High Archaeological Sensitivity: Areas where there are substantially intact remains or relics at surface level; or, where there are likely to be substantially intact buried items, features or deposits of moderate to high archaeological significance.
2. Low to Moderate Archaeological Sensitivity: Areas where there are likely to be partly disturbed buried items, features or deposits of moderate archaeological significance; or, where there are likely to be relics of high significance that have been at least partly disturbed.
3. Low Archaeological Sensitivity: Areas of low archaeological significance or high disturbance.

Conditions (as amended)

Condition 1:

- a. Any proposed development that has the potential to impact on relics in this area is likely to require an Impact Assessment or Statement of Heritage Impact (SoHI) that addresses the proposed development and presents an appropriate mitigation strategy.
- b. If the proposed works require unavoidable excavation that may impact on buried or surface level relics, application will have to be made to Heritage NSW for an s60 permit to allow for archaeological monitoring or excavation. The application for this permit should be prepared by a suitably qualified historical archaeologist and be accompanied by an Archaeological Research Design and Excavation Methodology (ARD+EM) that details the aims and processes of any proposed archaeological work.
- c. There are s57(2) exemptions to the above condition under certain circumstances.

Condition 2:

- a. Any proposed development that is likely to have significant subsurface impact within this zone should be subject to archaeological monitoring. Application will have to be made to Heritage NSW for an s60 excavation permit to allow for archaeological monitoring in this zone. The application for this permit should be prepared by a suitably qualified historical archaeologist and be accompanied by an Archaeological Research Design and Excavation Methodology (ARD+EM) that details the aims and processes of any proposed archaeological work.
- b. There are s57(2) exemptions to the above condition under certain circumstances.

Condition 3:

- a. Zone 3 areas are likely to be devoid of archaeology, or, the archaeological investigation of these areas is unlikely to provide new or valuable information about the Trial Bay Complex or its history.
- b. Although no archaeological input is required prior to any development works within zone 3, managers are reminded that any undocumented or unexpected relics unearthed during the course of any onsite work are protected by the conditions of the NSW Heritage Act. In the case of exposure of undocumented or unexpected relics works should cease in the immediate area and Heritage NSW should be notified in accordance with section 146 of the above Act.

Note:

As mentioned previously, the ALMP was prepared in 2006 and though it remains a useful document and historical archaeological ready-reckoner, it requires updating to reflect the site's SHR-listing status, accommodate changes in heritage management legislation and policy, and incorporate information gleaned from research and archaeological projects over the last 15+ years.

PROJECT

As part of the Macleay Coast Destination Project (MCD) Master Plan, NPWS are preparing to undertake a staged program of improvements and upgrades at four significant Macleay area visitor precincts: Trial Bay, Cardwell Street, Little Bay and Smoky Cape. Ultimately the precincts will be linked by a network of existing and planned coastal range walking tracks that will extend from Trial Bay to Smoky Cape.

PRECINCT

The Trial Bay Visitor Precinct is a picturesque and popular location that has been identified as a key site in NPWS reserve system: important to the local community and visitors alike. Significant features include the gaol and breakwater; visitor facilities including the campground, boat ramp and cafe; and the cultural and natural landscape dominated by Front Beach, the Pacific Ocean and the Smoky Cape Range.

Cardwell Street is a less remarkable though none-the-less important locale that features the NPWS field office-depot, a nursery, and visitor parking and beach access with a limited range of amenities. The two locations are linked by the informal Bridle Trail.

☞ Refer **figures 49 - 52** showing the existing arrangements at Trial Bay. These show (in light yellow with hatching) the main historical archaeological sites (known or potential) that were addressed as part of the MCD concept design Statement of Heritage Impact (Tuck 2023) and the detailed design process.

AIMS

The MCD Masterplan states that the aims of the suite of proposed suite of works at Trial Bay are to:

- protect cultural and historic heritage
- minimise environmental impacts
- enhance enjoyment and understanding
- separate day and overnight uses
- provide high-quality camping
- improve vehicle access and movement
- manage vehicle parking
- improve walking and cycling.

At Cardwell Street, Master Plan objectives include:

- Establishing the location as a key day use area
- Repurposing the NPWS office as the Trial Bay campground office (with a downscaled depot element)
- Establishing improved linkage to Trial Bay via a shared pedestrian-cycling track.



Image © 2023 Maxar Technologies

FIGURE 49: TRIAL BAY VISITOR PRECINCT

GOOGLE EARTH PRO (AS AMENDED)

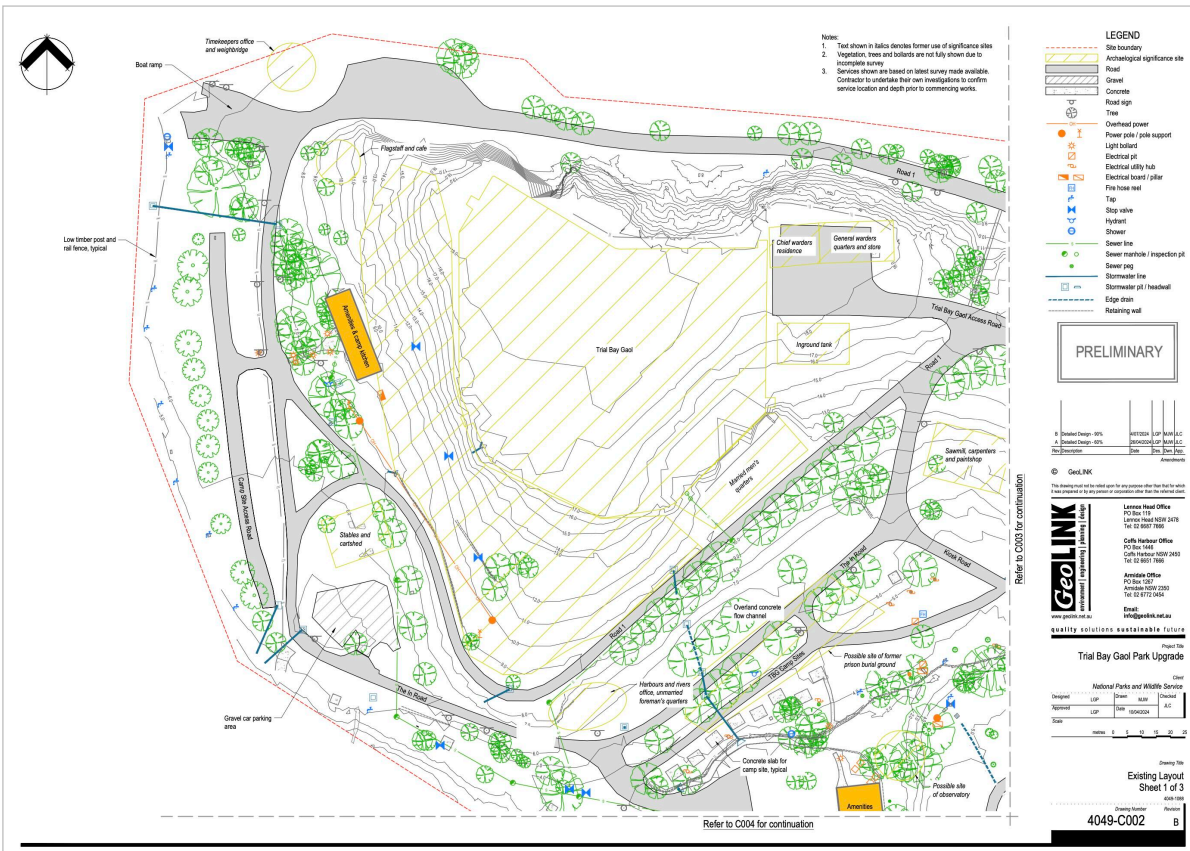


FIGURE 50: TRIAL BAY PRECINCT EXISTING LAYOUT - SHEET 1/3

GEOLINK JULY 2024 DWG 4049-C002

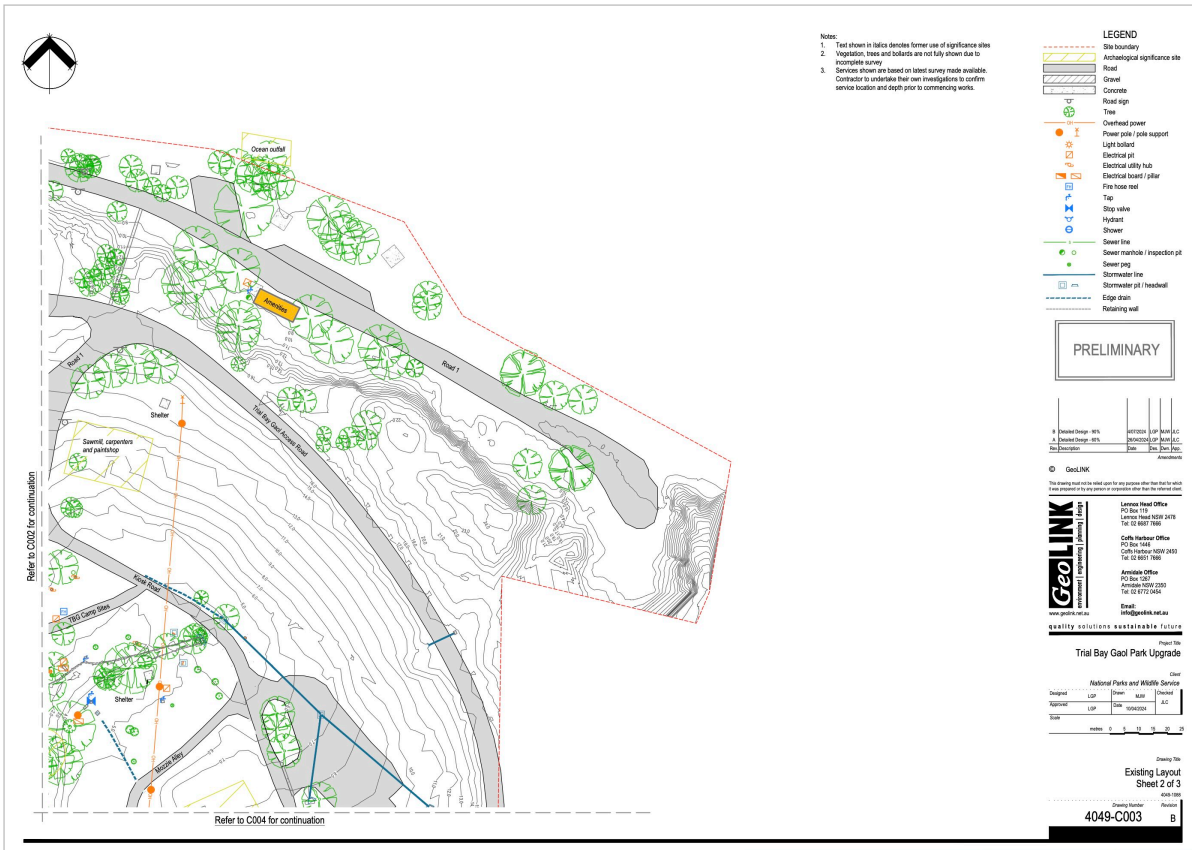


FIGURE 51: TRIAL BAY PRECINCT EXISTING LAYOUT - SHEET 2/3

GEOLINK JULY 2024 DWG 4049-C003

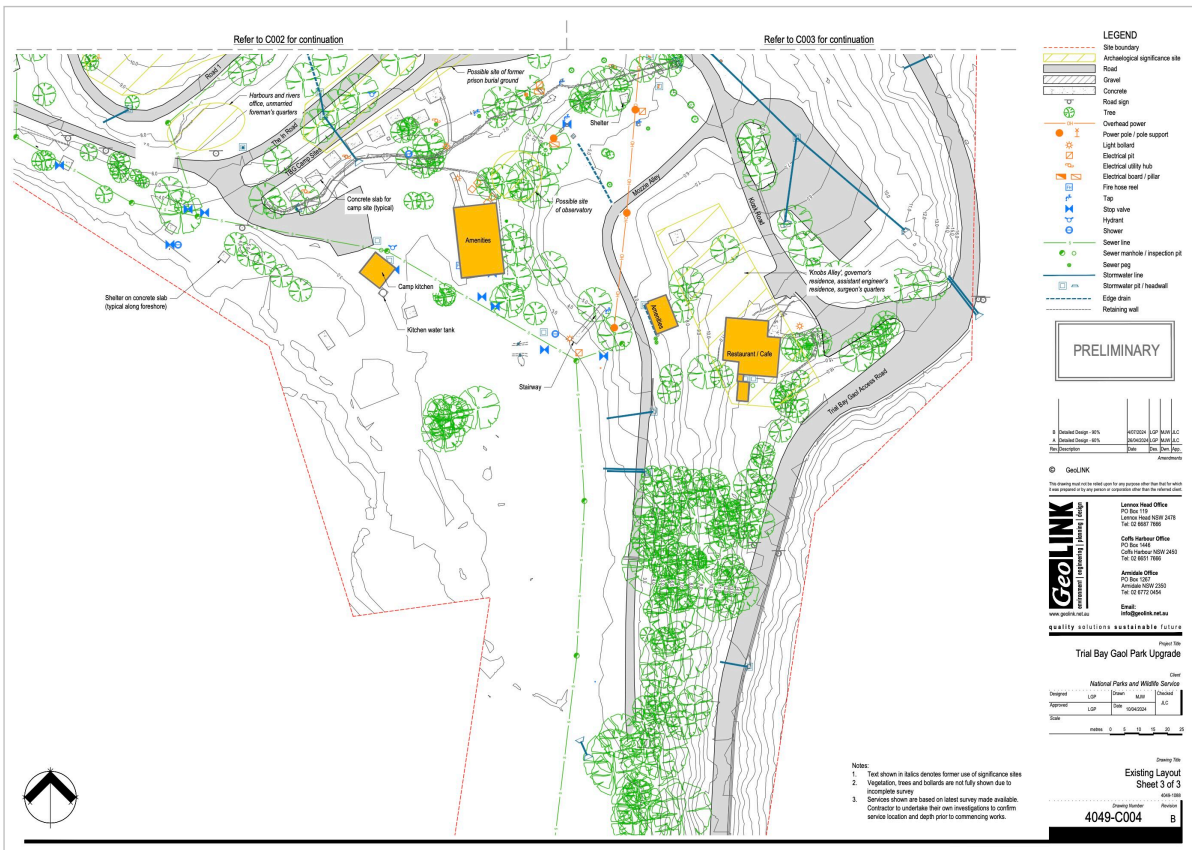


FIGURE 52: TRIAL BAY PRECINCT EXISTING LAYOUT - SHEET 3/3

GEOLINK JULY 2024 DWG 4049-C004

WORKS

The ensuing pages summarise the works for the locale and each sub-precinct.

South Precinct Improvement Plan

1. Improved campground entry and exit point
2. Improved (widened) roadway to allow for two-way traffic
3. Formalised pedestrian pathway
4. Relocation of overhead powerlines underground (if feasible)
5. Confinement and screening of bin storage area (with refuse truck and camper access only)
6. Reconfiguration of day use visitor parking area (to accommodate 33 vehicles) with cafe linkage
7. Re-profiling of day use and kiosk access road entry way
8. Replacement of existing amenities block to accommodate greater visitor capacity
9. Refurbishment of campground-only amenities (including addition of rainwater capture tanks)
10. Replacement of existing steps and handrails
11. Replacement of low-level bridge over drainage line, which is to be re-profiled
12. Shared pedestrian/cycleway linking Trial Bay to South West Rocks via Cardwell Street
13. New beach access and seating area (under construction as part of foreshore protection works)
14. Vehicle parking for walk-in campsites

☞ Refer **figures 53 & 54** and **attachments 1 and 2**.



Precinct

FIGURE 53: TRIAL BAY PRECINCT IMPROVEMENT PLAN

NPWS 2024



South

FIGURE 54: TRIAL BAY SOUTH PRECINCT IMPROVEMENT PLAN

NPWS 2024

West Precinct Improvement Plan

1. Removal of existing infrastructure and replacement with new ramp and viewing platform
2. Relocation and reconfiguration of vehicle entry-exit point
3. New pedestrian pathway along waterfront
4. One-way vehicle access for waterfront campsites (with all sites having greywater disposal points)
5. Partial road realignment, allowing for extension of some sites to accommodate larger vehicles
6. Day use carparking maximisation and formalisation
7. New amenities-change room block
8. New showers
9. New gathering space with beach access, seating and interpretation
10. Possible extension of retaining wall
11. Removal of existing dated infrastructure
12. Coastal erosion to be remediated with additional rock revetment placed over existing surface.

☞ Refer **figures 53 & 55**.



North Precinct Improvement Plan

1. New steps constructed to avoid pedestrian vehicle conflicts at beach access point
2. Vehicle access to be prohibited to create safe pedestrian access to break wall
3. 12 x day use car parking spaces located opposite beach access point
4. Improvement/reconfiguration of carpark and boat ramp access
5. Public amenities retained
6. Historic track to be upgraded and realigned
7. Connection path to be established on existing alignment between gaol entrance and viewing platform
8. Possible coastal pedestrian path (TBC)
9. Reconfiguration of carpark: new circulation, line marking, wheel stops, viewing arrangements
10. Tourist coach drop-off and gathering area (with seats and signage)
11. Improvements to existing pathway (as required)
12. Establishment of formalised linkage to Monument Hill walking track
13. Left hand turn to be redesigned.

☛ Refer **figures 53 & 56**.



☛ The project **detail drawings** are presented as **figures 58 - 61** and at higher resolution, with additional plans, sections and elevations at **attachment 2**.



FIGURE 55: TRIAL BAY WEST PRECINCT IMPROVEMENT PLAN

NPWS 2024



FIGURE 56: TRIAL BAY NORTH PRECINCT IMPROVEMENT PLAN

NPWS 2024

Cardwell Street Improvement Plan

1. Restriction of vehicular beach access to emergency vehicles only
2. Relocation of shower facilities
3. Relocation of plant nursery and conversion for public space requirements
4. Road to be gated for NPWS access only
5. New amenities with showers and accessible toilets
6. Revised vehicular access
7. New car and trailer parking for campground users
8. New two-way road (and associated drainage) to enable two-way traffic
9. Pedestrian access/egress improvements
10. Conversion of existing 1980s depot building to Trial Bay Campground Office
11. Establishment of track intersection node with way-finding signage
12. Parking and cross-road access track to Bridle Trail
13. Shared pedestrian/cycle way linking Trial Bay to South West Rocks
14. Path/boardwalk with equitable access and bay viewing opportunities.

☛ Refer **figure 57**.



