

APPENDIX J

Non-Indigenous Heritage Assessment

**A Non-Indigenous
Heritage Assessment for
Route Selection:
Proposed Additional
Crossing of the Clarence
River,
Grafton, New South Wales**

December 2003

Vanessa Hardy

**Report for
NSW Roads
and Traffic
Authority**

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Assessment for Route Selection:
Proposed Additional Crossing of
the Clarence River,
Grafton, New South Wales**

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Project no: S3908

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ABBREVIATIONS

AHC	Australian Heritage Commission
AHIMS	Aboriginal Heritage Information Management System
AMG	Australian Map Grid
ATSIC	Aboriginal and Torres Strait Islander Commission
BP	Before Present
DEC	Department of Environment & Conservation
DIPNR	Department of Infrastructure, Planning and Natural Resources
ICOMOS	International Council on Monuments and Sites
LEP	Local Environmental Plan
NPWS	National Parks and Wildlife Service
REP	Regional Environmental Plan
RNE	Register of the National Estate

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1.0 EXECUTIVE SUMMARY

Biosis Research Pty. Ltd. was commissioned by the NSW Roads and Traffic Authority (RTA) to undertake a heritage assessment of the proposed additional river crossing of the Clarence River at Grafton.

The area under investigation is between the eastern end of Susan Island and the western end of Elizabeth Island, extending north into the township of Grafton and as far south as the Pacific Highway.

The broad aim of the investigation is to identify non-indigenous heritage items within the broad localities and associated streets and to identify potential impacts upon known heritage items within the proposed seven localities and associated streets.

This study does not include a comprehensive impact assessment, rather it provides a synthesis of known heritage items and the legislative framework protecting them. A survey was undertaken and non – statutory lists inspected in order to identify as fully as possible all non-indigenous heritage items within the areas of potential impact.

The majority of items identified have been subject to previous significance assessment as part of the process of listing items. This study has not reassessed the significance of such items or provided a new comprehensive survey. Rather the project is aimed at providing information on the heritage items within a broad study area perimeter and considering the extent to which further assessment might be required. The recommendations have been made in the context of legislative requirements.

A series of recommendations are presented relating to the requirements for further work when more information on potential impacts is available.

This report is restricted to a discussion of the non-Indigenous heritage items within the study area. The Indigenous heritage assessment is the subject of a separate report.

2.0 INTRODUCTION

Cultural heritage legislation protecting heritage places applies in New South Wales. These places are an important part of our heritage. Heritage places can provide us with important information about past lifestyles and cultural change. Preserving and enhancing these important and non-renewable resources is encouraged.

It is an offence under sections of legislation to demolish, damage or destroy heritage sites without a permit or consent from the appropriate body (see Appendix 3 for a complete discussion of relevant heritage legislation and constraints).

2.1 Project Background

Biosis Research Pty. Ltd was commissioned by the NSW Roads and Traffic Authority (RTA) to undertake a heritage assessment of the proposed additional river crossing of the Clarence River at Grafton.

Fieldwork inspections were undertaken on the 8th and 9th of October. The fieldwork and reporting for this assessment was undertaken by Vanessa Hardy, archaeologist with Biosis Research Pty. Ltd with assistance from Jamie Reeves and Mel Johnson.

2.2 Study Area

The area under investigation is between the eastern end of Susan Island and the western end of Elizabeth Island, extending north into the township of Grafton and as far south as the Pacific Highway.

Not all known heritage items within this area will be discussed in this report. The discussion has been limited to items relating to 7 broad localities and associated streets. It is not certain at this stage the extent of impact for each possible crossing point, therefore a broad approach has been taken. The items shown in Figures 2a-2c provide an indication of the extent of the heritage items considered.

This study area is as discussed with Simone Garwood of the RTA at a project inception meeting on the 3rd October 2003 and subsequently as the project progressed.

2.3 Project Limitations

This study does not include a comprehensive impact assessment, rather it provides a synthesis of known heritage items and the legislative framework protecting them. A survey was undertaken and non – statutory lists inspected in order to identify as fully as possible all non-indigenous heritage items within the areas of potential impact.

The majority of items identified have been subject to previous significance assessment as part of the process of listing items. It is not the intention to reassess the significance of such items or provide a new comprehensive survey. Rather the project is limited to providing information on the heritage items within a broad study area perimeter and considering the extent to which further assessment might be required. The recommendations have been made in the context of legislative requirements.

This report is restricted to a discussion of the non-indigenous heritage items within the study area. The Indigenous heritage assessment is the subject of a separate report.

2.4 Aims

The objectives proposed in response to the original project brief have been modified. In the absence of any defined impacts or defined crossing locations the aims of the study are to:

- conduct background investigations into previous studies in the region and particularly the study area;
- describe the cultural and archaeological heritage values associated with the study area;
- map culturally significant areas;
- carry out a suitable field survey to locate recorded and potential historical sites; and
- submit realistic recommendations and safeguards that will ensure compliance with statutory and non statutory obligations in the future.

The broad aim of the investigation is to identify heritage items within the broad localities and associated streets and to identify potential impacts upon known heritage items within the proposed seven localities and associated streets.

3.0 HISTORICAL BACKGROUND

The city of Grafton is situated on the Clarence River within the northern coastal plain of New South Wales. The northern region is not strictly a coastal plain, but rather a series of river valleys separated by ranges (Heritage Office 1996).

Extensive alluvial flats and flood-prone lands stretch across many of the valleys in the region including the Clarence River area.

Prior to non-indigenous settlement much of the Clarence River valley was gallery rainforest in a narrow strip along the river. Grafton is located on both sides of the Clarence River on a horseshoe bend.

The study area consists mostly of river flood plain landscape. Within this broad plain current land uses to the south of the river are largely agricultural while to the north the area is predominantly urban streets as well as parks, riverbank reserves, and some agricultural land. A number of creek and drainage lines run through the study area meeting the Clarence River.

Since non-indigenous settlement growth in Grafton has been generally moderate ensuring the preservation of numerous examples of significant heritage properties. The following brief historical background provides a context for the items identified in this study.

3.1 Historical Themes

There are a number of different ways to consider the history of a particular area. Thematic history is an approach often used in heritage management. This approach treats history as a series of layers or themes, which can progressively contribute to an item or area's significance. Thematic histories also allow comparative contextual studies to be undertaken across regions.

Using a thematic framework can help in understanding the significance of an item or area. It is then also possible to identify and assess the remaining physical evidence for each theme within an area or on a site (NSW Heritage Office 2000).

There are 38 State Historical Themes, which have been developed for New South Wales, as well as 9 National Historical Themes (these are included in Appendix 2). These broader themes are usually referred to when developing sub-themes for a local area to ensure they compliment the overall thematic framework for the broader region.

The Grafton Heritage Study (Grafton City Council 1985) identified a number of local historic themes. These are included in this report to maintain consistency. The themes identified for Grafton are in Table 1 below.

	Dates	Theme
1.	? – 1840	The Indigenous Population
2.	1835 – 1855	The Cedar Getters
3.	1838 – 1860	Squatters, Settlers and the Town Plan
4.	1855 – 1890	Grafton Boom, Grafton Bust: The Golden Years
5.	1890 – 1910	The Big River
6.	1910 – 1932	Bridging the Gap
7.	1932 – 1957	United City of Two Towns
8.	1957 – 1971	Modernism

Table 1: Identified Historical Themes for Grafton.

The identified themes have been used to provide a context for the historical summary to follow.

3.2 Aboriginal History

It is recognised that Aboriginal people inhabited the area now known as Grafton for many thousands of years prior to non-indigenous colonisation. The Indigenous history of the occupation of the region is not included as part of this study and will be addressed separately in a related assessment report.

3.3 Post-Contact History

The first interaction between the Indigenous inhabitants of the Grafton region and the incoming European settlers came in 1825 in the form of an escaped convict, Richard Craig. His descriptions of the cedar forests of the area inspired a Sydney merchant, Thomas Small and his partner Henry Gillett, to take an expedition north with a team of sawyers including Craig himself. It was at this time Susan Island was named

The city of Grafton was established at the then head of navigation of the Clarence River. By around 1835 cedar cutting and the associated European settlement were established in South Grafton (Grafton City Council 1985). The red cedar (*Toona australis*) was particularly valued as a timber as when it was finished it had an appearance similar to mahogany which was fashionable at the time (NSW Heritage Office 1996).

Initially Wharf Street was the main commercial street in the early town. The town had also begun to play a significant role in the servicing of bullock drays travelling from the New England area to transfer wool to ships for transport to Sydney. As a secondary industry ship building also commenced in Grafton (Grafton City Council 1985).

Very little evidence of the early period of settlement and the ‘cedar getters’ remains. The absence of cedar serves as the most tangible physical reminder of this period. The focus of settlement at this time was on the gathering of timber and the shipping of timber and other resources.

As settlers moved to Grafton more permanent buildings began to be constructed. This early settlement period dates approximately to between 1838-1860 and a few items remain in Grafton relating to this period (Grafton City Council 1985). By 1838 surveyors began surveying parish boundaries. Following that ten leaseholds were taken up in the years 1839-1840 (Grafton City Council 1985). These leaseholds were generally, like elsewhere in the colony, taken up by wealthy officials for the purposes of running stock. By 1842 4,000 cattle and 25,000 sheep were recorded in the Clarence River district.

The town was formally laid out by surveyor William Darke in 1847. Initially two separate towns were planned, Grafton and South Grafton. Both town plans focused on incorporating wide streets in a grid pattern.

Toward the end of the 1850s most of the original cedar growth had been removed and additional settlers were being encouraged to farm the Clarence Valley. The 1861 Land Alienation Act also enabled much smaller areas to be selected (around 100 acres) and farmed thus reducing the cost of settlement. Much of this land was along the riverbanks and began to be put to use for crop cultivation. Many different crops were tried throughout the region including mangoes, breadfruit, tobacco, opium, and cotton (NSW Heritage Office 1996). One of the most successful crops was sugar and by the 1870s numerous sugar mills had been established along the river. Maize was also an important crop in the area.

The major phase of development took place in Grafton and elsewhere along the Clarence River during the 1870s and 1880s. Much of this was generated by the series of gold rushes that occurred across the region and upstream on the Clarence River. Many buildings from the period still exist in the town. To the north of the river these are predominantly residential buildings as most of the commercial and industrial buildings of this period have been removed or greatly modified. Residential buildings in South Grafton are less predominant and the focus of the remaining environmental heritage is “a combination of the dominant hotels and public buildings and also the rows of old timber cottages, street trees, grass verges, drainage easements, small market gardens and old wharves” (Grafton City Council 1985). A program of tree planting, notably Jacarandas and Figs, was also undertaken in the 1870s and now provides a distinctive heritage feature of the town.

The period from 1855 – 1890 has been defined as a time of boom and bust. Brickyards and a boom in building began around 1857 and by 1859 the

settlement was incorporated as a municipality (Grafton City Council 1985). Other elements of the town also began to grow, a newspaper (*The Clarence and Richmond Examiner*) came into existence and work was undertaken to improve the navigability of the river mouth (NSW Heritage Office 1996). The opening of a meat works in 1864 was also a significant benefit to the town. Construction of official buildings also continued with the Post Office (1878), the Commercial Bank (1877), the Courthouse (1880s) and Hunt's Cathedral (1884).

Grafton was proclaimed a city in 1884. Around the same time that the benefits of the gold rush stimulated boom other events were not so favourable for the town. In 1881 the railway was extended to New England greatly reducing the reliance on Grafton as a port for the commodities of that region. A drought in 1886 and a series of floods from 1887 – 1893 further took their toll on the struggling city.

Flooding has left its mark on the city's architecture. Buildings such as the National Australia Bank were designed and constructed to ensure the floor levels were above the known high flood marks. Flooding and the River itself are an integral part of the character of the city. After the 'bust' period of repeated floods combined with bank crashes and depression between 1886 – 1893 renewed confidence in the town was assisted with the opening of new industry in both South Grafton and Grafton.

From a population of 120 in 1846 the city had grown to 5,147 by the time of Federation (Grafton City Council 1985).

In 1905 the North Coast Railway linked to Grafton and in 1923 a connection between South Grafton and Newcastle had been established (Grafton City Council 1985). At this time the railway crossed the Clarence River via a boat link, firstly the *Swallow* and later the *Induna*. The bridge crossing was completed in 1932. This allowed for a rail and road link from Sydney to Brisbane. The changes in transport and focus led to corresponding changes in the nature of the city. Once Grafton Bridge was completed the importance of South Grafton as a centre of distribution and civic activity declined. The 1920s and 30s also saw the addition of art deco style buildings such as the Saraton theatre to the city.

From this period on, the two sides of Grafton were united. The construction of the bridge stimulated an initial building boom which did much to revive the economic fortunes of the city (Grafton City Council 1985). The absence of serious flooding in the period 1928 – 1945 also encouraged increased building. The restricted availability of building materials during the Second World War period led to the development of a fibro plant and resulted in an increase in fibro buildings in the city.

This period of a 'united city' also saw an increase in industrial activity. Sawmills, gravel and sand suppliers, the Federal Match Company, Peter's Creameries and the Grafton Brewing Co. Ltd. all increased or began operations during this time.

The modern period in Grafton saw an increase in the population but also a shift towards an older demographic (Grafton City Council 1985). Inland towns such as Grafton generally slowed in growth while coastal centres such as Coffs Harbour experienced rapid growth. The building focus moved toward civic and residential buildings including flats. More recently the construction of a levee in 1971 and the growth in hotel and tourist amenity construction has reflected renewed confidence and increased tourism. The existence of large conservation areas within the city and extensive heritage listings also reflect the importance of heritage to the character and future of Grafton.

3.4 Discussion

The preceding discussion identifies some broad themes relevant to the assessment and protection of Grafton's heritage resource. With the exception of the earliest phases of occupation the phases of history of Grafton are still in evidence in the variety of heritage buildings and other features remaining. Careful management of existing heritage items will enable the continued preservation and appreciation of the resource for future generations.

4.0 HERITAGE ITEMS AND POTENTIAL IMPACTS

This section presents a summary of identified heritage items relating to the broad localities of the study area. It also outlines any potential impacts that can be identified at this stage of the project.

The focus is on items listed on the applicable heritage registers, however some additional items have been discussed where appropriate. A tabulated summary of all listed items is provided in Appendix 1.

This section presents a summary and a brief description of the item and its assessed significance. The implications of the listings are discussed in Section 5.0.

4.1 Methods

Prior to field inspection a search of the NSW Heritage Office State Heritage Register and Inventory was undertaken and the heritage schedules of both the REP and LEP were consulted. The legislative context for these statutory lists is discussed in Section 5.0 and Appendix 3.

The Register of the National Estate (RNE) lists heritage items across Australia as well as those owned or managed by the Commonwealth Government. It is a statutory list, but only has legal effect on actions by the Commonwealth Government. It is an important source of information on significant heritage items and was also consulted as part of assessment.

The Australian National Shipwreck Database includes all known shipwrecks in Australian waters. The information has been collected by each of the State historic shipwreck agencies in the case of NSW - the NSW Shipwrecks Database. The database lists all known shipwrecks in or adjacent to NSW. Both the State and National databases were searched as part of the current assessment. Although the shipwreck databases are not statutory registers it is the case that any shipwrecks in NSW over 50 years old are protected under the *NSW Heritage Act*.

Other non-statutory consulted included Council's heritage study and heritage inventory.

As part of this assessment inspections were undertaken within the localities. Inspections were carried out on the 8th and 9th of October by the archaeologist.

The following locality summaries present identified potential impacts and information relating to the heritage items within the locality. A section relating

to general items and discussion of issues relating to all localities is also presented.

4.2 Issues relating to more than one locality

4.2.1 Potential Impacts

Exact impacts of any crossing are not known at this time, however some potential impacts can be indirectly assumed. The riverbanks within any locality chosen for a crossing point are likely to be subject to construction impact. In addition road construction or widening may be required. Alterations to the rail access also need to be considered.

4.2.2 Heritage Items

Four items have been identified as being relevant to more than one locality. They are presented in Table 2 below. Figures 2a-2c show the locations of the listed heritage items.

Heritage Item	Address	Locality	SHR	SHI	LEP Item	LEP Area	REP Item	REP Area	S170	RNE
<i>Brachychiton, Ficus or Jacaranda</i> Trees	Various	Various			x					
Rail Viaducts	Various	Various		x				x	SRA	
Conservation Areas North Coast REP	See Figure 2a	1, 2 & 3		x				x		
Conservation Areas Grafton LEP	See Figure 2b	1 & 2		x		x				

Table 2: Heritage items identified – relevant to multiple Localities.

The broad study area includes two sets of Conservation Areas – those listed on the REP and those on the LEP. Many items within these Conservation areas are not necessarily listed individually, but the existence of the conservation areas entails further assessment (see Section 5.0) and therefore provides an opportunity for the consideration of impact to individual items.

The LEP Conservation Areas are discussed under relevant localities. The REP Conservation Areas encompass two broad regions one to the north and one to the south of the river. The presence of these areas suggests that the significance of the city as a whole will also need to be taken into account as a part of any impact assessment.

A Statement of Significance from the RNE provides an indication of the broader significance of the whole town.

Grafton is a fine example of a subtropical mid nineteenth century river port, city and pastoral seat. It contains a fine group of civic and ecclesiastical buildings and many spacious timber houses which display both craftsmanship in detail and the ubiquitous verandah of northern Australia. The magnificent canopies of ficus, jacarandas and camphor laurels provide shade and colour while serving to link the natural and man made features of the city.

The tree plantings within the city are a significant element of the city's character and fabric. Of relevance to the current study is that listed heritage items include "...Species of tree within the genera of *Brachychiton*, *Ficus* or *Jacaranda* located in any road reserve and being more than 3 metres in height". This applies to the whole of the Grafton City Local Government Area and includes the current study area.

As a city that has considerable history as a port the potential maritime heritage of the study area also needs to be considered. One item of recorded maritime heritage is discussed, and the potential for further items will also be discussed.

The importance of the coming of the railway to the city is partially demonstrated in the consideration given to the appearance of the rail underbridge. Concrete arched viaducts are present at a variety of locations and are listed as heritage items on the State Rail Authority (SRA) Section 170 Register and also fall within the area designated as a Conservation Area on the REP.

4.3 Locality 1

4.3.1 Potential Impacts

Impacts to be considered in this locality include the likely impact of any bridge construction on the riverbanks within the area. On the south bank, construction would include associated road links. The locality crosses Susan Island so the direct and indirect (such as potential increased access) impacts to the Island need to be taken into account. In addition, if road widening were required to the north there is the potential for impact to items on Prince Street.

4.3.2 Heritage Items

Nine items have been identified within this locality. They are presented in Table 3 below. Figures 2a-2c show the locations of the listed heritage items.

Heritage Item	Address	SHR	SHI	LEP Item	LEP Area	REP Item	REP Area	RNE
Saraton Theatre	101 Prince Street	x					x	x
Northern Rivers County Council Building	17 Prince Street		x	x			x	
Pullens Store and Warehouse Group	7-9 Prince Street					x	x	
National Australia Bank	39 Prince Street		x	x		x	x	x
Grafton Post Office	57 Victoria Street		x		x	x	x	x
Clock Tower	Corner Prince and Pound Streets		x	x				
Conservation Areas North Coast REP	See Figure 2a		x				x	
Conservation Areas Grafton LEP	See Figure 2b		x		x			
Susan Island								x

Table 3: Heritage items identified in Locality 1.

Both riverbanks and all the identified heritage items in this locality are part of the Conservation Areas listed under the North Coast REP. The extent of the REP Conservation Area is shown in Figure 2a.

The Grafton Civic Precinct Conservation Area listed on the LEP is adjacent to this locality. This Conservation Area consists of:

- Grafton Post Office, Victoria Street;
- Grafton Courthouse, Victoria Street;
- Big River Tourist Association Office, Victoria Street;
- Former Courthouse, Victoria Street;
- Police Residence, Duke Street;
- Fitzgerald Building, Victoria Street;
- Foott, Law & Co. Office, Victoria Street; and
- Post Office Hotel, Victoria Street.

The area is shown in Figure 2b. None of the buildings included in the Civic Precinct are on Prince Street.

The Grafton Post Office is also listed as an item in its own right on the REP. It is a two storey brick classic revival building built between 1874 - 1878. It was designed by James Barnet. It is listed on the REP as an item of Regional Heritage Significance.

The Saraton Theatre has been assessed as having State significance and is listed on the State Heritage Register. Construction of the Saraton Theatre

commenced in 1925. Much of the remaining interior dates to the 1940s. Both elements are significant in their own right. The Theatre is an example of a building type and style that was once common in country towns but is now rare.

Pullen's Store and Warehouse Group comprises two stages of building. The southern portion was built in 1917 and originally designed as a service station and depot for "Robinson's Rapid Reliable Cadillac Motor Service". The northern portion and the store were constructed around 1920 (DUAP 1998). This group of commercial buildings is listed on the REP as an item of Regional Heritage Significance.

The National Australia Bank is also listed in its own right as an Item of Environmental Heritage on the LEP and on the REP as an item of Regional Heritage Significance. It was built in 1877 from a Mansfield Bros. Design and cost 6,630 pounds. The floor level is greatly elevated to avoid flooding with a set of semi-circular arches rising from the footpath. It has a two storey verandah and a slate roof. The bank was built at the height of the Solferino gold rush.

The LEP lists two additional items in this locality, the Northern Rivers Electricity Building and the Clock Tower.

The Clock Tower was built in 1909 to commemorate the City's jubilee. It was built with four faces so it could be seen from all business areas. The architect was a Mr S. M. Beecher and the construction cost 300 pounds. Bricks were imported from Sydney to construct the 42 foot high tower.

The Northern Rivers Electricity Building was built in the classical revival style in 1932. An adjacent fig tree is also listed on the Council's inventory sheet for this item.

Susan Island includes the Susan Island Nature Reserve which is listed on the RNE and is the sole representative remnant of the formerly extensive cedar brushes of the Clarence Valley.

Heritage trees, as defined by the LEP, are also present within this locality.

4.4 Locality 2

4.4.1 Potential Impacts

Impacts to be considered in this locality include the possible impact of any bridge construction on the riverbanks within the area. On the south bank construction may require road widening and associated works in the vicinity of Abbott Street. If road widening were required to the north there is the potential

for impact to items on Villiers Street.

4.4.2 Heritage Items

Two items have been identified within this locality. They are presented in Table 4 below. Figures 2a-2c show the locations of the listed heritage items.

Heritage Item	Address	SHR	SHI	LEP Item	LEP Area	REP Item	REP Area	RNE
Conservation Areas North Coast REP	See Figure 2a		x				x	
Conservation Areas Grafton LEP	See Figure 2b		x		x			

Table 4: Heritage items identified in Locality 2.

No individually listed heritage items were identified for this locality. The Grafton Conservation Area detailed on the REP covers both riverbanks within the locality. The Grafton Christ Church Cathedral Conservation Area is adjacent to this locality.

Both riverbanks in this locality are part of the Grafton Urban Conservation Areas as listed on the REP.

Heritage trees, as defined by the LEP, are also present within this locality.

4.5 Locality 3

4.5.1 Potential impacts

Impacts to be considered in this locality include the possible impact of any bridge construction on the riverbanks within the area. On the south bank, construction may require road widening and associated works within Bent Street. If road widening were required to the north there is the potential for impact to items on Craig or Fitzroy Streets.

An additional crossing in the vicinity of locality 3 would have the potential to impact on the existing road and rail bridge.

4.5.2 Heritage Items

The north bank to the western side of the current bridge is still within the designated Conservation Area as defined on the REP. Four additional

heritage items have been identified. They are presented in Table 5 below.
Figures 2a-2c show the locations of the listed heritage items.

