

Mr David Glasgow
Principal Planning Officer
Key Sites Assessments
Department of Planning, Industry & Environment
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Advice provided via the Major Project Portal

Dear Mr Glasgow

New Request for Advice - Atlassian - Office and Hotel Development (SSD-10405) (City of Sydney)

Thank you for your referral dated 10 December 2020 inviting comments from Heritage NSW on the State Significant Development (SSD) Application for the Atlassian Office and Hotel development. We provide the following comments in relation to Aboriginal cultural heritage regulation matters only.

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

- *Environmental Impact Statement: Atlassian Central 8–10 Lee Street, Haymarket* (EIS) prepared by Urbis, December 2020;
- Appendix A - SEARs for SSD-10405, issued 15 October 2020;
- Appendix I - *Heritage Impact Statement Atlassian Central*, (HIS) prepared by Urbis, 30 September 2020;
- Appendix J - *Conservation Management Plan: Former Inwards Parcels Shed*, (CMP) prepared by Urbis, 30 September 2020;
- Appendix K - *Former Inwards Parcels Office Historical Archaeological Assessment and Research Design*, prepared by AMBS Ecology & Heritage, September 2020; and
- Appendix L - *Aboriginal Cultural Heritage Assessment: Former Inwards Parcels Office*, (ACHAR) prepared by Urbis, 23 September 2020.

The ACHAR has not been finalised

We note that the Aboriginal Cultural Heritage Assessment (ACHAR) provided with the EIS does not contain the results of Stage 4 consultation with the Aboriginal community at section 3.5 (page 62), section 5 (page 64-67), Appendix C and Appendix D. We also note some pages of the ACHAR are still watermarked as draft. Both the HIS and CMP also refer to the ACHAR as draft (HIS section 5, page 79 and CMP section 5, page 94).

Aboriginal consultation is an essential component of assessing impacts to Aboriginal cultural heritage values. Section 3.3 of the ACHAR acknowledges this and states;

“preliminary results and recommendations for this assessment, acknowledging that conclusions regarding any potential cultural significance of the subject area cannot be reached until the consultation process is completed.”

Heritage NSW requests that further detail is provided as to the results of the Stage 4 Aboriginal consultation and clarification regarding the draft status of the ACHAR.

Aboriginal cultural heritage regulation review of EIS and associated reports

The ACHAR identifies that there is potential for the Tuggerah Soil Landscape to occur within the Project area. As such, there is a moderate likelihood of artefact scatters, isolated finds and potential archaeological deposits to occur in the Project area at depth within any intact sand deposits associated with the Tuggerah Soil Landscape. The ACHAR outlines that this landscape feature will require further detailed investigations including test excavation. Heritage NSW supports the proposal for further investigations based on the findings of the draft ACHAR.

Heritage NSW can advise that there have been recent archaeological investigations undertaken adjacent to this development as part of upgrade works for the Central Station. This has included archaeological excavations undertaken under an Aboriginal Heritage Impact Permit (AHIP). While reporting is still in preparation, preliminary results have confirmed the presence of subsurface Aboriginal objects in the area.

Based on the information provided in the ACHAR, it appears the impact to Aboriginal cultural heritage values has not yet been fully assessed as part of the EIS. The ACHAR states, under section 6.2 (page 69), that further assessment in the form of test excavations is required. The ACHAR also outlines, under section 6.3 (page 69), that the principles of ecologically sustainable development (ESD) for this project have only partially been assessed for Aboriginal cultural heritage values again due to the need for archaeological test excavations.

The ACHAR and HIS conflict in the proposed management of Aboriginal cultural heritage whereby the ACHAR states:

“NOTE: The timing of the recommended test excavations is yet to be determined by the proponent. If the test excavations are to occur prior to the approval of SSD-10405 then they must be undertaken following an approved Aboriginal Heritage Impact Permit (AHIP) and in conjunction with an approved Section 60 required for associated historical archaeological investigations.” (Executive Summary on page 2 and section 9 Recommendations, page 73)

The HIS however, under section 8 (page 196), outlines that management of any potential historical archaeological resource and potential Aboriginal archaeological resource on the site will be undertaken through the adoption of a consolidated test excavation program to confirm the presence or absence of archaeological artefacts and deposits.

Heritage NSW notes the project site is constrained due to the existing buildings and already developed nature of the area however, further detail needs to be provided as to the process proposed for additional investigations of Aboriginal cultural heritage matters.

Aboriginal cultural heritage regulation advice

As the ACHAR outlines that the Aboriginal consultation and assessment impacts on Aboriginal cultural heritage values are incomplete, we recommend the ACHAR is updated to:

- provide detail regarding the outcomes of Aboriginal consultation;
- clearly outline the pathway for how further investigations and impacts to Aboriginal cultural heritage values will be managed as part of this Project; and
- be a finalised document.

In relation to clarifying the pathway and process for undertaking additional investigations, we provide the following recommendation:

- The preparation of any non-Aboriginal archaeological research design and methodology needs to include consideration of Aboriginal cultural heritage values to address whether the project area does have potential for Aboriginal objects otherwise a separate methodology for the Aboriginal cultural heritage needs to be prepared.

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

We support ongoing consultation with the Aboriginal community as part of construction works and design and recommend a Heritage Interpretation Strategy be prepared that incorporates Aboriginal history and cultural heritage.

It is noted that the overall project will be subject to further development of the detailed design. We strongly 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



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Heritage NSW
17 February 2021