

# Preliminary Heritage Assessment of Chinderah Hotel Fig Tree

## Introduction

This preliminary heritage assessment has been undertaken to assist Councillors of Tweed Shire Council in assessing the significance of the Fig Tree (the Tree) located at 156-160 Chinderah Bay Drive, Chinderah, NSW, also known as Lot 2 DP781464 and the Chinderah Bay Hotel (the site). Ainsworth Heritage was contacted to provide a preliminary assessment to assist Councillors at their meeting on 30-10-2010.

This assessment can not be considered thorough or exhaustive and relies on materials provided by Tweed Shire Council and on material available from the Chinderah Hotel's own historic notes available on their website.

This assessment is a preliminary study only and should not be considered comprehensive or exhaustive. Further insight into the sites history and use would be gleaned from an examination of local historical records.

## Authorship

This preliminary heritage assessment and the associated site visit, was undertaken by Matt Alexander – Director, Ainsworth Heritage, on 30 August 2010.

Matt has been involved on numerous heritage assessments as project manager whilst with Ainsworth Heritage and in previous employment. Matt has experience in historic research, heritage surveys, site assessment, impact assessment and site management. Matt has undertaken numerous Statements of Heritage Impact and Heritage Impact Assessments which in the last year include clients such as NSW Department of Works, NSW Department of Education, the Roads and Traffic Authority, NRMA Insurance, Richmond Valley Council, Greater Taree City Council and several private owners.

## Background

### Historical

*Note: For further detailed contextual information, please consult the Tweed community Based Heritage Study: Thematic History.*

The site in question was one of the original settlements on the Tweed River, used by the early cedar getters to access the upper reaches of the valley and astride the path used for this purpose, which some accounts also say was an old Aboriginal track.<sup>1</sup> The site was developed by the Boyd family, under Thomas and Sarah Boyd, who first maintained a lodging house and later hotel on the site, known as Boyd's Accommodation house and Boyd's Halfway House.<sup>2</sup>

The Boyd family, one of the earliest to the region, arriving in 1850, were to become one of the most well known pioneer families in the region, with many landmarks still bearing their name today.<sup>3</sup>

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<sup>1</sup> Boileau, J. 2004. *Tweed Community Based Heritage Study: Thematic History*. Tweed Shire Council. p.76.

<sup>2</sup> *Ibid.* p.48.

<sup>3</sup> *Ibid.* p.48.

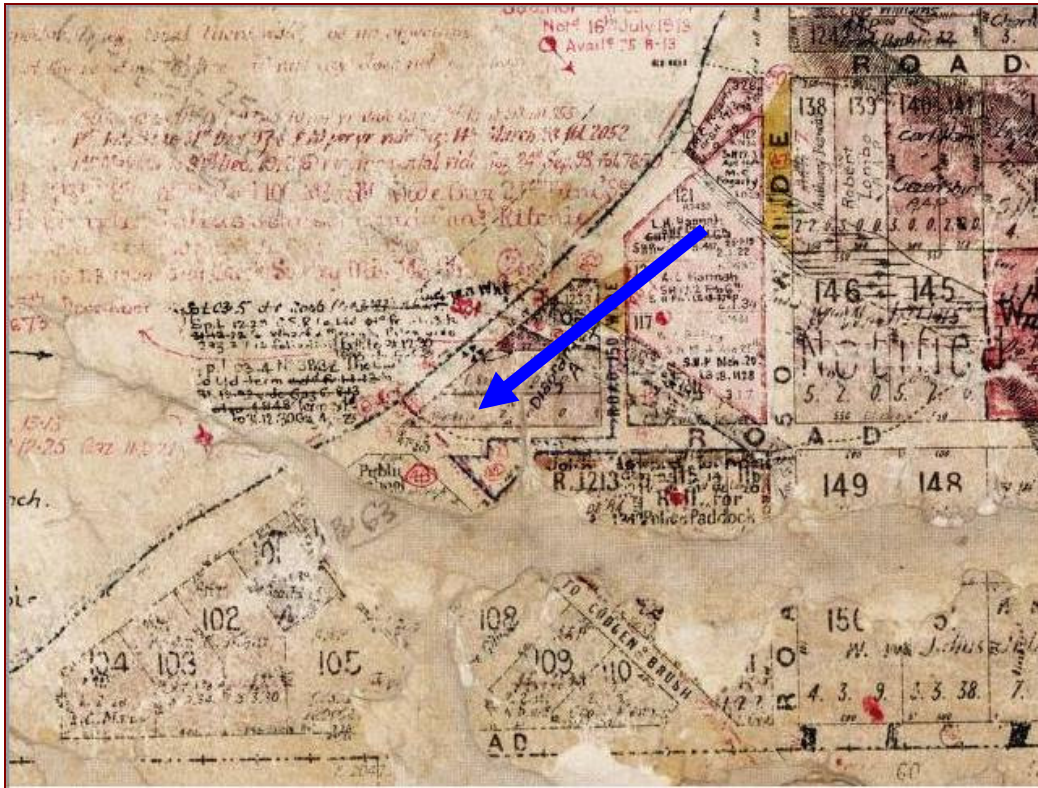


Figure 1: 1877 Map of Chinderah with blue arrow showing location of tree on Boyd family land (Parish Map Preservation Project).

The hotel's location was also an advantageous site due to its location on the river itself, as the rivers of the region were the main highways until the arrival of the rail link at Murwillumbah and the building of better roads and bridges in the Twentieth Century.<sup>4</sup> Additionally, the site of the hotel, was further advantaged by the nearby ferry crossing as well as the terminus of the sugar tram at its jetty, 100 meters upstream from the Hotel.

<sup>4</sup> Alexander, M. 2009. *Archaeological Assessment of the proposed Ballina Surf Life Saving Club*. Report prepared for Ballina Council. Section 3.

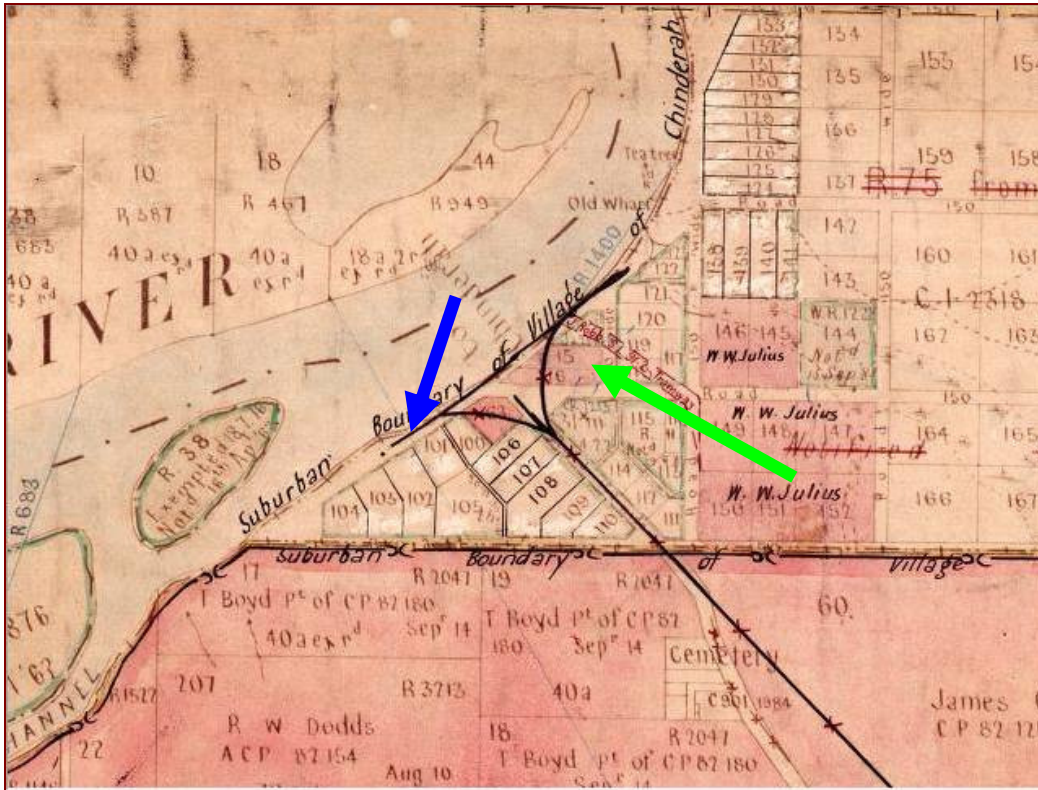


Figure 2: Tweed River and Village of Chinderah showing tramway (black line) and ferry (blue arrow) in relation to the hotel site (green arrow) (Parish Map Preservation Project).

The Hotel was the first to be licensed in the Tweed Valley, gaining its Liquor Licence before 1885, when renamed as Tattersall's Hotel by the Boyd's when the building was moved after floods damaged the original site closer to the river. The licence is not only the oldest in the valley, but also the longest continually operating Liquor Licence in the Tweed Valley.<sup>5</sup>

The site was sold at a later date to the Brown family who operated the hotel from an undetermined time under James Lewis Brown and Martha Brown. Martha Brown (1865-1958) planted the Fig Tree in question to commemorate the birth of her second son, James Lewis Brown Jr. in 1895<sup>6</sup>, not 1894 as mentioned by the Tweed Heritage Study.<sup>7</sup> The tree has been part of the site for the previous 115 years, easily seen in the historic photos provided by Tweed Shore Council.

<sup>5</sup> 2004. *Tweed Community Based Heritage Study: Listing Card 031*. Tweed Shire Council.

<sup>6</sup> 2004. *Tweed Community Based Heritage Study: Listing Card 031*. Tweed Shire Council.

<sup>7</sup> NSW Register of Births, Deaths and Marriages. Record 14871/1895. Accessed 30-08-2010.



Figure 3: Boyd's Hotel with Boyd Family, c.1885. (Tweed Community Heritage Study).

Several owners have managed the hotel since that time, with the original hotel building being lost in a fire in 1974, with a temporary structure being quickly replaced with the current building on the site.<sup>8</sup> This was not the first fire the Fig survives, having potentially protected the Hotel when the adjacent Tumock's Store and Community Hall burnt down in 1923.<sup>9</sup>

Following the loss of branches recently from the western side of the Tree, the owners of the site, the Taphouse Hotel Group, planned to remove the tree in order to maintain their public liability insurance, as their insurer had indicated that the Tree would need to be removed or heavily modified in order to meet the insurer's requirements.<sup>10</sup>

### Physical

The tree in question is located within the central section of the site, dominating the vistas to the hotel from the northwest to the east. The tree is over ten meters tall, has a diameter of 1.5 meters and a canopy extending over approximately 30 metres in diameter. The Tree is located at the eastern, rear corner of the Hotel within 5 meters of the building. The Tree sits within a small stone lined bed, with mounded sand bed and small shrub growth surrounding its base. Apart from an area of half a metre around the base of the tree, the entire ground space beneath it is covered in asphalt. The tree has several large collections of a parasitic, cactus type plant (species currently unknown), which is known to be difficult to eradicate and is toxic.

The tree suffered the loss of one of its main western branches recently, an event that removed several other smaller branches when the collapse happened in the early morning. The remainder of the tree appears to be in good condition apart from areas within the central bowl of the tree, where rot and fungus was observed in conjunction with an arborist on 30-08-2010. The root system of the tree has lifted areas of the

<sup>8</sup> [www.taphouse.com.au/page/history](http://www.taphouse.com.au/page/history). Accessed 30-08-2010.

<sup>9</sup> Turner, H. *Turnock on the Tweed*. P.136.

<sup>10</sup> Pers Com, Richard Adams, 30-108-2010.

asphalt surrounding it, with roots having broken through to the surface in some areas.



Figure 4: Fig viewed from East



Figure 5: Fig viewed from West, over Chinderah Bay Rd.



Figure 6: "Cactus" infestation on fallen limb, with arborist for scale



Figure 7: base of broken limb in bowl of tree



Figure 8: Rot within bowl of Tree



Figure 9: "Cactus" infestation which covers much of the southern half of the tree outer canopy



Figure 10: View of fallen limb from east



Figure 11: White fungus, which causes rot in fallen limb, denoted by blue arrow

## **Tweed Local Environment Plan and Community Based Heritage Study**

The Tree was identified in the, as yet unapproved, Tweed Community Based Heritage Study, which stated the following in regards to its significance:

*“An iconic landmark for residents, this site is of the first licensed premises on the Tweed and of the longest, continuously held licence.”<sup>11</sup>*

However, the Tree has not been officially gazetted as part of the LEP at the current time.

The Tweed LEP outlines the requirements for heritage items within the LEP, but as the Tree is not listed, these provisions do not appear to apply. However, the community concern over the removal of the tree indicates that the Tree holds enough importance to the local community, that its lack of a listing is an oversight of the current system.

That being said, the owner would appear to be within their rights to remove the tree, especially should it pose a threat to public safety, for which the sites owner is responsible.

However, should it be determined that the tree will require removal for health and safety reasons, for the safety of the general public, the maintenance of remnant parts of the tree in situ, should be considered in line with the LEP sections regarding Conservation Incentives.

Section 40 of the current LEP states the following regarding conservation incentives:

*The consent authority may consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:*

- (a) *the proposed use would not adversely affect the heritage significance of the heritage item or heritage conservation area, and*
- (b) *the conservation of the building depends on the granting of the consent.*<sup>12</sup>

The draft LEP also states the following in regards to removing a historic tree:

- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*

And further elaborates on heritage incentives by stating:

*The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan.*<sup>13</sup>

Although this section of the LEP speaks to built heritage, Councillors should consider its use in regards to not only built heritage, but also in regards to situation like the one presented by the Tree. Should maintenance of a remnant of the tree interfere with future plans for development of the site, Tweed Shire Council should be willing

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<sup>11</sup> 2004. *Tweed Community Based Heritage Study: Listing Card 031*. Tweed Shire Council.

<sup>12</sup> Tweed Shire Local Environment Plan 2000.

<sup>13</sup> Draft Tweed Shire Local Environment Plan.

to provide the site owners with leeway and flexibility in regards to otherwise prohibited development on other areas of the site.

This would allow a physical connection to the original occupation of the site for the community, as well as allowing the owners to still gain maximum flexibility in future development. However, this could prove a moot point should the tree be determined to be otherwise in poor ? health. See Recommendations below.

### Significance of The Chinderah Hotel Fig Tree

As The Fig Tree has not undergone a comprehensive assessment for its heritage significance, a significance preliminary assessment, based only the materials provided by Council on 30-08-2010, was undertaken as part of this report against the standard NSW Heritage criteria.<sup>14</sup>

An assessment of significance is carried out to determine and establish the level of importance or value that a place, site or item may have to the community. Assessments of significance are based on an understanding of a place's history together with a physical analysis and an appreciation of the comparative level of rarity or representativeness that a site possesses.

#### Criterion A: Historic Significance

*An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).*

The site itself is significant as the original sites of licensed premises in the Tweed Valley and in its place as the longest continuous liquor licence. The Fig Tree contributes to this significance by being the last extant element of the original Hotel site.

*Overall level of Historic Significance:* LOCAL

#### Criterion B: Associative Significance

*An item has a strong or special association with the life or works of a person, or a group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)*

The Fig Tree is associated with the Brown family, being planted for James Lewis Brown Jr. in 1895. However, as the research conducted on the 30 August 2010, was only preliminary, the associative significance with the Brown's is unclear at this time. Research into the Brown's will be required to determine the effects of this criterion. Additionally, the site is associated with the locally important Boyd family, but the tree is not directly associated with the Boyds.

*Overall level of Associative Significance:* CANNOT BE DETERMINED AT THIS TIME

#### Criterion C: Aesthetic Significance

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the cultural or natural history of the local area)*

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<sup>14</sup> NSW Heritage Office. *Statements of Heritage Impact.*

The Fig Tree has aesthetic significance for its long association with the landscape of the original site of the Hotel and central area of the original Chinderah village. The Tree has long provided shade to patrons of the hotel and is a recognisable landmark to both local residents as well as being prominent in aerial image from the site.

Overall level of Aesthetic Significance: LOCAL

#### Criterion D: Social Significance

*An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons*

The Chinderah Hotel Fig Tree is significant to the local community through its long association with the site and as a recognisable natural landmark for Chinderah itself. The reaction of the local community to the removal of the Tree, is a clear indication of the Tree's social significance.

*Overall level of Social Significance: LOCAL*

#### Criterion E: Scientific/Technical Significance

*An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)*

Does not meet this criteria

*Overall level of Technical/Scientific Significance: NONE*

#### Criterion F: Rarity

*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)*

The fig is not an endangered species within the local area, with many other examples existing.

*Overall level of Rarity: NONE*

#### Criterion G: Representativeness

*An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments (or the local area's cultural or natural places or environments)*

Does not meet this criteria

*Overall level of Representativeness: NONE*

#### Summary Statement of Significance for The Chinderah Hotel Fig Tree

The Chinderah Hotel Fig Tree is significant for its place in the history of the first and longest held licence and hotel site on the Tweed River. The site is associated with the important pioneering Boyd family and may have additional association with the Brown family (yet to be determined). The tree has social and aesthetic significance to the local community as a natural landmark and also provides the last remaining physical link to the original use of the site as a hotel.

## Impact Assessment

The requirements of the Taphouse Hotel Groups insurer will be to either remove the Tree or prune it back and stabilise the Tree to a point where the insurer is satisfied that it no longer poses a threat to public safety.

The following table outlines the impact of each option.

Significance	Pruning and Stabilisation	Removal
Historic	None	High
Associative	None	High
Social	None	High
Aesthetic	Moderate	High

As can be seen, the removal of the tree will adversely affect its significance in all relevant criteria, whereas pruning of the tree will maintain much of the significance, only impacting upon the aesthetic significance of the tree. However, pruning to date, and the loss of the limbs recently have impacted upon aesthetic significance already.

## Recommendations

The following recommendations should be considered by Tweed Shire Council, with regards to the retention or removal of the Tree.

### 1 Determination of Tree's Health

All available documentation and reporting from the arborists engaged to date, should be compiled and assessed to determine the condition of the Tree.

### 2 Further Research

Additional documentation was received as this preliminary assessment was finalised from Neville Luxton, via Councillor Milne. Mr. Luxton is a direct descendent of the Browns, who planted the Fig Tree. This information and any other pertaining to the site will need to be examined and included as part of an updated statement of significance, both for the assessment of impact and for future records of the site, whether the Tree is kept in situ or not. Time restraint precluded its inclusion in the current assessment.

### 3 Determination of Course of Action

Should the Tree be determined to be a threat to public safety due to deterioration and requires removal, the following should be considered:

- The taking of cutting from the Tree for cultivation and later replanting on the site in order to retain elements of the tree with the site that it has occupied for 115 years;
- The replanting of these cutting in a place on the site that will not impact upon the current or planned built structures;
- The retention of a low part of the stump as an interpretive element within the hotel. This interpretation could take the form of, but not be limited to:
  - A plaque outlining the history of the tree and its removal and removed/replanted cuttings; or

- An interpretive panel, made from the tree's own wood and affixed to the stump, providing an outline history of the site, with historic images as part of the hotels own history and as part of any larger network of interpretive signs within the Tweed Shire.
- Information regarding such a panel being provided to the Tweed historical Society to allow for public awareness of the historic site; often an excellent draw card for tourists.
- The use of the Heritage Provisions of the LEP, to allow for the full development of the site in the future to be maintained through flexibility in development consent, should retention of the stump create a constraint to design. Concessions on other DA requirements would be made in order to provide this flexibility for the owners retaining the stump as a physical historic connection to the past of the site.

Should the Tree be determined to be in a generally safe state and can be pruned to ensure public safety, the following should be considered:

- The taking of cutting from the Tree for cultivation and later replanting on the site in order to retain elements of the tree with the site that it has occupied for 115 years should it deteriorate in future;
- An assessment of the health of the tree be undertaken periodically, with the provisions for tree removal being revisited should the Tree deteriorate;
- The listing of the tree as part of the LEP. Advice to the owners of the site can be provided in assisting with understanding the benefits and obligations of such a listing;
- The use of the Heritage Provisions of the LEP, to allow for the full development of the site in the future to be maintained through flexibility in development consent, should retention of the Tree create a constraint to design. Concessions on other DA requirements would be made in order to provide this flexibility for the owners retaining the stump as a physical historic connection to the past of the site.

## **Bibliography**

Alexander, M. 2009. *Archaeological Assessment of the proposed Ballina Surf Life Saving Club*. Report prepared for Ballina Council. Section 3.

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