



Our ref: DOC20/1032683-11
Your ref: SSD-10320

Caleb Ball
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Social Other Infra Assessments
Department of Planning, Industry and Environment
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Advice provided via the Major Project Portal

Dear Mr Ball,

New Request for Advice - Alterations and Additions to President Private Hospital (SSD-10320) (Sutherland Shire)

Thank you for your referral dated 15 December 2020 inviting comment from Heritage NSW on the Environmental Impact Statement (EIS) for the Alterations and Additions to President Private Hospital, Kirrawee, NSW. We note the redevelopment of the President Private Hospital involves the proposed upgrade of all existing carpark, vehicular entry and exit access points, extension to the existing facilities and the construction of a new Mental health ward.

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

- *Environmental Impact Statement*, prepared by Imagescape Design Studios, dated 13 November 2020
- Appendix 1 – *SEARs Requirements*, prepared by DPE, dated May 2019
- Appendix 26 – *Aboriginal Cultural Heritage Assessment Report*, (ACHAR) prepared by Archaeological Management Consulting Group, dated August 2020
- Appendix 27 – *Aboriginal Archaeological Technical Report*, (AATR) prepared by Archaeological Management Consulting Group, dated August 2020

We provide the following comments in relation to Aboriginal Cultural Heritage Regulation matters only.

Aboriginal cultural heritage regulation review of EIS, ACHAR and AATR

The 2020 ACHAR and 2020 AATR outline that as the Proposed President Private Hospital Redevelopment site is situated on a lower slope and adjacent to a low order drainage line, observable within the historic aerial imagery. Consequently, the reports predict that there is low to moderate potential for open artefact scatters, isolated finds and midden deposits to be present within the assessment area.

We note the survey for the Aboriginal archaeological assessment was undertaken on 3 April 2020, prior to the Stage 2 and 3 consultation period closing, with a representative from the La Perouse Local Aboriginal Land Council (LALC) in attendance.

While it is stated that the entire study area was inspected on foot, ground visibility during the site inspection was averaged to 10% due to the presence of landscaping, existing infrastructure and introduced fill across most of the Proposal Area. The site inspection did not locate any Aboriginal cultural heritage items or places and identified a range of historic land

disturbance. The inspection did however conclude that there were areas within the Proposal Area that had the potential to preserve intact subsurface deposits, beneath fill. This assumption was further supported by the results of two geotechnical boreholes that demonstrate the potential for an A horizon of the Gynea Soil profile to occur beneath the existing asphalt fill across sections of the Proposal Area.

We note no test excavations have been undertaken to date to confirm any subsurface potential.

Consultation was undertaken as a requirement of the SEARs issued in 2019. A copy of the Draft Cultural Heritage Assessment Report and Technical Report was subsequently provided to Registered Aboriginal Parties for review and comment.

The ACHAR provided the following recommendations:

- It is recommended that an Aboriginal Cultural Heritage Management Plan (ACHMP) should be in place as part of status of the proposed development as a State Significant Development (SSD-10320). This is to manage and mitigate any potential Aboriginal objects of archaeological and cultural significance that may be present within the study area. Intact soils are likely below fill material therefore there is a potential for intact Aboriginal objects and/or features to be present.
- Consultation with the Registered Aboriginal Parties (RAPs) should continue, as per the requirements detailed in the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010).
- Subsequent to this report and in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010), a program of systematic, sub surface archaeological test excavation in accordance with the Code Of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010) or Aboriginal Cultural Heritage Management Plan (depending on status of the development), should be undertaken to establish the nature and extent of any archaeological objects and/or deposits that are/may be present.
- In the event archaeological test excavations reveal Aboriginal archaeological objects or deposits, the following is recommended; Once the nature and extent of the archaeological site has been established through test excavation, the data will be analysed and synthesised into the Aboriginal Archaeological Technical Report (AATR) or depending on the status of the project will be updated into the ACHMP.
- If test excavation does not reveal Aboriginal archaeological objects or deposits, the following is recommended. Depending on the status of the project as an SSD - an ACHMP will need to be in place in order for the development activity to proceed.
- An analysis of artefacts retrieved should be conducted in a framework to allow for comparison with previous relevant results and to be recorded in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010).

The mitigation measures outlined on Page 102 of the EIS largely relate to post approval processes.

Aboriginal cultural heritage regulation advice

While the proposed development has low potential to impact upon undisturbed surface Aboriginal cultural heritage there is reasonable potential for intact subsurface deposits to be present within the proposal area. The ACHAR itself outlines that “a program of systematic, subsurface archaeological test excavation is required to establish the nature and extent of any archaeological objects and/or deposits that are/may be present”.

As test excavations have not been undertaken as part of the EIS, the impacts to Aboriginal cultural heritage values remains unknown. Undertaking test excavations upfront informs the potential of the area to contain Aboriginal objects, whether future salvage excavation is required and will allow the proponent to redesign the project to avoid any significant Aboriginal objects or sites where necessary.

As the Aboriginal cultural heritage assessment has not been completed, Heritage NSW advises that this needs to be completed prior to approval so that the proponent and consent authorities may make appropriately informed decisions concerning the impacts of the project.

Consequently, Heritage NSW provides the following recommendations:

- A systematic subsurface testing program needs to be undertaken in line with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. An Archaeological Report assessing impact to any Aboriginal cultural heritage identified during testing needs to be prepared and incorporated into the EIS prior to development approval being issued and to inform future conditions of consent.
- Consultation with the Registered Aboriginal Parties (RAP) needs to continue in line with the *Aboriginal cultural heritage consultation requirements for proponents 2010*.
- Following completion of the subsurface testing program, and assuming project approval is granted, a Cultural Heritage Management Plan will need to be prepared to address unexpected finds and outline any impacts to Aboriginal cultural heritage or mitigation measures required before, during and after construction.

If you have any questions regarding the above advice please contact Emily Dillon, Archaeologist, Aboriginal Cultural Heritage Regulation – South, Heritage NSW on (02) 6229 7189 or via email at emily.dillon@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
3 February 2021