Heritage Item	Address	SHR	SHI	LEP Item	LEP Area	REP Item	REP Area	S170	National Ship- wreck Database
Induna	River Bank 200m upstream of bridge (south bank)						x		x
Bow Memorial (Earle Page Park)	Bent Street						x		
Grafton City Railway Station	Railway Lands	x	x				x	SRA & RTA	
Grafton Rail and Road Bridge	Bent/Fitzroy Streets across Clarence River	x	x	x			x	SRA	
Conservation Areas North Coast REP	See Figure 2a		x						x

Table 5: Heritage items identified in Locality 3.

This locality includes the existing bridge. The bridge is of State Heritage significance being the only double-deck road/rail structure in NSW and is listed on the State Heritage Register. The bridge was built in 1932 and is an integral element in the history and progress of Grafton. The building of a river crossing brought changes to the nature and focus of the city as described above.

The northern bridge approach has numerous Jacaranda Trees and potential heritage items (houses) very close to it and within the Grafton Urban Conservation Area of the REP.

The bridge curtilage is defined on the Heritage Register as "...the structure, the piers, abutments, embankments and track formation for a distance of 10 metres in all directions from those elements".

Another part of the history of the railways in Grafton is the Grafton City railway station which, is also of State Heritage significance. The refreshment rooms were purpose built to respond to the traffic of troops to the Second World War. The rarity of such surviving buildings has been the predominant factor in its listing. The curtilage for the listing is defined as "a line at a distance of 20 metres in all directions from the faces of the refreshment room".

Within 200 metres to the west of the existing bridge on the south bank of the river are the remains of the S. S. *Induna*. The ship was built in 1891. It was operated in South African Waters until 1904. During this time it is said that Winston Churchill, who was at the time a war correspondent, escaped

capture by the Boers at least twice on the S. S. *Induna*. In 1904 it changed hands and was used for trading in the Pacific. In 1920 it was bought by a Sydney company for trading the east coast and Tasmania and sold again in 1925 to the NSW Department of Railways for use as a train ferry at Grafton. Once the rail bridge opened in 1932 the S. S. *Induna* was dismantled (DUAP 1998).

The S.S. *Induna* also has an associated site at Earle Page Park where a piece of its bow has been placed to create a memorial, known as the ‘Bow Memorial’. The bow section is mounted on a small stone mound. An accompanying plaque provides a history of the ship (DUAP 1998). Both the S. S. *Induna* and the Bow Memorial are listed on the REP Schedule of ‘Items of State and Regional Significance’(under the one entry).

4.6 Locality 4

4.6.1 Potential Impacts

Considerations in this locality include the possible impact of any bridge construction on the riverbanks within the area.

On the south bank construction would require a link to the Pacific Highway and in the north the potential impacts to Bacon Street in this locality have been considered.

4.6.2 Heritage Items

No individually listed heritage items were identified within the vicinity of potential impacts in this locality.

Field inspections did identify an avenue of fig trees dating to the 1880s. The fig trees are located on Breimba Street at the corner of Bacon Street. They have local heritage significance. These trees fall under the definition of heritage items in the LEP. Other heritage trees, as defined by the LEP, are also present within this locality.

4.7 Locality 5

4.7.1 Potential Impacts

Considerations in this locality include the possible impact of any bridge construction on the riverbanks within the area.

On the south bank, construction would require a link to the Pacific Highway and in the north the potential impacts to Dobie Street in this locality have been considered.

4.7.2 Heritage Items

One listed heritage item has been identified in this locality and is presented in Table 6 below. Figures 2a-2c show the locations of the listed heritage items.

Heritage Item	Address	Locality	SHR	SHI	LEP Item	LEP Area	REP Item	REP Area	S170	RNE
Showground Barn (TJ Ford Pavillion)	Prince Street	5		x	x		x			

Table 6: Heritage items identified in Locality 5.

In the broader area of locality 5 the showgrounds abuts Dobie Street. Within the showgrounds a historic pavilion or ‘barn’ is listed as both a heritage item on the LEP and an item of Regional Significance on the REP.

Constructed around 1890, the T. J. Ford pavilion is evidence of Grafton’s agricultural links. It is a fairly typical example of the type of pavilions erected in country showgrounds, but is now quite a rare example on the north coast. It is largely timber construction with corrugated iron cladding and a barrel vaulted roof. The pavilion is located towards the Prince Street side of the showgrounds.

Field inspections also noted the presence of a potential heritage site in this locality. Jaycees Park located at the river end of Dobie Street includes a memorial tree planted for Margaret Dawson and T C (Clem) Dawson. There are two small plaques set in wooden mounts near ground level dedicating the tree and noting it was planted by friends of the Dawsons in their memory. This is not a statutory listed item, however it is likely to have significance to the local community.

Heritage trees, as defined by the LEP, are also present within this locality.

4.8 Locality 6

4.8.1 Potential Impacts

Considerations in this Locality include the possible impact of any bridge construction on the riverbanks within the area.

On the south bank, construction would require road construction to link to the

Pacific Highway and in the north the potential impacts to Arthur Street in this locality have been considered.

4.8.2 Heritage Items

One listed heritage item has been identified in this locality and is presented in Table 7 below. Figures 2a-2c show the locations of the listed heritage items.

Heritage Item	Address	SHR	SHI	LEP Item	LEP Area	REP Item	REP Area	S170	RNE
Grafton Gaol	Arthur Street	x	x	x		x			x

Table 7: Heritage items identified in Locality 6.

The Grafton Gaol is an item of State Heritage significance. It is the third gaol to have been built in Grafton and dates to 1891 – 1893. It is unusual in an Australian context in that it was designed by private architects. It incorporates late nineteenth century ideas on the philosophy of prison architecture. The gaol complex listing also includes the walls and the associated Governor’s residence.

Field inspections also noted one additional heritage item. Arthur Street contains the Albion Hotel which is a potential heritage item and is listed on Council’s 1986 heritage inventory. It has not been included on any Statutory listing, however it has some heritage potential. The Albion Hotel was built in the 1890s and was the first Hotel on the old Casino Road. It is located at the corner of Queen and Arthur Streets.

Heritage trees, as defined by the LEP, are also present within this locality.

4.9 Locality 7

4.9.1 Potential Impacts

Considerations in this locality include the possible impact of any bridge construction on the riverbanks within the area.

On the south bank construction would require road construction to link to the Pacific Highway and in the north the potential impacts to North Street in this locality have been considered. Elizabeth Island is also included in this locality.

4.9.2 Heritage Items

No individually listed heritage items were identified within this locality. Field inspections did note the presence of the Tooheys Brewery. This item has been noted on Council's heritage inventory but has not been included on the LEP. It has some heritage potential as evidence of the post war boom in industry for Grafton. It is a representative example of a 1950s industrial building significant to the city's development. It is located at 170 North Street.

Heritage trees, as defined by the LEP, are also present within this locality.

4.10 Conclusion

The preceding summary of the study area localities identifies heritage items and areas of potential heritage impacts. The management issues for each item or area identified is, in part, dependent on the legislative framework which is detailed in the next section.

5.0 LEGISLATIVE CONTEXT

The following discussion is a summary of the legislation that applies to historical archaeological sites. For further information about the statutory regulations that affect the heritage places identified and recorded during this survey, please see Appendix 3.

Heritage Act 1977

The NSW *Heritage Act 1977* details the statutory requirements for protecting historic buildings and places, historical archaeological sites, and historic shipwrecks. The Act is administered by the NSW Heritage Council, through the NSW Heritage Office.

Approval must be gained from the Heritage Council when making changes to a heritage place listed on the State Heritage Register, or when excavating any land in NSW where you might disturb an archaeological relic.

The State Heritage Register is a list of places and items with State Heritage significance endorsed by the Heritage Council and the Minister. The Register came into effect on 2 April 1999. The Register was established under the *Heritage Amendment Act 1998*. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State Heritage significance. The processes of listing and monitoring the conservation and protection of items are essentially the same.

The State Heritage Inventory is a listing which incorporates other statutory heritage lists such as Local Council LEPs, REPs and State Government agency Section 170 Registers.

It is important to note that even if an item is not listed on any of the statutory registers the *Heritage Act 1977* protects all historical archaeological sites, places and relics in NSW older than 50 years, regardless of their level of cultural heritage significance.

A permit may be required from the Heritage Council of NSW for works or activities associated with a heritage place or object.

The relics provisions of the NSW *Heritage Act 1977* also protect all shipwrecks and maritime sites in NSW waters.

Environmental Planning and Assessment Act 1979

The NSW *Environmental Planning and Assessment Act, 1979* requires that environmental impacts are considered in land-use planning and decision making. The definition of ‘environment impacts’ includes impacts on the cultural heritage

of the project area.

Under the EP&A Act, local government authorities and The Department of Infrastructure, Planning and Natural Resources (DIPNR) (formerly Planning NSW) prepare local and regional environmental planning instruments (LEPs and REPs respectively) to give statutory force to planning controls. Two planning instruments are applicable to the study area, the North Coast REP and the Grafton LEP 1988.

Australian Heritage Commission Act 1975

The Commonwealth *Australian Heritage Commission Act* established the Australian Heritage Commission and provides protection for Aboriginal and historic cultural sites, and natural sites of significance to Australians. The Australian Heritage Commission maintains the Register of the National Estate (RNE), which lists significant sites of the natural and cultural environments, including heritage places important to Aboriginal, European and Asian cultures in Australia.

Protection under the Australian Heritage Commission Act is only enforceable, however, when the place in question is on Commonwealth property or affected by actions of the Australian government. Listing on the RNE has no direct legal constraint on owners of private property, or on state or local governments.

North Coast Regional Environmental Plan

The aims of the REP are to conserve and promote understanding of the Region's heritage.

Items of environmental heritage are defined as those listed on the Heritage Schedules. The REP contains

- Schedule 1 Conservation areas
- Schedule 2 Heritage items of State and regional environmental significance
- Schedule 3 Heritage items of regional environmental significance

In general:

(1) A person shall not, in respect of a building, work, tree, relic or place that is an item of the environmental heritage:

(a) demolish, renovate or extend any such building or work,

(b) damage or despoil any such tree or relic, or any part of any such tree or relic,

(c) excavate any land for the purpose of exposing or removing any such relic,

(d) erect a building on the land on which that building, work or relic is situated, or the land which comprises that place, or
(e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,
except with the consent of the Council.

In addition, Council will not give consent to development of an item of State and Regional significance without considering the views of the NSW Heritage Council.

The council shall also not grant consent to the carrying out of development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

Grafton Local Environmental Plan 1988

The Grafton LEP includes a Schedule of 'Items of Environmental Heritage'. Some items are listed individually and others as part of 'Conservation Areas'. In the case of development relating to either items or areas the following provisions apply, a person shall not:

(a) demolish, renovate or extend any such building or work,
(b) damage or despoil any such tree or relic, or any part of any such tree or relic,
(c) excavate any land for the purpose of exposing or removing any such relic,
(d) erect a building on the land on which that building, work or relic is situated, or the land which comprises that place, or
(e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,
except with the consent of the Council.

In addition if an application is made to demolish an item of environmental heritage or an item within a conservation area the Secretary of the NSW Heritage Council shall be consulted.

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

Cultural heritage places provide us with evidence of past human activity. Heritage places may be confined to a small area, or represented by a complex of features, including a cultural landscape. Places of human activity in the past are affected by the actions of the present, particularly urban expansion and agricultural processes. This means cultural heritage places are a diminishing resource.

Cultural heritage places are valuable, not only for the scientific records of the past they provide, but also for their social significance. Many heritage places may also be outstanding examples of artistic and creative achievement. Heritage places are valuable to Australians — and the rest of the world — as they not only provide a link with a culturally rich past, but they can contribute to recreational and community life.

6.2 Conclusions

Grafton's heritage is a significant element in the identity of the city. The study area localities contain numerous identified heritage properties and careful management of impacts to the heritage items and areas will be required to retain the overall significance of the streetscapes.

This assessment has provided information on the heritage items and likely areas of impact. At this point in time it is not possible to fully assess potential impacts on individual items.

The study area has some potential to contain maritime heritage. One known item has been recorded. Not all wrecks will be recorded on the Historic Shipwrecks database and further maritime archaeological sites may be present. If other items such as remnant wharves, jetties or vessels were to be located they may be a valuable record of the early phases of the town's development.

Trees form an integral part of Grafton's heritage landscapes. Any impact to trees that fall under the definition of environmental heritage will need to be assessed.

The presence of Conservation Areas across a number of localities will require particular consideration. The impact to individual items and the area as a whole will need to be considered prior to any development. It is likely that significant heritage impacts may occur from development within localities 1, 2 and 3.

In general terms the areas to the east of the existing bridge (localities 4, 5, 6 and 7) have fewer heritage concerns.

Identified impacts in localities 5 and 6 are relating to potential street widening. Significant impact to either the showgrounds pavilion or the gaol are unlikely and could be managed relatively easily.

No specific heritage concerns have been noted in locality 7, although general concerns such as heritage listed trees would need to be considered if street widening were to occur in this locality.

Conclusive impact assessment can only be undertaken when detailed information on a proposed development is available. Therefore, the recommendations presented here are preliminary and further work will need to be undertaken.

The following recommendations relate to further work prior to the construction of any additional crossing.

6.3 Recommendations – General Study Area

It is recommended that:

- 1. Detailed impact assessments will need to be carried out, as appropriate on preferred crossing options.**
- 2. When more defined impacts are known an assessment of maritime archaeological potential of the site be undertaken by a qualified maritime archaeologist. The consideration of maritime heritage should also include jetties wharves and other elements which may be submerged etc.**
- 3. Consideration be given to the impact on heritage trees within the streetscapes.**
- 4. Impact assessment of both individual items and the cultural landscape will be required within the Conservation Areas for localities 1, 2 and 3.**

6.4 Recommendations – Locality 1

- 5. Impacts to the Saraton Theatre would require a permit from the NSW Heritage Council.**

6.5 Recommendations – Locality 2

See general recommendations above. No additional specific recommendations have been made for this locality.

6.6 Recommendations – Locality 3

- 6. Impacts to the Grafton Railway Station would require a permit from the NSW Heritage Council.**
- 7. Impacts to the Grafton Road and Rail Bridge would require a permit from the NSW Heritage Council.**

6.7 Recommendations – Locality 4

- 8. If road widening were to occur in this locality the impact to the fig trees located on Breimba Street at the corner of Bacon Street would need to be considered.**

6.8 Recommendations – Locality 4

See general recommendations above. No additional specific recommendations have been made for this locality.

6.9 Recommendations – Locality 5

See general recommendations above. No additional specific recommendations have been made for this locality.

6.10 Recommendations – Locality 6

- 9. Impacts to the Grafton Gaol would require a permit from the NSW Heritage Council.**

6.11 Recommendations – Locality 7

See general recommendations above. No additional specific recommendations have been made for this locality.

6.12 Additional Recommendations

- 10. That a copy of this report be provided to Grafton City Council.**

11. That a copy of this report be provided to Clarence River Historical Society Inc.

6.13 Report Lodgement

This report has been distributed to:

