

**Historical Heritage Assessment
Sandhills Wetlands Precinct, Byron Bay, NSW**

Prepared for Planit Consulting on behalf of Byron Shire Council | 18 December 2023



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Executive Summary

Niche Environment and Heritage Pty Ltd (Niche) has been engaged by Planit Consulting ('the Proponent) on behalf of Byron Shire Council to conduct a Historic Heritage Assessment (HHA), for the proposed Sandhills Stormwater Management System Project ('the Project), located at Byron Bay, New South Wales (NSW) (hereafter referred to as the 'Subject Area'), on the north coast of NSW within the Byron Shire Local Government Area (LGA).

The Secretary's Environmental Assessment Requirements (SEARs) have been issued calling for an Environmental Impact Statement (EIS) to be conducted. The EIS will be prepared under Part 5 of the Environmental Planning and Assessment Act 1979.

The scope of works for the Project includes the establishment of (Annex 2):

- A series of three artificial wetlands, including three permanent open water zones, for stormwater management and water quality improvement.
- A network of paths, providing access through the site and circulation around the wetlands, and
- Seating nodes along the paths, designed to promote social gathering and passive recreation.

The establishment of about 1.8 hectares (ha) of wetlands will require the excavation and removal of about 15,000 cubic metres of material and associated vegetation removal. Once established, the wetlands will lead to positive impacts on water quality at Clarkes Beach, Belongil Creek and Cumbebin Swamp while contributing to stormwater and flood management within the town centre.

Summary of findings

Historical research and a site investigation of the Subject Area found no evidence of the significant use of the area during the historical period, therefore, there is no documentary evidence of significant use the area prior to this that would result in archaeological deposits.

Conclusion and recommendations

The historic heritage assessment and the site inspection undertaken 31 May 2022, identified that there are no historic places or items in the Subjects Area and, that the archaeological potential is considered low.

As such, the proposed works may proceed with caution provided the following recommendation is adhered to:

Recommendation - If suspected archaeological relics as defined under the Heritage Act 1977 (as amended) are uncovered, work should cease at the site with the protocol described in **Appendix 1 - Unexpected Finds Procedures** followed.

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1. Introduction

1.1 Project Background

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Planit Consulting ('the Proponent') on behalf of Byron Bay Shire Council to prepare a Historical Heritage Assessment (HHA) for the proposed upgrade works within the Sandhill Wetlands, at Byron Bay NSW.

1.2 Location of the Subject Area and Proposed Works

The focus of this report is within the area of land located at the Sandhill Wetlands within the Byron Bay Local Government Area, NSW (henceforth referred to as the 'Subject Area'). The Subject Area is comprised of Lot 383 DP728202 (Figure 1).

The Proponent is preparing to upgrade a portion of land within the Sandhills Wetland precinct. The proposed works of the Subject Area include, but are not limited to;

- A series of three artificial wetlands, including three permanent open water zones, for stormwater management and water quality improvement.
- A network of paths, providing access through the site and circulation around the wetlands, and
- Seating nodes along the paths, designed to promote social gathering and passive recreation.

These works will require major ground disturbance works and result in impact to the soil profile in these areas.

The Secretary's Environmental Assessment Requirements (SEARs) have been issued calling for an EIS that includes assessment of non-Aboriginal historic cultural heritage. This HHA report has been prepared to provide the further information required on the non-Aboriginal historical cultural heritage and archaeological potential of the Subject Area.

1.3 Project objectives

This HHA report addresses the following outcomes:

- **Statutory overview:** identification of the statutory constraints which apply to the proposed works.
- **Historical overview:** analysis of the history of the Subject Area in order to inform the assessment of heritage significance and archaeological profile of the site.
- **Physical evidence at the site:** a site inspection of the Subject Area which is used to further inform this assessment and amend or confirm the historical analysis.
- **Assessment of Archaeological Potential:** contributes to the assessment of cultural significance of the Subject Area.
- **Summary of Significance of the Subject Area:** An assessment of significance is undertaken to identify if the Subject Area contains any heritage significance.
- **Recommendation:** Where relevant, recommend a strategy to manage the impacts of the proposed works on the heritage significance of the Subject Area and, provide recommendation for unexpected finds during excavation activities.

1.4 Methodology

This HHA has been prepared in accordance with the principles and methodology contained in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (2013), hereafter referred to as 'the Burra Charter'.

The Burra Charter outlines a series of best practice principles and measures for heritage investigation and conservation. The Burra Charter is supported by a series of Practice Notes that provide practical advice in the application of the Burra Charter. The Burra Charter was first adopted in 1979 and has been subject to numerous updates with the most recent iteration adopted in October 2013. The policies and legislative guidelines developed by the Heritage Council of NSW are guided by the Burra Charter.

This report has also been prepared in accordance with the best practice standards set out by the NSW Heritage Division including:

- *Assessing Heritage Significance* (Heritage Office (former), 2001)
- *Assessing Significance for Historical Archaeological Sites and 'Relics'* (Heritage Council, 2009).

1.5 Authorship and acknowledgements

This HHA has been written by Catriona Graham (Heritage Consultant – Niche) (with document review and quality control provided by Jo Nelson (Associate Consultant - Niche) and Samuel Ward (Heritage Consultant, Niche) with technical assistance provided by Neil Berry (GIS Consultant – Niche). Unless otherwise attributed, images used in this report are produced by Niche.



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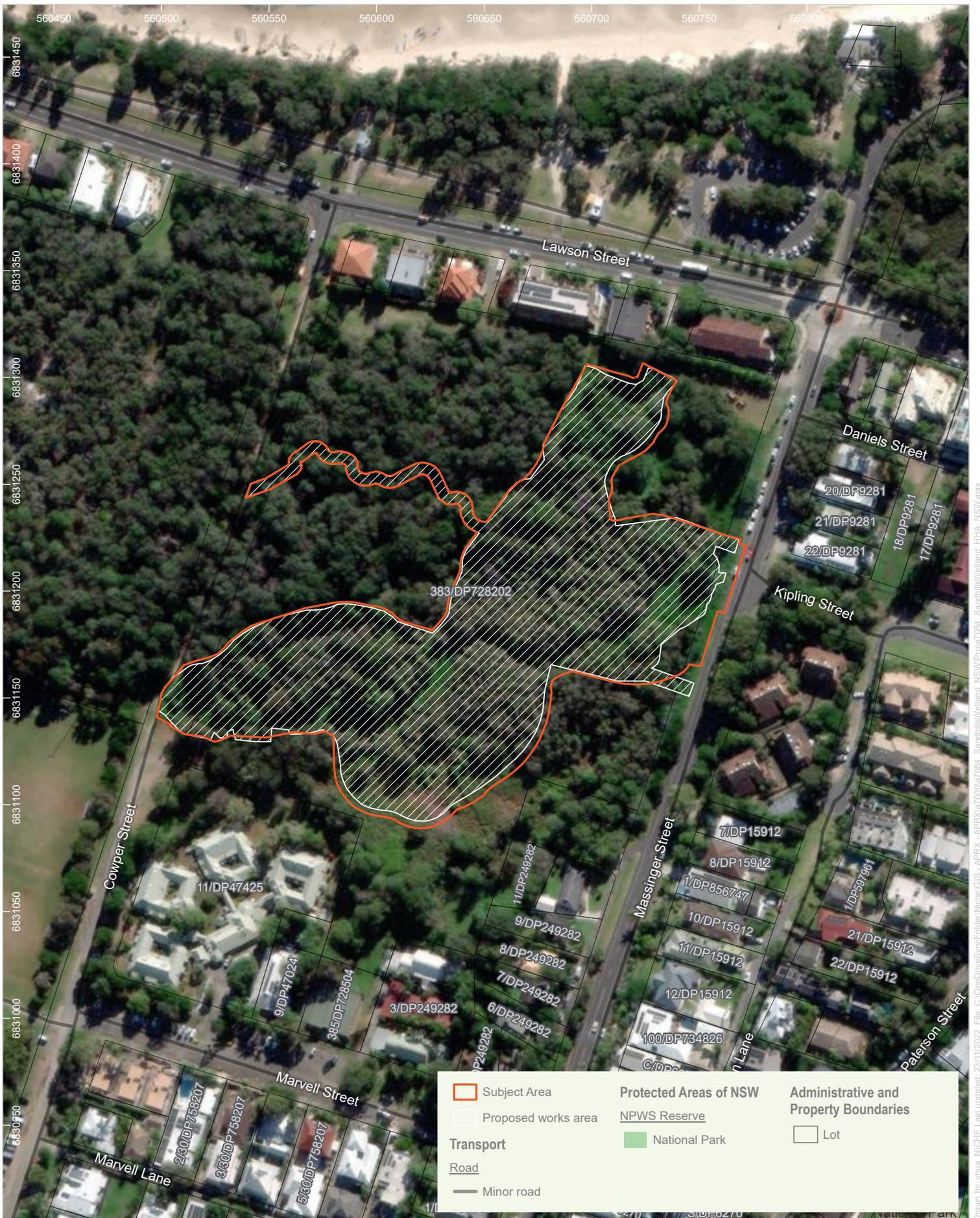


Location map
Sandhills Wetland, Byron Bay HHA

Niche PM: Jo Nelson
Niche Proj. #: 7084
Client: Byron Shire Council

Figure 1

public/NSW_Imagery: © Department of Customer Service 2020/Terrain: Multi-Directional Hillshade: Airbus,USGS,NGA,NASA,CGIAR,NCEAS,NLS,OS,NMA,Geodatastreisen,GSA,GSI and the GIS User Community/World_Ocean_Base: NIWA, GeosciencesAustralia, Esri, DeLorme, NaturalVue/World Hillshade: Esri, Geoscience Australia, NASA, NGA, USGS | Watercourses, Waterbodies, Road and Rail alignments, Protected areas of NSW © Spatial Services 2021. | Niche uses GDA2020 as standard for all project-related data. In order to ensure that data from numerous sources and coordinate systems is aligned, on-the-fly transformation to WGS1984 Web Mercator Auxiliary Sphere is used in the map above. For ease of reference, the grid tick marks and labels shown around the border of the map are presented in GDA2020, using the relevant MGA zone.



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Proposed works
Sandhills Wetland, Byron Bay HHA

Figure 2

World Imagery: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Watercourses, Waterbodies, Road and Rail alignments, Protected areas of NSW © Spatial Services 2021. | Niche uses GDA2020 as standard for all project-related data. In order to ensure that data from numerous sources and coordinate systems is aligned, on-the-fly transformation to WGS1984 Web Mercator Auxiliary Sphere is used in the map above. For ease of reference, the grid tick marks and labels shown around the border of the map are presented in GDA2020, using the relevant MGA zone.

2. Regulatory and Assessment Framework

This section provides a summary of relevant legislation and associated planning instruments designed to protect and conserve significant heritage items and their values.

2.1 Commonwealth and National Legislation

2.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (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.

No items on the CHL or NHL were identified within the Subject Area.

No CHL or NHL items were identified within the Subject Area. Two listings were identified to be within two (2) kilometres (km) of the Subject Area which were listed on the CHL, see table below. These items provide details on the broader historic background of the Byron Bay township and relate to Heritage items near the Subject Area.

ID Number	Name	Statement of Significance Summary
106175	Byron Bay Post Office	<p>Historically, Byron Bay Post Office, constructed in 1896 and enlarged in 1916, it is significant for its demonstrated associations with the development of the township, including the aftermath of the arrival of the railway from Lismore in 1894. The latter provided a link between the river and seaports to the expanding dairy industry of the hinterland. While the post office originally combined a postal hall and telegraph office with a postmaster's residence in a domestically scaled and constructed villa form, this was later altered to include a telephone exchange. Other extensive alterations in 1916 reworked and enlarged the building to incorporate a larger public area, related to an increase in population closely tied to the growth of the town on the basis of the success of the Norco Butter Factory. The building is also significant for its position as part of the railway precinct group, in the cultural and administrative centre of the town.</p> <p>Stylistically, Byron Bay Post Office is an amalgam of the late- Victorian villa idiom and a reworked Federation era homestead design with minor Queen Anne overtones. Federation themes are expressed through the buildings scale, multiple roof form and timber expression, although much of the post office's characteristic period detail has been removed. The gabled and verandah frontage remains a strong design component.</p> <p>Aesthetically, Byron Bay Post Office is also prominently located within and contributes to, the group of modest low-scale civic buildings and landscape elements in the town known as the so-called Railway Precinct group. The Federation period themes which remain evident and distinctive, as expressed through the buildings scale, gabled roof form and timbered verandah, support this contribution. The post office is one of several buildings in the town promoted on a tourism website, again emphasising its degree of local prominence.</p>

		The curtilage includes the title block/allotment of the property. The significant components of Byron Bay Post office include the main 1896-1916 former postal building (front component) with landscaped setting occupying the western half; the built form on the majority of the eastern half of the building occupied by the 1997 post office is not significant. The separate telephone exchange to the east of the site, facing Fletcher Street, is not recommended for inclusion in the CHL.
105599	Cape Byron Lighthouse	<p>Cape Byron Lighthouse, opened in 1901, is significant as an important element in the establishment of navigational aids along the NSW coast, and is important for its association with east coast shipping since the beginning of the 20th century.</p> <p>The lighthouse is technically important for its early concrete block construction, for its having been the first Australian installation of a mercury float pedestal, and for being the only Henry-Leapaute optic in Australia.</p> <p>The lighthouse is dramatically located on the top of a windswept cliff and is a dominant landscape feature free of modern intrusion. It has notable aesthetic values.</p> <p>The place, located at the most easterly point of the Australian mainland, is visited by large numbers of people each year, and has a high profile in the public imagination. It is well known as a key whale-watching spot. Its social value is considerable.</p>

2.2 NSW State Legislation

Heritage Act 1977

The *Heritage Act 1977* (hereafter referred to as ‘the Act’) affords statutory protection to those items identified as having heritage significance and which form part of the NSW heritage record. The Act defines a heritage item as “a place, building, work, relic, moveable object or precinct”. Items that are assessed as having State heritage significance are listed on the NSW State Heritage Register (SHR). Proposals to alter, damage, move or destroy heritage items listed on the SHR (or protected by an Interim Heritage Order [IHO]), require an approval under s60 of the Act.

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 a permit issued under s140 or s139 for Local heritage sites and s60 for State heritage sites of the Act.

No SHR listings were identified to be located within the Subject Area.

The two listings identified in the table below were identified to be within two (2) kilometres (km) of the Subject Area. These items provide details on the broader historic background of the Byron Bay township and relate to Heritage items near the Subject Area.

ID Number	Name	Statement of Significance Summary
01107	Byron Bay Railway Station and yard group	Byron Bay station group is a coherent group of railway buildings with good detailing and containing a number of unusual features including the circular water tank on a brick case and the railway hotel attached to the building. The

		<p>station building is an excellent example of the timber standard roadside type and the location of the station and residence in the main street of Byron Bay contribute in a significant way to the streetscape of the town. The water tank is one of two tanks of this design known to survive and is therefore of high significance.</p> <p>Assessment of Significance states that based on SHR Criteria f) This item is assessed as historically, scientifically, archaeologically, and socially rare.</p>
02023	Cape Byron Light station (including moveable items)	<p>The Cape Byron Light station (including moveable items) is of state heritage significance as one of the last major light stations that completed the 'highway of lights' that has illuminated the NSW coastline since the 19th century. Among the final components of the string of lights that provided protection, navigational guidance and safe passage to the important colonial shipping industry, the Cape Byron Light station is a representative example of the system of light stations that collectively reflect the logistical management and technical evolution of coastal infrastructure in NSW.</p> <p>The design and layout of the Cape Byron Light station is architecturally consistent with the earlier stations but implemented technical advancements, such as precast concrete block construction and the Henry-Lepaute feu éclair lens system on a rotating mercury float mechanism which were available at the turn of the 20th century. Today, these aspects of the Cape Byron Light station are considered to be rare in NSW.</p> <p>The Cape Byron Light station includes three original moveable items which contribute to the significance of the site, including the 15-inch Chance Bros and Co red sector light (1889) on a cast iron pedestal; original curved timber desk (1899- 1901); and clockwork winch used to drive the lens carriage (1901).</p> <p>The spectacular scenery and beauty of the Cape Byron Light station, its sitting on the most eastern point of the Australian mainland and the convergence of the natural and cultural environment on the headland is of great aesthetic significance. The evocative image of the tower standing against the expanse of the Pacific Ocean resonates with the NSW community, making the light station an important landmark and tourist destination in the state. What is now a recognisable and well-known image both locally and internationally, the Cape Byron Light station is the most highly visited light station in Australia.</p> <p>The Cape Byron headland is also of great traditional and contemporary significance to the Arakwal people. As custodians of their country, the Arakwal people hold an important and active role in the joint care and management of the reserve (which incorporates the light station) and undertake educational initiatives at the site to promote and raise awareness of the Aboriginal cultural heritage of the cape. Named Walgun (meaning 'The Shoulder'), today the Cape Byron headland is place where both the traditional and contemporary cultural of the Arakwal people is practiced and celebrated.</p>

State Heritage and Conservation (s.170) registers

Under s.170 of the Act, 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 s.170 are maintained with due diligence in accordance with State Owned Heritage Management Principles. Items listed on s.170 Heritage and Conservation Registers are listed on the State Heritage Inventory (SHI), and some are also listed on the SHR.

No s.170 listings for the items within the Subject Area.

The listing identified in the table below is on the s.170 NSW state agency heritage register. This item provides details on the broader historic background of the Byron Bay township.

ID Number	Name	Statement of Significance Summary
01107	Byron Bay Railway Station and yard group	<p>Byron Bay station group is a coherent group of railway buildings with good detailing and containing a number of unusual features including the circular water tank on a brick case and the railway hotel attached to the building. The station building is an excellent example of the timber standard roadside type and the location of the station and residence in the main street of Byron Bay contribute in a significant way to the streetscape of the town. The water tanks is one of two tanks of this design known to survive and is therefore of high significance.</p> <p>Assessment of Significance states that based on SHR Criteria f) This item is assessed as historically, scientifically, archaeologically, and socially rare.</p>

In addition, searches were made of the Maritime Heritage Database and the Australasian Underwater Cultural Heritage Database for items within one (1) kilometre (km) of the Subject Area. No items of maritime heritage were identified as a result of the search.

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning process in NSW. The EP&A Act also requires local governments to prepare planning instruments, such as Local Environmental Plans (LEPs) to provide guidance on the level of environmental assessment required.

2.2.1 The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013)

This HHA has been prepared in accordance with the principles and methodology contained in the Burra Charter.

The Burra Charter outlines a series of best practice principles and measures for heritage investigation and conservation. The Burra Charter is supported by a series of Practice Notes that provide practical advice in the application of the Burra Charter. The Burra Charter was first adopted in 1979 and has been subject to numerous updates with the most recent iteration adopted in October 2013. The policies and legislative guidelines developed by the Heritage Council of NSW are guided by the Burra Charter.



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Heritage listed items
Sandhills Wetland, Byron Bay HHA

Niche PM: Jo Nelson
Niche Proj. #: 7084
Client: Byron Shire Council

Figure 3

World Imagery: Maxar/public/NSW_Imagery; © Department of Customer Service 2020/Terrain: Multi-Directional Hillshade: Airbus, USGS, NGA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatastyreisen, GSA, GSI and the GIS User Community | Watercourses, Waterbodies, Road and Rail alignments, Protected areas of NSW © Spatial Services 2021. | Niche uses GDA2020 as standard for all project-related data. In order to ensure that data from numerous sources and coordinate systems is aligned, on-the-fly transformation to WGS1984 Web Mercator Auxiliary Sphere is used in the map above. For ease of reference, the grid tick marks and labels shown around the border of the map are presented in GDA2020, using the relevant MGA zone.

3. Historical Context

This section discusses the history of the immediate area surrounding the Subject Area and provides an overview of the historical context of this site. The purpose of this context is to shape the understanding of heritage values connected with the site, and to provide a baseline for examining the potential historic heritage of the Subject Area.

3.1 Regional Historical Overview

3.1.1 Pre-contact and early contact period

The traditional custodians of the wider area are the Arakwal people who are one of the groups of the Bundjalung Nation, whose traditional country is recorded to have extended along the east coast, between the Clarence River in NSW and the Albert River region in southern Queensland (QLD) and west to the Great Dividing Range. Evidence of the Bundjalung's long connection to the land is evident with the known occupation period being 5,000 - 6,000 years. Aboriginal cultural heritage sites which have been identified within the landscape include Shell middens, Camp sites, Burial sites, Modified trees, Aboriginal Ceremonial and Dreaming sites, Art, and Stone Arrangements (Extent Heritage, 2018: 6).

Early landings

The first published observations of the Cape Byron area were by Cook in 1770, who recorded the area as being 'A tolerable high point of land bore northwest by west a distance 3 miles this point I have named Cape Byron. It may be known by a remarkable sharp peaked mountain lying inland north-west by west of it ... inland it is pretty high and hilly but near shore it is low' (Beaglehole, 1955). On this date, Joseph Banks also records sighting Aboriginal people, stating 'we observed them with glasses for near an hour during which they walked upon the beach and then up a path over a gently sloping hill, behind which we lost sight of them' (Beaglehole, 1955).

Although it was passed by a number of times after Cook's passage in 1770, by Matthew Flinders in 1802 and by John Oxley in 1823, it was not until 1828 that the first landing was made by Captain Henry Rous (HODUAP, 1996:66; Stubbs, 2006:4). During this landing, Rous and his crew collected depth soundings of the bay and went ashore to set up surveying markers, with the intent to map the area, ultimately assessing that Byron Bay had the ability to provide safe anchorage for large and small vessels (Stubbs, 2006:4). Further observations of Aboriginal people occupying the Cape Byron area would continue as varying parties travelled into the region, with one party led by surveyor Robert Dixon in June 1840 passing 'a tribe of natives with their nets, fishing' who were recorded to have met with them during coastal survey works of the area (Stubbs, 2006:6; Robert Dixon, 1840).

3.1.2 Regional history - 1860-1881

Settlement by non-Aboriginal people did not occur at or near Byron Bay until after the passing of the *Crown Lands Alienation Act 1861* which opened up the land in the Byron area for free selection by settlers. It was noted that some tent camps had been set up by cedar-getters in the area by the 1870s, but before this period it was determined by the NSW Inspector of Police in 1865 during a visit of the area that the rugged terrain, dense vegetation and deep rivers prevented easy access by land from any direction (Stubbs 2006:7).

Land selections

It was not until 1881 that the first land selection was made. This was conducted by Thomas Skelton who selected portion 1 of 640 acres in June 1881, shortly followed by the selection of portion 2 of 100 acres by

Joseph Wright, the selection of portion 3 of 640 acres by Eli Hayter, and the section of portion 4 of 604 acres by James Glissan in July 1881, with these areas being located on the high land south-west of Cape Byron, outside the present township (Stubbs, 2006). Within two years, Byron Bay, had become a focal point for settlers from the hinterland (Gordon, et al., 1978).

3.1.3 Regional history - 1881 -1900

In 1883 Byron Bay is determined by Captain Frederick Howard to likely be an important port and could become an important township if proper facilities were established, stating that Byron Bay was:

'Well fitted to become the port of this district, and if facilities for shipping were given, would soon become an important place' (Stubbs 2006: 12).

Cavvanba village

In doing so, a number of facilities and government projects were triggered. By 1884, a government surveyor had laid out a town plan for the village of 'Cavvanba' which would become modern Byron Bay, while in the same year the NSW Government is recorded as setting aside funds to construct a public jetty at Byron Bay, with the construction of the government jetty occurring in 1886 (Stubbs 2006; Extent Heritage, 2020). The completion and opening of the jetty in 1888 were a great addition for the timber industry within the broader region, with it simplifying the task of loading logs for shipment, a task which had become increasingly difficult at the previous loading point on the Brunswick River further south (Stubbs, 2006). By November 1889 it had been recorded that one timber merchant, Owen Wareham, had proposed he had shipped 800,000 feet of timber from the jetty (Stubbs, 2006).

Rail and shipping

In the same year as the government jetty being established, the decision to build a branch line from the Great Northern Railway from Lismore to the Tweed River was determined (Stubbs 2006; Extent, 2020). The Byron Bay Railway station and associated Lismore to Tweed coastal railway was opened in 1894, catapulting 'Cavvanba' from a small seaside village to an industrial port town flourishing as a railway and shipping centre, with the village being renamed to match the Byron Bay Railway station (Stubbs, 2006; Extent, 2020). The railway and jetty would provide a reliable link between Byron Bay, shipping routes and the agricultural hinterland which had been slowly establishing itself, facilitating the export of local products, as well as bolstering the still active timber industry at the time. While cedar-getting had become popular and historically had helped in the establishment of the port, the industry was dwindling, and attention had turned to other native forest trees such as Ironbark and Turpentine, with the timber industry ultimately stabilising during the late 1890s. Despite this, it was determined that during 1898, 1899 and 1900, the export of timber from Byron Bay was in the order of 2 million super feet each year (Stubbs, 2006).

Agriculture

In term of other agricultural resources in the region, Maize had been the first stable crop within the broader Tweed Rivers area, with sugar superseding maize quickly, with nine (9) sugar mills being established across Northern New South Wales by 1868 (Stubbs, 2006). While sugar had thrived across some areas of the north coast, such as along the Richmond River from Ballina to Casino, by the time sugarcane was growing around Byron Bay, the industry was 'practically dying out' with other forms of industry such as dairying 'being more profitable' and taking its place (Stubbs, 2006).

Farming

By the mid-19th century dairy farming had become a major industry within the hinterland of the Far North Coast of NSW, with the industry opening the Byron Bay area and wider district up due to the development of large-scale refrigeration enabling the marketing of dairy products from the North Coast region throughout Australia and overseas (Stubbs, 2006; Extent Heritage, 2020). The rapidity and suddenness for this growth is indicated by the fact that 70% of NSW butter production in 1900 came from the Tweed and Lismore electorates, with the North Coast being considered the 'real home' of dairying in NSW (Stubbs, 2006; Ryan, 1995).

Dairy and meat industries

In 1895 the North Coast Fresh Food and Cold Storage Co-operative Company (NORCO) butter factory had been established alongside the railway line in Byron Bay, with the development establishing that dairying had become a major industry in the area. Butter would be loaded on rail carriages at the factory, conveyed to the jetty, placed into the refrigerated holds of a coastal steamer, and shipped to Sydney. On arrival it would be reloaded into liners which were bound for London (Stubbs, 2006; Ryan 1984; Ryan, 1995).

In addition to dairy, the factory included pork goods such as sausages and various canned items, producing a increasing the role of the factory within the Byron Bay community and broader economical region. The company would be restyled as the North Coast Co-operative Ltd in 1904, then again as Norco Ltd in 1925 (Ryan, 1995). While other butter and dairying manufacturers would be erected during the late 19th and early 20th century, the Butter factory at Byron Bay and Norco would continue to dominate the industrial landscape and the broader economy of the Byron shire into the late 20th century (Stubbs, 2006; Ryan, 1995).

3.1.4 Regional history - 1901 to present day

The township of Byron Bay would be identified to be at its most prosperous at the turn of the 20th century, into the late 1920s, with a number of public facilities, such as the police station, courthouse, post office, library and hotels being established within the township during this period, with the railway and jetty bolstering the profitability of the township due to their role in local and international markets (Stubbs, 2006; Extent Heritage, 2020).

Lighthouse

The construction of a lighthouse at Byron Bay on Cape Byron seems to have been first seriously advocated in the mid-1890s, by which time, Byron Bay had established itself as a shipping port of significance due to the establishment of the Jetty and railway (Stubbs, 2006; Stubbs, 2008). A lighthouse had been established on the coastline further north at Fingal Head (established in 1872), but it was argued in 1895 that a light at Cape Byron was becoming increasingly necessary, with the Northern Star newspaper predicting that a 'light would probably be provided next year' if representations were made to the Marine Board and Treasurer (Stubbs, 2006; Stubbs, 2008). By the end of 1897 18,000 pounds had been allocated for a lighthouse and quarters at Cape Byron, with construction beginning in 1900 and completion occurring at the end of 1901 (Stubbs, 2006; Stubbs, 2008).

Partly due to a serious accident which involved the wrecking of the *SS Wollongbar* at the Byron Bay Jetty (see plate 1), and the increasing need for the area around the jetty to be dredged to take it to a safe depth, by 1920 a design and estimate for a new jetty was prepared for submission to the Public Works Committee (Stubbs, 2006; Extent Heritage, 2020). Little opposition to the proposed new jetty was displayed, with a new jetty being established at Belongil in 1929, with the original jetty being used as a popular fishing pier locally until its removal in 1948. The new jetty constructed in 1929 would be destroyed in 1954 during a

storm, coinciding with the collapse of the coastal shipping industry, and the end of Byron Bay as a port (Stubbs, 2006).

Sandmining

In 1934, Zircon Rutile Limited (ZRL), was formed in Byron Bay. The black sand was manually scraped, dug, concentrated and stockpiled. The concentrates were transported to ZRL’s treatment plant on Jonson Street in Byron Bay (Byron Bay Historical Society, 2017).

In 1947 mining commenced on Tallow Beach at Broken Head and extended to Cosy Corner beneath the lighthouse, before extending to Main and Belongil Beaches in the 1960s (2017).

In 1948 floating suction dredges, which separated heavy minerals simply and cheaply from other sand grains, were introduced. The heavy minerals were pumped to the treatment plant on Jonson Street. The rest of the sand remained at its source. In 1951 ZRL began rehabilitating, reforming and replanting the mined areas with exotic and native species (2017).

Mining ceased in 1968; processing in 1972. Some mined areas are now incorporated in Arakwal National Park; some are public places, and some contain private houses, commercial buildings or infrastructure (2017).



Plate 1 Image from the 1960s, showing sandmining to the west of the Subject Area (indicative red polygon).

Table 1 Items on the Australasian Underwater Cultural Heritage Database (DAWE) and Maritime Heritage Database (Heritage NSW) in the Byron Bay area.

Name	Year wrecked	Information
Wollongbar	1921	Built in Troon, Scotland in 1911, the 2005 tonne twin screw steamer Wollongbar got into difficulties when alongside the jetty at Byron Bay on 14 May 1921. In the face of a rising gale, the 87-metre vessel attempted to move out into the bay but was driven ashore, lying broadside.

		<p>Efforts were made to re-float the steamer which failed, and the vessel was sold at auction by the owners the North Coast Steam Navigation Company and was stripped of most movable items. A replacement was soon ordered, the Wollongbar II which was lost off Crescent Head in 1943.</p> <p>At the time of loss, the Wollongbar was loaded with butter, bacon and bananas, but was also used as a passenger vessel, with accommodation for 253 first class passengers, and 40 second-class passengers.</p> <p>Presently the remains of the hull and boilers are visible at Belongil Beach at Byron Bay, to the north-west of the Subject Area.</p>
<i>Anchor</i> (Site ID 2521)	unknown	<p>An anchor was reported by Geoff Bensley off Byron Bay Beach approximately 80m to the north-west of the Tassie II wreck.</p> <p>The anchor has a non-folding iron stock approximately 1.5 m across, and the crown and palms were not visible at the time of discovery.</p> <p>The anchor lies approximately 4m on a sandy bottom approximately located off main beach in Byron Bay, north-west of the Subject Area.</p>
<i>Unknown</i> (Site ID 2520)	Unknown	<p>This wreck site has been reported by Geoff Bensley as lying offshore from Byron Bay Beach after he discovered the site in 1988.</p> <p>The site is reported to lie within 200 – 500 m north-west of the wreck of the Wollongbar wreck site in approximately 3m of water on a sandy bottom.</p> <p>The remains of the timber wreck consist of a central keel with floor timber frames extending on either side.</p> <p>Located off main beach in Byron Bay, north-west of the Subject Area.</p>

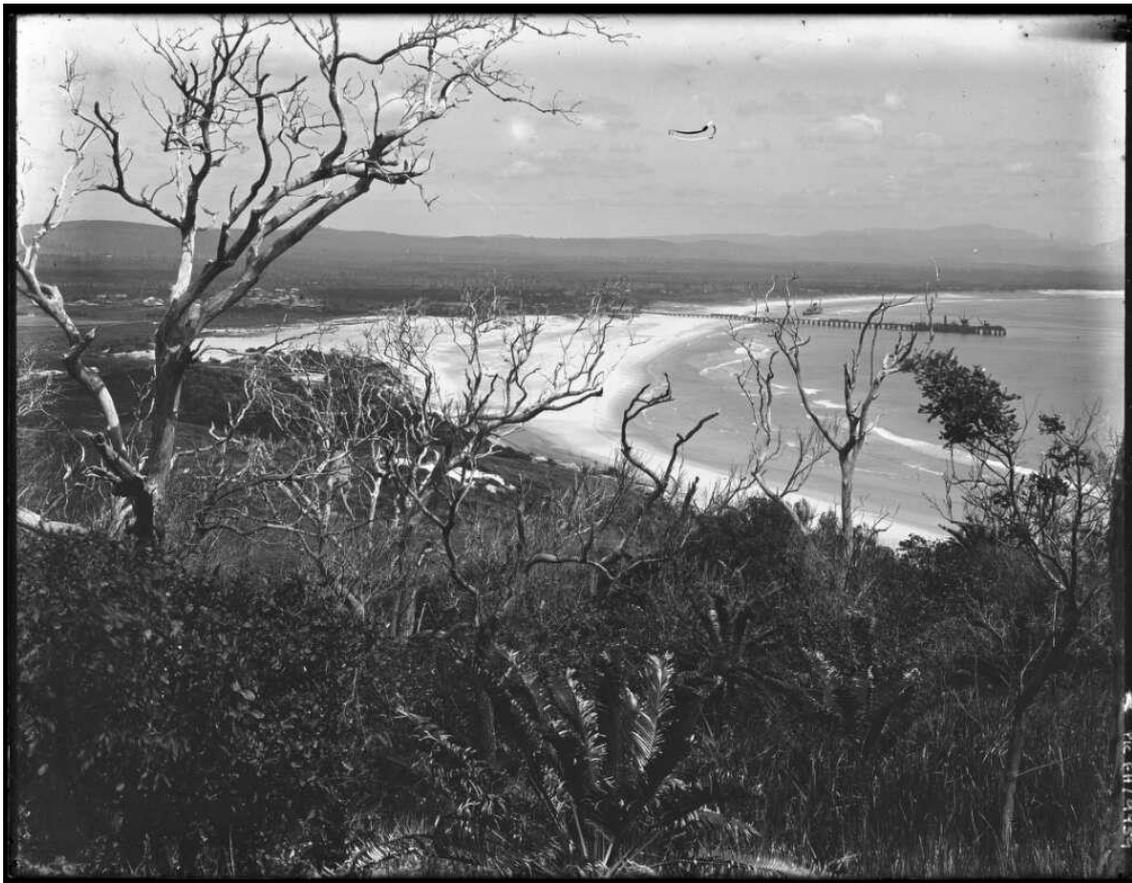


Plate 2: Photograph of Byron Bay Jetty and wreck of the SS Wollongbar in 1921 taken by Frank Hurley, Subject Area likely located in upper left quadrant (Hurley Negative collection online [Trove]).

The decreasing role of Byron Bay in the wider economic sphere would continue, with the growth of the trucking industry and car manufacturing in the second half of the 20th century leading to the decline of the importance of the railway. During this latter part of the 20th century in Byron Bay, industries such as banana farming, sand mining and whaling would both be introduced, with these failing to establish themselves significantly as economic powerhouses long-term within the region (Stubbs, 2006).

By the 1970s further collapse of local industry would occur with dairying having a serious decline in 1968, with the overall industry being described as being ‘in an unhealthy economic situation’, with employment at the Byron Factory being at its lowest, with concentration of production being on bacon and delicatessen lines instead of dairying products (Ryan, 1995; Stubbs 2006). Changing economics and this decline would lead to the closure of the NORCO factory and the meat processing works by 1983, with the last butter being made at Byron Bay being on 31 March 1972, with production moving to Lismore and Casino (Ryan ,1995; Stubbs, 2006).

Despite these economic setbacks during the 20th century, Byron Bay continues to be seen as a thriving and growing township based on a services-based economy with the holiday industry revitalising the local economy during the present.

Table 2: Summary of Historical events and accounts at Byron Bay

Date	Historical account
15 May 1770	James Cook names Cape Byron, describing a 'high point of land', located 5.6km off Cape Byron and Tallow Beach.
15 May 1770	Joseph Banks, botanist on the Endeavour records sighting Aboriginal people within Byron Bay region along coastline.
1828	Captain Henry Rous and William Johns in the <i>Rainbow</i> make the first landing at Byron Bay, surveying the landscape with Johns preparing a map of the coast and Bay between Cape Byron and the Brunswick River.
June 1840	Robert Dixon visits Cape Byron. Clears vegetation off a peak on Cape Byron and establishes a trip station for future surveying.
1861	<i>Crown Lands Alienation Act</i> determines Byron area as open for free selection by settlers. Reserve around Cape Byron established extending from Tallow Creek to Belongil Creek.
1869	Recorded that cedar-getters were at Byron Bay and had set up camps.
2 June 1881	First selection of land obtained by Thomas Skelton, selected portion 1 of 640 acres, selection located on high land south-west of Cape Byron outside of present-day Byron Bay township.
1882	First dwelling in Byron Bay built by David Jarman in Palm Valley. Used as a hotel and stopping place and located in the previously determined reserve.
1884	Cavannba town (to be Byron Bay township), laid out behind Main Beach with boundaries being gazetted on 19 December 1885. Completed by Surveyor Fred Poate.
1886	All of the 40 town lots of half an acre each were offered for sale in Cavannba (to be Byron Bay township) in July 1888. Construction of a public jetty begins.
1888	First Coffs Harbour jetty is opened.
1894	Cavannba changed to Byron Bay and the Byron Bay Railway Station is opened.
1895	North Coast Fresh Food and Cold Storage Co-operative Company (NORCO) butter factory established alongside the railway line in Byron Bay
28 August 1896	Byron Bay declared as a town.
1901	Construction of Byron Bay Lighthouse is completed.
1921	Wreckage of the SS Wollongbar at the Coffs Harbour jetty.
1929	Coffs Harbour jetty is closed but used as a public fishing pier, with new jetty opened at Belongil.
1935	Sand mining begins in the area; sand treatment plant on Jonson Street, Byron Bay
1948	Old Coffs Harbour jetty removed.
1954	New Coffs Harbour jetty destroyed, ending Byron Bay's use as a port.
1960s	Sand mining at Main and Belongil Beaches.
1968	Mining ceased in the area.
1972	Sand processing ceases in Byron Bay.
31 May 1972	Last butter made at NORCO factory in Byron Bay township.
1983	Closure of NORCO factory and processing works in Byron Bay township.

3.2 Historical phases of the Subject Area

The following historical phases of development have been identified for the Subject Area:

- Phase 1 - 1860 to 1881

No land selection for settlement, timber-getting or, land clearance within the Subject Area has occurred during this phase.

- Phase 2 - 1881 to 1900

No land selection for settlement within the Subject Area has occurred during this phase. Although unknown, it is possible minor timber felling or clearing may have occurred within the Subject Area, given that the surrounding land was being prepared and utilised for settlement.

- Phase 3 - 1901 to Present

No land selection for settlement within the Subject Area has occurred during this phase. Although unknown, it is possible minor timber felling or clearing may have occurred within the Subject Area, to accommodate the growing township of Byron Bay. It is unclear as to whether sand mining ever occurred in the Subject Area.

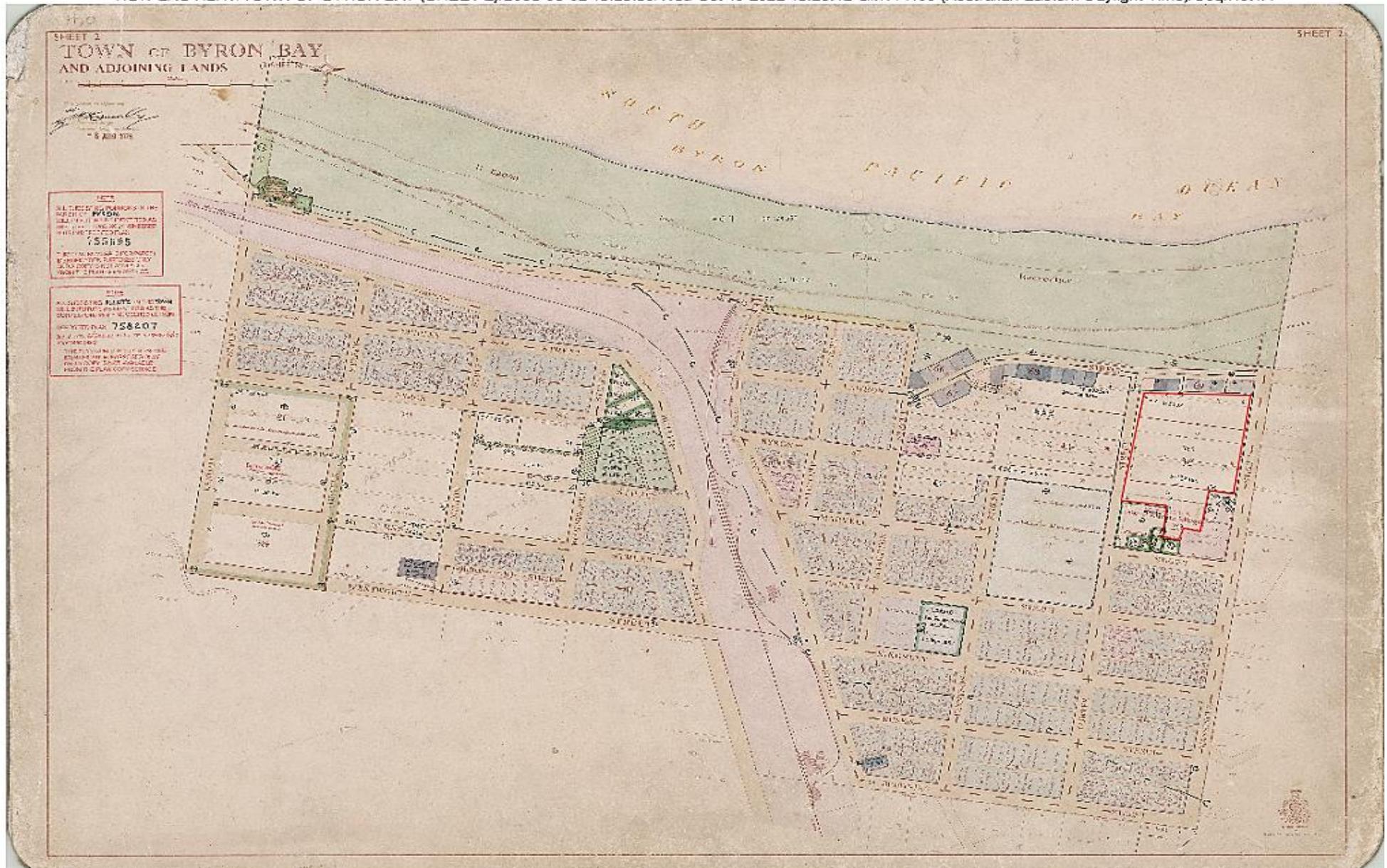


Plate 3 Byron Bay Township Map 1876, indicative location of Subject Area, red polygon (accessed from Historic land records viewer)

Table 3: Archaeological potential of historic phases.

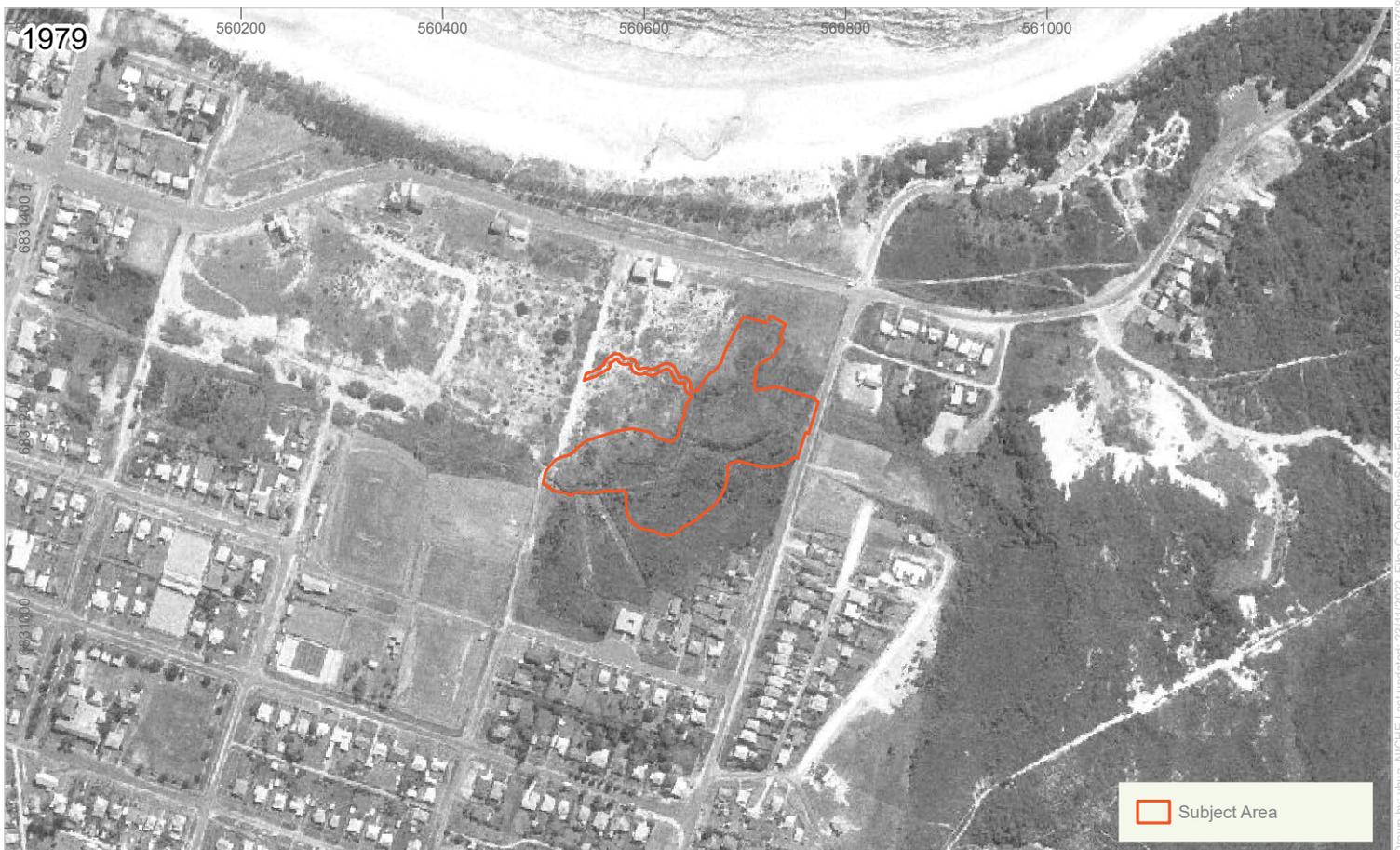
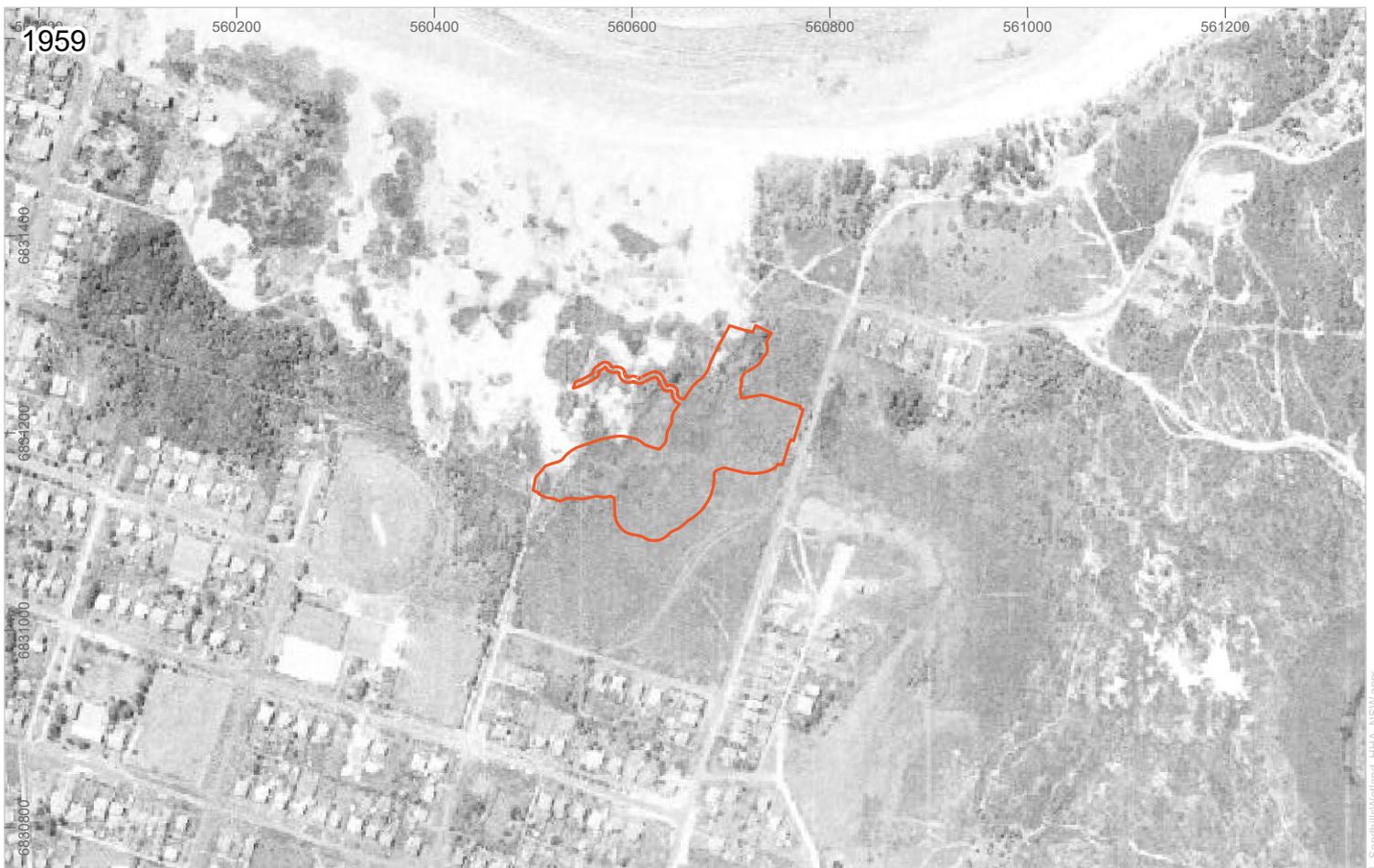
Historical Phase	Analysis of Archaeological Potential Associated with Historical Phase
1860-1881	There is no written evidence of use of the Subject Area during this period. During this period development was less focussed within the Byron Bay Township, with acquisition of land occurring in 1881. Some tent-camps are recorded to have been set up in the wider Byron shire region, but accessibility into Byron Bay limited historic settlement. Evidence of shipwrecks having occurred to the north of the Subject Area, with two of the know wrecks occurring north-west and having unknown wreckage dates.
1861-1900	Written records indicate all 40 of the Byron Bay town lots were put up for sale and sold in 1888 which likely included the Subject Area, otherwise no other written evidence is provided on the use of the Subject Area. Establishment of township and growing development occur during this period. Evidence of shipwrecks having occurred to the north of the Subject Area, with two of the know wrecks occurring north-west and having unknown wreckage dates.
1901-present day	No written records on the Subject Area. A Map of the Byron Bay Township from 1976 indicate that the Subject Area had not been developed by this point in time. Historical aerials additionally indicate minimal development and impact had occurred during the early 20 th century on the Subject Area, with vegetation increasing overtime.

