Juniperina Juvenile Justice Centre
Heritage Assessment and Statement of Heritage Impact

Prepared for Public Works Advisory, Department of Finance, Services, and Innovation
21 March 2017
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Biosis project no.: 24360

File name: 24360.MaryWadeCorrectionalFacility.SoHI.FIN01.20170321


Document control

Version Internal reviewer Date issued
Draft version 01 AJB 08/03/2017
Final version 01 AE 21/03/2017

Acknowledgements

Biosis gratefully acknowledges the contributions of the following people and organisations (listed alphabetically) in preparing this report:

- Public Works Advisory, Department of Finance, Services and Innovation – Kristen Parmeter.

Biosis staff involved in this project were:

- Lauren Harley for Mapping.

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## Glossary

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<td>CHL</td>
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<tr>
<td>CMP</td>
<td>Construction Management Plan</td>
</tr>
<tr>
<td>DA</td>
<td>Development Application</td>
</tr>
<tr>
<td>DECCW</td>
<td>Department of Environment, Climate Change and Water (now OEH)</td>
</tr>
<tr>
<td>DP</td>
<td>Deposited Plan</td>
</tr>
<tr>
<td>DPI</td>
<td>Department of Planning and Infrastructure</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Planning and Assessment</td>
</tr>
<tr>
<td>LEP</td>
<td>Local Environmental Plan</td>
</tr>
<tr>
<td>m</td>
<td>Metre</td>
</tr>
<tr>
<td>mm</td>
<td>Millimetre</td>
</tr>
<tr>
<td>OEH</td>
<td>Office of Environment and Heritage, Department of Premier and Cabinet</td>
</tr>
<tr>
<td>SEPP</td>
<td>State Environmental Planning Policy</td>
</tr>
<tr>
<td>SHI</td>
<td>State Heritage Inventory</td>
</tr>
<tr>
<td>SHR</td>
<td>State Heritage Register</td>
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<tr>
<td>SoHI</td>
<td>Statement of Heritage Impact</td>
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Summary

Biosis Pty Ltd has been commissioned by the Public Works Advisory, Department of Finance, Services and Innovation on behalf of the Department of Justice to undertake an historic period heritage assessment and statement of heritage impact (SoHI) for the proposed repurposing of the Juniperina Juvenile Justice Centre at Lidcombe, NSW (Figure 1). The proposed development will see the centre repurposed into a maximum security female remand correctional centre.

Background research and field survey identified a number of trees within the curtilage of the Juniperina Cottage, listed on the Auburn Local Environmental Plan 2010 and the Department of Juvenile Justice section 170 register, which would be impacted by the proposed works. All of these items have been previously identified. This assessment did identify the potential for the remains of a previous building which stood in the study area to be present subsurface, however this area is not due to be impacted by the current program of works.

The proposed works will involve the removal of a number of trees within a buffer of the fenceline of the correctional facility. These trees have previously been assessed as having heritage significance and form the boundary of former garden of the cottage. The removal of these trees has the potential to impact negatively on the heritage significance of the item, however the continued use of the cottage itself as an office facility would be in keeping with the CMP, and would ensure that the structure itself is maintained.

Provided that the recommendations are adopted for the project as well as any additional conditions of approval, the project may proceed with minimal loss of significance.

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS Burra Charter with the aim of doing as much as necessary and as little as possible, in order to make a site useable while retaining its cultural significance.¹

**Recommendation 1: The project may proceed with conditions**

The proposed works may result in loss of significance for the listed heritage item, but may proceed with conditions as any impacts will be mitigated through implementing the following recommendations.

**Recommendation 2: Replacement of removed trees with appropriate plantings**

The trees to be removed (number 26, 28, 31, 32, 33, 34, 35, 36, and 37) should be replaced with appropriate plantings where possible. These should be planted at the locations of the removed trees, and should be compliant with any requirements that the department has to ensure the security of the adjacent facility.

**Recommendation 3: Discovery of unanticipated Aboriginal objects**

All Aboriginal objects and places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the OEH and Aboriginal stakeholders.

Recommendation 4: Discovery of unanticipated historical relics

Should construction encounter unexpected structural or depositional remains, all works should cease. A determination should then be made by an appropriately qualified archaeologist of whether the remains identified are likely to be "relics" under the NSW Heritage Act 1977.

Where the remains are identified as being ‘relics’, the Heritage Council of NSW must be notified in accordance with section 146 of the NSW Heritage Act 1977. Failure to notify the Heritage Council is considered an offence under the act, with penalties including fines and imprisonment. After contacting the Heritage Council, a permit or exemption should be sought under the relevant section of the act to allow works to recommence.
1 Introduction

1.1 Project background

Biosis Pty Ltd has been commissioned by the Public Works Advisory, Department of Finance, Services and Innovation on behalf of the Department of Justice to undertake an historic period heritage assessment and statement of heritage impact (SoHI) for the proposed repurposing of the Juniperina Juvenile Justice Centre at 169 Joseph Street, Lidcombe, NSW (Figure 1). The proposed development will see the centre repurposed into a maximum security female remand correctional centre.

1.2 Study area

The study area is a property at 169 Joseph Street, NSW, which is located within the suburb of Lidcombe, Cumberland Local Government Area (LGA), Parish of Liberty Plains, County of Cumberland (Figure 1). The study area include Lot 4 DP 1046678 (Figure 2).

