



Contact: Siobhan Lavelle
Phone: 02 9873 8546
Fax: 02 9873 8599
Email: siobhan.lavelle@heritage.nsw.gov.au
File: 10/11198
Our Ref: B548804
Your Ref:

Mr John O'Neill
Australian Turf Club
Royal Randwick Racecourse
77-97 Alison Road
RANDWICK NSW 2031

Dear Mr O'Neill

**RE: Application for a S139(4) Exception under the NSW Heritage Act, 1977
For Redevelopment of the Spectator Precinct at Royal Randwick
Racecourse – Exception Not Needed due to Major Project Approval
(MP10_0097)**

Reference is made to a Section 139(4) application form lodged with a letter dated 4 November 2011, regarding the above site. The Exception was requested under S139(4) of the NSW *Heritage Act, 1977*, under category 1C, which applies where a site has been found to have 'little or no archaeological potential'.

The Heritage Branch understands that the Redevelopment of the Spectator Precinct has been approved as a Major Project under Part 3A of the Environmental Planning & Assessment Act, 1979. Approval was granted for Major Project MP10_0097 on 7 February 2011. Under the assessment and approval process established by Part 3A of the EPA Act, and in particular by Section 75U various other Approvals Legislation does not apply to such projects. This included specifically: 'an approval under Part 4, or an excavation permit under section 139 of the Heritage Act, 1977.'

Thus, as Delegate of the NSW Heritage Council, I advise you that there is no requirement for the Australian Turf Club to obtain an Exception or an Excavation Permit for the works which form part of the approved MP10_0097.

This advice was also provided to your consultants from City Plan Heritage in a telephone conversation with Heritage Branch staff after receipt of the S139(4) Application.

In the event that (unanticipated) historical archaeological 'relics' are found during the works then the Heritage Council would need to be notified under S146 of the NSW Heritage Act, 1977, which has not been suspended.

The Heritage Branch also notes that the Notice of Determination for MP10_0097 indicates that a number of Consent Conditions relate to the management of heritage and/or archaeological issues. In particular conditions listed under C14, C15, C16 and C17 of the consent.

Submission of information which satisfies the Major Project Consent Conditions should be via the Department of Planning & Infrastructure unless the specific conditions also require that information is to be provided to the Heritage Council of NSW (and/or the Heritage Branch).

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



24/11/2011

Vincent Sicari
Manager
Conservation Team
Heritage Branch
Office of Environment & Heritage
AS DELEGATE OF THE NSW HERITAGE COUNCIL

cc. Mr Michael Woodland, Director, Metropolitan Projects, Department of Planning & Infrastructure,
GPO Box 39 SYDNEY NSW 2001
Ms Gina Scheer, City Plan, Level 1, 364 Kent Street, SYDNEY, NSW 2000
Randwick City Council, DX 4121, Maroubra Junction