

# 17. Heritage

## 17.1 Assessment approach

A heritage assessment was undertaken for the proposed upgrade in December 2005. This study included a review of previous heritage assessments prepared during the route evaluation and selection phase.

The study aimed to identify surface and potential subsurface cultural heritage sites and places that may be subject to impact from the proposed upgrade, with appropriate levels of participation and consultation with stakeholder groups. The study assessed the cultural heritage significance of identified sites and places and the potential impact of the proposed upgrade on their heritage values. Further, the study recommended appropriate management strategies to minimise the loss of, or reduction in, cultural heritage values and to promote the conservation of these.

The outcomes of the assessment are detailed in the Technical Report 5 – *Heritage Assessment* (NSW Roads and Traffic Authority 2007c) in Volume 2, and are summarised in this Chapter.

The heritage assessment was undertaken in accordance with the requirements of the NSW *Heritage Act 1977* and the *National Parks and Wildlife Act 1974*. The RTA's statutory obligations under these acts and how these are met are detailed in Technical Report 5 – *Heritage Assessment* (NSW Roads and Traffic Authority 2007c) in Volume 2.

### 17.1.1 Literature and database review

Background research was undertaken in order to:

- Determine the presence of known Aboriginal sites and/or listed historic sites in the investigation area.
- Facilitate site prediction on the basis of known regional and local site patterns.
- Place the investigation area in an archaeological and research management context.

Sources of information reviewed as part of the background research included:

- Cultural Heritage Assessment for the Kempsey to Eungai Pacific Highway Upgrade Route Selection Study (NSW Roads and Traffic Authority 2003).
- NSW Department of Environment and Climate Change Aboriginal Heritage Information Management System (AHIMS), associated files and catalogue of archaeological reports.
- Macleay River Historical Society records.
- Parish maps and portion plans, monographs and newspaper records held at the National Library of Australia.

In addition, the following heritage registers and schedules were searched:

- The National Heritage List (Australian Heritage Council).
- The Commonwealth Heritage List (Australian Heritage Council).
- The Register of the National Estate (Australian Heritage Council).
- The State Heritage Register (NSW Heritage Office).
- The State Heritage Inventory (NSW Heritage Office).
- Maritime Heritage Online (NSW Heritage Office).
- Kempsey Local Environment Plan 1987 as amended, heritage schedule.

- North Coast Regional Environmental Plan 2001, heritage schedules.
- NSW Roads and Traffic Authority - Section 170 Heritage and Conservation Register.
- State Rail Authority (Rail Heritage Unit) - Section 170 Heritage and Conservation Register.
- Register of the National Trust of Australia.

### 17.1.2 Consultation

The proposed upgrade falls primarily inside the boundaries of the Kempsey Local Aboriginal Land Council, and also in the area of custodial interest of the Dunghutti Elders Council. A small part of the proposed upgrade also lies within the Unkya Local Aboriginal Land Council area. Consultation with the Kempsey Local Aboriginal Land Council and the Dunghutti Elders groups occurred as part of the route selection process for the proposed upgrade.

Consultation with local Aboriginal community representatives continued during the concept design development and environmental assessment phase, with participation in the field survey of the proposed upgrade and surrounding areas, and discussion of the results of the study and potential mitigative and management measures.

The Unkya Local Aboriginal Land Council was not consulted with during the concept design and environmental assessment phase as it was mutually agreed that the duplication of the existing highway at the northern end posed a very low risk of impacts on Aboriginal archaeological sites and Aboriginal cultural heritage values.

Consultation with the local Aboriginal community was undertaken to determine the presence of any sites of special Aboriginal cultural value and to identify any contemporary Aboriginal issues relating to cultural heritage values. In addition, local site knowledge and views regarding sites recorded during field survey were documented. The consultation undertaken as part of the heritage study is also discussed in *Chapter 4 – Community and stakeholder involvement*. Consultation with Aboriginal stakeholders occurred prior to the preparation of the current draft Department of Environment and Climate Change Interim Community Consultation Guidelines (2007).

Consultation was undertaken with local land owners and residents, and the Macleay River Historical Society in relation to local history and the potential presence of historic sites.

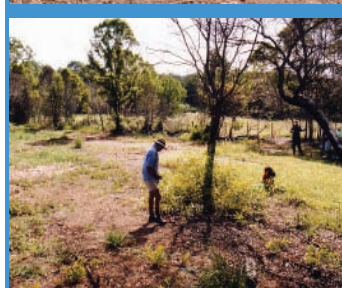
Draft heritage listings currently under consideration by Kempsey Shire Council were also discussed with the council.