1.3 Planning approvals

The proposed development will be assessed against Part 5 of the Environmental Planning and Assessment Act 1979 NSW. Other relevant legislation and planning instruments that will inform this assessment include:

- Auburn Development Control Plan 2010
- Auburn Local Environmental Plan 2010
- Environmental Protection and Biodiversity Conservation Act 1999
- National Parks and Wildlife Act 1974 (NSW)
- National Parks and Wildlife Amendment Act 2010 (NSW)
- State Environmental Planning Policy (Infrastructure) 2007

1.4 Report methodology

This report was prepared in accordance with current heritage guidelines including Assessing Heritage Significance, Assessing Significance for Historical Archaeological Sites and "Relics" and Burra Charter2. This report provides an archaeological assessment to identify whether archaeological remains exist within the study area and assesses the significance and assess the any proposed impacts to any archaeological and build structures to determine the most appropriate management strategy.

1.4.1 Documentary investigation

Documents investigated include primary archival sources such as historic maps, plans and photographs, and newspapers. Secondary sources, including published and unpublished works, have been used to provide the historical context in this report. Information has been acquired from repositories including:

2 NSW Heritage Office 2001; Heritage Branch, Dept. of Planning 2009 and Australia ICOMOS Burra Charter 2013 and associated guidelines
Internet sources were also searched and include:

- Digitised Newspapers within Trove.
- The National Heritage List.
- The Commonwealth Heritage List.
- The State Heritage Register (SHR).
- The State Heritage Inventory.
- The Department of Juvenile Justice Heritage Register (s170 Register).
- The Australian Heritage Places Inventory.
- The heritage Schedule of the Auburn Local Environmental Plan 2011.
- Parish Maps.

1.4.2 Site investigation

The site inspection involved pedestrian survey of the study area in order to understand the heritage character of existing heritage items, the field investigation also sought to more accurately determine the nature and extent of any archaeological resources which may be present.

1.4.3 Assessment objectives

The following is a summary of the major objectives of the assessment:

- Identify and assess the heritage values of the study area. The study aims to achieve this objective by:
  - Provide a brief summary of the principle historical influences that have contributed to creating the present – day built environment of the study area using recourses already available and some limited new research.
  - Identifying sites and features within the study area which are already recognised for their cultural heritage value through statutory and non – statutory heritage listings.
  - Preliminary identification of the cultural heritage significance of sites and features within the study area which are not recognised through statutory heritage listings.
  - Preliminary identification of known or potential archaeological sites within the study area.
- Assess the impact of the proposed works on the cultural heritage significance of the study area.
- Recommend measures to avoid or mitigate any negative impacts on the cultural heritage significance of the study area.

1.5 Investigators and contributors

This report was prepared by James Cole, Archaeologist, with assistance from Samantha Keats, Research Assistant and Rebecca Morris, Research Assistant at Biosis Pty Ltd. This report has been reviewed by Alexander Beben, Principal Archaeologist at Biosis Pty Ltd.
1.6 Limitations of the report

This report is based on historical research and field inspections. It is possible that further historical research or the emergence of new historical sources may support different interpretations of the evidence in this report.

Although this report was undertaken to best archaeological practice and its conclusions are based on professional opinion, it does not warrant that there is no possibility that additional archaeological material will be located in subsequent works on the site. This is because limitations in historical documentation and archaeological methods make it difficult to accurately predict what is under the ground.

The significance assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.
Figure 1: Location of the study area
2 Historical context

2.1 Introduction

Historical research has been undertaken to identify the land use history of the study area, to isolate key phases in its history and to identify the location of any archaeological resources within the study area. The historical research places the history of the study area into the broader context of the Sydney region and specifically the Lidcombe area.

2.2 Lidcombe – regional context

Little is known about the early Aboriginal occupation of Lidcombe specifically, but the area fell within land associated with the Wangal clan. Wangal land is recorded as stretching from the south side of Darling Harbour to Rose Hill in the west. Prominent members of the Wangal clan include Bennalong and his wife Barangaroo, as well as Pemulwuy, who organized resistance to the settlement of the Sydney region between 1790 and 1802.

Colonial occupation within the Lidcombe region commenced with the initial granting of land in 1793 when the area was known as Liberty Plains, which comprises of today's suburbs of Auburn, Lidcombe, Flemington, Granville and Homebush. Early settlers such as H.G. Douglas, Samuel Haslam and Joseph Hyde Potts, the original grant in which the study area is located, all established farms on their land grants from 1804 (Plate 1).

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3 Attenbrow, 2002, p. 26  
4 GML, 2002, p. 11
Plate 1  Early parish map showing land grants in the Lidcombe region, pre 1881. The red arrow shows the approximate location of the study area (Source: NSW Land & Property Information).

The opening of the railway line between Parramatta and Sydney in 1855 led to development of the area, including the establishment of Rookwood Necropolis in 1876. A railway station at Haslam's Creek was opened in 1859 and although the exact location of the station is not known, it is likely the site of the present Lidcombe Station, approximately 2.4 kilometres to the north of the study area. In 1878, the Government of New South Wales purchased 1340 acres of land at Rookwood from H.G. Douglas, including the study area which would later become Lidcombe Hospital (see Plate 2).

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2.3 Rookwood Reformatory and Asylum

The study area is located on land originally granted to Joseph Hyde Potts in 1831 (Plate 3). It totaled 2564 acres and became part of the purchase of 1340 acres by the NSW Government in 1878. With the increase in crimes being committed by boys during the 1880s, the NSW Government allocated £20,000 for the construction of a reformatory. In 1883 the Inspector of Public Charities selected the site at Rookwood as an appropriate location. The Colonial Secretary delivered this news saying:

“it was the intention of the Government to establish at Rookwood a reformatory for boys, the idea being to set apart a piece of land, on which boys may be taught farming, and to board and lodge the boys in cottage homes, under the care of persons who will train them to become useful members of society”.

7 DPWS, 2002, p. 18
9 Ibid.
Plate 3  1875 parish map showing Joseph Hyde Pott’s land grants. The red arrow shows the approximate location of the study area (Source: NSW Land & Property Information).

Between 1884 and 1887, construction took place to the north of the study area that included four dormitory wards, dining hall, associated facilities and a Superintendent’s Residence, all designed by Colonial Architect James Barnett. The entire site of 395 acres was cleared, enclosed with a rabbit-proof fence, and a model farm with orchard and vegetable gardens was established (Plate 4).\(^\text{10}\)

\(^\text{10}\) Ibid.
Plate 4  1890 plan of the asylum boundaries. The red arrow shows the approximate location of the study area (Source: GML 2002).

However, the buildings remained unoccupied for six years due to a change in government.\(^\text{11}\) By 1893, the reformatory had been converted into an asylum for the infirm and destitute, as this newspaper article states:

"As a result of his visit to the Liverpool Asylum, the Premier has taken immediate action to relieve that place from the over-crowding which has recently taken place there. The Rookwood Asylum, which for years has been lying unused, is to be utilised, and 300 men will immediately be removed hither, to be supplemented shortly by another batch of 200."\(^\text{12}\)

\(^{11}\) DPWS, 2002, p. 20
The asylum grew quickly following the worldwide depression and economic hardships of the 1890s. In 1896, the Government decided that the main home for the aged poor in New South Wales would be Rookwood Asylum with substantial additions being made. However, by 1903 the population had increased to 1,254 and a Royal Commission into the asylum recommended a resident medical officer was needed to adequately care for the inmates.

Dr. Robert Algernon Fox was appointed in 1906 and became the first occupant of the Medical Superintendent's Residence, which was designed by Government Architect Walter Liberty Vernon and built the same year within the study area, south west from the main asylum buildings. Access to the asylum was via a bridge that crossed the railway line to the north east of the residence (Figure 3). The gardens surrounding the home were extensively landscaped, and trees from this original planting, such as brush box and hoop pines, are consistent with those used throughout the Rookwood Asylum complex.

Former resident, Professor R. Holland, occupied the Medical Superintendents Residence from 1962 to 1975 and describes the main garden as being “very British in its layout”, with a large circular garden on one side of the house, and semicircular rose beds on the other. Circular garden beds are visible in aerial imagery from 1943 (Figure 3). He also describes two Richmond River pines, two Queensland Wheel Trees, a Japanese Oak, brush box and in the south western corner of the property a clump of giant bamboo (Plate 5). He notes that a row of flowering peaches and eucalypts were additions made during his residence. The son of another former resident described to Professor Holland a nine hole golf course behind the house and a vineyard in front of it, although no evidence of these survived by the 1960s and they are not visible in aerial imagery from 1943.

A rough sketch of a second structure appears on maps of the Rookwood Asylum and Grounds in 1912 to the east of Joseph Street, the west of the Medical Superintendent's Residence (Plate 6). The purpose of this structure is unknown, but it seems to date to a similar period and continues to appear on maps of the Asylum and Grounds in 1921, and aerial imagery from 1943. The aerials show extensive landscaping around the building, including a circular garden bed similar to that seen at the Residence (Figure 3).

The development of onsite hospital services for the asylum accelerated following the appointment of an onsite medical superintendent. By 1913, the 694 bed asylum had grown to include thirteen hospital divisions with 656 beds and became the Rookwood State Hospital and Asylum for Men. The facilities and services continued to expand and it became one of the largest institutions in the Commonwealth. The hospital was transferred to medical control in 1927 and the name was changed to Lidcombe State Hospital and Home to disassociate itself from the adjacent Rookwood Cemetery.

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13 NSW Office of Environment & Heritage
16 GML, 2002, p. 13
18 DPWS, 2002, p. 22
Plate 5  Layout of the Medical Superintendent’s Residence grounds circa 1970, orientated roughly south (Source: Prof R. Holland correspondance).

Plate 6  1912 map from the Rookwood Asylum and Grounds, the approximate location of the study area is outlined in red (Source: GML 2002, p. 28).
Figure 3: 1943 Aerial of the study area

Coordinate System: GDA 1994 MGA Zone 56

Acknowledgements: Basemap © Land and Property Information 2016; Imagery © LPI
2.4 Minda/Minali Centre

On the 25 March 1966, the Minda Remand Home opened for the detention of young juveniles who were awaiting court appearances. The facility consisted of a court, child guidance clinic, senior and boys sections, a girls remand section, training rooms and a medical section for girls. The former Superintendent's Residence is located within this facility and was used as the Deputy Manager's Residence.

Following the Minda Remand School, the Minali Special School was opened in 1975 to provide educational and residential facilities for state wards. The former Superintendent's Residence was utilised as the Minali Centre School Office until the closure of the Minali Special School in 1994. The residence remained vacant from the early 1990s until it was restored in 2006 and is currently used as administration offices for the Juniperina Juvenile Justice Centre.

2.5 Research themes

Contextual analysis is undertaken to place the history of a particular site within relevant historical contexts in order to gauge how typical or unique the history of a particular site actually is. This is usually ascertained by gaining an understanding of the history of a site in relation to the broad historical themes characterising Australia at the time. Such themes have been established by the Australian Heritage Commission and the NSW Heritage Office and are outlined in synoptic form in New South Wales Historical Themes, issued by the NSW Heritage Office.

There are 38 State Historical Themes, which have been developed for New South Wales, as well as nine National Historical Themes. These broader themes are usually referred to when developing sub-themes for a local area to ensure they complement the overall thematic framework for the broader region.

A review of the contextual history in conjunction with the CMP for the residence has identified a number of historical themes which relate to the occupational history of the study area. These are summarised in Table 1.

Table 1  Identified historical themes for the study area.

<table>
<thead>
<tr>
<th>National theme</th>
<th>State theme</th>
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<tr>
<td>3. Developing local, regional and national economies</td>
<td>Agriculture</td>
</tr>
<tr>
<td>4. Building settlements, towns and cities</td>
<td>Accommodation</td>
</tr>
<tr>
<td>4. Building settlements, towns and cities</td>
<td>Towns, suburbs and villages</td>
</tr>
<tr>
<td>7. Governing</td>
<td>Welfare</td>
</tr>
</tbody>
</table>

19 DPWS, 2002, p. 26
20 DPWS, 2002, p. 26
3 Physical analysis

A field inspection of the study area was undertaken on 15 February 2016, attended by James Cole. The principal aims of the survey were to identify significant views and vistas associated with any heritage items within the vicinity of the study area, to identify how those heritage values relate to the study area; and to identify any previously unrecorded heritage items which may be present. An analysis of the potential for the site to contain archaeological remains was undertaken based upon the information presented in the historical context and surface conditions.

3.1 Site setting

The study area is the area surrounding the Juniperina Cottage, located approximately 20 metres south of the boundary fence of the Mary Wade Correctional Facility, 169 Joseph Street, Lidcombe, NSW. The cottage is surrounded by rows of trees to its north and west, with a grassed lawn separating it from the access road to the facility.

The study area contains the entirety of the curtilage of Juniperina Cottage, a listed heritage item, which includes the rows of trees surrounding it. It is proposed for some of these trees to be removed as a part of the proposed works, however no impacts are proposed to the cottage itself.

Table 2  Assessment of aesthetic values associated with the study area.

<table>
<thead>
<tr>
<th>Heritage items</th>
<th>Description</th>
<th>View</th>
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<td>Juniperina Cottage</td>
<td>The study area contains the Juniperina Cottage. This item is not due to be</td>
<td></td>
</tr>
<tr>
<td></td>
<td>physical impacted by the proposal, however the site is in part listed for its</td>
<td></td>
</tr>
<tr>
<td></td>
<td>aesthetic significance.</td>
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Plate 7  View of Juniperina from the north.
Rows of mature trees adjacent to cottage

These trees fall within the curtilage of the cottage and contribute to its aesthetic significance.

Plate 8  Rows of mature trees adjacent to the cottage, view south-east.

The mature trees form a part of the primary and recommended curtilages for the cottage as described by the CMP (Plate 9). It is proposed as a part of these works to remove a number of these trees as they propose a potential security concern. An Aboricultural Impact Assessment has been undertaken as a part of the proposed works, identifying that a number of these trees may fall within the curtilage of the heritage item and may have such may have heritage value. A summary of the Arborist’s assessment of each of these trees is displayed in Table 3, and their locations are shown in Figure 5.

Table 3  Description of trees to be impacted by the proposed works in the Aboricultural Assessment (Allied Tree Consultancy 2016, pp. 13-15).