FIGURE 57: CARDWELL STREET PRECINCT IMPROVEMENT PLAN

NPWS 2024

DETAILED DRAWINGS

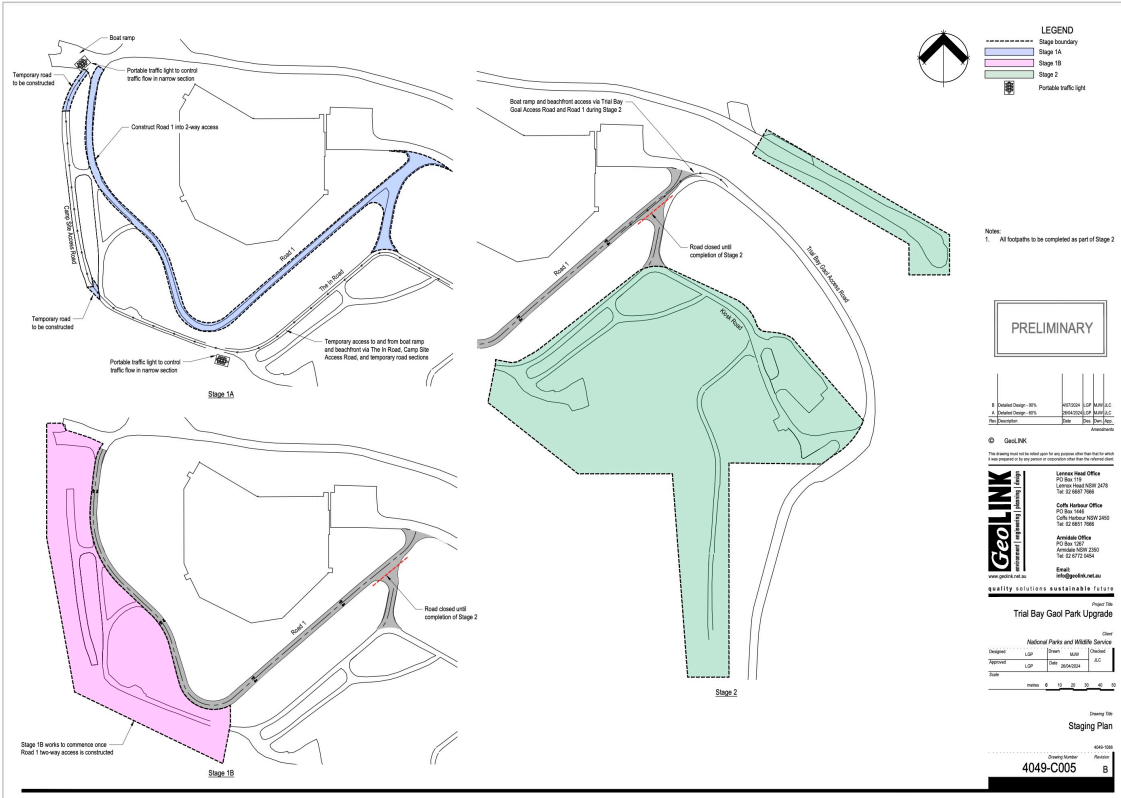


FIGURE 58: TRIAL BAY PRECINCT STAGING PLAN

GEOLINK JULY 2024 DWG 4049-C005

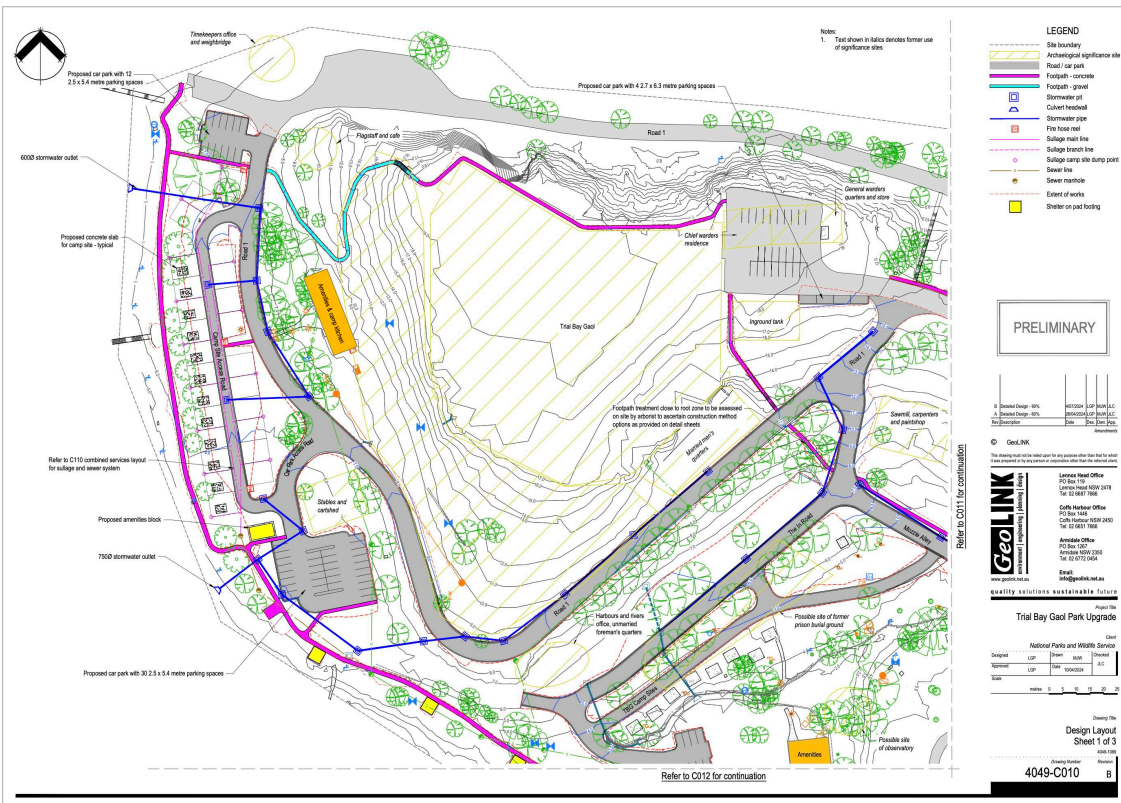


FIGURE 59: TRIAL BAY PRECINCT UPGRADE PLAN - SHEET 1/3

GEOLINK JULY 2024 DWG 4049-C010

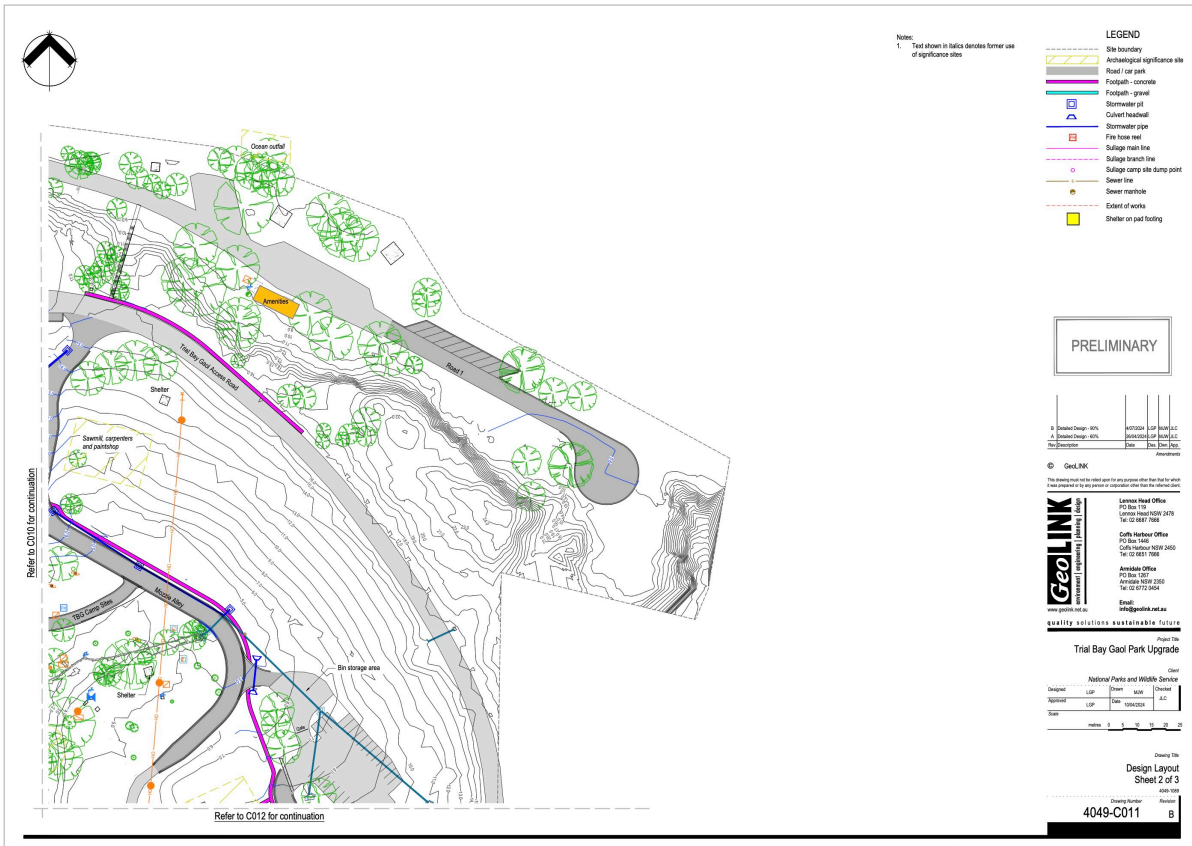


FIGURE 60: TRIAL BAY PRECINCT UPGRADE PLAN - SHEET 2/3

GEOLINK JULY 2024 DWG 4049-C011

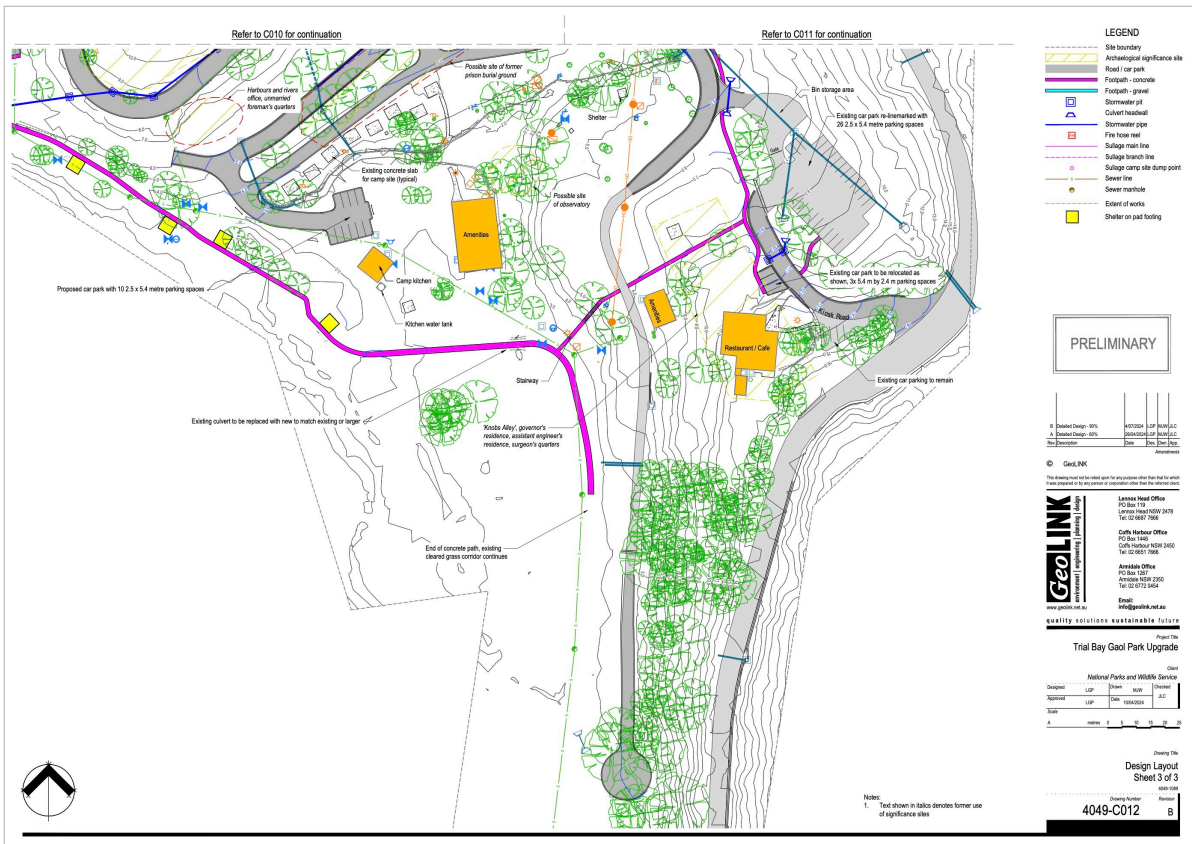


FIGURE 61: TRIAL BAY PRECINCT UPGRADE PLAN - SHEET 3/3

GEOLINK JULY 2024 DWG 4049-C012

Earthworks

Earthworks - excavation, cutting/filling, grading/re-profiling - are proposed as part of the Trial Bay visitor precinct works. The locations of potential earthworks were initially identified in the Arakoon and Hat Head National Park: Cut and Fill Options Report (GeoLINK 2023). These have been further investigated and detailed (GeoLINK 2024) and may be summarised as follows:

- Grading and soil improvement works for earthen footways
- Some grading and infill earthworks in day use visitor-cafe parking area and associated roadway
- Some minor excavation and infilling for path network improvements
- Grading/widening of the road arc and partial southern extension (with infilling) in the gaol carpark
- New pedestrian paths along north of gaol and around gaol carpark (not specified but works northwest of gaol will involve some excavation for viewing platform and stairs, as well as grading)
- Widening of the main campground road network with a combination of cut and fill and grading
- Cut, fill and landscaping works to improve location of campground road bifurcation
- Provision of new under road and road side drainage as required
- Beachfront path and boardwalk will involve, variously, excavation for stairs and platforms, and some grading
- Proposed near-beach carpark formalisation (to involve mostly infilling) and improved parking near boat ramp (mostly grading)
- Grading/levelling of locations of new amenities block and shelter slabs.

Services

- Upgraded stormwater layout including new pits, trenches and outlets/headwalls.

☞ Refer **figures 62 - 65**, which show proposed **bulk earthworks** and **stormwater** layout. As with the detailed drawings, higher resolution and additional images are presented at **attachment 2**.

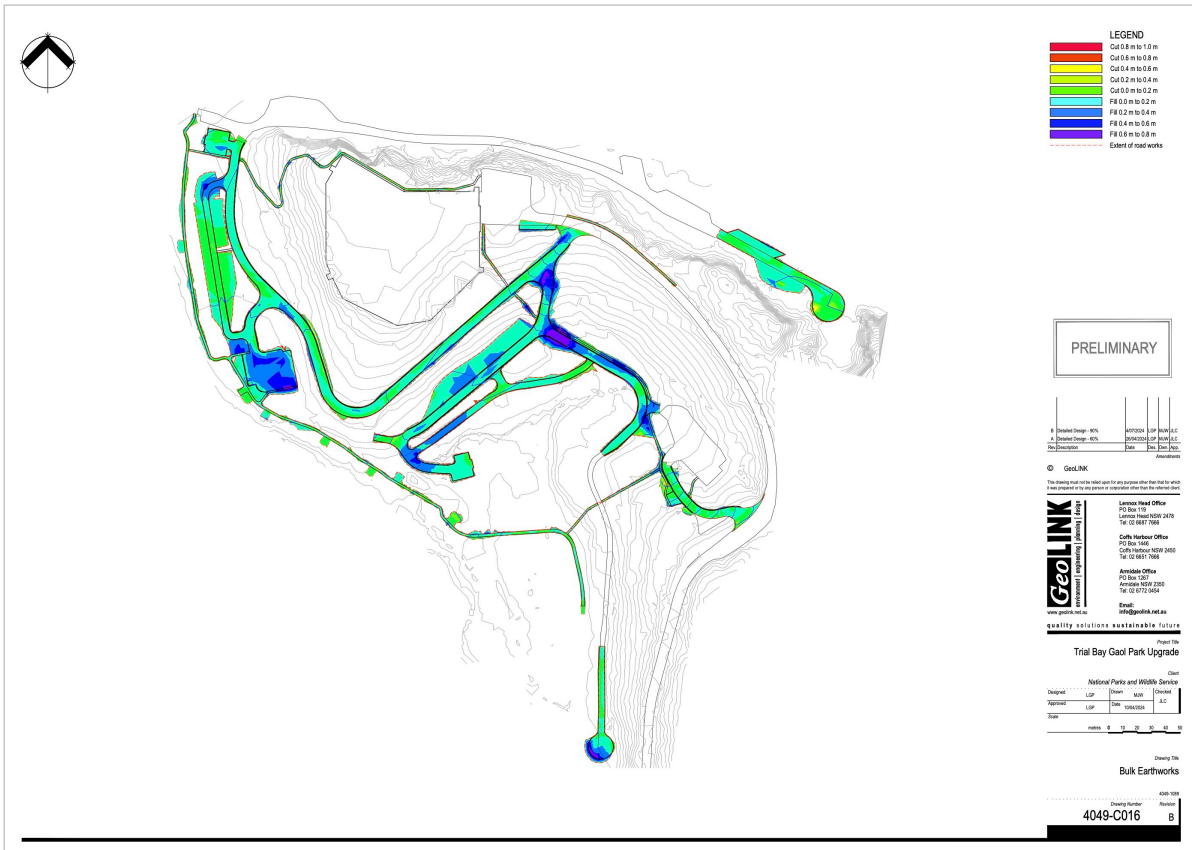


FIGURE 62: TRIAL BAY BULK EARTHWORKS

GEOLINK JULY 2024 DWG 4049-C016

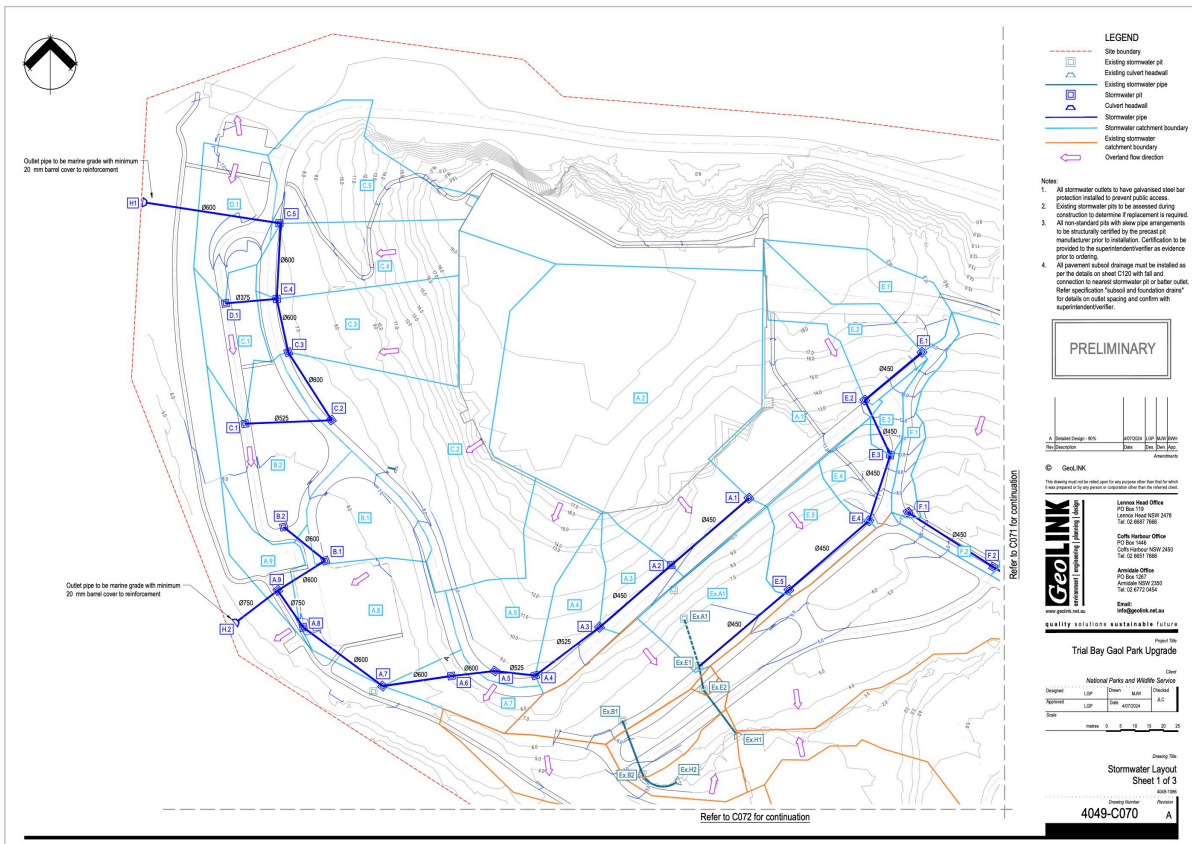


FIGURE 63: TRIAL BAY STORMWATER LAYOUT SHEET 1/3

GEOLINK JULY 2024 DWG 4049-C070

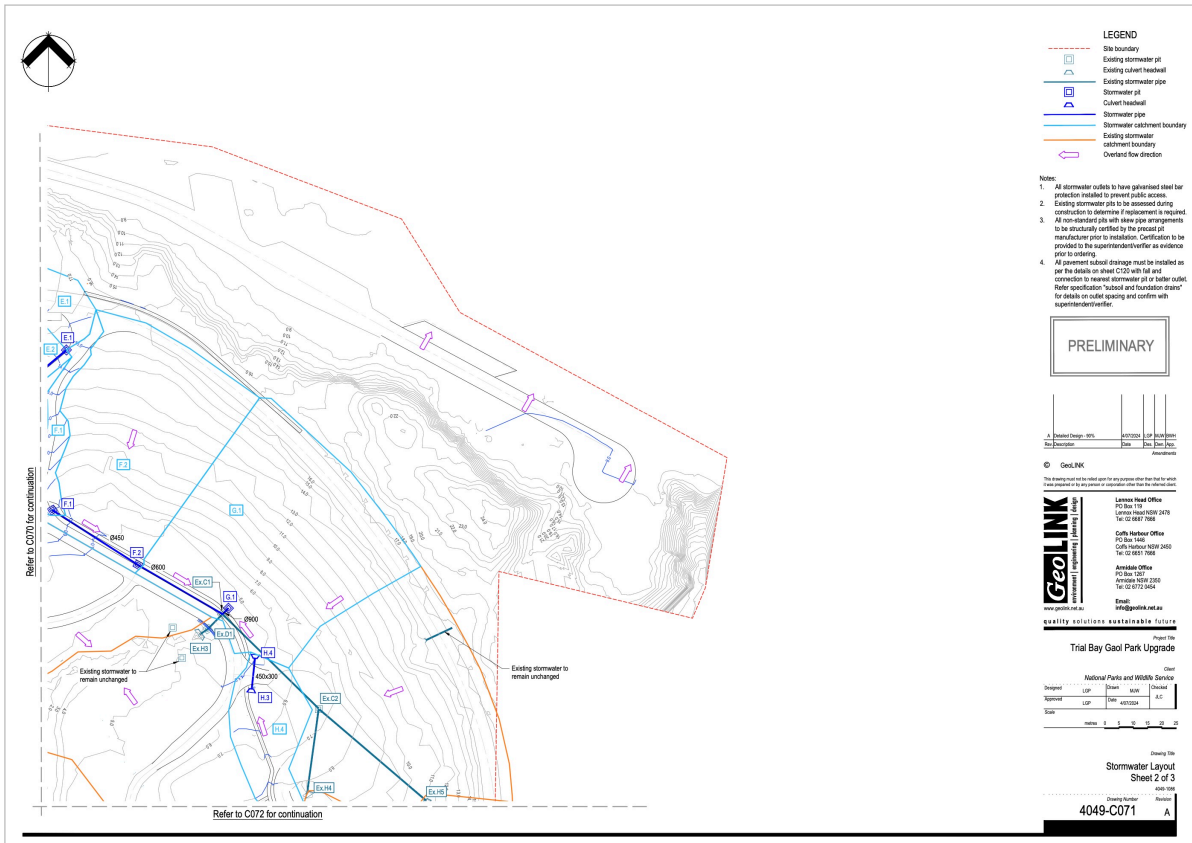


FIGURE 64: TRIAL BAY STORMWATER LAYOUT SHEET 2/3

GEOLINK JULY 2024 DWG 4049-C071

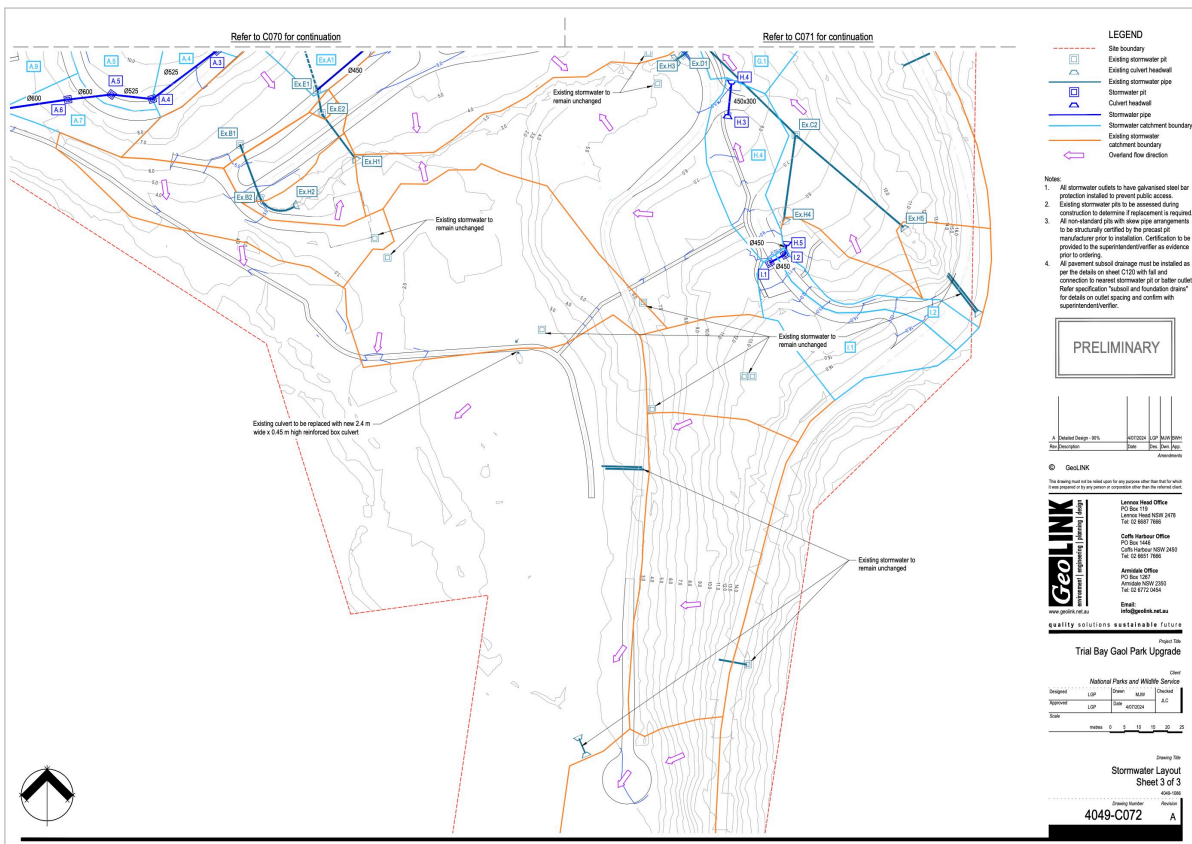


FIGURE 65: TRIAL BAY STORMWATER LAYOUT SHEET 3/3

GEOLINK JULY 2024 DWG 4049-C072

IMPACTS

The Gaol and surrounding campground have state-level heritage significance. The following section addresses the potential impacts of the proposed MCD project works on the heritage values of the place.

ASSESSMENT

The ensuing questions are from the Heritage NSW guideline document *Statements of Heritage Impact* and are the means of assessing the impact of development proposals on heritage items in NSW.

+

What aspects of the proposal respect or enhance the heritage significance of the item or site?

The proposed works - including the upgrade of roads and tracks, camp ground amenity improvements and better day use facilities - will improve the functionality, safety, accessibility and appearance of the locale. The existing arrangements at the campground are an accretion of as-needed improvements that span many decades. The Master Plan aims to provide more coherence and a better user experience.

Roadworks (including establishment of two-way sections with better drainage) will improve transit and safety, while the new access/walking tracks, viewing platforms and extended amenities will enable the place and its many historical, environmental and recreational values to be better enjoyed and appreciated. Improvements and landscaping in the shared areas above the foreshore in particular, will allow family-friendly gathering and community enjoyment in and around picturesque Front Beach.

The works have been designed from Master Plan concept to detailed design stage with heritage in mind and with due consideration of known relics and ruins: reflecting the existing heritage management documentation and the objectives of the pending, updated Arakoon and Hat Head National Parks Plan of Management where they relate to the management and conservation of cultural heritage values.

-

What aspects of the proposal could affect the heritage significance of the item or site?

Master planning and subsequent detailed design have been informed by the history and heritage of the Place and with historical archaeological input. This has ensured that direct impacts to known or potential historic structures, relics and areas of archaeological sensitivity have largely been avoided by either avoiding or limiting works in such locations.

That said, the precinct is expansive and complex and there remains some chance that select works may impact potential or unexpected historical archaeological resources related to the use of the site from the late nineteenth century onwards and require advanced planning and/or archaeological oversight.

Refer **mitigation**.

The Cardwell Street Precinct is a NPWS service node and beach access point established in the late 1980s. It is not historically associated with Trial Bay Gaol nor the settlement of Arakoon. Works in the locality will have no deleterious historic heritage impact, and are therefore detailed no further herein.

?

Have more sympathetic development options been considered? If so, why were they discounted?

A 'do nothing' approach would be that of least impact, however the objectives of the MCD Project would not be met, facilities and amenities would continue to degrade, and NPWS conservation and management objectives (as well as community exceptions) would not be met.

The Draft MCD Master Plan was subject to external specialist input, service and government discussion, and public consultation. The resultant Master Plan and subsequent detailed project design acknowledges and incorporates a wide range of views and has been deemed to be the most balanced and best means of upgrading and improving the locale in response to existing and anticipated increased visitation.

Summary Statement of Heritage Impact

The proposed Trial Bay and Cardwell Street MCD project works present a considered, timely and wholistic approach to the management of Arakoon National Park that:

- improves the visitor experience inline with the MCD Master Plan
- creates linkages to other heritage places and visitor nodes (including South West Rocks and Little Bay)
- acknowledges the unique history of the place as well as its modern day scenic and recreational value
- reflects current construction and safety standards and ever-changing visitor needs and expectations.

On balance the works are considered a positive undertaking, however certain aspects of the proposed works will require advanced planning and/or targeted historical archaeological oversight

Refer **mitigation** and **recommendations**.

MITIGATION

Groundwork required as part of the program is restricted to roads, tracks and walkways (most of which are pre-existing) and service lines. There are to be a very limited suite of new structures.

APPROACHES

Past historical research, archaeological survey and monitoring projects have determined that a number of actual or potential items, features or deposits of historical archaeological significance (areas of archaeological sensitivity) exist within (or near) proposed works with the MCD Master Plan area.

To avoid deleterious during-works impact to heritage items, strategies of avoidance, reconsideration, archival recording and targeted historical archaeological monitoring are variously advised.

Avoidance

For the most part, sensitive locations are accommodated in the design drawings and are to be avoided:

- Stables and Cart Shed (4.12): features concrete floors, wall footings and drainage features
- Harbours and Rivers Office (4.13) + Unmarried Foreman's Quarters (4.22): features a stone fireplace
- Married Men's Quarters (4.06): features wall footings and fireplaces
- Location of Chief & General Warder's Quarters & Store (4.04/4.05) and former Rocket Store (5.54).
- Inground Tank (4.19): inground sand filled tank; grassed over but evident
- Location of former Flagstaff (4.46) & Cafe (4.77): location only; no evidence at ground level
- Timekeeper's Office (5.11) & Weighbridge (5.12): location only; no evidence at ground level
- Sawmill, Carpenters & Paintshop (4.16): some brick work evident at ground level
- Possible site of an Observatory (4.43): possible location only; no physical evidence
- Knobs Alley: a series of terraces that once housed the Governor's Residence (4.03); Assistant Engineer's Residence (4.10) and Surgeon's House (4.11). Trial Bay Cafe is sited on the Surgeon's House terrace.
- Morgue (4.17)

COMPLIANCE

To ensure that the above sites are not damaged inadvertently the following steps should be undertaken:

1. *The location of each site or location should be re-surveyed prior to works*
2. *Each location should be clearly marked out, and fenced if necessary, and supplied with temporary signage denoting it as a no-go heritage area*
3. *No-go heritage areas should not be used for the parking or movement of vehicles and other plant, nor the storage of materials*

☞ Refer **figures 66 - 77**.

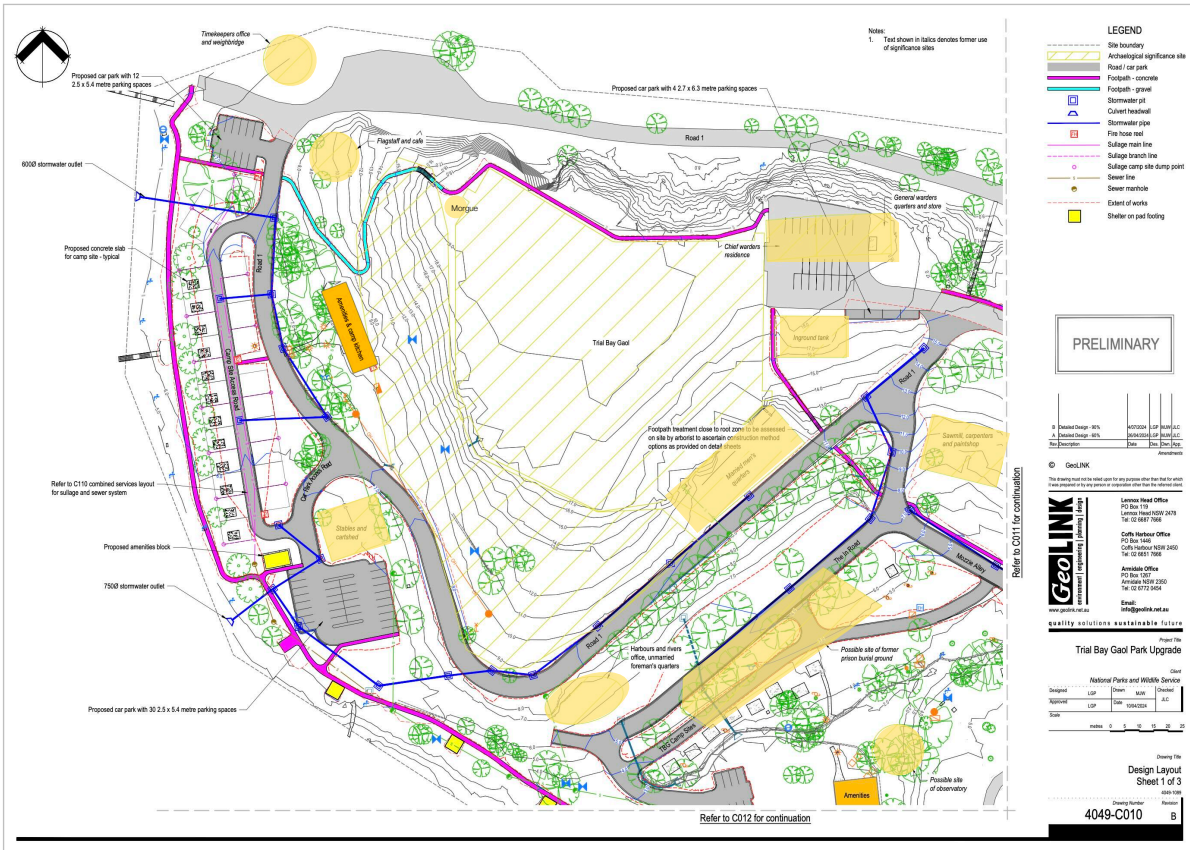


FIGURE 66: TRIAL BAY PRECINCT UPGRADE PLAN - SHEET 1/3 - SHOWING LOCATIONS OF ARCHAEOLOGICAL SENSITIVITY
 GEOLINK JULY 2024 DWG 4049-C010 (AS AMENDED)

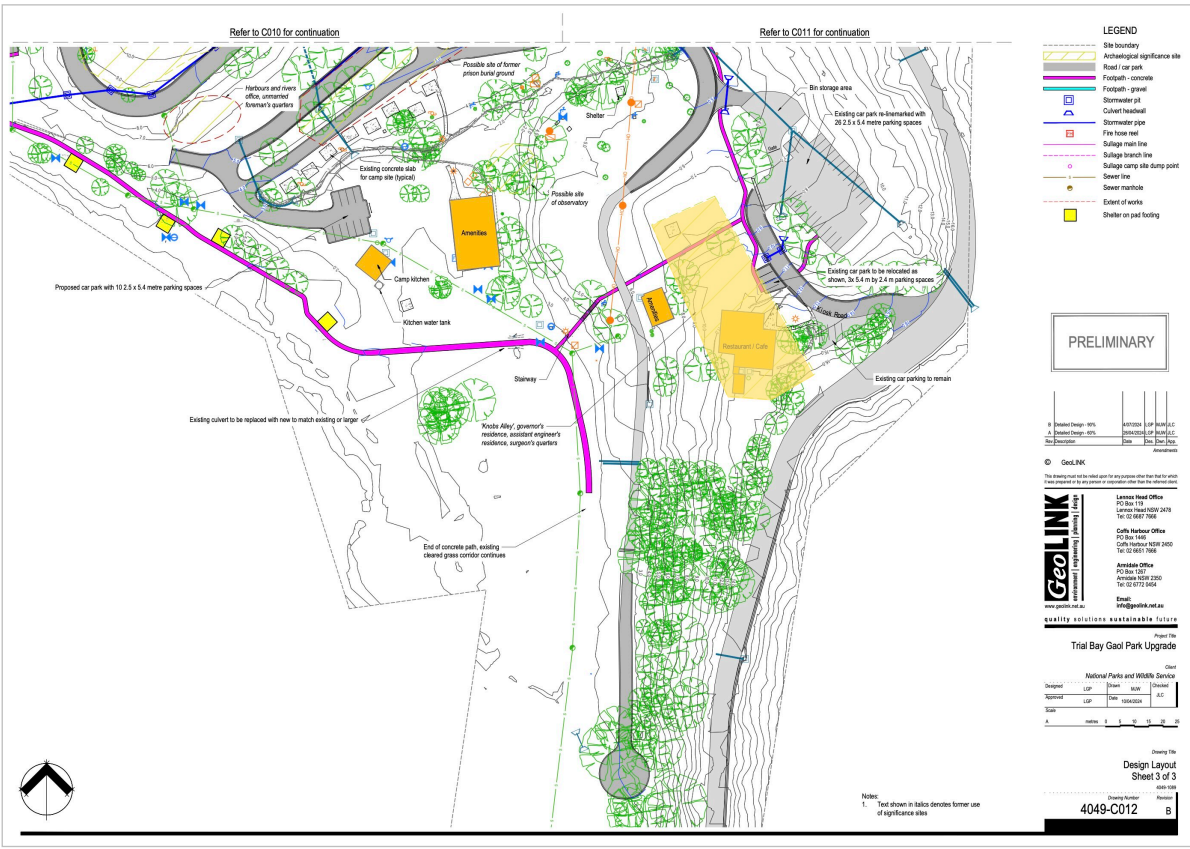


FIGURE 67: TRIAL BAY PRECINCT UPGRADE PLAN - SHEET 3/3 - SHOWING LOCATIONS OF ARCHAEOLOGICAL SENSITIVITY
 GEOLINK JULY 2024 DWG 4049-C012 (AS AMENDED)



FIGURE 68: STABLES + CART SHED (4.12) DELINEATED & PROTECTED BY STONE BLOCKS

VIEW S - DAN TUCK



FIGURE 69: HARBOURS + RIVERS OFFICE (4.13) + UNMARRIED FOREMANS QUARTERS (4.22) WITH STONE FIREPLACE

VIEW W - DAN TUCK



FIGURE 70: MARRIED MENS QUARTERS (4.06) - GRASSY AREA BETWEEN GAOL WALL & ROAD - LEFT OF FRAME
VIEW NE - DAN TUCK



FIGURE 71: EAST END OF QUARTERS + STORE (4.04/4.05) + ROCKET STORE (5.54) - TO LEFT OF FRAME
VIEW E - DAN TUCK



FIGURE 72: INGROUND TANK (4.19)

VIEW SE - DAN TUCK



FIGURE 73: LOCATION OF TIMEKEEPERS OFFICE (5.11) , WEIGHBRIDGE (5.12), FLAGSTAFF (4.46) & CAFE (4.77)

VIEW E - DAN TUCK



FIGURE 74: SAWMILL, CARPENTERS + PAINTSHOP (4.16)

VIEW ENE - DAN TUCK



FIGURE 75: POSSIBLE SITE OF AN OBSERVATORY (4.43)

VIEW SE - DAN TUCK



FIGURE 76: KNOBS ALLEY - WITH GOVERNORS RESIDENCE TERRACE IN MID FRAME (4.03)

VIEW SW - DAN TUCK



FIGURE 77: POSSIBLE SITE OF MORGUE (4.17)

VIEW WSW - DAN TUCK

Reconsideration

There are two proposed pathway upgrades that require reconsideration:

- Path 6: concrete pathway along northern margin of gaol access road
- Path 3 (steps): steps of a concrete pathway between the gaol gatehouse and the campground.

PATH 6

Path 6 is a proposed new concrete footpath (approximately 50 metres long) set on the margin of the gaol access road (eastbound) from near the quarry steps to the hill walk access point. Construction requires minor cutting to achieve the required development end levels and runoff characteristics of between 0 and 400mm. Recent survey after the roadside grass had been slashed, determined that en-route there are stone footing remains in the approximate location of the former gaol-era Harbours + Rivers Store (Item 4.14; c.1880s). These remains are of significance, have not been recorded in the past and should remain in situ.

Consideration should be given to either dropping this path from the project list, or resigning it so that cutting is not required and the observable structural remains are conserved.

☞ Refer **figures 78 & 80 - 81**.

PATH 3 (STEPS)

Path 3 is a proposed new concrete footpath with a new set of steps that follows the alignment of an old pathway (Item 4.23) that served to connect the gaol entrance to the married mens quarters (Item 4.06). At present the hillside section of the path is variously unsurfaced or surfaced with bitumen. The descending steps above the roadway however are constructed of stone, concrete and rubble and although damaged, are understood to date from the late nineteenth century. In the CMP+CTP they are described as 'partially intact' and of high archaeological significance.

Consideration should be given to retaining and repairing/conserving the existing steps given their age and significance rather than replacing them.

☞ Refer **figures 79 & 82 - 83**.

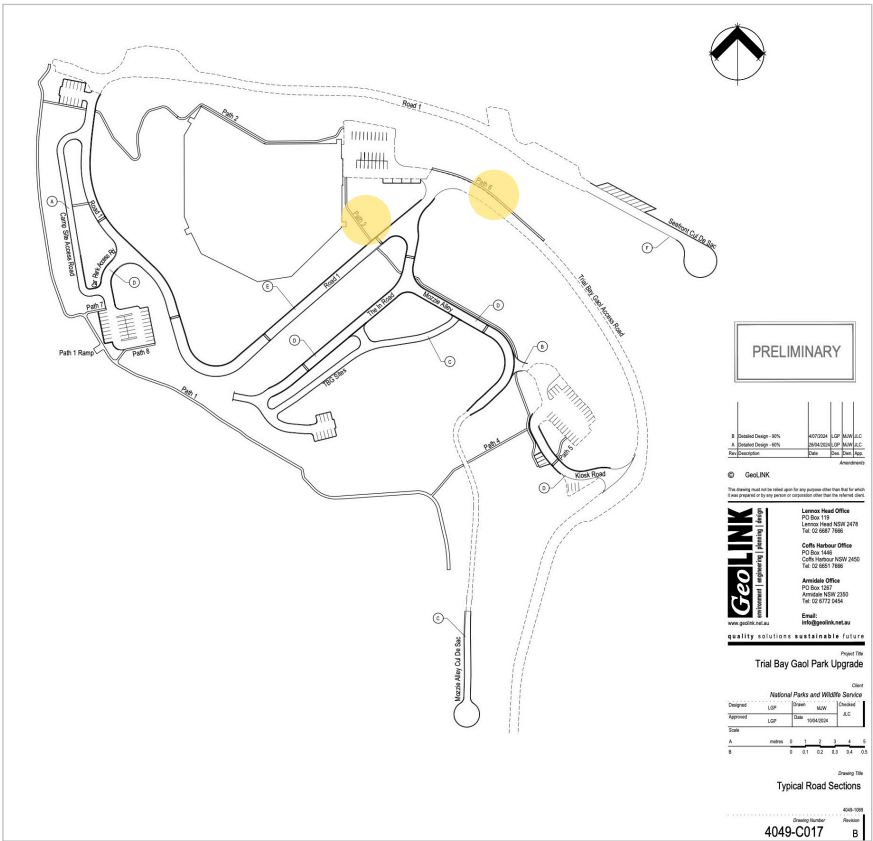


FIGURE 78:
PATHS 6 + 3
 GEOLINK JULY 2024 DWG 4049-C017
 (AS AMENDED)

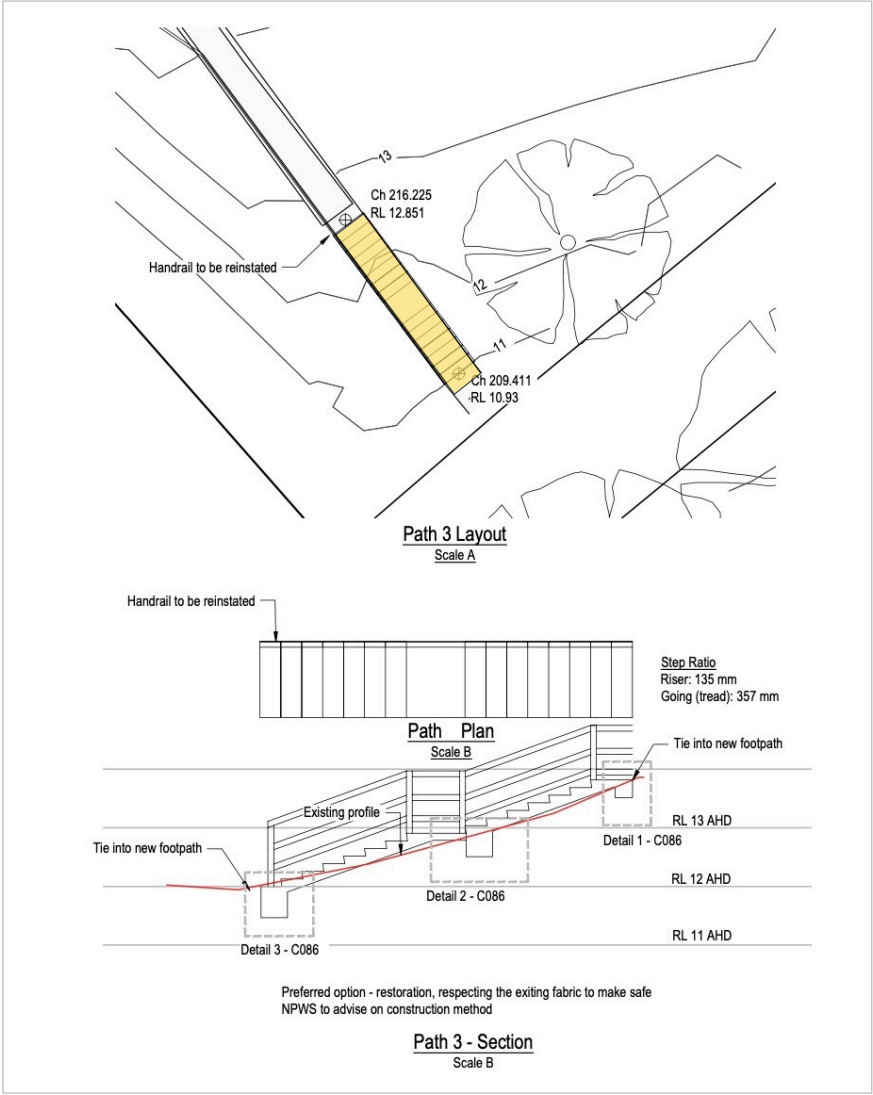


FIGURE 79:
PATH 3 STEPS LAYOUT, PLAN + SECTION
 GEOLINK JULY 2024 DWG 4049-C084
 (AS AMENDED)



FIGURE 80: PROPOSED LOCATION OF PATH 6

VIEW E - DAN TUCK



FIGURE 81: POSSIBLE ARBOURS + RIVERS STORE FOOTINGS (ITEM 4.14) ON THE ROUTE OF PATH 6

VIEW NNE - DAN TUCK



FIGURE 82: STEPS (ITEM 4.23)

VIEW W - DAN TUCK



FIGURE 83: STEPS (ITEM 4.23)

VIEW NW - DAN TUCK

Archival Recording

Some of the works will require archival recording prior to commencement:

STAIRWAY BETWEEN THE GAOL ACCESS ROAD AND LAGGERS POINT ROAD (PATH 6 STEPS)

A proposed stairway reconstruction is to occur at a location of an existing set of c.1970s concrete steps. These are not original, nor significant fabric in their own right, but a thoroughfare has existed in this location since the late nineteenth century: originally providing access from the gaol platform on high to the construction tramway and quarries below. The CMP+CTP refers to the steps as 'Steps to Quarry' (Item 4.24). The existing steps are outdated and difficult to use - despite the addition of a new handrail - due to tread to rise non-uniformity and the lifting of some sections by tree roots. At present, visitors often walk beside the steps rather than making direct use of them. Upgrading of the steps will improve their usability and safety and help to corral visitors.

Prior to the commencement of the works, the existing steps should be subject to an archival photographic recording (AR) to capture and memorialise them as they are.

☞ Refer **figures 84 & 85**.

DEMOLITION OF STONE RETAINING WALL ADJACENT TO ROAD 1

Widening of the principal access road south of the gaol - above the stables site (Item 4.12) and day parking area - requires the removal of a low stone retaining wall to achieve the necessary road geometry and drainage. The wall, constructed of cement-bonded stone and featuring a broken and discontinuous concrete up-drain is a Trust-area feature (c.1960s/1970s) of some historical interest but low cultural heritage value. Its construction is also replicated elsewhere on site.

Given that this wall cannot be retained (through redesign or other means) it should be subject to an archival photographic archival recording (AR) prior to its removal. In addition, wall stone should be reused on site where opportunity exists, or appropriately recycled.

☞ Refer **figures 86 & 87**.

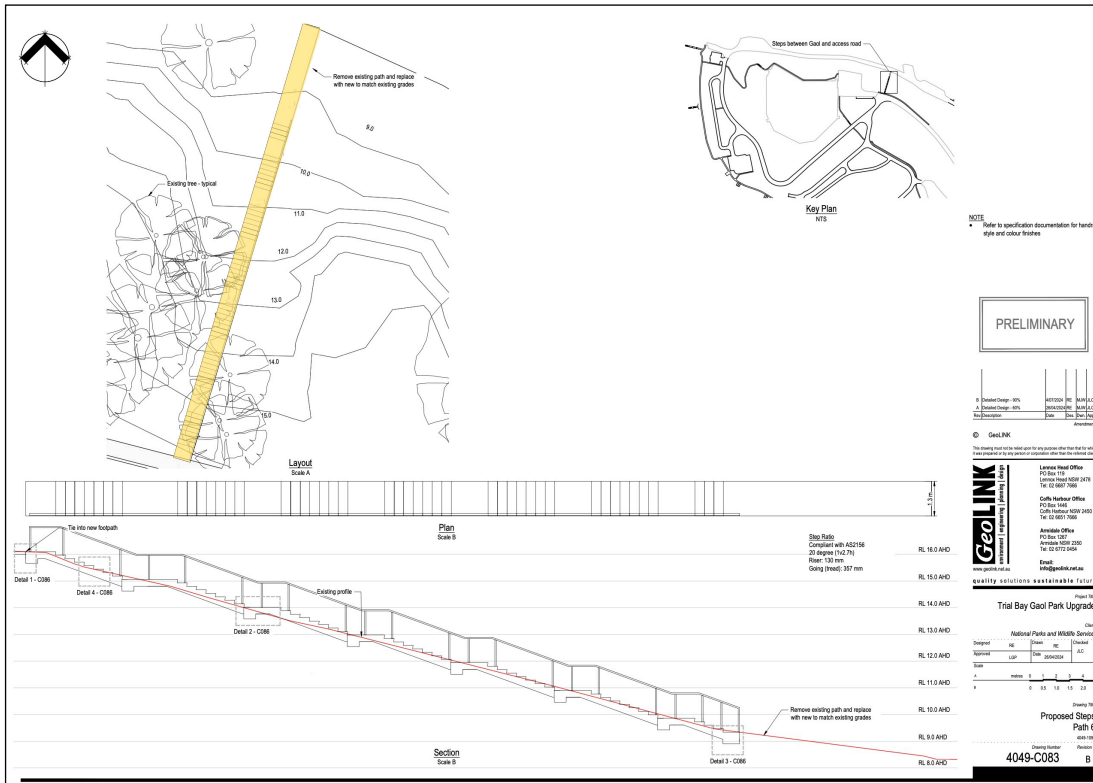


FIGURE 84: TRIAL BAY PRECINCT UPGRADE PLAN - PROPOSED STEPS PATH 6

GEOLINK JULY 2024 DWG 4049-C083 (AS AMENDED)



FIGURE 85: EXISTING STEPS (ITEM 4.24)

VIEW S - DAN TUCK

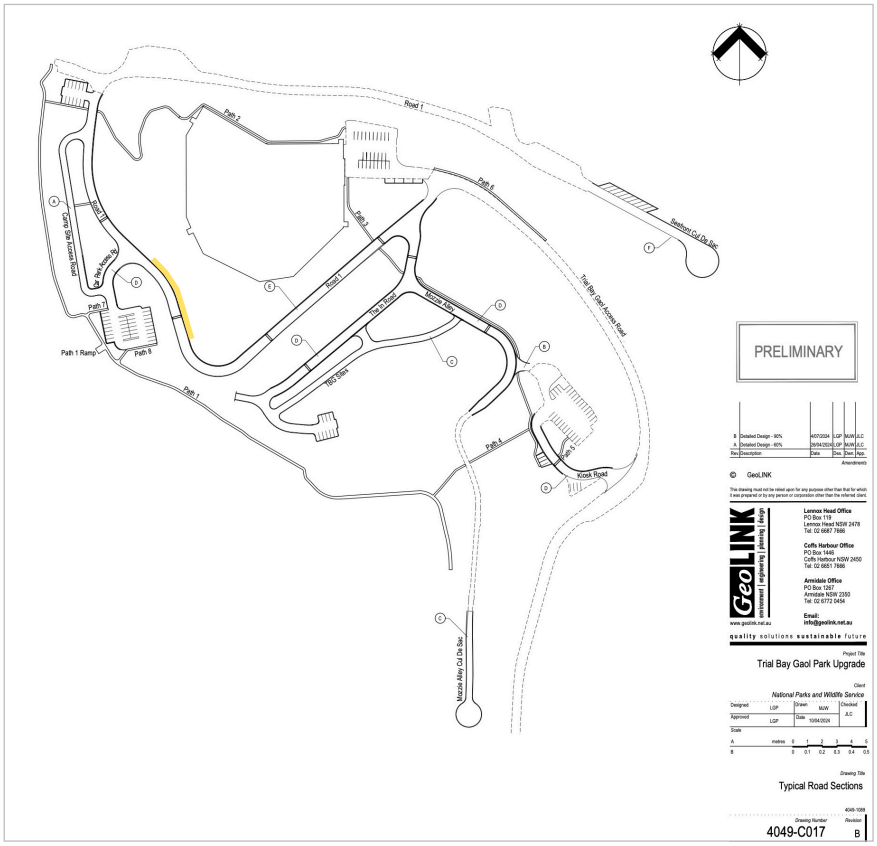


FIGURE 86:
LOCATION OF PROPOSED RETAINING WALL REMOVAL ON ROAD 1
 GEOLINK JULY 2024 DWG 4049-C017
 (AS AMENDED)



FIGURE 87: EXISTING STEPS (ITEM 4.24)
 VIEW S - DAN TUCK

Archaeological Monitoring

Select proposed works will require historical archaeological monitoring as a precautionary principle:

PATH 4

A concrete pathway between Kiosk Road and Mozzie Alley that crosses 'Knobs Alley' - specifically the terrace formerly occupied by the Governors Residence (Item 4.03) - has been proposed. This will require infilling (at the Mozzie Alley end) with minor cutting across the top of the terrace (less than 200 mm; within the path alignment only) to accommodate the concrete footway and bedding. Although the residence was dismantled and removed in the early twentieth century (and reconstructed at Kinchela where it later burnt down), there may be some disturbed remains associated with structure in the terrace soils.

Monitoring of the cutting for Path 4 where it crosses the terrace that formerly housed the Governors Residence (Item 4.03) is recommended. The purpose of the monitoring is to both record any near surface features and better determine the historical archaeological potential of the locale and improve our understanding and future management of the site (and Knobs Alley more broadly).

☞ Refer **figures 88 - 91**.

POSSIBLE SITE OF A FORMER GAOL BURIAL GROUND (4.29)

The former prison burial ground (Item 4.29) is something of an enigma. The location of this informal area, as determined by rubber sheeting with historic plans, locates it within a heavily disturbed (and largely infilled) area that was used for vegetable gardening during WWI and has been used for camping since the 1960s. It is heavily landscaped and features gravelled camping pads and power provision.

The degree to which the ground was utilised is uncertain. Anecdotal evidence suggests up to 13 people were buried there before an official town cemetery was established at nearby Arakoon. The Trial Bay gaol cemetery appears never to have been gazetted and it does not appear within the National Trust's Cemetery Masterlist, which aims to record all known burial sites in NSW. During the WWI interment period those who died were buried on Smoky Cape (at the site of the German Memorial).

The tentatively mapped location of the burial ground is to be largely unaffected by proposed works, however a new stormwater line along the In Road to better drain the locale is proposed. Its alignment roughly corresponds with the former upper limit (northwestern boundary) of the burial ground. The section of the proposed line that is relevant in **Line E** from **Pit E4** to its junction with an existing pit **Ex. E1**.

This run of stormwater line covers approximately 90 metres. Each of the two proposed pits E4 and E5 are 600 x 600 mm square and will be up to 1200 mm deep. The trench (approximately 800 mm wide) has fall from the northeast to south west with depth to invert of between 1200 mm and 800 mm.

Monitoring of the excavation of Stormwater Trench E (between pits E4 and Ex.E1) is recommended as both a precautionary measure and as means of better understanding the archaeological stratigraphy and post-depositional processes in this part of the camp ground. This may aid in better determining the historical archaeological potential of the cemetery and inform future management.

Note that it is not intended to replace the existing service line that runs NW - SE through the western part of supposed cemetery area. If however the existing line is not functioning it may be replaced within its existing alignment, and will also be subject to monitoring.

☞ Refer **figures 88 - 93**.

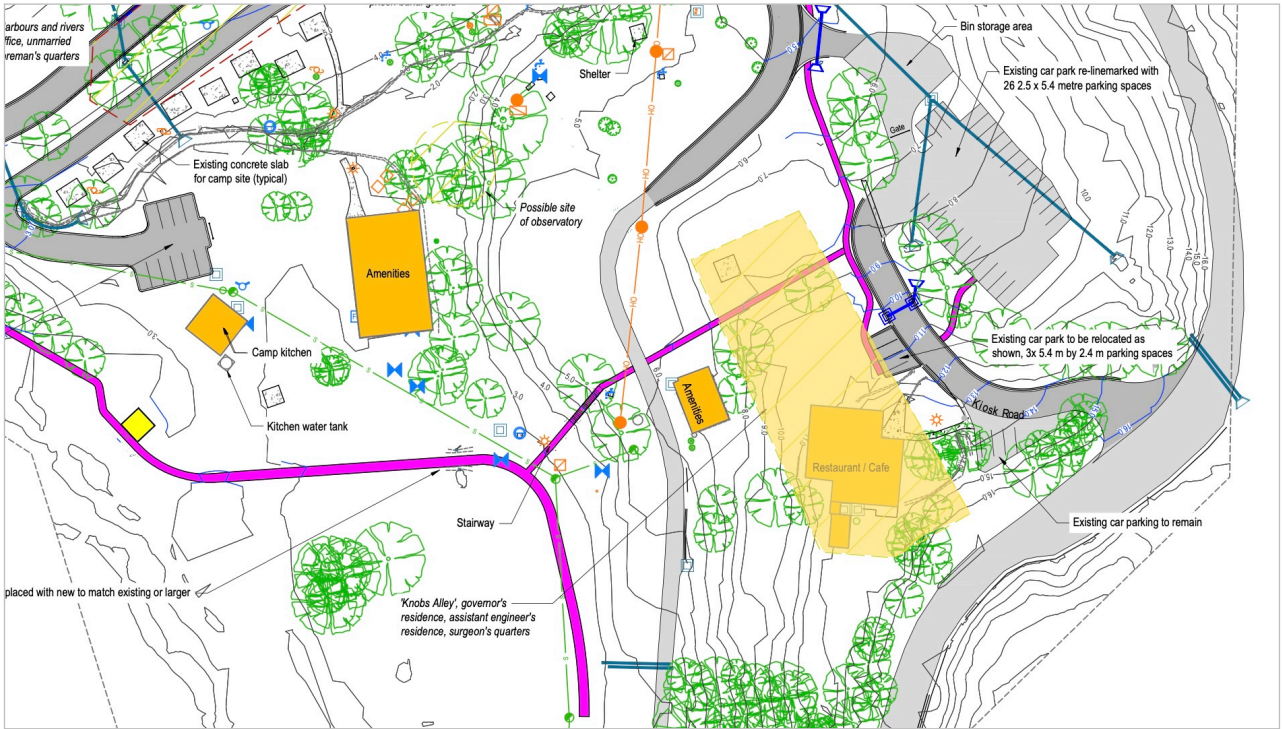


FIGURE 88: TRIAL BAY PRECINCT UPGRADE PLAN - SHEET 3/3 - PROPOSED PATH 4 ACROSS KNOBS ALLEY

GEOLINK JULY 2024 DWG 4049-C012 (PART PLAN AS AMENDED)

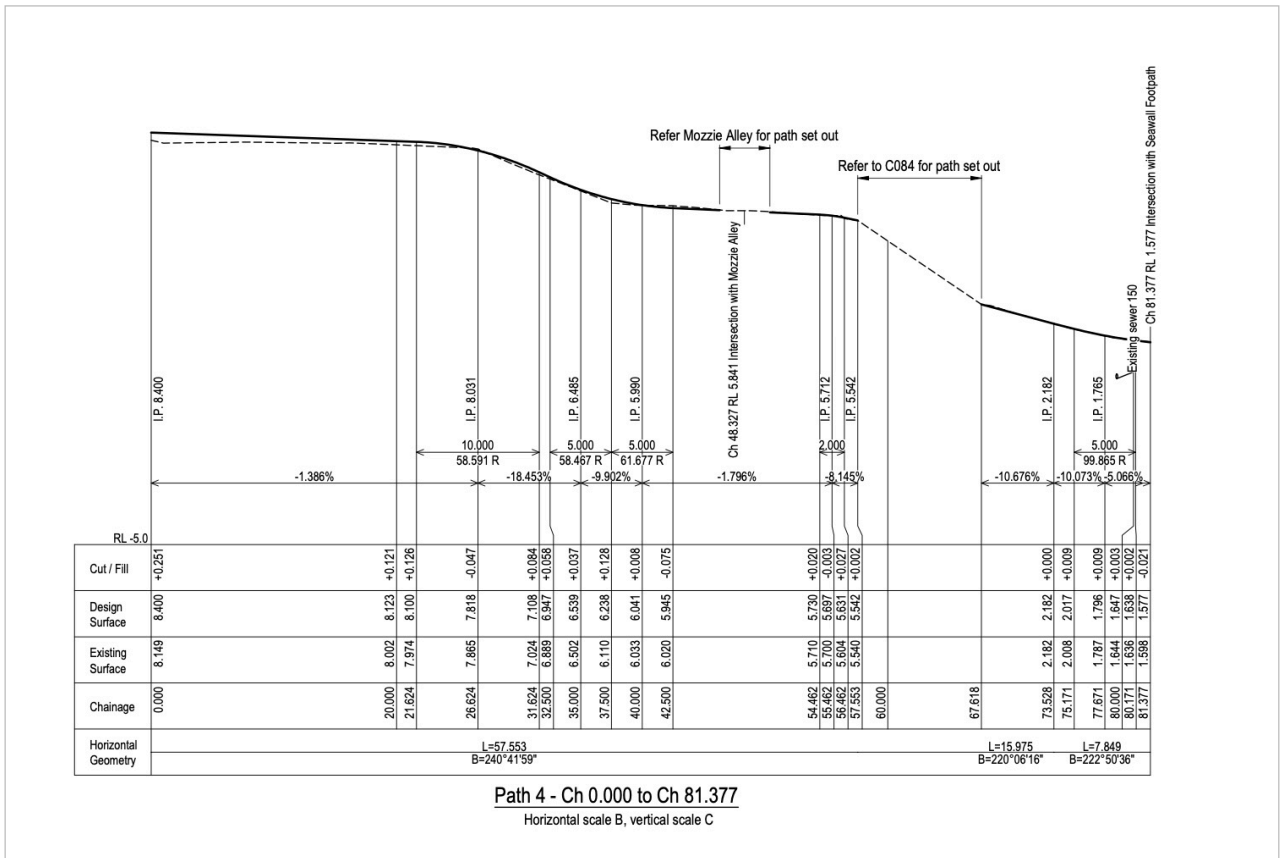


FIGURE 89: TRIAL BAY PRECINCT UPGRADE PLAN - PROPOSED PATH 4 ACROSS KNOBS ALLEY

GEOLINK JULY 2024 DWG 4049-C026 (PART PLAN AS AMENDED)



FIGURE 90: PHOTOGRAPH OF TRIAL BAY GAOL AND SURROUNDS (C.1901)

This view from to the northwest shows the Knobs Alley residences (later dismantled and removed) are shown in the foreground with (presumably) the burial ground (surrounded by a picket fence) and the gaol arrangements in the distance

TRIAL BAY GAOL GATEHOUSE MUSEUM COLLECTION



FIGURE 91: TRIAL BAY INTERNMENT CAMP (1917)

This similar but more distant view post-dates the removal of the Knobs Alley residences and shows considerable landscape changes including alteration to the supposed burial ground.

NATIONAL LIBRARY OF AUSTRALIA NLA.OBJ-151996329

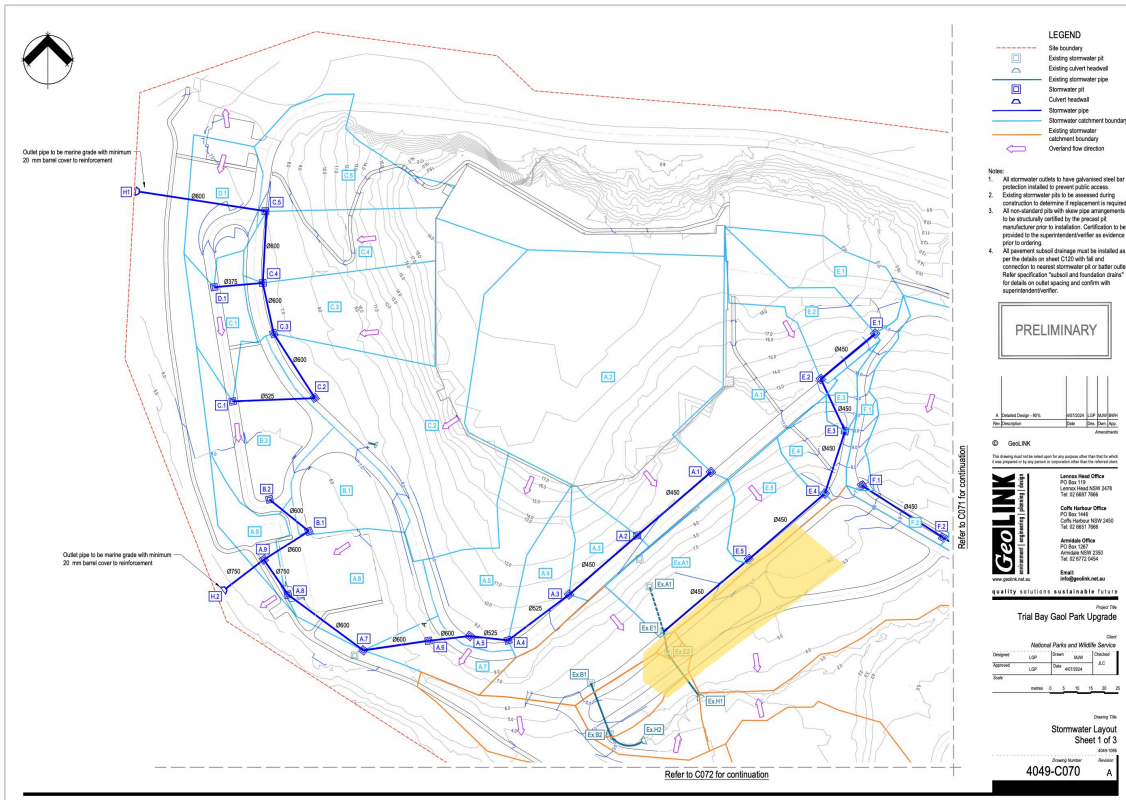


FIGURE 92: TRIAL BAY STORMWATER LAYOUT SHEET 1/3
 GEOLINK JULY 2024 DWG 4049-C070 (AS AMENDED)

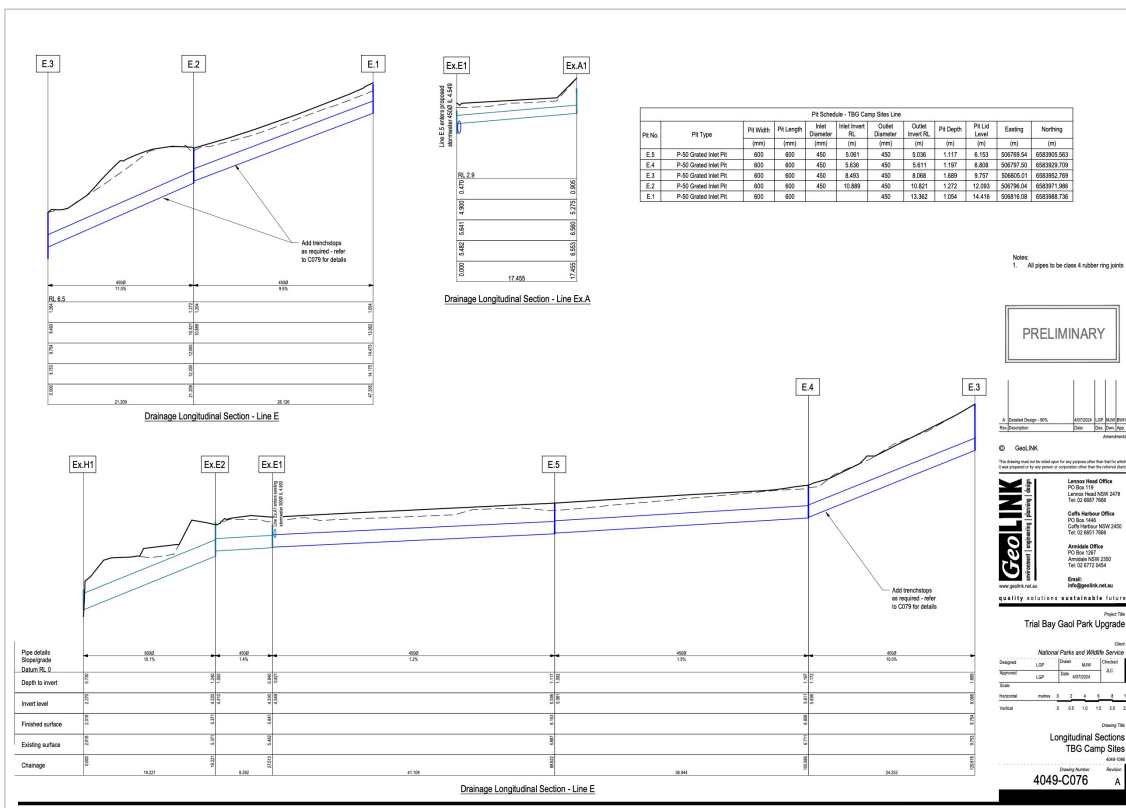


FIGURE 93: TRIAL BAY STORMWATER LONGITUDINAL SECTIONS TBG CAMP SITES
 GEOLINK JULY 2024 DWG 4049-C076

APPROVAL

It is recommended that the installation of the section of pathway 4 that crosses Knobs Alley (Item 4.03) and the stormwater drainage line on the northwestern margin of the supposed burial ground site (Item 4.29) in the camping area be subject to archaeological monitoring inline with the precautionary principle.

Archaeological monitoring of work on heritage-listed sites on-park requires a permit (or relevant exemption) issued by Heritage NSW (or a delegated authority). Due to the nature and extent of the proposed works, it is anticipated that a section 60 permit, issued under the NSW Heritage Act 1977, will be required to allow for the works and the accompanying archaeological program.

Application for a s60 permit requires submission of a permit application (and all supporting documentation including this report) via the NSW Heritage Management System (HMS) online portal:

<https://www2.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/state-heritage-register-items>

<https://www.hms.heritage.nsw.gov.au/>

☞ The following **Methodology** and **Archaeological Research Design** sections, as well as an **Unexpected Finds Protocol** provide additional information in support of the s60 application.

METHODOLOGY

It is proposed to undertake historical archaeological monitoring (a watching brief) of those works shown highlighted in blue on the previous plans and in the preceding table.

This approach is designed to allow for a streamlined works program that minimises archaeological heritage impacts while maximising recovery of information regarding past use of a place. Any positive results from the monitoring program will add to our understanding of the broader history of the site and may be used to inform future archaeological management decision making at Trial Bay.

It is anticipated that the archaeological program will be conducted according to accepted Australian historical archaeological best practice guidelines, including:

- Historical Archaeology Code of Practice 2006
- Assessing Significance for Historical Archaeological Sites & Relics 2009

Procedure will include (but not be limited to) the following:

- The location of all works subject to monitoring will be plotted on a site plan
- The processes & progress of the monitoring program will be recorded in a field notebook
- Relevant aspects of the works will be recorded, including any identified features & deposits, as well as general observations about stratigraphic & landscape characteristics
- Work will be photographed using a high-end digital camera (& scale bar/mini-rod where appropriate) with details recorded in the field notebook/photo log
- If required, features & deposits subject to recording will be given sequential identifiers (context numbers) with details entered into a running context catalogue

- Any items retrieved during the works will be recorded, bagged, tagged & geolocated. These will be duly analysed, detailed in a monitoring report & ultimately retained at the site
- A report detailing the archaeological program will be completed to Heritage NSW standards in a reasonable time after completion of the works.
- Copies of the monitoring report will be supplied to Heritage NSW & NPWS.

Staffing

It is intended that Dan Tuck will be the excavation director (ED) and site archaeologist for the project.

Dan is an experienced archaeologist who has worked in cultural heritage management across a range of disciplines for over 25 years. He is a full member of the Australian Association of Consulting Archaeologist Inc. (MAACAI) and has undertaken considerable research, assessment, archival recording and testing-monitoring work at Trial Bay since 2006.

Dan prepared the Trial Bay Archaeological Landscape Management Plan (2006) and recently prepared the Statement of Heritage Impact and s60 supporting document for major slope rehabilitation works to the immediate north of the gaol (2021). The slope works were approved in 2022 (HMS ID 577) and Dan was the ED, project archaeologist and author of the subsequent monitoring report. He is also involved in the Foreshore Reconstruction Works project 2023/2024 (HMS ID 5605).

With respect to the potential, burial ground site, Dan has undertaken a Skeletal Analysis post-graduate course at ANU and has worked on burial sites and exhumations in Egypt; Cadia Cornish Miners Cemetery (near Orange); The Randwick Destitute Children's Asylum Cemetery Exhumation and Reburial Project; and skeletal remains retrieval at Captains Cook Landing Place and Neilson Park Foreshore.

RESEARCH DESIGN

The following questions will provide general focus for the monitoring program:

General

- ★ What is the nature of the profiles & general stratigraphy within the works areas subject to monitoring?
- ★ Is there any evidence of undocumented features or items within the works areas that relate to the occupation & use of the gaol, its outbuildings and/or surrounds in the nineteenth and twentieth centuries?
- ★ The areas that are to be subject to monitoring have changed dramatically over time with changes in use and major landscaping. What is the evidence of this and what can it say about archaeological predication and future management at the site?

Specific

Path 4

- ★ Is there any inground evidence of the occupation and use of the Governors Residence on the lower terrace at Knobs Alley?
- ★ If so what is the nature, extent and integrity of that evidence?

- ✦ The Governors residence was removed and relocated at Kichela in the 1910s. Is there any evidence of remnant footings or non-structural features such as garden beds and inground drainage?

SW Line E

- ✦ Is there any inground evidence of use of supposed burial ground along its notional northwestern margin?
- ✦ If so what is the nature, extent and integrity of that evidence? Are there grave cuts or other evidence of interment or disinterment?
- ✦ This locale has been subject to considerable landscaping since WW1 to the point that locale is terraced and marked with powered campsites. What that history of use and the results of the monitoring tell about the location and the likely survival of burials (should they exist).

Note:

The likelihood of discovering human remains given the discrete nature of the excavation on (or beyond) the margin of the supposed and highly disturbed burial ground is considered extremely low. That said:

The discovery of suspected human remains greater than 100 years old is considered an archaeological case. It is not subject to the NSW Coroners Act 2009.

Suspected human remains of non-Aboriginal ancestry, and historic burials, are protected by the Heritage Act 1977. They are also subject to the NSW Heritage Council's 1998 Guidelines for the Management of Human Skeletal Remains. However, the 1998 Skeletal Remains Guidelines should be read in context with current statutory definition of a relic under the Heritage Act 1977 (altered in 2009) and in context with the current guidelines for Assessing Significance for Historical Archaeological Sites and Relics (2009).

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/skeletal-remains>

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/assess-significance-historical-archaeological-sites-relics.pdf>

☛ An **unexpected finds protocol** and a **skeletal remains protocol** is presented **overleaf**. A summary of the **impact amelioration strategies** presented herein is presented at **table 6**.

Unexpected Finds Protocol

UFP

The following is a unexpected finds protocol (UFP) to be enacted if an unexpected item (that may be an actual or potential relic) is encountered by NPWS staff or contractors in locations that are not subject to the historical archaeological monitoring program.

The process is as follows:

- Stop work and establish an interim 'no go' zone around the item
- Consult with NPWS management and the project archaeologist
- Engage the project archaeologist to assess the find and determine if it meets the definition threshold for a relic under the *Heritage Act 1977*

If the find is determined to be a relic:

- Works in the vicinity of the item should be brought under the umbrella of the archaeological monitoring program and the find recorded & managed in consultation with NPWS project management
- Notification should given to Heritage NSW in accordance with section 146 of the *Heritage Act* (via the Heritage NSW Heritage Mailbox).

Skeletal Remains Protocol

SRP

The following is a unexpected skeletal remains protocol (SRP) to be enacted if unexpected skeletal remains (that may be of human origin) are encountered by the project archaeologist during monitoring, or by NPWS staff or contractors in locations that are not subject to the historical archaeological monitoring.

The process is as follows:

- Stop work and establish an interim 'no go' zone around the item
- Consult with NPWS management and the project archaeologist
- Project archaeologist to assess the find (in association with physical anthropologist or other skeletal specialist is necessary) and determine if it is human bone.

If the find is determined to be a of human origin:

- Heritage NSW to be informed
- The archaeological monitoring program and subsequent recording & management should be undertaken in consultation with NPWS project management and Heritage NSW
- Notification should given to Heritage NSW in accordance with section 146 of the *Heritage Act 1977* (via the Heritage NSW Heritage Mailbox).

TABLE 6 : SUMMARY OF IMPACT AMELIORATION MEASURES : HISTORICAL ARCHAEOLOGICAL + HERITAGE REQUIREMENTS

Location	Proposed Works	Heritage Requirements
Historic Locations (multiple)	No works	Sites to be resurveyed, marked and secured prior to the commencement of works. <i>No archaeological oversight/monitoring required.</i>
Pathway 6	New roadside concrete pathway	Stone footing remains in the approximate location of the former gaol-era Harbours + Rivers Store (Item 4.14; c.1880s) are en route. <i>Reconsider necessity of path or its method of construction.</i>
Pathway 3 (steps)	Construction of a new set of steps to replace existing late nineteenth century steps	Old pathway steps (Item 4.23) between gaol and former married mens quarters old pathway are at least partly original and have been identified as of significance in the CMP+CTP. <i>Reconsider replacement with preference for repair/reconstruction.</i>
Pathway 6 (steps)	Replacement of Trust-era steps with a new and safer set of steps	Steps have little inherent heritage value but are in a location that has also been a walking thoroughfare. <i>Undertake archival recording of steps to NSW Heritage Office standards, prior to removal.</i>
Road 1 (retaining wall)	Removal of retaining wall to allow for road widening	Trust-era low set retaining wall is of historical interest but has limited archaeological value and its form and function is replicated elsewhere on site. <i>Undertake archival recording of retaining wall to NSW Heritage Office standards, prior to removal. Reuse or appropriately recycle wall stone.</i>
Path 4 (part)	Construction of a concrete path over the terraced site of the former Governors Residence in Knobs Alley (Item 4.03)	Residence relocated in the early twentieth century but may still be some inground remains associated with it. <i>Excavation for the establishment of the path and bedding to be subject to historical archaeological monitoring.</i>
Stormwater Line E	Construction of a new roadside stormwater line in camping area	Line notionally runs along the top of (northwestern margin) of historic gaol burial ground site (Item 4.29). <i>Excavation for the establishment of the SW line between pits E4 and EX.E1 to be subject to historical archaeological monitoring.</i>

RECOMMENDATIONS

It is understood that the proposed works are:

- Consistent with the objectives of the MCD Master Plan
- Acknowledge the spirit and aims of the existing CMP+CTP
- Will be enabled by the pending Arakoon and Hat Head National Parks POM.

It is recommended that:

1. Application for a s60 permit to enable the works program be made via the NSW Heritage Management System (HMS) online portal:

📎 Heritage Information System (HMS)

<https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits>

<https://www.hms.heritage.nsw.gov.au/>

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/heritage-management-system-user-guide-2022.pdf>

📎 State Listed Heritage Items : Approvals

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

2. The MCD Project Trial Bay and Cardwell Street Precinct Improvement Works be undertaken as planned with the following qualifications and caveats:

IMPACT AVOIDANCE

- a. The suite of sensitive historic sites that have been identified, mapped and avoided as part of the detailed design process should be protected during works.

The location of the select heritage sites identified herein should be resurveyed prior to works, marked out and secured. Vehicles, plant and machinery should not be parked, moved or stored within these areas.

📎 Refer **pages 72 - 78** and **table 6**.

RECONSIDERATION

- b. Proposed concrete pathway 6 crosses the site of former gaol-era Harbours + Rivers Store (Item 4.14; c.1880s), which is represented by terracing and some in situ stone footings.

This pathway should be reconsidered and either removed from the construction program or redesigned.

- c. The historic steps (Item 4.23) that exist above Road 1 as part of the track between the gaol gatehouse and campground are at least original and of significance.

The proposed replacement of these steps should be reconsidered, with repair/reconstruction preferable.

📎 Refer **pages 79 - 82** and **table 6**.

RECORDING

- d. Proposed replacement of the steps leading to the quarry from proposed path 6 and the removal of a low-set, Trust-era, stone retaining wall to allow for the widening of Road 1.

These items should be subject to photographic archival recording (AR) prior to works in accordance with Heritage NSW guidelines to capture and memorialise the structures as they present.

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/photographic-recording-of-using-film-or-digital-capture>

☞ Refer **pages 83 - 85** and **table 6**.

MONITORING

- e. Construction of path 4 where it passes over the terrace associated with the former Governors Residence in Knobs Alley, and the excavation of stormwater line E (between pits E4 and Ex.E1) on the margins of the supposed prison burial ground.

These works should be subject to historical archaeological monitoring in accordance with the methodology and research design presented herein and conditions that might arise from the s60m permitting process.

☞ Refer **pages 86 - 93** and **table 6**.

OTHER

- f. Contractors engaged to undertake the project should be given an induction by the project archaeologist to ensure that the importance of the site's history and heritage is conveyed and the impact mitigations processes outlined above are scheduled into the works timeline and adequately accounted for.

REFERENCES

- Australia ICOMOS Inc. 1999. The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance.
- Australian Heritage Commission. 1998. Protecting Local Heritage Places: A Guide for Communities. Australian Heritage Commission, Canberra.
- Australian Heritage Council. 2013. Ruins: A Guide to Conservation and Management. Australian Government, Australian Heritage Council, Canberra.
- Balme, J. and Paterson, A. 2014. Archaeology in Practice: A Student Guide to Archaeological Analysis. Blackwell Publishing, Carlton, Victoria.
- Brown, S. 2007. 'Landscaping Heritage: Toward an Operational Cultural Landscape Approach for Protected Areas in New South Wales' in *Australasian Historical Archaeology* 25: 33-42.
- Bourke, H., Morrison, M. and Smith, C. 2017. The Archaeologist's Field Handbook (2nd edition). Allen and Unwin, Crows Nest.
- Carey, C. 1995. Tales of Trial Bay: The History of South West Rocks. Artwork by Stephanie Wilkinson. South West Rocks.
- Clive Lucas, Stapleton and Partners Pty Ltd. 1994. Smoky Cape Lightstation Conservation Management Plan. Report to AMSA.
- Coltheart, L. 1997. Between Wind and Water: A History Of The Ports And Coastal Waterways Of New South Wales. Hale and Iremonger, Sydney.
- Coltheart, L. 1991. A Guide to the History of the Public Works Department, New South Wales. Public Works Heritage Group, Public Works Department.
- Coltheart, L. and Fraser, D. 1987. Landmarks in Public Works: Engineers and their works in Australia, 1884 - 1914. Hale and Iremonger, Sydney.
- Cleere, H. (ed.). 2005. Archaeological Heritage Management in the Modern World. Routledge, UK.
- Davies, P. and Lawrence, S. 2012. An Archaeology of Australia Since 1788. Springer-Verlag, New York.
- Eddie, M. 2000. Soil Landscapes of the Macksville and Nambucca 1:100 000 Sheets. Department of Land and Water Conservation Soil Landscape Series. Department of Land and Water Conservation, West Kempsey.
- Egloff, B. and Oxley, J. 1989. Kempsey Shire Heritage Study, Aboriginal and Prehistoric Cultural Resources. Unpublished draft report to the Kempsey Shire Council prepared by ANUTECH Pty Ltd.
- Fischer, G. 2021. 'Enemy Aliens: Internment and the Homefront War in Australia 1914-1920' in *Anglica* 30(3): 107-140.
- Fischer, G. 1983. 'Beethoven's Fifth in Trial Bay: Culture and Everyday Life in an Australian Internment Camp during World War I' in *Journal of the Royal Australian Historical Society* 69(1): 48-62.

Fischer, G and Helmi, N. c.2004. Internment at Trial Bay during World War I: An Illustrated Historical Report. Report prepared for the Parks and Wildlife Division, Department of Environment and Conservation and the Migration Heritage Centre NSW.

GeoLINK. 2022. Arakoon and Hat Head National Park: Cut and Fill Options.

Graham Brooks and Associates. 2001. Conservation Management and Cultural Tourism Plan: NPWS Lighthouses. Report to NPWS.

Hall, M. and Silliman, S. 2006. Historical Archaeology. Blackwell Publishing.

Heritage NSW. 2022. Relics of Local Heritage Significance: A Guide for Archaeological Test Excavation.

Heritage NSW. 2020. Material Threshold Policy.

Jackson Teece Chesterman Willis and Partners Pty Ltd. 1985. Trial Bay Prison Study. Report prepared in association with Dr James Semple Kerr for the National Parks and Wildlife Service and the Arakoon State Recreation Area Trust.

Kass, T. 1996. Regional History of the North Coast: A Discussion Paper on Recent Settlement. Prepared by the NSW Department of Planning, Grafton.

Kerr, J. 1988. Out Of Sight, Out Of Mind: Australia's Places Of Confinement, 1788-1988. S.H. Ervin Gallery, National Trust of Australia (NSW), Sydney.

Lookear Pty Ltd. 2008. Trial Bay Gaol and Arakoon State Conservation Area Interpretation Plan (IP). Report prepared by Lookear for Department of Environment and Climate Change, NSW, Northern Branch.

McBryde, I (Ed). 1978. Records of Past Times: Ethnohistorical Essays on the Culture and Ecology of the New England Tribes. Australian Institute of Aboriginal Studies, Canberra.

McBryde, I. 1974. Aboriginal Prehistory in New England. Sydney University Press, Sydney.

Macleay River Historical Society, 1966 [2001]. Trial Bay Gaol. Macleay River Historical Society.

McVarish, D. 2008. American Industrial Archaeology: A Field Guide. Left Coast Press, California.

Neal, M.1972. Valley of the Macleay. Wentworth Books, Sydney.

NSW Department of Department of Environment, Climate Change and Water. 2024. Heritage Compliance Framework.

NSW Department of Department of Environment, Climate Change and Water. 2010. Cultural Landscapes: A Practical Guide for Park Management.

NSW Department of Environment and Conservation (DEC). 2006. Guide to Approvals: Cultural Heritage Items on Land Gazetted under the NPW Act. Information relating to heritage items on DECCW estate.

NSW Department of Planning & Environment. 2023. Guidelines for preparing a Statement of Heritage Impact.

NSW Department of Planning & Environment. 2023. Assessing Heritage Significance: Guidelines for Assessing Places and Objects against the Heritage Council of NSW criteria.

- NSW Heritage Branch. 2009. Assessing Significance for Historical Archaeological Sites and Relics.
- NSW Heritage Branch. 2006. Photographic Recording of Heritage Items using Film or Digital Capture.
- NSW Heritage Council. 2006. Historical Archaeology: Code of Practice. NSW Heritage Office.
- NSW Heritage Office. 2005. State Agency Heritage Guide: Management of Heritage Assets by NSW Government Agencies. Published by the NSW Heritage Office.
- NSW Heritage Office. 1998. Skeletal Remains: Guidelines for Management.
- NSW Heritage Office. 1996. Heritage Terms and Abbreviations. Publication prepared by the Heritage Office (NSW), Department of Urban Affairs and Planning.
- NSW NPWS. 2022a. Macleay Coast Destination Draft Master Plan: Arakoon and Hat Head National Parks.
- NSW NPWS. 2022b. Trial Bay Visitor Precincts: Coast and Foreshore Protection Strategy.
- NSW NPWS. 1987. Arakoon State Conservation Area Plan of Management.
- Office of Environment and Heritage (OEH) . 2019. Guide to Historic Heritage Approvals: How to Seek Approvals for Activities and Work at Historic Heritage Places on Park.
- Paul Davies Pty Ltd. 2004. Trial Bay Conservation Management and Cultural Tourism Plan (CM+CTP). Report prepared by Paul Davies Pty Ltd in association with Austral Archaeology and Bangalay Botanical Surveys for the Department of Environment and Climate Change, NPWS, Macleay Area. As amended.
- Pearson, M. and Sullivan, S. 1995. Looking After Heritage Places. Melbourne University Press, Melbourne.
- Powell, A. 1979. 'The Trial Bay Project: An Aspect of Social Reform in New South Wales' in the Journal of the Royal Australian Historical Society 61(3): 185-198.
- Ramsland, J. 1996. Without Just but Relentless Discipline: A Social History of Corrective Services in New South Wales. Kangaroo Press, Kenthurst.
- Reid, G. 1988. From Dusk till Dawn: A History of Australian Lighthouses. Macmillan Co. Australia.
- Riddel Architecture (RA). 2008a. Smoky Cape Lighthouse Precinct: Conservation Management Plan. Report to NSW NPWS.
- Riddel Architecture (RA). 2008b. Smoky Cape Lighthouse Precinct: Conservation Manual. Report to NSW NPWS.
- Ryan, J (ed). 1964. The Land of Ulitarra: Early Records of the Aboriginals of the Mid-North Coast of New South Wales. University of New England.
- Searle, S. 2013. First Order: Australia's Highway of Lighthouses. Seaside Lights, Glenelg, SA.
- Tindale, N. 1974. Aboriginal Tribes of Australia. ANU Press, Canberra.
- Tuck 2023. Macleay Coast Destination Project (Trial Bay & Caldwell Street Precincts): Statement of Heritage Impact (Concept Design). Report to NPW dated 1 June 2023.

Tuck, D. 2006. Trial Bay Gaol Archaeological Landscape Management Plan (ALMP). Report prepared Dan Tuck for the Department of Environment and Climate Change, NPWS, Macleay Area.

Willow + Sparrow. 2021. Trial Bay Gaol Campground - Stormwater Drainage Investigation and Options. Report to NPWS.

ATTACHMENTS

A1. Macleay Coast Destination Master Plan : Arakoon and Hat Head National Parks (NPWS 2024)

A2. Trial Bay Campground Upgrade : Detailed Design (GeoLINK July 2024)