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Our Ref: PR107832
Date: 21 November 2012

Attn: Caroline Owen
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Via: Online submission

Dear Caroline

RE: SSD 4949-2011:157-163 CLEVELAND STREET, REDFERN – S96(1A) APPLICATION STATEMENT

In accordance with section 96 (s96) of the *Environmental Planning and Assessment Act 1979* (the 'Act') and on behalf of our client, Urbanest Pty Ltd, we hereby submit this s96(1A) application to modify the development consent, SSD-4949-2011. The modification is to amend condition D2 relating to archaeology.

The s96(1A) application is made up of the following documents:

- This letter which sets out the nature of all modifications and the justifications.
- Letter prepared by NSW Heritage Council, dated 23 October 2012.
- Letter prepared by Cultural Resources Management dated 27 September 2012.
- Owner's consent.
- Completed electronic DA form.

1.0 Background

The original proposal was for a 2 to 5 storey student accommodation facility with 404 fully furnished rooms accommodating up to 461 students at 157-163 Cleveland Street, Redfern. This was deemed 'State Significant Development' as the subject site forms part of the 'Redfern-Waterloo Sites' State Significant Site and the proposal had an estimated capital investment value of more than $10 million. The development application (DA) for the proposed development was submitted to the Department of Planning and Infrastructure (DP&I) on 25 November 2011 and approved on 16 May 2012.

Two s96(1A) applications have been submitted to and approved by the DP&I relating to the timing of payment of section 94 contributions, hours of work and Green Star requirements.

2.0 Site Details

The subject site is known as 157-163 Cleveland Street, Redfern and comprises land legally described as Lot 50 in DP 826153, Lot 11 in DP 531788 and Lot 1 in DP 449699.

The site occupies a whole block and is bounded by Hudson Street to the south, Cleveland Street to the north and Hart Street and Abercrombie Street to the east and west, respectively. It is located approximately 280m from Redfern Station and 900m from Central Station and adjoins suburb boundaries of Darlington and Chippendale. The site is within walking distance of several universities including University of Sydney, UTS and Notre Dame.

It is currently occupied by a two storey face brick and render warehouse (157-163 Cleveland St) and three storey rendered commercial and residential building (136-144 Cleveland St).

3.0 Proposed Modification

This application seeks to modify condition D2(b) to provide an alternative archaeological investigation strategy to the full salvage excavation of the site that is currently required if a substantial intact profile is identified. The proposed modification to the condition is shown below:

> **D2. Aboriginal & European Archaeology**
>
> b) Should ~~**initial**~~ archaeological testing at the site ~~**in the areas of the underground tank, stormwater drain, façade footings and lift wells**~~ reveal a substantial and intact ***profile, a program of sample trenching shall*** ~~**archaeological resource, a full salvage excavation must**~~ be undertaken in areas ~~**indicated on the archaeological zoning map as being of medium and above significance.**~~ ***that will be most impacted by the redevelopment. This work shall provide a broad profile map of the underlying stratigraphy. It shall be recorded and interpreted with reference to the historical analysis of this site.***

4.0 Basis of Proposed Modification

Condition D2(b) requires that a full salvage excavation be undertaken should a substantial and intact profile is found.

The results of the initial archaeological investigations have revealed that the site is expected to preserve and intact archaeological profile that extends in time to at least the 1820s. Therefore a full salvage excavation would be required under this condition.

The approved development necessitates only two large excavation and several other smaller excavations. Excluding the two larger excavations, excavation required on the site will have a localised impact and the majority of the archaeological profile across the zones of high-medium significance will be preserved. The full salvage excavation would have a greater impact on the preservation or conservation of the profile by requiring the removal of 80% of it.

To minimise impact to the archaeological profile, an alternative strategy to undertake salvage excavation involving a program of sample trenching covering a broad profile of the site and its historical conditions, is proposed.

The proposed strategy is to offset the many smaller impacts by placing a series of test trenches, in those areas that will be affected by the piling. These trenches would be placed so that they provide a sample of the different uses of the site identified in the assessment (nineteenth and twentieth century industrial uses) as well as a widely spaced sample of the pre-industrial landscape. In addition to the two test trenches already excavated, there would be another six trenches. These include the two excavations planned for the crane base and detention take that would sample the centre of the site. The additional trenches would sample the eastern boundary, the southern boundary at either end and the northern boundary along Cleveland Street at the western end.