<table>
<thead>
<tr>
<th>Tree number</th>
<th>Species</th>
<th>Age</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td><em>Lophostemon confertus</em></td>
<td>Mature</td>
<td>This tree is formed from coppiced regrowth and comprises three stems. One stem is stag-headed. The stems have a cavity extending through the centre, and soundings of this area demonstrate the area is void of active decay and provides sufficient support wood to reduce the risk of failure.</td>
</tr>
<tr>
<td>28</td>
<td><em>Araucaria cunninghamiana</em></td>
<td>Mature</td>
<td>This tree presents the habit typical for the species and normal vigour. A single hanger (100mm in diameter and 4m long) exists in the crown and is the only potential risk apparent with this tree.</td>
</tr>
<tr>
<td>31</td>
<td><em>Eucalyptus pilularis</em></td>
<td>Mature</td>
<td>This tree presents the habit typical for the species. However, the vigour is depleted. No structural flaws were apparent at the time of assessment, but substantial borer damage has wounded a significant area of the stem and has resulted with the stressed vigour. No structural flaws were apparent at the time of assessment. However, this tree is required to be monitored on an annual basis.</td>
</tr>
<tr>
<td>Tree number</td>
<td>Species</td>
<td>Age</td>
<td>Assessment</td>
</tr>
<tr>
<td>-------------</td>
<td>------------------------------</td>
<td>-----------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>32</td>
<td><em>Eucalyptus pilularis</em></td>
<td>Mature</td>
<td>This tree presents the habit typical for the species and normal vigour. No structural flaws were apparent at the time of assessment.</td>
</tr>
<tr>
<td></td>
<td>Blackbutt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td><em>Olea europaea ssp cuspidata</em></td>
<td>Over-mature</td>
<td>This tree presents the habit typical for the species and normal vigour. The tree though over-mature has succumbed to poor pruning, and has many stubs. No structural flaws were apparent at the time of assessment. Remedial pruning would be recommended, however, doesn't constitute risk mitigation.</td>
</tr>
<tr>
<td></td>
<td>African Olive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td><em>Eucalyptus tereticornis</em></td>
<td>Mature</td>
<td>This tree presents the habit typical for the species and normal vigour. Based on the age of the adjacent residence, this tree may form part of a heritage curtilage, and/or form part of an Endangered Ecological Community (Cumberland Woodland Plain). The tree appears to have succumbed to a lightning strike many years earlier. Some large wounds exist from substantial limb removal. No structural flaws were apparent at the time of assessment. No symptoms indicating decay infection exist, an aerial assessment would confirm any related risk or mitigation required.</td>
</tr>
<tr>
<td></td>
<td>Forest Red Gum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td><em>Eucalyptus microcorys</em></td>
<td>Mature</td>
<td>This tree poses the habit typical for the urban grown species and normal vigour and forms part of a row planting, likely related to a wind break planting for the heritage listed cottage. No structural flaws were apparent at the time of assessment. Some deadwood exists (&lt;20mm in diameter) and is natural for the age.</td>
</tr>
<tr>
<td></td>
<td>Tallowwood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td><em>Eucalyptus microcorys</em></td>
<td>Mature</td>
<td>This tree poses the habit typical for the urban grown species and normal vigour and forms part of a row planting, likely related to a wind break planting for the heritage listed cottage. No structural flaws were apparent at the time of assessment. Some deadwood exists (&lt;20mm in diameter) and is natural for the age.</td>
</tr>
<tr>
<td></td>
<td>Tallowwood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td><em>Eucalyptus microcorys</em></td>
<td>Mature</td>
<td>This tree poses the habit typical for the urban grown species and normal vigour and forms part of a row planting, likely related to a wind break planting for the heritage listed cottage. No structural flaws were apparent at the time of assessment. Some deadwood exists (&lt;20mm in diameter) and is natural for the age.</td>
</tr>
<tr>
<td></td>
<td>Tallowwood</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Plate 9  Potential curtilages for the Juniperina as described by the 2002 CMP (p. 79). The area outlined in green shows the recommended minimal curtilage, the area in yellow the preferred additional curtilage, and the area in purple the recommended visual curtilage.

3.2 Built environment

A description of the history and development of the cottage is available in Section 2. The proposed development will not have any direct impact on the cottage itself, with this assessment focused primarily on the visual impacts the proposed works may have on the study area.

The recommended visual curtilage of the cottage extends as far north as the current fenceline of the correctional facility, which was inspected as a part of this assessment to determine if this area had the potential to contain any remains associated with the cottage. The physical inspection did not identify any heritage items within this area (Plate 11), and a review of historical plans and aerials does not suggest that there will be any archaeological remains in this area.
Plate 10  Juniperina cottage, view south.

Plate 11  Area adjacent to current fenceline, with Juniperina cottage visible, view west.
3.3 Archaeological assessment

The potential archaeological resource relates to the predicted level of preservation of archaeological resources within the study area. Archaeological potential is influenced by the geographical and topographical location, the level of development, subsequent impacts, levels of onsite fill and the factors influencing preservation such as soil type. An assessment of archaeological potential has been derived from the historical analysis undertaken during the preparation of this report.

Likely archaeological remains surrounding Juniperina are primarily located to its south and west, with the 1943 aerial clearly defining its boundaries and extent. The proposed subsurface impacts to the item are minimal, and are associated only with the disturbance caused by the removal of trees. As such, there is a low potential for the proposed works to impact on subsurface deposits associated with the cottage.

A review of the historical context of the site has revealed that another structure was constructed within the study area around the end of the 19th or early 20th century, being contemporaneous with the Juniperina Cottage. Little information is available regarding the structure, with the best available evidence for it being the 1943 aerial photograph of the study area (Figure 3), with the structure being located adjacent to the study area's western boundary. It was demolished around the same time that the Minali centre was constructed.

The remains of the structure are located underneath the current car park and fence. A review of the available aerial imagery of the site compared with the plans for the proposed works indicate that a pursuit road is planned to be constructed through what was the front garden of the house facing Joseph Street.

Archaeological remains which would have the potential to be encountered during works include pathways, post holes or footings from fences, and the remains of curated gardens. Given the age of the house, it is considered that these features have a low research potential if present, as they have little potential to inform us about the history of the site or to answer meaningful research questions about its development. There is a low potential for associated deposits to be present.

Should any archaeological remains be encountered during construction, works should cease and an archaeologist should be contacted to make an assessment of the find.
4 Assessment of significance

This assessment has established that the study area contains a heritage listed cottage, recorded on the Auburn LEP as the Minali Special School and the Department of Juvenile Justice’s 170 heritage register as Juniperina. This assessment has not revealed any historical or archaeological information which alters the significance of this item. Consequently, it is not necessary to re-assess its significance; however the statement of significance is presented below as it appears on the Department of Juvenile Justice’s 170 register.

4.1 Statement of significance – Juniperina

The former Superintendent’s residence within the Minda/Minali site at Lidcombe is of high historic and aesthetic significance at a local level as a surviving early component of the original Rookwood Asylum for the Aged and Infirm, one of a small but important group of 19th century institutions erected to provide care for the elderly, chronically ill and destitute. The location and setting of the building provide important evidence of the 19th century rural character of the site.

The origins of the place as the residence for the Medical Superintendent reflect the important evolution of the Asylum to a full hospital facility, the Rookwood (then Lidcombe) State Hospital. It is also particularly associated with its first occupant, the Doctor Robert Algernon Fox the first and most notable Resident Medical Superintendent.

The Residence has considerable aesthetic significance as a good representative example of the work of the government architect Walter Liberty Vernon and is a well-handled and striking example of his characteristic Arts & Crafts style. This significance is enhanced by the degree to which the building has retained important original features and fabric. It is also important as a rare survivor of the original Rookwood Asylum complex designed by Vernon’s office during the 1890s and early decades of the 20th century.

The Residence in its setting has potential aesthetic value as a notable and attractive site feature though this has been significantly affected by recent building developments, neglect and vandalism.

The Residence shares in the social significance of the site as the former home of the Minda Remand Home and Minali Special School particularly among former occupants, their families and staff.

The setting of the former Residence has archaeological potential to provide further evidence about its original/early setting and associated outbuildings.

4.2 Evaluation of elements which comprise the study area

Whilst, the statement of significance for the study area does not require alteration, the individual elements that comprise it have not been previously assessed. A five-tier system has been adopted to clarify the significance of elements within the site and is based upon the grading listed in “Assessing Heritage Significance”.22 In this context, an element is a specific heritage item that contributes to the overall heritage significance of the site. The term interpretation or interpretability is used in the sense of the ability to explain the meaning of the place/item, so as the significance of the place understood. The five tier system is outlined in Table 4.

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22 NSW Heritage Office 2001
Table 4  Grading of significance.

<table>
<thead>
<tr>
<th>Grading</th>
<th>Justification</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exceptional</strong></td>
<td>Rare or outstanding element directly contributing to an item's local or State listing.</td>
<td>Fulfills criteria for local and State significance.</td>
</tr>
<tr>
<td><strong>High</strong></td>
<td>High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.</td>
<td>Fulfills criteria for local or State listing.</td>
</tr>
<tr>
<td><strong>Moderate</strong></td>
<td>Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.</td>
<td>Fulfills criteria for local or State listing.</td>
</tr>
<tr>
<td><strong>Little</strong></td>
<td>Alterations detract from significance. Difficult to interpret.</td>
<td>Does not fulfill criteria for local or State listing.</td>
</tr>
<tr>
<td><strong>Intrusive</strong></td>
<td>Damaging to the item's heritage significance.</td>
<td>Does not fulfill criteria for local or State listing.</td>
</tr>
</tbody>
</table>

This five tier system has been used to evaluate the elements which comprise the study area, a significance grading for each element of the study area is presented in Table 5 and Figure 9.

Table 5  Schedule of element significance for the study area.

<table>
<thead>
<tr>
<th>Element</th>
<th>NSW heritage criteria</th>
<th>Significance grading</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Juniperina Cottage</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Juniperina garden trees</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
5 Statutory framework

5.1 Introduction

The project is being assessed under Part 5 of the *Environmental Planning and Assessment Act 1979*; therefore this report has been prepared as part of a Review of Environmental Factors (REF) to assess the impact the project is likely to have on the environment. The planning instrument relevant to the project is the State Environmental Planning Policy (Infrastructure) 2007 (SEPP). Under this planning instrument, approval for the project is obtained from the public authority responsible for the work.

Clause 14 of the Infrastructure SEPP identifies the process to be undertaken with respect to items of local significance. Heritage items listed on the heritage schedule of the LEP must be considered but approval from the relevant council is not required. However, impacts to heritage items must be assessed and the relevant council provided with 21 days to comment.

5.2 Statutory framework

5.2.1 Heritage management in New South Wales

In NSW cultural heritage is managed in a three-tiered system: National, State and local. Certain sites and items may require management under all three systems or only under one or two. The following discussion aims to outline the various levels of protection and approvals required to make changes to cultural heritage in the state.

5.2.2 Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act) is the national Act protecting the natural and cultural environment. The EPBC Act is administered by the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC). The EPBC Act establishes two heritage lists for the management of the natural and cultural environment:

- The National Heritage List (NHL)
  
  Items listed on the NHL have been assessed to be of outstanding significance and define "critical moments in our development as a nation."[23]

- The Commonwealth Heritage List (CHL)
  
  Items listed on the CHL are natural and cultural heritage places that are on Commonwealth land, in Commonwealth waters or are owned or managed by the Commonwealth. A place or item on the CHL has been assessed as possessing "significant" heritage value.[24]

A search of the NHL and CHL did not yield any results within the study area.

5.2.3 NSW Heritage Act 1977

Heritage in New South Wales is principally protected by the *Heritage Act 1977* (as amended) which was passed for the purpose of conserving items of environmental heritage of NSW. Environmental heritage is broadly

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defined under Section 4 of the Heritage Act as consisting of the following items: "those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance". The Act is administered by the NSW Heritage Council, under delegation by the Heritage Division, Office of Environment and Heritage. The Heritage Act is designed to protect both known heritage items (such as standing structures) and items that may not be immediately obvious (such as potential archaeological remains or ‘relics’). Different parts of the Heritage Act deal with different situations and types of heritage and the Act provides a number of mechanisms by which items and places of heritage significance may be protected.

The State Heritage Register

Protection of items of State significance is by nomination and listing on the State Heritage Register created under Part 3A of the NSW Heritage Act. The Register came into effect on 2 April 1999. The Register was established under the Heritage Amendment Act 1998. It replaces the earlier system of Permanent Conservation Orders as a means for protecting items with State significance.

A permit under Section 60 of the Heritage Act 1977 (NSW) is required for works on a site listed on the State Heritage Register, except for that work which complies with the conditions for exemptions to the requirement for obtaining a permit. Details of which minor works are exempted from the requirements to submit a Section 60 Application can be found in the Guideline “Standard Exemptions for Works requiring Heritage Council Approval”. These exemptions came into force on 5 September 2008 and replace all previous exemptions.

There are no items within the study area listed on the SHR.

Archaeological relics

Section 139 of the Heritage Act protects archaeological ‘relics’ from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has ‘reasonable cause to suspect’ that archaeological remains may be affected by the disturbance or excavation of the land. This section applies to all land in New South Wales that is not included on the State Heritage Register.

Amendments to the Heritage Act made in 2009 changed the definition of an archaeological ‘relic’ under the Act. A ‘relic’ is defined by the Heritage Act as:

“Any deposit, object or material evidence:
(a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
(b) which is of State or Local significance

It should be noted that not all remains that would be considered archaeological are relics under the NSW Heritage Act. Advice given in the Archaeological Significance Assessment Guidelines is that a “relic” would be viewed as a chattel and it is stated that “In practice, an important historical archaeological site will be likely to contain a range of different elements as vestiges and remnants of the past. Such sites will include ‘relics’ of significance in the form of deposits, artefacts, objects and usually also other material evidence from demolished buildings, works or former structures which provide evidence of prior occupations but may not be ‘relics’.” (2009: 7).

If a relic, including shipwrecks in NSW waters (that is rivers, harbours, lakes and enclosed bays) is located, the discoverer is required to notify the NSW Heritage Council.

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)). Excavation permits are issued by the Heritage Council of New South Wales in accordance with
sections 60 or 140 of the Heritage Act. It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit. Excavation permits are usually issued subject to a range of conditions. These conditions will relate to matters such as reporting requirements and artefact cataloguing, storage and curation.

Exceptions under Section 139(4) to the standard Section 140 process exist for applications that meet the appropriate criterion. An application is still required to be made. The Section 139(4) permit is an exception from the requirement to obtain a Section 140 permit and reflects the nature of the impact and the significance of the relics or potential relics being impacted upon.

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Office must be notified in writing in accordance with section 146 of the Heritage Act, 1977. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area.

Section 170 Heritage and Conservation Registers

Section 170 of the Heritage Act requires that culturally significant items or places managed or owned by Government agencies are listed on departmental Heritage and Conservation Register. Information on these registers has been prepared in accordance with Heritage Division guidelines.

Statutory obligations for archaeological sites that are listed on a Section 170 Register or may exist within the curtilage of an item include notification to the Heritage Council in addition to relics provision obligations.

There is one item within the study area listed on a Section 170 register:

- Juniperina, Department of Juvenile Justice s170 Register – I# 3170001

5.2.4 Environmental Planning and Assessment Act 1978

Auburn Local Environmental Plan 2010

As the project is being undertaken under the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP 2007), heritage items listed on the heritage schedule require a statement of heritage impact and notification to Council rather than approval. Relics are still protected by the Heritage Act and Aboriginal sites are protected by the National Parks and Wildlife Act 1979 regardless of their status on an LEP or despite the fact that they are unregistered.

There is one item listed on the Auburn LEP 2010:

- Minali Special School (early twentieth century residence), Auburn LEP 2010 – I#36

5.3 Non - statutory registers

5.3.1 National Trust of Australia

The National Trust of Australia is a community-based, non-government organisation, committed to promoting and conserving Australia's indigenous, natural and historic heritage through its advocacy work and its custodianship of heritage places and objects.

- No items located within the study area are listed on the National Trust of Australia.
5.3.2 Register of National Estate

The RNE was originally established under the Australian Heritage Commission Act 1975 (repealed). The Register of the National Estate was closed in 2007 and is no longer a statutory list. All references to the Register of the National Estate were removed from the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 19 February 2012. However, the list remains an archive and an item that was once listed on the RNE may have been transferred to the NHL or the CHL. Listing on the RNE is an indication that the site or item has significance.

- No items located within the study area are listed on the Register of National Estate.
Figure 4: Heritage items within the study area.


Legend
- Study area
- Department of Juvenile Justice s170 register
- Minali Special School (early twentieth century residence)
6 Statement of Heritage Impact

6.1 Introduction

This SoHI has been prepared to address the proposed impacts to the study area, specifically the Juniperina Cottage as a result of the proposed upgrades to the facility. The site is listed on the Auburn LEP 2011 and the Department of Juvenile Justice’s 170 Register. The values identified in the listing as being significant include historic and aesthetic.

The SoHI identifies the level of impact of the proposal and the steps taken to avoid or reduce those impacts. This section of the report has been prepared in accordance with the Heritage Manual Statements of Heritage Impact published by the Heritage Office and the Department of Urban Affairs & Planning 1996, revised 2002.

6.2 Proposal details

Based on the brief provided to Biosis by the Public Works Advisory, it is understood that the proposed works involve the following impacts within the study area:

- Fitout of all accommodation blocks, including Building C, D, F & G to accommodate 90 new maximum security beds
- Redevelopment and configuration of the existing reception area of Building A
- Redevelopment of the existing visits area of Building A to accommodate the additional inmate numbers
- Fitout of the administration, stores, educational and vocational facilities of Building E
- Extended perimeter fencing and new vehicle lock
- Upgrade of the electronic Security
- Installation of two new transportable staff amenities buildings
- Construction of new maintenance shed.

