



Our ref: DOC20/853918
Your ref: SSD-7874

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

Advice provided via the Major Project Portal

Dear Mr Glasgow

Response to Submission comments for Harbourside Shopping Centre Redevelopment (SSD 7874)

Thank you for your referral dated 16 October 2020 inviting comment from Heritage NSW on the Response to Submissions (RTS) for an amended concept proposal for the above State Significant Development (SSD). We provide the following comments in relation to Aboriginal cultural heritage regulation matters.

Previous advice on this project was provided by the then Office of Environment and Heritage (OEH) on 16 December 2016 during the exhibition of the Environmental Impact Statement (EIS). At that time OEH concluded that the matter did not contain Aboriginal cultural heritage issues that required a formal response. OEH advised that they had no further need to be involved in the assessment of the project.

Heritage NSW has reviewed the following documents as part of the referral of the amended concept proposal:

- *Response to Submissions and Further Amended Concept Proposal Redevelopment of Harbourside Shopping Centre Darling Harbour* prepared by Ethos Urban and dated 12 October 2020
- *Response to Agency Submissions Harbourside Shopping Centre Redevelopment* prepared by Ethos Urban dated 12 October 2020
- *Response to Submissions Heritage Impact Statement Harbourside Redevelopment* prepared by Curio Projects dated 2 October 2020
- *Redevelopment of Harbourside Shopping Centre Aboriginal Heritage Due Diligence Assessment Report* prepared by Curio Projects and dated September 2016.

Aboriginal cultural heritage regulation review of RTS

We note the 2016 due diligence assessment report and the 2020 RTS Heritage Impact Statement assess there to be low to nil potential for Aboriginal objects to be present within the project area. Both reports address potential Aboriginal cultural heritage impacts only.

As the 2016 assessment was undertaken following the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) however, there has been no consultation undertaken with the Aboriginal community which may have provided more information about cultural values of the project area. The 2020 assessment also states that it does not include an assessment of the potential Aboriginal cultural heritage significance (intangible values) of the site.

The 2020 assessment does recommend the preparation of a Heritage Interpretation Plan for the project area in order to address the significant history, heritage elements and values of the site and its surrounds, including built heritage items, historical archaeology and Aboriginal cultural heritage.

We note the RTS refers to consistency with the draft Pyrmont Peninsula Place Strategy (dated July 2020). This Strategy encourages the acknowledgment and celebration of Aboriginal cultural heritage in new development across the Peninsula. As part of this strategy, a Cultural Heritage Report (dated July 2020) was also prepared which outlines the significance of the Pyrmont Peninsula and recommended further assessment be undertaken to understand the broader cultural landscape of the area. This report maps an area of archaeological sensitivity, associated with the original landform, to the immediate south west of the project area.

Aboriginal cultural heritage regulation advice

While the proposed development appears to have low potential to impact on Aboriginal cultural heritage, we provide the following recommendations:

We note the mitigation measures in Table 12 of the RTS states the benefit of undertaking historical archaeological test excavation prior to the finalisation of the Stage 2 DA in order to inform potential design outcomes. We recommend that any proposed historical testing include consideration of Aboriginal cultural heritage values to address whether the project area does have potential for Aboriginal objects.

We support the preparation of an Unexpected Finds Protocol for Aboriginal objects as part of any Construction Management Plan for the site during all development works.

We support the preparation of a Heritage Interpretation Plan to address all heritage elements and values of the site, including built heritage items, historical archaeology and Aboriginal cultural heritage.

We support detailed design and interpretation across the project area to acknowledge and celebrate Aboriginal cultural heritage consistent with the draft Pyrmont Peninsula Place Strategy.

Heritage NSW also recommends that the Aboriginal Participation in Construction Policy (APIC) is considered for this development.

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**

27 October 2020