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Old Byron Hospital Community Hub Byron Bay NSW

Statement of Heritage Impact

Written for Byron Shire Council

Everick Heritage Pty Ltd



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EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682

Head Office: Level 9, Matisse Tower

110 Mary Street Brisbane 4000

T: 02 9552 2944

E: info@everick.com.au

www.everick.com.au

Ver.	Author(s)	Sections Edited	Date	Authorised
1	M. Finlayson	All	12.03.21	T. Robins
2	T. Hill	1-5	22.03.21	T. Robins
3	M. Finlayson	All	07.04.21	T. Robins
4	M. Finlayson	All	25.06.21	T. Robins

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Executive Summary

Everick Heritage Pty Ltd (the 'Consultant') was commissioned by BKA Architecture (the 'Proponent') to prepare a specialist Statement of Heritage Impact ('SoHI') for the proposed repurposing of the Old Byron Bay Hospital (the 'Proposed Works') to provide a 'Community Hub'. The Proposed Works comprise Lot 1 DP847910 located at 10-12 Shirley Street, Byron Bay, NSW (the 'Project Area') (Figure 1).

The Old Byron Hospital is within the Shirley Street General Conservation Area.

The SoHI has been commissioned to satisfy the requirements of Byron Shire Council ('BSC') with respect to the documentation of the management requirements to ensure that the Proposed Works will not significantly impact on the heritage values of the Shirley Street Conservation Area. The project will facilitate for the repurposing of the Old Hospital as community office space tenancies and an education facility. This will involve (Figure 2 - Figure 4);

- internal demolition works including interior wall removal;
- alterations to floor space and the exterior of the building;
- installation of solar power services; and
- construction timber arbours / pergolas.

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The proposed redevelopment of the Old Byron Hospital into a community space will involve partial demolition and design additions to the hospital building which is listed within the Shirley Street General Conservation Area. However, the potential impacts of these works have been reduced by the implementation of the following measures;

- The bulk and scale of the buildings, including roofline, will be substantially retained.
- The landscaping schedule includes natural and recycled materials which sit below the roofline of the former hospital.
- All mature trees will be retained and additional trees will be consistent with the design guideline within the Byron Development Control Plan.
- The overall layout of buildings will be retained by the Proposed Works.
- The alteration and demolition of the internal layout of the former hospital will be substantially offset by increased public access to the buildings.

A Conservation Policy has been developed to support the Development Application

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Definitions

The following definitions apply to the terms used in this report:

BSC means Byron Shire Council.

Heritage Act means the Heritage Act 1977 (NSW).

Heritage NSW means the Heritage Council of New South Wales.

ICOMOS means the International Council on Monuments and Sites.

LEP means the Local Environmental Plan.

LGA means Local Government Area.

NSW means New South Wales.

SoHI means Statement of Heritage Impact.

Project Area means Lot 1 DP847910 located at 10-12 Shirley Street, Byron Bay, NSW.

Proponent means Byron Shire Council.

Proposed Works means all activities associated with proposed repurposing of Old Byron Bay Hospital at 10-12 Shirley Street, Byron Bay, NSW.

The Consultant means qualified archaeological staff and/or qualified heritage sub-contractors of Everick Heritage Pty Ltd.

1. INTRODUCTION

1.1. The Project

Everick Heritage Pty Ltd (the 'Consultant') was commissioned by Lago Cold Stores Pty Ltd (the 'Proponent') to prepare a specialist Statement of Heritage Impact ('SoHI') for the proposed repurposing of the Old Byron Bay Hospital (the 'Proposed Works') to provide a 'Community Hub'. The Proposed Works comprise Lot 1 DP847910 located at 10-12 Shirley Street, Byron Bay, NSW (the 'Project Area') (Figure 1).

1.2. Proposed Works

The SoHI has been commissioned to satisfy the requirements of Byron Shire Council ('BSC') with respect to the documentation of the management requirements to ensure that the Proposed Works will not significantly impact on the heritage values of the Shirley Street Conservation Area. The project will facilitate for the repurposing of the Old Hospital as community office space tenancies and an education facility. This will involve (Figure 2 - Figure 6);

- internal demolition works including interior wall removal;
- alterations to floor space and the exterior of the building;
- installation of pathways and access ramps for DDA compliance;
- installation of solar power services; and
- construction recycled timber arbours / pergolas.

There will be no substantial physical alteration to the exterior walls, roofline and curtilage of the Old Byron Hospital. However, the renovations may result in repainting and replanting the gardens.

1.3. Aims and Methodology

The methodology used for this SOHI is consistent with the Australia ICOMOS Burra Charter and the NSW Department of Planning (Heritage Division) publication, Assessing Heritage Significance, Statements of Heritage Impact (NSW Heritage Office, 2002). The significance assessment, together with an outline of statutory requirements, informed the impact assessment and recommendations. In accordance with the brief the assessment methodology included:

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- I. primary and secondary research on the Project Area to provide a succinct historical summary of the Project Area, including historical chronological mapping;
- II. desktop searches of relevant heritage registers and databases to identify listing within the Project Area;
- III. a site inspection of the subject site to assess the potential impacts on adjacent heritage items and identify any further unregistered heritage items within the Shirley Street Conservation Area;
- IV. an assessment of the significance of any identified heritage items (if any) through the application of the NSW Heritage Office heritage criteria, and the NSW Heritage Branch Assessing significance for historical archaeological sites and relics' (2009);
- V. preparation of a Statement of Heritage Impact for each identified heritage item.

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Figure 1: Project Area and urban locality.

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Figure 2: Concept design elevations of community hub.