3.3 Historical Aerial imagery

A review of historical imagery from 1959 through to present day shows vegetation pattern change and development encroachment over time (Figure 4). In 1959 much of the Subject Area is identified to include exposed sand with minimal vegetation within the northern portion of the Subject Area. Development has occurred on the southern, eastern, and western borders of the Subject Area are present, but there has been minimal associated with the northern boundary.

By 1979 significant changes have occurred, much of the sand exposed has been covered in vegetation, with housing and road having been established on the northern boundary of the Subject Area over this time period. An increased number of buildings are present on other boundaries, and by 1987 housing can be seen in the north-eastern section of the Subject Area, with a ring road in that section having been established by 1997 (Figure 5).

Within the present, it is clear that the surroundings of the Subject Area, have experienced gradual development with the development of roads, housing, playing fields and associated infrastructure.



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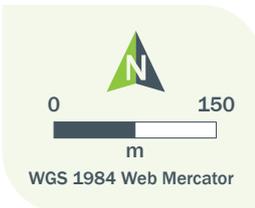
Historical aerial photographs (1959-1979)
Sandhills Wetland, Byron Bay HHA

Niche PM: Jo Nelson
 Niche Proj. #: 7084
 Client: Byron Shire Council

Figure 4a



Drawn by: yhua_NICHE Last updated: 23/11/2022 File: C:\OneDriveSync\Folder\Niche\GIS - APRX - APRX\ar7000a7084_SandhillsWetland_NSW\FProlar7084_SandhillsWetland_HHA_NSW.aprx



Historical aerial photographs (1987-1997)
Sandhills Wetland, Byron Bay HHA

Niche PM: Jo Nelson
 Niche Proj. #: 7084
 Client: Byron Shire Council

Figure 4b

4. Site Inspection

4.1.1 Methodology

The site inspection was carried out on 31 May 2022 by Jo Nelson (Niche Associate Heritage Consultant). The site inspection followed a pathway into the Subject Area (Plate 4), and then continued northward, following the boundary to the southern portions of the Area. Wherever possible, transects were attempted across the Subject Area. Where it was not possible to physically enter an area, a visual inspection was utilised instead, looking for surface structures and other physical items.

4.1.2 Physical Description of Subject Area

The Subject Area comprised of dense vegetation associated with a wetland environment, albeit disturbed (Plate 5). There are no standing structures. An unnamed creekline with associated drainage infrastructure, extends east to south-west from Massinger Street, through the centre of the Subject Area to Cowper Street (Plate 6; Plate 7). A ground surface stormwater drain cover was identified in the north-west portion of the Subject Area (Plate 7).

4.2 Past Impacts to the Subject Area

The Subject Area contains surface and sub-surface structures relating to drainage and stormwater management. The Subject Area may have been subject to minor previous vegetation clearing. No other impacts were identified.



Plate 4 Pathway leading into the Subject Area.



Plate 5 Vegetation associated with a wetland environment.



Plate 6 Drainage line extended across southern portion of the Subject Area.



Plate 7 Surface and subsurface stormwater drainage.

5. Assessment of archaeological potential

This section provides an assessment of the archaeological profile of the Subject Area. This assessment is based on the evidence derived from the archival analysis (Historical Context) and physical analysis. This profile contributes to the assessment of cultural significance of the Subject Area.

Archaeological potential is defined as the likelihood that an area may contain physical evidence related to earlier phases of occupation, activity and/or development. Physical evidence can encompass structural remains and footings, occupational deposits, artefacts and/or features. These archaeological remains have the potential to contribute to our knowledge and understanding of the development of this area and the region and its association with the community using information otherwise unavailable. The potential for preserved archaeological evidence can range from very low to high (Table 4).

Table 4: Grading of archaeological potential.

Grade	Definition
Very Low	The degree of ground disturbance suggests minimal or no potential for any archaeological evidence to survive.
Low	It is unlikely that any archaeological evidence survives.
Moderate	Some archaeological evidence associated with a particular historical phase or feature survives. It may be subject to some disturbance.
High	It is likely that archaeological evidence associated with this historical phase or feature survives intact.

5.1 Previous archaeological assessments

The Byron Shire Community Based Heritage Study was developed between 2004 and 2006, coordinated by Dr Donald Ellsmore who at the time was the Byron Shire Heritage Adviser, and conducted in accordance with NSW Heritage Office guidelines for community-based studies (BSC, 2007).

The aim of the study was to identify, assess and recommend places for inclusion on the schedule of places of local heritage significance in the Byron Shire Local Environment Plan, and to make recommendations for the ongoing management and protection of the Shire's heritage places (BSCa, 2007).

The study provides a comprehensive thematic history of the Byron Shire, as well as identifies 200 individual items for inclusion on the schedule of places of local heritage significance in the Byron Shire Local Environment Plan, with 30 of these items were identified to be located within the Byron Bay township.

The Study (2007) indicated no known heritage association with the Subject Area, despite its proximity to a number of listed heritage items as identified in this report.

5.2 Analysis of potential archaeological evidence for the historical phases

Table 5 presents an analysis of the archaeological potential of the identified historical phases, using the historical assessment and the known integrity of the Subject Area.

Table 5: Archaeological potential of historic phases.

Historical Phase	Analysis of Archaeological Potential Associated with Historical Phase
1860-1881	There is no evidence identified from this historical phase that would indicate the Subject Area contains archaeological potential.

Historical Phase	Analysis of Archaeological Potential Associated with Historical Phase
1861-1900	There is no evidence identified from this historical phase that would indicate the Subject Area contains archaeological potential.
1901-present day	There is no evidence identified from this historical phase that would indicate the Subject Area contains archaeological potential.

6. Summary of Heritage Significance

6.1 Methodology for Assessing Significance

The NSW Heritage Manual guideline, 'Assessing Heritage Significance' (NSW Heritage Office 2001), provides the following significance assessment and Statement of Significance framework. These guidelines incorporate the seven aspects of cultural heritage value identified in the Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013 into a framework currently accepted by the NSW Heritage Council.

6.1.1 Criteria for Assessing Significance

The SHR criteria are outlined in *Assessing Heritage Significance* (Heritage Office 2000) and are summarised in Table 6. Using this criterion, a place can be assessed to be of local, state or no heritage significance.

Table 6: Heritage Assessment Criteria

Criteria	Value	Description
Criterion A)	Historical Significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion B)	Associative significance	An item has strong or special association with the life or works of a person or group of persons, of important in NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion C)	Aesthetic significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion D)	Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.
Criterion E)	Research potential	An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion F)	Rarity	An item possesses uncommon, rare, or endangered aspects of the area's cultural or natural history (or the cultural or natural history of the local area).
Criterion G)	Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments. (or a class of the local area's cultural or natural places, or cultural or natural environments.)

6.1.2 Grading of significance

A five-tier system detailing levels of significance is outlined in *Assessing Heritage Significance* (Heritage Office 2000). The grading system is used to identify the overall significance of items or sites being assessed. The levels of significance and their justification to be applied to items is listed in Table 7 below.

Table 7: Gradings of significance

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local or State listing.	Fulfills criteria for local and/or State significance.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfills criteria for local and/or State significance.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfills criteria for local and/or State significance.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfill criteria for local or State listing.
Damaging	Damaging to the item's heritage significance.	Does not fulfill criteria for local or State listing.

6.2 Assessment of Significance for the Subject Area

Below is the assessment of the Subject Area using the guidelines *Assessing Significance for Historical Archaeological Sites and 'Relics'* (Heritage NSW 2009) and *Assessing Heritage Significance* (Heritage NSW 2001):

Heritage NSW Criteria	Assessment
Criterion (a) an item is important in the course, or pattern, of NSW's cultural or natural history (or the local area)	<p>The Subject Area is within and connected to the growth of the broader township of Byron Bay, and although it is a remnant natural landscape it does not contain any elements that would contribute to the natural history of the local area, as defined in the guidelines.</p> <p><i>The Subject Area does not fulfill Criterion (a) at the local level.</i></p>
Criterion (b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the local area)	<p>The Subject Area does not comprise of any strong or special association of a person or group of persons.</p> <p><i>The Subject Area does not fulfill Criterion (b).</i></p>
Criterion (c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	<p>The Subject Area does not contain any elements that would be considered important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement.</p> <p><i>The Subject Area does not fulfill Criterion (c).</i></p>
Criterion (d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural, or spiritual reasons (or the local area)	<p>The Subject Area does not have a strong or special association with a community or cultural group.</p> <p><i>The Subject Area does not fulfill Criterion (d).</i></p>

Criterion (e) an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the local area)	The Subject Area does comprise of potential to provided information that contributes to the natural history of the local area. <i>The Subject Area does fulfill Criterion (e).</i>
Criterion (f) an item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the local area)	The Subject Area does not contain uncommon, rare, or endangered cultural or natural history, as defined by the guidelines. <i>The Subject Area does not fulfil Criterion (f) at the local level.</i>
Criterion (g) an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or the local area)	The Subject Area does not contain elements which may demonstrate principal characteristics of cultural or natural places or cultural or natural environments of the local area. <i>The Subject Area does not fulfill Criterion (g) at the local level.</i>

6.3 Statement of Cultural Heritage Significance

Although the Subject Area contains both remnant and regrown vegetation landscape within the broader township of Byron Bay, it does not contain elements that are not readily identified elsewhere that would contribute to the natural history of the local area. The Subject Area does not contain elements which contribute to an understanding of the social history of the local area. It has no association with a person or group.

The Subject Area does not contain potential for uncommon, rare, or endangered cultural or natural history. It does not contain elements which demonstrate principal characteristics of cultural or natural places or cultural or natural environments that are not readily available elsewhere in the local area.

Historical aerial images show a vegetated landscape of varying disturbances across the Subject Area, and, except for stormwater drainage infrastructure, no historical structures or other items have been identified. This suggests a very low potential for historical archaeological resources.

The Subject Area has been assessed as having no historic heritage significance.

7. Conclusions and Recommendations

7.1 Conclusions

Historical research and a site investigation of the Subject Area found no evidence of the significant use of the area during the historical period. There is no evidence of use in the area prior to this that would have resulted in historic archaeological deposits.

Although the Subject Area contains remnant natural landscape within the broader township of Byron Bay, it does not contain elements that are not readily identified elsewhere that would contribute to the natural history of the local area. The Subject Area does not contain elements which contribute to an understanding of the social history of the local area. It has no association with a person or group.

The Subject Area does not contain potential for uncommon, rare, or endangered cultural or natural history. It does not contain elements which demonstrate principal characteristics of cultural or natural places or cultural or natural environments that are not readily available elsewhere in the local area.

The remnant, vegetated landscape of the Subject Area, and the evidence that, except for stormwater drainage infrastructure, no historic structures or other items have been identified, suggests a very low potential for historical archaeological resources.

7.1.1 Summary

The Subject Area had been assessed as having no historic heritage significance. It is considered unlikely any archaeological resources are present within the Subject Area.

The proposed works will involve groundworks, including excavation and the construction of a tidal pool at sea level together with supporting infrastructure.

No heritage items were identified within the Subject Area.

7.1.2 Assessment of archaeological potential

The historic heritage assessment and the site inspection undertaken 31 May 2022, identified that there are no historic places or items in the Subjects Area and, that the archaeological potential is considered low. As such, this report considers that works can proceed.

7.1.3 Recommendation

The following Recommendation is formulated to guide the works.

Recommendation - If suspected archaeological relics as defined under the Heritage Act 1977 (as amended) are uncovered, work should cease at the site with the protocol described in **Appendix 1 - Unexpected Finds Procedures** followed.

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Appendix 1 - Unexpected Finds Procedures

Introduction

The following provides a methodology to follow in the event of unexpected finds being encountered during the proposed works. These procedures have been prepared in accordance with best practice and are designed to minimise the heritage impact in the unlikely event that Human remains, or archaeological material is encountered on site.

It is noted that these procedures do not provide a guarantee against impacts caused by unexpected finds. However, they provide mitigation of the risk unexpected finds present. The procedure used in the event of human remains is derived from the NSW government guidelines and in no way supplants the authority of the NSW Police or the NSW Coroner's office over human remains found on site.

It is critical for the construction team to be aware that any suspected archaeological evidence must remain as it was found (*in situ*) until it is assessed by a qualified archaeologist, as per the below steps. These objects, and where they are located and the material around them (referred to as the object's 'context') is critical for understanding their value to the site and determining what may be located near to the area of the find. The object and its context are legally protected under the *Heritage Act 1977*.

Discovery of Suspected Human Remains

The following procedure would be followed in the event of the unexpected find of suspected human remains during the works:

- The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm.
- The remains must be left in place and protected from harm or damage.
- The NSW Police and Coroner's Office must be contacted immediately.
- No further action is to be undertaken until the NSW Police confirm the origin of the remains as non-human and provide a case number for South32's records.
- If the skeletal remains are identified as Aboriginal, South 32 or their agent must contact:
 - the Heritage NSW's Enviroline on 131 555.
- If the skeletal remains are identified as Aboriginal, no works are to continue until the Heritage NSW provides written notification to the Proponent or their Agent.

Discovery of Unexpected Suspected Archaeological Material.

The following procedure would be followed in the event of the unexpected find of suspected archaeological material during the works.

- Stop work within a 10m area around the unexpected find and secure this area.
- Notify a qualified archaeologist and engage them to assess the suspected material to determine historical significance of the find.
- If assessed to be not culturally significant, proceed with works with caution.
- If assessed to be of cultural value, works must cease in this portion of the site (within 50m of the find) and the NSW Heritage Council and Local Government Council must be contacted. Any directions or responses from these organisations should be considered. Works of this type could include salvage excavation, testing, further monitoring, and archival recording.

Appendix 2 – Design Plan



Contact Us

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Sydney
Brisbane
Cairns
Port Macquarie
Illawarra
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Our services

Ecology and biodiversity

Terrestrial
Freshwater
Marine and coastal
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)