

20 September 2021

Aleks Kukolj

Superintendent (Contractor)

Venues NSW

E Aleks.Kukolj@venuesnsw.com

Dear Aleks

Re: SSD 9835 Sydney Football Stadium Redevelopment, Section 4.55 Modification - Precinct Village and Car Park (MOD 7): Addendum Aboriginal Cultural Heritage Assessment (ACHMP)

This Addendum ACHMP must be read together with the previously provided ACHMP for the Sydney Football Stadium.¹

Introduction

On 6 December 2018, the Minister for Planning approved a State Significant Development (SSD) concept development application and concurrent early works package (SSD 9249) to facilitate redevelopment of the Sydney Football Stadium (SFS).

The concept approval established the maximum building envelope, design and operational parameters for a new stadium with up to 45,000 seats for patrons and allowing for 55,000 patrons in concert mode. The concurrent Stage 1 works, which were completed on 28 February 2020, facilitated the demolition of the former SFS and associated buildings.

Stage 2 of the SFS Redevelopment (SSD 9835) was approved by the Minister for Planning and Public Spaces on 6 December 2019. Stage 2 provides for design and construction of the SFS and immediately associated infrastructure. In 2020 Artefact Heritage provided an ACHMP as part of the planning process for the SFS.² To date, SSD 9835 has been modified on five occasions, with one other modification application not determined at the time of writing.

This Addendum ACHMP relates to MOD 7. Venues NSW (VNSW) is proposing to introduce a village community space, event plaza and multi-level car park to support the use of the SFS. The proposed modification will facilitate the permanent closure of the EP2 (Upper Kippax) on-grass parking area within Moore Park opposite the MP1 Car Park (proposed to be formalised via condition of consent) and enable its permanent use by the public for open space purposes consistent with the Moore Park Masterplan 2040.

The vision for the Precinct Village and Car Park is set out below:

¹ Artefact Heritage 2020. Sydney Football Stadium Redevelopment Stage 2 (SSD-9835) Aboriginal Cultural Heritage Management Plan. Report to John Holland.

² Artefact Heritage 2020

The Precinct Village and Car Park provides a platform and canvas for an exceptional community asset and iconic design, that visually and physically connects to the adjacent Moore Park East and Kippax Lake. It provides patrons with quality café and dining experiences in an idyllic parkland setting and well-being play and relaxation nodes which engage with all ages. An event plaza, connected to the Stadium plaza provides a seamless opportunity for greater patron and community engagement through non-event and event day functions (Architectural Design Statement, Cox September 2021).

Principally, the proposed modification introduces a village community space and event plaza to complement the adjacent SFS and green space of the Centennial Parklands, while providing amenity for the community to sit, reflect, observe, congregate and pass through, engaging with the parkland throughout and enjoying the sports hub and associated retail amenities. To facilitate this, the currently approved 540 space at-grade car park will be expanded to 1,500 spaces, with both the Event Plaza and Precinct Village being located above. This will create a superior outcome whereby the car park will be embellished into a more versatile community precinct space, ensuring the surrounding spaces of the SFS complement its distinctly 'event' focused character and that parking is located as unobtrusively as possible.

The Precinct Village and Car Park further responds to the strategic mandate of Venues NSW as a statutory authority under the *Sporting Venues Authorities Amendment Act 2020*. In terms of this Act, VNSW is responsible for the management, coordination and promotion of sports and entertainment venues across NSW. The project therefore addresses the NSW Stadia Strategy targeting investment for Stadia to become multi-use hubs with quality services and facilities, transport connectivity and highly activated entertainment precincts in the stadia surrounds to promote better utilisation of Stadia infrastructure. Two particularly relevant Stadia Strategy Design principles are:

- 1) Transport Connectivity – Stadia should have good public transport access and appropriate parking capacity; and
- 2) Entertainment Precinct – Stadia should be surrounded by a vibrant entertainment precinct to enhance the match day experience.

The construction of a Precinct Village and Car Park in the current location of the MP1 Car Park that is adjacent to the Sydney Football Stadium (the study area). This Addendum ACHMP is constrained to the summary evaluation of potential impacts of the proposed MOD 7 on potential Aboriginal archaeological remains in the study area. The location of the study area is shown in Figure 1.

Figure 1: The study area



Document Path: D:\GIS\GIS_Mapping\21150 SFS HIS\MXD\1 August 2021\Study Area.mxd



Study Area
21150 Sydney Football Stadium - Heritage Impact Statement
LGA: City of Sydney

SCALE 1:1,500
SIZE A4
DATE 2/08/2021

0 0.015 0.03 0.06 Kilometers



Legislative context

The project ACHMP (as currently approved) and this Addendum ACHMP have been prepared to conform with the following legislative requirements as outlined in Table 1.

Table 1: Legislative parameters

	Ministers Conditions of Approval	Section reference
<i>Environmental Planning and Assessment Act 1979</i>	This Act establishes a system of environmental planning and assessment of development proposals for the State.	The approval conditions and obligations are incorporated into the currently approved ACHMP.
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</i>	<p>The main purpose of this Act is to provide for the protection of the environment especially those aspects that are of national environmental importance and to promote ecological sustainable development.</p> <p>Heritage places are listed on the National Heritage List (NHL) for their 'outstanding heritage value to the nation' and are owned by a variety of constituents, including government agencies, organisations or individuals. Only items owned or controlled by the Commonwealth that meet the threshold for national heritage listing under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) are listed on the Commonwealth Heritage List (CHL) and/or the World Heritage List (WHL) and afforded protection under the EPBC Act.</p>	Not relevant as no NHL, CHL or WHL items are located within the study area.
<i>National Parks and Wildlife Act 1974</i>	The relevance of this Act is firstly in respect to the protection and preservation of aboriginal artefacts. Discovery of material on site suspected as being of aboriginal origin must be reported and protected pending assessment and direction by the Client's Representative.	An Aboriginal heritage impact permit under section 90 of the <u>National Parks and Wildlife Act 1974</u> is not required for this project as it has been approved as State Significant Development under Part 4 of the EP&A Act.
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cwth)</i>	This Act provides for the preservation and protection from injury or desecration to areas and objects of particular significance to Aboriginals. Areas and objects can be protected by Ministerial Declaration and it is then an offence to contravene such a declaration.	No areas or objects within the Project have been identified as being subject to such a declaration and this Act is of little relevance to the project.

	Ministers Conditions of Approval	Section reference
<i>Coroners Act</i>	This Act enables coroners to investigate certain kinds of deaths or suspected deaths in order to determine the identities of the deceased persons, the times and dates of their deaths and the manner and cause of their deaths.	This Act is relevant if Human Skeletal Remains are located within the project area.

Guidelines

Additional guidelines and standards relating to the management of Aboriginal cultural heritage include:

- Code of Practice for the archaeological investigation of Aboriginal objects in NSW (OEH 2010)
- Aboriginal cultural heritage consultation requirements for proponents 2010 (OEH 2010)
- Due Diligence Code of practice for protection of Aboriginal objects in NSW (OEH 2010)
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2010)
- Assessing Heritage Significance (NSW Heritage Office 2001)
- Levels of Heritage Significance (NSW Heritage Office 2008)
- NSW Government's Aboriginal Participation in Construction Guidelines (2007).
- Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977

Compliance with Ministers Conditions of Approval (CoA)

This Addendum ACHMP does not duplicate the measures and assessments carried out in the currently approved ACHMP that are pertinent to MOD 7. This section demonstrates the manner in which the currently approved ACHMP satisfies (or at a minimum does not comprise realisation of) the CoA as they relate to MOD 7.

The following compliance matrix demonstrates the alignment of the currently approved ACHMP with full understanding of requirements under the Minister's CoA and Final Mitigation Measures as approved. The Project was approved as a SSD pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 6 December 2019 (SSD- 9835).

	Ministers Conditions of Approval	Section reference
B41	An Aboriginal Cultural Heritage Management Plan (ACHMP) must be prepared by a suitably qualified and experienced expert and address, but not be limited to, the following:	ACHMP Section 4.14
a	Details of the nominated Excavation Director as recommended in the Aboriginal Cultural Heritage Assessment Report prepared by Curio Projects dated August 2019 (ACHAR)	ACHMP Section 4.1.4
b	Details of the site identified for monitoring/testing having regard to Aboriginal Cultural Heritage	ACHMP Section 8.1