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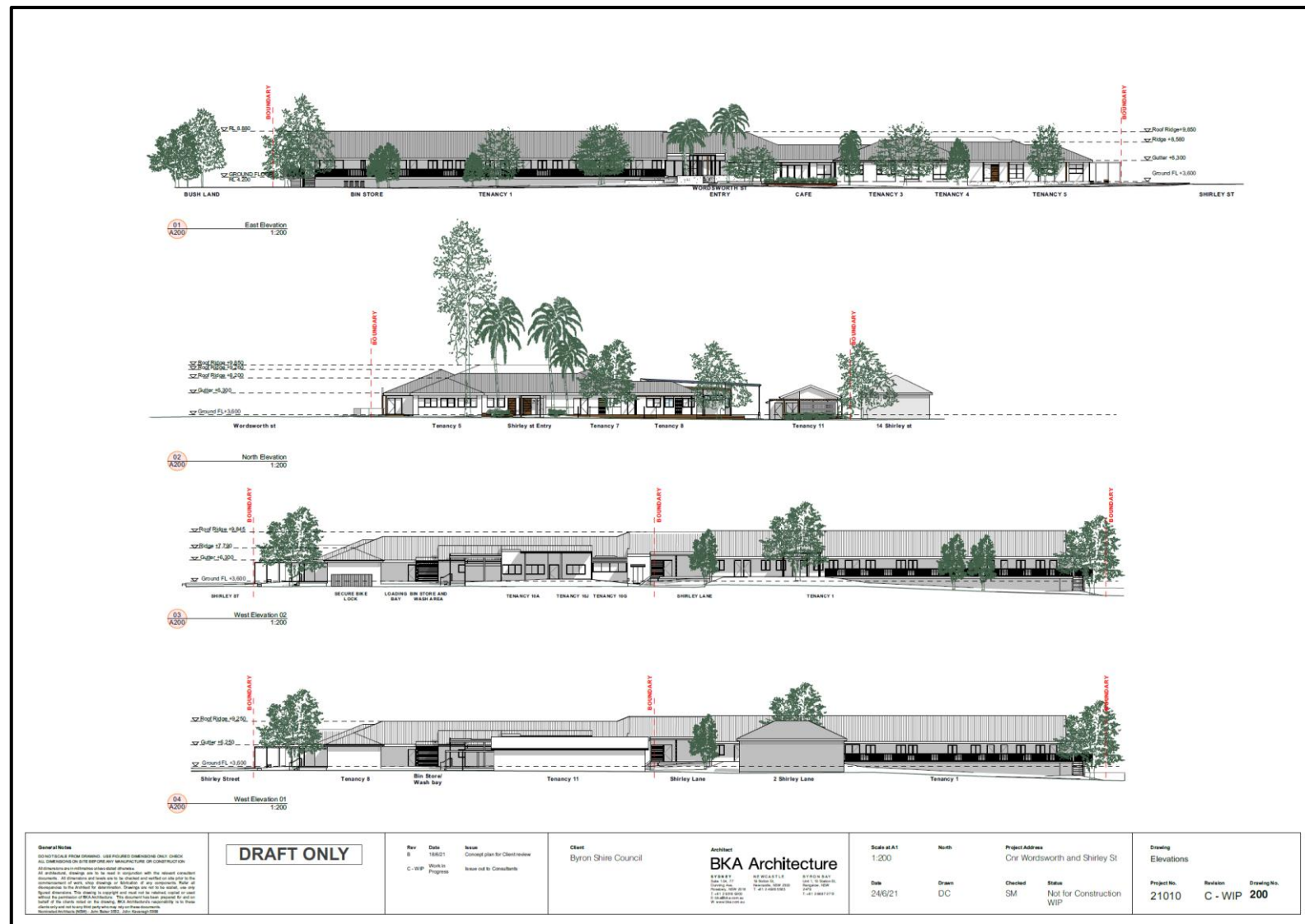


Figure 3: Elevation drawings of community hub.

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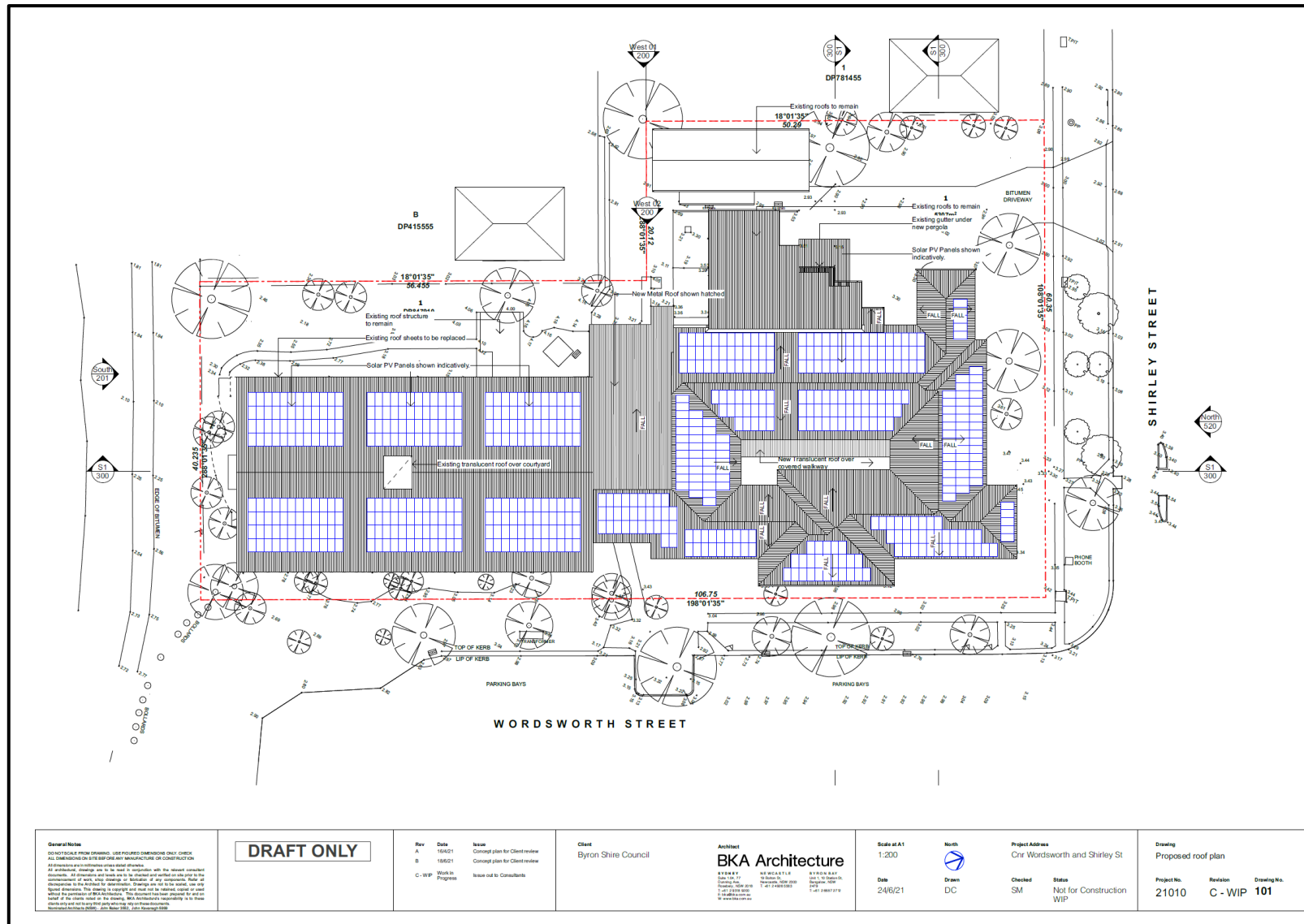


Figure 4: Concept plan of rooftop solar panelling.

