

**Historic Heritage Assessment
Tweed Valley Hospital
Stage 2 SSD**

Prepared for NSW Health Infrastructure

Prepared by Niche Environment and Heritage | 23 September 2019



Document control

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Executive summary

On 11 June 2019 the Minister for Planning and Public Spaces granted approval for the Concept Proposal and Stage 1 Early and Enabling Works for the new Tweed Valley Hospital (SSD 9575) located at 771 Cudgen Road, Cudgen (Lot 11 DP1246853).

The Environmental Impact Statement (EIS) has been prepared to assist in the State Significant Development (SSD) Stage 2 Application for the Tweed Valley Hospital which will be assessed under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This historical heritage assessment has been prepared to inform the Environmental Impact Statement (EIS) prepared for the New Tweed Valley Hospital SSD Stage 2 Application.

Niche Environment and Heritage was commissioned by TSA Management (TSA) on behalf of NSW Health Infrastructure to:

- update the historical heritage assessment of the Project Area and the impacts on those values of the proposed development to support the Stage 2 SSD application (this assessment);
- prepare an archival record of the dry-stone walls to be impacted by the construction of the New Tweed Valley Hospital prior to the commencement of Stage 1 works;
- undertake consultation with the local South Sea Islander community prior to the commencement of Stage 1 works; and
- prepare an Interpretation Strategy specifically relating to the dry-stone walls.

This report is intended to fulfil the requirements of the non-Aboriginal (historic) heritage conditions outlined in the Development Consent.

SCHEDULE 2: Conditions of consent for concept design

Part B: Conditions to be satisfied in future development application(s)

Condition	Description
B14	The Stage 2 application must include details of the retained stone walls on the site (where feasible), the associated archival recordings and interpretation techniques (where removal is proposed) as required by conditions A12 and A13 of schedule 3 and the recommendations of the <i>Historical Heritage Assessment Report</i> prepared by Niche Environment and Heritage dated 19 October 2018.

Schedule 3 : Conditions of consent for Stage 1 Works

Part A Administrative Conditions

A12	The Stage 1 works must include the details of the methods to retain the five walls (where possible, either in part or in full) identified in the <i>Historical Heritage Assessment Report</i> prepared by Niche Environment and Heritage dated 19 October 2018, in accordance with the recommendations of this report and in consultation with Council, including but not limited to: <ul style="list-style-type: none"> (a) avoidance of works near wall 2 and 5; (b) retention of wall 4 (where possible, either in part or in full) and integration with the carpark area; (c) part retention of wall 3 with evidence that the demolished materials can be reused in the Stage 2 application; and (d) part retention of wall 1, archival recordings of the demolished section and reconstruction of the remaining section of the wall to ensure its stabilisation.
A13	If wall 1, wall 3 and wall 4, identified in the <i>Historical Heritage Assessment Report</i> prepared by Niche Environment and Heritage dated 19 October 2018, require removal (either in part or full), then archival recording of the walls must be conducted prior to the commencement of Stage 1 works, in consultation with Council.

Response to Development Consent Conditions

Archival Recording

An archival record of drystone walls Wall 1, Wall 3 and Wall 4 has been prepared in accordance with Schedule 3 Condition A13 and is appended to this assessment (Appendix A).

Methods of Retention

As outlined above and in the Stage 1 SSD Historic Heritage Assessment (Niche 2018), the drystone walls Wall 2 and Wall 5 will not be impacted by the proposed Stage 2 SSD works. At present the walls are protected from the area of proposed works by the Tweed Valley Hospital boundary fencing.

Consultation

In accordance with Schedule 3 Condition A13 consultation has also been undertaken with the Tweed Valley Shire Council. Further, consultation with the South Sea Islander communities to determine the associative significance of the dry-stone walls to the local South Sea Islander community.

A 'Consultation Log' and summaries of the South Sea Islander Community Consultation meetings are found in Appendix B.

Interpretation

An Interpretation Strategy specifically focusing on the dry-stone walls and the histories of the South Sea Islander community at the Project Site, has been prepared as part of the South Sea Islander community consultation. The Interpretation Strategy is found in Appendix C.

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1. Introduction

Niche Environment and Heritage (Niche) was commissioned by TSA Management (TSA) on behalf of NSW Health Infrastructure to prepare this Historic Heritage Assessment (HHA) HHA in response to the Stage 1 Early and Enabling Works for the new Tweed Valley Hospital (SSD 18_9575).

1.1 Overview

On 11 June 2019 the Minister for Planning and Public Spaces granted approval for the Concept Proposal and Stage 1 Early and Enabling Works for the new Tweed Valley Hospital (SSD 9575) located at 771 Cudgen Road, Cudgen (Lot 11 DP1246853). All documents relating to this consent can be found on the major project website of DPIE at <https://www.planningportal.nsw.gov.au/major-projects/project/10756>.

The Environmental Impact Statement (EIS) has been prepared to assist in the State Significant Development (SSD) Stage 2 Application for the Tweed Valley Hospital which will be assessed under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This, along with supporting documentation, provides a clear outline of the Stage 2 Application.

The Tweed Valley Hospital Project broadly consists of:

- Construction of a new Level 5 major regional referral hospital to provide the health services required to meet the needs of the growing population of the Tweed-Byron region (in conjunction with the other hospitals and community health facilities across the region);
- Delivery of the supporting infrastructure required for the Tweed Valley Hospital, including green space and other amenities, roads and car parking, external road upgrades and connections, utilities connections, and other supporting infrastructure.

1.2 Stage 2 Hospital Main Works and Operation

The Stage 2 SSD component seeks consent for the Main Works and Operation of the Tweed Valley Hospital, including:

Construction of Main Hospital Building	Construction of Support Buildings, referred to as the 'Health Hub', containing:
Main entry and retail area	Oral Health
Administration	Community Health
Community health	Aboriginal Health
In-Patient units	Administration
Outpatient clinics and day only units	Education, Training and Research
Child and Adolescent Services	Internal Roads and carparking, including multi-deck parking for staff, patients and visitors;
Intensive Care Unit	Construction of a temporary building for the 'Tweed Valley Skills Centre'
Mental Health Unit	External road infrastructure upgrades and main site access
Maternity Unit and Birthing Suites	Environmental and wetland rehabilitation, including rehabilitation of existing farm dam as outlined in the Biodiversity Development Assessment
Renal Dialysis	Medical Imaging
Pathology	Mortuary

Pharmacy	Education, Training, Research
Radiation Oncology as part of integrated Cancer Care	Report (BDAR) prepared for the Concept Proposal and Stage 1 works
Emergency Department	Site landscaping
Perioperative Services	Signage
Interventional Cardiology	Utility and service works
Back of House services	
Rooftop Helipad	

The works outlined above comprise five key components, which are subject to various funding allocations and may be delivered independently to each other. Stage 2 has therefore been defined in the following sub-stages:

- Stage 2A – Main Hospital Building complete with supporting roads, services infrastructure and landscaping
- Stage 2B – Main Hospital Building incremental expansion areas
- Stage 2C – Health Hub
- Stage 2D – Tweed Valley Skills Centre
- Stage 2E – Multi-deck car park.

Development consent is sought for the all 5 components of Stage 2 under this SSDA.

Plans for Stage 2 Main Works and Operation are attached in Appendix B of the EIS. Approval of Stage 2 will enable the new Tweed Valley Hospital to be built which will provide a much-needed contemporary health service facilities for the surrounding region.

1.3 Potential Future Expansions

Any subsequent stages or modifications to the proposal would be subject to separate applications as required including the potential future expansion of the facility.

1.4 Aims and objectives

The aim of this assessment is to prepare a specialist study into the potential impacts of the Project on historical heritage items, places and landscapes associated with the Project Site.

This assessment responds to those non-Aboriginal (historic) heritage conditions to inform an Environmental Impact Statement (EIS) to assist in the State Significant Development (SSD) Stage 2 Application for the Tweed Valley Hospital which will be assessed under Part 4 Division 4.1 of the Environmental Planning and Assessment Act.

This report has been prepared having regard to the relevant conditions and condition updates, specifically:

Schedule 2: Conditions of Consent for Concept Development **Part B: Conditions to be satisfied in future Development Applications(s)**

Heritage

- B14. The Stage 2 application must include details of the retained stone walls on the site (where feasible), the associated archival recordings and interpretation techniques (where removal is proposed) as

required by conditions A12 and A13 of schedule 3 and the recommendations of the Historical Heritage Assessment Report prepared by Niche Environment and Heritage dated 19 October 2018;

and

Schedule 3: Conditions of Consent for Stage 1 Works

Part A: Administrative Conditions

Heritage

- A12. The Stage 1 works must include the details of the methods to retain the five walls (where possible, either in part or in full) identified in the *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018, in accordance with the recommendations of this report and in consultation with Council, including but not limited to:
- (a) avoidance of works near wall 2 and 5;
 - (b) retention of wall 4 (where possible, either in part or in full) and integration with the carpark area;
 - (c) part retention of wall 3 with evidence that the demolished materials can be reused in the Stage 2 application; and
 - (d) part retention of wall 1 (Figure 1), archival recordings of the demolished section and reconstruction of the remaining section of the wall to ensure its stabilisation.
- A13. If wall 1, wall 3 and wall 4, identified in the *Historical Heritage Assessment Report* prepared by Niche Environment and Heritage dated 19 October 2018, require removal (either in part or full), then archival recording of the walls must be conducted prior to the commencement of Stage 1 works, in consultation with Council.

