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Mr Michael Woodland
Director
Metropolitan and Regional Projects South
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attn: Mr Anthony Witherdin

Dear Mr Woodland

RE: Section 75W request to modify the approved Project Application for West Keira Development and Wollongong Central Redevelopment, Wollongong (MP06_0209 MOD 3)

Reference is made to your letter dated 5 August 2011 regarding the above application. The delay in reply is regretted but was caused by key staff being on leave.

The Heritage Branch understands that the above project was approved with conditions under Part 3A of the NSW *Environmental Planning and Assessment Act 1979* in April 2008. The Project was not previously referred to the Heritage Branch, so the Branch had not previously had the opportunity to review any of the Project documentation or assess the impacts of the project.

The approved scheme involves the erection on the West Keira site of a new six-level retail centre including a single-level basement car park, three levels of retail space and two levels of above-ground parking, and the interconnection of this new centre via a tunnel and a bridge over/under Keira Street with Wollongong Central, which itself will be the subject of alterations and additions. A Heritage Impact Statement prepared for the EA report *concluded that the overall heritage impact of the proposed development is considered acceptable.*

Modification 3 for this proposal, which has now been referred to the Heritage Branch seeks approval to refine the detailed design of the development. This would include matters such as changes to provide enhanced pedestrian linkages, changes to façade treatments, refinement of internal planning details and changes to project staging. With regard to Modification 3 currently under assessment, the Heritage Branch notes that the project documents for this modification include a letter provided by Orwell & Peter Phillips Architects dated July 2011 which has assessed the heritage impacts of the modification against the Statement of Heritage Impact previously completed by the same consultant for the Major Project. That letter concludes that:

the conclusions and recommendations of the July 2007 Heritage Impact Statement remain largely unchanged. The horizontal setback of the street façade from the present corner of Keira Street and Crown Lane, resulting from the creation of the South East Court, will reduce the visual impact of this

façade on the setting of the listed heritage group in Crown Street. It does not appear to me that the increase in the height of the West Keira podium façade to Crown Lane will interfere with the view of the listed group of shops from Crown Street, and its visual impact on the group would be further reduced if the building on the corner of Crown Street and the south side of Crown Lane is retained.

As the changes proposed by Modification 3 to project approval MP06_0209 would not have any additional heritage impacts beyond those already assessed for the approved project, the Heritage Branch has no objection to Modification 3 on heritage grounds.

In reviewing the Project Documents and approvals, however, the Heritage Branch has become aware of another heritage impact likely to arise from the development which may not be appropriately managed by the existing Conditions of Approval.

The original EA for the project included a specific Archaeological Assessment report prepared by Casey & Lowe Pty Ltd, dated June 2007. That report identified that an archaeological resource of Local heritage significance is likely to be present on the site, namely six building sites shown on an 1884 plan, including a manse and hotel. An archaeological testing program was recommended, to be followed by an archaeological salvage program if required.

The Archaeological Assessment contained the erroneous advice that a S140 permit should be obtained under the Heritage Act, 1977. As a result of that advice the Statement of Commitments for the Project provided in the Preferred Project Report dated December 2007 (p43-44) adopts the following measures:

8 Heritage Archaeology

A Future redevelopment works have the potential to disturb nineteenth-century archaeological remains, however Part 3A projects are exempted from the requirement to obtain a Section 140 Excavation Permit (Heritage Act 1977). Any approvals or permits required to be obtained as part of the conditions of Concept or Project approval will be complied with.

B In the event that substantive remains have survived, an archaeological recording program should be put forward to record a sample of the site's remains. The sampling will focus on the sites shown on the 1884 plan, as recommended by the Casey and Lowe 'Archaeological Assessment Report' submitted with the application.

C Any artefacts recovered from the site will be catalogued and reported in accordance with the standard Heritage Office conditions of consent.

D Consideration will be given to interpretation of the results of the archaeological program within the public spaces of the proposed development.

The approval issued for the project in April 2008 included the following Condition of Approval related to archaeology:

D7 Impact of Below Ground (Sub-surface) Works — Archaeological Objects

If any archaeological objects are exposed during construction works, the Proponent shall immediately stop work on the site and notify the NSW Heritage Council in accordance with Section 146 of the NSW Heritage Act 1977 and the Department of Conservation and Climate Change (DECC) and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NSW Heritage Council and DECC to cease work for the purposes of archaeological investigation and recording.

The experience of the Heritage Branch in dealing with similar archaeological sites suggests that archaeology will be encountered during sub-surface excavation works at the site and that it would have been preferable for the Conditions of Approval to require the submission of an Archaeological Research Design and Strategy for the site in accordance with standard Heritage Council requirements and practice.

It is considered highly likely that the need to complete an archaeological salvage excavation will occur as part of the redevelopment of the site. It is also the experience of the Heritage Branch over many years that pro-active management of archaeology early in a project such as this and appropriate Conditions of Approval usually prove preferable to the 'unexpected' discovery of archaeological relics once the project is underway and critical time-frames are in place.

The above advice is offered for the information of the Department in regards to this project. It is also recommended that the Department should make the proponent aware of this as soon as possible, given that Condition D7 as quoted above will require construction work to be stopped for the purpose of completing archaeological investigations and salvage.

If you have any questions regarding the above matter please contact Siobhan Lavelle at the Heritage Branch, Office of Environment & Heritage, using the contact details on this letter.

Yours sincerely



31/10/2011

Vincent Sicari

Manager

Conservation Team

Heritage Branch

Office of Environment & Heritage

AS DELEGATE OF THE NSW HERITAGE COUNCIL