

David Glasgow
Principal Planning Officer
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Department of Planning, Industry and Environment
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Dear Mr Glasgow

Review of Environmental Impact Statement for Cockle Bay Wharf Mixed Use Development (SSD-9978934)

Thank you for your referral dated 04 November 2021 inviting comments from Heritage NSW on the above State Significant Development (SSD) Environmental Impact Statement (EIS) and Aboriginal cultural heritage recommendations.

The proposed development involves the removal of existing buildings and infrastructure, significant levels of ground disturbance to varying depths and the construction of a large multi-storey building and associated infrastructure.

The following reports were considered in our assessment:

- "Environmental Impact Statement: Detailed (Stage 2) State Significant Development Application - SSD-9978934: Cockle Bay Park - 241-249 Wheat Road, Sydney. Submitted to Department of Planning, Industry and Environment on behalf of DPT Operator Pty Ltd and DPPT Operator Pty Ltd, 15 October 2021 | 2200220
- "Cockle Bay Park Redevelopment, Appendix A: Aboriginal Cultural Heritage Assessment Report, State Significant Development, Development Application (SSD DA)". Prepared for DPT Operator Pty Ltd and DPPT Operator Pty Ltd, by Artefact Heritage, 8 October 2021

Heritage NSW has reviewed both the EIS and Aboriginal Cultural Heritage Assessment Report (ACHAR) and provide the following comments:

We note the nature and location of the works, in particular the fact that a significant section of the proposed ground disturbance footprint is situated on reclaimed land. We also note that this reclaimed land would have been inundated sometime during the mid-holocene sea level rise and would have, prior to inundation, comprised of a gently coastal valley with a sustainable fresh water source running through it and abundant natural resources.

We have also considered the discussion at Section 4.1 of the ACHAR regarding the 'narrative of nomadism' and its implications for our understanding of pre-contact Aboriginal life and culture. Heritage NSW considers that if tangible remains of Aboriginal life and culture are present beneath the areas of reclaimed lands to be impacted by the proposed works that those objects, having been originally subject by coastal inundation, may date back a significant time. Given that the deeply secluded Pleistocene valley head would have been protected from all but the most extreme damage from heavy waters as the inundation period occurred, if Aboriginal cultural material is present it is likely to be so in a much more intact form than other coastal locations which were largely subject to heavier wave and tidal activity. We also note the improved potential for preservation of organic material that this process of inundation creates. Based on these considerations, it is likely the significance of Aboriginal objects which

may be present (EIS Section 6.12.1) have been misclassified in both the ACHAR and the EIS (Section 6.12.1) and could be considered likely to be higher in nature.

We have considered the technical results provided in the ACHAR and concur with the conclusions of likely impact to the natural soil profile beneath the existing land surface being limited to those areas identified in the ACHAR (Section 8.3.2.7). We also support the conclusion and recommendations that in the event that any proposed works penetrate to the natural soil horizon that an archaeological assessment and test pitting needs to be carried out to ascertain the presence of any Aboriginal objects or cultural material.

Given the potential significance of Aboriginal objects and deposits which are likely to be present beneath the inundated and reclaimed areas of land, Heritage NSW does not support Recommendation 1 provided at Section 6.12.1 of the EIS. Heritage NSW consider that the natural soil profile in locations where ground disturbing works will penetrate to that depth should be subject to careful archaeological analysis to determine the presence and nature of any Aboriginal objects. Considering the possibility for extremely fragile organic remains to be present in an anaerobic state, Heritage NSW recommends that all bulk excavation cease prior to impacting the natural surface in these areas. We recommend the existing geotechnical information be used to assist in determining the depth of the nature soil profile. Excavation should then continue manually until the natural surface is encountered and then archaeological test excavation be carried out. No authorisation for salvage excavations should be given until such time as the results of test excavation have been assessed and the significance of any Aboriginal objects and deposits determined.

Heritage NSW also strongly recommends that no approval be granted until a detailed proposed test excavation methodology has been formulated in consultation with the registered Aboriginal Parties and Heritage NSW. Although test excavation itself should be allowed to commence post-approval, the archaeological methodology to be followed needs to be finalised and endorsed prior to any approval being given.

If you have any questions regarding the above advice, please contact me on (02) 6229 7089 or via email jackie.taylor@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor

**Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW**

7 December 2021