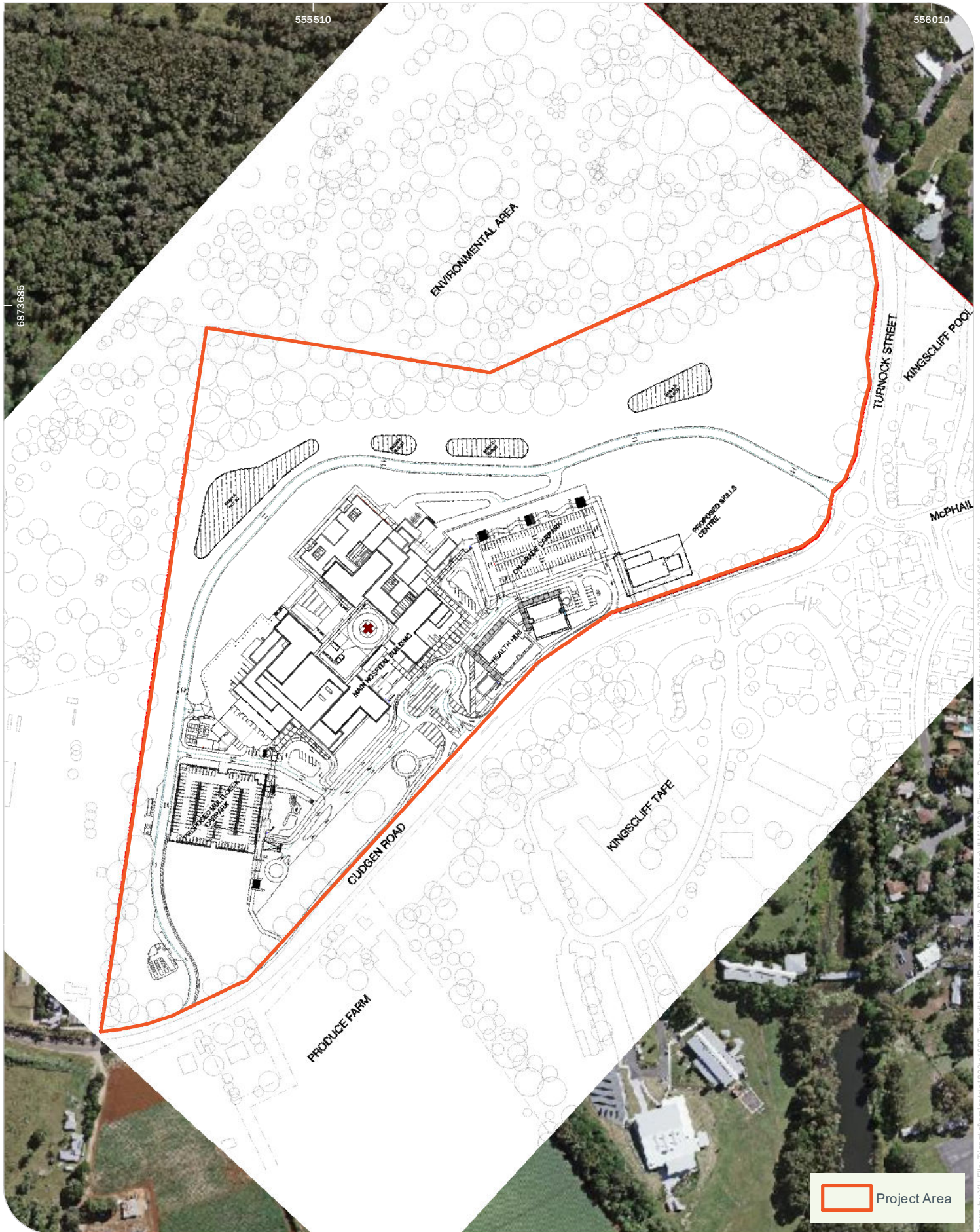
1.5 Project team

The Niche project team consisted of Joshua Madden (Team Leader – Historic Heritage, Niche), Samuel Ward (Heritage Consultant, Niche) and Dr Matthew Harris (GIS Consultant, Niche).

1.6 Limitations

There were several important limitations to the assessment. These were:

- The historical research was prepared as part of the preparation of the historical heritage assessment as part of the Stage 1 SSD Historical Archaeological Assessment (Niche 2018).
- Community consultation with local South Sea Islander stakeholders is ongoing. This assessment will be updated with a summary of all future consultation with the South Sea Islander stakeholders. Where appropriate this historical context should be updated upon the completion of the consultation.
- No consultation was conducted with past occupants of the Project Site. The assessment was based solely on public records and therefore could not capture individual family histories, or tenancy and informal land use arrangements. Where appropriate this historical context should be updated upon the completion of the South Sea Islander community consultation.



Project Area

2. Regulatory and assessment framework

The following section provides an overview of the legislative framework relating to the protection and management of historic heritage in NSW. The management and conservation of non-Aboriginal heritage items, relics, archaeological sites and places is subject to a range of statutory provisions in the NSW state government legislation. The relevant statutory and non-statutory heritage listings are discussed.

2.1 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Under the EPBC Act, protected heritage items of significance are listed on the National Heritage List (NHL) or the Commonwealth Heritage List (CHL). The NHL provides protection to places of cultural significance to the nation of Australia, while the CHL comprises natural, Aboriginal and historic heritage places owned and controlled by the Commonwealth. These lists can be searched via the Australian Heritage Database (<http://www.environment.gov.au/cgi-bin/ahdb/search.pl>), which also includes places in the World Heritage List and the Register of the National Estate (RNE) which was closed in 2007 but is maintained on a non-statutory basis as a publicly available archive and educational resource.

2.2 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process in NSW. The EP&A Act requires that environmental impacts, including impacts on heritage items, are considered by planning authorities prior to land development. Under s117(2) a set of ministerial directions are provided, and for heritage conservation, Ministerial Direction 2.3 establishes the following:

Objective

(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or

(b) the provisions of the planning proposal that are inconsistent are of minor significance.

The Act also requires local governments to prepare planning instruments (such as Local Environmental Plans) in accordance with the principles of the legislation, to provide guidance on the level of environmental assessment required.

A specific assessment system has been created under Part 4, Division 4.7 of the EP&A Act, to consider projects classed as SSD. A range of development types, including hospital facilities, are considered to be SSD if they are over a certain size or located in a sensitive environmental area.

The Project is SSD and Development Consent is being sought from the Minister for Planning (or delegate).

2.2.1 Conditions of Consent

On the 11 June 2019 the Minister for Planning and Public Spaces granted approval for the Concept Plan and Stage 1 Early and Enabling Works for the new Tweed Valley Hospital (SSD 18_9575) located at 771 Cudgen Road, Cudgen (Lot 11 DP1246853).

Table 1 below outlines the non-Aboriginal (historic) heritage conditions outlined in the Development Consent.

Table 1: Stage 1 SSD Development Consent Conditions

SCHEDULE 2: Conditions of consent for concept design	
Part B: Conditions to be satisfied in future development application(s)	
Condition	Description
B14	The Stage 2 application must include details of the retained stone walls on the site (where feasible), the associated archival recordings and interpretation techniques (where removal is proposed) as required by conditions A12 and A13 of schedule 3 and the recommendations of the <i>Historical Heritage Assessment Report</i> prepared by Niche Environment and Heritage dated 19 October 2018.
Schedule 3 : Conditions of consent for Stage 1 Works	
Part A Administrative Conditions	
A12	The Stage 1 works must include the details of the methods to retain the five walls (where possible, either in part or in full) identified in the <i>Historical Heritage Assessment Report</i> prepared by Niche Environment and Heritage dated 19 October 2018, in accordance with the recommendations of this report and in consultation with Council, including but not limited to: <ul style="list-style-type: none"> (a) avoidance of works near wall 2 and 5;

SCHEDULE 2: Conditions of consent for concept design	
Part B: Conditions to be satisfied in future development application(s)	
Condition	Description
	(b) retention of wall 4 (where possible, either in part or in full) and integration with the carpark area; (c) part retention of wall 3 with evidence that the demolished materials can be reused in the Stage 2 application; and (d) part retention of wall 1, archival recordings of the demolished section and reconstruction of the remaining section of the wall to ensure its stabilisation.
A13	If wall 1, wall 3 and wall 4, identified in the <i>Historical Heritage Assessment Report</i> prepared by Niche Environment and Heritage dated 19 October 2018, require removal (either in part or full), then archival recording of the walls must be conducted prior to the commencement of Stage 1 works, in consultation with Council.

This report is intended to fulfil the requirements listed above.

2.3 Heritage Act 1977

The *Heritage Act 1977* is a statutory tool designed to conserve environmental heritage in NSW. It is used to regulate development impacts on the State's historical heritage assets. The Act defines an 'item' as "*a place, building, work, relic, moveable object or precinct*". To assist with the management of the State's heritage assets, the Act distinguishes between items of local and State heritage significance. Items that are assessed as having State heritage significance can be listed on the NSW State Heritage Register (SHR).

Archaeological features and deposits are afforded statutory protection by the 'relics provisions' of the Act. A relic is defined as "*any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and is of State or local heritage significance*". Land disturbance or excavation that will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed is prohibited under the provisions of the Act, unless carried out in accordance with an Excavation Permit pursuant to section 140, or an Archaeological Exception under section 139 of the Act.

Section 89J of the EP&A Act outlines approvals that do not apply to SSDs. Of relevance to heritage approvals, under s89J the following do not apply to SSDs:

- An approval under Part 4, or an excavation permit under s139 of the *Heritage Act 1977*.

Division 8 of Part 6 of the *Heritage Act 1977*, which relates to controlling and restricting harm to buildings, works, relics and places not subject to interim heritage orders or State Heritage Register listing.

2.4 Local Planning Instrument

Local Environmental Plans (LEPs) are developed and maintained for each LGA. The LEP identifies Aboriginal and historical heritage items within the LGA. These items are subject to the planning controls and provisions set out in the EP&A Act and Clause 5.10 (Heritage Conservation) of each LEP. The Project Site is situated in the LGA of Tweed (Tweed 2014).

2.5 Heritage Register Searches

The following subsections present the results of Commonwealth, National, State and local heritage register searches for listed historical heritage items located within, or in close proximity to, the Project Site.

2.5.1 Commonwealth and National Heritage Registers

A search of Commonwealth and National heritage registers via the Australian Heritage Database was undertaken between 27 May and 17 June 2019. There is a single listed item located within close proximity to the Project Site:

Cudgen Burial Ground (ID 19489), Chinderah Road, Chinderah is a registered place on the Register of the National Estate and is located approximately 2.5km northwest of the Project Site within Lot 492 DP720407. This item is a burial ground for South Sea Islanders who were brought over as indentured labourers from the mid to late nineteenth century to work in the timber and sugar cane industries in the Tweed River region.

2.5.2 State Heritage Register

Under section 170 of the *Heritage Act 1977*, NSW government agencies are required to maintain a register of heritage assets under their control or ownership. Each government agency is responsible for ensuring that the items entered on its register under section 170 are maintained with due diligence in accordance with State Owned Heritage Management Principles. Items listed on a section 170 Heritage and Conservation Register are listed on the State Heritage Inventory (SHI).

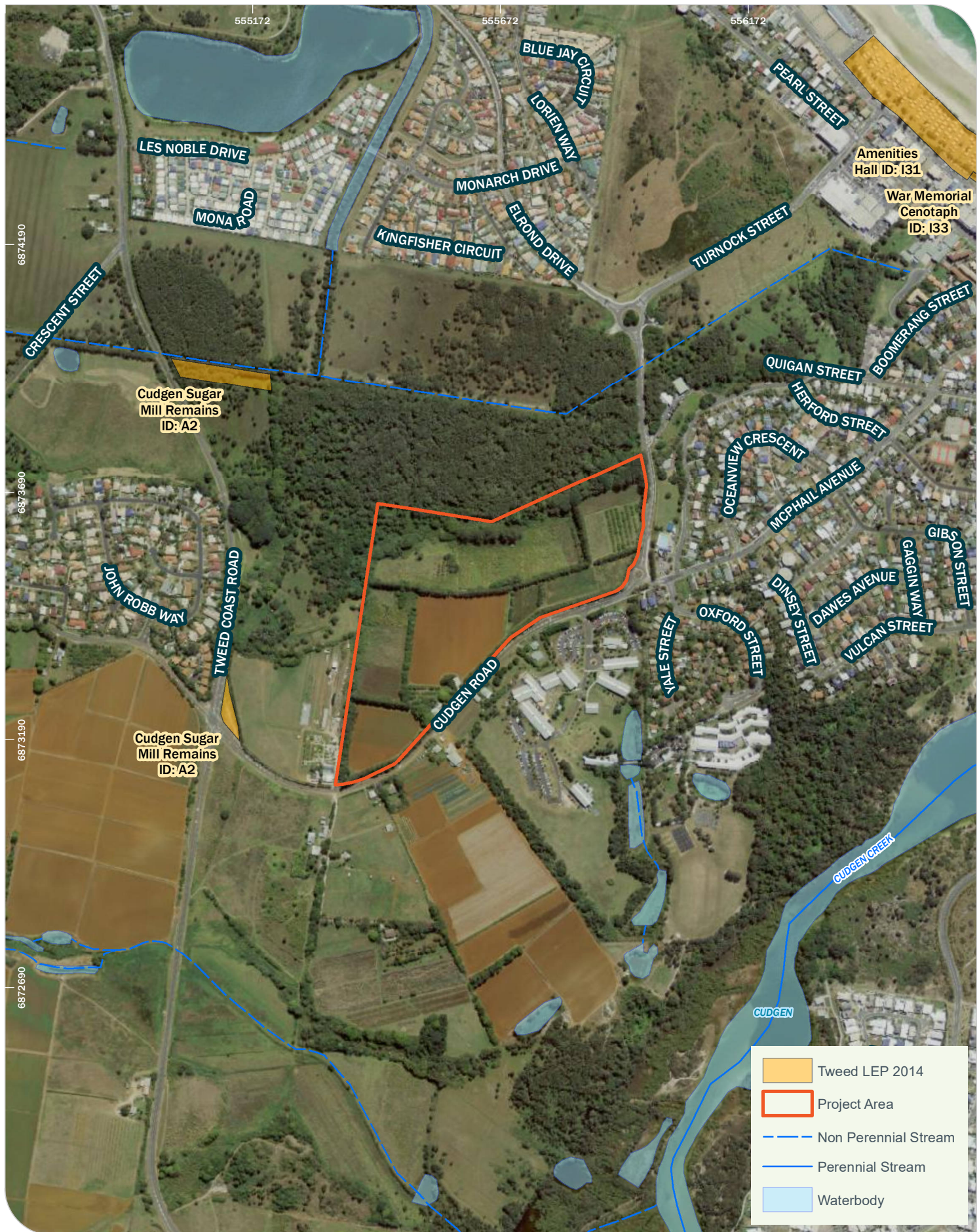
A search of the SHI was completed between 27 May and 17 June 2019. There are no listed items of State heritage significance listed under section 170 located within close proximity to the Project Site.

2.5.3 Local Environmental Plans

Heritage items are listed under Schedule 5 of each LEP. Searches of the Tweed Local Environmental Plan (LEP) 2014 were undertaken on 27 May and 17 June 2019. There are four listed items of local heritage significance located within close proximity to the Project Site (see Figure 3):

- Chinderah Cemetery (LEP Listing No. 13), Tweed Coast Road, Chinderah is located approximately 3 km northwest of the Project Site within Lots 492 & 493 DP720407 and Lot 49 DP841783 and incorporates the Cudgen Burial Ground. This item is significant for its association with the South Sea Islanders who were brought to the area as indentured labour for sugar cane farming in the late C19th to early C20th.
- Cudgen Sugar Mill Remains (LEP Listing No. A2), Tweed Coast Road, located within Part Lot 3, DP 828298 resides to the immediate northwest of the Project Site. The remains of the mill are listed as having archaeological value due to its unique and significant status as the only fully developed plantation mill to be constructed using South Sea Islanders labour.
- Dry Stone Walls (LEP Listing No. 22), 463 and 501 Cudgen Road on Lots 7 and 8 DP812933 are situated approximately 2 km southwest of the Project Site. Historical evidence indicates that the property on which the walls reside was known to have been worked by South Sea Islanders with anecdotal evidence suggesting that the walls were constructed by the Islanders. The significance of the walls is twofold, firstly in recognising the history and connection of South Sea Islanders to the Tweed district and their representative value as some of the few remaining dry stone walls in the area.
- War Memorial Cenotaph and Public School Rolls (LEP Listing No. 23) 11 Collier Street, Cudgen is located approximately 800 m west of the Project Site, on Lot 1 DP407094 and Lot 71 DP755701. The item is listed as a war memorial.

Under Clause 5.10(2)(c) of the Tweed LEP 2014, development consent is required for *“disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed”*



Drawn by: Matt Harris File: \\hospital\projects\44800\44898_TweedHospitalDrystoneWalls_AR_NSW\Maps\HHA44898_Figure_3_Heritage.mxd Last updated: 02/12/2019 11:52:36 AM

3. Historical context

The following section provides a brief overview of the historical context of the Project Site. The following sources and/or repositories were reviewed:

- Boileau (2004) *Tweed Shire Council Community Based Heritage Study Thematic History*, unpublished report for Tweed Shire Council.
- The National Library of Australia's TROVE online discovery service (<http://trove.nla.gov.au>);
- Monument Australia (<http://monumentaustralia.org.au/themes/culture/indigenous/display/107197-south-sea-islander-memorial>).
- NSW Department of Land and Property Information (LPI); and relevant and available previous studies and reports.

3.1 Regional historical context

1860-80s

The Land Clearance Act 1861 allowed for the development of intensive agriculture in the Tweed floodplain. Vast tracts of land were wholly cleared of native vegetation and subsequently subdivided into plots for use by newly arrived Scottish and Irish immigrants.

The mid 1860s saw the establishment of the township of Chinderah (originally named Cudgen) and to the south, the satellite village of Cudgen Scrub, later to become Cudgen. Tweed Heads began to develop from 1870 onwards after a pilot station was opened there, and later the villages of Murwillumbah, Tumbulgum, Chinderah, Tyalgum and Uki became service centres.

The favourable red volcanic soils at Cudgen Scrub saw the development of large land holdings by prosperous independent producers including Henry Robert Cazala, William Julius, Henry and Hugh Clarke, and Michael Guilfoyle and his son, William (see Figure 2). The Guilfoyle family took up 600 acres in 1869 to establish a nursery for the experimentation of sugar cane, amongst other plants. With successful results, the Guilfoyle family commenced sugar cane farming at Cudgen. Julius arrived in the district in 1869 and took up land holdings near the mouth of the Tweed River. With previous experience in the West Indies sugar industry, Julius began growing sugar cane using about 200 indentured South Sea Islander workers who had completed their contracts in Queensland. Throughout the early sugar industry of Queensland and northern NSW indentured Melanesian workers, principally from the Solomon Islands and Vanuatu (then known as the New Hebrides) were used as a cheap labour force. These Islanders were hired to clear Julius' land by completely removing the stone from the fields which were then used to construct stone walls (Boileau 2004). Julius leased his land out in lots of 10 acres to Islanders, with the cane processed by the Islander workforce in the mill. In comparison with other plantation owners, Julius treated his Melanesian workers remarkably well, which established a dependable and loyal workforce. A small village was constructed on the property with the plantation becoming a well-known refuge for Islanders escaping harsh conditions elsewhere.

By the 1870s these various landowners were producing sugarcane on a large scale but with mixed success. The Guilfoyles initially struggled to raise sufficient capital to grow cane in commercial quantities and build a mill to process it. Similarly, other growers were having troubles accessing efficient milling, with the early mills being small and primitive, which led to the Colonial Refining Company (CSR) opening a large central mill at Condong in 1880 that began to process the cane of numerous growers. Cazala and Julius remained independent, with Cazala building a small mill on his estate near Cudgen Creek in 1881 and Julius following

the next year with a larger and more sophisticated plant at Cudgen that was also able crush cane for both Cazala and the Guilfoyles.

In the late nineteenth century Cudgen was one of the busiest towns in the Tweed River region with timber cutters felling red cedar, black bean, cedar and teak from the Cudgen scrub. The South Sea Islanders formed a large proportion of these workers, with many other landholders besides Julius using them as labour. Across the district South Sea Islander worked as labourers in cultivation and cutting sugar cane, the women stripped the cane for planting and worked with chipping hoes. The men also cleared land at Duranbah, Bungalore, Tumbulgum, Eungella, Terranora and other areas in the Tweed River Region and undertook drainage works in the sugar cane areas of Cudgen and Chinderah.

In 1882 the Victorian firm of John Robb and Co. began expanding into the area by buying land from Clarke and Guilfoyle. By 1884 Julius' plantation was known as the Cudgen Estate and was the main centre of local milling operations. By 1885 John Robb was noted as being the owner of the mill with Julius as a managing partner, so Julius may have sold part of the operation to Robb or the mill had from the start been established as a partnership with Robb.

In 1885 the local area was described:

Cudgen, or Cudgen Scrub, as it is termed to distinguish it from the Government township of the same name on the 'river 1 ½ miles away, is composed of Messrs. Hersolm and Vetter's store (and post office), an hotel belonging to the same firm, a police-station, Messrs. Brown Brothers' [sic] sugar mill, and three or four private dwellings. One of these is a prettily situated building, owned by Mr. Julius, managing partner of the mill; another constitutes the comfortable residence of Mr. Henry Clarke, and a third is occupied by Mr. J. McLennan, bookkeeper at the mill. Then, on an eminence a little way off, is Mr. H. Cazala's sugar mill and residence, which, together with the men's quarters of both mills, may also be included in the settlement. Mr. Henry Clarke, who has been 15 or 16 years in the district, owns about 500 acres, the most of which is let to sugar-planters. In leasing the scrub land he gives the right to cultivate free of charge for five years on condition that the land is thoroughly cleared. After that £1 per acre is charged as rent for five years longer. The average extent of each plantation is 30 acres. Very little except cane is grown, and the weed, being prolific the ground must be kept in active cultivation. Mr. Clarke intends cutting up more land in the vicinity for township allotments and also for sugar-growing. ('Country News', The Sydney Mail and New South Wales Advertiser, 7 November, 1885, p. 986).

1890s

In 1892 Julius sold his plantation to John Robb and Co. who then built narrow gauge tram lines through the Cudgen cane fields and employed the Islander workforce to harvest the cane, transport it via the tram line and work in the mill. This private tramway also connected his Cudgen Estate with the wharf at Chinderah. John Robb was an entrepreneur and railway contractor who employed some 300 South Sea Islanders on the estate. Many of these Islanders had been indentured to John Robb in the construction of the Kuranda Railway in North Queensland, and Robb continued the tradition of good relations with the Melanesian workforce established by Julius.

In 1897 the Cudgen estate had a reported 1200 acres of cane, 10-12 miles of permanent iron tram track, two miles of portable track, 145 cane trucks, 55 sugar and coal trucks, and two locomotives ('On the Tweed River', *Australian Town and Country Journal* 18 September 1897: 30). In addition, the estate crushed cane from 300 acres of land owned or rented by neighboring farmers. Cazala's mill was still in operation in 1889, but over time the small mills at Bilambil, Tumbulgum and Cudgen were replaced by the two large ones: the CSR mill at Condong and the Robb Mill at Cudgen. The industry was facilitated by the establishment of

heavy rail, with the railway from Lismore reaching Murwillumbah in 1894 and the rail from Brisbane arriving at Tweed Heads in 1903.

The era of South Sea Islander labour, however, was drawing to a close. With Federation approaching, the White Australia was developed at a State and national level to keep Australia predominantly European (and in particular British) in culture and ethnic makeup. Restrictions were placed on the importation and use of non-European labour, and protections were introduced to reserve the sugar industry exclusively for white farmers. Under the Commonwealth's *Immigration Restriction Act 1901* and the associated *Pacific Islanders Act 1901*, the majority of South Sea Islanders were deported from Queensland and NSW and sent back to their home islands. The shortage of reliable and cheap labour, as well as poor management, a fall in sugar prices and other factors severely impacted the financial viability of many sugar growers, and the large plantations started to be broken up. Beginning in the 1900s the primary sector also diversified into dairying, banana growing and fishing.

1910-1960s

The Cudgen mill shut down in 1911 with the passing of Robb, and in 1912 the entire Cudgen Estate was sold to CSR. CSR subdivided the land and sold it to white farmers, displacing the South Sea Islander tenant farmers. With the closing of the Cudgen mill, all cane at Cudgen had to be taken by tram to the wharf at Chinderah and sent by punt to the Condong mill. The tramlines continued to be used by local farmers but the mill's plant was removed to the Condong mill and the mill itself eventually demolished in 1962.

Attitudes towards CSR's policy of buying up and subdividing the older plantations were mixed. The efficiency of centralisation was recognised, but there were also concerns over CSR's monopoly over the industry and potential exploitation of local, small-scale farmers heavily dependent on its business and infrastructure.

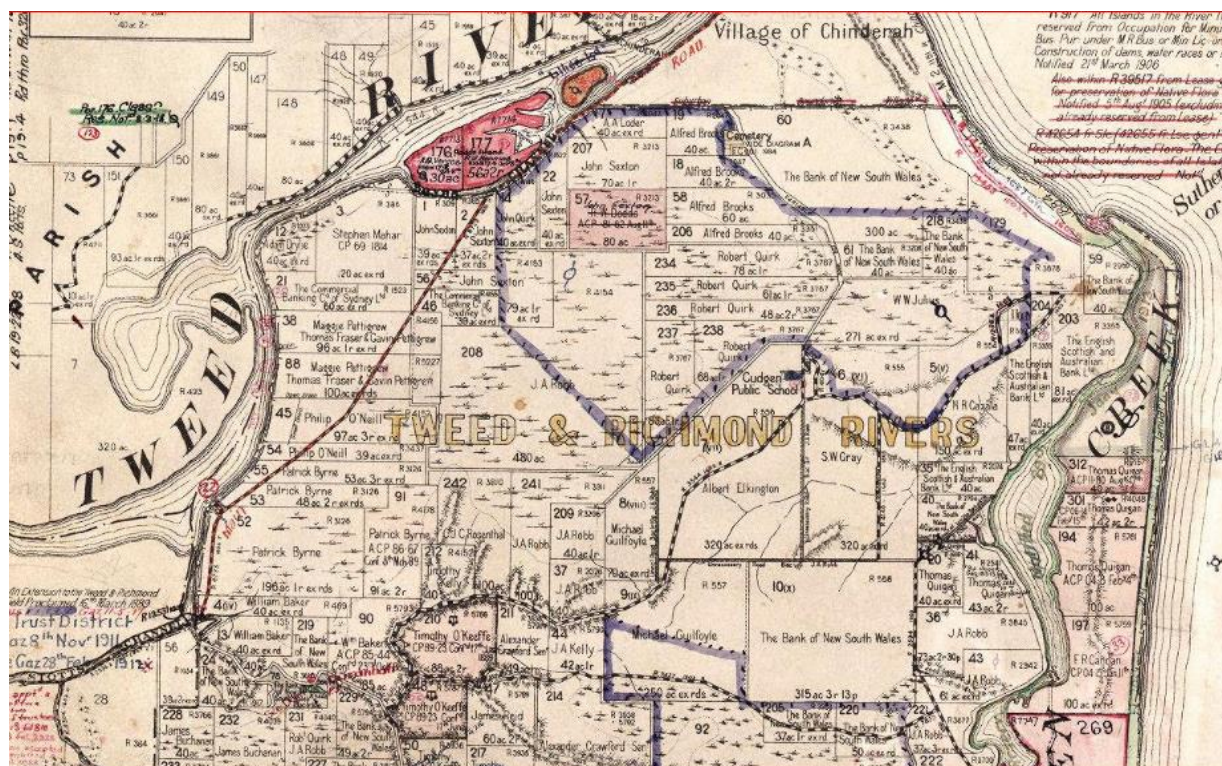


Plate 1. Map of the Cudgen area, 1913 (NSW Land Registry Office, Historical Lands Records Viewer, Parish of Cudgen, 1913, edition 7, sheet reference 1, CD PMAPGF09).

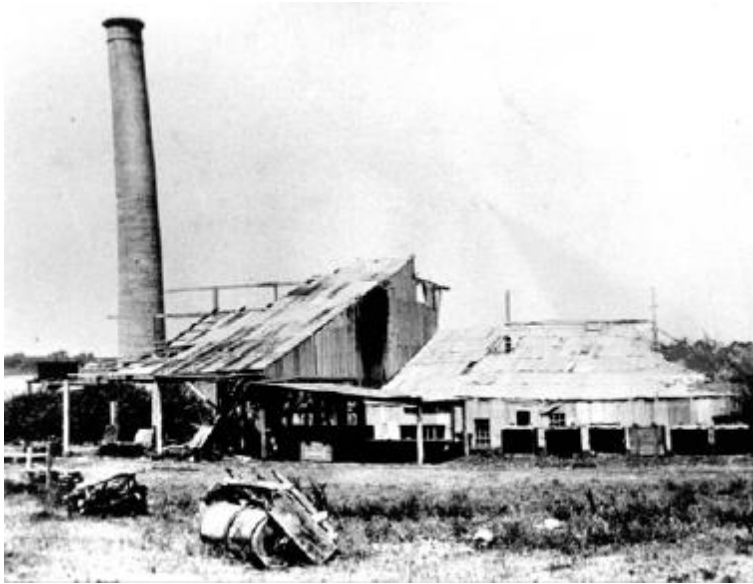


Plate 2. The Cudgen sugar mill (Boileau 2004 p. 107).

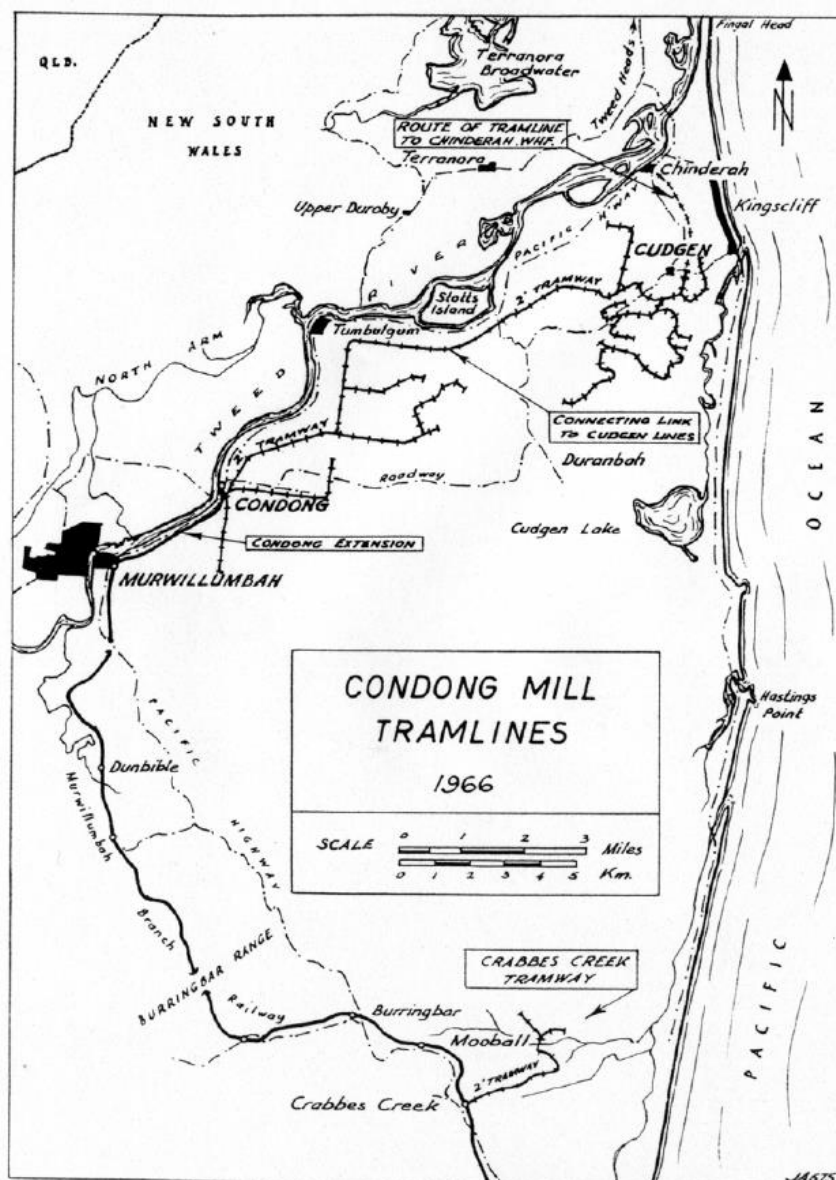


Plate 3. Map of the main tramlines to the Condong mill, 1966 (Boileau 2004 p. 108).

3.2 Land use history

The Project Site was originally the northern portion of a 150 acre block (Portion 5) first taken up as a grant purchased by conditional sale in 1875 by Henry Robert Cazala, with title granted in 1881 (NSW Certificate of Title Vol. 550 Folio 163), and part of a 271 acre block (Portion 179) originally purchased by William Warner Julius in 1889 (NSW Certificate of Title Vol 925 Vol. 26) (Figure 3 and Plate 1). The bulk of Portion 179 was low-lying swamp and ti-tree forest. These blocks underwent a complex process of amalgamation and subdivision over the next one hundred years.

Portion 5 was part of a larger grouping of blocks obtained by Cazala to form his sugar plantation. His holdings extended to the east to include Portion 11, 203 and 204, and the south with Portion 35 and 40. Somewhere on one of these blocks, towards Cudgen Creek, he situated his sugar mill (b. 1881). West of his plantation was a 320 acre block (Portion 6) initially obtained by Samuel William Gray but which appears to have become part of Julius' holdings as it was on this property that he built the Cudgen sugar mill.

Cazala's plantation was one of the first in the district to produce sugar. It is unclear if he utilised a South Sea Islander workforce, although it is highly likely. As shown in Figure 3 and Plate 1, the plantation, including Portion 5, was bisected from east to west by a road reserve, now Cudgen Road, running from Murwillumbah to Kingscliff and Tweed Heads. Cazala maintained possession of Portion 5 until 1889 when the land, and presumably the other holdings, was transferred to Thomas Campbell, a grazier from Murwillumbah. It was sold to William George Collier, a Cudgen mill owner, in 1892, and then to Sydney brewers, John and Samuel Cornwell, in 1893 (Figure 3).

The Cornwell Brothers changed the farm from sugar to dairy, developing the largest dairy farm in the Tweed district ('Tweedy Dairy Farm', *Gympie Times and Mary River Mining Gazette*, 24 April 1909, p. 7). It ran a herd of 180 Holstein, Jersey and Shorthorn cattle on a mix of native and introduced pasture. The farm was at that stage of around 358 acres as it also included Portions 11, 203, 204 and 35, purchased off the English, Scottish and Australian Bank which had obtained them in 1904 (NSW Certificate of Title Vol. 2677 Folio 89) (Plate 3). It was divided into fifteen paddocks and was seen as a model of modern, intensive dairying practice. There were also 20 acres under cultivation producing maize, millet, sorghum, and sweet potato for consumption on the farm. Following the death of John Cornwell in 1905, the property was transferred in 1908 to his widow, Clara, brother, Samuel Cornwell, and George Phillips and Charles Robinson as tenants in common. During the period of Cornwell ownership the main road to Tweed Heads was re-aligned, with a new section of road, now Quigan Street, built through Portion V (shown in red in Fig. 7).

In 1916 CSR purchased the Cornwell estate, which remained a 358 acre holding excluding the existing road and a second road reserve (shown in red) which formed a new (and is now part of the current) Cudgen Road alignment. The estate land was extensively cleared of stones ('Cudgen', *Tweed Daily*, 2 August 1916, p. 2) and, as CSR had had done earlier with Robb's Cudgen Estate, was subdivided and sold off over the next two decades as smaller blocks for cane and bananas, with the lots relevant to the Project Site being 45, 46, 46A, and 47 (Plate 4). Lots 45 and 46 contained an easement for a tramway.

During the CSR era cane growing underwent a resurgence in the Cudgen district with both permanent and temporary tramlines being used to move cane to the Condong mill. In 1928 CSR sold Lots 45 and 47 to John Wilson and in 1938 sold Lots 46 and 46A to Colin McPhail, although McPhail was likely already on the property as a tenant as in 1928 it was reported that he lost 11 acres of cane to a fire that narrowly missed spreading to Wilson's adjoining crop ('Cane burned', *Daily Examiner*, 19 December 1928, p. 2).

Colin McPhail had been a cane grower and resident at Cudgen for some years, and became a prominent member of the Cudgen Cane Growers Association and eventually president of the NSW Cane Growers

Association. In 1938 he acquired Lots 26E, 45 and 47, creating a holding of about 95 acres (Plate 4). Lot 26E had been excised from the former Portion 179 granted to William Julius. At the time of these sales, an easement for a tramway was noted on the relevant plans and transfers (Plate 4)

Situated on the northern side of Cudgen Road, this farm continued to produce sugar cane and remained with McPhail in the configuration shown until 1957 when the land east of Cudgen Road was subdivided into residential allotments and sold off during the rest of the 1950s and into the 1960s (NSW Certificate of Title Vol. 4954 Folio 230) (Plate 5) . The remainder of the farm stayed in Colin McPhail's hands until 1968 when it was transferred to his son, Donald McPhail, Cudgen farmer, and daughter, Jessie Buchanan, wife of Victor Buchanan, Murwillumbah farmer, as joint tenants. In 1974 the land was subdivided into two blocks, Lots 1 and 2 DP568845 (Plate 6), with Lot 2 being the subject site (NSW Certificate of Title Vol. 12429 Fol. 104). Lot 1 to the east eventually became Turnock Street, a disability services centre and public swimming pool.

The land ownership history described above indicates that the Project Site, except for part of its northern portion, was not directly linked to William Julius or John Robb as part of the Cudgen Estate, but rather established by one of their contemporaries, Henry Cazala, who maintained his own sugar plantation and small mill. Cazala also utilised the neighbouring Cudgen mill and would have supplied cane to Julius and Robb. From 1893 to 1916 land was used primarily for dairying, but then was swallowed up by CSR as part of that company's strategy of subdivision of the plantations into smaller farms for white farmers, and was returned to sugar production in the hands of the McPhail family. At some stage the Project Site was incorporated into the district's tramline system, although it is unclear whether the tramway easement on the property related to the Cudgen Estate or the later CSR period, as the earliest reference to it in the title information only dates from 1928. The easement for the tramline was still shown on plans in 1974.

The last decades of the Project Site's history have not been researched of this report, but in August 2018 the farm was not producing sugarcane and instead was under cultivation for sweet potato.

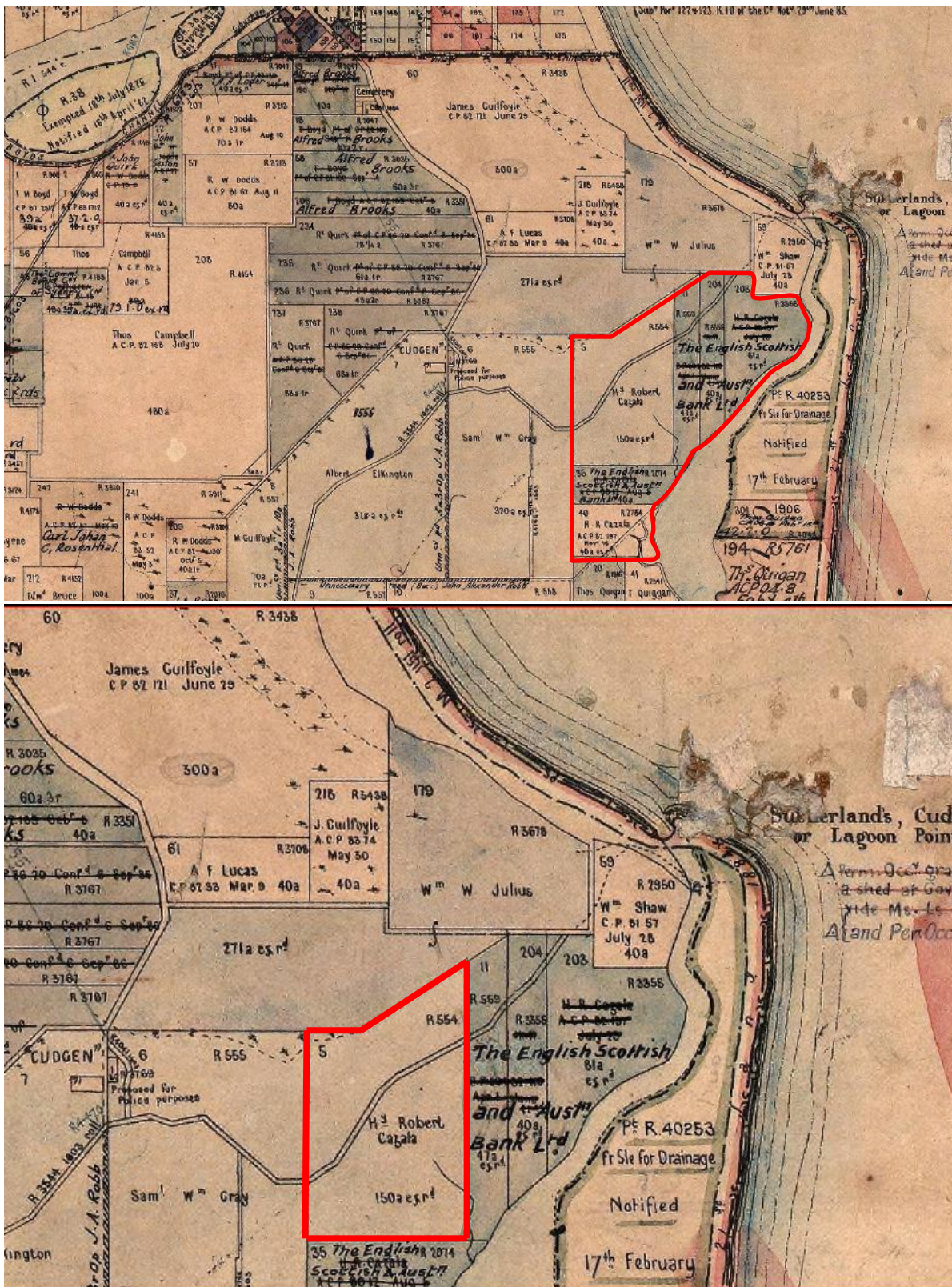


Plate 4. Map of the Cudgen area, undated, showing presumed boundary of Cazala's sugar plantation (top), and detail of Portion 5 (bottom) ((NSW Land Registry Office, Historical Lands Records Viewer, Parish of Cudgen, edition 4, sheet reference 1, CD PMAPGF09). Boundaries outlined in red.

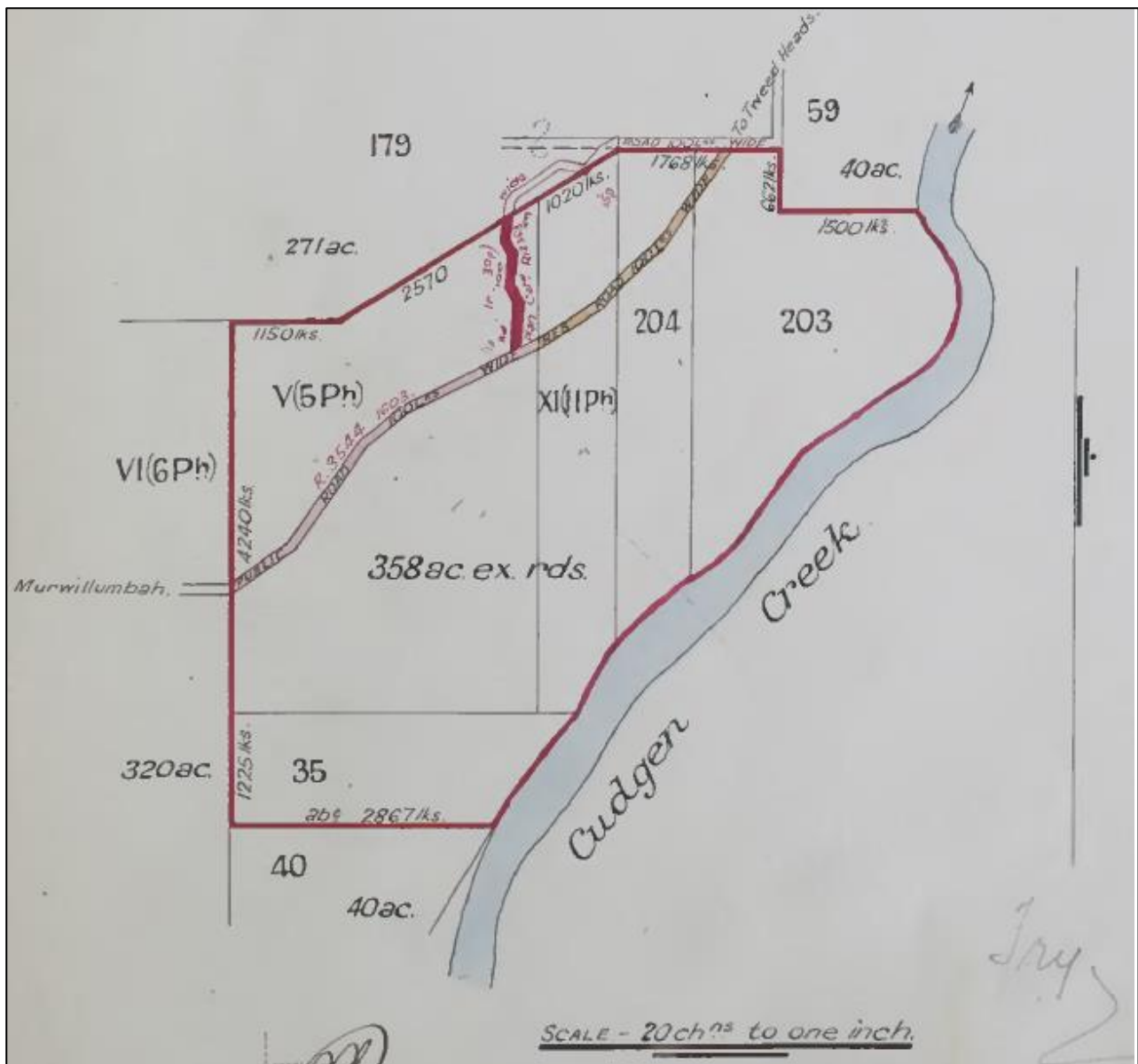


Plate 5. Map of blocks forming the Cornwell dairy farm, and later CSR subdivision (NSW Certificate of Title Vol. 2677 Folio 89).

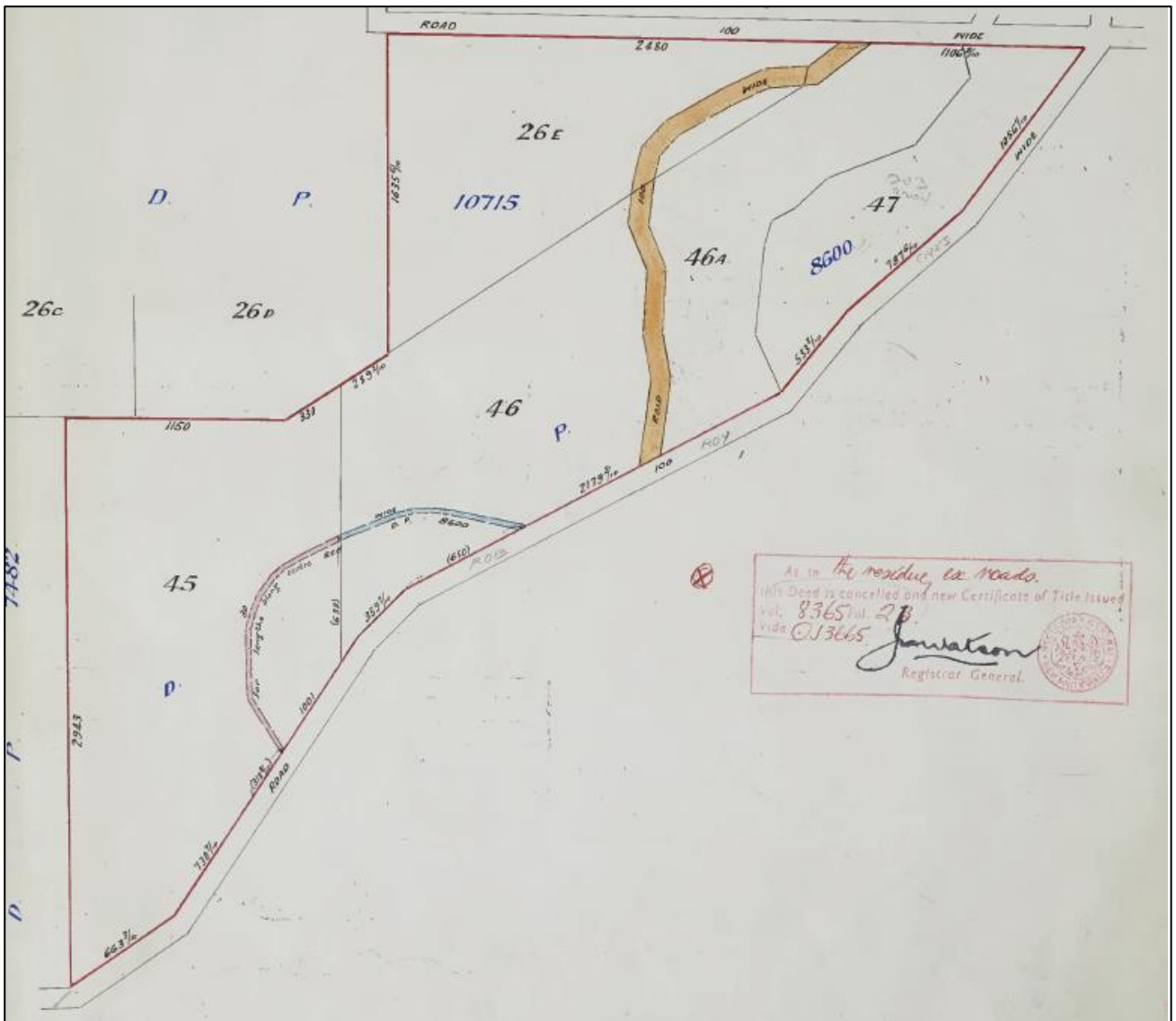


Plate 6. Map of the 95 acre McPhail farm (NSW Certificate of Title Vol. 4954 Folio 230). An easement for a tramway is show on Lots 45 and 46.

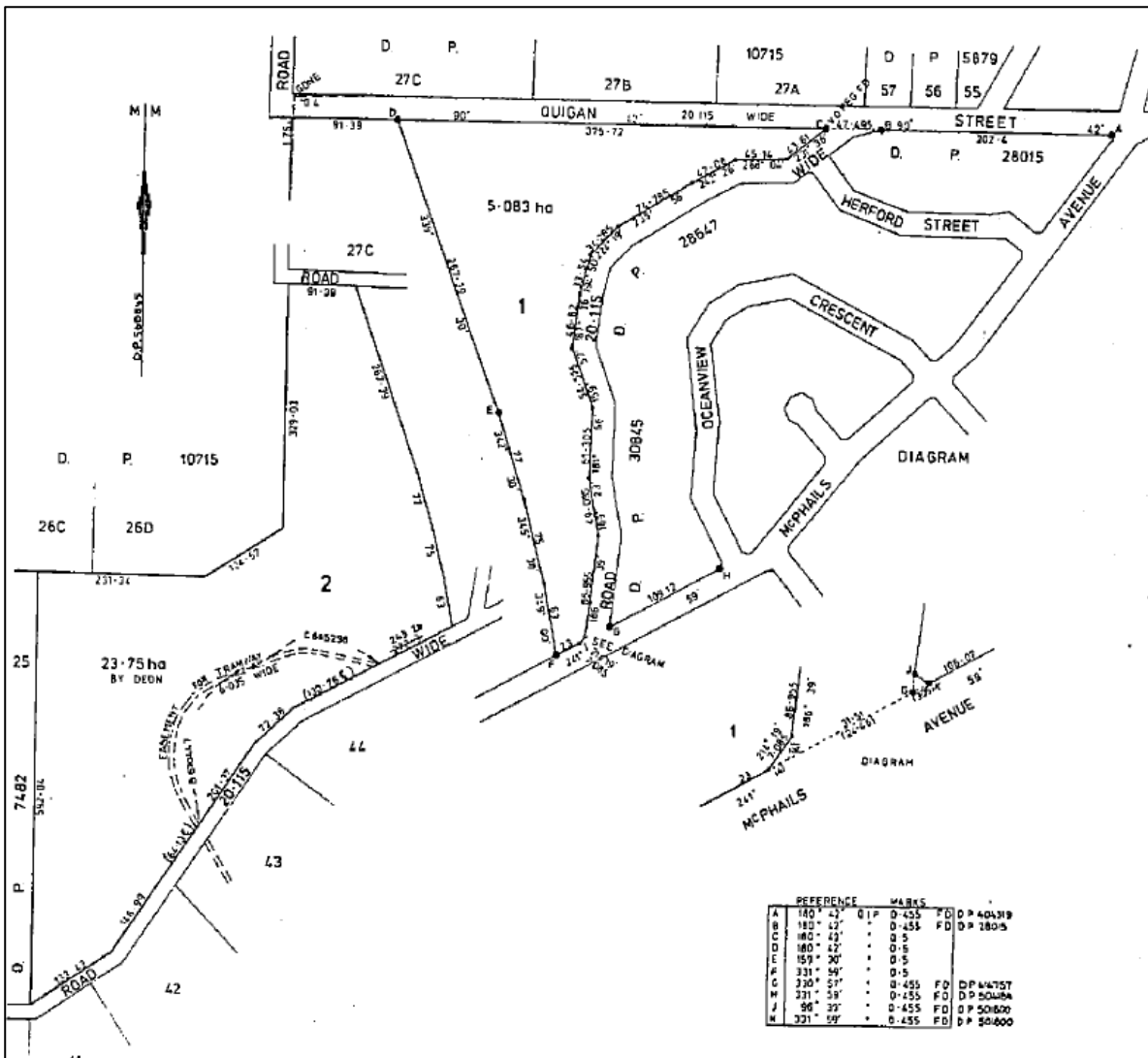


Plate 8. Map of Lots 1 and 2 DP568854, 1974 (NSW Certificate of Title Vol. 12429 Folio 104).

4. Summary of the 2018 Stage 1 Historic Heritage Assessment

This Section discusses the nature of the Project Site and the extent of the previous historical heritage assessment undertaken as part of earlier assessments.

In 2018 Niche prepared a Historical Heritage Assessment for the Project Site to inform an Environmental Impact Statement (EIS) for the Concept Plan and Stage 1 Early and Enabling Works for the new Tweed Valley Hospital. The below outlines a summary of the conclusions and recommendations that were submitted with the EIS for the State Significant Development (SSD) under the NSW *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)*.

A summary of the observed and documented evidence of the Stage 1 report is outlined below (Niche 2018). An initial field survey of the Project Site was undertaken on 2 August 2018 and 7 September 2018 to determine the nature and extent of historic heritage.

4.1 2018 Physical Assessment

4.1.1 Drystone Walls

Five drystone walls were identified within the Project Site which are summarised below in Table 2 (see sample Plates 9 and 10) (Figure 4).

Table 2: Assessment tasks and objectives

Wall	Description
1	Is approximately 64 m in length and is located adjacent to Cudgen Road, within the road reserve. The wall is constructed with large volcanic cobbles 3-5 courses high, with a rock rubble infill. The wall varies in width between 1-3 m and is partially collapsed.
2	Runs along much of the western and northern boundaries of Lot 11 DP1246853. Wall 2 is a very well-constructed dry-stone wall of 6-8 courses of large volcanic cobbles.
3	Is variable in height located mid-slope on the western side of Lot 11 DP1246853 and is oriented north-south within a row trees and runs for approximately 46 m. The wall varies in height and condition, however the majority of the wall is high (4-5 courses of volcanic cobbles) and well formed.
4	The wall is 4-6 courses of large volcanic cobbles and is approximately 60 m long and contained within a hedgerow mid-slope. This wall appears to act as a terrace, supporting the upslope fields, although it could also be the remains of a culvert or retaining wall associated with the tramway that was roughly in this location.
5	Approximately 63m, running roughly north-south on the eastern boundary of the Subject Site, adjacent to Turnock Street and retaining part of the road alignment. It is heavily overgrown by trees and other vegetation.

*Site now referred to as Lot 11 DP1246853

The assessment determined that the drystone walls are of local significance. The assessment found that the walls could also hold significance with the Australian South Sea Islander community.



Plate 9. Wall 1, view northeast.



Plate 10. Wall 2, northern boundary section, view southeast.

4.1.2 Residence and associated structures

The field survey identified the former weatherboard cottage as dating to circa. 1890-1900. The assessment found that the building had undergone extensive modifications with almost all original features having been removed or obscured. The roof has been re-profiled and extended on all sides to create a wrap-around verandah that is now enclosed by Hardieplank and aluminium windows for extra living space. The original corrugated iron of the roof has been replaced with Colorbond sheeting.

Internally, all the original external walls have been opened up into this verandah space to make extra or larger rooms. The front entry hallway had been converted into a cupboard while the original cottage floor had either been covered and/or replaced by the polish wood and carpet flooring. These major alterations greatly diminish the house's heritage values (see sample Plates 11 and 12).

The assessment noted that although the ongoing use of the Project Site for agricultural purposes (up until the 2018 assessment) continues an important historical association this was considered diminished by the previous subdivisions and recent nearby development.



Plate 11. External view of the weatherboard cottage showing extensive modifications to the building's fabric.



Plate 12. Interior view of the cottage showing a mixture of original and introduced elements.

4.1.3 Hedgerows

The property is divided into individual paddocks by six major hedgerows formed by the collection and piling of boulders from the surrounding fields (Plate 13). The assessment found that the hedgerows were overgrown by grass, weeds and rainforest trees, but do not exhibit the same maturity of regrowth or level of weathering or lichen colonisation as the stone walls, suggesting they are of more recent origin (Plate 14).

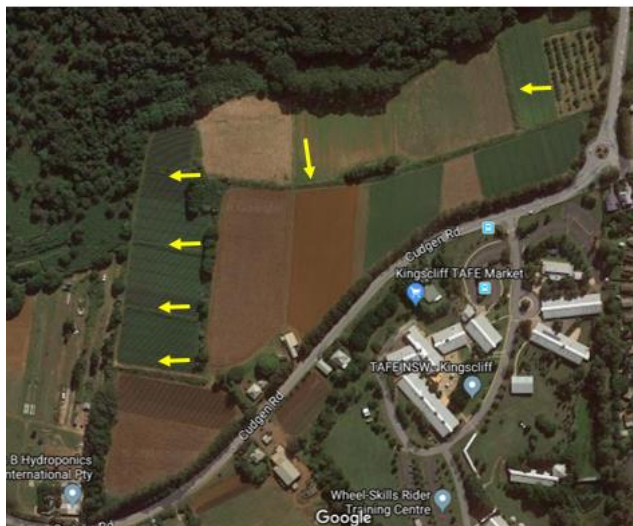


Plate 13. Aerial image of Project Site showing main rock hedgerows (yellow arrows) (Google Earth 2018).



Plate 14. Rock hedgerow, view east.

4.1.4 Historic rubbish dumps

The assessment also identified the two potential historic rubbish dumps, located in the north-western portion of the Subject Site and outside the area of impact, could retain relics of local significance. The assessment also found that the series of hedgerows throughout the Project Site, although not identified as significant remain items of interest reflecting the later development of the Project Site.

4.2 Significance Assessment

The assessment found that the Project Site is part of one of the first land grants in the area and is associated with the initial development of the sugarcane and dairy industry in the area during the nineteenth and early twentieth century. It was found that although its use for general agriculture continues (as of October 2018), specific links to the sugar and dairy industries have mostly disappeared through subdivision and boundary changes, a loss of physical evidence, change to agricultural activities and encroaching urban development. As a result the Project Site was identified as having moderate local heritage value.

The assessment found that the dry-stone walls (1-5) were the most important physical evidence of early activities, and likely date to that early phase of development when the Project Site was a large sugar cane plantation. It was noted that the walls are likely to have been built with the use of South Sea Islander labour. The walls were identified as having local historical significance. It was also noted that the walls may have associative social significance with the Australian South Sea Islander community.

The dry-stone walls and mature trees on the Project Site were found to have individual aesthetic value which contributes to the Project Site's overall aesthetic qualities.

The historic rubbish dumps and the existing house area were identified as having potential to reveal archaeological remains relating to the early land use and occupancy, including the early tramway, and therefore have local significance (see the Stage 1 SSD Tweed Valley Hospital Historic Heritage Assessment, Niche 2018 for the full Significance and Impact assessments).

4.2.1 Recommendations

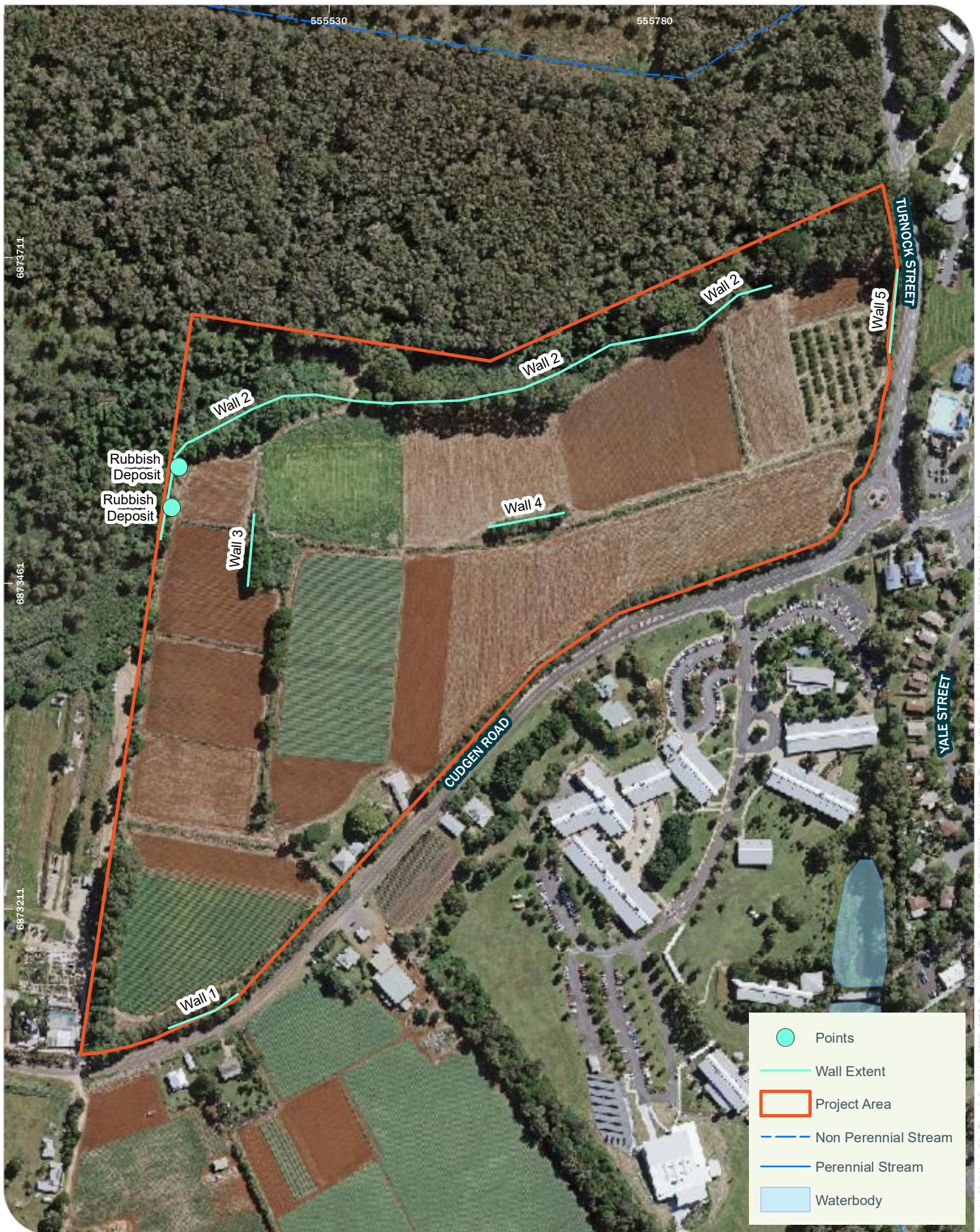
A summary of the recommendations developed are outlined below.

Dry-stone walls. Where impacts are unavoidable, mainly to walls 1, 3 and 4 an archival recording should be prepared. The assessment recommended that the portion of Wall 1 to be retained should be rebuilt to ensure its stabilisation. Consideration should also be made to give representation to the demolished section of Wall 3 within the new surfacing of the road

Archaeological deposits. If archaeological relics are located during construction works they should be managed appropriately and in accordance with best practice guidelines. A process for managing the discovery of any relics should be included in any environmental or other plans for the Project works.

Hedgerows. These are not of heritage significance but remain items of interest reflecting the later development of the Project Site. An archival recording of the hedgerows should be prepared prior to impacting works.

Interpretation. The presence of stone walls likely associated with the sugar industry and South Sea Islander labourers in that industry presents an opportunity for these aspects of the region's history to be interpreted. Those walls that will be retained in the development area should be included in an interpretation plan and/or strategy for the hospital precinct.



Drawn by: Matt Harris File: \\hospital\projects\4800\4898_TweedHospital\DrystoneWalls_AR_NSW\Maps\HHA\4898_Figure_4_WallLocations.mxd Last updated: 6/21/2019 11:47:33 AM

5. Response to Development Consent Conditions

This Section provides a response to the non-Aboriginal (historic) heritage consent conditions outlined in Section 2.2.1 Table 1.

5.1 Schedule 3: A13 Archival record

Updated engineering designs have confirmed that the drystone walls Wall 3 and Wall 4 would need to be demolished/removed as part of the Stage 2 SSD works. Further, 10 metres of the western most portion of Wall 1 would likewise need to be removed. In accordance with Schedule 3 Condition A13, an archival record has been prepared prior to the commencement of Stage 1 and is appended to this assessment (Appendix A).

5.2 Schedule 3: A12 Methods of retention

5.2.1 Walls 2 and 5

As outlined above and in the Stage 1 SSD Historic Heritage Assessment (Niche 2018), the drystone walls Wall 2 and Wall 5 will not be impacted by the proposed Stage 2 SSD works. At present the walls are protected from the area of proposed works by the Tweed Valley Hospital boundary fencing. If the fencing is retained than no further protection would be required during the construction phase.

If the current fencing is removed during the Stage 2 works additional protective measures would be required. It is recommended that the following be implemented:

- Temporary fencing be erected along the boundary of the walls and the construction works; and/or
- High visibility barrier fencing and/or taping be erected along the boundary of the wall and the construction works.

Any temporary fencing erected should allow for a minimum buffer of two metres.

5.2.2 Walls 1, 3 and 4

All three drystone walls have been archival recorded in preparation for demolition/removal.

The proposed removal and re-construction works are currently in the planning and strategy phase. Structural engineers are undertaking assessment to determine how best to remove part of Wall 1 while retaining the structural integrity of the remainder of the wall.

A demolition plan for the partial removal of Wall 1 and the removal of Wall 3 and Wall 4 was finalised by Lendlease on 18 September 2019. The removal of Walls 3 and 4 commenced on 19 September 2019.

The re-construction of the drystone walls are planned for those civic/open outdoor spaces that have high pedestrian flow. As part of the reconstruction of the walls, interpretive signage would be placed within close proximity providing a summary history of the Project Site, the significance of the drystone walls to the South Sea Islander community and images of the removal and re-construction of the walls. The heritage interpretation signage would be installed as key message waypoints along those locations of the wall.

5.2.3 Consultation

To determine the social significance of the drystone walls to the local South Sea Islander community Niche, on behalf of NSW Health Infrastructure have commenced consultation with those South Sea Islander communities who may have connection to the Project Site and the wider Tweed Valley area.

Consultation has also been undertaken with the Tweed Valley Shire Council.

A 'Consultation Log' and summaries of the South Sea Islander Community Consultation meetings are found in Appendix B.

5.3 Interpretation

An Interpretation Strategy specifically focusing on the dry-stone walls and the histories of the South Sea Islander community at the Project Site, has been prepared as part of the South Sea Islander community consultation. The Interpretation Strategy is found in Appendix C.

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Appendix A Drystone Wall Archival Recording

Appendix B Consultation Log

Appendix C Interpretation Strategy

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Central Coast
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Mudgee
Port Macquarie
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Freshwater
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Research and monitoring
Wildlife Schools and training

Heritage management

Aboriginal heritage
Historical heritage
Conservation management
Community consultation
Archaeological, built and landscape values

Environmental management and approvals

Impact assessments
Development and activity approvals
Rehabilitation
Stakeholder consultation and facilitation
Project management

Environmental offsetting

Offset strategy and assessment (NSW, QLD, Commonwealth)
Accredited BAM assessors (NSW)
Biodiversity Stewardship Site Agreements (NSW)
Offset site establishment and management
Offset brokerage
Advanced Offset establishment (QLD)