



16th April 2020

The Planning Secretary
Department of Planning, Industry & Environment
320 Pitt Street
Sydney, NSW 2000

Attention: Megan Fu
Project: Nihon University Newcastle Campus - SSD 9787
Re: Conditions of Consent C17 and C18

Dear Megan,

Reference is made to SSD 9787 Conditions of Consent C17 and C18 in relation to Archaeological Salvage - Historical Archaeology.

We hereby notify the Planning Secretary that consultation and submissions to Heritage NSW, Department of Premier and Cabinet in relation to Conditions of Consent C17 and C18 has been carried out. Attached is correspondence from the Heritage NSW confirming that the conditions have been met.

Should you require further clarification on the consultation and approval process please feel free to contact either Katherine Daunt or Edward Clode at dwp Australia Pty.

Yours sincerely,



Edward Clode
Design Director
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File: 17-0347_A-d01-20_let
Encl.: Heritage NSW, DOC20/174446
Heritage NSW, DOC20/283566

Katherine Daunt
dwp Australia Pty Ltd
19 Harris Street
Pyrmont NSW 2009, Australia
By email: Katherine.d@dwp.co

Dear Ms Daunt,

Request for Secretary's Environmental Assessment Requirements (SEARS) for Nihon University Newcastle Campus, SSD 9787

This letter responds to your referral which was received by Specialist Services, Heritage NSW on 2 March 2020 regarding the Conditions of Consent for the above State Significant Development (SSD) proposal.

The correspondence received referred to SSD 9787 Conditions of Consent C17 and C18 in relation to the Archaeological Salvage— Historic Archaeology requirements for the development.

The two SSD 9787 Conditions of Consent in full are as follows:

Condition C17:

C17. Following the completion of demolition works and prior to the commencement of construction works, all affected historical archaeological deposits are to be subject to professional archaeological excavation and recording. An Archaeological Research Design and Excavation methodology must be prepared to guide the archaeological program. This must be prepared in accordance with Heritage Council of NSW Guidelines and in consultation with Heritage NSW, Department of Premier and Cabinet.

Condition C18:

C18. The Archaeological program must be directed by a suitably qualified and experienced Archaeologist (Excavation Director). The nominated Excavation Director must be able to demonstrate their ability to undertake this work through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.

Supporting Condition C17 is an archaeological assessment, entitled *Revised Assessment Research Design and Excavation Methodology: Newcastle Court House, 9 Church Street Newcastle*, produced by AMAC Group and dated 2020. The proposed SSD site falls within two listings on the NSW State Heritage Register (SHR): the 'Newcastle Court House' (SHR no. 00796) and 'Newcastle Government House and Domain' (SHR no. 01841). The Assessment has interpreted the potential archaeology of the site as of Local significance, including for the reason that the site likely remained undeveloped prior to the construction of the Court House in c. 1892. The site is also listed as a heritage item I375, 'Courthouse', and item 1473, 'Newcastle Government House and Domains' in Part 1 of Schedule 5 of the Newcastle Local Environmental Plan (LEP) 2012. The item is described as being of Local significance. The site

is also included in C6 "The Hill Heritage Conservation Area", which is listed in Part 2 of Schedule 5.

To manage the archaeological resource on site, the *Assessment* has proposed an archaeological monitoring program, which would be zoned and targeted for areas identified as of archaeological potential and subject to impact from the proposed development. It is stated that only relics within development impact areas would be removed to facilitate construction work and, where possible, the rest will remain *in situ*. For the areas of the site where the scope of the works are considered to have nil impact on the potential archaeological record, monitoring is considered unnecessary and an Unexpected Finds Protocol would instead be in place for the duration of works to manage exposure of any unexpected archaeological material. If archaeological evidence is encountered in these areas, excavation would cease and AMAC Group would be contacted.

The *Assessment* provides an archaeological methodology in the appendices for general excavation which is employed by AMAC for every archaeological excavation. As such, the methodology has not been modified for the SSD proposal. The methodology does not include mention of surveying methods for recording archaeological levels reduced to Australian Height Datum (AHD) on site. Reduced levels AHD ensure the depths/levels of the archaeological resource and individual features, in relation to the development and modern ground levels, are recorded for the benefit and use of all. An Interpretation Strategy may also like to be considered by AMAC, in the case that State significant archaeology is discovered and given that the site is situated within the curtilage of SHR listed items,

Heritage NSW would also like to note that the implementation of excavation spits on an historical archaeological site may hinder the overall analysis of the site. Spits are typically isolated from the greater archaeological context and may (inadvertently) conceal and/or disturb archaeological stratigraphic relationships. Single context recording is key to documenting and interpreting an archaeological site, however spits may be incorporated into the single context methodology.

Importantly, the methodology states that if relics on site are found to be of State significance or otherwise outside of the range of relics predicted in the assessment of the site, excavation will cease in this area while Heritage DPC is notified.

Heritage NSW considers the *Assessment* provided as overall meeting the requirements of Condition C17.

Supporting Condition C18 is correspondence nominating Martin Carney and Kevin Hickson of AMAC Group as the alternate or Co-Excavation Directors for the archaeological works. Condition C18 requires that the Excavation Director *demonstrate their ability to undertake this work through a response to the Heritage Council's Excavation Director Criteria (July 2011)*. Documentation addressing the *Excavation Director Criteria* has not been supplied. Therefore, Heritage NSW considers that Condition C18 has **not** been met as insufficient information has been provided.

Heritage NSW would like to inform you that the 2011 *Excavation Director Criteria* was formally updated in 2019, however it is noted that the 2011 criteria applies to Condition C18 of the SSD. Notably, Co-Excavation Director roles were replaced by Primary Excavation Director and Secondary Excavation Director roles only from 2011 onwards.

The updated *Excavation Director Criteria* 2019 criteria may be found here:

<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/excavationdirectors.pdf>

If you have any questions regarding the above advice, please contact Dr Hana Lewis, Senior Historical Archaeologist, Specialist Services at Heritage NSW on (02) 9895 6521 or hana.lewis@environment.nsw.gov.au.

Yours sincerely



Dr Siobhan Lavelle OAM

Senior Team Leader, Specialist Services

Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

16 March 2020

Katherine Daunt
dwp Australia Pty Ltd
19 Harris Street
Pyrmont NSW 2009, Australia
By email: Katherine.d@dwp.co

Dear Ms Daunt,

Request for Secretary's Environmental Assessment Requirements (SEARS) Nihon University Newcastle Campus, SSD 9787

This letter refers to correspondence sent to Heritage NSW dated 08 April 2020, in relation to Consent Condition C18 for the above State Significant Development (SSD) proposal. Consent Condition C17 of the SSD has been met and is not the subject of this letter.

The SSD 9787 Condition of Consent in full is as follows:

Condition C18:

C18. The Archaeological program must be directed by a suitably qualified and experienced Archaeologist (Excavation Director). The nominated Excavation Director must be able to demonstrate their ability to undertake this work through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.

Heritage NSW has reviewed the updated Excavation Director documentation supplied and considers that it fulfills the requirements of Consent Condition C18.

Heritage NSW considers that Consent Condition C18 of SSD 9787 has been met.

If you have any questions regarding the above advice, please contact Dr Hana Lewis, Senior Historical Archaeologist, Specialist Services at Heritage NSW on (02) 9895 6521 or hana.lewis@environment.nsw.gov.au.

Yours sincerely



15/04/2020

Dr Siobhan Lavelle, OAM
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Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW