
Heritage Referral for Historical Heritage Assessment for Byron Bay Bypass DA 10.2016.77.1



Norfolk Pine group in front of Byron Bay Police Station.

Prepared by
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For Byron Shire Council.
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DISCLAIMER

This report has been prepared by Deborah Wray, Heritage Advisor, for Byron Shire Council for the purpose of a peer review of the Historical Heritage Assessment by Virtus Heritage dated 27 September 2015 which forms part of the Environmental Impact Statement for the proposed Byron Bay Bypass under DA 10.2016.77.1, and may only be used by Byron Shire Council for that purpose. Deborah Wray disclaims responsibility to any person other than Byron Shire Council arising in connection with the report. Any representation, statement, opinion, assumptions or advice expressed in this report is made in good faith on the basis of information available at the time of the report preparation including the accompanying EIS report for the Byron Bay Bypass by GHD dated January 2016. Deborah Wray has no responsibility or obligation to update this report for any changes which may occur after the date of this report.

EXECUTIVE SUMMARY

As Heritage Advisor to Byron Shire Council, I previously reviewed the Historical Heritage Assessment by Virtus Heritage dated June 2015 and the updated report dated 27 September 2015.

I consider that the Historical Heritage Assessment Report prepared by Virtus Heritage dated 27 September 2015 which forms part of the supporting information for DA 10.2016.77.1 has satisfactorily identified and assessed the heritage significance of places within the area affected by the proposed bypass. This assessment has followed the standard and recognised criteria and methods adopted by NSW Office of Environment and Heritage/NSW Heritage Council and the ICOMOS Burra Charter. The assessment of the likely impact on the bypass on the identified heritage values of the project area can be summarised as follow:

The only direct impact of the proposed bypass on assessed heritage significance is the proposed removal of one mature Norfolk Pine tree. This is likely to have a detrimental impact on the aesthetic setting of the Police Station and Courthouse site. Compensatory planting is proposed to offset the loss of the Norfolk Pine tree.

There will be no demolition or direct impacts on any identified built heritage items.

The proposed road bypass will encroach by less than 5 metres upon the western edge of the SHR curtilage of the Railway Precinct. No alternative solutions are available due to the limitations of the road reserve width. However no physical works are proposed which would directly impact upon any built structure or known archaeological research potential.

An indirect potential impact of vibration has been identified, which may affect all items of built heritage, in particular the Water Tower due to its location and the identified unstable nature of some brickwork. The roots of the remaining three Norfolk Pines may also be impacted by vibration. Mitigation measures are proposed to record, monitor and address the vibration issue.

Temporary potential visual impacts during the construction phase are likely but this is not likely to have any long term adverse impacts on any identified heritage items.

An issue has been identified of the potential cumulative indirect impact of additional traffic and noise on the heritage significance of residences in Butler Street which are heritage items or in the HCA. Responses that might occur could include requests for the replacement of original or sympathetic timber fences with higher or solid fences, the addition of window shutters, or changes to fenestration for double glazing etc which could cumulatively alter the aesthetic significance or setting of items or the Heritage Conservation Area.

The Report includes the recommendations to address this issue

'It is recommended that if any proposed ameliorative measures are required, they are sympathetic to character of the heritage item/s and its existing fabric and in compliance with the BSC Development Control Plan 2014, Chapter C-1 Non Indigenous Heritage, particularly (but not limited to) provisions C.1.3 and C.1.4, which provide detailed requirements for windows, fencing, streetscape and landscaping. We also recommend that BSC consider using types of road surfaces which minimise noise and landscaping impacts to identified heritage items in this assessment in the detailed design of the Proposal to minimise the necessity of potential ameliorative measures for noise and vibration from the Proposal'.

The Management recommendations contained in pages 59 to 62 of 'The Report' are endorsed and address the issues which may arise during construction.

INTRODUCTION

A Heritage Referral of DA 10.2016.77.1 by Byron Shire Council has been requested to review the *'Byron Bay Bypass Historical Heritage Assessment'*, 27 September 2015 by *Virtus Heritage*, hereafter referred to as 'The Report' which forms part of the Environmental Impact Statement (EIS) for DA 10.2016.77.1 for the proposed Byron Bay Bypass.

In addition to a review of 'The Report', a broad overview of the Environmental Impact Statement documentation prepared by GHD was made to consider the report in context. An inspection of the route of the bypass corridor, the heritage conservation area and of heritage items within 30 metres of the corridor was undertaken from public land on 14 August 2015.

This report is prepared with regard to statutory heritage requirements and the conservation articles set out in Australia ICOMOS *Burra Charter* (2013), which is the recognised standard of conservation practice in Australia.

REVIEW OF 'THE REPORT'

SECTION 1

Scope of Report

The scope of 'The Report' was to identify and assess the known and potential historical heritage values of the project area and the potential impacts (direct and indirect) of the proposal on those values.

'The Report' has used the NSW Office of Environment and Heritage (OEH) Guidelines for preparation of Statements of Heritage Impact, Assessment of Significance, Assessing Significance for Archaeological Sites and Relics, and Levels of Heritage Significance.

'The Report' has addressed the OEH Secretary's Environmental Assessment Requirements (SEARS) for the EIS heritage assessment. (Reference- Appendix A, Secretary's Environmental Assessment Requirements issued 18/02/2015).

'The Report' has also addressed the additional requirements set out in the letter dated 9 January 2015 of the Heritage Division of NSW Office of Environment and Heritage with reference to impacts on potential archaeological relics.

Report Structure and Limitations.

It is noted that 'The Report' does not address Aboriginal Cultural Heritage and that a separate report is provided for this subject.

Project Team

'The Report' was compiled by a study team of archaeologists led by Dr Emma St Pierre, PhD with input and peer review from Mary-Jean Sutton BA Hons, and Julian Travaglia B.A Hons, who are appropriately qualified to undertake the scope of this report.

SECTION 2

Legislative Requirements

Section 2 of 'The Report' has adequately outlined the full statutory heritage legislation framework which must be considered.

The Environmental Planning and Assessment Act 1979 and provisions of Byron Shire Local Environmental Plan 2014 will specifically apply in relation to heritage items and the heritage conservation area which are listed at a local level.

A statutory approval under Section 60 of the Heritage Act 1977 or a Section 57 (7) Exemption application as determined by OEH, will be required for works in the vicinity of the Railway Precinct which is listed at the State level as the bypass corridor impacts slightly within this curtilage.

The Heritage Act 1977 will also apply in the case of any unidentified heritage relics which might be discovered as a result of excavations. Appropriate conditions and protocol would apply.

SECTION 3

Historical Context

The purpose of a thematic history is to identify the important historic themes which shaped the development of the locality. This in turn links to an understanding of the significance of noted heritage items and precincts. The historical section of 'The Report' has provided an overview of the following historical themes: Aboriginal, early European settlement, cedar cutting, agricultural development; maize and sugar cane, dairying, and meat processing; development of the railway, administration and governance.

This is considered to be an acceptable Historical Context basis for the Heritage Assessment. It has been drawn from a variety of sources including the Byron Shire Community Based Heritage Study, BJ Stubbs, OEH Regional Histories of the North Coast, and the State Heritage Inventory Database, plus primary sources of Parish Maps and historical photographs, and secondary sources from local history websites.

SECTION 4

Site Inspection

'The Report' confirmed that a physical inspection and field survey, (as required by SEARS) of the urban part of the project site was undertaken by two members of the Study team. This was verified by my own inspections. The field work included inspection of the route corridor and following items of identified significance:

- Byron Bay Railway Station Precinct
- Railway Water Tower
- Telegraph Pole and Miscellaneous Post
- Semaphore Tower
- Brick Culvert
- Concrete slab, concrete footing and concrete retaining wall.
- Byron Bay Police Station and Courthouse including Norfolk Pines
- Burns Street Precinct- Conservation Area
- Cottage 60 Butler Street
- Cottage 62 Butler Street
- Former Norco Butter Factory
- Jasmine House 4 Browning Street

The exception was the southern section of the bypass corridor which includes a SEPP 14 Wetland area due to the physical constraints of dense vegetation. However this is not the site of any identified statutory heritage items, and is more closely related to potential natural heritage values and ecological values which are outside the scope of the historical heritage assessment report and are addressed by other sections of the EIS.

SECTION 5

Current Heritage Listings

'The Report' addressed all existing heritage listings on various registers (SHR, 170 Register, & Byron LEP within 30 metres of the project area.

Basis for Assessment of Significance

'The Report' appropriately included relevant extracts from the Burra Charter relating to aesthetic, historic, scientific and social values, and the NSW Heritage Branch Significance Assessment Criteria (a) to (f) which are the recognised standards for the assessment of significance.

Archaeological Significance

'The Report' concluded that from physical site inspections, the review of historical research and heritage studies that *"there is no known or predicted archaeological remains or research potential within the project area"*. As a non-archaeologist, I am unable to provide any further advice in this area, however normal precautionary principles apply and in the event of any relics being discovered, works would need to cease until satisfactory approvals are obtained to proceed.

Summary Statements of Cultural Significance

This section of 'The Report' was drawn closely from the State Heritage Inventory (SHI) database including the existing Statements of Significance for each item. These SHI data sheets are attached to 'The Report' and provide a detailed assessment for each item, in particular, the extensive information for the SHR listed Railway Precinct.

SECTION 6

PROJECT IMPACTS AND WORKS DESCRIPTION

Derived from the wider EIS documentation, this section of 'The Report' provided a description of the proposed physical works in the road reserve, including the expanded road pavement, two roundabouts, the rail crossing, pedestrian and cycle paths, storm water drainage and tree clearing.

The EIS report has also provided considerable evidence of the background to the proposal, including the long standing identification of the route, its relationship to the disused rail corridor, and options and constraints of using the rail corridor including its possible re-establishment.

It is noted that the proposed bypass is to be constructed within the existing developed and undeveloped road reserve and is a low speed road, designed for 50km per hour traffic, including a 19 m semitrailer. The EIS on page 38 states that it is anticipated that 3200-4400 vehicles per day will use the bypass road.

The EIS states on Page 189 that 'Adverse Impacts' include *"Permanent loss of amenity (visual, noise, traffic) during operation for residences on Butler Street. Mitigation would continue to be developed in consultation with landowners/residents."* Issues of noise in relation to construction and vibration have been addressed in 'The Report' as a potential indirect impact on heritage values.

SECTION 7 STATEMENT OF HERITAGE IMPACT

This section of 'The Report' addressed the questions set out in the NSW Heritage manual requirements for Statements of Heritage Impact which is the recognised publication for the preparation of such a report:

- a. *Whether the proposal respects or enhances the heritage significance of the heritage item.*
- b. *What aspects of the proposal could have a detrimental effect on the heritage significance of the heritage item.*
- c. *Whether sympathetic solutions been considered and discounted , and if so why .*
- d. *Whether the impact of the proposal to the heritage significance of the item is to be minimised.*
- e. *Whether the additions (proposed bypass) will visually dominate the heritage item.*
- f. *Whether the proposal will have any adverse impacts on any known or potential significant archaeological deposits.*

'The Report' addressed each question in turn with reference to each identified heritage item. (ref: Pages 48-55 with a summary table on Page 56).

An assessment of heritage impact requires the evaluation and assessment of alternative options to be demonstrated if any potential adverse impacts are identified.

In summary I concur with the findings of the heritage impact assessment which can be summarised as follows:

The only direct impact of the proposed bypass on assessed heritage significance is the proposed removal of one mature Norfolk Pine tree. This is likely to have a detrimental impact on the aesthetic setting of the Police Station and Courthouse site. Compensatory planting is proposed to offset the loss of the Norfolk Pine tree.

There will be no demolition or direct impacts on any identified built heritage items.

The proposed road bypass will encroach by less than 5 metres upon the western edge of the SHR curtilage of the Railway Precinct. No alternative solutions are available due to the limitations of the road reserve width. However no physical works are proposed which would directly impact upon any built structure or known archaeological research potential.

An indirect potential impact of vibration has been identified, which may affect all items of built heritage, in particular the Water Tower due to its location and the identified unstable nature of some brickwork. The roots of the remaining three Norfolk Pines may also be impacted by vibration.

Temporary potential visual impacts during the construction phase are likely but this is not likely to have any long term adverse impacts on any identified heritage items.

Mitigation measures are proposed to record, monitor and address the vibration issue.

Compensatory planting is proposed to offset the loss of the Norfolk Pine tree.

There is potential for cumulative indirect impact of additional traffic and potential noise on the heritage significance of residences in Butler Street which are heritage items or in the HCA. For example: responses that might occur could include requests for the replacement of original or sympathetic timber fences with higher or solid fences, the addition of window shutters, or changes to fenestration for double glazing etc which could cumulatively alter the aesthetic significance or setting of items or the Heritage Conservation Area. Recommendations for measures to mitigate any such impacts e.g. types of road surfaces which minimise noise and landscaping are recommended.

SECTION 8 MANAGEMENT RECOMMENDATIONS

The Management recommendations contained in pages 59 to 62 of 'The Report' are fully endorsed and are considered to address the issues which may arise during the construction.

CONCLUSION

This peer review concludes that 'The Report' has adequately addressed the issues required by the OEH for the purpose of this EIS. Places and items of heritage significance have been identified and assessed with due regard to the heritage assessment criteria laid down by NSW OEH Heritage Council and the ICOMOS Burra Charter.

'The Report' has considered potential impacts of the proposal against these assessed heritage values. A summary of likely heritage impacts, including direct impact, indirect impacts and temporary impacts have been addressed. The Management recommendations contained in pages 59 to 62 of 'The Report' are fully endorsed and address the issues which may arise during construction.

REFERENCES

Australia ICOMOS The Burra Charter 2013: The Australia ICOMOS Charter for Places of Cultural Significance.

Byron Shire Local Environmental Plan 2014

NSW Heritage Office Department of Urban Affairs and Planning 1996 'Heritage Curtilages' Publication.

NSW Heritage Council 2008 Levels of Heritage Significance. Heritage Office NSW. Department of Planning, Sydney NSW.

Website References

NSW Office of Environment and Heritage- State Heritage Inventory database.
<http://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5011962#ad-image-0>
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Stubbs B.J. 2006. Byron Shire Community Based Heritage Study, Volume 2: Byron Shire Thematic History Byron Shire Council, NSW. Accessed on 21 August 2015
<http://www.byron.nsw.gov.au/publications/community-based-heritage-study>