Ministers Conditions of Approval		Section reference	
c	Details of the archaeological investigation, monitoring and test excavation methodology in accordance with section 6.1 of the ACHMP Section 8 ACHAR		
d	Details consultation procedures with the RAPs identified in the ACHAR during Aboriginal archaeological monitoring	ACHMP Section 6.2	
e	Details of allowance for contamination consideration and Workplace Health and Safety Requirements and procedures to be followed on site (including consultation with RAPs) if any variation to the soil monitoring methodology is required	ACHMP Section 8.8	
f	An Unexpected Finds Protocol for Aboriginal heritage (including unexpected skeletal remains) and associated communications procedure in accordance with the recommendations of the ACHAR	ACHMP Appendix A	
g	Details of a stop-work procedure in case archaeological relics are uncovered during the work (including contacting the EES group of the Department and recommencing works once the approval from the EES Group is obtained); and	Detailed in the ACHMP Unexpected Finds Procedure Appendix A	
h	A contingency plan and reporting procedure (that is consistent with obligations under conditions of this consent) if:	(i)	ACHMP Section 8.12
	(i) Aboriginal objects and Aboriginal places outside the approved disturbance area are damaged; or	(ii)	Detailed in the ACHMP
	(ii) Previously unidentified Aboriginal objects or Aboriginal places are found or suspected to be found on site.		Unexpected Find Procedure Appendix A
B42	The CHMP must be made publicly available on the Applicants website prior to the commencement of construction.	ACHMP Section 4.1.1	
B45	Prior to the commencement of construction of the stadium structure or public domain works (i.e. during the bulk earth works), the monitoring of Aboriginal archaeological test excavation, recording and salvage (if any) must be undertaken under the supervision of the nominated excavation director, for all impacted areas of the site in accordance with the recommendations of the ACHMP and the ACHAR, and in consultation with the RAPs that have been identified for this project.	Methodology outlined in ACHMP Section 8	

Relevant findings of the SFS ACHMP³

The currently approved ACHMP identified that the study area is within Gadi Country, the land of the Gadigal / Gadigalleon people.⁴ The study area is located on the Botany Sand sheets, the upper soil unit of which is referred to as the Tuggerah Soil Landscape. These Tuggerah soils are recently deposited wind-formed dune soils. The uppermost and thin tg1 unit (300 millimetre (mm)) and partially the second 1-2 metre (m) thick tg2 unit of the Tuggerah soils have elevated potential to

³ Artefact Heritage 2020

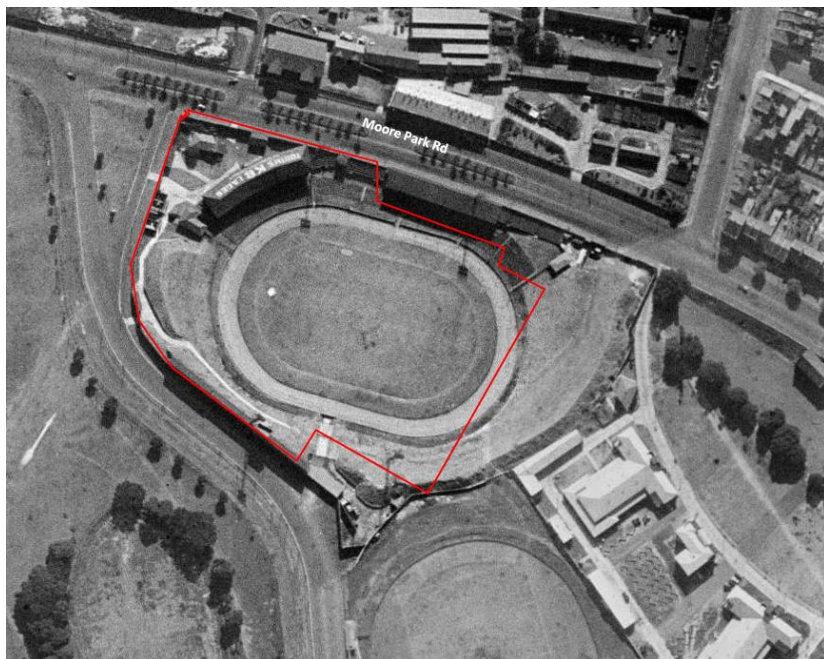
⁴ Gadigal = male, Gadigalleon = female (V Attenbrow 2010, *Sydney's Aboriginal Past*, University of NSW Press, Sydney)

contain Aboriginal archaeological remains. The underlying units of Tuggerah soils can continue to tens of metres in depth and they are not of elevated sensitivity for Aboriginal archaeological remains. They vary in colour and composition largely according to local hydrology and position on landform. Most commonly in the surrounds of the proposal they include combinations of stained brown sand (tg3), yellow massive sand often to considerable depths (tg4), and lenses of iron-indurated sand pan (coffee rock) (tg5).⁵

The currently approved ACHMP developed a model of historical disturbance to the soils in the location of the SFS which made it evident that Tuggerah tg1 and tg2 soils in the SFS footprint had almost certainly been completely removed from the SFS footprint, or had been subject to such disturbance that archaeological sensitivity in the majority of the location was nil-low.⁶ Localised areas of buried deposit that had possibly been subject to lower rates of disturbance were rated as of low-moderate archaeological sensitivity.

The chief process of historical disturbance that was identified and considered in evaluating soil disturbances within the footprint of the SFS was the construction of the Sydney Sports Ground (SSG) which opened in 1903 and an associated ancillary oval to the south. The approximate footprint of the current proposal is shown in Figure 2 overlain on historical aerial imaging dating to 1943. In Figure 2 the SSG is visible as a deeply excavated facility in which the only apparent level pieces of land have been subject to development for stadium and ancillary buildings. The extent of widespread excavation in the current study area associated with construction of the SSG can be further estimated from Figure 3. In Figure 3 it is evident that the top of the excavated banks of the stadium (view east) are approximately level with the eaves of the upper storey of the two storey covered stadium seating which once faced south towards Kippax Lake. Allowing approximately 2.5 to 3 meters per storey of construction, this provides evidence for approximately five to six metres of soil that had been excavated in order to form the interior bowl of the SSG. This depth is well below the levels of tg1 and tg2 soils that may once have been present here and such archaeologically sensitive soils can be considered to have been completely removed through such excavation.

Figure 2: The study area over the SSG in 1943 (SIXMaps)



⁵ Artefact Heritage 2020, p12-13

⁶ Artefact Heritage 2020, p19.

Figure 3: Sydney Sports Ground in 1937. View north east (Trove NLA)



Registered Aboriginal sites in the study area

An extensive search of the AHIMS registry (Search ID 622542) was carried out on 15 September 2021, for an area cropped as close as practical to the study area.

Latitude 151.22 to 151.23
Longitude -33.89 to -33.89

There are no AHIMS registered sites within the study area. There is one AHIMS registered site within the search area undertaken (PAD 45-6-3645), however from site card details it is evident that PAD 45-6-3645 does not intrude into the study area.

PAD 45-6-3645

Prior to the assessment of the SFS as contained in the currently approved ACHMP, a location of Potential Archaeological Deposit (PAD) (PAD 45-6-3645) had been listed within the SFS on the Aboriginal Heritage Information Management System (AHIMS). This PAD was listed to protect potential but at that time unidentified undisturbed sand deposits within the footprint of SFS. The site card for PAD 45-6-3645 does not provide a map to define its spatial extent. However, the PAD extent is defined as 'beneath Sydney Football Stadium' and 'beneath existing Sydney Football Stadium'. Based on this wording, the extent of this PAD does not intrude to the study area for the current MOD proposal.

Conclusions and recommendations

- The soil disturbances that have been identified by the currently approved SFS ACHMP⁷ as present in parts of the SFS footprint, are present and to greater extent in almost the entirety of the Precinct Village and Car Park MOD 7 study area.
- These soil disturbances appear to have removed five to six metres of local soil in excavation of a banked sporting amphitheatre - the SSG.
- During such excavation for the SSG the upper (tg1, tg2) archaeologically sensitive soil units will have been removed.

⁷ Artefact Heritage 2020

- Areas immediately adjacent to the SSG that may not have been subject to excavation will have been subject to significant disturbance through the infill and remediation of the SSG.
- Due to the identified high level of historical ground disturbance it is not considered likely that the study area is of more than nil-low levels of Aboriginal archaeological sensitivity.
- The proposed activity may progress under an Unexpected Finds Policy, and without further formal archaeological assessment
- Condition B41 of SSD 9835 requires the preparation of an ACHMP, which has already been approved by the Department of Planning, Industry and Environment for the SFS. The currently approved ACHMP provides a robust framework within which works should be undertaken, however it will need to be updated to reflect the Precinct Village and Car park should MOD 7 be approved.
- Prior to the currently approved ACHMP being updated, it should be provided to the Registered Aboriginal Parties (refer to Section 6.1 of the approved ACHMP) for their information as was the currently approved ACHMP during its preparation.

Consistent with the currently approved ACHMP, consultation with RAPs will continue throughout the construction phase. A representative from the La Perouse LALC will also be on site during all test and salvage excavation works and RAPs will be invited to be involved in the archaeological supervision of bulk excavation in areas where natural sands may be present.