

Our Ref: DOC19/366291
Your Ref: DA 19/342

Ms Leanne Harris
Coordinator Development Assessment
Planning Environment & Lifestyle
Maitland City Council
285-287 High Street
Maitland NSW 2320
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Attention: Leanne Harris

Dear Ms Harris

HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION IDA/2019/042

Site: Maitland Town Hall and adjacent Office Building and Supper Room, High Street, Maitland, 2320 - SHR N^o. **00183**

Proposal: New public administration building, alterations and additions to Maitland Town Hall, associated site improvements, car parking and demolition of 2 residential dwellings.

Additional Information Yes, received 23 July 2019.

Requested:

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following terms of approval are proposed to be granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings prepared by BVN Architecture as listed below:

Drawing No.	Title	Date	Rev
Project Name: THE CITY ADMINISTRATION CENTRE			
A-XX-00	COVER SHEET	2/04/19	B
A-XX-01	EXISTING SITE PLAN	2/04/19	B
A-XX-02	PROPOSED SITE PLAN	2/04/19	B
B-XX-00	FLOOR PLAN LV 00	2/04/18	C
B-XX-01	FLOOR PLAN LV 01	29/03/19	B
B-XX-02	FLOOR PLAN LV 02	29/03/19	B
B-XX-04	FLOOR PLAN ROOF	29/03/19	B
B-XX-05	FLOOR PLAN LV B1	2/04/19	C
C-XX-00	NORTH AND SOUTH ELEVATION	29/03/19	C
C-XX-01	WEST AND EAST ELEVATION	29/03/19	C

D-XX-01	CROSS SECTIONS	29/03/19	C
D-XX-04	LONG SECTIONS	29/03/19	C
R-XX-02	GFA AREAS	29/03/19	B
R-XX-04	SHADOW DIAGRAMS - SUMMER	29/03/19	B
R-XX-05	SHADOW DIAGRAMS - WINTER	29/03/19	B
R-XX-17	FINISHES BOARD	29/03/19	B
U-XX-00	DEMOLITION PLAN LV 00	2/04/19	C
U-XX-01	DEMOLITION PLAN LV 01	29/03/19	B
U-XX-02	DEMOLITION PLAN LV ROOF	29/03/19	B
U-XX-03	DEMOLITION PLAN LV B1	29/03/19	B

- b) Landscape Report and drawings as listed below, prepared by Urbis

GROUND LEVEL LANDSCAPE PLAN	2/04/19
LEVEL 1 LANDSCAPE PLAN	2/04/19
LEVEL 2 LANDSCAPE PLAN	2/04/19

- c) Statement of Heritage Impact (SOHI), Proposed City Administration Centre (incorporating Maitland Town Hall and Town Hall Café), prepared by Matt Devine and Co., dated April 2019
- d) Interpretation Strategy, Maitland City Administration Centre, prepared by Romey Knaggs Heritage, dated April 2019
- e) Historical Archaeological Assessment, City Administration Centre, prepared by Eureka Heritage, dated April 2019
- f) Historical Archaeological Assessment, Supplementary Assessment for Maitland Town Hall & Annex, 277-283 High Street, Maitland NSW, Proposed City Administration Centre, prepared by Eureka Heritage, dated July 2019

EXCEPT AS AMENDED by the following conditions of this approval:

DESIGN MODIFICATION REQUIRED

2. The proposed infill structure between the Annexe and the café is to be set back to align with the external wall of the entry recess of the Annexe Foyer and the face brickwork is to be amended to match the proposed grey bricks (BR-1) with a simple bond pattern. Amended drawings and finishes schedule are to be submitted for the approval of the Heritage Council or its Delegate with the Section 60 application.

Reason: To maintain the prominence of the Annexe on High Street and reduce adverse impact on its setting.

SPECIALIST TRADESPERSONS

3. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

HERITAGE CONSULTANT

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

HERITAGE INTERPRETATION PLAN

5. An Interpretation Plan (Plan) must be prepared in accordance with the recommendations of the Maitland City Administration Centre, Interpretation Strategy, prepared by Romey Knaggs Heritage and submitted for approval to the Heritage Council of NSW (or delegate) with the S60 application.
6. The Interpretation Plan must identify the types, locations, materials, colours, dimensions, fixings, text and images of interpretive devices that will be installed as part of this project.
7. The physical outcomes of the approved Interpretation Plan must be in place prior to the issue of an occupation certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places and allows the heritage to be understood and appreciated by users of the site.

MOVABLE HERITAGE

8. The movable heritage of the site detailed in individual inventory sheets within the CMP (Appendix B) are to be kept and stored safely on site, then deployed on site, based on research, prior to the issue of an occupation certificate.

Reason: To ensure significant items of movable heritage are conserved and remain on site to facilitate future conservation, use and interpretation.

SITE PROTECTION

9. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

DEMOLITION, SALVAGE AND REUSE STRATEGY

10. A demolition, salvage and reuse strategy be prepared by a suitably qualified consultant that catalogues significant fabric graded Considerable or higher that is proposed for removal. The Strategy must record the location of these items and all items are to be stored safely on site to allow future replacement or relocation. The report must be submitted to Heritage Council or its Delegate for review and approval prior to the issue of a Construction Certificate.

Reason: To ensure significant fabric including: joinery items, doors and windows graded High or Considerable are kept in place unless essential for the operational requirements and if they must be removed they should be reused where new doors and windows are degraded or need to be introduced.

PHOTOGRAPHIC ARCHIVAL RECORDING

11. A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the NSW Heritage Division publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to the Heritage Division, Office of Environment and Heritage.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

12. HISTORICAL ARCHAEOLOGY

- a. The Applicant shall submit a revised Archaeological Assessment, Archaeological Research Design and Excavation Methodology (ARD) undertaken by a suitably qualified and experienced historical archaeologist as part of the section 60 application. This documentation shall comply with Heritage Council of NSW guidelines including but not limited to *Assessing Significance for Historical Archaeological sites and Relics 2009* and *Archaeological Assessments 1996*. It shall include a revised statement of significance and detailed assessment of impacts from the proposed development. It shall focus on the area at the rear of the Town Hall associated with outbuildings associated with the Maitland Inn, including Stone's Horse Mill, and the remains of buildings fronting High Street, including the Maitland Inn.
- b. The name of a nominated Excavation Director suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level shall be included in the Section 60 Application.
- c. Following the receipt of the revised Archaeological Assessment, Archaeological Research Design and Excavation Methodology as part of the Section 60 Application, the Heritage Council of NSW reserves the right to issue Archaeological Conditions as part of the Section 60 Approval to manage the archaeology. Matters such as (but not limited to) fieldwork methodology, artefact analysis, final reporting may be included as part of these archaeological conditions.

Reason: The archaeological assessment prepared for this IDA has identified areas of archaeological potential which will require management under any Section 60 Approval. The significance assessment of these potential archaeological remains needs to be revised in light of how they relate to the historic development of NSW.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

13. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval 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.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

14. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Office of Environment and Heritage has

been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

15. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

SECTION 60 APPLICATION

16. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

ADVICE

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

HISTORICAL ARCHAEOLOGY ADVICE

As the proposed development is likely to contain historical archaeological relics associated with the post 1830 development along High Street, you are also advised that an approval under s141 of the *Heritage Act 1977* is required prior to any ground disturbing activities in areas of identified archaeological potential outside the State Heritage Register (SHR) curtilage. As this area is outside the SHR curtilage it falls outside the scope of the General Terms of Approval contained in this letter. Nevertheless, it is appropriate to provide some guidance as to what this approval will require.

The potential archaeological remains fronting High Street are likely to date from the 1830s. This would make them associated with the early development of Maitland, which is a phase of development that is significant to the historical development of NSW, when European settlers moved in large numbers to populate townships outside of the Cumberland Plain. As such, these archaeological remains may be of State significance.

Experience from multiple sites in NSW also indicate that contact archaeology associated with the interaction of local Aboriginal people and European settlers is not uncommon in early towns. The lower impact of buildings in early towns can also preserve archaeology associated with pre-contact Aboriginal heritage. Approvals to impact Aboriginal archaeology rest with the Department of Planning, Industry and Environment.

An appropriate management strategy may incorporate archaeological testing, open-area salvage of archaeological remains, and design that facilitates *in situ* conservation for verified State significant archaeology. The s140 application for an excavation permit would need to be accompanied by supporting documentation including a revised Archaeological Assessment, Archaeological Research Design and Excavation Methodology (ARD) undertaken by a suitably qualified and experienced historical archaeologist. This documentation should comply with Heritage Council of NSW guidelines including but not limited to *Assessing Significance for*

Historical Archaeological sites and Relics 2009 and Archaeological Assessments 1996. The application will also be required to name a suitably qualified and experienced historical archaeologist to act as Excavation Director.

Therefore, we recommend that the following conditions be incorporated into any DA consent to facilitate compliance with the archaeological 'relics' provisions of the *Heritage Act*.

1. The applicant must apply obtain an approved s140 application under the *Heritage Act 1977* prior to any ground disturbing activities commencing. This application will need to include a revised archaeological assessment, an archaeological research design and methodology, and clearly outline what mitigation measures are proposed to avoid harm to any significant deposits.
2. Prior to the issue of the occupation certificate by Council and/or the Principal Certifying Authority, the Applicant shall supply a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that their requirements under any Heritage Act 1977 approval have been satisfied.

Reasons: The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics.

If you have any questions regarding the above General Terms of Approval for Maitland Town Hall and adjacent Office Building & Supper Room, please contact James Quoye, Senior Heritage Assessment Officer, at Heritage, Community Engagement, Department of Premier and Cabinet, on 9873 8612 or james.quoye@environment.nsw.gov.au

Yours sincerely



14/08/2019

Katrina Stankowski
Senior Team Leader, Heritage Assessments North
Heritage, Community Engagement, Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW