



Our ref: DOC20/926917-9
Your ref: SSD-10421

Ms Prity Cleary
Senior Planning Officer
Social and Other Infrastructure Assessments
Department of Planning, Industry and Environment
email: prity.cleary@planning.nsw.gov.au

Advice provided via the Major Project Portal

Dear Ms Cleary

Notice of Exhibition - Weigall Sports Complex, Sydney Grammar School SSD-10421 (Woollahra Municipality)

Thank you for your referral dated 9 November 2020 inviting comment from Heritage NSW on the above State Significant Development (SSD) proposal. We note the proposed development is for the demolition of existing buildings and structures for the construction of the Weigall Sports Complex consisting of two buildings and a carpark.

Aboriginal cultural heritage regulation is now part of Heritage NSW

On 1 July 2020 the Aboriginal cultural heritage regulation functions under the *National Parks and Wildlife Act 1974* were transferred from the Department of Planning, Industry and Environment (DPIE) to Heritage NSW in the Department of Premier and Cabinet. All references to DPIE administering Aboriginal objects and Aboriginal places needs to be updated to Heritage NSW.

Heritage NSW has reviewed the following documents as part of our assessment:

- *Sydney Grammar School Weigall Sports Complex (SSD-10421) – Environmental Impact Statement (EIS)*, prepared by Robinson Urban Planning, dated 2 November 2020.
- *Appendix L - SGS Weigall Sports Complex, Paddington NSW Aboriginal Cultural Heritage Assessment (ACHA)*, prepared by Eco Logical Australia, dated 10 September 2020.

We provide the following comments in relation to Aboriginal cultural heritage regulation matters.

Aboriginal cultural heritage regulation review of EIS and ACHA

A field survey for the ACHA has assessed that there is low to nil potential for archaeological material to be located or harmed due to the assessed area being heavily disturbed and modified with the majority of the study area filled and levelled for the formation of the playing fields, tennis/ basketball courts and buildings. No Aboriginal objects, archaeological deposits or areas of potential were identified.

It is noted that the effective coverage of the survey was recorded as 0% due to the existing structures, fields and courts although there is no map showing the survey transects employed across the development area. No test excavations were undertaken to confirm the disturbance levels or any low subsurface potential.

The ACHA itself contains several errors including:

- incorrectly recommending that a section 90 Aboriginal Heritage Impact Permit (AHIP) be sought if Aboriginal objects are to be moved or harmed as part of the development (pages vii and 35). Heritage NSW notes that an AHIP is not required as the proposed development has been declared SSD.
- referring to the *National Park and Wildlife Regulation 2009* (page 7). Heritage NSW can advise that the Regulation was updated in 2019 with the Aboriginal cultural heritage clauses re-numbered.
- incorrectly referencing section 5.3, under section 3.2.2, as containing the survey details (page 17). The correct section is 4.3.
- Section 3.3 states four responses, received by registered Aboriginal Parties, are provided in Table 5 (page 17) however only 3 responses are listed.
- section 7.1.2 incorrectly refers to OEH (page 33). This should now refer to Heritage NSW.
- a number of references within the ACHA are not listed in the References section on page 37: Artefact Heritage 2017 (page 21); Attenbrow 1991 and Attenbrow 1992 (page 21); Lampert and Truscott 1984 (page 21) Baker 2004 (page 21) Kate Sullivan & Associates 2001 (page 22); Jo McDonald CHM 2010 (page 22); NSW NPWS 1997 (page 28).

We note the EIS summarises the mitigation measures from the ACHA and recommends a condition of consent should be imposed requiring compliance with the recommendations in the ACHA. There is no specific mitigation measure listed for Aboriginal cultural heritage under section 7.0 of the EIS, although we note the Construction Management measure in Table 24 (page 160) states demolition/construction work will be carried out in accordance with the Aboriginal Cultural Heritage Assessment by Eco Logical (Appendix L).

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:

- An Aboriginal heritage management plan (AHMP) should be prepared to outline how the measures and recommendations from the ACHA will be implemented. This would assist to manage the measures recommended in the EIS whereby:
"If proposed works encounter intact sand deposits, then further archaeological investigations will be required as requested by the La Perouse Local Aboriginal Land Council. Monitoring by a qualified archaeologist and a representative of the LALC during early excavation works might also be required" (EIS, page 139)
- An AHMP should include, but not be limited to;
 - An Unexpected Finds Protocol for Aboriginal objects
 - Outlining when additional survey or assessment may be required
 - Outline ongoing consultation and involvement with the registered Aboriginal Parties as part of construction activities.

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
9 December 2020