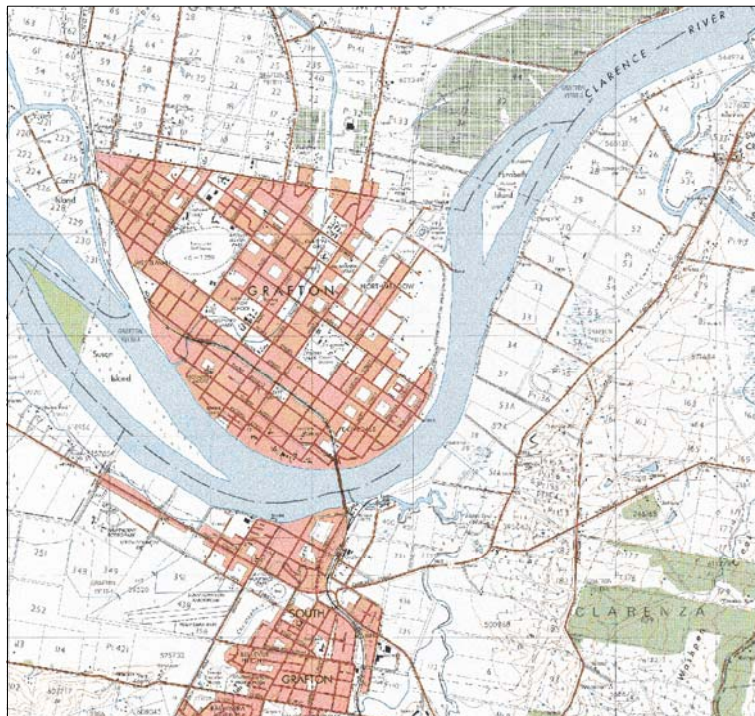
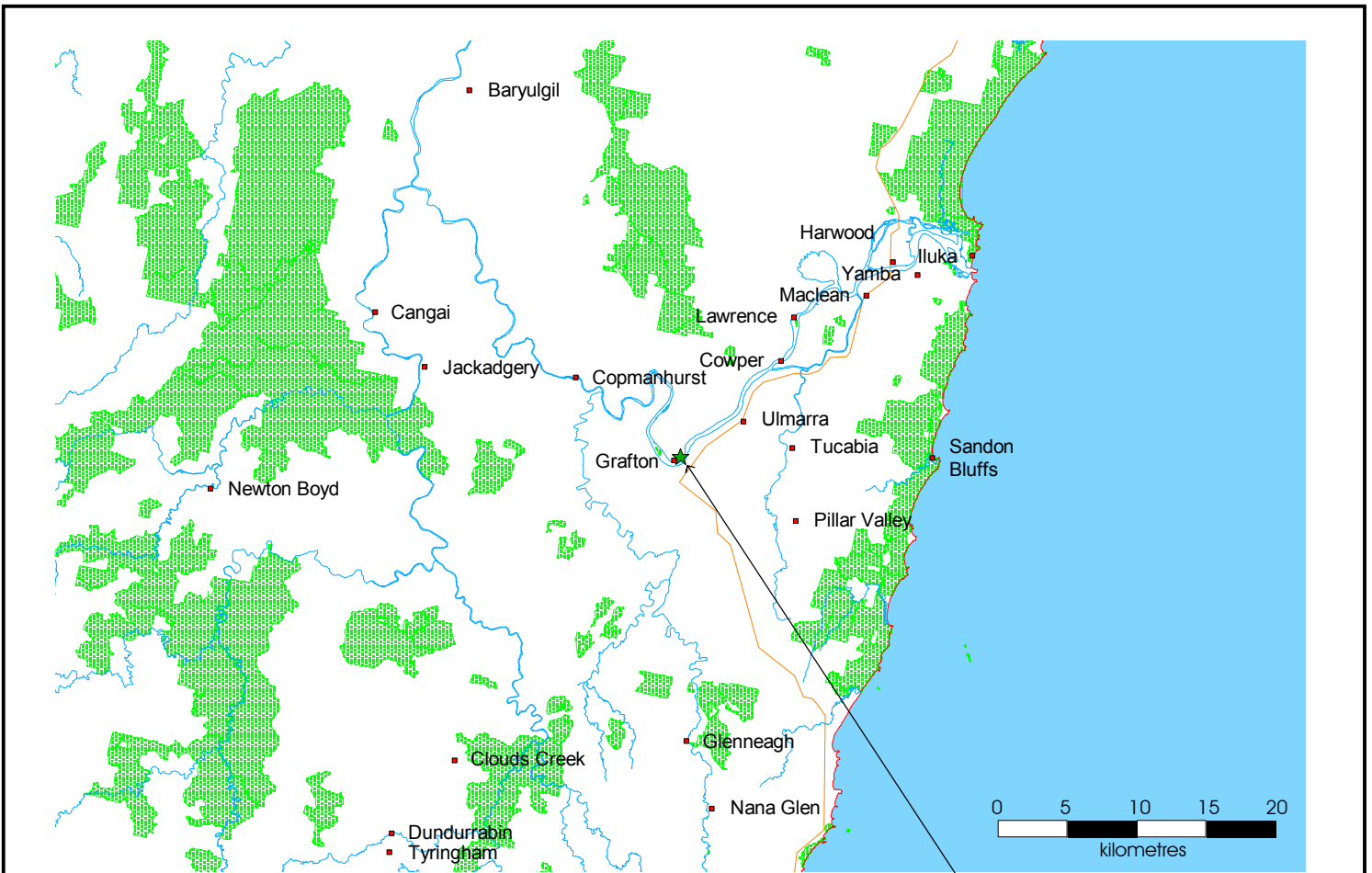
- NSW Roads and Traffic Authority

6.14 Independent Review of Reports

Archaeological reports and the management recommendations contained therein may be independently reviewed by Local Council or the NSW Heritage Office.

Although the findings of a consultant's report will be taken into consideration, recommendations in relation to managing a heritage place should not be taken to imply automatic approval of those actions by Council or the Heritage Office.

FIGURES



Acknowledgements: Land and Property Information (1:25000 - Grafton) and NSW National Parks and Wildlife Service.



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10 Bartley Street
Chippendale
NEW SOUTH WALES 2008

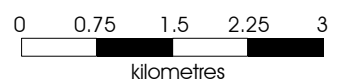
Figure 1: Location of the study area in a regional context.

