



Our ref: DOC21/549822-4

Mr David Glasgow
Principal Planning Officer
Key Sites Assessments
Department of Planning, Industry & Environment
email: david.glasgow@planning.nsw.gov.au

Advice provided via the Major Project Portal

Dear Mr Glasgow

Response to Submissions - Atlassian - Office and Hotel Development (SSD-10405) (City of Sydney)

Thank you for your referral dated 1 July 2021 inviting comments from Heritage NSW on the Response to Submissions Report (RTS) for the above state significant development (SSD) application. Thank you also for providing Heritage NSW with access to a copy of the finalised Aboriginal Cultural Heritage Assessment Report (ACHAR) on 14 July 2021. We provide the following comments in relation to Aboriginal cultural heritage regulation matters only.

As part of our review, Heritage NSW has considered the following documents:

- *Response to Submissions: Atlassian Central 8–10 Lee Street, Haymarket* (RTS) prepared by Urbis, 30 June 2021;
- Appendix D - *Atlassian Central Response to Submissions: Heritage & Archaeology*, prepared by Urbis, 7 June 2021; and
- *Aboriginal Cultural Heritage Assessment: Atlassian Central Site, 8-10 Lee street, Haymarket NSW 2000*, (ACHAR) prepared by Urbis, 3 May 2021.

Response to Submissions (RTS) and finalised ACHAR

The RTS documents that the ACHAR has now been finalised and the intention is to submit an addendum to the ACHAR at the completion of a proposed test excavation program. We also note the commitment to engage with the Aboriginal community as part of the Designing with Country framework.

The Environmental Impact Statement has previously indicated that the subject area likely contains potential for subsurface Aboriginal archaeological deposits to occur within a sensitive soil landscape. The finalised ACHAR states the level, nature and extent of these deposits and potential harm to Aboriginal cultural heritage values cannot be ascertained due to the lack of sufficient information and recommends a test excavation program be undertaken. The ACHAR also concludes that the principles of ecologically sustainable development (ESD) can only be partially assessed for Aboriginal cultural heritage values due to the need for archaeological test excavations.

As the proposed test excavation program has not been undertaken to date, we advise the RTS documentation does not clearly articulate how potential impacts to Aboriginal cultural heritage values have been assessed and clearly understood, and how this has been used to inform the development.

Comments on Aboriginal cultural heritage matters

The ACHAR outlines that archaeological test excavations will need to be undertaken either following the approval of the SSD or prior to an SSD approval under an approved Aboriginal Heritage Impact Permit. It is proposed that these excavations would be undertaken concurrent with any historical archaeological investigations. We note that an archaeological research design and methodology is recommended to be prepared.

While we continue to support the preparation of a combined research design and methodology for non-Aboriginal and Aboriginal archaeological test excavations, Heritage NSW request clarification as to the appropriate approval pathway for these excavations. Ideally test excavations should be completed prior to development approval to provide certainty as to what values are being impacted, allow opportunity for holistic management and mitigation actions to be considered and provide the ability to effectively influence design changes.

As the results from the test excavation program need to be incorporated into project design, to ensure adequate consideration and management of Aboriginal cultural heritage values, appropriate triggers and management measures will be required if the SSD is to be approved prior to completion of the test excavation program. Especially as, consultation undertaken with Registered Aboriginal Parties (RAPs) as part of the finalised ACHAR highlights that the subject area represents a moderate to highly culturally significant portion of the wider cultural landscape associated with the Gadigal people.

If SSD approval is to occur prior to completion of the test excavation program, we would recommend the proposed archaeological research design and methodology be prepared and submitted to your Department to be considered as part of the approval.

It is again noted that the overall project will be subject to further development of the detailed design. We continue to recommend ongoing consultation and input from Heritage NSW during this process.

If you have any questions regarding the above advice please contact me on (02) 6229 7089 or via email at jackie.taylor@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor

**Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW**

19 July 2021