

# EVERICK HERITAGE

02 July 2021

EV.1228

Scott Filmer  
Ranger  
Coffs Coast Area  
National Parks and Wildlife Service  
PO Box 170  
DORRIGO NSW 2453

Dear Scott,

**RE: NGAMBAA NATURE RESERVE REWILDING, NGAMBAA NR NSW  
HISTORIC CULTURAL HERITAGE ASSESSMENT**

I refer to your request for advice regarding Historic Cultural Heritage Assessment requirements for the proposed rewilding fence to be constructed at Ngambaa Nature Reserve, New South Wales ('NSW') (the 'Proposed Works' see Appendix 1 for location map). This advice is required by National Parks and Wildlife Service ('NPWS') for inclusion in the Review of Environmental Factors ('REF').

The Proposed Works comprises the construction of a 31 km long feral animal fence at a width of 10 to 15 m in the south of Ngambaa Nature Reserve. The aim of the Project is to facilitate repopulation of native flora and fauna while allowing for eradication of pests and invasive species in the Ngambaa Nature Reserve. The heritage items subject to assessment are as follows:

- Budds Crossing Road Bridge.

We have included the following;

- a) Project Area and design maps (Appendix 1);
- b) Results of historic heritage register searches (Appendix 2);
- c) Legislative and planning information (Appendix 3);
- d) Results of the site inspection (Appendix 4); and
- e) Statement of Heritage Impact (Appendix 5).

The proposed rewilding of Ngambaa Nature Reserve will not impact on the value or significance of Budds Crossing Bridge as the alignment of the fence will not be in proximity to the heritage item. However, use of Budds Crossing Road as a haul road for materials for the Project may exacerbate existing structural faults

# EVERICK HERITAGE

with the bridge and as such the physical state of the bridge should be monitored during the course of the civil works.

Please contact Principal Archaeologist (Coffs Harbour) Tim Hill on 0422 309 822 or at [t.hill@everick.net.au](mailto:t.hill@everick.net.au) should you wish to discuss this advice further.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'T. Robins', with a long horizontal flourish extending to the right.

Tim Robins  
Managing Director  
Everick Heritage Pty Ltd

# EVERICK HERITAGE

## APPENDIX 1: PROJECT AREA MAPS

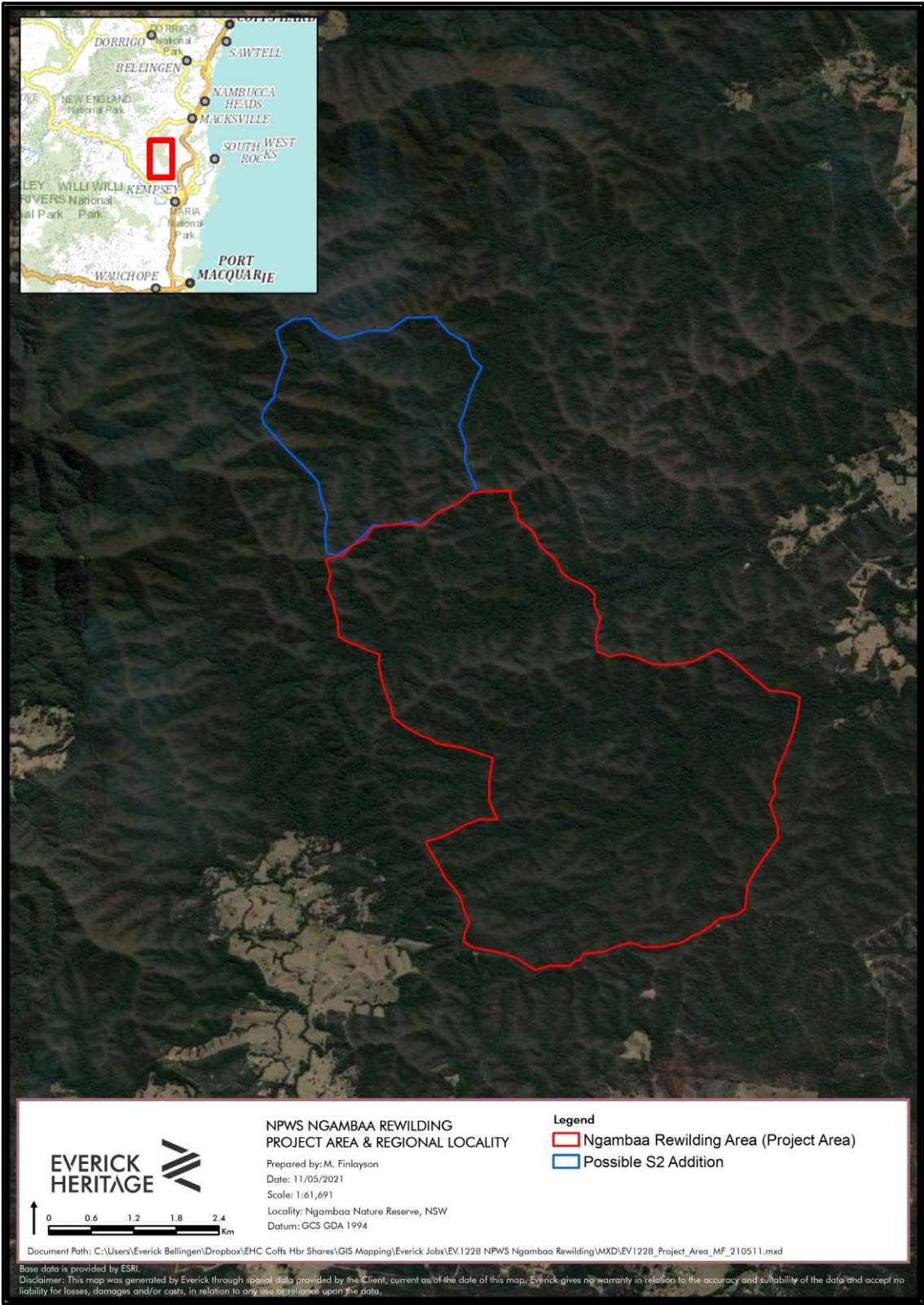


Figure 1: Project Area.

## APPENDIX 2: HISTORIC HERITAGE REGISTER AND DATABASE SEARCH RESULTS

Searches were made of relevant Commonwealth, State, and Local heritage registers on 01 June 2021. Results within Ngambaa Nature Reserve are as follows (Figure 2):

- **NSW State Heritage Register:** No results were returned.
- **NSW Heritage Inventory:** No results were returned.
- **Nambucca Valley LEP 2010:** No results were returned.
- **Commonwealth Heritage List:** No results were returned.
- **National Trust Heritage list:** No results were returned.
- **s170 Heritage Register:** One (1) result was returned, being:
  - i. Budds Crossing Road Bridge.

It is noted that Budds Crossing Road Bridge is not located on the mapped alignment of the rewilding fence but is within an area likely to be used for transport of materials by civil contractors.



# EVERICK HERITAGE

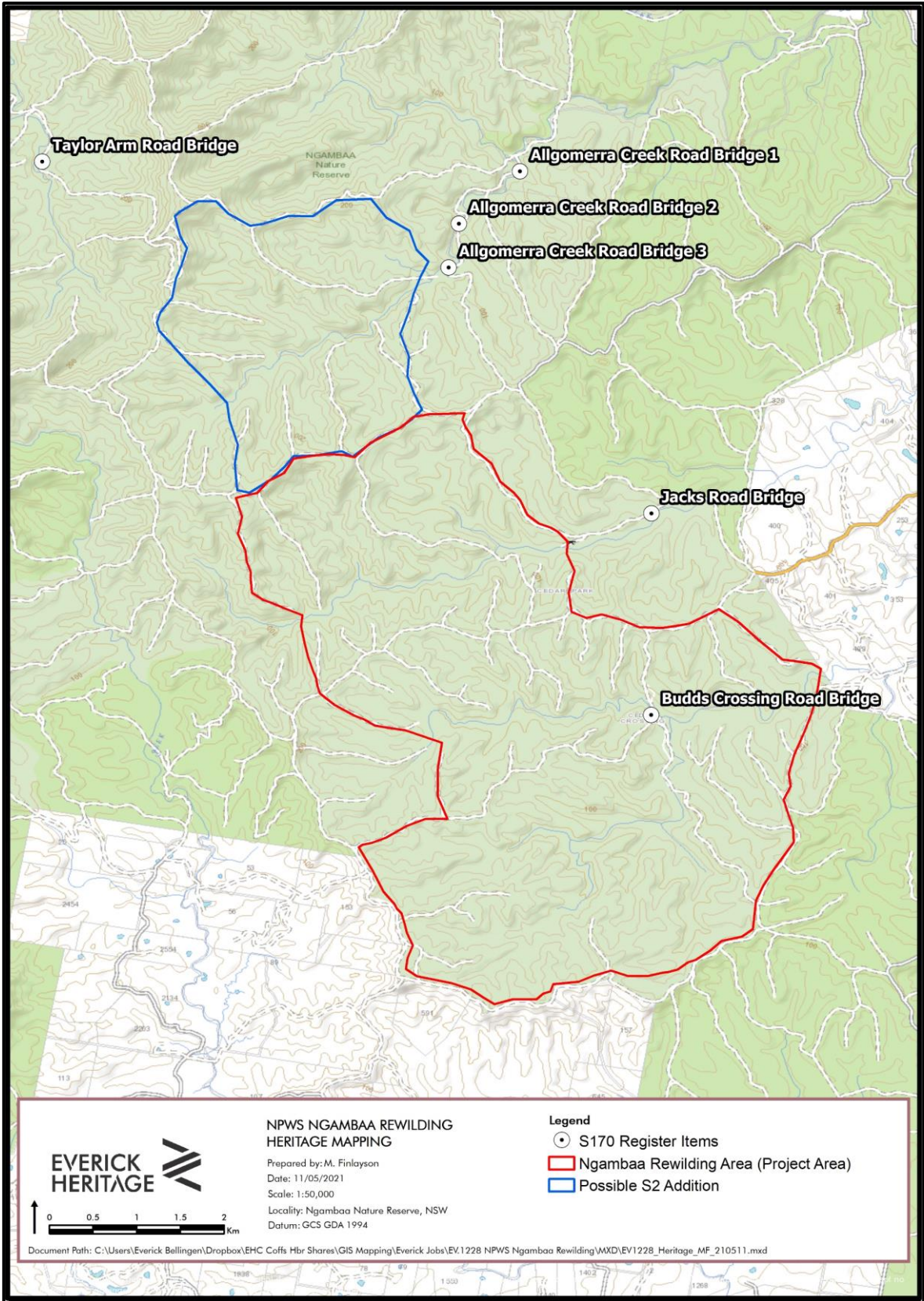


Figure 2: Historic Heritage Mapping.

## APPENDIX 3: LEGISLATIVE AND PLANNING CONTEXT

### Environmental Planning and Assessment Act 1979 (NSW)

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated regulations provide the framework for determining planning approvals for developments and activities in NSW. Environmental impacts are interpreted as including impacts to cultural heritage.

The Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) requires that environmental impacts are considered in land-use planning, including impacts on Aboriginal and non-Aboriginal heritage. The EP&A Act requires councils to consider environmental effects when assessing new developments. Heritage is one of the matters for consideration. Sites of environmental heritage (including historic heritage sites and sometimes Aboriginal heritage sites) are protected by gazetted Local Environmental Plans (LEP) and Development Control Plans (DCP) which specify the constraints on development in the vicinity of these sites. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under 5.1) require approval of the Minister for Planning
- Minor or routine development requiring local council consent are usually undertaken under Part 4 activities which, in limited circumstance may require the Minister's consent
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

Notwithstanding this, under Section 5.5 of the EP&A Act, a determining authority has the duty to fully consider the environmental impact (including historical or Aboriginal heritage) of an activity and is required to 'take into account the fullest extent possible all matters affecting, or likely to affect the environment' arising from the proposal. This is facilitated through the current assessment which has the purpose of identifying, assessing and determining the significance of potential archaeological impacts, as well as mitigating actions and responsibilities that can be taken to minimise the potential impacts.

### The Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) provides protection for the environmental heritage of the State, which includes places, buildings, works, relics, movable objects, or precincts that are of State or local heritage significance. Significance criteria provided by the Heritage Act is discussed in further detail in Section 6.1 below. The legislation focuses on identifying places of either local or state heritage significance, and protecting them by registration on heritage registers. Significant historic heritage items are afforded little protection (other than at the discretion of councils) where they are not on a heritage register.

# EVERICK HERITAGE

Of note are the provisions allowing for interim heritage orders (Part 3), which grants the Minister or the Minister's delegates, (which importantly may include a local government agent) the power to enter a property and provide emergency protection for places that have not yet been put on a heritage register, but that may be of local or State significance.

The *Heritage Act 1977* (NSW) also makes allowances for the protection of archaeological deposits and relics (Part 6). An archaeological "relic" means any deposit, object, or material evidence, which relates to the non-Aboriginal settlement of the area. Importantly, a former requirement for an archaeological relic to be 50 years or older has been repealed. The focus is now on the item's potential heritage significance, not its age.

## Archaeological relics

Part 6 Division 9 of the *Heritage Act* protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. It applies to all land in NSW that is not included in the SHR. A 'relic' is defined by the *Heritage Act* as:

*Any deposit, object of material evidence which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and has local or state significance.*

Section (s) 139 of the *Heritage Act* requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to s 140), unless there is an applicable exception (pursuant to s 139(4)).

Section 146 of the *Heritage Act* requires any person who is aware or believes that they have discovered or located a relic must notify the Heritage Council of NSW providing details of the location and other information required.

## Heritage Act Database

The Heritage Branch Division of the Department of Premier and Cabinet ('DPC') maintains registers of heritage places and items that are of State or local significance to NSW. The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act, whereas the State Heritage Inventory (SHI) is an amalgamated register of items listed on LEPs and/or on a State Government Agency's Section 170 register, and may include items that have been identified as having state or local level significance.

## The Nambucca Valley Local Environment Plan 2010

The Nambucca Valley Local Environmental Plan ('LEP') 2010 provides statutory protection for items already listed as being of heritage significance, items that fall under the ambit of the Heritage Act 1977 (NSW) and Aboriginal Objects under the National Parks and Wildlife Act 1974 (NSW). It aims to ensure best practice components of the

# EVERICK HERITAGE

heritage decision making process are followed. For listed heritage items, the following action can only be carried out with the consent of Nambucca Valley Council (Section 5.10 Heritage Conservation):

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - i. a heritage item; or
  - ii. an Aboriginal object; or
  - iii. a building, work, relic or tree within a heritage conservation area; or
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item; or
- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed; or
- d) disturbing or excavating an Aboriginal place of heritage significance; or
- e) erecting a building on land:
  - i. on which a heritage item is located or that is within a heritage conservation area; or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance; or
- f) subdividing land:
  - i. on which a heritage item is located or is within a heritage conservation area; or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

In addition, Council may not grant development consent without considering the effect the proposed development will have on the heritage significance of a heritage item or heritage conservation area concerned. As a result of this process, Council may only provide consent with the submission of a Heritage Conservation Management Plan to protect and mitigate impacts to known heritage. Council must also notify the Heritage Council of proposed development on Archaeological Sites, with consent being conditional on the views and response of the Heritage Council.



## APPENDIX 4: SITE INSPECTION RESULTS

### Assessment Methods

A Site Inspection of the bridges was undertaken by Principal Archaeologist Tim Hill and Archaeologist Matthew Finlayson of Everick Heritage on Wednesday 16 June 2021. The site inspection aimed to make observations on the following:

- An assessment of the physical integrity of the bridge;
- An assessment of the archaeological potential of the bridge;
- An assessment of the heritage values of the bridge; and
- An assessment of the visual and physical impact of the Proposed Works.

### Site Inspection Results

Budds Crossing Road Bridge is located on Budds Crossing Road, and is a modified, simple log beam bridge aligned north to south spanning Eungai Creek (**Error! Reference source not found.**). The bridge forms part of a broader forest trail network that was constructed during forest operations and are typical of forestry trails on the New South Wales north coast.

The bridge is a simple log-beam bridge with timber abutments cut into the creek banks. The bridge has been modified substantially and while the original log beams and girders of the bridge have been retained, the timber deck has been replaced with pre-formed concrete slabs bolted into the original girders. Further, the northern abutment has been replaced with a modern rock gabion wall while the southern timber abutment wall has been retained. One of the original log beams has also collapsed partially into the creekbank on the southern side of the bridge. Segments of the concrete slab side railings on the western side of the bridge have also collapsed and some are notably loosened likely due to consistent use of the bridge (Figure 3, Figure 4, Figure 5). Budds Crossing Road Bridge is very low set and at the time of the inspection the creek was nearly at the bottom of the gabion abutment wall. Although the bridge is the most simple, it expected that bridges of this age are becoming more rare in the landscape due to changing modern road haulage requirements.

No items that would be classified as archaeological 'relics' under the Heritage Act 1977 were identified in the vicinity of the bridge during the course of the survey.

# EVERICK HERITAGE



Figure 3: Budds Crossing Road Bridge facing southwest.



Figure 4: Budds Crossing Road Bridge replacement gabion abutment, facing north.



# EVERICK HERITAGE



Figure 5: Budds Crossing Road Bridge deck girders and underside of the concrete deck, facing north.



Figure 6: Cross section of the southern side of Budds Crossing Road Bridge, facing west.





