

# HERITAGE COUNCIL OF NSW Approvals Committee



## MINUTES OF MEETING

30 August 2007

Heritage Office, 3 Marist Place, Parramatta

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**PRESENT:** Michael Collins (Chair), Susan Macdonald, Peter Mould, Chris Johnson, David Logan, Julie Bindon

**APOLOGIES:** Diane Jones, Janet Dore

**ALSO PRESENT:** Vincent Sicari, Nikki Ward, Murray Brown, John Peterson

### **1. Opening – Welcome**

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The Chair opened the meeting at 9:10 pm.

#### **1.2 Confirmation and Timing of Agenda**

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The agenda was confirmed.

#### **Declarations of Interest**

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**Pecuniary Interests**

NIL

**Non Pecuniary Interests**

NIL

**Conflicts of Interest**

NIL

### **2. Confirmation of Minutes**

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#### **2.1 Approvals Committee Meeting of 1 August 2007**

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Members received a copy of the minutes.

**Resolved:**

**that the Minutes of the meeting of 1 August 2007 be adopted.**

### **3. Action Report**

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Members received a copy of the action report.

**Resolved:**

**that the Action Report of the meeting of 1 August 2007 be adopted**

### **4. Presentations**

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NIL

### **5. Integrated Development Applications/Section 60 and 132 Applications/Section 140 Excavation permits**

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#### **5.1 Dairy Farmers' Co-op, Bathurst – S140**

The owner of the Dairy Farmer's Co-Op site proposes to develop a supermarket and specialty shop complex on the site of the former Bathurst Convict Hospital. Proposed earthworks for an understorey car park will remove any archaeological deposits associated with the Hospital. The rarity of convict hospitals makes the potential archaeological resource State significant. The destruction of the Bathurst Convict Hospital by fire in 1878 raises questions regarding the archaeological integrity of the relics and their ability to contribute to our understanding of convict era health services. Archaeological testing was proposed to determine the integrity, extent and location of relics relating to the Hospital. Dependent on the results of the testing the complex may require design alterations to allow for in situ preservation of the relics.

The Approvals Committee had no objections to the proposal for test excavations and agreed appropriate management of any relics found would be necessary due to the rarity and significance of the site.

**Resolved:**

**That the Heritage Council approve the application with the following conditions:**

- 1) All works shall be in accordance with the approved research design and methodology outlined within *Dairy Farmers Co-Op, Bathurst, NSW, Research Design*, prepared by Matthew Kelly (AHMS) in 2007.**

Except as amended by the following conditions:

- 2) This approval does not cover the removal of any State significant relics, which shall remain available for in-situ conservation at the completion of the archaeological work.
- 3) The archaeological testing shall be carried out in a way that minimises disturbance of relics and ensures that the heritage significance and research potential of the archaeological resource is not diminished.
- 4) This approval covers archaeological testing only. The aim of the testing programme is to examine the nature, extent, integrity and significance of the relics in the study area and assist in the design of adequate management and conservation strategies for the archaeological remains.  
Should further archaeological investigation take place on the site, a new S140 application incorporating the results of the archaeological testing must be lodged with the Heritage Council of NSW for approval prior to undertaking any further works.  
A meeting of representatives of the Heritage Office, the nominated Excavation Director and the Applicant must be held on site following completion of the testing programme in order to assess the site in light of the results of the testing, discuss adequate management and conservation strategies, assess the acceptability of any potential development of the site in relation to the identified archaeological resource and the development as a whole, and clarify the level of documentation required for the management of the site.
- 5) Following clearance of the area indicated as having archaeological potential and prior to excavation continuing on the site, a proposal shall be submitted to and approved by the Heritage Council of NSW or its delegate which details the proposed location of the testing trenches or areas proposed for further manual excavation.
- 6) This approval is valid for five (5) years from the date of approval.
- 7) The Heritage Office must be informed in writing of the start of the archaeological investigation at least five (5) days prior to the commencement of, and within five (5) days of the completion of on-site archaeological work.
- 8) The Heritage Council and staff of the Heritage Office authorised under section 148(1) of the 'Heritage Act, 1977' reserve the right to inspect the site and records at all times, as well as access any relics recovered from the site.
- 9) The Applicant must ensure that all personnel involved in the demolition and excavation works attend a comprehensive briefing on the requirements of the 'Heritage Act, 1977' in relation to archaeological relics and the proposed archaeological programme. The briefing is to be presented by the Excavation Director nominated in the Section 140 application and is to be undertaken prior to the commencement of on-site works. The briefing should be attended by all archaeological staff. A copy of this approval and conditions of consent should be made available to all archaeological on-site staff.
- 10) The Applicant must ensure that the nominated Excavation Director is present from the start of demolition of the structures on the site to ensure that no archaeological remains are impacted upon by the proposal.

- 11) The Applicant must ensure that no excavation below existing ground is undertaken without the nominated Excavation Director being present at the site.
- 12) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in *Dairy Farmers Co-Op, Bathurst, NSW, Research Design*, prepared by Matthew Kelly (AHMS) in 2007, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- 13) The Applicant must cease excavation and notify the Heritage Council of NSW if human skeletal remains are uncovered that are deemed to be over 50 years old.
- 14) The Heritage Council of NSW must approve any substantial deviations from the approved research design outlined in *Dairy Farmers Co-Op, Bathurst, NSW, Research Design*, prepared by Matthew Kelly (AHMS) in 2007, including extent and techniques of excavations, as an application for the variation or revocation of a permit under section 144 of the 'Heritage Act, 1977'.
- 15) The Applicant must ensure that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
- 16) The Applicant must ensure that the nominated Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, 'How to Prepare Archival Records of Heritage Items' (1998) and 'Guidelines for Photographic Recording Of Heritage Items Using Film or Digital Capture' (2006).
- 17) Because this approval covers archaeological testing only, it is expected that the relics identified on site during the work will, as far as possible, be retained in-situ. Nevertheless, the Applicant is responsible for the safe-keeping of any relics removed from the site during the testing program.
- 18) The Applicant must ensure that those parts of the site under archaeological investigation are made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage or destruction during and after fieldwork.
- 19) Although it is expected that the relics identified on site during the work will, as far as possible, be retained in-situ, the Applicant must ensure that the nominated Excavation Director cleans, stabilises, identifies, labels, catalogues and stores any artefacts recovered from the site during the archaeological testing program in a way that allows them to be retrieved according to both type and provenance.
- 20) The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, is submitted to the Heritage Council of NSW for approval within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the 'Heritage Act, 1977'.
- 21) Adequate mitigation strategies must be addressed and discussed with the Heritage Council of NSW or its delegate in light of the archaeological testing results. The following must also be addressed at the conclusion of the testing programme:

- a) In the event that the archaeological testing reveals that archaeological remains of State significance are located within the site, and that those remains will be negatively impacted by the proposed development, then the applicant is required to submit a new S140 application and Archaeological Research Design to the Heritage Council of NSW for approval prior to undertaking any further works on the site. The new application would determine the acceptability of the proposed development of the site on the archaeological resource. Adequate mitigation strategies, including the potential for in-situ retention, must be addressed and discussed with the Heritage Council of NSW or its delegate in light of the findings from the archaeological testing.
  - b) In the event that the archaeological testing reveals that archaeological remains of Local significance are located within the site and those remains will be negatively impacted by the proposed redevelopment works, then the Applicant is required to seek a variation of the excavation permit under section 144 of the *Heritage Act, 1977*. To this end, the Applicant shall submit a report that discusses the results of the archaeological testing. This report should include a revised assessment of the significance of the site and adequate strategies, including interpretation, to mitigate the impact of the proposal on the archaeological remains.
  - c) In the event that the archaeological testing reveals that remains of State significance are present but where those remains will not be negatively impacted by the proposed development works, then the Applicant is required to submit a written summary of those results and the proposed mitigation strategy to the Heritage Council of NSW or its delegate for approval prior to undertaking any further excavation works in the affected area(s).
  - d) In the event that the archaeological testing reveals that no archaeological remains are located within the subject site, then the applicant must submit a written summary of those results and the proposed mitigation strategy to the Heritage Council of NSW or its delegate for approval, prior to undertaking any further works in the affected area(s).
- 22) The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW in accordance with section 144 of the 'Heritage Act, 1977'.
  - 23) The Applicant must ensure that one (1) electronic copy of the final excavation report is submitted on CD to the Heritage Council of NSW together with two (2) printed copies of the final excavation report. These reports are required in accordance with section 146(b) of the 'Heritage Act, 1977'. The Applicant must also ensure that further copies are lodged with the local library and/or another appropriate local repository in the area in which the site is located.
  - 24) The Applicant must ensure that the information presented in a final excavation report includes the following:
    - a) Executive summary of the archaeological programme;
    - b) Due credit to the client paying for the excavation, on the title page;
    - c) An accurate site location and site plan (with scale and north arrow);

- d) Historical research, references, and bibliography;
- e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
- f) Nominated repository for the items;
- g) Detailed response to research questions (at minimum those stated in the Heritage Council approved Research Design);
- h) Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the sites and recommendations for the future management of the site;
- i) Details of how this information about this excavation has been publicly disseminated (for example, provide details about Public Open Days and include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the site).

This information is required in accordance with section 146(b) of the 'Heritage Act, 1977'.

- 25) The Applicant must ensure that should any Aboriginal objects be uncovered, excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with section 91 of the 'National Parks and Wildlife Act, 1974'.
- 26) The Applicant must ensure that any excavation which has revealed Aboriginal objects should be referred to the Aboriginal Liaison Officer at the NSW Heritage Office (Ph.: 02 9873 8500) as well as the Department of Environment and Climate Change.

## 5.2 430-436 Smollett St, Albury - IDA

Demolition was sought to facilitate the future development of the rear half of the site. The nature of this redevelopment had not been stated. The Statement of Heritage Impact concludes that the impact on the heritage significance of the item is acceptable because it is not original fabric and is towards the rear of the site and therefore not easily visible from Smollett Street. It does not address the contribution that the residential wing makes to the heritage significance of the property as a major hotel in an important regional town. The application in its current form was not recommended for approval. Just prior to the meeting of the Heritage Council the applicant withdrew the application in order to submit a more detailed proposal at a later date.

The Heritage Council formally noted the withdrawal of the application and noted the concerns of the Heritage Office and requested that the Heritage Office continue to consult with the applicant to achieve an appropriate outcome.

## **6. Development Application Referrals and Major Project Application Referrals Under Part 3A of EP&A Act**

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NIL

## **7.0 Matters for Consideration**

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NIL

## **8.0 Matters for Information**

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NIL

## **9.0 General Business**

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Planning Workshops for regional offices has commenced with training sessions already completed for Wollongong, Dubbo/Tamworth, Grafton and Newcastle. These workshops have been received with enthusiasm and expressions of gratitude from regional planning teams. The workshops have broadened an understanding of planning systems and obligations under the EP&A Act, while enabling the Heritage Office to gain an appreciation for the pressures faced by regional planning teams.

Another course on Infill and Adaptive Re-Use is also being planned and will follow a similar format.

There being no further business the Chair closed the meeting at 9:45 pm.

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| <b>Michael Collins</b><br>Chair<br>Approvals Committee<br>Heritage Council of NSW<br>Date: | <b>Next Meeting of the Approvals Committee</b><br>3 October, 2007<br>3 Marist Place<br>Parramatta |
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