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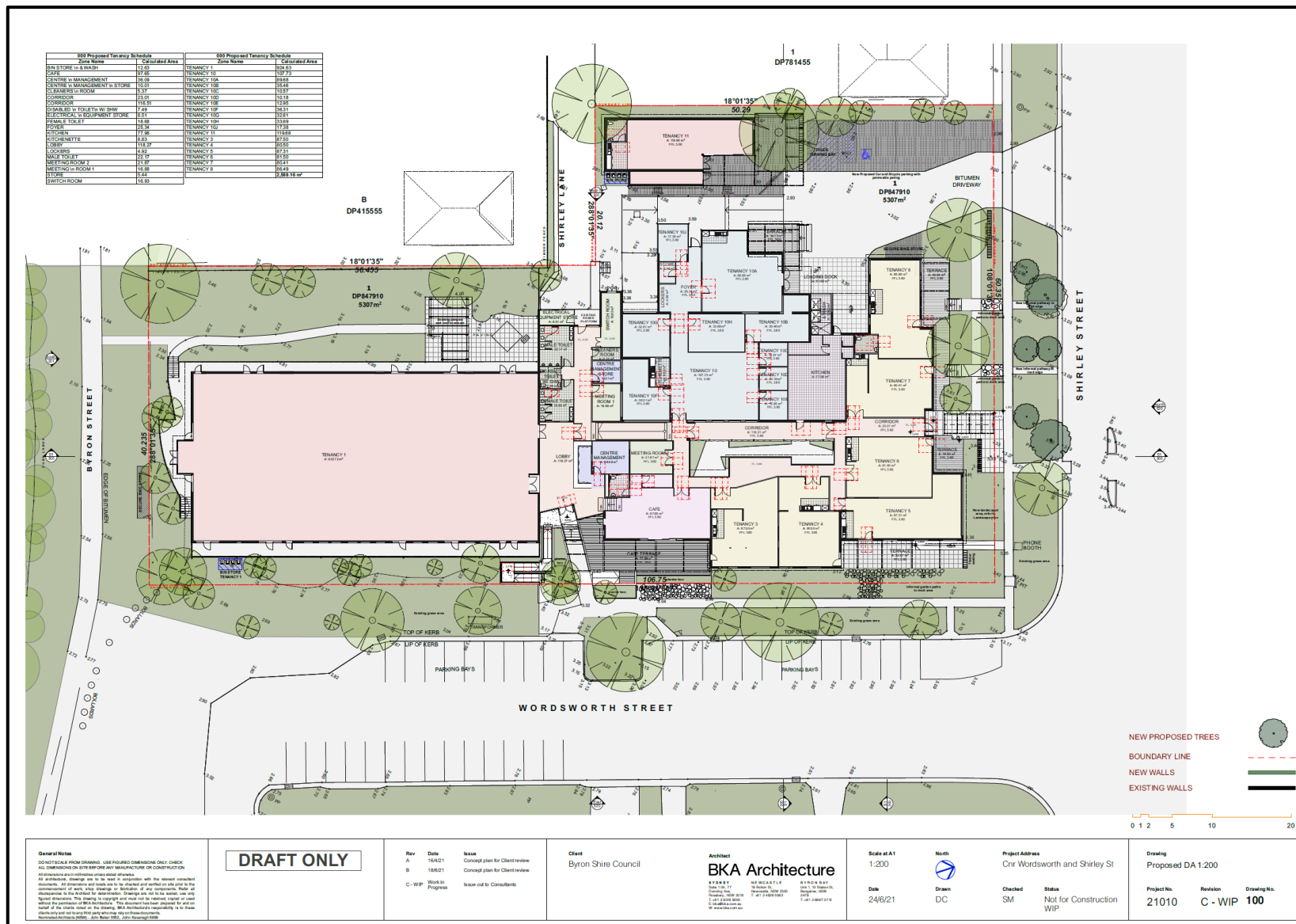


Figure 5: Proposed community hub layout.

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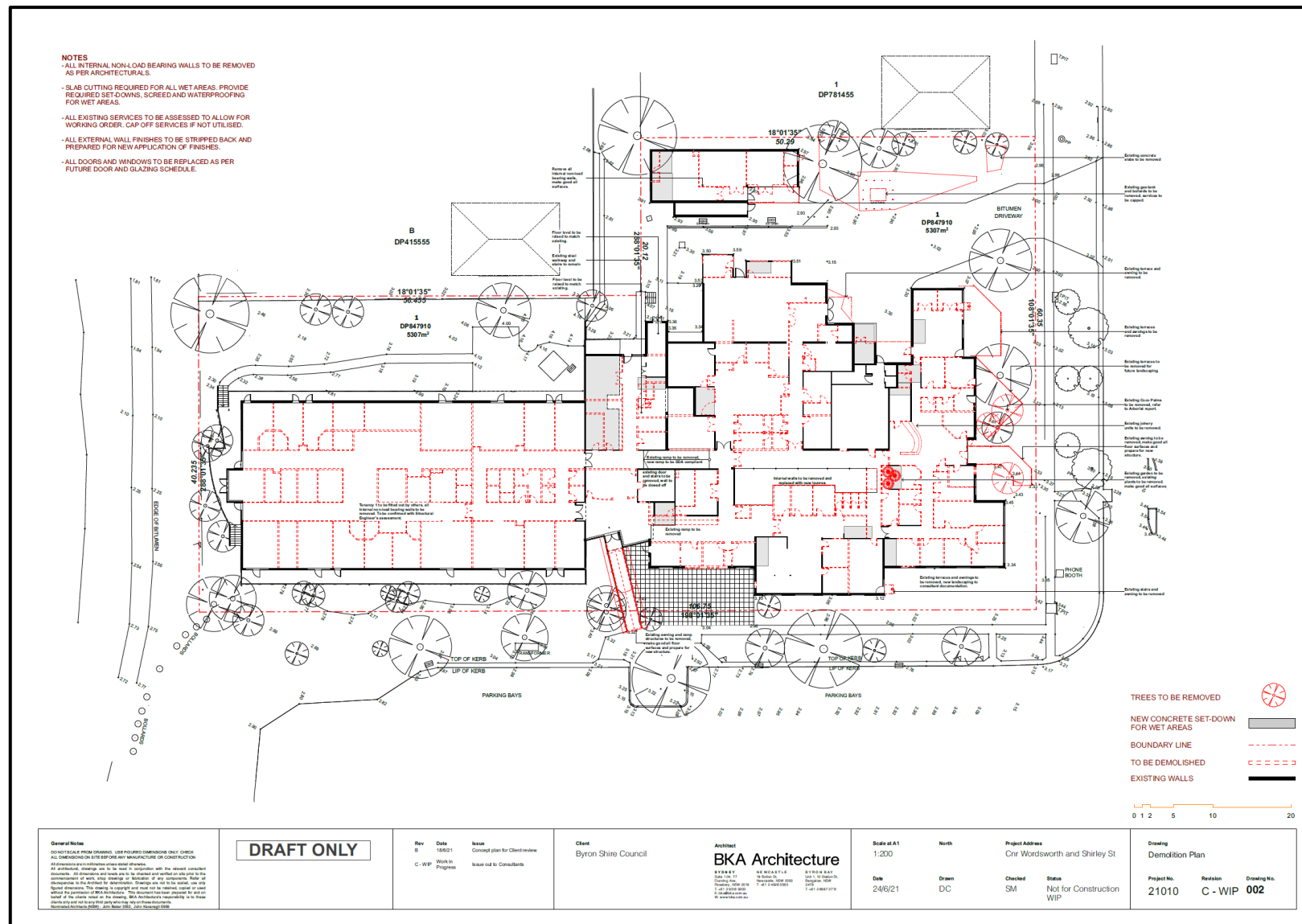


Figure 6: Demolition plan.

2. LEGISLATIVE AND PLANNING CONTEXT

Several planning and legislative documents govern how historic heritage is managed in NSW and Australia. The following section provides an overview of the requirements under each as they apply to the Proposal.

2.1. State Legislation

2.1.1. Environmental Planning and Assessment Act 1979

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.

2.1.2. 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.

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.

2.1.2.1. 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.

2.1.3. 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.

2.1.4. Byron Local Environmental Plan (2014)

Local Environmental Plans (LEPs) are made under the Environmental Planning and Assessment Act 1979 (NSW) to guide planning decisions by local councils, such as development applications. In relation to heritage, the LEPs general objectives are to conserve the heritage of the respective LGAs through the protection of the significance of heritage items, conservation areas, archaeological sites, Aboriginal objects, and Aboriginal places of heritage significance.

Part 5 Section 5.10 of the Byron LEP 2014 deals with heritage conservation within the area covered by the LEP. The objectives of this clause are:

1. to conserve the environmental heritage of Byron LEP;

2. to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views;
3. to conserve archaeological sites; and
4. to conserve Aboriginal objects and Aboriginal places of heritage significance.

Development consent is required for any of the following:

1. 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):
 - a heritage item;
 - an Aboriginal object;
 - a building, work, relic, or tree within a heritage conservation area;
2. 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;
3. disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged, or destroyed;
4. disturbing or excavating an Aboriginal place of heritage significance;
5. erecting a building on land;
 - a. on which a heritage item is located or that is within a heritage conservation area; or
 - b. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance;
6. subdividing land;
 - a. on which a heritage item is located or that is within a heritage conservation area; or
 - b. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

2.1.5. Byron Development Control Plan (2014)

Development Control Plans ('DCP') provide additional guidelines and controls for developments in areas of heritage value, particularly Conservation Areas and proposals in the vicinity of heritage items. The aims of the Byron Development Control Plan (2014) with respect to non-Indigenous heritage include the following;

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- To protect the significance and setting of heritage items and Heritage Conservation Areas (including archaeology) in Byron Shire by supplementing the heritage conservation provisions contained in Byron LEP 2014.
- To guide development of heritage items, components of Heritage Conservation Areas and buildings and land in the vicinity of these items and areas.
- To encourage a high standard of well-designed heritage conservation and heritage-related development that is sympathetic to and compatible with the cultural heritage of the Byron Shire.
- To ensure that alterations and extensions to existing buildings/items respect those buildings/items and do not compromise the significance and character of the individual heritage items or components of the Heritage Conservation Areas.
- To ensure that new development respects the heritage context and is sympathetic in terms of its form, scale, character, bulk, orientation, setback, fabric, colours and textures so as not to adversely affect the significance of heritage items and components of Heritage Conservation Areas and their settings.

To provide controls for development on land in the vicinity of heritage items or Heritage Conservation Areas.

3. HISTORICAL CONTEXT

3.1. Greater Byron & Byron Bay Town Historical Overview

The first historical references to Cape Byron relate to the landing of Captain James Cook near the cape in 1770 (Stubbs 2006). From 1828 to 1860, early ‘pioneers’ and cedar cutters became active in Byron, known then as the ‘Big Scrub’ (Heritage NSW 2021a). The area was largely untouched by urban development until the 1880s as cedar cutting dwindled and a dairy industry began to burgeon, requiring the survey of a town and the construction of a wharf for ocean-capable vessels (Heritage NSW 2020a). Byron Bay was named in 1894 following the construction of a jetty in 1886, railway connection in 1894 and the Cape Byron Lighthouse in 1901. The Byron Bay township developed from the 1890’s supporting the forestry, commercial fishing including whaling, sand mining, meat production and agriculture (dairying) industries until the development of the tourism industry in the 1960’s and 70’s (Stubbs 2006).

Byron Bay Railway Station was opened in 1894, being the second station opened on the Lismore to Murwillumbah line. The connection between a river port and the seaport at Byron provided an avenue for reliable export of local produce (Heritage NSW; 2021c). The station was regularly maintained, with numerous additions to the precinct well into the 1920s (Heritage NSW 2021b).

The Norco Butter Factory in Byron Bay was opened in 1895 (BBHS 2015; Heritage NSW 2020d). The opening of the factory was a response to the booming industry of dairying in the Byron region from the late 1880s to the early 1890s (BBHS 2015). Through the Norco factory at Byron, milk and dairy products were exported from Byron Bay’s port on national and global markets, such was the importance of this industry in NSW that by the 1920s it was estimated 25% of milk in NSW was processed at Norco Byron Bay (BBHS 2015; Heritage NSW 2021d). By the mid-1930s, an estimated 35,000 tonnes of butter, being 60% of NSW’s total annual production was being facilitated by Norco Butter at Byron Bay (BBHS 2015). The dairying operation was additionally supplemented by a bacon factory which commenced operation sometime after construction of the Butter Factory (BBHS 2015). Norco Butter Factory at Byron Bay ceased dairying operations due to decreased profitability of industry markets in 1872 and the bacon factory was closed in 1975, with parts of the historic factory site being demolished since then (BBHS 2015; Heritage NSW 2021d).

Table 1: Historical timeline, Byron Bay and surrounds (Stubbs 2006).

Date	Location	Description
1770	Byron Bay	James Cook named Cape Byron
1828	Byron Bay	William Johns, Master of HMS Rainbow charts ‘ Cape Byron Bay’ and Brunswick River

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Date	Location	Description
1861	Cape Byron	Government reserve created around Byron Bay
1865	Byron Bay	Commander Sidney charted waters around Byron Bay
1888	Mullumbimby	Village of Mullumbimby proclaimed.
1890	Byron Bay	Village at Byron Bay proclaimed at "Cavvanba"
1891	Byron Bay	J.E Glasgow establishes sawmill
1892	Byron Bay	First public school opened
1894	Byron Bay	First church opened (Bangalow Roman Catholic)
1895	Byron Bay	Norco butter factory commenced operations in Byron Bay
1901	Byron Bay	Cape Byron Lighthouse opened
1906	Byron	Byron Shire proclaimed
1928	Byron	Byron Shire Council Chambers destroyed by fire
1935	Byron Bay	Treatment of black sands began at Zircon-Rutile Ltd plant
1952	Byron Bay	Byron District Hospital Opened
1954	Byron Bay	Byron Whaling Company commences operations
1962	Byron Bay	Byron Whaling Company takes its last whale
1972	Byron Bay	Last butter made at Byron Bay
1974	Byron Bay	Beach mining ends

3.2. Old Byron Bay Hospital

Byron Bay was only intermittently served by doctors from the late 1890s until the end of the Second World War. The medical servicing of Byron Bay ranged from one or several resident doctors in town, to other times where Byron shared a doctor with other towns in the shire. During the First and Second World Wars, medical services became especially hard to come by as a civilian (Byron Bay Historical Society 2021).

From 1903, interest had developed for the construction of a 'cottage hospital' at Byron Bay, with a public meeting held to promote the idea. The initiative was revived in 1913, with money raised from 1903 handed over to the new movement (Stubbs 2006). The initiative suffered another lapse thereafter, likely due to the impact of the First World War and would not be revived again until 1943 (Stubbs 2006).

