



Our ref: DOC20/930270

Mr David Glasgow
Department of Planning, Industry and Environment
Locked Bag 5022,
PARRAMATTA NSW 2124
By email: david.glasgow@planning.nsw.gov.au

Dear Mr Glasgow

Response to Submission (RTS) clarification of Harbourside Shopping Centre Redevelopment (SSD 7874)

Thank you for your referral dated 10 November 2020 inviting comments from the Heritage Council of NSW to clarify earlier recommended conditions set out in a letter dated 4 November 2010 on the above State Significant Development (SSD) RTS stage.

Department of Planning Industry and Environment (DPIE) has requested clarification to the recommended conditions. Additional detail is now sought regarding requirements for consultation with Heritage NSW during the various processes, including sign-off of or approval of reports and any specific requirements for the recommended archaeological testing program.

HNSW notes that as a concept approval the recommended conditions for the SSDA set out what would be required for the future more detailed planning staged DA. The recommended draft conditions for testing did not identify timeframes or other stages of information required for testing as these could also be addressed in a program outside the SSD process (i.e. under the *Heritage Act 1977*) or to inform the EIS for the SSDA stage 2 (through investigations under s4.41(3) of the *Environmental Planning and Assessment Act 1979*). The physical restrictions of the site, with existing buildings may partially inhibit a testing program and cause the Proponent to seek an alternative pathway identified above rather than testing under this Concept approval. HNSW is unclear if testing is conditioned on the concept approval, whether the Proponent would be required to satisfy all of these conditions to transition to the stage 2 SSDA.

In response to DPIE's questions, the draft conditions below are specific for historical and maritime archaeology and relate only to condition 3.

To support the clarifications sought by DPIE, HNSW recommends the following additional conditions. These are the minimum standard conditions of the Heritage Council of NSW to manage disturbance to relics and seek a nominated excavation director to conduct the excavation; an archaeological research design and excavation methodology to guide that program and the preparation of a final excavation report to document the findings. The final report is also required by s146 of the *Heritage Act 1977* to notify the Heritage Council of the discovery of relics (in any circumstance).

3. Management of State Significant Archaeological Resources (Historical, Maritime and Aboriginal):

The project shall ensure that archaeological testing is used to inform the Stage 2 SSDA detailed design. The project shall use this information to minimize impacts to State significant archaeological resources (historical, maritime and Aboriginal) within the project area.

Subsequent development application/s must demonstrate how the design has been informed by the results of the archaeological testing. The results of the archaeological testing must be documented in a report which outlines opportunities for conservation in situ (as a preference), development and interpretation.

Additional Recommended Historical Archaeological Conditions should be linked to Condition 3 as follows:

3a. Excavation Director

The Applicant shall nominate a suitably qualified and experienced historical archaeologist to manage the historical archaeological program for test excavation in accordance with its conditions. This person must fulfil the Heritage Council's Excavation Director Criteria 2019 for test excavation of State significant archaeological relics. Details of the nominated person and their ability to demonstrate against the ED Criteria 2019 shall be supplied to the Heritage Council of NSW (or its delegate) for comment to the Department of Planning Industry and Environment (DPIE) prior to the commencement of the testing program.

3b. Archaeological Research Design and Excavation Methodology

An Archaeological Research Design and Excavation Methodology shall be prepared to guide the archaeological testing program. It shall be prepared according to Heritage Council of NSW guidelines. This document shall be submitted for comments to the Heritage Council of NSW (or its delegate) and the approval by the Department of Planning Industry and Environment (DPIE) prior to the commencement of the testing program.

3c. Final Archaeological Excavation Report

A final archaeological excavation report shall be prepared within 12 months of the completion of archaeological test excavation. It should include details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner. The Excavation report shall respond to any research questions and reassess the significance of the site and its archaeological potential for State significant archaeology with recommendations for future design of the SSDA stage 2. Copies of the final excavation report shall be provided to the Department of Planning, Industry and Environment (DPIE), the Heritage Council of NSW and to the City of Sydney Council's local studies unit.

If you have any questions regarding the above advice, please contact Felicity Barry, Senior Historical Archaeologist at Heritage NSW on (02) 9995 6914 or Felicity.Barry@environment.nsw.gov.au.

Yours sincerely



16 November 2020

Dr Siobhan Lavelle, OAM
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Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW