



Our ref: DOC22/26828-2

Mr. Tom Piovesan
Senior Planner
Key Sites Assessments
Department of Planning and Environment

thomas.piovesan@dpie.nsw.gov.au

Dear Mr. Piovesan

**HERITAGE NSW – ABORIGINAL CULTURAL HERITAGE REGULATION
STATE SIGNIFICANT DEVELOPMENT (SSD)**

Proposal: Parramatta Leagues Club Hotel
SSD application no: SSD-8800, received 25 February 2022

Thank you for the referral for the above State Significant Development (SSD) to Heritage NSW for comment.

In preparing the below advice we have reviewed the following documents:

- SEARs for SSD-8800, issued 6 November 2017.
- Austral Archaeology Pty Ltd 2018, *Parramatta Leagues Club Hotel Development: Aboriginal Due Diligence and Historical Archaeological Assessment*, dated 26 November 2018, report prepared for Parramatta Leagues Club.
- GML Heritage 2016, *Parramatta Leagues Club Archaeological Test Excavation Report*, Report prepared for APP corporation Pty Ltd on behalf of Parramatta Leagues Club.

The due diligence assessment prepared by Austral 2018 is a legal defense against harm and we will not approve or certify a person's compliance with the due diligence requirements carried out under the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010), or any other code. This is the responsibility of the company or individual doing the activity.

Furthermore, by undertaking a due diligence assessment any cultural values or traditional knowledge held by Aboriginal people can be overlooked, as there is no obligation to undertake consultation or received feedback on the assessment.

From an archaeological perspective however, the results of the previous GML 2016 investigation under a s87 excavation permit have confirmed the disturbed and truncated nature of the Blacktown soil profile in the car park, both within and adjacent to the development. The results of the investigation concluded that the Parramatta sandsheet occurred closer to the existing river, and the Blacktown soils present across the remainder of the assessment area had little to no A horizon remaining.

It is reasonable to therefore to extrapolate the archaeological results across the current assessment area and conclude that there is low potential to encounter intact subsurface deposits with the potential to contain Aboriginal cultural heritage. This cannot be confirmed without first demolishing existing infrastructure and undertaking an additional testing program.



DPE could choose to condition archaeological testing, prior to construction occurring, to ensure no impact to Aboriginal cultural heritage occurs.

Irrespective of whether additional archaeological investigation was required by DPE, Heritage NSW would recommend the implementation of the following unexpected finds protocol:

- If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - o Not further harm the object(s)
 - o Immediately cease all work at that location
 - o Secure the area to avoid further harm to the Aboriginal object(s)
 - o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and location
 - o Not recommence any work at the location unless authorised in writing by Heritage NSW.
- If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. You may wish to seek separate advice from Heritage NSW in relation to matters under the *Heritage Act 1977*.

If you have any questions regarding the above advice, please contact Emily Dillon, Assessment Officer, at Heritage NSW on 02 6229 7189 or via email at emily.dillon@environment.nsw.gov.au.

Yours sincerely

Nicole Y Davis

Manager Assessments

Community Engagement

Heritage NSW

Department of Premier and Cabinet

Date: 8 March 2022