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File: SF18/29884
Our ref: DOC18/252634

Mr Joseph Cachia,
Director City Investments Pty Ltd
1/10 Doyle Avenue
UNANDERRA NSW 2526
Email: Admin@piruse.com

Dear Mr Cachia

Re: Excavation Permit – S140 for staged archaeological monitoring and salvage at 47 Burelli Street, Wollongong (Wollongong City LGA)

Reference is made to your application under Section 140 of the *Heritage Act* 1977 (the Act), to undertake archaeological work at the above property (Application number 2018/S140/010).

Under delegated authority approval is given for the S140 application for an archaeological excavation permit. Please note this permit is subject to the conditions attached. Acceptance of these statutory conditions by the Applicant and Excavation Director is a requirement of this permit. It should be noted that as the Applicant, this Approval (and the fulfilment of all subsequent conditions) rests with you and not the Land which is the subject of the works.

You are reminded that it is a condition of this permit that the Applicant is responsible for the safe keeping of artefacts recovered from this site. You are required to nominate a repository for archaeologically excavated material, as well as referencing the final location in the excavation report as per section 146(b) of the Act. This is to enable a record to be kept of the location of all archaeologically excavated material.

It should be noted that an approval for an archaeological permit under the Act covers only those archaeological works described in the application. Any additional archaeological investigations will require a further approval. It should also be noted that an approval for an archaeological permit under the Act is additional to those which may be required from other local, State or Commonwealth Government authorities. Inquiries about any other approvals needed should, in the first instance, be directed to the local council, State and Commonwealth Government where appropriate.

You are also requested to provide the following information:

- (1) The estimated total cost of the archaeological investigations (both in the field and laboratory), including GST;
- (2) The estimated total cost of the development/redevelopment, including GST;
- (3) Whether this project creates new long term jobs (for example through providing a new service or facility);
- (4) If this project creates new long term jobs, how many? and
- (5) How many construction and professional workers will be engaged on this project during the life of the project?

This information will help the Heritage Council of NSW determine the economic role of heritage in development in NSW and should be submitted to the Director of the Heritage Division within one (1) month of the completion of the field excavation programme. This information should be updated at the

end of the project and updated figures should be submitted with the Final Excavation Report to the Heritage Council for approval within one (1) year of the completion of the field excavation programme.

This permit, issued by the Heritage Council of NSW, does not give approval to harm Aboriginal objects. Aboriginal objects and Aboriginal places in NSW are protected under the *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to do any of the following without an exemption or defence (penalties apply):

- knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence)

The NPW Act provides a number of exemptions and defences to these offences and also excludes certain acts and omissions from the definition of harm. For more information about the regulation of Aboriginal cultural heritage, go to the OEHL website: <http://www.environment.nsw.gov.au/licences/achregulation.htm>

This permit is issued to the applicant on the condition that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. Permits are not transferable without the written consent of the Heritage Council of New South Wales. Your attention is drawn to the right of appeal against these conditions in accordance with section 142 of the *Heritage Act, 1977*.

ADVICE

Your attention is drawn towards the powers of entry and inspection under s.148 of the Heritage Act 1977 for authorised persons. If entry and inspection are required, reasonable notice will be provided as per the Act. The owner could voluntarily agree to allow non-authorised persons, such as Heritage Division (Office of Environment and Heritage) staff who are acting in a supporting role to the authorised persons, to enter their property for the purpose of inspection. Owners may also voluntarily grant permission to take photograph, take samples or request records.

Inquiries on this matter may be directed to Rebecca Newell, Historical Archaeologist at the Heritage Division, OEHL on 9873 8632 or via email at Rebecca.Newell@environment.nsw.gov.au.

Yours sincerely



Felicity Barry
Acting Senior Team Leader – Specialist Services
Heritage Division
Office of Environment and Heritage
As Delegate of the Heritage Council of NSW
6 June 2018

Enclosure: Approval Conditions for S140 Permit

CC: The Chief Executive Officer, Wollongong City Council, E: council@wollongong.nsw.gov.au
Excavation Director, Mr Alexander Beben, Biosis Pty Ltd E: abeben@biosis.com.au
Secondary Excavation Director, Ms Lian Flannery, Biosis Pty Ltd, E: lflannery@biosis.com.au

Approved Archaeological Works

01. All works shall be in accordance with the approved research design and methodology outlined in 'Historical Heritage Assessment: Civic Place, 47 Burelli Street, Wollongong NSW' draft report prepared by Biosis for ADM Architects on behalf of City Investments Pty Ltd dated 13 June 2017 and 'Re: Request for further information – S140 47 Burelli Street' prepared by Biosis Heritage dated 31 May 2018.

except as amended by the following conditions:

02. This permit covers archaeological monitoring and salvage of relics, of local heritage significance only. Relics of State heritage significance cannot be removed.
03. This archaeological approval is valid for five (5) years from the date of approval. Requests for extensions beyond this time must be made in writing prior to expiry of the permit.

Fieldwork

04. The Heritage Council of NSW or its delegate must be informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site. The Heritage Council and staff of the Heritage Division, Office of Environment & Heritage authorised under section 148(1) of the *Heritage Act, 1977*, reserve the right to inspect the site and records at all times and to access any relics recovered from the site.
05. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Historical Heritage Assessment: Civic Place, 47 Burelli Street, Wollongong NSW **draft report** prepared by Biosis for ADM Architects on behalf of City Investments Pty Ltd dated 13 June 2017, and 'Re: Request for further information – S140 47 Burelli Street' prepared by Biosis Heritage dated 31 May 2018 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.
06. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.
07. The Heritage Council of NSW must approve any substantial deviations from the approved research design outlined in 'Historical Heritage Assessment: Civic Place, 47 Burelli Street, Wollongong NSW **draft report** prepared by Biosis for ADM Architects on behalf of City Investments Pty Ltd dated 13 June 2017, and 'Re: Request for further information – S140 47 Burelli Street' prepared by Biosis Heritage dated 31 May 2018, 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*.
08. The Applicant must ensure that the approved Primary Excavation Director or Secondary Excavation Director nominated in the section 140 application 2018/S140/010, Mr Alexander Beben, or Ms Lian Flannery are present at the site supervising all archaeological fieldwork activity likely to expose significant relics
09. The Applicant must ensure that the approved Primary Excavation Director or Secondary Excavation Director nominated in the section 140 application 2018/S140/010, Mr Alexander Beben or Ms Lian Flannery, take 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 relevant Heritage Council guidelines.

10. The Applicant must ensure that the nominated Excavation Directors brief all personnel involved in the project about the requirements of the NSW *Heritage Act, 1977* in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
11. The Applicant must ensure that the nominated Excavation Directors and the excavation team is given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.
12. The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
13. The Applicant is responsible for the safe-keeping of all relics recovered from the site.

Analysis and Reporting

14. The Applicant must ensure that the approved Primary Excavation Director, Secondary Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.
15. The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, prepared by the approved Primary Excavation Director or Secondary Excavation Director nominated in the section 140 form, Mr Alexander Beben or Ms Lian Flannery, 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*.
16. The Applicant must ensure that a final excavation report is written by the approved Primary Excavation Director and Secondary Excavation Director nominated in the section 140 application 2018/S140/010, Mr Alexander Beben and Ms Lian Flannery, 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*.
17. 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. It is also required that all digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.
18. The Applicant must ensure that the information presented in a final excavation report includes the following:
 - a/. An 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) and including geo-reference data;
 - 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 Echlin Cottage and other domestic sites within Wollongong and surrounds; recommendations for the future management of the site and how much of the site remains undisturbed;

- 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).

19. **Compliance**

If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.