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## **Report**

### **Desktop Heritage Assessment**

Byron Bay Hospital Site

NSW Health Infrastructure

15 July, 2014

Rev 0 (Final)

## Proposal Details

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## 1. THE PROJECT

Advitech Environmental (Advitech Pty Limited) was contracted by New South Wales Health Infrastructure to provide a desktop heritage assessment for the Byron Shire Central Hospital site, located at 54 Ewingsdale Road, Ewingsdale.

It should be noted that this report was prepared by Advitech Environmental (Advitech Pty Limited) for New South Wales Health Infrastructure in accordance with the agreed scope of work and specific regulatory requirements. This report was prepared with background information, terms of reference and assumptions agreed with the customer. The report is not intended for use by any other individual or organisation and as such, Advitech will not accept liability for use of the information contained in this report, other than that which was intended at the time of writing.

## 2. PROJECT BACKGROUND

Health Infrastructure is investigating the suitability of a site to locate the regional Byron Shire Central Hospital within the Byron Shire Local Government Area. The outcome of the desktop heritage assessment will enable Health Infrastructure to make a determination regarding the heritage significance of the site. This desktop assessment provides a brief overview of the potential heritage impacts of the proposal on the subject land parcel and activities.

The proposed parcel at 54 Ewingsdale Road, Ewingsdale at Lot 100, DP1140936, lies directly east of the Ewingsdale Interchange on the Pacific Highway (as indicated in **Figure 1**). Ewingsdale Road is the major thoroughfare to Byron Bay township from the highway.

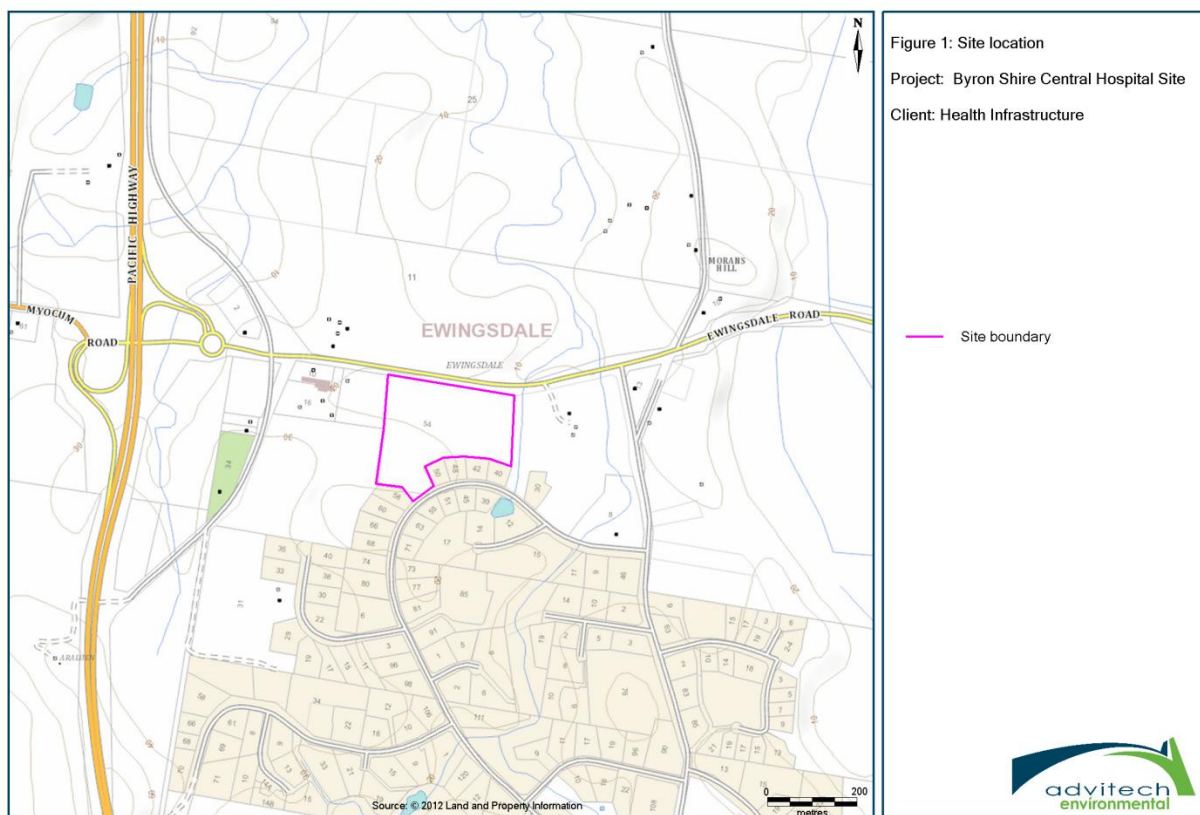


Figure 1. Site Location (LPI, 2012)

The Secretary's Environmental Assessment Requirements (SEARs) were sought in accordance with Section 78A(8A) of the *Environmental Planning and Assessment Act 1978* (EP&A Act) and Schedule 2 of the Environmental Planning and Assessment Regulation 2000. The SEARs were provided on 9 July, 2014, (SD 6573) and indicated that the Environmental Impact Statement (EIS) would need to address Aboriginal heritage in accordance with the *Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC, 2005) and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).

These documents outline how Aboriginal people are provided with the opportunity to participate in the decision making regarding the management of their cultural heritage. This desktop assessment provides a background review of relevant and known information on Aboriginal heritage that will facilitate the requisite community consultation.

The SEARs did not stipulate an assessment of historic heritage; however, this is briefly considered in this desktop assessment.

### 3. ASSESSMENT

#### 3.1 AHIMS Register

An Aboriginal Heritage Information Management System (AHIMS) search was undertaken on 14 July to identify any identified Aboriginal object as defined under the *National Parks and Wildlife Act 1974* (NPW Act). An AHIMS search identifies:

- a group (that is, a collection, scattering, deposit, and so on) of Aboriginal objects;
- an area of land containing Aboriginal objects;
- a 'potential' archaeological deposit (PAD) which is an area where, based on previous investigation, Aboriginal objects are likely to be present;
- a declared Aboriginal Place (as defined under the NPW Act) which may or may not contain Aboriginal objects; or
- an Aboriginal site that has been partially or completely destroyed under the conditions of a past consent.

A Basic AHIMS search indicated that two Aboriginal objects are located within one kilometre of the subject site. No objects are located within 200 metres of the site. An assessment in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010) and inclusive of an Extensive AHIMS search is recommended to confirm that no impact will be made to Aboriginal heritage from the proposed development.

#### 3.2 Australian National Heritage Database

A search of the Australian Heritage Database was carried out on 14 July, 2014, to identify items on the Register of the National Estate or National Heritage List. 39 objects were identified in the search as being located in the immediate region as being on the Register of the National Estate, Commonwealth Heritage List, and National Heritage List or as a World Heritage site.

No items were located within 5 five kilometres of the site. None of the items listed would be impacted by the proposed development.

### 3.3 Matters of National Environmental Significance

A request for an *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters Report identifies Matters of National Environmental Significance as well as other matters protected by the EPBC Act. The report indicates that the following items listed as Matters of National Environmental Significance are located in the Byron Shire Local Government Area (LGA):

MNES	Heading
World Heritage Properties (Gondwana Rainforests of Australia)	1
National Heritage Places (Gondwana Rainforests of Australia and Yelgun Wooyung National Heritage Place)	2
Wetlands of International Importance	None
Great Barrier Reef Marine Park	None
Commonwealth Marine Areas	None
Threatened Ecological Communities (Littoral Rainforest and Coastal Vine Thickets of Eastern Australia, Lowland Rainforest of Subtropical Australia, and Subtropical and Temperate Coastal Saltmarsh)	3
Threatened Species	97
Migratory Species	50

The proposed development is not located within five kilometres of any World Heritage Property or National Heritage Place and, therefore, would not be impacted by the development. A separate assessment would determine the impact of the proposed development on threatened ecological communities, and threatened or migratory species.

### 3.4 NSW State Heritage Register

A search of the NSW Heritage Office State Heritage Register and Inventory to identify items listed at the NSW State level was undertaken on 14 July, 2014.

Ten items as listed under the *Heritage Act 1977* or as heritage items under Section 170 of the State agency heritage register were listed in the search, namely:

- Bangalow Police Station;
- Booyong Pearce's Creek Underbridge;
- Byron Bay Shirley Street Conservation Area;
- Byron Bay Police Station;
- Byron Bay Railway Station and Yard Group;
- High Conservation Value Old Growth Forests;
- Mullumbimby Brunswick River Underbridge;
- Mullumbimby Court House, Police Station and Official residence;
- Mullumbimby Hydro-electric Power Station Complex; and
- Mullumbimby Railway Station.

None of the sites are located within five kilometres of the proposed development and, therefore, will not be impacted by it. No item of heritage is listed in the Register as being of Aboriginal heritage.

### 3.5 Byron Shire Local Environmental Plan

A search of the Byron Shire Local Environmental Plan (LEP) (2014) was undertaken on 14 July, 2014. A total of 181 heritage items and seven Conservation Areas are listed in Schedule 5 (Environmental Heritage) of the Plan.

Two items are located within 300 metres of the project site, with another five within two kilometres (see Figure 2):

- Higgins House (including detached kitchen wing and mature Moreton Bay Fig trees) at Lot 101 DP1140936 on the parcel to the immediate east of the project site;
- St Colonus Church group (including church, hall and former school site and trees) at Lot 1 DP124387, Lot 1 DP134548 and Lot 377 DP47409 at 300 metres to the immediate west of the site;
- Bernard McGettigan House at Lot 4 DP1088268;
- Flick Farm and Sugar Mill site at Part of Lot 8 DP7189;
- 'Weetalabah' Johnston House at Lot 11 DP858256;
- McLeods Shoot Lookout in the road reserve the corner of Coolamon Scenic Drive and the Pacific Highway; and
- Tyagarah Meat Pool at Part of Lots 2-4 DP1013646.

No item would likely be impacted by the development of the site. The Higgins House site is the subject of a separate but integrated development proposal on the adjacent lots to the immediate east and west for seniors housing and related ancillary services.

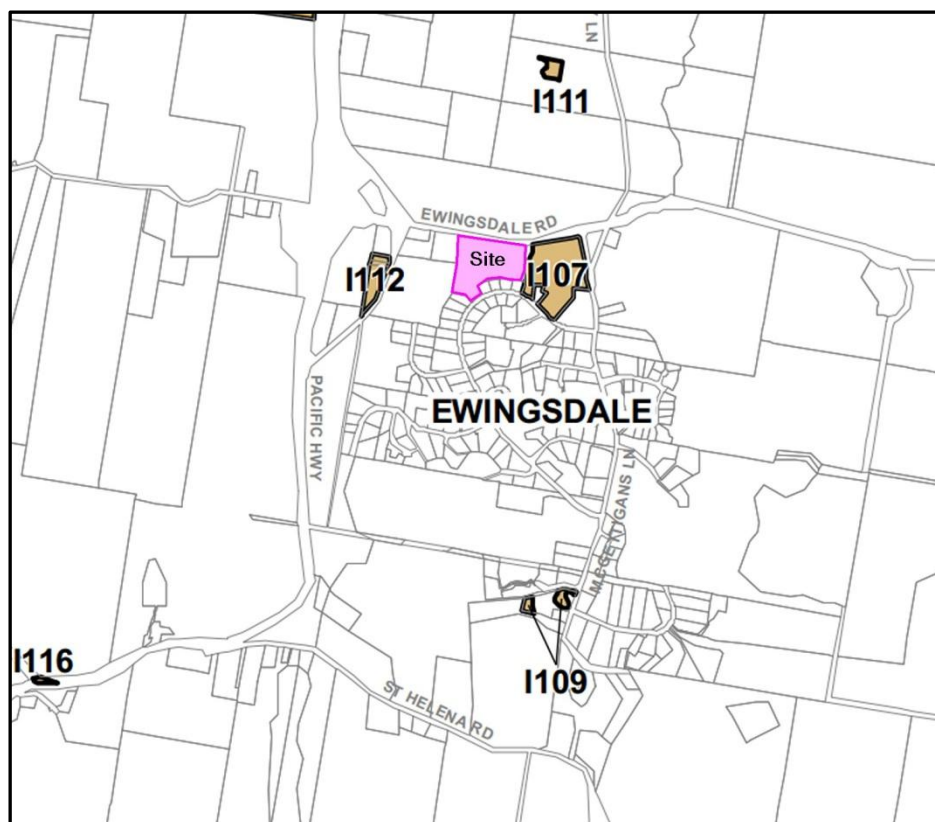


Figure 2. Location of Historic Heritage Items (Byron Shire LEP, 2014)

### 3.6 Other Heritage Studies

Two reports relate directly to the immediate locality of the proposed development:

- Byron Shire Council (2007). *Byron Shire Community-Based Heritage Study*. Byron Shire Council.
- Everick Heritage Consultants Pty Ltd (Everick) (2014). *Due Diligence Cultural Heritage Assessment, Ewingsdale Medical Centre, Ewingsdale, NSW*. Prepared for Henry Davis York.

#### 3.6.1 Byron Shire Community-Based Heritage Study

The Community-Based Heritage Study aimed to identify, assess and recommend listing of places of heritage significance within the Byron Shire. The study identified two sites within 500 metres of the proposed development. The two sites were subsequently listed in the Byron Shire LEP 2014 as stated above.

#### 3.6.2 Due Diligence Cultural Heritage Assessment, Ewingsdale Medical Centre

An Aboriginal Due Diligence Cultural Heritage Assessment was carried out on Lot 101 DP1140936 to accompany a planning proposal to amend the local planning instrument to include addition permissible uses in the locality. The intention was to facilitate a development concept for the site that includes seniors housing, aged care facility, medical centre and retail facilities.

The results of the assessment, inclusive of the requisite Aboriginal consultation, found that:

- No Aboriginal objects or places of intangible significance were identified within the project area as a result of the field survey and community consultation;
- No areas were identified that are considered to potentially contain subsurface deposits of significant Aboriginal heritage; and
- No archaeological areas were identified that required further cultural heritage investigation.

Everick (2014) also identified several other reports that examined Aboriginal sites in the locality or made specific reference to the area, including Collins (1992 and 1996), Hughes (1998), Lomax (1995), Robins (2008), and Navin and Officer (2007). All these documents discussed indicated that the majority were provided to support developments such as infrastructure corridors or roads. No sites were indicated in the immediate locality that would be impacted.

### 3.7 Landscape and geomorphology

Generally, assessment of the known geomorphology and landscape of an immediate area may indicate the presence of Aboriginal objects or places.

The proposed development is located on a parcel of land that has an ephemeral tributary of Simpsons Creek on its eastern boundary. Simpsons Creek is a north flowing stream that has its confluence with the Brunswick River near its entrance to the Tasman Sea.

Archaeological predictive models developed for the Lower Hunter region, for example, suggest that landscape units associated with second or higher order streams have a high potential to retain undisturbed archaeological deposits. As such, the site may have the potential for archaeological deposits.

The site is cleared and is relatively flat. It would appear that the site may have been formerly subject to grazing activities. The site would have been subject to varying levels of sub-surface disturbance through activities such as vegetation clearing, access activities and agricultural practices. Therefore, the site is likely to have a low potential for retaining intact archaeological objects.

A further due diligence assessment would need to be carried out to establish the level of significance and consequent management strategies that need to be made if indeed any potential for intact Aboriginal objects still exist on the site.

#### 4. RECOMMENDATIONS

The SEARs were provided on 9 July, 2014, and indicated that the EIS would need to address Aboriginal heritage in accordance with the *Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC, 2005) and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010). These documents outline how Aboriginal people are provided with the opportunity to participate in the decision making regarding the management of their cultural heritage.

This desktop assessment has indicated that the proposed development is unlikely to impact any item of Aboriginal or historic heritage. However, a due diligence assessment in accordance with participation with local Aboriginal representatives will provide clarity as to the results of the desktop assessment whilst ensuring that cultural perspectives, views and concerns of Aboriginal representatives are taken into account.

It is important to note here that Aboriginal heritage is not confined to sites or objects, but includes peoples' memories, story lines, ceremonies, language and 'ways of doing things' that continue to enrich local knowledge about the cultural landscape. An assessment as required by the SEARs incorporating Aboriginal participation, and as required under the NPW Act, EP&A Act and the *Aboriginal Land Rights Act 1983* will assist in identifying Aboriginal heritage that may be impacted by the proposed development.

It should be noted here that no further actions are required for historic heritage for the EIS that relate to the *Heritage Act 1977* or the *Historic Houses Act 1980*.

#### 5. REFERENCES

Aboriginal Heritage Information Management System (AHIMS) (2014). Basic AHIMS Search, Byron Shire Central Hospital site.

<http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>

Australian National Heritage Database (2014). Search for Byron Shire Central Hospital site.

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Byron Shire Council (2007). *Byron Shire Community-Based Heritage Study*. Byron Shire Council.

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- Collins, J.P. (1992). *Byron Shire Aboriginal Heritage Study*. Unpublished report to the Byron Shire Council.
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- Robins, R. (2008). *Cultural Heritage Assessment at Lots 103, 104, & 105 DP 1023126 Tyagarah, NSW*.