### 17.1.3 Fieldwork

The study area used for the heritage assessment was defined as 50 metres each side of the centre-line of the proposed upgrade including a maximum width of 350 metres at interchange locations. This study area formed the basis of the investigations.

A comprehensive field survey of this area was undertaken in February 2005 by Navin Officer Heritage Consultants and representatives from the Kempsey Local Aboriginal Land Council and the Dunghutti Elders Council. The survey aimed to identify all visible Aboriginal and historic sites and features in the investigation area and to identify areas of archaeological potential that may require subsurface testing.

Following completion of the field survey program some minor changes were made to the proposed upgrade. Much of the amended alignment was surveyed during monitoring of



Field surveys were conducted with the participation of the local Aboriginal community.

geotechnical testing areas in April 2005. The ground surface of the remaining areas could not be adequately surveyed due to the nature of the terrain and density of vegetation.

Twenty-five potential construction compound or ancillary activity sites were identified at an advanced stage in the environmental assessment. Consequently, an assessment of the archaeological sensitivity of each area was made, and corresponding recommendations generated.

The Kempsey Local Aboriginal Land Council and the Dughutti Elders Council also oversaw geotechnical investigations. Representatives from these groups were present during all geotechnical testing involving excavation to ensure that appropriate measures were adopted to protect potential Aboriginal heritage sites.

#### 17.1.4 Heritage assessment

Numerous Aboriginal and historic sites were identified within a broadly defined study area during the route selection phase, including a number of areas with special Aboriginal cultural heritage significance. The study concluded that the eastern short-listed route option would have the least impact on cultural heritage values.

Throughout the concept design and environmental assessment phase, Aboriginal stakeholder groups were consulted to ensure field investigations and the concept design considered potential impacts on areas of Aboriginal cultural heritage value.

Consultation with local Aboriginal stakeholder groups regarding Aboriginal cultural heritage issues and the management of Aboriginal sites would be conducted, as required, throughout the design and construction phases of the proposed upgrade project. In accordance with the requirements of the Department of Environment and Climate Change, the participation of representatives of Aboriginal stakeholder groups in Aboriginal cultural heritage management strategies would be conducted according to the RTA guidelines on Aboriginal participation.

## 17.2 Known items of heritage significance

### 17.2.1 Indigenous

Five archaeological sites previously identified during the route evaluation and selection phase are located within or near the proposed upgrade and associated construction area. Additional sites identified during the 2005 field survey comprised one Aboriginal site and 12 areas of potential archaeological deposits. Details of the recorded Aboriginal sites and their assessed significance are included in Table 17-1. The areas of potential archaeological deposits are discussed in Section 17.3.1.

Due to the sensitivity of archaeological sites, the specific locations of these sites are not shown.

### What is a scarred tree and why is it significant?

Aboriginal scarred trees show evidence of bark or timber removal by Aboriginal people for traditional purposes.

Scarred trees provide significant evidence of Aboriginal occupation in what is now a highly modified landscape. There are few developed agricultural areas remaining in the world with preserved signs of pre-modern Indigenous activity. This makes scarred trees in south-east Australia records of human activity of potential world importance (Department of Environment and Conservation 2005c).



**Table 17-1 Previously recorded Indigenous heritage sites in the study area**

Site type	Archaeological significance	Description
Artefact scatter 1	Low to moderate	<ul style="list-style-type: none"> <li>Open scatter with &gt;31 visible artefacts over an area of 3 hectares.</li> <li>High potential for the site to be larger than actually recorded; it is possible that three scatters at this site are exposures of the same artefact occurrence.</li> </ul>
Artefact scatter 2	Low	<ul style="list-style-type: none"> <li>Open scatter with three visible artefacts over an area of 3 square metres.</li> <li>High potential for the site to be larger than recorded; it is possible that three scatters at this site are exposures of the same artefact occurrence.</li> </ul>
Artefact scatter 3	Low	<ul style="list-style-type: none"> <li>Open scatter with three visible artefacts on a vehicle track.</li> <li>High potential for the site to be larger than recorded; it is possible that three scatters at this site are exposures of the same artefact occurrence.</li> </ul>
Possible scarred tree 1	Moderate	<ul style="list-style-type: none"> <li>Possible Aboriginal scarred tree in open forest.</li> <li>Tree is a Blackbutt Eucalypt in excellent condition; scar also in excellent condition despite the burnt scar surface.</li> <li>Faint metal axe marks present across the scar.</li> <li>Recorded as a 'possible' scarred tree as the scar may be too recent; it may have been created as a surveyor's mark.</li> </ul>
Artefact scatter 4	Low to moderate	<ul style="list-style-type: none"> <li>Open scatter of around 12 quartz and chert artefacts.</li> </ul>
Artefact scatter 5	Low	<ul style="list-style-type: none"> <li>Open scatter of 8 artefacts over an area of 10x150 metres.</li> <li>The potential for the site to be larger than recorded and contain more artefacts is moderate.</li> </ul>

### 17.2.2 Non-Indigenous

Literature research, local historical consultation and a field survey of the investigation area identified 11 sites of non-Indigenous heritage significance. These sites comprised a memorial avenue of trees, the Frederickton War Memorial, a former house site and plantings, an early 20th Century house, the Macleay River Hotel, a ferry ramp, a butter factory, a former timber mill, the site of a former inn, the footings of an inn, and post and rail fence remnants. The locations and significance of these sites are shown on Figure 17-1.

Of these 11 sites, only one is currently listed on a heritage register. The Macleay River Hotel is listed under the heritage schedules of the *Kempsey Local Environment Plan 1987*. This site is described in Table 17-2.

The significance of each of the 11 sites of non-Indigenous heritage was assessed based on the methodology for determining heritage significance outlined in *Assessing Heritage Significance* (NSW Heritage Office 2000).

**Table 17-2 Sites of non-Indigenous heritage significance**

Location	Significance	Description
<b>Macleay River Hotel, Frederickton</b>	Local significance	<ul style="list-style-type: none"> <li>Formerly the Frederickton Hotel the building dates from 1887.</li> <li>Originally built of brick, the building has two storeys and retains a well preserved double balcony and Victorian façade.</li> <li>Modern weatherboard and brick extensions have been added to the rear and western side.</li> <li>Listed in the Kempsey Local Environment Plan 1987.</li> </ul>
Southern side of Macleay Street (the Pacific Highway), Frederickton fronting the Macleay River		



### Macleay River Hotel

The Macleay River Hotel and extensions from the existing Pacific Highway

The proposed Frederickton conservation area is currently under consideration by Kempsey Shire Council. This includes some of the individual listings noted above and other buildings and remnants that contribute to the heritage character of Frederickton.

There are five individual draft heritage listing proposals currently under consideration that are relevant to the proposed upgrade. These include the Frederickton War Memorial, the butter factory, a boat ramp and park, residences along Lawson Street including the site of the former Jamieson's Timber Mill, and residences at 1-3 Macleay Street (refer Figure 17-1).

The freehold lots to the east of the Frederickton Public School are also included in the proposed Frederickton conservation area. These lands include a former farmhouse site, entrance and plantings and an early 20th Century house.

### 17.2.3 Natural areas

There are no listed natural areas of heritage significance within or in the vicinity of the proposed upgrade. Potential changes to the natural landscape and regional views are discussed in Chapter 19 – *Landscape and visual impacts*.

## 17.3 Potential areas of heritage significance

### 17.3.1 Potential archaeological deposits

Cultural heritage studies for the proposed upgrade identified twelve locations within the study area which were assessed as having potential archaeological significance. These deposits were identified using a predictive model and all are considered to have a moderate to high potential for the presence of archaeological material. This potential would be further tested and confirmed or otherwise through a program of subsurface archaeological testing should the proposed upgrade be approved, resulting in a refined assessment of significance at that time. The further testing would be undertaken during preconstruction and site preparation, in accordance with the methodology detailed in Appendix F.

#### What is a potential archaeological deposit?

*A potential archaeological deposit is any location considered to have a moderate to high potential for subsurface archaeological material.*



## 17.4 Impacts on items of heritage significance

### 17.4.1 Indigenous

#### Known archaeological sites

Four known sites containing Aboriginal stone artefacts occur within the proposed upgrade corridor and would be directly affected by the proposed upgrade. The proposed management of these known archaeological sites is described in Section 17.5.1.

#### Potential archaeological deposits

The proposed upgrade would have a direct impact on the twelve identified potential archaeological deposits discussed above. The nature of that impact in relation to any one of the identified potential archaeological deposits may vary, and would be confirmed as part of the further testing noted above, should the proposed upgrade be approved.

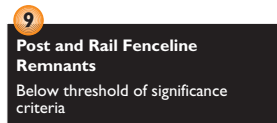
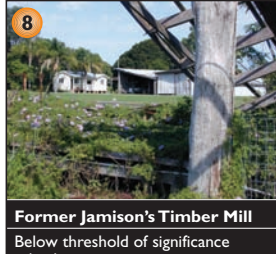
Each potential archaeological deposit forms part of a sensitive landform zone as described in Section 17.5.1.

#### What is a predictive model?

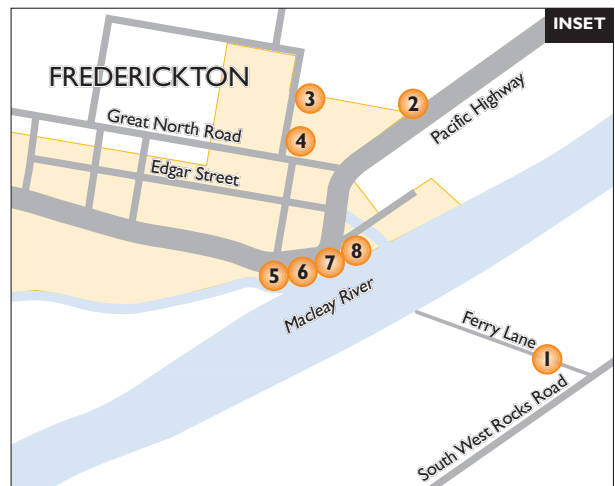
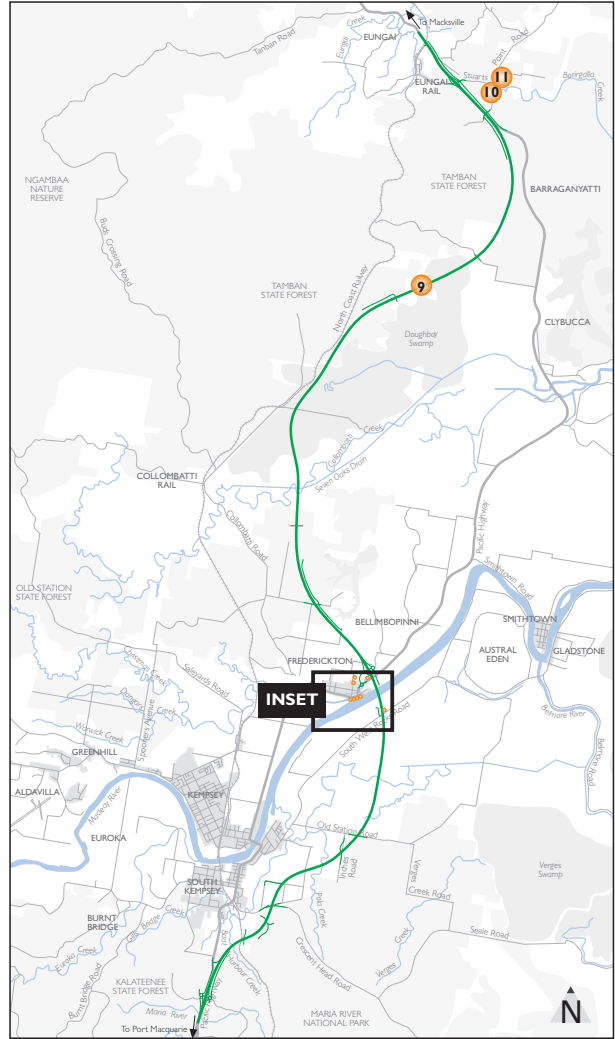
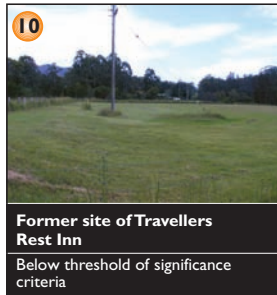
*There is an extensive body of archaeological research from throughout the central/north coast region of NSW. This was used to establish a set of generalised criteria for predicting the location of Aboriginal sites within the landforms through which the proposed upgrade passes.*

*This data, together with the results of the route selection study, are applicable to the present study area to facilitate the formulation of a predictive model for the area. The predictive model indicates the likelihood of occurrence of particular types of Aboriginal sites in certain landscapes.*

Figure 17-1 Location and significance of non-indigenous heritage items



Note: No photograph available.



— The proposed upgrade  
 — Draft Frederickton Conservation Area

The nature of the impacts on these deposits remains unknown until subsurface investigation is undertaken, which would occur during the pre-construction/site preparation phase, the proposed methodology for these investigations is provided in Appendix F. Each potential archaeological deposit forms part of a sensitive landform zone, which in most cases extends across either side of the proposed upgrade. The large size of these areas has the consequence that any detected archaeological resources may also be represented in parts that fall outside the construction zone. The proposed management of potential archaeological deposits is described in Section 17.5.1.

## 17.4.2 Non-Indigenous

### Individual listed items

The only potentially affected heritage listed non-Indigenous heritage place is the Macleay River Hotel property, listed under the heritage schedules of the *Kempsey Local Environmental Plan 1987*. The grounds of the hotel would be subject to impact from the flood levee construction; no standing structures would be directly affected. However, only the hotel building is listed. The design of the levee would aim to minimise impact to visual and contextual values.

### Proposed Frederickton Conservation Area

The proposed flood levee works would impact on the boat ramp and park, the rear yards of the Lawson Street lots, the butter factory and the Macleay Street residences. These properties are also included in a section of the proposed Frederickton Conservation Area. No existing buildings would be impacted by the construction of the levee.

The construction of the proposed upgrade would directly impact the eastern end of the proposed conservation area. This land consists of cleared pasture grassland, providing an agricultural landscape setting for the early 20th Century house. The proposed demolition of this house would substantially limit the remaining heritage value(s) of the adjacent lands.

The proposed upgrade would require the demolition of the early 20th Century house as part of the construction of the proposed Frederickton interchange.

### Ferry Lane memorial avenue

The construction of the proposed upgrade would directly impact the memorial avenue along Ferry Lane, by bisecting the site. Construction of the embankment for the new alignment would affect a 65 metre wide interval of the avenue and require the removal of three original tree plantings, one of which is now dead. The new carriageway would separate the remaining avenue into two parts and limit the longitudinal vista along the avenue.

The potential impacts of the proposed upgrade on the avenue should be considered in the context of the current condition of the avenue. A substantial number of the original plantings are dead or missing, some are parasitised by strangler figs and/or are in poor condition. There are no visitor or interpretive facilities and regrowth and suckering dominates much of the current form and structure of the site.

## 17.5 Management of impacts

### 17.5.1 Indigenous heritage

Consultation with local Aboriginal stakeholder groups and the Department of Environment and Climate Change shall continue through the construction and operation phases of the proposed upgrade. This consultation would be undertaken regarding Aboriginal cultural heritage issues and the management of Aboriginal sites.

The proposed strategies for the management of impacts to items of Indigenous heritage are described below and included in the draft Statement of Commitments for the proposed upgrade in Appendix D.

#### **Known archaeological sites**

In order to mitigate the impact of construction on the cultural and scientific values of known archaeological sites, a salvage collection of artefacts prior to the commencement of construction and following vegetation and topsoil stripping would be undertaken. All recovered Aboriginal artefacts would be subject to archaeological description and analysis appropriate to their significance prior to permanent curation. Salvage and subsequent management of recovered materials would be subject to the agreement and participation of representatives of the local Aboriginal stakeholder groups.

Two Aboriginal sites occur approximately 80 metres from the anticipated construction zone.

#### **Potential archaeological deposits**

Archaeological subsurface investigations in locations of potential archaeological deposits would be undertaken prior to the commencement of construction. These investigations would aim to determine the nature and significance of any archaeological deposits present. In the event that archaeological material is encountered, appropriate management strategies would be developed according to the assessed significance of the finds.

Given that the potential archaeological deposits occur on landforms that extend beyond the proposed upgrade and anticipated construction zone, and are well represented in adjoining areas, it is a reasonable expectation that any archaeological finds within them would be effectively managed through salvage. Possible exceptions to this could be the discovery of in situ Aboriginal burials or extensive and stratified archaeological deposits of high regional significance.

Any program developed to salvage and manage recovered materials would be subject to the agreement and participation of representatives of the local Aboriginal stakeholder groups.

### 17.5.2 Non-Indigenous heritage

#### **Ferry Lane memorial avenue**

A management plan for the memorial avenue would be developed in consultation with Kempsey Shire Council and Kempsey Returned Services League (RSL) Sub-branch. Management measures for this item are outlined in Table 17-3.



**Table 17-3 Site specific mitigation measures**

Site/item	Mitigation measures
Frederickton Memorial Avenue	<ul style="list-style-type: none"> <li>• The extent of the construction zone impact in the area around the avenue would be kept to a minimum as far as practical.</li> <li>• Archival recording would be conducted prior to the commencement of construction.</li> <li>• The proposed upgrade includes provision of pedestrian access between the two parts of the avenue separated by the proposed upgrade via the realigned Ferry Lane.</li> <li>• Following a review of the condition and health of the remaining avenue trees, an appropriate level of restoration would be directed at the significant elements of the avenue. This may include: <ul style="list-style-type: none"> <li>– Pruning.</li> <li>– Removal of weeds and unwanted vegetation.</li> <li>– Planting of appropriate replacement trees.</li> </ul> </li> <li>• RTA would provide assistance to identify more suitable species to replace those to be removed and for use by local groups in their longer term replacement program.</li> <li>• Consideration would be given to erecting signage and an appropriate form of permanent memorial highlighting the trees and their meaning and listing the names of those commemorated by the avenue.</li> <li>• Input from appropriate stakeholders, such as the Kempsey Shire Council and Kempsey Macleay RSL Sub Branch, would be sought prior to finalising the management of the avenue.</li> <li>• Consideration would be given to facilitating the development of a plan of management for the long-term maintenance of the avenue by the relevant stakeholders. Long-term maintenance would be the responsibility of the local community, the Kempsey Macleay RSL Sub Branch and Kempsey Shire Council.</li> </ul>

*Note:*

*Specific details of this management plan are to be confirmed after discussions between the RTA, Kempsey Shire Council, RSL and local residents.*

### Proposed Frederickton Conservation Area

A full assessment of the site of the early 20<sup>th</sup> Century house would be conducted following the arrangement of access protocols with the property owner. The site would be archivally recorded prior to the commencement of any construction in the vicinity and the removal of the house. Archival recording would include written and photographic records, in accordance with the requirements of the NSW *Heritage Act 1977*, and as discussed in Technical Report 5 – *Heritage Assessment* in Volume 2.

The proposed Frederickton levee would be constructed to avoid or minimise direct impacts to standing structures with heritage significance. The levee would be designed and landscaped with the aim of minimising impacts on heritage values, particularly visual and contextual values. Where possible, the levee would be constructed of an earth mound, however, where land area is more critical a concrete levee wall would be constructed. The levee would ultimately have a long-term positive influence on the conservation of these properties through the mitigation of future flood impacts.

### 17.5.3 Summary of management measures

Standard and project-specific mitigation and management techniques for heritage impacts arising from the construction and operation of the proposed upgrade are included in the draft Statement of Commitments for the proposed upgrade in Appendix D, in Technical Report 5 – *Heritage Assessment* in Volume 2 and are summarised below.

#### Indigenous heritage

- Prepare and implement an Indigenous Heritage Management Sub Plan as part of the CEMP. The RTA will consult with all relevant Aboriginal groups and the Department of Environment and Climate Change when preparing the Sub Plan. The Sub Plan will include:
  - Details of the archaeological investigations to be undertaken and any associated licences or approvals required.
  - Procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction.
  - An education program for Construction personnel on their obligations for Aboriginal cultural materials.
- All personnel working on site will receive training in their responsibilities under the *National Parks and Wildlife Act 1974*. Site-specific training will be given to workers when working in the vicinity of identified heritage items.
- Aboriginal heritage items within the construction corridor not directly impacted will be marked on construction plans, fenced and signposted where necessary.
- Should presently unknown Aboriginal heritage items be uncovered during works, all works in the vicinity of the find will cease until Aboriginal heritage specialist advice is obtained.

#### Non-indigenous heritage

- The RTA will prepare and implement a Non-Indigenous Heritage Management Sub Plan as part of the CEMP. The Sub Plan will be prepared in consultation with the Heritage Office and relevant Councils and include:
  - Details of any investigations to be undertaken and any approvals required.
  - Procedures to be implemented if previously unidentified historical relics are discovered during Construction. If such relics are discovered all work likely to affect the relic(s) will cease immediately and the Heritage Council notified in accordance with the *Heritage Act 1977*.
  - An education program for construction personnel on their obligations for historic relics.
  - Where heritage items are not directly impacted, care will be taken to not disturb them. This will include briefing of the construction works team to protect such assets during the construction phase, minimising access and clear delineation of items including fencing and signage would be provided where necessary in consultation with a heritage specialist. Identified heritage items will be clearly marked on construction plans.
- All personnel working on site would receive training in their responsibilities under the *Heritage Act 1977*. Site-specific training will be given to workers when working in the vicinity of identified heritage items.
- Should heritage items be uncovered during works, all works in the vicinity of the find would cease until specialist heritage advice is obtained.