A detailed overview and background to the proposed strategy is provided in the attached letter prepared by Cultural Resources Management.

It is anticipated that the proposed strategy will provide a more detailed knowledge of the use and formation of the site than is known with the advantage of preserving the majority of the archaeological profile. It will provide evidence for the pre-settlement conditions, site formation processes and the character of different phases of occupation that can be extrapolated to other sites to inform future management.

The strategy has been developed in close consultation with the NSW Heritage Council to seek guidance and support on its suitability. The attached letter prepared by the Heritage Council demonstrates their support for the proposal.

It is therefore proposed to modify condition D2(b) to replace the requirement for full salvage excavation with the proposed alternative strategy.

5.0 Substantially the Same Development

Section 96(1A)(b) requires that the modifications result in substantially the same development as the development to which consent was originally granted. They are minor, resulting in substantially the same development to which consent was granted.

6.0 Assessment

Pursuant to Section 96(3) of the Act, matters referred to in section 79C(1) must be considered in determining an application for modification of a consent. This section provides a planning assessment of the proposal including its impacts, suitability and matters related to the public interest.

6.1 Planning Controls

The proposed modifications are consistent with relevant planning controls.

The City of Sydney Heritage Development Control Plan 2006 states that development should protect, where possible, and allow the interpretation of archaeological features. The proposed strategy is considered to better achieve this.

6.2 Likely Impacts of Development

The impacts of the modification have been carefully considered in the development of the proposed alternative strategy. As noted by the NSW Heritage Council in the attached letter, whilst it is known that a full salvage excavation would provide a comprehensive scope of information, it is anticipated that the proposed strategy will provide a good sample of information mapped across the site and should address the several phases of occupation. The social and environmental impacts will likely be positive in providing a new strategy alternative to salvage excavation that the NSW Heritage Council has noted, may provide a model for similar testing in the future. The works involved will also likely be less intensive and disruptive to the amenity of neighbouring residents.

Potential impacts of the proposed strategy are further discussed in the attached letter by Cultural Resources Management. No significant adverse impacts have been identified.

6.3 Suitability of Site for Development

The site is suitable for the proposed modifications which will facilitate expansive archaeological testing on the site whilst keeping the majority of the archaeological profile intact.

6.4 Public Interest

The modifications are in the public interest. As outlined above, the social and environmental impacts will likely be positive in potentially creating a new model for archeologically testing and the works involved will likely be less disruptive to surrounding amenity.

7.0 Conclusion

The proposed modification is minor and will result in substantially the same development as the consent originally granted. It provides an alternative to full salvage excavation and would provide a good sample of information mapped across the site and would address the several phases of occupation and is supported for this development by the NSW Heritage Council.

The proposal is therefore acceptable pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* and worthy of approval.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely
RPS

Mia Fay
Planner

Attachments:
Letter prepared by NSW Heritage Council, dated 23 October 2012.
Letter prepared by Cultural Resources Management, dated 27 September 2012.

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27 September 2012

Attention: Dr Siobhan Lavelle

RE: ARCHAEOLOGY 157-163 CLEVELAND STREET REDFERN, REVISED DGR

Further to our conversation on 25 September 2012 I would like to request your support when my client, Urbanest Pty Ltd, approaches the Department of Planning and Infrastructure to request a change in one of the DGRs that pertain to archaeological requirements at this site.

Summary of Works

To summarise the process to date:

- I prepared an assessment for this site in 2011 to accompany the application for development. The conclusions of this evaluation were that the site had the potential to preserve an intact archaeological profile of high local significance. The integrity of this profile needed to be tested to confirm this predictive model. A small programme of testing was recommended with several possible management strategies noted as an outcome depending on the results of that work.

- DGRS were issued that required an archaeological zoning map to be submitted to the Heritage Branch (Condition C4). This document was submitted in May 2012. It determined within the site levels of significance ranging through high, moderate and little-intrusive. The conclusions of the report were that these levels of significance were dependent on the integrity of the profile and that this work still required to be done. As before several possible outcomes for the ongoing strategy on site were identified as follows:

    - Monitoring and documenting significant archaeological evidence as it was revealed during any excavation works

    - Sampling excavation

    - Full salvage excavation

- There were additional DGRs (Condition D2 a-j) that largely pertain to managing archaeological resources during and after excavation, reporting and interpretation (D2 d-j).

- Conditions a-c describe a programme of works that is required on site as follows:

    - Testing in areas to be disturbed including the detention tank, stormwater drain, footings and left pits

- If testing revealed a substantial and intact archaeological resource full salvage was to be initiated in areas indicated on the zoning plan to be of high and medium significance.

I would note that the stormwater line, a nineteenth century oviform drain is now not subject to excavation and so would not be required for testing.

- The first test excavations were carried out at the site in the north-eastern corner on Cleveland Street within the area of the highest level of significance. After discussion with the builders and clients regarding the potential safety issues in excavating the small lift pit in this area as a sample and the reliability of this small space with respect to profiling this area of the site two larger test pits measuring approximately 4 x 5 metres were excavated here. The preliminary results of this work were presented in a summary report to the Heritage Branch immediately after the conclusion of the work.

- The results of the work demonstrated that there is an intact archaeological profile and secondly, in this area, the excavated areas were sufficient to address the two major issues with respect to occupation that were defined for the area. Small traces of a timber slab hut dating from the 1820s were found, demolition debris from a brick building of the c.1850s and traces of an industrial building and its yards from the later years of the nineteenth century and changes made to it in the early years of the twentieth century.

- Several excavations for strip footings have been made around the northern and eastern boundaries of the site to enable the façade to be retained during the course of construction. These excavations have also demonstrated that the archaeological profile does appear to be intact within the north-western quadrant of the site. It is still impossible to precisely determine the impact of the construction of the oviform drain on the southern portion of the site and of the construction of the 1990s apartment block on the eastern boundary. The latter is in the course of demolition.

The programme of ongoing archaeological work is now at the point where in the assessment and zoning plan it was recommended that strategies be determined based on the results of that work. However, the DGR has pre-empted that option by requiring full salvage excavation. This is the point where we would now like to revisit that requirement by discussing the impacts of both the development requirements and the proposed salvage excavation as well as the results of the work to date.

Relative Impacts

First the issue of relative impacts needs to be addressed. As we discussed, the proposed construction method does not require a basement excavation and the only major excavations are those required for a detention tank towards the centre of the site (approximately 10 x 10m) and four lift pits, one in the north-eastern corner (adjacent to our test pits) and three on the southern boundary spaced approximately fifteen metres apart. Each pit will measure approximately 2 x 2 metres. There are fourteen 3 x 1 metre strip footings, discussed above, for the façade retention. There is also the necessity for excavating a base to house the crane that will be used during the work, an area approximately 4 x 4 metres located in the centre of the western half of the site. Strip footings are required on the southern boundary to a depth of 500mm and there has been some disturbance across the surface of the site to date to remove asbestos (minimal, less than 400mm).

Most of these works are relatively minor and even the two large excavations could be managed by salvage excavations within the areas to be disturbed. However, the principal issue with respect to the impact of the development on this site has been and remains the disturbance caused by piles that need to be driven to bedrock around all the boundaries to a depth of thirteen metres into the site on the eastern boundary, a similar depth in the south-eastern corner, approximately seven metres depth for the rest of the southern boundary, six metres along the northern boundary, fourteen metres on the western boundary and a cluster in the centre of the site in an area approximately 10 x 12 metres. Each of the piles will disturb and area approximately 1 x 1 metre. These piles are on average six metres apart (some less) and two large portions of the site in the centre will not be impacted in any way by these works (*refer attached plan*). The effect of the work has been likened to reducing the archaeological profile to "swiss cheese".

It is also worth considering the specific impacts of these piles. There is historical evidence of the same technology being used on sites that we have now archaeological excavated and can identify the impact of this work on archaeological evidence. The Paddys Market excavation, the excavation of the Transgrid site and the recent excavation at Quay Street, all in the Haymarket, were on the sites of former markets constructed using piles, in these cases used to support roof posts. In every case the disturbance to the archaeological profile was confined to a very small area around the piles, generally 500-800mm and beyond those excavations the archaeological profile was untouched and undisturbed in any way. It has to be concluded that with better technology the piles that will be used on the Cleveland Street site will require less disturbance in the ground around them and will result in the same preservation of the profile between each pile.

The works proposed for the site will impact on the archaeological profile but apart from the defined areas of impacts for the lifts, tank and crane base the impacts of the piles will be relatively small, if numerous and the majority of the archaeological profile will be preserved between them all across the site.

The proposed salvage excavation will mitigate these many relatively minor and larger impacts. However, if the area proposed for excavation (medium to high levels of significance), based on the assessments made in the zoning plan were to be excavated it would encompass complete removal of all deposits over approximately 80% of the site. This would be comprehensive removal of all deposits to and into the original ground surface. All of this material or its equivalent would then have to be brought back to the site to allow the construction to be carried out. The impact of the proposed archaeological programme on the site, while it would certainly acquire all the information that is now preserved within it would have a much greater impact on the profile than the proposed construction; it would remove all the soil that would be preserved if the impacts were limited to the major and minor excavations.

Salvaging Information - Impacts

The overall mitigation for the loss of information on the site has been to undertake archaeological excavation and documentation ahead of any excavations required for the development to retrieve that information. The issue at this time is what is the best method of excavation to achieve this outcome. The zoning plan identified several possible options while the DGR has a requirement for only one, complete salvage excavation. The extent of this comprehensive excavation with respect to the zones of medium and high significance required by the DGR would be 80% of the total site. An excavation of this scale would retrieve every piece of evidence that is now preserved on the site, however, as discussed in the preceding section the impact of that excavation on the resource would be greater than that required for the construction programme. It also offers no possibility to conserve any part of this significant profile.

If it can be concluded that the impact of a comprehensive salvage excavation is more detrimental to the values preserved within the site than the numerous but defined impacts required by the construction the issue must be addressed of how those many impacts can be mitigated while still conserving the majority of the profile.

Alternate Strategy

There is nothing to be gained from further testing; the two large test pits and the strip footings for the façade have demonstrated that the profile is intact over the majority of the site. There is still some uncertainty with respect to the impact of the construction of the oviform drain along the southern boundary and the apartment block on the western boundary. At this time the evidence from this site and other comparable situations (for example the construction of a similar drain at the former Redfern RSL site) suggests that the impact of the drain will be confined and have a relatively small impact on the profile outside the immediate area of the drain. It can be concluded therefore, that there is a high probability for an intact profile across the portion of the site identified as of high and medium significance. The apartment building is now in the course of demolition; when the work reaches ground level it will be possible to gauge the impact of this building on the ground beneath it. The site was never the subject of any archaeological assessment or investigation prior to its construction and we have found no archival material that describes its construction details.

One option that has been considered is that all the larger excavations that were identified as places for testing, to determine the presence or absence of an intact archaeological profile, (the lift pits, the tank and crane base) should be the subject of comprehensive salvage excavation to mitigate their impact. There are several reasons for rejecting this as a strategy that will mitigate against the impacts of the construction.

With respect to the lift pits, they would provide only very small windows on the profile in each area and they would need to be shored for safety meaning that we could not inspect or record sections. They present very limited opportunities to provide a reliable and representative sample of the profile, are too small to make those samples readily interpreted and will be difficult to manage and record because of safety issues.

The larger excavations for the tank and the crane base do provide a substantial sample that can be recorded within a safe working environment however, they are likely to have limited value with respect to providing a meaningful sample of the intact archaeology. Reference to the attached plan shows the only nineteenth century survey we have of this site overlaid on the block and in relation to the two large excavations. It can be seen that the smaller excavation for the crane base is located in a yard and the larger excavation for the tank is mostly within a yard and only partly within the largest industrial building on the site. Effectively the excavation of these two blocks would only address the single industrial use that occupied most of the Cleveland Street frontage in the nineteenth and early twentieth century. Furthermore, it will only provide a limited sample of the pre-industrial landscape particularly the relationship of the site to the creek (now the site of the oviform drain).

The most significant issue with using only these two large excavation and/or the lift pit excavations is that combined they will not off-set the many smaller impacts required for the piles across the entire site by addressing the scope of information that will be disturbed by these excavations. For example, there is only one lift pit excavation on the eastern boundary and this is close to the two test pits we have already excavated. The remainder of this boundary would not be subject to any further testing but it will have approximately twelve piles placed within it and has had six strip footings.

Proposal for Sampling Excavations

To summarise:

- The site is now known or can be confidently expected to preserve an intact archaeological profile that extends in time at least to the 1820s
- The profile will be impacted by two large excavations and many smaller excavations
- It can be demonstrated that, apart from the larger excavations, those required for piles have a localised impact and the majority of the archaeological profile across the zones of high-medium significance will be preserved
- The impact of the salvage archaeological excavation required by the DGR will retrieve all information on the site but will have a greater impact on the preservation or conservation of this profile than the construction works by effectively removing 80% of it
- The loss of information caused by the excavations required for construction still needs to be addressed if the impact of the salvage excavation is determined to be inappropriate
- That a strategy that reverts to using only those areas to be impacted by the construction works, the crane base, detention tank, lift pits and strip footings will not address the issue of information retrieval because of limitations caused by the sample size, safety issues and relationship to known nineteenth century features and limited sampling of the pre-industrial landscape.

For these reasons an alternate strategy is proposed that addresses all of the above issues while still preserving the majority of the archaeological profile within the site.

The alternate strategy is that we offset the many smaller impacts by placing a series of test trenches, similar to the two that have already been excavated in those areas that will be affected by the piling and placed so that they provide a sample of the different uses of the site identified in the assessment (nineteenth and twentieth century industrial uses) as well as a widely spaced sample of the pre-industrial landscape.

I would also propose to use those two larger excavations (the detention tank and the crane base) for test trenching. In these cases I would propose excavating only a portion of each (approximately a third of the tank excavation and half of the crane base) but in the case of the crane excavation extending beyond the impact area. With respect to these excavations apart from providing large samples of the profiles as the other test excavations are intended these would also determine if the larger excavations would impact on significant features. If so, it might require the test trenches to be extended to enable those features to be excavated and recorded ahead of the bulk excavations.

In total I am proposing, in addition to the two test trenches already excavated, another six trenches in the positions shown on the accompanying plan. These include the two excavations planned for the crane base and detention tank that will sample the centre of the site. The additional trenches will sample the eastern boundary, the southern boundary at either end and the northern boundary along Cleveland Street at the western end.

Research Objectives

It is clearly understood that a sampling programme of this type will not provide the comprehensive scope of information that a full salvage excavation would provide, however, apart from limiting the impact of the archaeological programme it is anticipated that the outcome of the work will provide a good sample of information that can be mapped across the site and should address the several phases of occupation that have been identified from archival sources. In terms of outcomes, a research design in a standard programme, these are the principal issues that will be addressed by the sampling programme:

- Can the original topography be traced in relation to the creek and is there evidence of the pre-settlement environment?
- Is there more evidence of the earliest European association from the 1820s and can the nature of this occupation be defined (agricultural, grazing, domestic)?
- Is there more evidence of the mid-nineteenth century occupation known to have existed on the Cleveland Street frontage and, if so, can the nature of that occupation be defined by the work?
- Can the impact of the nineteenth century industrial development be defined in terms of the land-forming evidenced in the two existing test pits?
- Can the level of preservation of the interior spaces and structures of the nineteenth century industrial places be determined?
- Can the yard surfaces for the industrial spaces be mapped to identify periods of use or areas of activity?
- What improvements were made to the southern boundary for its industrial uses?
- Is it likely that intact evidence of the nineteenth and twentieth century buildings at the western end of the site (hotel, houses and other commercial buildings) survives within the site?

A separate programme of investigation for Aboriginal archaeology is to be run in tandem with thhis programme to determine the presence or absence of Aboriginal occupation, its distribution and composition.

Excavation and Recording

The excavation of each trench will be undertaken as the first two trenches; stratigraphic excavations using a combination of manual and mechanical means. Recording will be by site inventory, photography, mapping and sections.

The issue of uncovering a substantial feature or structure in one of the test trenches has been considered with respect to the procedures that should be implemented. It is considered that the most appropriate response is that if this feature will be impacted by later excavations (for piles or the tank or crane base) the test trench should be widened to enable the whole feature to be recorded before it is impacted by those works. However, if there is no identifiable future impact to the feature it will be recorded but the rest will be left unexcavated within the preserved archaeological profile above and below it.

Artefacts

As with any excavation we will be recording artefacts as components of the archaeological profile (elements of fill) or as unique deposits (sub-floor components, rubbish assemblages etc). The provisions for cleaning, documenting and possible use for interpretive purposes required by the DGRs will be implemented in all cases.

Reporting and Outcomes

The outcome of this programme of sampling will not be the detailed picture that is provided by a full salvage excavation but it is anticipated that it will provide a more detailed knowledge of the use and formation of this site than is now known with the advantage of preserving the majority of the archaeological profile. It also will provide evidence for the pre-settlement conditions, site formation processes and the character of different phases of occupation that can be extrapolated to other sites in this area to inform future management.

The documentation of this programme will entail the following:

- Documentation, reporting and analysis of each trench including mapping, images etc
- Profile mapping for the site
- Conclusions with respect to each identifiable phase of occupation
- Discussion of the research objectives defined in this discussion

We also note the requirement for an interpretation component in the DGRs; this requirement and its implementation will be discussed with you when we have completed the programme on site and documented and analysed the scope of the evidence.

I believe that this programme of testing and documentation is the best outcome for the archaeological profile of this site. It offers a realistic assessment of the impacts of both the construction programme and the proposed salvage excavation and it provides a strategy that will recover a useful sample of information while still preserving a very substantial amount of the archaeological profile that is contained within this site.

My client and I will be approaching the Department of Planning with this proposed programme of work to replace that of the required salvage excavation and request a change to that condition. We would like your support in this application. This is the purpose of this document to outline the reasons why, in this case, I think sampling is a better outcome for the resource, how it would be managed and what are the outcomes. Please call me at any time if you would like to discuss this further

WENDY THORP

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Ms Wendy Thorp
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63 Hannah Street
BEECROFT NSW 2119

Dear Ms Thorp

RE: SSD 4949-2011, 157–163 CLEVELAND STREET REDFERN, STUDENT HOUSING PROPOSED REVISED DGRs FOR ARCHAEOLOGY

Reference is made to your letter dated 27th September, following a meeting held at the Heritage Branch on 25th September 2012. The meeting was held at your request as your client Urbanest Pty Ltd would like to approach the Department of Planning and Infrastructure regarding the current DGRs issued for the project to seek a variation in regard to the archaeological requirements.

Your letter provided a summary of the archaeological assessment and testing work which has been completed and a discussion of the most appropriate strategies to mitigate the loss of archaeology from this site where parts of the site will be affected by the new development. Under the existing DGRs an archaeological zoning plan has been prepared for the site and the current requirement would be for complete salvage excavation of the zones of medium and high significance noted in the AZP. You have noted that this would require excavation of approximately 80% of the total site and that the impact of that excavation on the resource would be greater than is required for the actual construction programme.

The alternate strategy proposed is that the many smaller impacts are offset by placing a series of test trenches, similar to the two that have already been excavated, in those areas that will be affected by the piling and placed so that they provide a sample of the different uses of the site identified in the Archaeological Assessment (nineteenth and twentieth century industrial uses) as well as a widely spaced sample of the pre–industrial landscape. In addition to the two test trenches already excavated, there would be another six trenches. These include the two excavations planned for the crane base and detention tank that would sample the centre of the site. The additional trenches would sample the eastern boundary, the southern boundary at either end and the northern boundary along Cleveland Street at the western end.

It is clearly understood that a sampling programme of comprehensive scope of information that a full salvage excavation would provide, however, apart from limiting the impact of the archaeological programme it is anticipated that the outcome of the work will provide a good sample of information that can be mapped across the site and should address the several phases of occupation that have been identified from archival sources.

Heritage Branch staff have reviewed the information in your letter and considered your proposal. It is noted by the Heritage Branch that the strategy now proposed is quite unusual and has not been previously adopted for excavation of other sites in similar circumstances and with similar archaeological potential. It is also noted by the Heritage Branch that one option would have been to revise the Archaeological Zoning Plan (AZP) for the site in the light of the archaeological testing results. As you are aware the AZP is the key management document required under the DGRs and it is considered that it might have been easier to review and amend that document rather than seeking amendment to the DGRs. I understand that option was suggested by Branch staff at the meeting.

As Delegate of the Heritage Council I advise you that we would be prepared to accept the proposed strategy in this instance as, if it were found to be successful, it may provide a model which could be developed further in the investigation of other similar archaeological sites in the future. Detailed assessment, analysis and reporting of the strategy, its results and outcomes would be essential to determine whether this methodology does provide an adequate archaeological result and is successful for sites with impacts of this nature.

As also discussed at the meeting, it is not the role of the Heritage Council or its Delegate to approve the strategy. Amendment of the issued DGRs is a matter which should be discussed with the Department of Planning and Infrastructure as they are the authority which has issued the SSD approval.

Please contact Siobhan Lavelle at the Heritage Branch using the details provided on this letter if you have any further queries at this stage.

Yours sincerely

23/10/2012

Vincent Sicari
Manager, Conservation Team
Heritage Branch
Office of Environment & Heritage
AS DELEGATE OF THE NSW HERITAGE COUNCIL

cc. Caroline Owen, Department of Planning & Infrastructure, GPO Box 39, SYDNEY NSW 2001