



## Office of Environment & Heritage

Your reference : SSD 5824 and MP09\_0076 MOD 2  
Our reference : DOC14/84645  
Contact : Marnie Stewart ph 9995 6868

Mr Chris Ritchie  
A/Director  
Industry, Key Sites and Social Projects  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Ritchie

I refer to your letter received on 29 May 2014 inviting comment from the Office of Environment and Heritage (OEH) on the exhibited state significant development application for a transport interchange, commercial and retail development (SSD 5824) and modification to approved concept plan (MP\_0076 MOD 2) at One Carrington Street, Sydney.

To the assist the Department, OEH provides the following advice on Aboriginal cultural heritage.

### Modification to Approved Concept Plan at One Carrington Street, Sydney (MP09 0076 MOD 2)

The EIS has not addressed Aboriginal cultural heritage issues and OEH notes that previous archaeological excavations at Wynyard (KENS, Wynyard Walk site) have encountered Aboriginal objects during excavations for construction. The Department should be aware that any subsurface works in relation to this modification have the potential to uncover Aboriginal objects. Any Aboriginal objects uncovered in this location will have a level of significance because they have survived in the Central Business District (CBD) and are indicative of continued Aboriginal occupation post contact.

### Transport Interchange, Commercial and Retail Development (SSD 5824)

OEH notes that the applicant has prepared an Archaeological Assessment and Impact Statement. The approach to Aboriginal cultural heritage in this report is based on the OEH Due Diligence Code of Practice. The Department is advised that Due Diligence is a voluntary process that provides a legal defence against prosecution should Aboriginal objects that were not anticipated to be present be uncovered and impacted during the course of works. It is not an archaeological and cultural assessment and only relates to the *National Parks and Wildlife Act 1974*; therefore not appropriate for the assessment of state significant developments.

However, the report identified that it is likely that Aboriginal objects may be present at this location. Any Aboriginal objects uncovered in this location will have a level of significant because they have survived in the CBD and are indicative of continued Aboriginal occupation post contact. The recommendations of the report state that an archaeological methodology should be prepared for both Aboriginal and historic archaeology in order to allow for identification of any archaeological remains and provide management and mitigation options. OEH concurs with the approach, however it is noted that it is also recommended that Aboriginal archaeological excavations should be undertaken in accordance with the *OEH Code of Practice*

*for Archaeological Investigation of Aboriginal Objects In NSW.* This code of practice was designed to be part of an assessment process to obtain an Aboriginal Heritage Impact Permit. It has a very prescriptive methodology and is very limited in its scope. OEH considers that it is not appropriate to be used in this instance and that more suitable methodology should be designed to allow for maximum flexibility on site and to ensure any excavations provide appropriate mitigation.

If you have any queries regarding this advice please contact Marnie Stewart, Senior Regional Operations Officer, on 9995 6868.

Yours sincerely

*S. Harrison 03/07/14*

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