Figure 7: Cross section of the northern end of Budds Crossing Bridge, facing west.



Figure 8: Relationship of the concrete slab deck to the southern timber abutment, facing north.

## Significance Criteria Assessment

To understand impact upon a heritage site it is essential to understand why a site is significant. An assessment of significance is undertaken to explain why a site is important and to enable the appropriate site management to

# EVERICK HERITAGE

be determined. Cultural significance may be derived from a place's fabric, association with a person or event, or for its research potential. It is defined in The Burra Charter: *The Australia ICOMOS Charter for Places of Cultural Significance* 2013 (the Burra Charter) as meaning "aesthetic, historic, scientific, social, or spiritual value for past, present, or future generations" (Article 1.2).

The *Assessing Heritage Significance* (NSW Heritage Office, 2001) guidelines establish seven (7) criteria under which a place can be evaluated in the context of State or local historical themes. Budds Crossing Road Bridge has been assessed by Everick Heritage as below as meeting Criterion G for Local heritage significance.

Budds Crossing Road Bridge forms part of a network of forestry trails that made a contribution to the economy of the Macleay Valley region. The trails provided access for foresters and the bridges were constructed in response to increased demand for forest products in the late 19th to mid-20th century. The Ngambaa NR trail network comprises low maintenance road surfaces and simple structures made from local materials that are widely represented across National Parks and Forests in northern New South Wales. Budds Crossing Road Bridge has been constructed from hardwood logs and cut timber which are exemplar of the forest industry, having been selected for their quality and capacity to withstand deterioration in wet environments.

**Table 1: Assessment of significance of bridges (Heritage NSW 2021).**

SHR Criteria	Assessment Statements
SHR Criteria g) [Representativeness]	Budds Crossing Road Bridge is a typical example of log-beam bridge that is representative of historic forestry operations in Ngambaa Nature Reserve and the New South Wales North Coast at large. Based on the simple design and deterioration of the structure it is inferred that this bridge dates to the early 20 <sup>th</sup> century.



## APPENDIX 5: STATEMENT OF HERITAGE IMPACT

### Nature of Potential Impacts

The Proposed Works comprises the construction of a 31 km long feral animal fence at a width of 10 to 15 m in the south of Ngambaa Nature Reserve. The aim of the Project is to facilitate repopulation of native flora and fauna while allowing for eradication of pests and invasive species in the Ngambaa Nature Reserve. The heritage items subject to assessment are as follows:

- Budds Crossing Road Bridge.

Some aspects of the proposal respect or enhance the heritage significance of the item or conservation area.

The following aspects of the Proposed Works respect the heritage significance of the bridge:

- The alignment of the rewilding fence will not be in close proximity to the bridge and as such will not constitute impact to the site.
- The bridge will be retained within the scope of the proposed rewilding works program at large.

Some aspects of the proposal will detrimentally impact on heritage significance of the Heritage item.

The following describes the potential detrimental impacts to the bridges:

- Budds Crossing Road is likely to be used as a haul road for materials for construction of the rewilding fence. As such the structure of the bridge will likely be subject to a greater level of wear and tear than it otherwise would usually and consistent use may exacerbate existing structural issues.

### Have more solutions been considered, and if so or why have they been discounted?

The primary design and management solutions which have been identified to mitigate impacts to heritage values include the following;

- Due to the likely use of Budds Crossing Road as a haul road, it is recommended as a mitigation measure that the Budds Crossing Road Bridge be regularly monitored during the course of civil works to document its physical state and any structural issues that may arise from intensified use.

## Statement of Heritage Impact

The proposed rewilding of Ngambaa Nature Reserve will not impact on the value or significance of Budds Crossing Bridge as the alignment of the fence will not be in proximity to the heritage item. However, use of Budds Crossing Road as a haul road for materials for the Project may exacerbate existing structural faults with the bridge and as such the physical state of the bridge should be monitored during the course of the civil works. Any potential impacts will be mitigated through a monitoring program which should include periodic inspection of the girders and abutment during and at completion of the project.

DISCLAIMER This report was prepared by Everick Heritage Pty Ltd in good faith exercising all due care and attention, but no representation or warranty, express or implied, is made as to the relevance, accuracy, completeness or fitness for purpose of this document in respect of any particular user's circumstances. Users of this document should satisfy themselves concerning its application to, and where necessary seek expert advice in respect of, their situation. The views expressed within are not necessarily the views of the Department of Planning and Environment and may not represent Department policy.

© Copyright State of NSW and the Department of Planning and Environment