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12th November 2010

Graeme Bews

Urbis

Level 21, 321 Kent Street

Sydney NSW 2000

Our ref: 100813-3

Cc: Danielle Pinkerton, Paul Altree-Williams

Re: Royal Randwick Racecourse Spectator Precinct Aboriginal Heritage Impact Assessment - Final Report.

Dear Graeme,

In August 2010, Vanessa Hardy of Cultural Heritage Connections Pty Ltd, was commissioned by Archaeological and Heritage Management Solutions Pty Ltd (AHMS) on behalf of Urbis and the Australian Jockey Club (AJC), to undertake an Aboriginal Heritage Impact Assessment (AHIA) of a portion of the Royal Randwick Racecourse (RRR) as part of the proposed upgrade of the site. The proposed upgrade and development aims to enhance the racing related facilities and function of the site at the same time as redeveloping the surplus land to enable the site's development potential to be realised and the area to be better integrated with surrounding land uses.

Understanding of the Brief & Limitations

The portion of the RRR site that is the subject of this assessment is the 'Spectator Precinct' shown as 'Zone 1' in **Figure 1** (the 'the study area'). Other parts of the RRR are the subject of separate assessments.

The assessment is required as part of an Environmental Assessment (EA) for the proposed RRR upgrade works Development Application which will be determined under the Major Project provisions of Part 3A of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The Director General's Requirements (DGRs) for the EA include the requirement to prepare a Heritage Impact Statement "*identifying the potential impacts of the proposed development on any items, areas or places of natural, Aboriginal, historic, industrial or archaeological significance*". This assessment is limited to a consideration of the Aboriginal archaeological heritage of the study area.

Aboriginal Consultation

Due to the timeframes of the project, formal Aboriginal consultation in accordance with the DECCW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)* could not be undertaken. This assessment, however, included *informal* Aboriginal

consultation with a small number of Aboriginal stakeholders known to be interested in the area.

This assessment was undertaken in conjunction with the La Perouse Local Aboriginal Land Council (La Perouse LALC) and Dharawal Elders, the latter generally being represented by the former. The La Perouse LALC was provided with a draft copy of this report for comment. No written response was provided, however verbal comments and feedback are discussed below.

Legislative Protection & Constraints

Environment Planning and Assessment Act 1979 (EP&A Act)

The *EP&A Act* establishes the statutory framework for plan making and planning approvals in NSW. The assessment and determination of the Development Application for the proposed development is to occur pursuant to Part 3A of the Act which was established to provide a streamlined development assessment and approval process for major and critical developments for the State.

Part 3A provides for *Concept Approvals* and *Project Approvals*. Otherwise applicable State and local heritage legislation is not affected in Concept Approval contexts alone, but they are suspended in Project Approvals contexts. This means that separate approvals, normally required under certain pieces of NSW heritage legislation (including the *National Parks & Wildlife Act 1974* and *Heritage Act 1977*), are not required in addition to a Part 3A *Project Approval*. However, if only a Concept Approval is obtained, subsequent stages of the development may still require approvals under these pieces of legislation.

Aboriginal community consultation is still required under the Part 3A process as outlined in *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Environment and Conservation, 2005). The guidelines refer to the DECCW's (2004) *Interim Community Consultation Requirements for Applicants* (which have now been superseded by DECCW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*).

National Parks & Wildlife Act, 1974 (NPW Act)

Unless otherwise suspended or constrained (such as in Part 3A *Project Approval* contexts), the NP&W Act 1974 provides blanket protection for Aboriginal objects (material evidence of Indigenous occupation) and Aboriginal places (areas of cultural significance to the Aboriginal community). While the application of the Project Approval provisions of Part 3A of the EP&A Act suspends the application of the heritage provisions of the NPW Act, the following summary of key NPW Act permit and processes is provided in the event that:

- Aboriginal objects or sites are located and require investigation in which case a similar process of archaeological investigation/salvage/analysis/etc as

prescribed by the NPW Act can be outlined in the Statement of Commitments for the project; and/or

- The Minister determines now, or in the future, that the project, in whole or part, or the site in whole or part, is no longer subject to the *Project Approval* provisions of Part 3A of the EP&A Act.

Of particular relevance should the above occur, are the following sections:

- Section 84 makes provision for protection of 'Aboriginal Places' or locations of special significance to Aboriginal culture;
- Section 86 and 87 state that it is an offence to collect or disturb objects or excavate, or in any way disturb land for the purpose of discovering objects without a permit authorised by the Director-General DECCW;
- Section 89 permits the Director-General DECCW to give ownership of certain Aboriginal objects to individuals/organisations/etc. Such ownership is currently permitted through the development and endorsement of a 'Care and Control Agreement';
- Section 90 states that it is an offence to destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place; and
- Section 91 states that anyone who discovers an Aboriginal object is obliged to report the discovery to the DECCW.

In practical terms, the provisions of the Act require archaeological assessment of any land where there is potential for Aboriginal objects to be disturbed by development. The *NPWS Guidelines for Archaeological Survey and Reporting* (DECCW, 1997) define the format of Aboriginal archaeological assessments. These guidelines require full consultation with Aboriginal communities and relevant representative bodies such as Local Aboriginal Land Councils (LALC) and Traditional Owner's groups. Aboriginal community participation in all archaeological survey and excavation work, and consideration of the Aboriginal cultural significance of sites and places is also required.

In 2010, DECCW released new *Aboriginal Cultural Heritage Consultation Requirements for Proponents* that require a series of formal Aboriginal community consultation and notification procedures for assessments and sites that require applications under *Section 87* or *Section 90* of the NP & W Act 1974.

Royal Randwick Racecourse Development Control Plan

The RRR Development Control Plan (DCP) requires that:

Identified and potential Aboriginal sites are to be managed and conserved in accordance with the NSW NPWA, 1974. Consultation with Aboriginal groups is to be part of developing an understanding of the Aboriginal significance of the site.

Such consultation is to occur prior to any major development application on land identified as "high aboriginal sensitivity" in the vicinity of High Street and Wansey Road...

Study Area Background

The following summarises the environmental and archaeological background to the RRR site in order to provide a context for the assessment.

The RRR is within the Botany Lowlands physiographic region, in an area of extensive deep dunes also known as the Botany Sands. The deep sands are underlain by Hawkesbury Sandstone, which is described as a medium to coarse-grained quartz sandstone that contains minor lenses of shale and laminite (Chapman & Murphy 1989).

The majority of the RRR site is low-lying ground, formerly swamps and ponds that formed part of the Lachlan Swamp system. An aquifer feeds the racecourse and a large amount of water is stored on site. Historic plans show that a major drainage line flowing from the Lachlan Swamps (Centennial Park) to Botany Bay ran alongside the western boundary of the racecourse land (Benson & Howell 1990). The dominant topographic feature is a portion of a high dune in the southeastern corner of the racecourse site. This feature is outside the Spectator Precinct which is situated within the area of low-lying ground. The RRR soils are part of the Tuggerah soil landscape (Chapman, et al. 1989) and consist of Quaternary aeolian, fine to medium grained, well sorted marine quartz sand. Shell fragments are generally absent and the sand is characteristically finer than beach sands or those found on foredunes (Chapman & Murphy 1989). Prior to European settlement of the area Eastern Suburbs Banksia scrub would have dominated the landscape with paperbark and swamp species in the wet areas (Austral/Godden Mackay 1997).

Aboriginal people have occupied the study area region for many thousands of years. In the region around Sydney there were two main language groups; the Darug (with a division between the coast and the inland groups) and the Tharawal (generally thought to have been to the south of Botany Bay). Within these broad groupings dialects and many other smaller group associations would have influenced the life of the people of the region. By the middle of the 19th Century it appears that only small numbers of Aboriginal people remained in the area. Aboriginal people began to return to the eastern suburbs of Sydney with the establishment of an 'illegal camp' at La Perouse from about 1870 onwards (DSCA 2006). The RRR site itself has a long history of association with Aboriginal people through the racing industry.

A previous Aboriginal archaeological assessment of the entire RRR site (DSCA 2006), undertaken as part of the site's CMP (GML 2006a), did not locate any Aboriginal sites or objects. No specific areas of social significance to Aboriginal people were identified, although the area in general has ongoing significance as a place of Aboriginal habitation and a source of important resources. The assessment considered the known history of the area as well as historic plans and photos to determine that very little potential for

Aboriginal archaeology remained over most of the site (**Figure 2**). The historic documents were also consulted as part of the current assessment (DSCA 2006; GML 2006a).

The authors of the previous Aboriginal archaeological assessment identified one area in the southeastern corner of the RRR site that contained remnant elevated sand dune rising 5-10 metres above the central track. Although disturbance to the area was noted, it was designated as having 'high Aboriginal archaeological sensitivity'. The Spectator Precinct study area falls outside this sensitive zone and is within the area assessed as having low Aboriginal archaeological sensitivity (**Figure 2**).

The DECCW Aboriginal Heritage Information Management System (AHIMS) is a database of recorded Aboriginal sites within NSW. The data is limited to known sites. The recorded sites in any given area generally represent a fraction of the total of sites remaining. While the register can give an indication of the types and variety of sites in a region, its value is limited by the amount of investigation carried out in a particular area. Unrecorded sites are afforded the same level of protection as recorded ones.

A search of the AHIMS sites database was undertaken on the 9/9/2010 for an area 5 x 5 kilometres centred on the RRR (AGD Zone 56 e 334000-339000 n 6243000-6248000). A total of 6 sites have been recorded within the search area. One of these sites is listed as a duplicate, so in effect there are 5 sites. These sites are: 2 rock engravings, one at Centennial Park and one at South Coogee; one shelter with pigment art at Queens Park; an area of potential archaeological deposit (PAD) at Queens Park and an open campsite (hearth with stone tools and other cultural remains), excavated at the Prince of Wales (POW) Hospital site.

Other searches discussed in the previous assessment for the site (DSCA 2006) cover the entire Randwick Local Government Area (LGA) and a strip of approximately 4 kilometres along the east coast for an area extending roughly from Cape Banks in the south and Dunbar Head at Vaucluse in the north. In combination these searches show that rock engravings are the most common site in the area particularly along the coast. Middens and shelter sites are the second and third most frequent site type. Open campsites such as that excavated at POW are comparatively rare. This is partly because sites in areas of exposed sandstone, such as shelters or engravings, are more easily seen, while many campsites would be sub-surface and not visible or have been destroyed due to development.

The Spectator Precinct has been extensively developed since the area's use as a racetrack. The following information is largely taken from the assessment of historic archaeological potential within the CMP (GML 2006b: Appendix D). The current Zone 1 Spectator Precinct encompasses Precincts 2 and 4 from the CMP. Precinct 2 is described as being on a natural gentle slope rising up from the central track to the north and northwest. Numerous phases of construction and demolition have been documented within the area and the historic archaeological assessment concludes that the extent of previous disturbance is likely to have removed the potential for intact (historic) archaeological

deposits over much of the area. Likewise in the 'Precinct 4' (part of the current Spectator Precinct) previous and existing development has disturbed much of the land surface. It is also likely that parts of the Spectator Precinct have been extensively landscaped involving grading, excavating and filling.

Site Inspection

An inspection of the site was undertaken on the 3rd September 2010. Present were the archaeologist, Vanessa Hardy; Shane Ingreys representing the La Perouse LALC and Jonathan Seward, Head of Properties, AJC. Conditions were overcast with some light rain.

The area is entirely developed with landscaping and lawns between paved areas and structures. No Aboriginal objects or other evidence of past Aboriginal occupation were observed during the inspection. There is no potential for any evidence to remain on the surface due to the previous and ongoing impacts. No areas of outcropping sandstone or trees of sufficient age to retain evidence of cultural scarring of Aboriginal origin were present within the study area or anywhere in the entire RRR.

Archaeological Potential & Significance

In considering the background site history, historical and environmental context to the study area and the results of the site inspection, it is concluded that there is low to minimal Aboriginal archaeological potential within the Spectator Precinct.

No sites or Aboriginal objects were located within the study area. The low-lying nature of the land means it is unlikely that the area would have been favoured for Aboriginal occupation sites. Use of the area is likely to have been transitory, resulting in minimal lasting evidence. While the random discard of artefacts or other activities that may have left behind ephemeral evidence can occur throughout the landscape, the extent of development is likely to have removed or, at the very least, severely disturbed any archaeological evidence that may have been present in the study area. There is no reason to alter the previous assessment of low Aboriginal archaeological sensitivity.

The significance of Aboriginal archaeological sites is assessed using three criteria: Scientific/archaeological (scientific), Cultural (Aboriginal) and Public Significance. These criteria recognise that Aboriginal sites are valuable in a number of ways. Namely:

- to the Aboriginal community as an aspect of their cultural heritage and as part of continuing traditions;
- to the broader community, for educational, historical and cultural enrichment values; and
- to the scientific community for potential research value.

The entire Spectator Precinct has been assessed as having low archaeological sensitivity. If any evidence of past Aboriginal occupation of the area were to be located it would be likely to be ephemeral in nature and of low scientific and educational significance.

The previous assessment at the site noted that the RRR site formed part of a larger culturally significant landscape in prehistory and as such continues to retain general significance to the Aboriginal community today.

In discussions between the archaeologist and Dave Ingrey of the LA Prouse LALC it was also noted that the swamplands of the study area and surrounding region have particular significance to Aboriginal people. They would have been rich in resources and also used as pathways through the landscape. It is clear that people also camped close to the swamps as evidenced by the hearth finds at the PoW site. Apart from this, no specific locations of significance were noted by the LALC. They supported the findings of the assessment. The community also wish to continue to be involved in consultation. The La Prouse LALC also supports further historic research into the involvement of Aboriginal people with the RRR and interpretive material for the site.

Proposed Development

An overview plan of the proposed development is shown in **Figure 3**. The key components of the proposal include:

- Alterations and additions to the existing QEII Stand and demolition and re-build of the Paddock Stand;
- Construction of a new parade ring to the rear of the QEII Stand and Paddock Stands with associated amphitheatre style seating to establish a “theatre of the horse”;
- Adaptive reuse of the existing Swab Building at the entry to accommodate a racing museum and members sign-up area. Ancillary restaurant and bar facilities will be located directly adjacent;
- Construction of a jockeys’ facilities building and High Rollers Pavilion adjacent to the new parade ring;
- Demolition of the existing pavilion and teahouse buildings; and
- Associated services infrastructure upgrades, civil and landscape works.

The redevelopment will involve the partial demolition of the QEII Stand and full demolition of the Paddock Stand. Full demolition of the Pavilion and Tea House buildings will be required. The motor structures to the rear of the grandstands will be demolished. The QEII Stand will be stripped back its basic structure with the removal of all non load-bearing elements and all non useable services infrastructure. Once demolition is complete all building services infrastructure will be upgraded both to the boundary and within the buildings. This will include new mechanical, electrical, hydraulic, information technology and ESD components. As a function of the redevelopment of the grandstands it is proposed the betting ring be relocated from the Pavilion structure, which will be demolished, to the base of the QEII Stand.

In order to lift the capacity of the stands it is proposed the current floor slabs be extended towards the track to provide additional floor area for improved tiered seating layouts,

corporate box and dining configurations. The stands will be joined via a new “link building” structure which will house fire stairs, elevators and escalators for vertical transportation. These link buildings will be located between the QEII and Paddock Stands as well as the northern and southern extremities of the stands. The southernmost link building will be designed to provide a future link to the convention and exhibition stand which is to be developed as a future stage. The link building to the north of the QEII Stand will also cater as a link to the Officials Stand to provide compliant fire egress, new vertical transport and entry lobby to both stands.

In general terms, the development will require extensive demolition, excavation, landscaping and other activity that would severely impact the ground surface in the study area. This would likely destroy or damage any Aboriginal archaeological evidence that may be present.

Conclusions & Recommendations

Environmental and archaeological background, legislative context, site history and the views of the Aboriginal community have been considered as part of this assessment. It has been concluded that the study area has low Aboriginal archaeological sensitivity. This is due to the fact that the area is unlikely to have been a favoured occupation site for Aboriginal people in the past as well as the extensive historic disturbance. If any Aboriginal occupation evidence were to be present in the study area it would be likely to be ephemeral in nature and of low archaeological significance. It is more likely that previous development has removed any pre-existing traces of occupation.

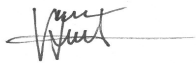
The following is recommended to manage the archaeological and cultural heritage values of the study area in light of the proposed development:

1. Consultation with the Aboriginal community should continue and they should be given the opportunity for continued involvement in the project;
2. There is no known current objection to the proposed development on Aboriginal Archaeological grounds;
3. Consideration should be given to developing interpretive and educational material relating to the Aboriginal associations with the area for public display. This should be developed in conjunction with the Aboriginal community;
4. In the event that previously undiscovered Aboriginal objects, sites or places (or potential Aboriginal objects, sites or places) are discovered during construction, all works in the vicinity of the find should cease and AJC should determine the subsequent course of action in consultation with a heritage professional, relevant registered Aboriginal stakeholders and/or the relevant State government agency as appropriate; and

5. Should suspected Aboriginal skeletal material be identified, all works should cease and the NSW Police and the NSW Coroner's office contacted. Should the burial prove to be archaeological, consultation with a heritage professional, relevant registered Aboriginal stakeholders and/or the relevant State government agency should be undertaken.

Figures and a list of references are provided below. If there are any questions arising from this assessment please do not hesitate to contact me.

Yours sincerely,



Vanessa Hardy
Archaeologist & Director
Cultural Heritage Connections



Lisa Newell
Associate Director
AHMS

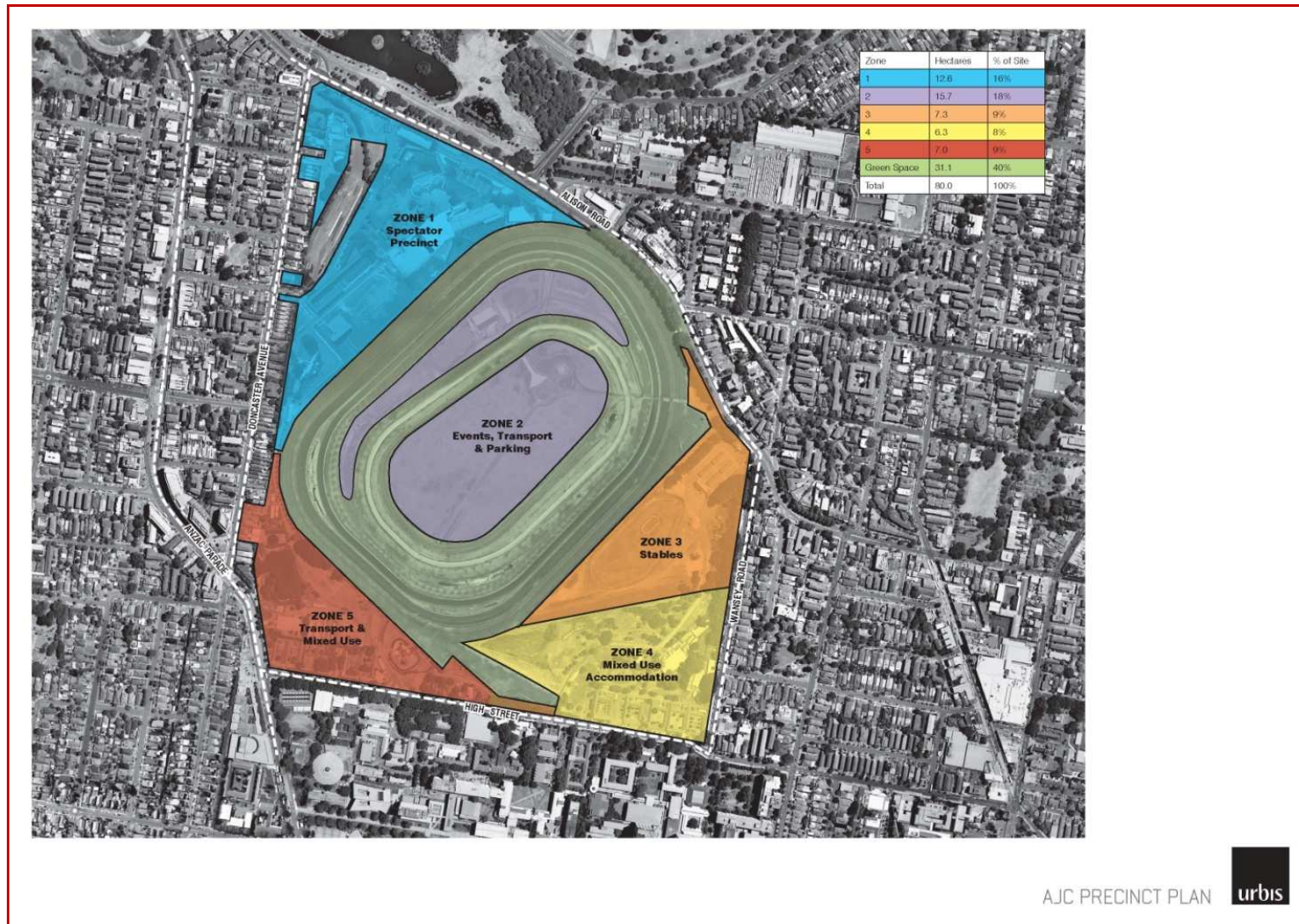


Figure 1. Spectator Precinct 'Zone 1' (blue).

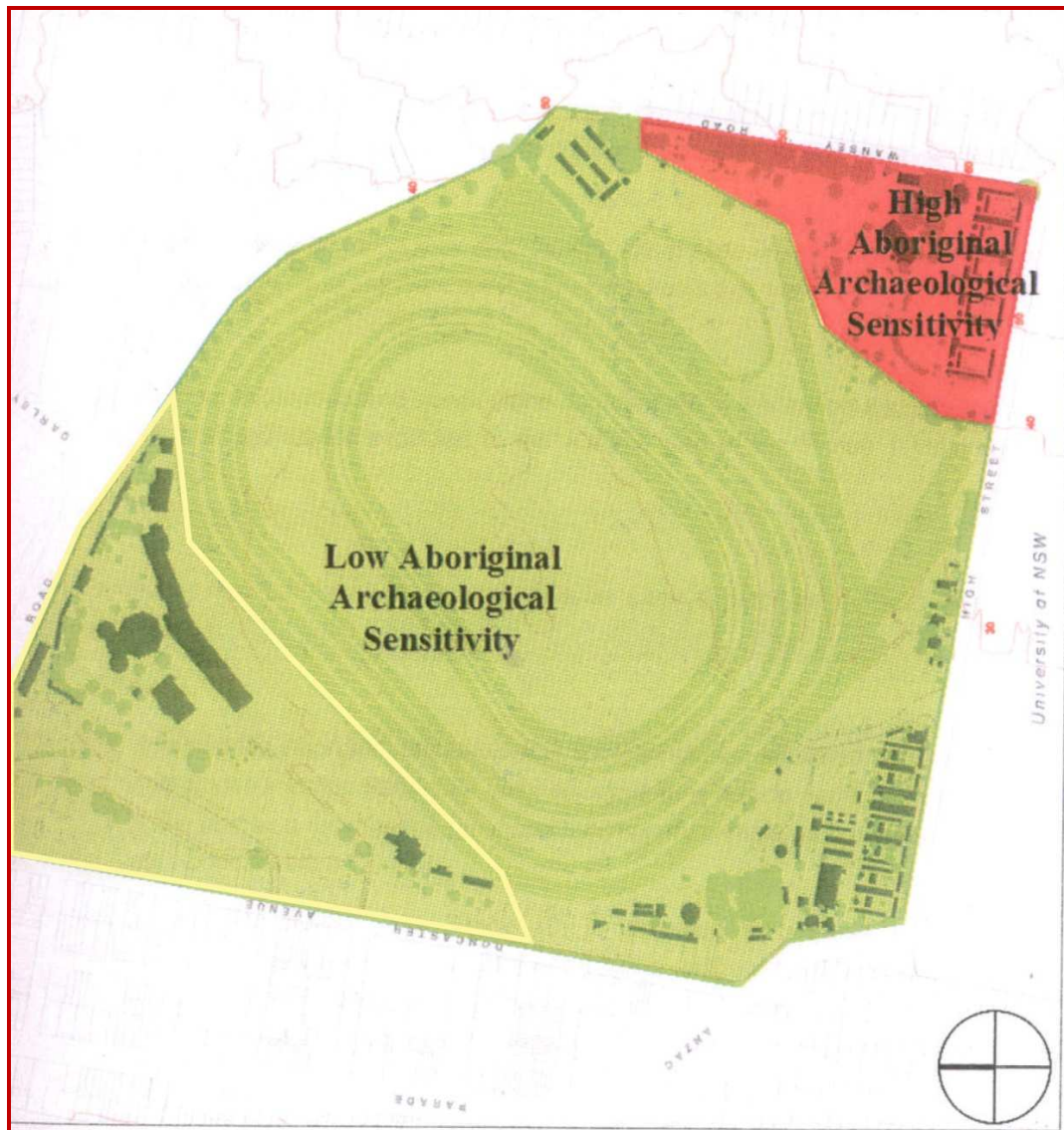


Figure 2: Previously assessed zone of high and low Aboriginal archaeological sensitivity. The yellow outline shows the approximate location of the study area (source: DSCA 2006).

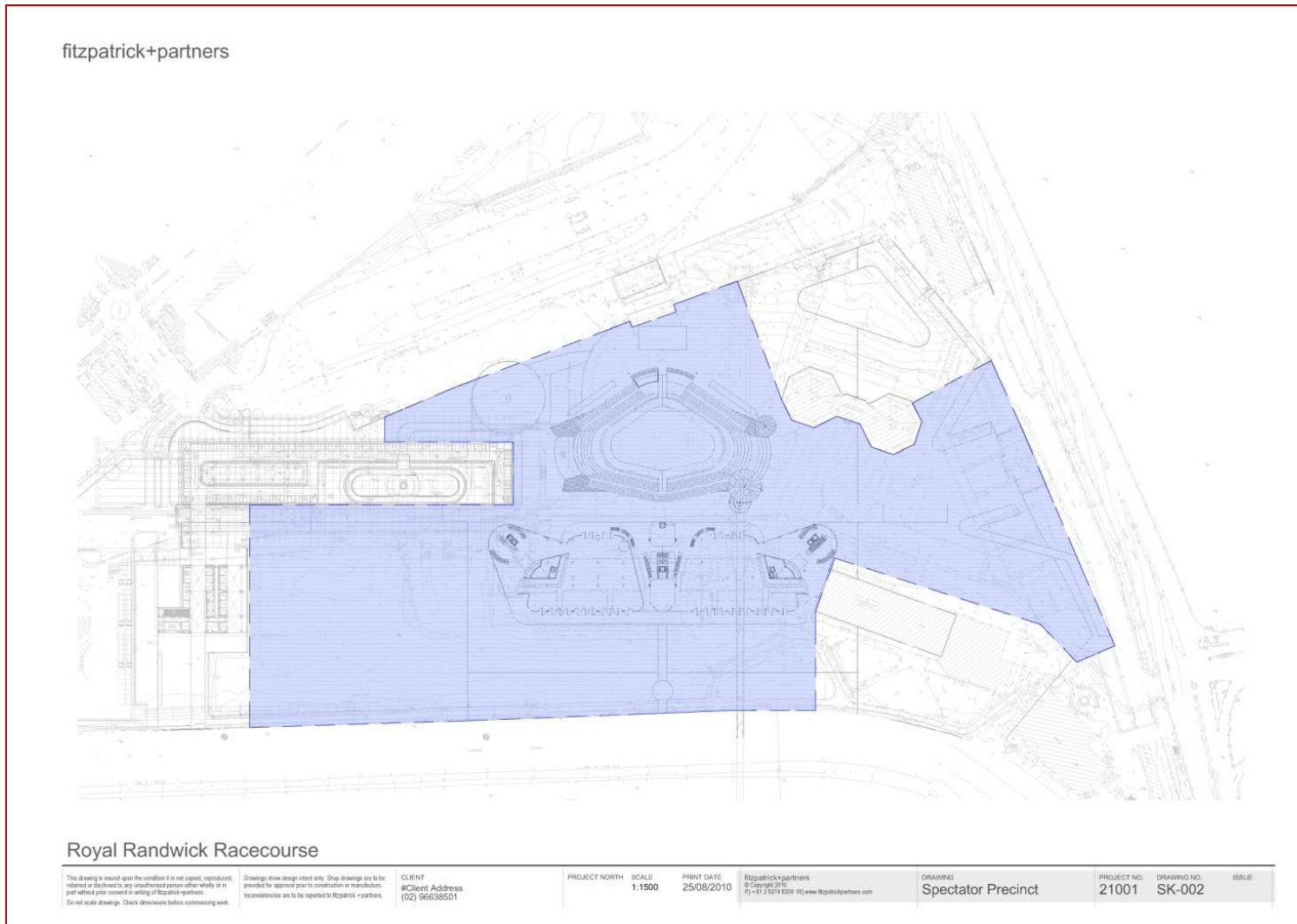


Figure 3: Proposed Development (source: Fitzpatrick + Partners)

References

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GML

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