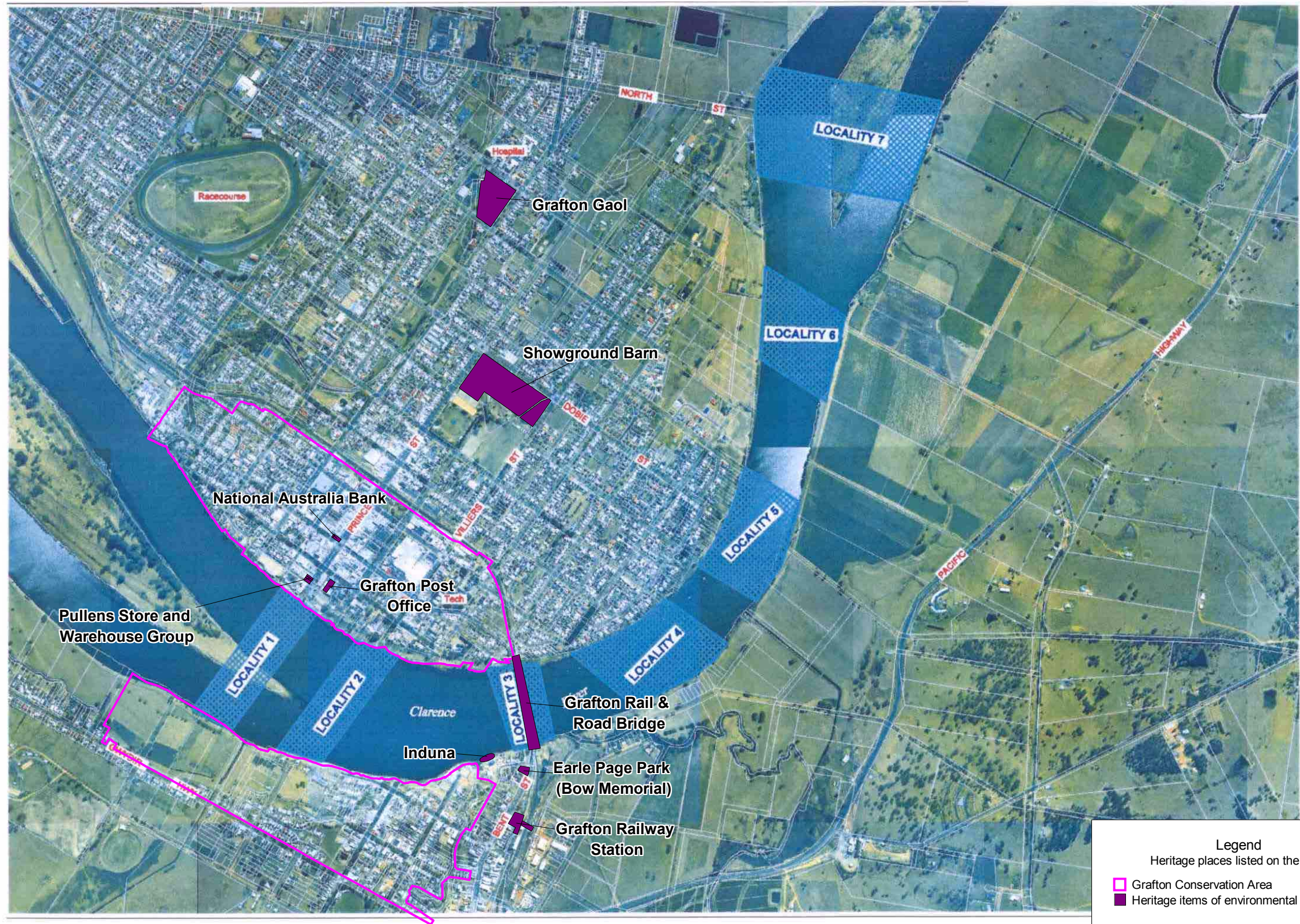
DATE: 8 December 2003

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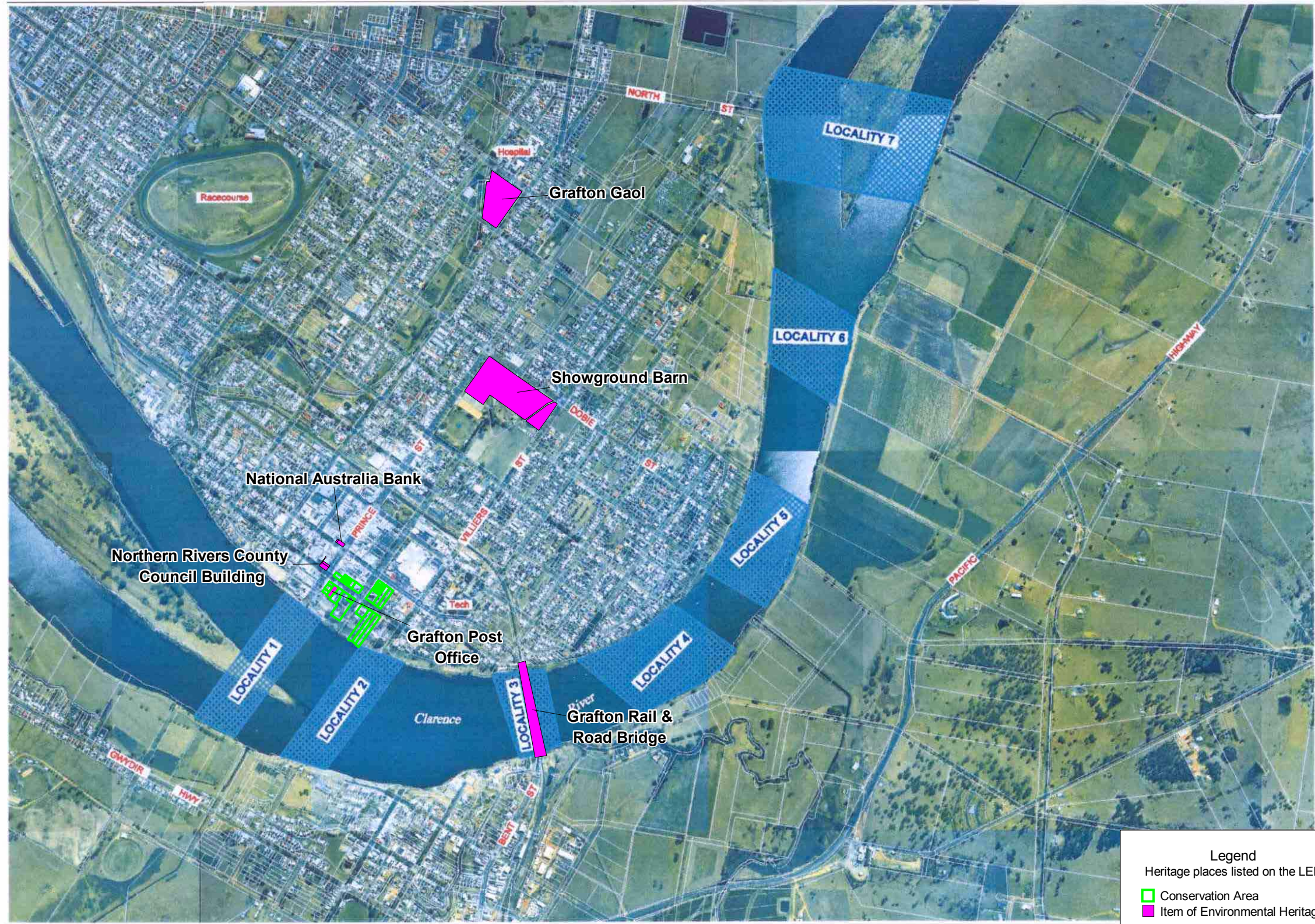


Legend

- Heritage places listed on the REP
- Grafton Conservation Area
- Heritage items of environmental significance

Acknowledgements: Grafton City Council and RTA (Parramatta).





Legend

- Heritage places listed on the LEP
- Conservation Area
- Item of Environmental Heritage

Acknowledgements: Grafton City Council and RTA (Parramatta).

Figure 2b: Heritage places listed on the Grafton Local Environmental Plan.

DATE: 8 December 2003

Checked by: VH File number: S3908

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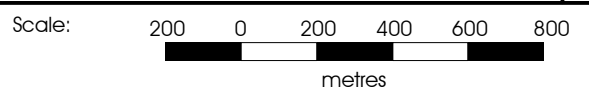


Figure 2b: Heritage places listed on the Grafton Local Environmental Plan.



Legend
 Heritage places listed on the State Heritage Register
 ■ State Heritage Register items

Acknowledgements: Grafton City Council and RTA (Parramatta).

Figure 2c: Heritage items listed on the State Heritage Register.



Figure 2c: Heritage items listed on the State Heritage Register.

APPENDICES

APPENDIX 1

A1. Site gazetteer

Heritage Item	Address	Locality	State Heritage Register	State Heritage Inventory	LEP Item	LEP Area	REP Item	REP Area	S170	Register of the National Estate	National Shipwreck Database	Council's Heritage Inventory
Grafton Gaol	Arthur Street	6	x	x	x	x				x		x
Saratton Theatre	101 Prince Street	1	x					x		x		x
Northern Rivers County Council Building	17 Prince Street	1		x	x			x				x
Pullens Store and Warehouse Group	7-9 Prince Street	1					x	x				x
National Australia Bank	39 Prince Street	1		x	x		x	x		x		x
Grafton Post Office	57 Victoria Street	1		x		x	x	x		x		x
Induna	River Bank 200m upstream of bridge (south bank)	Adjacent 3					x				x	x
Bow Memorial (Earle Page Park)	Bent Street	3					x					
Showground Barn (TJ Ford Pavillion)	Prince Street	5		x	x		x					x
Grafton City Railway Station	Railway Lands	3	x	x			x		SRA			x
Clock Tower	Corner Prince and Pound Streets	1		x	x							x
Grafton Rail and Road Bridge	Bent/Fitzroy Streets across Clarence River	3	x	x	x		x		SRA			x
<i>Brachychiton, Ficus or Jacaranda</i> Trees	Various	Various					x					
Rail Viaducts	Various	Various		x					x	SRA		
Conservation Areas North Coast REP	See Figure 2a	1, 2 & 3		x					x			
Conservation Areas Grafton LEP	See Figure 2b	1 & 2		x		x						
Susan Island		1								x		
Albion Hotel	Arthur Street	6										x
Tooheys Brewery	170 North Street	7										x
Memorial Tree	Jaycees Park	5										

Table A1.1: Heritage Items.

APPENDIX 2

A2. National and NSW Historic Themes

Australian Theme	NSW Theme
1. Tracing the natural evolution of Australia	Environment - naturally evolved
2. Peopling Australia	Aboriginal cultures and interactions with other cultures
	Convict
	Ethnic influences
	Migration
3. Developing local, regional and national economies	Agriculture
	Commerce
	Communication
	Environment - cultural landscape
	Events
	Exploration
	Fishing
	Forestry
	Health
	Industry
	Mining
	Pastoralism
	Science
	Technology
	Transport
4. Building settlements, towns and cities	Towns, suburbs and villages
	Land tenure
	Utilities
	Accommodation
5. Working	Labour
6. Educating	Education
7. Governing	Defence
	Government and administration
	Law and order
	Welfare
8. Developing Australia's cultural life	Domestic life
	Creative endeavour
	Leisure
	Religion
	Social institutions
	Sport
9. Marking the phases of life	Birth and Death
	Persons

Table A2.1: National and NSW historic themes.

APPENDIX 3

A3. Statutory regulations

A3.1 Historic Sites

i) NSW cultural heritage legislation

The *Heritage Act 1977* details statutory responsibilities for historic buildings and gardens, historic places and objects, historical archaeological sites, and historic shipwrecks. The Act is administered by the Heritage Council of New South Wales, through the NSW Heritage Office.

The Heritage Act protects all historical archaeological sites, places and relics in NSW older than 50 years, regardless of their level of cultural heritage significance.

An excavation permit is required for any works, excavations or activities, associated with an archaeological site. Excavation permits are issued by the Heritage Council of New South Wales in accordance with sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit from the NSW Heritage Council. Excavation permits are usually issued subject to a range of conditions that will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

The State Heritage Register is a list of places and items with State heritage significance endorsed by the Heritage Council and the Minister that came into effect on 2 April 1999. The register was established under the *Heritage Amendment Act 1998*. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance. The processes of listing and monitoring the conservation and protection of items are essentially the same.

Items are added to the register by the Minister on the recommendation of the Heritage Council, following an assessment of their significance and consultation with owners and the broader community. The

Heritage Council has established the State Heritage Register Committee to recommend items to the Minister for inclusion in the register.

A permit may be required from the Heritage Council of NSW for works or activities associated with a registered place or object.

General queries about site issues and permit applications can be made to the archaeological officers at the Heritage Office. The contact details are:

NSW Heritage Office
3 Marist Place
PARRAMATTA NSW 2150
Ph: (02) 9873 8500
Fax: (03) 9873 8599

Consultation and discussion with the NSW Heritage Office should begin well before lodging an application for a permit to disturb or destroy a historical archaeological site.

A3.2 Additional Legislation

Australian Heritage Commission Act 1975

The Commonwealth *Australian Heritage Commission Act* established the Australian Heritage Commission and provides protection for Aboriginal and historic cultural sites, and natural sites of significance to Australians. The Australian Heritage Commission maintains the Register of the National Estate (RNE), which lists significant sites of the natural and cultural environments, including heritage places important to Aboriginal, European and Asian cultures in Australia.

Any place that has been nominated and assessed as having cultural heritage significance at a national level can be added to the RNE. Places are assessed against formal criteria included in the Act in 1990. The general purpose of the register is to 'alert and educate all Australians to the existence of places of National Estate significance, and to provide an essential reference and a

working tool for balancing conservation and development decisions' (Pearson & Sullivan 1995: 48-9). Protection under the Australian Heritage Commission Act is only enforceable, however, when the place in question is on Commonwealth property or affected by actions of the Australian government. Listing on the RNE has no direct legal constraint on owners of private property, or on state or local governments.

Environmental Planning and Assessment Act 1979

The *NSW Environmental Planning and Assessment Act* may have relevance for certain projects because it requires that environmental impacts are considered in land-use planning and decision making. The definition of 'environment impacts' includes impacts on the cultural heritage of the project area. The Act has three relevant parts: Part III, which governs the preparation of planning instruments; Part IV, which relates to development where consent is required under an environmental planning instrument (EPI); and Part V, which relates to activity where development consent is not required but some other government approval assessments are needed.

Under the Act, local government authorities and The Department of Infrastructure, Planning and Natural Resources (formerly Planning NSW) prepare local and regional environmental planning instruments (LEPs and REPs) to give statutory force to planning controls. These may incorporate specific provisions for conserving and managing archaeological sites.

Integrated Development Assessment (IDA) was introduced under the *Environmental Planning and Assessment Act* so that all matters affecting a development application would be considered by the consent authority in an integrated way.

Integrated Development is one which requires development consent as well as one or more approvals from different government agencies. Such agencies may include NSW NPWS or the NSW Heritage Council. If a development is likely to impact a heritage item, the consent authority must refer it, to NSW NPWS (for Indigenous objects) or the NSW Heritage Council (for sites listed on the

State Heritage Register) prior to approval determination.

The Local Government Act 1993

Under the *State Local Government Act*, councils can prepare local approvals policies that set out specific matters for consideration in relation to applications to demolish, build or undertake works. Archaeological sites could be considerations under such policies.

Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) an action requires approval from the Federal Environment Minister if the action will, or is likely to, have a significant impact on a matter of national environmental significance. Matters of national environmental significance are:

- World Heritage properties,
- Ramsar wetlands,
- nationally listed threatened species and communities,
- migratory species listed under international agreements,
- nuclear actions, and
- the Commonwealth marine environment.

The listing and further information about the EPBC Act can be found at the Environment Australia website: www.ea.gov.au/epbc. Actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside Commonwealth land), and actions taken by the Commonwealth that are likely to have a significant impact on the environment anywhere in the world, may also require approval under the EPBC Act.

North Coast Regional Environmental Plan

The objectives of this plan, in relation to heritage items and conservation areas, are:

(a) to conserve the environmental heritage (including the historic, scientific, cultural, social, archaeological, architectural and aesthetic heritage) of the North Coast Region,

(b) to promote the appreciation and understanding of the North Coast Region's distinctive variety of cultural heritage items and conservation areas including significant buildings, structures, works, relics, towns and precincts, and

(c) to encourage the conservation of the Region's historic townscapes which contain one or more buildings or places of heritage significance or which have a character and appearance that is desirable to conserve.

Items of environmental heritage are defined as those listed on the Heritage Schedules. The REP contains

Schedule 1 Conservation areas

Schedule 2 Heritage items of State and regional environmental significance

Schedule 3 Heritage items of regional environmental significance

In general

(1) A person shall not, in respect of a building, work, tree, relic or place that is an item of the environmental heritage:

(a) demolish, renovate or extend any such building or work,

(b) damage or despoil any such tree or relic, or any part of any such tree or relic,

(c) excavate any land for the purpose of exposing or removing any such relic,

(d) erect a building on the land on which that building, work or relic is situated, or the land which comprises that place, or

(e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,

except with the consent of the Council.

In addition Council will not give consent to development of an item of State and Regional significance without considering the views of the NSW Heritage Council.

The council shall also *not grant consent to the carrying out of development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.*

In specific reference to Conservation Areas

(1) The council shall not grant consent in relation to any land within a conservation area unless it has considered the effect of the proposed development on the State and regional heritage value of that area, having regard to the publication Built Heritage of the North Coast published by the Department of Planning in 1992.

(2) In considering an application for consent referred to in subclause (1), the council shall make an assessment of any measures needed to conserve heritage items within the conservation area or the heritage significance of the conservation area including, where appropriate, the preparation of a conservation plan for the whole or part of that area.

Grafton Local Environmental Plan 1988

The Grafton LEP contains Schedule 1 - Items of Environmental Heritage. The following provisions relate to development of heritage items or within

conservation areas.

A person shall not:

- (a) demolish, extend or renovate a building or work within that area,*
 - (b) damage or despoil a tree or relic or part of a tree or relic within that area,*
 - (c) excavate any land for the purpose of exposing or removing a relic within that area,*
 - (d) erect a building within that area, or*
 - (e) subdivide land within that area,*
- except with the consent of the Council.*

In addition the following notice will be given prior to demolition consent:

- (1) Where a person makes a development application to demolish a building or*

work which is an item of the environmental heritage or which is situated within a conservation area, the Council shall not consent to that application until 30 days after the Council has notified the Secretary of the Heritage Council.

(2) Subclause (1) does not apply to the partial demolition of a building or work if, in the opinion of the Council, the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the City of Grafton.

REFERENCES

REFERENCES

DUAP 1998, *North Coast REP Draft Amendment No. 3*, Department of Urban Affairs and Planning,

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