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From early 1943, citizens of Byron Bay recommenced lobbying efforts for the establishment of a hospital in town and were soon advised by the State Hospital Commission that Byron Bay was one of the possible sites for a post-war hospital to be constructed (Byron Bay Historical Society 2021). In response, a local Byron District Hospital Board was elected to work with the NSW State Government to move towards the construction of the hospital, aided by funds and interest from the 1912 initiative that were provided to the Hospital Board. In the immediate post-war period, no progress was made until 1949 whereupon the Hospital Board took the initiative and matters into their own hands, deciding upon the construction of a 'temporary' hospital comprising of three buildings being a ward, a nurses' quarters and an administration block. The enterprise would be funded and constructed by the local council and paid off in rents over the next 20 years. It wouldn't be until 1951 until the State Government would give consent for the construction (Byron Bay Historical Society 2021).



Figure 7: 1952 photograph of Byron District Hospital, shortly after opening (source: Byron Bay Historical Society).

The buildings were completed in April of 1952 and the hospital was officially opened in June of 1952 by the Governor of NSW, approximately nine (9) years after the initiative had begun (Stubbs 2006). Improvements to the hospital over time were conducted at the behest of the local Hospital Board, Woman's Hospital Auxiliary or local stakeholders and as such the hospital expanded as demand for medical services increased. Additional buildings were funded by the State Government (Byron Bay Historical Society 2021).

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In 1955, an ambulance station was constructed on Jonson Street to house Byron Bay's two (2) ambulances and was later transferred to a new location on Ewingsdale Road in 2014. In 2016, the new Byron Bay hospital was constructed adjacent to the new ambulance station, forcing the closure of the 'temporary' hospital permanently (Byron Bay Historical Society 2021).

3.3. Historical Parish Mapping

Parish maps were interpreted from 1922 and 1958 for further information as to the ownership and layout of the hospital and surround Shirley Street area. In 1922, the future land comprising the hospital is subdivided into four lots owned by J.G. Balzer, D.J. Allen, O.B. and F.V. Wareham and Mary Daniel. Shirley Street Lane is also indicated to have continued further east from its present stopping point at the western boundary of the hospital, connecting with Wordsworth Street. Additionally, Byron Street is indicated to have connected with Butler Street on the southern boundary of the Police Station. (Figure 8). In 1958, no changes have been mapped to the lands comprising the hospital. However the Byron Street and Butler Street connection on the southern boundary of the police station is indicated to have been filled in with additional Lot space (Figure 9).

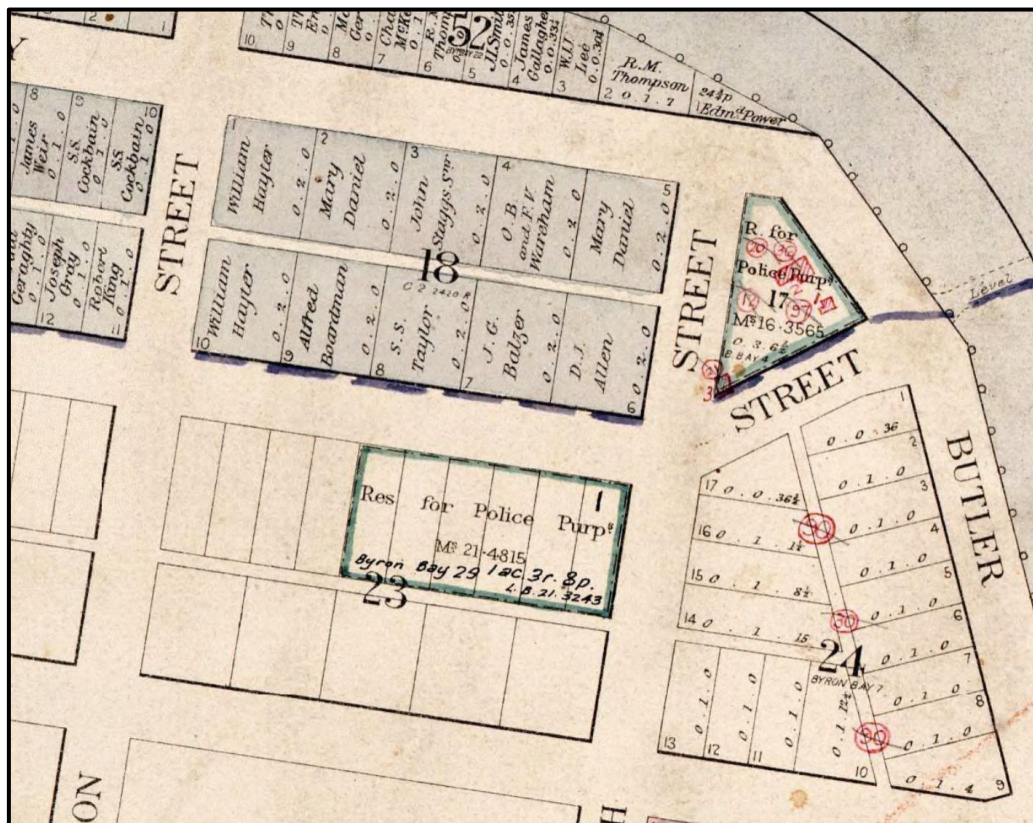


Figure 8: 1922 Town of Byron Bay Map (source NSWLRS).

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Figure 9: 1958 Town Map of Byron Bay (source NSWLRS).

3.4. Historic Aerials

Historic aerials were analysed from 1958, 1978 and 1991 to ascertain the historical nature of the fabric of the Old Byron Bay Hospital. The findings are summarised as follows:

- **1958** – Taken 7 years after construction of the original Old Byron Bay Hospital. The near-original fabric appears to comprise the original three (3) buildings indicated to have been constructed, being the hospital ward along Wordsworth Street, an administration block fronting Shirley Street and potentially the Nurses' quarters to the rear of the administration block (Figure 10). There also appears to be a small shed along Shirley Street Lane on the southern boundary.
- **1978** – The Nurses's quarters, main ward and administration block are still visible. There appears to be an easement / footpath constructed between the administration block and the main ward and numerous infill sheds / structures have been constructed in the southwest corner of the hospital grounds (Figure 11).
- **1991** - The rear hospital building has been constructed over the eastern side of Shirley Street Lane and the red-brick roof building abutting the western elevation of the ward is now present. The roof sheeting of the original / previously constructed buildings has been replaced with a type of corrugated or galvanized iron for consistency, and now overlaps the two (2) main original

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buildings, inferred to be the ward and administration block. The inferred Nurses's quarters is not readily visible from the 1991 aerial (Figure 12).



Figure 10: 1958 aerial image.

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Figure 11: 1978 Aerial image



Figure 12: 1991 aerial image.

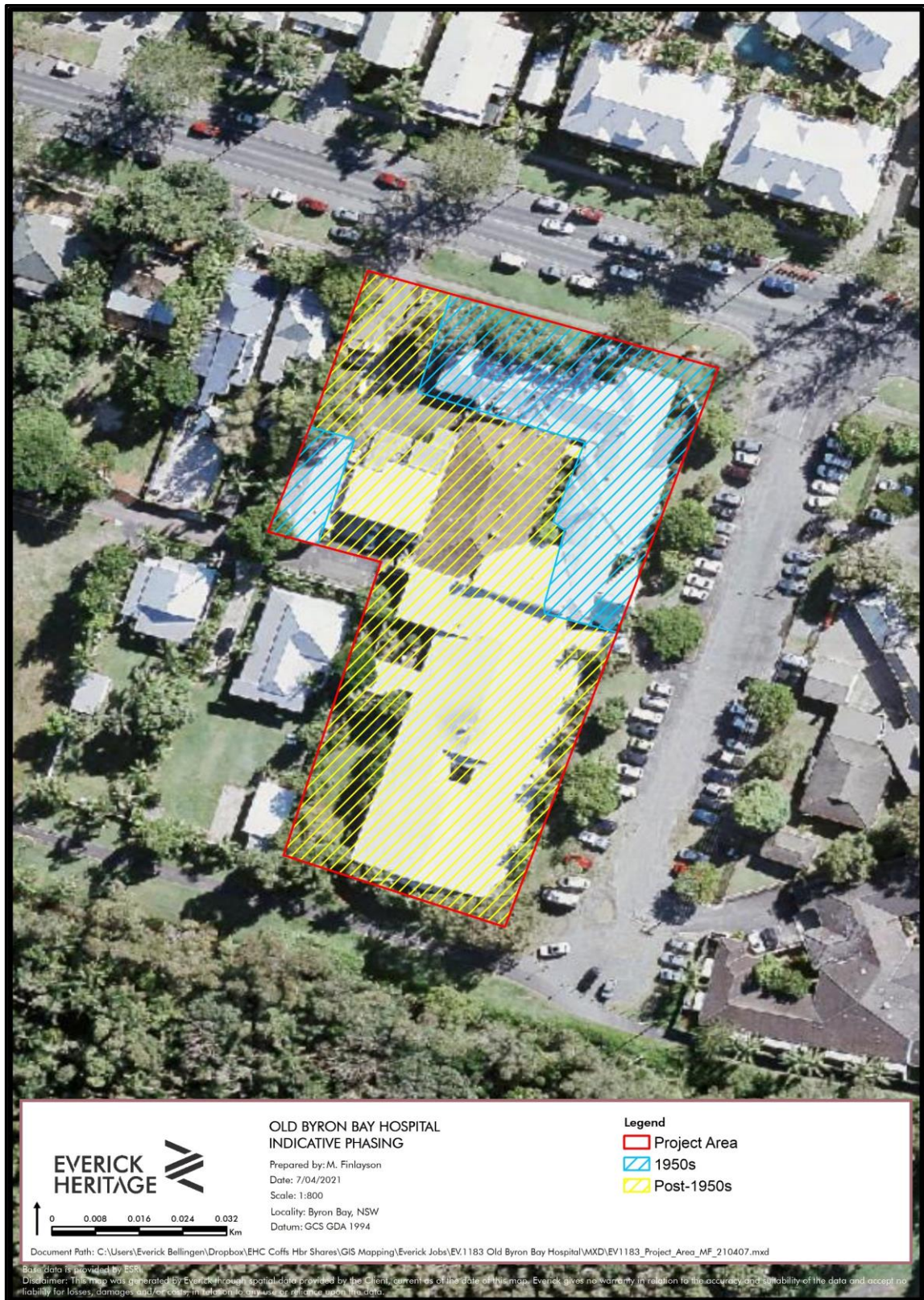


Figure 13: Historic phasing of the Old Byron Bay Hospital.

4. HISTORIC HERITAGE REGISTER AND DATABASE SEARCH RESULTS

4.1. Database Search Results

Searches were made of relevant Commonwealth, State, and Local heritage registers on which historical heritage places are entered on 12 March 2021. Results are as follows:

- **NSW State Heritage Register** identified one (1) item in proximity to the Project Area, being Byron Bay Railway Station and yard group (SHR #01107).
- **Commonwealth Heritage Register** identified no items in proximity to the Project Area:
- **Byron Local Environmental Plan 2014** identified the following heritage items in proximity to the Project Area (see Figure 14):
 - a) Shirley Street Conservation Area (C005) (the Project Area);
 - b) Burns Street Conservation Area (C002);
 - c) Police Station and Courthouse (including Norfolk Pines) (I091);

There are no archaeological sites in the vicinity of the Project Area.

4.2. Byron LEP Listings

4.2.1. Shirley Street Conservation Area

The following statement of significance is provided for the Shirley Street Conservation Area (Heritage NSW 2021e):

A group of dwellings and a public buildings, rear lanes, street trees and landscaping, which taken together, illustrate a pattern of settlement in Byron Bay of distinctive character. The area contrasts strongly with the modern beachside developments on the eastern side of Shirley Street although the two areas are unified by the striking avenue of mature Norfolk Island pine trees.

The following physical description is provided for the Shirley Street Conservation Area (Heritage NSW 2021e):

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A group of dwellings within the area defined by Wordsworth Street to the east, Shirley and Cavanbah Streets to the north, Kendall Street to the west and Byron Street to the south. Building materials, (weatherboard, original timber stumps, sharply pitched corrugated iron roofs, bricked chimneys and fireplaces, fenestration styles), building layouts, whether for use as dwellings or for public use, setbacks from the street, property size, access to properties, boundary fences, features of public landscaping (species and style of planting) and driveway constructions are consistent within the period 1920 - 1950.

Items that contribute to the character of the precinct

- * Avenue of Norfolk Pines

- * Police Station and Courthouse

The following historical notes are provided for the post office and store (Heritage NSW 2021e):

The area around Byron Bay and the Brunswick River was inhabited by the Bunjalung people, when the area was first encountered by European visitors to the continent in 1770. Between 1828 and 1860, European pioneer cedar cutters and a very small number of pioneer settlers became active there, but the Byron area, also known as the Big Scrub, remained largely untouched by development until the 1880s, when a town was surveyed and a wharf for seagoing vessels was built at Byron Bay, mainly to service the dwindling cedar industry and the emerging dairying industry. When the railway was pushed through from Lismore to Byron Bay in 1894 it provided a reliable link between a river port and seaport and facilitated the reliable export of local products. The timber and dairying industries were provided with a major boost.

The invention of large-scale refrigeration techniques at this time (1880's) enabled the marketing of dairy products from the North Coast region throughout Australia and to the British butter market. So successful was this industry that between WWI and WWII, rivers of butter and cream flowed from the region to national and international markets and millions of pounds in income were generated for the local economy. The township of Byron Bay was probably at its most prosperous between 1900 and 1928, when grand hotels were built, dining and amusement parlours were popular, the (by then) Grafton to Tweed railway provided a comfortable form of local transport for tourists to the Bay and the presence of a Literary Institute was evidence of local interest in cultural pursuits such as a library, films, community organizations and recreational clubs. During these years a police station/ courthouse and Post Office were also added to the town and a number of banks were established.

By 1972, when the great Norco butter factory closed in Byron and the allied industries such as whaling and meat processing had disappeared or were about to disappear, when the Jetty and

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the shipping companies had long since gone (1945 and 1954 respectively), the industrial character of the town began slowly shifting, and during the following 30 years the next major industry emerged, tourism.

By 2000, as with the development of industries of the previous 120 years, the tourism industry showed evidence of developing its own internal tensions within the town, and recent history reveals residents and civic authorities grappling with the responsibilities and consequences of that industry.

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Figure 14: Local heritage items in proximity to Project Area.

5. SITE INSPECTION AND ASSESSMENT

5.1. Assessment Methods

A Site Inspection of the Project Area was undertaken by Principal Archaeologist (North Coast) Tim Hill on 15 March 2021. The site inspection aimed to make observations on the following:

- An assessment of the Proposed Works on the Shirley Street Conservation Area;
- An assessment of the potential impacts to the adjacent police station and courthouse;
- Identification of other nearby items which have potential heritage significance but might not be identified by the Byron LEP; and
- General assessment of the potential for the Proposed Works to impact on archaeological sites/ relics and trigger s139 of the Heritage Act 1977.

5.2. Site Inspection Results

The dominant aspect of the Old Byron Hospital is from Shirley Street which forms the main road into Byron Bay from the northern Pacific Highway interchange. Shirley Street in the immediate vicinity is single lane with parallel parking and has a concrete kerb and gutter (Figure 15). There is a pedestrian crossing across the road which provides access to the former main entrance and there is a concrete footpath along both Wordsworth and Shirley Streets. The streetscape is dominated by a large hoop pine on the corner of Wordsworth Street but otherwise the landscaping includes palms, tuckeroos, lily pilys and paper barks (Figure 16).

The structure of the Old Byron Hospital is dominated by a galvanised roof which comprises a complex hip and ridge formation that connects wings along both Shirley Street and Wordsworth Street (Figure 17). The roof has narrow eaves and is moderately steep consistent with the Federation period. The tile roof of the original hospital is not visible from either Shirley or Wordsworth Streets. The external structure of the buildings is painted a cream colour and comprises a mix of brick, hardy-tex type weatherboard and aluminium windows.

For the purposes of the study there are no architectural features of the Shirley Street or Wordsworth Street profiles which demonstrate historic integrity. However, the roofline is generally sympathetic to the Conservation Area. While the original hospital building is not visible the complexity of the roofline line and connection between each wing is generally consistent with public architecture and the overall presentation to Shirley and Wordsworth Street does not distract from the Conservation Area.

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Figure 15: The western entrance viewed from Shirley Street.



Figure 16: Main entrance from Shirley Street showing pedestrian island and mature hoop pine.

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Figure 17: Eastern aspect of the Old Byron Hospital as viewed from Wordsworth Street.

The adjacent Old Police Station and Courthouse is located on the eastern side of Wordsworth Street, which has nose to kerb parking (Figure 18). The buildings have a complex federation style colour bond gable roof with (those funny little things below the gable like what was on Greys House). The roof pitch is steep when compared to the adjacent hospital. The police station and courthouse have standard weatherboard walls and long windows of which some are include external metal bars. The rear entrance is dominated by a tall single brick chimney. More recent additions include a double carport with colour bond roof and an undercover sitting area with colour bond gable roof which replicates the Old Police Station and Courthouse style. The site includes an approximately 1.8 m tall steel security fence in black which includes a rolling vehicular access gate to the back driveway. Mature trees sit above the roofline and comprise palms, tuckeroos and paper barks which are consistent with the Shirley Street and Burns Street Conservation Areas. There is a considerable amount of space between the former hospital and police station. However, the association between the buildings, including the nearby train station to the south forms a distinct precinct public precinct on the edge of the central business district.

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Figure 18: View across Wordsworth Street to Old Police Station and Courthouse.



Figure 19: View across Wordsworth Street intersection to bungalow cottages.

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The site inspection additionally identified two (2) residential bungalow cottages on the northern side of Shirley Street opposite the Wordsworth Street Intersection. The bungalows have moderately steep hip roofs with deep eaves and relatively small windows. Both have a central entrance and low set open lawns (Figure 20). The two properties are dominated by two mature hoop pines and additional hoop pines are visible above the rooflines. The bungalows are consistent with the bungalows along Shirley Street and within the Burns Street Conservation Area. Neither of the cottages are listed on the LEP and both are outside the Shirley Street Conservation Area.



Figure 20: Pair of bungalow cottages opposite the Old Police Station and Courthouse.

6. SIGNIFICANCE ASSESSMENT

6.1. 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 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. The following statements are provided to assess the significance of the Project Area (from Tweed Shire Council 2016:18).

The below statements addressing Significance Criteria are provided to assist with the assessment (see Table 2 below).

Table 2: Significance Criteria Assessment.

Significance Criteria	Significant statements
Criterion (a): an item is important in the course, or pattern, of NSW's cultural or natural history (or the local area).	Public Hospitals are considered to be important public infrastructure which provided for the growth of regional towns and communities. The investment in public health infrastructure following World War 2 demonstrated the broader Government policy of providing public buildings as part of the rebuilding effort after the war.
Criterion (c): an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	The building is typical of post-war public architecture but does not have any demonstrable creative to technical achievement.
Criterion (g): an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or the local area).	The Old Byron Hospital is a good example of public infrastructure in regional NSW. The overall design is characteristic of public buildings in that it is very functional and demonstrates a degree of architectural simplicity.

7. STATEMENT OF HERITAGE IMPACT (SOHI)

The Statement of Heritage Impacts Guideline (NSW Heritage Office 2002) has been used to evaluate and explain how the proposed might impact on the heritage values of the heritage item. An assessment of heritage impact should also address how the heritage value of the site/place can be conserved or maintained, or preferably enhanced by the proposed works.

7.1. Nature of Potential Impacts

The potential impact to the heritage item can be broadly summarised as the following;

- internal demolition works including interior wall removal;
- alterations to floor space and the exterior of the building;
- installation of pathways and access ramps for DDA compliance;
- installation of solar power services; and
- construction recycled timber arbours / pergolas.

There will be no substantial physical alteration to the exterior walls, roofline and curtilage of the Old Byron Hospital. However, the renovations may result in repainting and replanting the gardens.

7.1.1. The following elements of the design enhance and respect the heritage item

The following statements summarise the primary positive contributions of the Proposed Works on the heritage items:

- The Proposed Works are primarily focussed on the internal layout and use of space within the former hospital, there will be no substantial changes to the external structure of the complex.
- The redevelopment of the vacant building will provide new opportunities for public access to the former hospital site, including opportunities for interpretation.
- Installation of new pathways and access ramps will increase public access to the former hospital site.
- The scale and proportion of the existing building will not change.
- Mature trees that contribute to the Shirley Street Conservation Area will be retained.

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

The following statements summarise the primary detrimental impacts on the heritage items:

- The changes to the internal layout will 'open up' the building which is inconsistent with the function of the former hospital which was designed around hallways and separate rooms and defined highly functional spaces.
- The internal changes are not easily reversible.
- Any external changes will be visible from Shirley Street and will be visibly new alterations within the General Conservation Area.

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

The following alternative solutions have been considered and ruled out.

- The option of using the former hospital as a medical centre or similar would require significant upgrades and renovation in order to comply with modern public health standards. The hospital has been replaced at Ewingsdale Rd.
- The use for industrial or manufacturing type commercial activities would potentially retain the internal layout of the buildings, however this would be incompatible with the residential pattern of use within the Conservation Area.
- The building layout is not conducive to renovation for housing/ residential development as there are not sufficient large open spaces for living/ dining areas.
- Total or partial demolition of the building complex would remove an historic element from the Shirley Street General Conservation Area that could not be replicated in a cost-effective manner.

7.2. Statement of Heritage Impact

The proposed redevelopment of the Old Byron Hospital into a community space will involve partial demolition and design additions to the hospital building which is listed within the Shirley Street General Conservation Area. However, the potential impacts of these works have been reduced by the implementation of the following measures;

- The bulk and scale of the buildings, including roofline, will be substantially retained.

- The landscaping schedule includes natural and recycled materials which sit below the roofline of the former hospital.
- All mature trees will be retained and additional trees will be consistent with the design guideline within the Byron Development Control Plan.
- The overall layout of buildings will be retained by the Proposed Works.
- The alteration and demolition of the internal layout of the former hospital will be substantially offset by increased public access to the buildings.

As the Proposed Works are within the Shirley Street Conservation Area, the following Byron DCP (2014) Conservation Guidelines in Section 7.3 are provided to address the compliance of the design.

7.3. Statements addressing the Byron Development Control Plan (non-Indigenous Heritage) (2014)

7.3.1. Conservation Guidelines

The below statements address the guidelines of the DCP with respect to architectural and landscape design guidelines (Table 3).

Table 3: Statements addressing conservation guidelines and requirements.

Design element	Statement addressing criteria
Roof Form and Chimneys	The roof form will be retained. It is noted that the original post war roofline has been altered and replaced with galvanised iron which is generally consistent with the objectives of the Conservation Area.
Verandahs	The current building does not include verandahs, however undercover spaces which provide connection between the hospital wings will be substantially retained.
Windows and Doors	The window schedule will be retained- however it is noted that the external windows are not original. External doors will be replaced however these are not primary design elements.

Design element	Statement addressing criteria
Building Materials	The original bricks have been rendered and painted. The render will be retained as it is not inconsistent with the Conservation Area.
Colours	The colour scheme will be sympathetic to the Conservation Area and will be neutral or natural.
Parking, Garages and Carports	Parking will be retained within the Wordsworth Street parking bays (nose-to kerb) and along Shirley Street (parallel parking).
Fences	N/A.
Outbuildings and Swimming Pools	N/A
Subdivision	N/A
Dual Occupancy, Subdivision and Development on Single Lots	N/A

7.3.2. Development in the Vicinity of a Heritage Item.

The community hub is adjacent to the Courthouse and Police Station, however as Wordsworth Street is very wide, inclusive of nose-to-kerb parking, and there are no substantial changes to the layout of the former hospital the Proposed Works will not impact on the curtilage of the Courthouse and Police Station. The community hub is sympathetic to the police station and courthouse in terms of scale, massing, setback, orientation, materials and detailing.

7.3.3. Special Guidelines Heritage Conservation Area.

- 1. Development must respect the scale, density, form and proportions of existing development, with special attention to the low-set, horizontal emphasis of existing buildings.*

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The Old Byron Hospital is consistent with the Conservation Area, being low set and generally expansive. The Proposed Works retain the external layout and have no substantial change to rooflines, scale or mass.

- 2. Generous setbacks and landscaping consistent with the existing pattern of development must be maintained, to conserve the space between buildings that contribute to the character of conservation areas.*

The existing set-backs and curtilage will be retained. The only substantial structures within the curtilage will be the recycled timber arbours. The landscaping will not impact on the curtilage of the Courthouse and Police Station.

- 3. Development in all areas must remain single storey (...) in height to maintain the visual character and unity of the streetscape.*

The single-story roofline will be retained.

- 4. Car parking must not be located in the front setback areas, as it would erode the visual amenity of the streetscape and detract from the setting of the buildings.*

Carparking will be retained within the existing carpark on Wordsworth Street.

- 5. Front fences if provided must be low (maximum height 1.2 m), consistent with the established pattern of development. Solid fencing to front boundaries will not be permitted as it is out of character in the streetscape, however solid fencing is acceptable on side and rear boundaries.*

No fences are proposed.

7.3.4. Shirley Street Conservation Area Design Policies.

- 1. Retain all attributes of the Heritage Conservation Area that demonstrate its heritage character and significance including its pattern of subdivision development, boundary setbacks and all original external fabric.*

The external layout of the Old Byron Hospital will be retained, inclusive of the boundary setbacks and interrelationships of the various wings of the hospital. It will still be possible to read the history of the building through the rooflines and connections of separate wings.

- 6. Development must respect the low-set horizontal emphasis of existing buildings.*

The low-set expansive pattern of the former hospital will be retained.

7.3.5. Change of use in a Heritage Conservation Area

1. *Proposals seeking consent for change of use within a Heritage Conservation Area must demonstrate that the proposed change is not likely to create incompatibility or discordance over time with the heritage character or heritage values of the Heritage Conservation Area, or with individual heritage items.*

The proposed conversion to a Community Hub is generally compatible with the objectives of the Conservation Area as the Community Hub will be retained as a public building on the edge of the Byron CBD. The re-purpose of the buildings will ensure that the connection between the former public buildings on Wordsworth Street and the CBD will be retained as functional spaces which involve movement of cars and pedestrians. The use as a community hub is considered to be preferable to use for industrial or manufacturing which would have been an alternate use for the building.

2. *The applicant's assessment of compatibility of the proposed development with the Heritage Conservation Area must include details of all proposed physical changes to the site and to existing development resulting from the proposed change of use, including but not limited to changes in vegetation, signage, colours, materials and the like.*

The heritage assessment has concluded that the external elements of the design are generally sympathetic with the objectives of the conservation area. The recycled wooden arbours are free standing, are set below the roofline and do not significantly obstruct views to the buildings from either Shirley or Wordsworth Streets. The material changes to the building are consistent with the heritage character of the conservation area and include natural and neutral pallets and surfaces. All mature trees will be retained.

8. REFERENCES

- Byron Shire Council (2014a) Local Environmental Plan
- Byron Shire Council (2014b) Development Control Plan
- Heritage NSW 2021e Shirley Street Conservation Area. Retrieved 12 March 2021 from <
<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=1260030>>.
- NSW Heritage Office, 1998. How to prepare archival records. Parramatta: Heritage Office.
- NSW Heritage Office, 2001. Assessing Heritage Significance. Parramatta: Heritage Office.
- NSW Heritage Office, 2002. Statements of Heritage Impact. Parramatta: Heritage Office.
- NSW Heritage Office, 2006. Photographic recording of heritage items using film or digital capture.
Parramatta: Heritage Office.
- Stubbs, B. 2006 Byron Shire Community Based Heritage Study: Thematic History.