In addition to this, the proposed works will require the removal of a number of trees associated with the cottage as a security measure. The trees which will be removed under the current proposal are shown in Figure 5.
Figure 5  Proposed development (Public Works Advisory, February 2017).

This diagram has been removed for security reasons.
6.3 Assessment of impacts

6.3.1 Description of impacts

Two types of impacts have been identified as resulting from the project: construction and operational. An example of construction impacts might be digging through archaeological resources to construct a bridge footing or trenches for services.

An example of operational impacts are those that remain (residual impacts) after the project is complete. These impacts are usually things such as aesthetic impacts (compromising setting, views and vistas), ongoing noise compromising the ambience of the place, the loss of a significant community heritage asset.

Juniperina Cottage

The proposed works will not have any direct impacts on the cottage itself, there will be some indirect visual impacts as a result of the adjacent construction works, but these impacts are limited to the construction phase, and will not impact on the heritage significance of the structure.

Juniperina garden trees

Within the study area, the only items of heritage value which will be directly impacted by the proposed works are the trees located within the minimum and preferred additional curtilages of Juniperina. These trees form a part of the gardens which once surrounded the cottage, and are visible on the 1943 aerial (Figure 3) and the sketch of the house made in 1970 (Plate 5).

These trees represent the original extent of the gardens surrounding the cottage and contribute to its aesthetic significance by providing a visual buffer between it and the surrounding facility. The proposed development will have a direct construction impact on these trees by removing them, and will severely detract from this element's heritage significance by the removal of the original fabric of the item.

With regard to the broader listing, this removal will result in a residual impact, as the loss of this visual buffer will impact on the aesthetic significance of the cottage.

6.3.2 Discussion

Heritage branch guidelines provide a number of factors to consider when assessing impacts to heritage items. These have been considered and responded to below:

The following sympathetic solutions have been considered and discounted for the following reasons:

Appropriate sympathetic solutions considered include the avoidance of impacts to the trees, or their replacement with suitable vegetation. Owing to potential security concerns, all trees within 20 metres of the fence must be removed under the current proposal to convert the centre into a maximum security facility. As such the avoidance of impacts is not feasible under the current proposal.

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

In considering this response, Biosis has also consulted the CMP for the cottage. The CMP does not lay out any specific policies for the removal of trees surrounding the structure, however as these trees are considered to be a part of the fabric of the listed item, it is considered that they fall under Policy 5.1 as shown below:
Any proposal to removal original or significant fabric should be thoroughly reviewed to ensure that there is no appropriate alternative. Decisions should take into account the use and significance of the place as a whole in evaluating alternatives and ensure appropriate input from conservation professionals. Sound fabric and components should be retained, repaired and supplemented with new elements to match wherever possible.

As noted above, the avoidance of impacts to the trees is not possible under the current proposal. This means that the proposed development has the potential to negatively impact the aesthetic significance of the site, and to remove a portion of its setting, as the trees represent the extent of the original gardens surrounding the cottage. As such appropriate mitigation measures should be considered in order to mitigate the negative impacts of the proposal.

Replacement of the current trees with appropriate vegetation which will not grow tall enough when mature to be a security concern would be the most appropriate option. This option would be preferable as it would retain the context of the cottage, and still provide a visual buffer between it and the surrounding facility.

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

The proposed development will not positively enhance the heritage significance of the item, however its continuing use as a part of the facility is in keeping with the conservation policies of the CMP, and will ensure that the building is appropriately maintained. The replacement of removed trees with suitable plantings would ensure that any negative impacts on the setting of the cottage are minimised.

6.4 Statement of Heritage Impact

The proposed works have the potential to negatively impact the significance of Juniperina by removing portions of its fabric and disrupting its visual setting through the removal of a number of trees which form a part of the listing. This impact is necessary for the proposed works to proceed, as such is unavoidable. The impact that this will have on the heritage item can be mitigated to a degree by the replacement of the trees with appropriate plantings in the same locations. This would ensure that a visual buffer is present separating the cottage from the surrounding correctional facility, and that the boundaries of the former garden are still marked. Provided that this measure is adopted, the proposed works are acceptable from a heritage perspective.
7 Conclusion and recommendations

7.1 Conclusions

The impacts of the proposed works have been assessed for this project against the significance of the heritage items and the conservation policies put forth in the CMP. It has been considered that the removal of the trees surrounding the cottage is a necessary impact under the proposal, and provided that the recommendations are adopted for the project as well as any additional conditions of approval, the project may proceed with minimal loss of significance to the item.

7.2 Recommendations

These recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS Burra Charter with the aim of doing as much as necessary to retain its cultural significance and as little as possible to care for the place and make it useable.25

Recommendation 1: The project may proceed with conditions

The proposed works may result in loss of significance for the listed heritage item, but may proceed with conditions as any impacts will be mitigated through implementing the following recommendations.

Recommendation 2: Replacement of removed trees with appropriate plantings

The trees to be removed (number 26, 28, 31, 32, 33, 34, 35, 36, and 37) should be replaced with appropriate plantings where possible. These should be planted at the locations of the removed trees, and should be compliant with any requirements that the department has to ensure the security of the adjacent facility.

Recommendation 3: Discovery of unanticipated Aboriginal objects

All Aboriginal objects and places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the OEH and Aboriginal stakeholders.

Recommendation 4: Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act 1977. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

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References


