



Ref: DOC19/994309

Mr Rodger Roppolo
Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

By email: rodger.roppolo@planning.nsw.gov.au

Dear Mr Roppolo

RE: SSD 10285 — Leger Lawn Development (Winx Stand) – Exhibition

I refer to an email from the Department dated 13 November 2019 inviting comments and advice from the Heritage Council of NSW for the above State Significant Development proposal. The proposal involves development of a new two storey “Winx Stand” multipurpose facility on the Leger Lawn which is located next to the existing QE-II Grandstand, and within the Spectator Precinct of the Royal Randwick Racecourse.

The Racecourse precinct is not currently listed on the State Heritage Register (SHR). However, the entire site is located within and forms the majority of the C13 Racecourse Heritage Conservation Area under Schedule 5 of the Randwick Local Environmental Plan 2012 (Randwick LEP 2012). The members stand on site is listed as a local heritage item under Schedule 5 of the Randwick LEP 2012, as Item 249, ‘Members’ Stand/Official Stand, Royal Randwick’. This is the only heritage item listed within the Royal Randwick precinct.

The Environmental Impact Statement (EIS) prepared Urbis Pty Ltd dated October 2019 and key documents including the following appendices were reviewed:

- Appendix E: Heritage Impact Statement (Urbis Pty Ltd)
- Appendix Y: Historical Archaeology Assessment (Urbis Pty Ltd)
- Appendix D: Landscape Assessment (Stuart Noble & Associates)

The Secretary’s Environmental Assessment Requirements (SEARs) dated 26 April 2019 required that the EIS include a Heritage Impact Statement (HIS) and an Historical Archaeological Assessment. Both those documents were included in the EIS

In regard to the built heritage and setting of the Racecourse precinct, key findings from the HIS and EIS are that:

- The location where the proposal is to be located is presently cleared land with temporary structures.
- No significant landscape or built elements will be affected by the proposed development.
- The proposal will result in no visual or physical impacts on the heritage listed members stand to the north.
- The proposal will overall enhance the significance of the racecourse conservation area.
- The proposal has been sited and designed to ensure that it will not detract from the racecourse setting and does not dominate significant views within the entire site.
- The proposal does not adversely impact existing heritage buildings or the character of the Racecourse Precinct Heritage Conservation Area.

The landscape assessment found that there would be a moderate to low impact of the proposal on the Formal Spectator precinct, noting that the area has already undergone significant change and the site for the new building is at the most southern end of the character zone and does not contribute to the character of the formal Spectator Precinct.

Historical Archaeology:

It is noted that the SEARs required that: 'The Historical Archaeological Assessment (HAA) should be prepared by a suitably qualified historical archaeologist in accordance with the Heritage Council Guidelines for Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and 'Relics' (2009).'

The submitted Assessment report does not conform with this requirement, as it has not addressed the issue of significance for any of the 'potential historical archaeology' it has identified at the Racecourse. It has relied on general statements from an older CMP by GML Heritage in 2006. Specific changes occurred to the Heritage Act in 2009 regarding archaeological 'relics', namely that if an object or deposit is not of any significance then it is not a 'relic'. It appears that the authors of the HAA are not familiar with current requirements for historical archaeology, nor with the relevant guidance material, nor the current statutory regime that applies.

The HAA makes the following recommendations for suggested mitigation measures, most of which are incorrect:

- Consultation should be carried out with the NSW Heritage Division, now known as the Community Engagement, Department of Premier and Cabinet (Heritage NSW) to clarify the required permit classification and methodology to compliment the Aboriginal archaeological staged salvage excavation of the proposed pylon locations.

Comment: Heritage NSW does not provide this kind of advisory service. Any recommended archaeological investigations and methodology should have been outlined in the HAA document. They should reflect the assessed significance of the archaeology and usual professional practice.

- Should an archaeological test excavation be warranted, a detailed Archaeological Research Design should be prepared to support a section 140 permit applications under the Heritage Act 1977.

Comment: This recommendation in the HAA is not in accordance with the legislation or the planning regime for the site. The SSD provisions of the EPA Act suspend the Heritage Act requirements for permits. This advice is incorrect.

- If a s.140 permit is warranted, the archaeological excavation should be carried out in line with the ARD to investigate the nature, extent, potential and significance of the archaeological resources.

Comment: as above. The SSD provisions of the EPA Act suspend the Heritage Act requirements for permits. The HAA refers to an 'ARD' (Archaeological Research Design) as if one already exists. This may be a carry-over from some prior HAA document for a different site. Other parts of the document for example commentary in Section 6 about how archaeology may be found in building cavities within existing buildings also seem to derive from other documents or be standard report text, as this situation does not exist at this particular site.

- Should no archaeological test excavation be warranted, a section 139 exemption permit applications should be submitted to Heritage NSW under the Heritage Act 1977.

Comment: as above. The SSD provisions of the EPA Act suspend the Heritage Act requirements for permits or Exceptions (not S139 'Exemptions'). Even if permits or exceptions applied, whether they would be needed would depend upon the assessed significance of any historical 'relics'.

The HAA report notes that this area of the Randwick Racecourse was developed with a series of spectator stands and rebuilds of those stands and other facilities. These included St Leger Stands (1867; replaced 1882; replaced again 1911); The Queen's Stand (1910) and the Scratching Tower (c.1910). These buildings stood until the 1980s, were demolished, and then covered with fill to form the St Leger Lawn. Because of these prior structures the HAA found that 'the subject area is determined to have moderate to high archaeological potential for subsurface archaeological materials relating to the previous structures.'

As noted, an appropriate assessment of significance is not present and the report has not distinguished between archaeological potential and significance. The result is that the HAA report has not explained how any of the archaeological evidence from these demolished structures would provide information unavailable through other sources. It has not been demonstrated that an historical archaeological program here would yield meaningful information to address substantive research questions. Most importantly, the HAA has not demonstrated that the site would contain any 'relics' within the meaning of the NSW Heritage Act, 1977. If there are no historical archaeological 'relics' then there is no need for the evidence of prior structures to be investigated or managed if the new proposal goes ahead.

Heritage NSW concurs with the overall findings of the EIS and considers that the proposal should not be opposed on any heritage grounds as it is unlikely to have any detrimental heritage impacts on the Randwick Racecourse. The proposal would continue the significant use of the place for racing and entertainment.

It is noted that no specific heritage mitigation is proposed because the new building would not be adjacent to any heritage listed structure and would have no impact on the heritage quality of the racecourse.

As there is no historical archaeology of significance at the Leger Lawn, it is recommended that an Unexpected Finds condition would be appropriate if the proposal is approved, but no actual historical archaeological investigations are required. It is also recommended that DPIE should consider whether interpretation of the former history of the site and the succession of prior historic spectator stands should be incorporated within the new "Winx Stand" and if so, to impose Interpretation Conditions on any issued consent.

If you have any questions regarding the above advice please contact me on 02 9873 8546 or siobhan.lavelle@environment.nsw.gov.au.

Yours sincerely



10 December 2019

Dr Siobhan Lavelle OAM
Senior Team Leader, Specialist Services
Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW