

SYDNEY FOOTBALL STADIUM REDEVELOPMENT

STATE SIGNIFICANT DEVELOPMENT APPLICATION

Concept Proposal and Stage 1 Demolition

SSDA 9249

APPENDIX L:

Heritage Impact Assessment

Heritage Impact Statement for Sydney Football Stadium, Stage 1 Concept Design SSDA



Prepared for Infrastructure NSW by Curio Projects

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Executive Summary

Curio Projects Pty Ltd has been commissioned by Infrastructure NSW to prepare a Heritage Impact Statement (HIS) for the redevelopment of the Sydney Football Stadium (SFS), located at 40–44 Driver Avenue, Moore Park (the subject site).

This report supports a State Significant Development (SSD) Development Application (DA) for the redevelopment of the SFS which is submitted to the Minister for Planning pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A staged approach to the planning applications is proposed which includes:

- Stage 1—Concept Proposal for the stadium envelope and supporting retail and functional uses as well as development consent for the carrying out of early works, including demolition of the existing facility and associated structures.
- Stage 2—detailed design, construction and operation of the stadium and supporting business, retail and functional uses.

This report relates to the Stage 1 Concept DA and detailed Early Works package. Infrastructure NSW is the Proponent for the Stage 1 planning application.

While the Sydney Football Stadium itself is not individually listed on any statutory heritage register, the subject site includes part of the State Heritage Register (SHR) listed Busby's Bore (SHR #00568, LEP #11), is located within the boundaries of the Sydney Cricket Ground Heritage Conservation Area (HCA) (Sydney LEP 2012, HCA C37), and is also located in close proximity to several other heritage items of both State and local significance, and other adjacent HCAs. No individual heritage items (other than the section of Busby's Bore) are located within the subject site. The site retains low to moderate historical archaeological potential for an archaeological resource relating to the Engineers/Military Depot, as well as the potential for Aboriginal archaeological deposits.

The significance of the existing Sydney Football Stadium relates to its presence within the surrounding landscape, its distinctive and innovative architectural design (for stadiums of its' type at the time) and most importantly for providing a stadium that could continue to facilitate key sporting and recreational events within the wider Sydney Cricket Ground (SCG) site. The physical fabric of the extant stadium itself, whilst of architectural merit, and representative of innovation at its time of construction, does not, however, embody or represent, the key intangible values of the SFS. The SFS redevelopment site's key significance relates to the site's intangible heritage values, which include the documented and verbal accounts of key sporting events, including major sporting milestones/events, outstanding sporting achievements, spectacular failures, sporting controversies, major recreational events and a range of activities where the event, not the stadium was always the key focus of the site's significance.

The proposed development has the potential to impact Aboriginal archaeological deposits, and requires further archaeological investigation including Aboriginal community consultation, which will also allow further assessment of any Aboriginal social and cultural significance relating to the subject site. At this concept planning phase, the full extent and nature of ground impacts for the new stadium are not fully known. As a result, the potential Aboriginal archaeological resource will be subject to further archaeological test investigation following the DoPE's assessment of the Stage 1 SSD, as well as ongoing Aboriginal community consultation. The initial registration of Aboriginal Parties has been undertaken, however, and preliminary consultation with the Registered Aboriginal Parties (RAPs) will commence shortly.

Impact Assessment

As the Stage 1 SSDA includes the Concept Proposal and the Stage 1 Early Works, this HIS has addressed both the impacts of the Stage 1 Early Works specifically, as well as the more general potential heritage impacts posed by the overall redevelopment of the subject site (relevant to available information provided in the Concept Proposal), and the Stage 2 construction of the new stadium.

The proposed SFS redevelopment Concept Plan poses no physical impact to any statutory listed heritage fabric or heritage items. The mature Moreton Bay Fig tree on Moore Park Road (associated with the historical military use of the subject site) is listed on the City of Sydney Register of Significant trees, but will be protected and retained through the development.

The significance of the existing Sydney Football Stadium relates mainly to its continuity of use, its intangible heritage value which relates to the long-term use of the site for sporting activities dating back to the late 1800s and its visual dominance and significance as a stadium within the Moore Park Road streetscape and as part of the wider SCG site. Therefore, the physical fabric of the extant stadium itself is not an appropriate focus for conveying the heritage significance and values of the SFS. The proposed redevelopment will not alter the function of the stadium or land, and the new stadium structure will re-establish and maintain a significant visual presence in the Moore Park Road streetscape, maintaining its existing relationship in location, form and function with the SCG. Therefore, it is considered that replacement of the SFS will not present an adverse heritage impact to the site or surrounds and can be supported on heritage grounds.

While the existing stadium is not listed on any statutory heritage register, it is listed by the National Trust for its social significance and architectural values. Even though no heritage fabric will be impacted by the proposed works, the possibility exists to undertake archival recording of the existing SFS before and during demolition which would help to mitigate any physical impact of its removal. Archival recording in this way would also satisfy Policy 25 of the SCG draft CMP.

While the Stage 1 demolition of the stadium and buildings and establishment of a construction zone within the site may temporarily cause a visual impact to the setting and character of the SFS site and heritage setting, as well as views to and from adjacent heritage items and surrounding HCAs, this will be temporary and is required in order to commence construction of the new stadium. Therefore, temporary visual impacts posed by the demolition and establishment of a construction site within the SFS Redevelopment site are considered to be acceptable on heritage grounds.

The Stage 1 Early Works as proposed through the Concept Plan SSDA, includes demolition of the existing stadium and associated buildings (as described in Section 9.0 above) to ground level only. No below ground works are proposed for the Stage 1 Early Works at the site. Therefore, Stage 1 Early Works will have no potential to physically impact upon any archaeological resource.

Potential impacts of the final design and construction of the stadium to Busby's Bore cannot be accurately assessed at this time, as neither the development ground impacts, nor the exact location and/or condition of the Bore are known. These will be detailed in the Stage 2 DA.

Recommendations

The following recommendations are made regarding heritage for the SFS Redevelopment project.

- The identified potential heritage impacts as presented through this HIS (i.e. in relation to the Concept Proposal), should be considered through the Stage 2 detailed design and development of construction plan and proposed ground impacts for the new stadium.
- Detailed design works and Stage 1 Early Works should ensure measures are taken to identify the location of Busby's Bore within the subject site (where possible), and avoid physical impact to the State heritage listed item, where possible.
- A dilapidation survey may be required (to be undertaken by appropriately qualified structural engineers) for Busby's Bore to determine its current location and condition within the subject site in order to accurately assess potential impacts (if any) of the demolition works caused by vibration. This will need to be detailed in the final Construction Noise and Vibration Management Plan that is to be developed by the Contractor (as outlined in section 6 of the Noise and Vibration Impact Assessment). This will be dependent upon whether the Bore can be located, its existing condition (i.e. some sections are known to have collapsed), and whether safe access can be gained to the Bore.
- Where possible, development impacts within natural soil profiles should be minimized as much as practicable to limit the impact to potential Aboriginal archaeological deposits. Lower impact construction techniques such as piling should be considered for the development where possible.
- The formal process of Aboriginal cultural heritage assessment has been initiated for the subject site (discussed in the HIS for the Stage 1 Concept Proposal), in accordance with the NSW Office of Environment and Heritage statutory guidelines, including:
 - Consultation with the local Aboriginal community in accordance with OEH guidelines, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*;
 - Preparation of an Aboriginal cultural heritage methodology for the site (in accordance with above guidelines);
 - Preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) and Archaeological Technical Report (ATR), including proposed Aboriginal archaeological mitigative strategies, to be developed in consultation with the Aboriginal community (in accordance with OEH guideline *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW*)
- A Heritage Interpretation Strategy should be prepared for the SFS Redevelopment site, in collaboration with the Stage 2 detailed design, to publicly present the history and cultural significance of the SFS site, including Aboriginal archaeological and cultural heritage significance, historical archaeological significance, as well as the site in its wider significant built heritage and cultural heritage setting.

1.0 Introduction

1.1. The Purpose of this Report

Curio Projects Pty Ltd has been commissioned by Infrastructure NSW to prepare a Heritage Impact Statement (HIS) for the redevelopment of the Sydney Football Stadium (SFS), located at 40–44 Driver Avenue, Moore Park (the subject site).

This report supports a State Significant Development (SSD) Development Application (DA) for the redevelopment of the SFS which is submitted to the Minister for Planning pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A staged approach to the planning applications is proposed which includes:

- Stage 1—Concept Proposal for the stadium envelope and supporting retail and functional uses as well as development consent for the carrying out of early works, including demolition of the existing facility and associated structures.
- Stage 2—detailed design, construction and operation of the stadium and supporting business, retail and functional uses.

This report relates to the Stage 1 Concept DA and detailed Early Works package. Infrastructure NSW is the Proponent for the Stage 1 planning application. This report has been prepared with reference to relevant client and guidelines documents as detailed below, but not limited to:

- Godden Mackay Logan, 2013, *Sydney Cricket and Sports Ground—Conservation Management Plan—DRAFT*, prepared for Sydney Cricket and Sports Ground Trust;
- SJB Architects, 2018, *Moore Park Stadium Urban Design Guidelines*, prepared for Infrastructure NSW (8 May 2018);
- Hassell, 2017, *Moore Park Master Plan 2040, Vol. 1 and Vol. 2*, prepared for Centennial Park and Moore Park Trust;
- Centennial Parklands Conservation Management Plan;
- Assessing significance for archaeological sites and 'relics', Heritage Branch 2009.;
- *Heritage Curtilages* Heritage Council Guideline, Heritage Office, Dept. of Urban Affairs & Planning, 1996;
- Design in Context – guidelines for infill development in the Historic Environment, Heritage Office/RAIA, 2005.;
- *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter*, 2013 (Burra Charter); and
- NSW Heritage Office, *Assessing Heritage Significance* (2001)

1.2. Background

The Sydney Football Stadium (SFS) is a significant component of the sports facilities that comprise the Sydney Cricket and Sports Ground (SC&SG). Completed in 1988, the SFS has hosted numerous sporting events in its 30 years of operation for a number of sporting codes including football (soccer), rugby league and rugby union as well as occasional music concerts.

In 2012, the NSW Government announced the NSW Stadia Strategy 2012 which provided a vision for the future of stadia within NSW, prioritising investment to achieve the optimal mix of venues to meet community needs and to ensure a vibrant sports and event environment in NSW. A key component of the strategy included development of master plans for Tier 1 stadia and their precincts covering

transport, integrated ticketing, spectator experience, facilities for players, media, corporate and restaurant and provision for entertainment. SFS is one of three Tier 1 stadia within NSW, the others being Stadium Australia (Olympic Park) and the Sydney Cricket Ground.

In order to qualify for Tier 1 status, a stadium is required to include:

- Seating capacity greater than 40,000;
- Regularly host international sporting events;
- Offer extensive corporate facilities, including suites, open-air corporate boxes and other function/dining facilities; and
- Be the home ground for sporting teams playing in national competitions.

Following release of the NSW Stadia Strategy, the Sydney Cricket and Sports Ground Trust (SCSGT) undertook master planning culminating in the 2015 Preliminary SCG Master Plan. This master plan defines the context for future redevelopment of the SCG, SFS and related sports infrastructure to ensure that the precinct continues to meet the needs and expectations of visitors and tenants into the future.

In a competitive national landscape, the existing Allianz Stadium (SFS) is now facing serious commercial and operational challenges to remain relevant and competitive. The SFS was constructed many years ago and therefore it fails to meet certain criteria for modern Tier 1 stadiums. The stadium has aged poorly and fails to meet expectations with regards to patron experience, crowd management, safety/security, accessibility, facilities for core tenants, operational efficiency, premium hospitality and food/beverage offerings and media requirements.

On 24 November 2017, the NSW Premier announced the redevelopment of the SFS into a world-class stadium with up to 45,000 seats. The redevelopment will include demolition of the existing facility and replacement with a modern, globally competitive stadium that achieves the requirements for a Tier 1 stadium to meet future requirements. Redevelopment of the SFS will assist in supporting the realisation of the Master Plan principles to:

- Create a flexible venue suitable for sports, e-sports and major events alike;
- Include technology for the future;
- Create a venue for the growth of men's and women's elite sport, as well as the ability to adapt to new sports and the rise of e-sports;
- Create a publicly accessible entertainment and recreational facility;
- Create a stadium integrated with its surrounds including Centennial and Moore Parks and the surrounding residential and business areas; and
- Create a sustainable future.

1.3. Site Description

The site is located at 40-44 Driver Avenue, Moore Park within the Sydney Cricket Ground Precinct. It is bound by Moore Park Road to the north, Paddington Lane to the east, the existing SCG stadium to the south and Driver Avenue to the west. The site is located within the City of Sydney local government area.

The site is legally described as Lots 1528 and 1530 in Deposited Plan 752011 and Lot 1 in Deposited Plan 205794. The site is Crown Land, with the SCSGT designated as the sole trustee under the Sydney Cricket

and Sports Ground Act 1978. The site is wholly contained within designated land controlled by the Sydney SCSGT under Schedule 2A of the Sydney Cricket and Sports Ground Act 1978.

In a broader context, the site is largely surrounded by Centennial and Moore Parks, the Fox Studios and Entertainment Quarter precincts and the residential suburb of Paddington. Located approximately 3km from the Sydney CBD and approximately 2km from Central Station, the site is connected to Sydney's transport network through existing bus routes and will benefit from a dedicated stop on the soon to be completed Sydney CBD and South East Light Rail.

The locational context of the Site is shown in Figure 1, whilst the site boundaries and existing site features are shown in Figure 2.



FIGURE 1: REGIONAL SITE CONTEXT

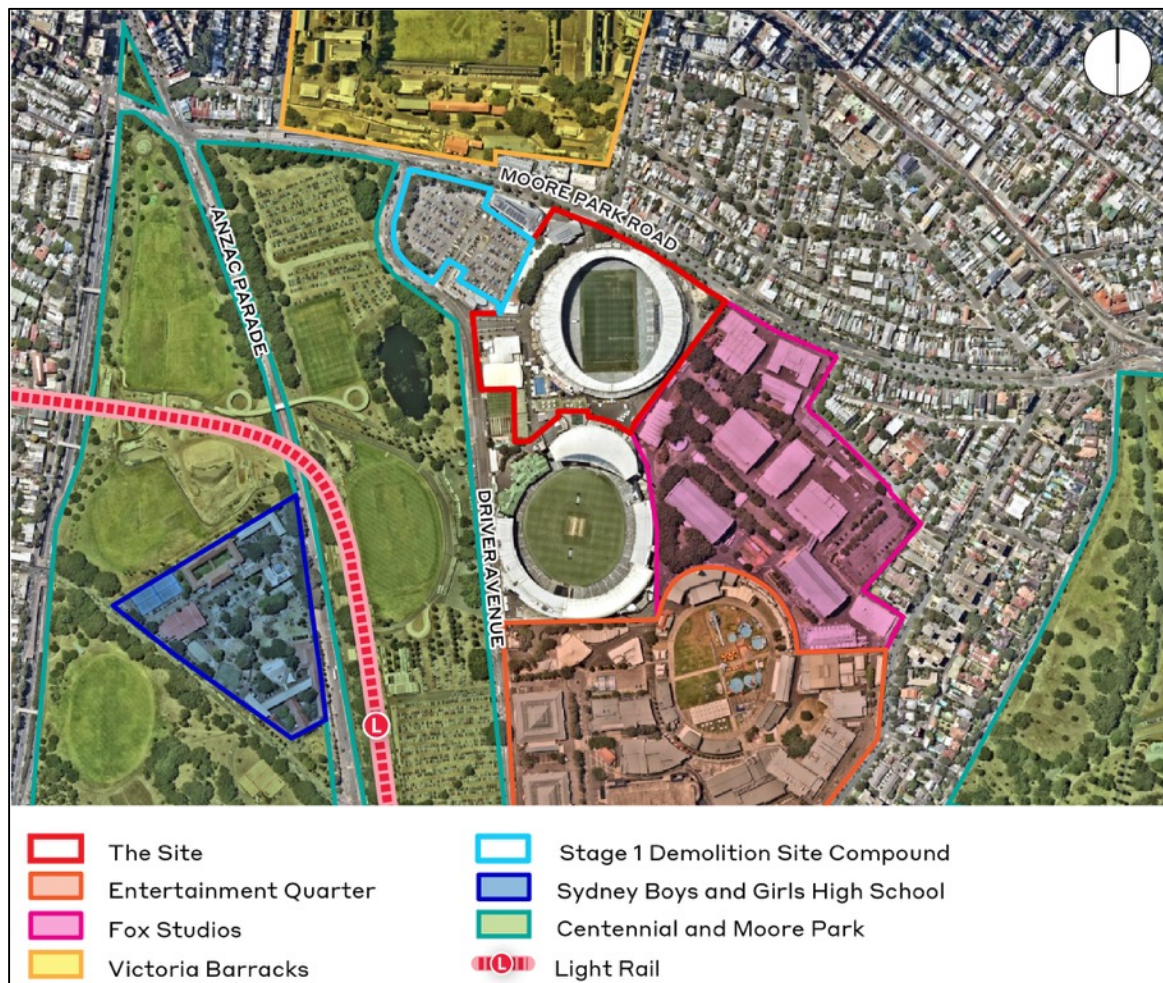


FIGURE 2: SITE AREA AND LOCAL CONTEXT

1.4. Project SEARs—Concept Proposal

The Secretary's Environmental Assessment Requirements (SEARs) for the Stage 1 Concept Proposal of the SFS Redevelopment site were issued on 3 May 2018 (SSD 9249). With respect to heritage (both historical and Aboriginal Cultural Heritage), the SEARs state that:

12. Heritage

- *Provide a heritage impact statement addressing the extent of impact on the heritage significance of the heritage items/heritage conservation areas, landscape items and settings within the site and in the vicinity, in accordance with the guidelines in the NSW Heritage Manual. In particular, the impact of the proposal on the following heritage items should be assessed:*
 - *Busby's Bore including tunnels, shafts and wells; and*
 - *Sydney Cricket Ground;*
 - *Moore Park Showgrounds;*
 - *Paddington South Conservation Area;*
 - *Moore Park Conservation Area; and*

- *Sydney Cricket Ground Conservation Area.*
- *Address any archaeological potential and significance of the site and the potential impacts the development may have on this significance and include a preliminary mitigation strategy.*

13. Aboriginal Heritage

- *Demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes.*
- *Outline the approach to be undertaken for future stage/s of the development in relation to Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR), including details of activities undertaken to date. This may identify the need for surface survey and test excavation in addition to the following:*
 - *Consultation with Aboriginal people must be undertaken and documented in accordance with the guidelines. The significance of cultural heritage values for Aboriginal people who have a cultural association with the lands must be documented in the ACHAR; and*
 - *Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.*

This HIS report addresses the above SEARs requirements regarding heritage and Aboriginal cultural heritage, with respect to the Stage 1 Concept Plan SSDA.

1.5. Limitations and Constraints

The report includes an assessment of the potential for the site to impact on Aboriginal archaeological objects and/or places but does not include an assessment of the potential Aboriginal Cultural Heritage significance (intangible values) of the site.

This report has been prepared using the extensive historical data and documentation available for the SFS/Moore Park area, including relevant Conservation Management Plans, and archaeological reports and assessments. No further historical research has been undertaken.

This HIS does not include assessment of any non-heritage related planning controls or requirements.

1.6. Authorship and Acknowledgements

This report has been prepared by Sam Cooling, Senior Archaeologist and Heritage Specialist, and Natalie Vinton, Heritage Specialist and Director, of Curio Projects Pty Ltd. Curio mapping and overlays were prepared by Andre Fleury, Archaeologist and Historian, of Curio Projects Pty Ltd.

Curio Projects would also like to acknowledge the ongoing assistance throughout the project of Tom Kennedy, Director at GTK Consulting, and Anthony O'Carroll, SCG Museum Assistant Curator.

2.0 Statutory Context

In NSW, heritage items and known or potential archaeological resources are afforded statutory protection under the:

- Environmental Planning and Assessment Act 1979 (NSW) (EPA Act);
- Heritage Act 1977 (NSW) (Heritage Act); and
- National Parks and Wildlife Act 1974 (NSW) (NPW Act).

There are further planning policies and controls that provide a non-statutory role in the protection of environmental heritage. These include *Development Control Plans* for each local Council area.

This section of the report discusses the local and State planning context for the site with respect to its built heritage values associated with local heritage items in the vicinity of the subject site.

2.1. Environmental Planning and Assessment Act 1979

The NSW Department of Planning and Environment administers the Environmental Planning & Assessment Act 1979 (the EP&A Act), which provides the legislative context for environmental planning instruments to be made to legislate and guide the process of development and land use. Local heritage items, including known archaeological items, identified Aboriginal Places and heritage conservation areas are protected through listings on Local Environmental Plans (LEPs) or Regional Environmental Plans (REPs). The EPA Act also requires that potential Aboriginal and historical archaeological resources are adequately assessed and considered as part of the development process, in accordance with the requirements of the NPW Act and the Heritage Act.

Part 4, Division 4.1 of the EP&A Act identifies and defines State Significant Development projects (SSD) as those declared under Section 89C of the EP&A Act. The EP&A Act provides for development for 'recreation facility (major)' with a capital investment of more than \$30 million to be designated SSD under State Environmental Planning Policy (State and Regional Development) 2011. Thus, the current SFS Redevelopment project is designated SSD. As the proposed redevelopment of the SFS will have a capital investment exceeding \$10 million, an application will be made for it to be a State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act), with the Minister for Planning the consent authority for the project. The State Significant Development Application (DA) for Sydney Football Stadium, which this HIS accompanies, will be a staged development application made under Section 83B of the EP&A Act. It seeks approval for the Stage 1/Concept Proposal for the entire site.

As part of the SSD approvals process, applicants are not required to obtain separate heritage statutory approvals, including built heritage and historical archaeology approvals under Section 60 of the *NSW Heritage Act (1977)* or Aboriginal Heritage Impact Permits (AHIPs) under Section 90 of the *NSW National Parks and Wildlife Act, 1974*.

However, in order to identify the potential for the development to impact on archaeological resources, a separate Archaeological Assessment (AA) report including an Aboriginal Heritage Due Diligence Assessment and Historical Archaeological Assessment has been prepared as part of this Stage 1 SSD process. These documents have been prepared in accordance with the appropriate Department of Planning and Environment (DoPE), Office of Environment and Heritage (OEH) and NSW Heritage Division guidelines to ensure that as part of the redevelopment of the site, any potential archaeological resources proposed to be disturbed, will be appropriately investigated, recorded and removed.

It is intended that any disturbance of archaeological resources will be undertaken in accordance with a detailed Archaeological Research Design that will be prepared by a suitably qualified archaeologist and submitted as part of a Stage 2 Development Application. Where excavation is required for the development, such as for a basement service zone surrounding the ‘field of play’, it is not possible to retain archaeological resources in situ.¹ Therefore, it is intended to excavate, investigate and interpret any identified archaeological deposits within public spaces of the development. Should any archaeological relics, suitable for interpretation, be found then they would be included within the overall public heritage interpretation proposed for the redeveloped site.

Following the issuing of final Notice of Determination (approval), the statutory provisions of the NSW Heritage Act and the NSW National Parks and Wildlife Act will apply again, if—once development commences—an unexpected discovery of historical archaeological relics or Aboriginal objects and/or Aboriginal places are made during the works program.

Should an unexpected archaeological resource be found, then there is a requirement to cease works in the immediate area and report the discovery of the unexpected archaeological find—to the relevant authority (NSW Heritage Division or OEH). This is the only statutory process not over-ridden by the SSD process. Should any archaeological remains identified in the assessments submitted with the EIS be found, these are not considered to be ‘unexpected finds’.

2.1.1. City of Sydney Local Environmental Plan 2012

The Sydney Local Environmental Plan 2012 (LEP 2012) provides local environmental planning provisions for land within the Sydney LGA. Clause 5.10 of the LEP 2012 sets out objective and planning controls for the conservation of heritage in the City of Sydney Council area, including the conservation of built heritage and archaeological sites. The objectives and planning controls for the conservation of Sydney’s environmental heritage are outlined in Clause 5.10 Heritage Conservation as follows:

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Development consent, as outlined in Clause 5.10 (2) is required as follows:

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*

¹ This does not extend to the State heritage listed Busby’s Bore, which will be retained through the development.

- (i) a heritage item,*
- (ii) an Aboriginal object,*
- (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

Clause 5.10 (5) relates to the requirement for a heritage assessment to be required prior to development consent being given.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.²

The subject site is included within a locally listed Heritage Conservation Area (HCA) on the City of Sydney LEP 2012 of 'Sydney Cricket Ground HCA (Sydney LEP 2012, HCA C37).

² Sydney LEP 2012

2.2. Heritage Framework

2.2.1. NSW Heritage Act 1977

Heritage places and items of particular importance to the people of New South Wales are listed on the NSW State Heritage Register. The Heritage Act defines a heritage item as a ‘place, building, work, relic, moveable object or precinct’. The Heritage Act is responsible for the conservation and regulation of impacts to items of State heritage significance, with ‘State Heritage Significance’ defined as being of ‘significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item’.

In order to best implement and administer the protection afforded to historical archaeological ‘relics’ and heritage places as through the NSW Heritage Act, and EP&A Act, the NSW State Government have prepared a series of best practice statutory guidelines with regards to historical archaeology. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regards to historical archaeology in NSW, and implement best practice policies into their investigation of historical archaeological heritage values in relation to their land and/or development.

Further details regarding the archaeological requirements and provisions under the NSW Heritage Act 1977 have been presented and discussed in Curio Projects 2018, *Archaeological Assessment for Sydney Football Stadium, Stage 1 Concept Design* (AA) report, which should be referenced for further detail regarding historical archaeological provisions.

2.2.2. National Parks and Wildlife Act 1974 (NSW) (NPW Act).

The *NSW Parks and Wildlife Act 1974* (NPW Act), administered by the Office of Environment and Heritage (OEH), is the primary legislation that provides statutory protection for all ‘Aboriginal objects’ (Part 6, Section 90) and ‘Aboriginal places’ (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.”

The NPW Act provides the definition of ‘harm’ to Aboriginal objects and places as:

“...any act or omission that:

(a) destroys, defaces or damages the object or place, or

(b) in relation to an object-moves the object from the land on which it had been situated, or

(c) is specified by the regulations, or

(d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), “³

The NPW Act also establishes penalties for ‘harm’ to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of

³ NPW Act 1974

Aboriginal objects and cultural material is to seek an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirements of an approved AHIP.

As previously noted in Section 2.1, as the current project will be assessed to be SSD, the requirement for an AHIP in accordance with Section 90 of the NPW Act is removed (EP&A Act, Section 89J). However, this does not remove the requirement to undertake Aboriginal cultural heritage and archaeological assessments/investigation in accordance with OEH statutory guidelines.

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW Act, and EP&A Act, the OEH have prepared a series of best practice statutory guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regards to Aboriginal heritage in NSW, and implement best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. These guidelines include:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.*⁴
- *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW.*⁵
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales.*⁶
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.*⁷
- *Aboriginal Heritage Impact Permits, a Guide for Applicants.*⁸

2.3. Statutory Heritage Listings

While the Sydney Football Stadium itself is not individually listed on any statutory heritage register, the subject site includes part of the State Heritage Register (SHR) listed Busby's Bore (SHR #00568, LEP #11) (approximately along the northern boundary of the site), is located within the boundaries of the Sydney Cricket Ground Heritage Conservation Area (HCA) (Sydney LEP 2012, HCA C37), and is also located in close proximity to several other heritage items of both State and local significance, and other adjacent HCAs. No individual heritage items (other than a section of Busby's Bore) are located within the subject site.

The State heritage listed 'Sydney Cricket Ground Members Stand and Lady Members Stand' (SHR 00353) is located to the south of the subject site. Other adjacent heritage items and HCAs include:

- Victoria Barracks Group—75 Oxford Street/Moore Park Road (LEP Heritage Item #I1086)
- Victoria Barracks HCA (LEP C49)
- Paddington South HCA (LEP C48)
- Moore Park HCA (LEP C36)
- Centennial Park, Moore Park, Queens Park (SHR #01384)
- Terrace house "Verulam" including interior and front fence—284 Moore Park Road (LEP Heritage Item #I1078)
- Olympic Hotel including interior—308 Moore Park Road (LEP Heritage Item #I1079)

⁴ DECCW 2010, *Due Diligence Code of Practice for the Investigation of Aboriginal Objects in New South Wales*.

⁵ OEH 2011, *Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.

⁶ DECCW 2010, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales*.

⁷ DECCW 2010, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

⁸ OEH 2011, *Aboriginal Heritage Impact Permits, a Guide for Applicants*.

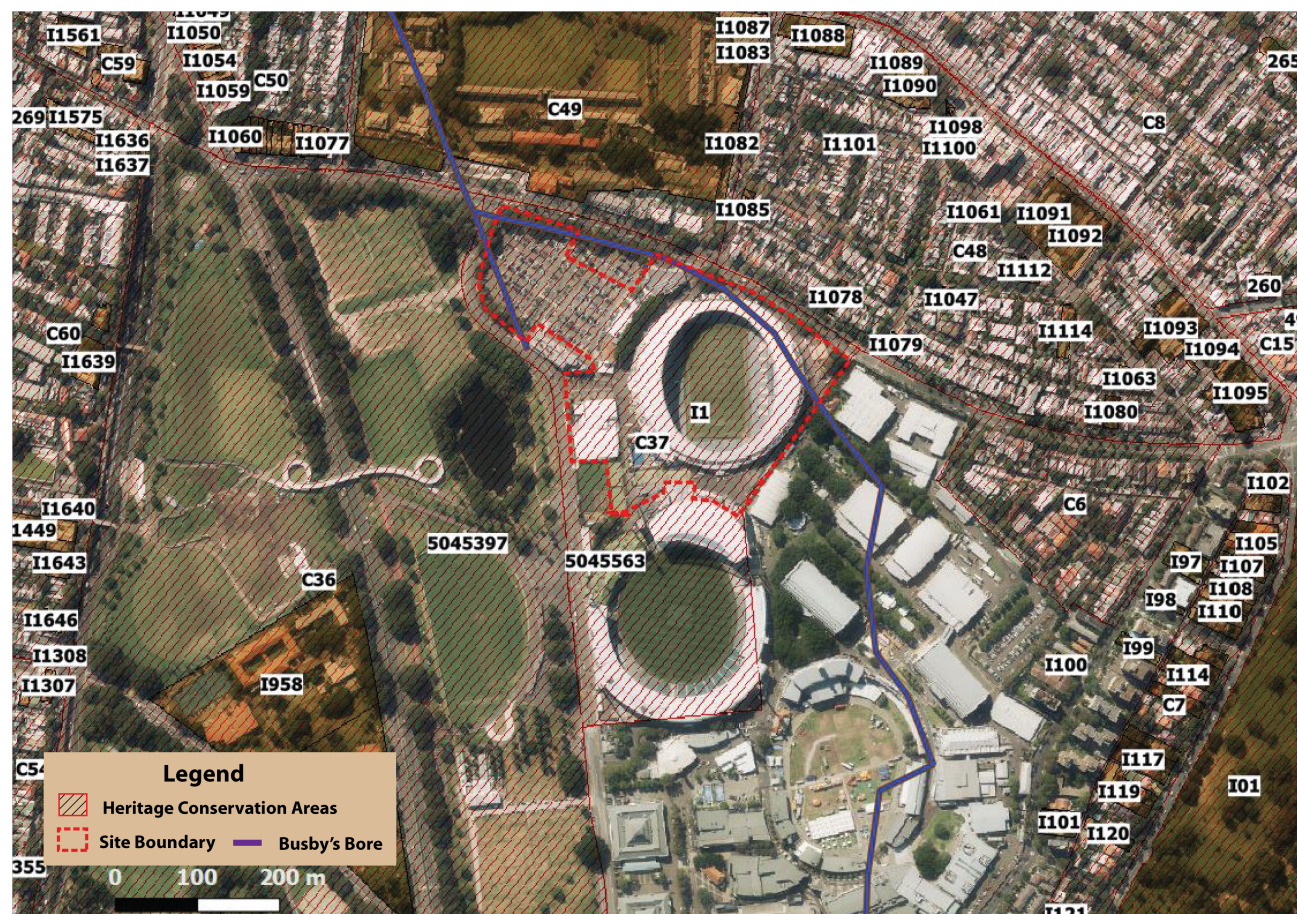
Busby's Bore is also listed on Sydney Water S170 Heritage and Conservation Register, and the Mature Moreton Bay Fig tree on Moore Park Road (adjacent to the Moore Park Road entrance to the SFS) is listed on the City of Sydney Register of Significant Trees (2013). It should also be noted at this point, that the path of Busby's Bore as presented in Figure 3, is indicative only, and not 100% geographically accurate. There is some conjecture surrounding the exact path of Busby's Bore, which is summarised from the Archaeological Assessment report in detail further below.

All heritage items as listed above are presented below in Figure 3, and copies of relevant heritage listings inventory cards are provided in Appendix B.

2.4. Non-Statutory Listings

The Sydney Football Stadium was listed on the National Trust Register in 2015.⁹ Listing by the National Trust has no statutory effect, however it signifies the value placed on this building by the community.

The Register of the National Estate (now defunct, non-statutory register) lists the 'Royal Agricultural Society Showground Conservation Area, Moore Park' as a historically significant site.¹⁰ However, the Showground area and immediate surrounds do not appear to be listed on any statutory heritage register.



2.5. Sydney Cricket Ground—Draft Conservation Management Plan Policies

This report has been prepared in acknowledgement of the *Sydney Cricket and Sports Ground—Conservation Management Plan—DRAFT* (SCG CMP), prepared in 2013 by Godden Mackay Logan for Sydney Cricket and Sports Ground Trust (SCGT). While the draft SCG CMP covers a wider area including the SCG and surrounds, it also encompasses the whole of the SFS Redevelopment site, and therefore its draft policies and recommendations have been considered in the preparation of this HIS.

However, it should be noted that the SCG CMP currently remains in draft form only and has not, as yet, been finalized or submitted to the NSW Heritage Division for formal approval. As a part of the SFS Redevelopment project to which this HIS report refers, the SCGT is committed to preparing a final CMP for the whole site.

The draft SCG CMP policies relevant to archaeology have been presented in the accompanying Archaeological Assessment report for the site (Appendix A).

Key Conservation Policies from the draft SCG CMP, as they relate to the SFS Redevelopment site, as acknowledged through this HIS include:

Policy 6—Significance Guides Works Planning. *The Statement of Significance and assessments of the significance of individual site components set out in this CMP should guide planning for, and carrying out of, work on the Sydney Cricket Ground site.*

Policy 7—Minimising Impacts of Adverse Change. *Any adverse impacts related to proposed change/development on the heritage significance of the Sydney Cricket Ground site as a whole or on any of its significant individual components, should be minimised by:*

- *exercising caution and reviewing the necessity and/or role of any decision with potentially detrimental heritage impacts;*
- *examining options and their relative impacts to determine the outcome with least detrimental effects; and*
- *ensuring, where possible, that changes are reversible and/or have minimal impacts on the significance of the SCG site or any of its significant individual components.*

Policy 9—Heritage Impact Assessment. *Specific Development Applications involving change at the Sydney Cricket Ground site and to individual significant components will require heritage impact assessment. A Heritage Impact Statement will need to set out the options examined and how the proposal(s) comply with the policies covered in this CMP and any relevant Specific Element Conservation Policies.*

Policy 10—Co-ordinated Planning. *Proposed changes to use or fabric and/or development of any part of the Sydney Cricket Ground site should always be considered as part of a co-ordinated and documented plan for the whole site.*

Policy 21—Interpretation Requirements Generally. *Measures to appropriately interpret the major aspects of the significance of the Sydney Cricket Ground site should be incorporated into any conservation and development proposal for the site as a whole. This HIS has been prepared in consideration of the conservation policies of the CMP.*

Policy 25—Site Recording for Archival Purposes. Prior to any intervention, opening up, or other works on the Sydney Cricket Ground site, the existing site layout and key components should be appropriately recorded. Once completed, copies of the records should be lodged with the City of Sydney Library and the Mitchell Library. A copy should also be submitted to the Heritage Branch, Office of Environment and Heritage and a copy retained in the SC and SGT archives.

Policy 36—The Sydney Football Stadium. The high heritage significance of the SFS should be retained and conserved. It is recommended that an SECP [Specific Elements Conservation Policy] be prepared for this component to guide future management and adaptive works.

Policy 41—Services and Utilities. Services and utilities such as water supply, drainage, power and phone should be provided in a manner which poses minimal environmental impact on the historic fabric or aesthetic qualities of the landscape. It is important that services to heritage places be provided in a sensitive manner and that prior consideration be given to potential archaeological impacts, particularly in the vicinity of Busby's Bore.

Policy 53—Conservation of Significant Historic Views. Significant historic views to and from Sydney Cricket Ground should be conserved in accordance with their significance.

Policy 54—[Aboriginal Heritage] Unexpected Remains. Should any Aboriginal objects be identified during future site works, all activities should cease within the find vicinity and the Office of Environment and Heritage (OEH) should be notified. Objects should not be 'harmed' (destroyed, defaced, damaged, moved) in any way. Aboriginal community consultation must be undertaken consistent with the consultation guidelines prepared by OEH. It will be necessary to obtain a permit to disturb the site before works can commence.

Policy 55—Obligations of Contractors. Suitable clauses should be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their obligations and requirements which need to be met relating to the National Parks and Wildlife Act 1979 (NSW) concerning Aboriginal 'objects'. Specifically, relevant on-site personnel should be made aware of the procedure to be followed for notification and stopping work should items of Aboriginal heritage be found during site works.

Policy 56—Management of Historical Archaeological Remains—General. The management of the historical archaeological relics at the site will be given a high priority in the management of the place.

Policy 59—Proactive Archaeological Investigation. Generally, the excavation of relics will not be undertaken unless:

- it is necessary for their protection;
- significant relics can be retained in situ; and/or
- there would be research benefits not otherwise obtainable.

(Explanatory Note: Archaeological excavation can be a destructive process. Therefore, where it is possible to leave relics undisturbed, this is favoured.)

Policy 60—Appropriately Conserve Archaeological Relics. All archaeological relics exposed in the study area will be appropriately conserved, whether they are retained in situ or removed for storage and/or display.

Policy 61—Busby's Bore. Ground disturbance shall be avoided in the vicinity of Busby's Bore. Works shall not impact adversely on this relic which should be retained in situ.

(Note: Busby's Bore is an item on the NSW State Heritage Register (SHR No. 00568). The SHR curtilage around the fabric of the bore extends for three metres from its exterior surfaces, incorporating a two metre diameter of the Bore and shafts.)

Policy 64—Sydney Sports Ground. Should ground disturbance works be required beneath the Gold Member Car Park, first make an application for an 'exception' from the Heritage Branch, OEH, on the grounds that the works would have only a minor impact on relics of local significance.

Note: the potential relics belonging to the former Sydney Sports Ground building have been assessed as having no archaeological significance.

Policy 65—Design Principles. The following criteria will need to be satisfied in order to conserve existing significant built components, and ensure that alterations and additions to existing buildings and the construction of new buildings and structures relate sympathetically to significant built and landscape heritage components and the significance of the site as a whole.

2.6. Centennial Park Conservation Management Plan

This HIS has also been prepared in acknowledgement of the *Centennial Park Conservation Management Plan* (CP CMP)¹¹. While the SFS Redevelopment Site is located outside of the study area to which the CP CMP applies (i.e. the whole of the State Heritage Register curtilage of 'Centennial Park, Moore Park, Queens Park' (SHR #01384)), the subject site is located in close proximity to Moore Park and surrounds, and therefore acknowledges the significant heritage values and management of the surrounding State significant parklands.

¹¹ Conybeare Morrison & Partners, 2003, *Centennial Parklands Conservation Management Plan*, prepared for the Centennial Parklands and Moore Park Trust.

3.0 Historical Summary

This historical summary has been mainly extracted from readily available secondary resources such as the Sydney Cricket and Sports Ground—Conservation Management Plan (Draft) (GML 2013) and Busby's Bore CMP (Sydney Water 2004). Sources have been referenced as appropriate.

3.1. Pre-European Environment and Aboriginal Ethnohistory

The Moore Park area of Sydney is part of the traditional lands of the Gadigal people, which stretches along the southern side of Sydney Harbour from South Head, west to approximately Darling Harbour, and south towards Botany Bay. While there is limited ethnographic records of the use of the Moore Park area by Aboriginal people upon arrival of colonists in the late 1700s, the dune and wetlands of the Botany Basin in this area would have provided the local Aboriginal people with a rich and diverse resource zone to utilize.

At the time of arrival of the First Fleet and Captain Arthur Phillip in January 1788, it is estimated that at least 1500 Aboriginal people would have lived along the coastal region between Broken Bay and Botany Bay. Elders from the La Perouse community have provided personal accounts of the collection of food and camping in Centennial Park in the 1930s, due to the presence of the Lachlan Swamps and the resources this landscape provided.¹²

3.2. Sydney Common

All of the subject site and the surrounding area (including Moore Park, Centennial Park, Sydney Showground, SCG etc), was originally part of the 1000 acres of land known as the 'Sydney Common' dedicated by Governor Macquarie in 1811 as a public recreation area (Figure 4), mainly to discourage people from turning animals into Hyde Park or other public lands to graze. Early on, the Sydney Common began to be further allocated and divided for different uses, with the eastern side including large swamp lands (Lachlan Swamps) declared and protected as a fresh water reserve in the 1820s (now Centennial Park), while the western portion of Sydney Common is generally consistent with the location of Moore Park today.

Early accessibility through area and to Randwick was very minimal, with the main transportation route from Sydney Cove through to the Botany Bay settlement only officially laid out in the 1840s (i.e. Botany Road).

In 1841, the northern part of the Sydney Common was allocated for the Victoria Military Barracks (along present day Oxford Street) (Figure 5). Constructed between 1841-1846 using locally quarried sandstone, the Victoria Barracks were occupied by British troops until 1870, at which time the colony became responsible for its own defence, and the colonial forces and Australian Army took up residence.¹³

The majority of the Sydney Common has been retained in public ownership, as parklands (Moore Park, Centennial Park, Queens Park) and sporting and recreational facilities, since its establishment in 1811.

¹² Conybeare Morrison & Partners 2003, *Centennial Parklands Conservation Management Plan—Volume 1*, prepared for Centennial Park and Moore Park Trust, pp 3–6

¹³ Radford, N., 2016, 'Victoria Barracks', *Dictionary of Sydney*, available from <https://dictionaryofsydney.org/node/19569#ref-uuid=c6d18b0e-d030-9100-6bd1-785ae97156e5>

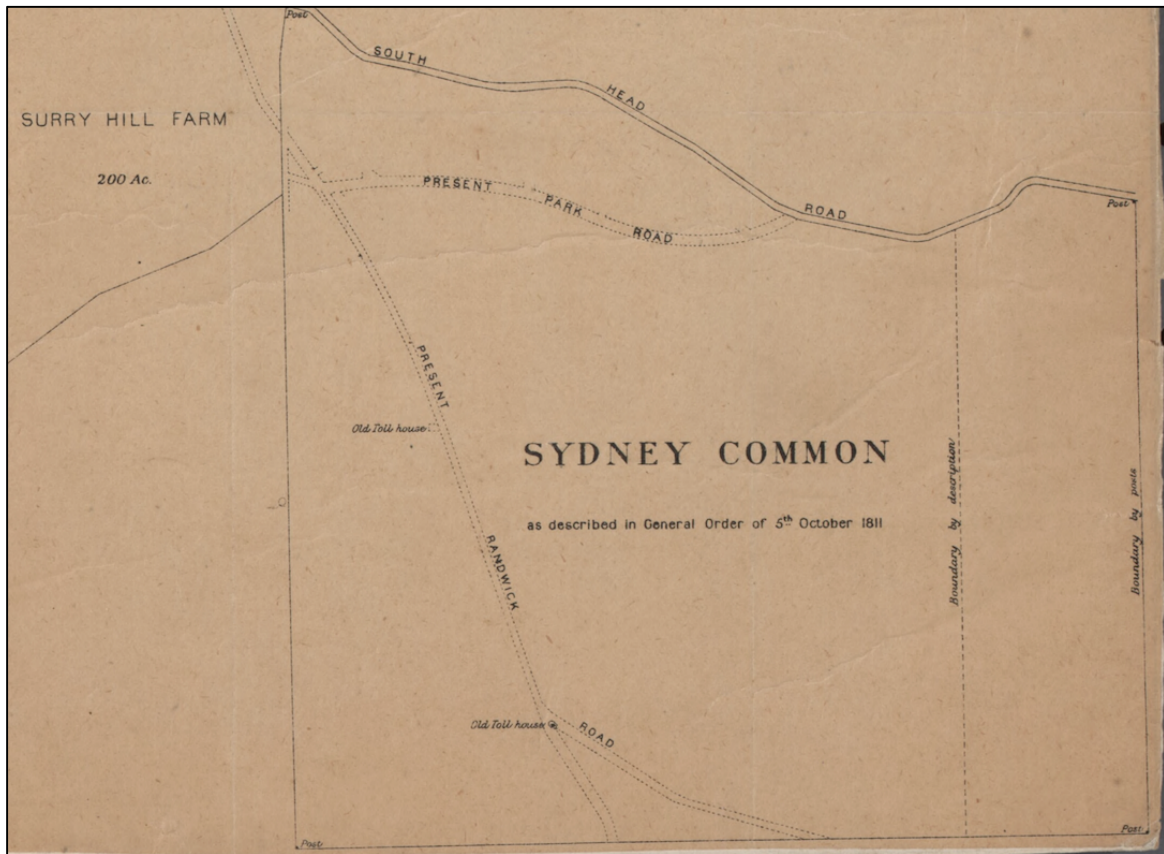


FIGURE 4: PLAN OF TOWN OF SYDNEY NEW SOUTH WALES SHEWING COMMON, 1811 (SOURCE: NLA MAP F 868)

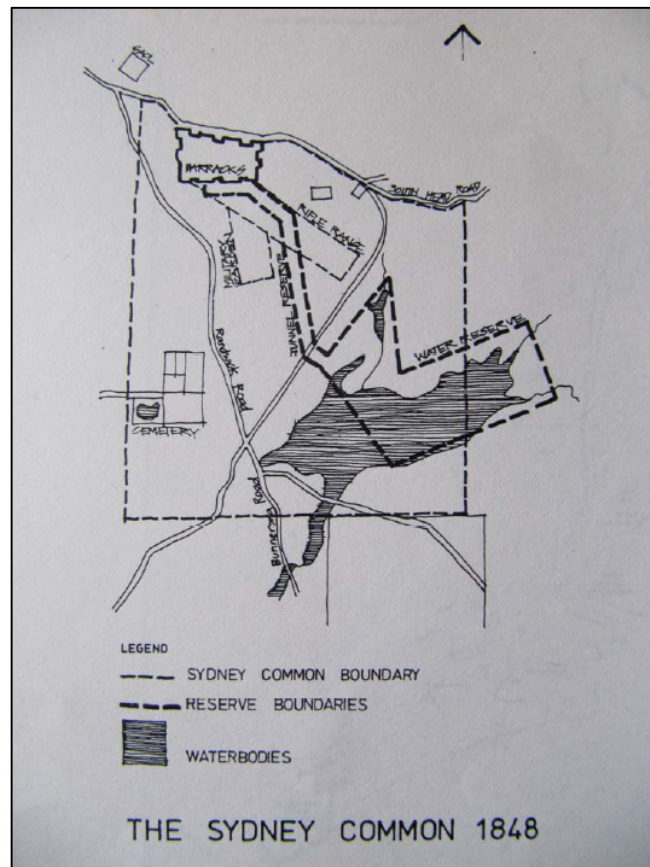


FIGURE 5: SYDNEY COMMON AND ALIENATED LANDS, 1848 (SOURCE: CABCONSULTING PTY LTD)

3.3. Busby's Bore

A large reason that Sydney was founded in its present location from 1788, was the presence of the fresh water stream that flowed into Sydney Cove, which came to be known as the Tank Stream. The sole source of fresh water for the early colony, the Tank Stream quickly became polluted and fouled, and by the 1820s, Sydney's demand for a new source for fresh water was becoming critical.

In 1826, Surveyor and Civil Engineer John Busby, having been engaged to devise a replacement water supply for Sydney, proposed the construction a series of dams on the Lachlan Swamps (now Centennial Park's lakes) which would be connected by a gravity fed tunnel to Hyde Park. Construction of the convict-built tunnel which came to be known as Busby's Bore, commenced in September 1827 from Hyde Park, took ten years to complete, and extends approximately 3.6km. The path of the bore as it passed under the Sydney Common, was dedicated as a reserve in an attempt to preserve the structure of the tunnel (Figure 6).¹⁴ The original plan was to construct a 65 million litre reservoir in Hyde Park to collect the water, however following completion of the bore, this plan was abandoned, and instead water was piped across Hyde Park on trestles (Figure 7), to be finally collected near the corner of Elizabeth and Park Streets, before being distributed through the city, initially by horse drawn carts and later by the city's first water pipes, constructed in the 1840s.¹⁵

Most of the tunnel was cut through the sandstone bedrock, with limited locations cut as open trenches laid with sandstone masonry and slab roof (Figure 8). At completion, the tunnel was 3.6km long, averaged 1.5m in height and 1.2m wide, in some places with dimensions just under 1m square while in others up to 3m high, and varied greatly in depth, in some locations extending to 24 metres deep.

The path tends to be relatively erratic and unpredictable in nature (varying in depth, width, and with many dead ends) which is believed to have been due to the fact that Busby refused to enter the tunnel to supervise, instead directing its excavation from above ground. Excavation of the tunnel was undertaken by convict labour, almost entirely by hand pick and shovel, in confined underground spaces, which often requiring standing in water requiring frequent draining, while convicts were sometimes affected by fumes caused by the use of gunpowder to blast through sections of the tunnel.¹⁶ Therefore, in the grueling conditions, without the direct supervision of Busby, it is believed that convicts effectively took the path of least resistance during excavation, at times turning around when digging became too difficult, and continuing again along a different route. For this reason, the 'official' surveyed path of the Bore often deviates from the actual orientation of the route and location of the shafts and wells (Figure 10). The route of the tunnel extends in part beneath the northern side of the Sydney Football Stadium, including a 'spur' under the northwest portion of the site, which is likely representative of a path that was abandoned by the convicts during excavation in favour of a more preferable route. Twenty-eight shafts and wells that tapped into the bore at different locations along its route have been located to date, six of which are located within or immediately adjacent to the SFS redevelopment area (Shafts 9 to 13 and 'Intervening Shaft No. 4'). Analysis of the location of Busby's Bore and associated shafts within the SFS Redevelopment site is presented below in Section 5.3

Busby's Bore was Sydney's sole fresh water source from 1837 to 1859, at which time the growth of the city required additional water options to be investigated. Thereafter, Busby's Bore was initially supplemented by the Botany Swamps scheme from 1859, and completely superseded by other schemes

¹⁴ GML 2013: 12

¹⁵ Sydney Water Corporation, 2004, *Busby's Bore, Sydney—Draft Conservation Management Plan*

¹⁶ Sydney Water Corporation, 2004: 15