

Attachment B18

**Aboriginal Cultural Heritage Study –
Waterloo Estate (South) – Land and
Housing Corporation**

WATERLOO SOUTH PLANNING PROPOSAL

ABORIGINAL CULTURAL HERITAGE STUDY

25 MARCH 2020
P0019829
PREPARED FOR NSW LAND AND HOUSING CORPORATION

URBIS

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EXECUTIVE SUMMARY

Urbis has been engaged by NSW Land and Housing Corporation to prepare the following Aboriginal Cultural Heritage Study for Waterloo South, which forms part of the Waterloo Estate. This report has been updated to refer exclusively to Waterloo South and excludes the Metro Quarter (as this area has already been subject to separate assessments).

This Aboriginal Cultural Heritage Study has been prepared to accompany the Planning Proposal for Waterloo South. The key objective of the potential redevelopment of Waterloo South is to renew the area and create a mixed-housing precinct (supported by a new Metro Station), whilst also acknowledging and celebrating the important heritage aspects of the area.

The purpose of this Aboriginal Cultural Heritage Study (ACHS) is to identify and describe the Aboriginal cultural heritage values that exist across the subject area.

This assessment is largely based on the *Redfern, Waterloo and South Eveleigh Urban Renewal Sites – Desktop Aboriginal Heritage Assessment* prepared by Archaeological & Heritage Management Solutions (AHMS) for the Urban Growth Development Corporation in 2014.

This ACHS has been undertaken to respond to the following Planning Proposal requirements (previously listed under the *NSW Government - Study Requirements, Nominated State Significant Precinct – Waterloo, May 2017*).

Table 1 – Planning Proposal Requirements

Requirement	Response
12.1 Prepare an Aboriginal cultural heritage study to identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in the study. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)</i> .	This Aboriginal Cultural Heritage Study addressed this requirement throughout the report. At this stage no intrusive archaeological investigation such as excavation was applied.
12.2 Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW)</i> . The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the study.	This Aboriginal Cultural Heritage study addressed this requirement under Section 3. At this stage no Aboriginal people came forward registering on the project.
12.3 Impacts on Aboriginal cultural heritage values are to be assessed and documented in the study. The study must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the study must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.	This Aboriginal Cultural Heritage Study has identified various potential for Aboriginal cultural heritage and archaeological resources within the subject area and recommended additional assessment and work to provide options to conserve, avoid, mitigate and manage those resources in the future stages of the development.

Requirement	Response
Prepare the required DCP provisions.	Included in a separate Heritage Impact Statement prepared by Urbis for this Planning Proposal.

This Aboriginal Cultural Heritage Study has been prepared in accordance with the following documents prepared by the NSW Department of Industry and Planning (DPIE) (formerly NSW Office of Environment and Heritage):

- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW.*
- *Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW.*
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.*
- *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW.*
- *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants 2010.*

The content of this assessment has been prepared with reference to the *Communities Plus – Waterloo South Planning Proposal Consultant Briefing* (NSW DP&E) and issued 6 February 2020.

AUTHOR IDENTIFICATION

The following report has been prepared by Karyn Virgin (Senior Heritage Consultant / Archaeologist). Updates and modifications to this assessment were undertaken by Meggan Walker (Consultant Archaeologist) and Andrew Crisp (Senior Heritage Consultant / Archaeologist). Quality control was undertaken by Balazs Hansel (Associate Director).

This assessment is largely based on the *Redfern, Waterloo and South Eveleigh Urban Renewal Sites – Desktop Aboriginal Heritage Assessment* prepared by Archaeological & Heritage Management Solutions (AHMS) for the Urban Growth Development Corporation in 2014, with the majority of the background research presented in this report having been sourced from AHMS' 2014 assessment.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

ACKNOWLEDGEMENTS

The authors would like to thank the following people for their assistance with the compilation of this document:

- Anthony Mitchell, Senior Heritage Officer, Operational Policy and Standards: Assets, NSW Land and Housing Corporation, Department of Family & Community Services.
- Ian Cady, Planning Director, NSW Land and Housing Corporation.
- Nick Graham, Consultant, NSW Land and Housing Corporation.
- Greg Stonehouse from Milne and Stonehouse and Sue Boaden, Cultural Planner.

LIMITATIONS

The following limitations of this assessment are acknowledged by the authors:

A comprehensive site survey of Waterloo South was not undertaken in the preparation of this study due to existing tenancies and security. As such, the visual inspection was limited to publicly accessible portions of the subject area.

ASSESSMENT OF ABORIGINAL ARCHAEOLOGICAL POTENTIAL

This Aboriginal Cultural Heritage Study has reviewed the relevant historical, archaeological and environmental information relevant to Waterloo South and has undertaken a review of relevant literature prepared for similar sites within the broader local landscape.

Based on this review, it has been determined that there is a low to moderate degree of potential for shell midden and low to moderate potential of stone artefact deposits to be present within the subject area. This is considered in detail in the predictive model presented in **Table 7**. The remaining part of the subject area has low to nil potential for Aboriginal archaeological resources

If present, such archaeological material is predicted to occur in the less disturbed areas of the site, and in proximity to known resource areas, such as the Waterloo Swamp and Shea's Creek to the south/southwest of the subject area.

Based on this summary of archaeological potential, a discrete area of archaeological potential has been identified. This area is shown in Figure 12.

POTENTIAL IMPACTS

As stated above, physical works that may occur within the subject area in the future have the potential to impact on any Aboriginal archaeological material, sites or deposits that may be present within the area of identified archaeological potential shown in Figure 12. The appropriate management of those resources should be the subject of further assessment as part of the development application.

CONSULTATION AND ASSESSMENT OF ABORIGINAL CULTURAL HERITAGE

Consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements* (ACHCRs) for *Proponents* undertaken to date has been summarised at Section 3 of this report.

On behalf of NSW Land and Housing Corporation, Urbis undertook statutory engagement to inform an Aboriginal Cultural Heritage Assessment for Waterloo South. At the time of finalising this report, consultation had been completed to Stage 1 of the ACHCRs, with no responses received to date from Aboriginal people.

On 27 November 2018, and in accordance with the Requirements, relevant parties were contacted by letter (emailed). Parties were provided with a statutory timeframe of 28 days for responses, however Urbis also welcomed responses after this closing date. In addition to party-specific letters, advertisements were placed in three separate local newspapers welcoming responses from the community. These were published on 30 November 2018 (The National Indigenous Time), 4 December 2018 (The South Sydney Herald) and 12 December 2018 (The Koori Mail). No responses were received over the 28-day timeframe.

In addition to the above consultation in accordance with the ACHCRs, Murawin Consulting have also prepared an Aboriginal Stakeholder Engagement Report. The purpose of this report is to provide an overarching guide to aid the interpretation and integration of Aboriginal cultural values, principles, perspectives and aspiration to future development of the entire Waterloo Estate. It predominately relates to contemporary culture, though the report also touches on Aboriginal cultural heritage and history.

The report prepared by Murawin consulting complements the ongoing ACHCR process for this project.

Stage 2 of the consultation process will be commenced following approval of the planning proposal, at which time proposed project information will be presented/provided to registered Aboriginal parties for comment.

In addition to the above, an extensive program of community consultation and engagement has also been undertaken for the project, and that this consultation program will remain ongoing until project completion.

CONCLUSIONS AND RESOMMENDATIONS

This ACHS concluded that:

- The southern part of the subject area has low to moderate potential for Aboriginal archaeological resources.
- The rest of the subject area has low to nil potential for Aboriginal archaeological resources.
- The consultation process has been concluded at Stage 1 and the assessment of Aboriginal cultural heritage values are incomplete at this stage.

Based on the results of the ACHS, the above conclusions and in anticipation of a development application for any future developments within the subject area, Urbis formulated the following recommendations.

- Further detailed investigation in the form of an Aboriginal Cultural Heritage Assessment (ACHA) should be undertaken in line with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) to assess the potential and significance of Aboriginal cultural heritage.
- As part of the ACHA process, and Archaeological Assessment should be carried out in line with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (DECCW, 2010) to inform the ACHA of the Aboriginal archaeological resources of the subject area and resources and to provide strategies to conserve, mitigate, avoid and manage those resources.
- As part of the ACHA process a comprehensive consultation procedure should be carried out in line with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010) to inform the ACHA of the cultural knowledge of the registered Aboriginal people.
- Should any impact be proposed to Aboriginal cultural heritage, including archaeological salvage excavation, an application for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the *National Park and Wildlife Act 1974* will be necessary to support the Development application under Part 4 of the *Environmental Planning and Assessment Act 1979*.

1. PREAMBLE

1.1. INTRODUCTION

The Greater Sydney Region Plan and Eastern City District Plan seek to align growth with infrastructure, including transport, social and green infrastructure. With the catalyst of Waterloo Metro Station, there is an opportunity to deliver urban renewal to Waterloo Estate that will create great spaces and places for people to live, work and visit.

The proposed rezoning of Waterloo Estate is to be staged over the next 20 years to enable a coordinated renewal approach that minimises disruption for existing tenants and allows for the up-front delivery of key public domain elements such as public open space. Aligned to this staged approach, Waterloo Estate comprises three separate, but adjoining and inter-related stages:

- Waterloo South;
- Waterloo Central; and
- Waterloo North.

Waterloo South has been identified as the first stage for renewal. The lower number and density social housing dwellings spread over a relatively large area, makes Waterloo South ideal as a first sub-precinct, as new housing can be provided with the least disruption for existing tenants and early delivery of key public domain elements, such as public open space.

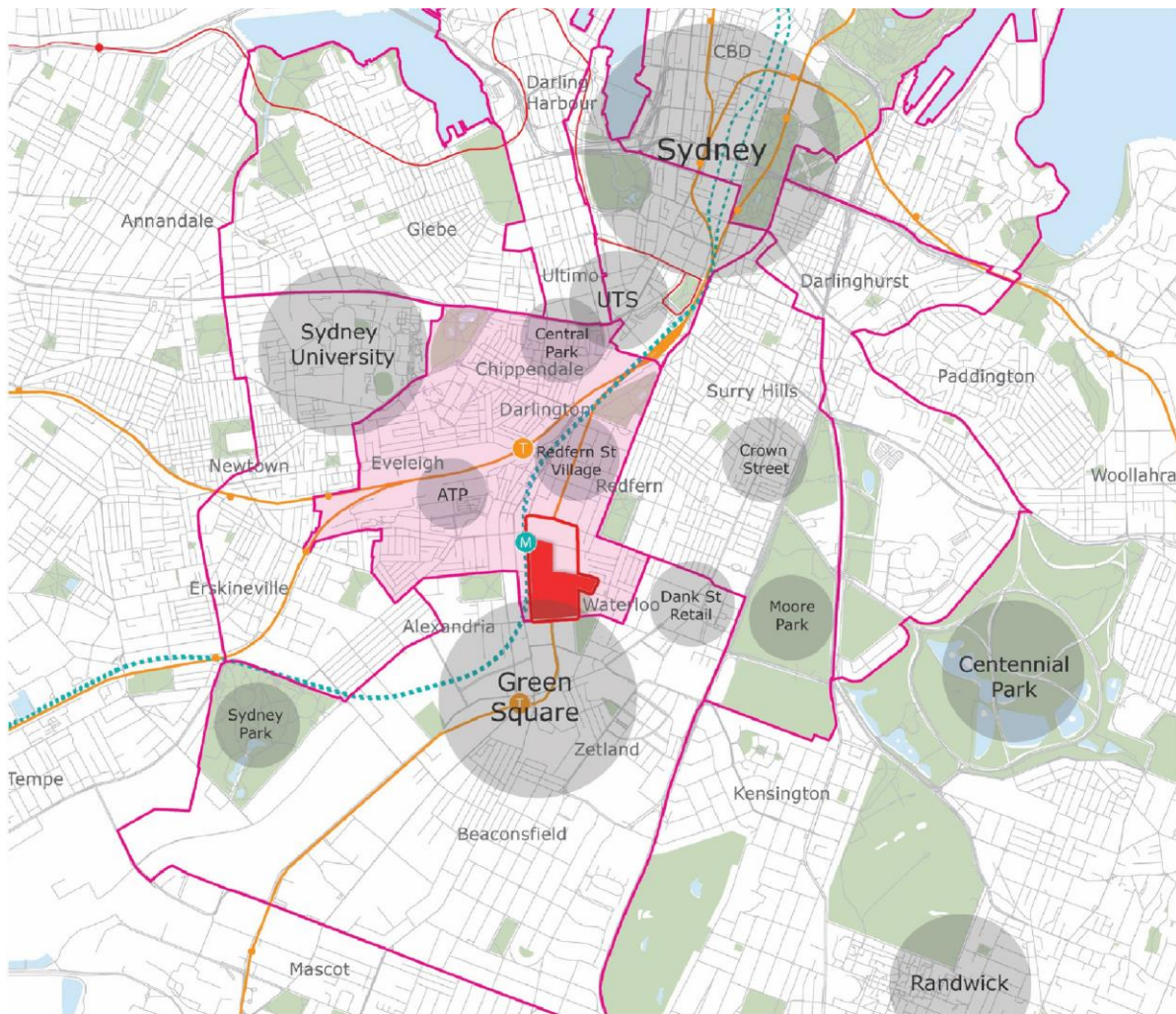
A planning proposal for Waterloo South is being led by NSW Land and Housing Corporation (LAHC). This will set out the strategic justification for the proposal and provide an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. The outcome of this planning proposal will be a revised planning framework that will enable future development applications for the redevelopment of Waterloo South. The proposed planning framework that is subject of this planning proposal, includes:

- **Amendments to the Sydney Local Environmental Plan 2012** – This will include amendments to the zoning and development standards (i.e. maximum building heights and floor space ratio) applied to Waterloo South. Precinct-specific local provisions may also be included.
- **A Development Control Plan (DCP)** – This will be a new part inserted into 'Section 5: Specific Areas' of the Sydney DCP 2012 and include detailed controls to inform future development of Waterloo South.
- **An infrastructure framework** – in depth needs analysis of the infrastructure required to service the needs of the future community including open space, community facilities and servicing infrastructure.

1.2. WATERLOO ESTATE

Waterloo Estate is located approximately 3.3km south-south-west of the Sydney CBD in the suburb of Waterloo (refer to Figure 1). It is located entirely within the City of Sydney local government area (LGA). Waterloo Estate is situated approximately 0.6km from Redfern train station and 0.5km from Australia Technology Park. The precinct adjoins the new Waterloo Metro Station, scheduled to open in 2024. The Waterloo Metro Quarter adjoins Waterloo Estate and includes the station and over station development, and was rezoned in 2019. Waterloo Estate comprises land bounded by Cope, Phillip, Pitt and McEvoy Street, including an additional area bounded by Wellington, Gibson, Kellick and Pitt Streets. It has an approximate gross site area of 18.98 hectares (14.4 hectares excluding roads). Waterloo Estate currently comprises 2,012 social housing dwellings owned by LAHC, 125 private dwellings, a small group of shops and community uses on the corner of Wellington and George Streets, and commercial properties on the south-east corner of Cope and Wellington Streets.

A map of Waterloo Estate and relevant boundaries is illustrated in Figure 2.



Legend

- The Estate
- Waterloo South

Figure 1 – Location plan of Waterloo Estate and Waterloo South

Source: Turner Studio

1.3. WATERLOO SOUTH

Waterloo South includes land bounded by Cope, Raglan, George, Wellington, Gibson, Kellick, Pitt and McEvoy Streets, and has an approximate gross site area of 12.32 hectares (approximately 65% of the total Estate).

Waterloo South currently comprises 749 social housing dwellings owned by LAHC, 125 private dwellings, and commercial properties on the south-east corner of Cope and Wellington Streets. Existing social housing within Waterloo South is predominantly walk up flat buildings constructed in the 1950s and '60s, and mid-rise residential flat buildings (Drysdale, Dobell & 76 Wellington Street) constructed in the 1980s. Listed Heritage Items within Waterloo South include the Duke of Wellington Hotel, Electricity Substation 174 on the corner of George and McEvoy Streets, the terrace houses at 229-231 Cope Street and the Former Waterloo Pre-School at 225-227 Cope Street. The State Heritage listed 'Potts Hill to Waterloo Pressure Tunnel and Shafts' passes underneath the precinct.

A map of Waterloo South and relevant boundaries is illustrated in Figure 2.



Legend

- The Estate
- Private Properties
- Waterloo Metro Quarter
- M Waterloo Metro Station
- Sydney Metro Alignment

Subject to this planning proposal

- Waterloo South

Subject to future planning and planning proposal

- Waterloo North
- Waterloo Central

Figure 2 – Waterloo Precinct

Source: Ethos Urban

1.4. REDEVELOPMENT VISION









The transition of Waterloo Estate will occur over a 20-year timeframe, replacing and providing fit for purpose social (affordable rental) housing as well as private housing to create a new integrated and inclusive mixed-tenure community.

This aligns with Future Directions for Social Housing in NSW – the NSW Government’s vision for social housing. It also aligns with LAHC’s Communities Plus program, which is tasked with achieving three key objectives:

1. Provide more social housing

2. Provide a better social housing experience
3. Provide more opportunities and support for social housing tenants

The following is LAHC's Redevelopment Vision for Waterloo Estate, which was derived from extensive consultation and technical studies:

	Culture and Heritage <ul style="list-style-type: none"> Recognise and celebrate the significance of Waterloo's Aboriginal history and heritage across the built and natural environments. Make Waterloo an affordable place for more Aboriginal people to live and work. Foster connection to culture by supporting authentic storytelling and recognition of artistic, cultural and sporting achievements.
	Communal and Open Space <ul style="list-style-type: none"> Create high quality, accessible and safe open spaces that connect people to nature and cater to different needs, purposes and age groups. Create open spaces that bring people together and contribute to community cohesion and wellbeing.
	Movement and Connectivity <ul style="list-style-type: none"> Make public transport, walking and cycling the preferred choice with accessible, reliable and safe connections and amenities. Make Waterloo a desired destination with the new Waterloo Station at the heart of the Precinct's transport network – serving as the gateway to a welcoming, safe and active community.
	Character of Waterloo <ul style="list-style-type: none"> Strengthen the diversity, inclusiveness and community spirit of Waterloo. Reflect the current character of Waterloo in the new built environment by mixing old and new.
	Local Employment Opportunities <ul style="list-style-type: none"> Encourage a broad mix of businesses and social enterprise in the area that provides choice for residents and creates local job opportunities.
	Community Services, Including Support for Those Who Are Vulnerable <ul style="list-style-type: none"> Ensure that social and human services support an increased population and meet the diverse needs of the community, including the most vulnerable residents. Provide flexible communal spaces to support cultural events, festivals and activities that strengthen community spirit.
	Accessible Services <ul style="list-style-type: none"> Deliver improved and affordable services that support the everyday needs of the community, such as health and wellbeing, grocery and retail options.
	Design Excellence <ul style="list-style-type: none"> Ensure architectural design excellence so that buildings and surrounds reflect community diversity, are environmentally sustainable & people friendly – contributing to lively, attractive and safe neighbourhoods. Recognise and celebrate Waterloo's history and culture in the built environment through artistic and creative expression. Create an integrated, inclusive community where existing residents and newcomers feel welcome, through a thoughtfully designed mix of private, and social (affordable rental) housing .

Source: *Let's Talk Waterloo: Waterloo Redevelopment* (Elton Consulting, 2019)

1.5. PURPOSE OF THIS REPORT

This report relates to the Waterloo South planning proposal. While it provides comprehensive baseline investigations for Waterloo Estate, it only assesses the proposed planning framework amendments and Indicative Concept Proposal for Waterloo South.

The key matters addressed as part of this study, include:

- Investigate the presence, or absence, of Aboriginal objects and/or places within and in close proximity to the subject area, and whether those objects and/or places would be impacted by the proposed development.

- Investigate the presence, or absence, of any landscape features that may have the potential to contain Aboriginal objects and/or sites and whether those objects and/or sites would be impacted by the proposed development.
- Document the nature, extent and significance of any Aboriginal objects and/or place and sites that may be located within the subject area.
- Document consultation with the Registered Aboriginal Parties (RAPs) with the aim to identify any spiritual, traditional, historical or contemporary associations or attachments to the subject area and any Aboriginal objects and/or places that might be identified within the subject area.
- Provide management strategies for any identified Aboriginal objects and/or places or cultural heritage values.
- Provide recommendations for the implementation of the identified management strategies.

1.6. WATERLOO SOUTH PLANNING PROPOSAL

The planning proposal will establish new land use planning controls for Waterloo South, including zoning and development standards to be included in Sydney LEP 2012, a new section in Part 5 of DCP 2012, and an infrastructure framework. Turner Studio and Turf has prepared an Urban Design and Public Domain Study which establishes an Indicative Concept Proposal presenting an indicative renewal outcome for Waterloo South. The Urban Design and Public Domain Study provides a comprehensive urban design vision and strategy to guide future development of Waterloo South and has informed the proposed planning framework. The Indicative Concept Proposal has also been used as the basis for testing, understanding and communicating the potential development outcomes of the proposed planning framework.

The Indicative Concept Proposal comprises:

- Approximately 2.57 hectares of public open space representing 17.8% of the total Estate (Gross Estate area – existing roads) proposed to be dedicated to the City of Sydney Council, comprising:
 - Village Green – a 2.25 hectare park located next to the Waterloo Metro Station; and
 - Waterloo Common and adjacent – 0.32 hectares located in the heart of the Waterloo South precinct.
 - The 2.57 hectares all fall within the Waterloo South Planning Proposal representing 32.3% of public open space (Gross Waterloo Estate area – proposed roads)
- Retention of 52% of existing high and moderate value trees (including existing fig trees) and the planting of three trees to replace each high and moderate value tree removed.
- Coverage of 30% of Waterloo South by tree canopy.
- Approximately 257,000 sqm of GFA on the LAHC land, comprising:
 - Approximately 239,100 sqm GFA of residential accommodation, providing for approximately 3,048 dwellings comprising a mix of market and social (affordable rental) housing dwellings;
 - Approximately 11,200 sqm of GFA for commercial premises, including, but not limited to, supermarkets, shops, food & drink premises and health facilities; and
 - Approximately 6,700 sqm of community facilities and early education and child care facilities.

The key features of the Indicative Concept Proposal are:

- It is a design and open space led approach.
- Creation of two large parks of high amenity by ensuring good sunlight access.
- Creation of a pedestrian priority precinct with new open spaces and a network of roads, lanes and pedestrian links.
- Conversion of George Street into a landscaped pedestrian and cycle friendly boulevard and creation of a walkable loop designed to cater to the needs of all ages.

- A new local retail hub located centrally within Waterloo South to serve the needs of the local community.
- A target of 80% of dwellings to have local retail services and open space within 200m of their building entry.
- Achievement of a 6 Star Green Star Communities rating, with minimum 5-star Green Star – Design & As-Built (Design Review certified).
- A range of Water Sensitive Urban Design (WSUD) features.

The proposed land allocation for the Waterloo South precinct is described in Table 1 below.

Table 2 – Breakdown of allocation of land within the Waterloo South

Land allocation	Existing	Proposed
Roads	3.12ha / 25.3%	4.38ha / 35.5%
Developed area (Private sites)	0.86ha / 6.98%	0.86ha / 7%
Developed area (LAHC property)	8.28ha / 67.2%	4.26ha / 34.6%
Public open space (proposed to be dedicated to the City of Sydney)	Nil / 0%	2.57ha / 20.9% (32.3% excluding roads)
Other publicly accessible open space (Including former roads and private/LAHC land)	0.06ha / 0.5%	0.25ha / 2%
TOTAL	12.32ha	12.32ha

The Indicative Concept Proposal for the Waterloo South is illustrated in Figure 3 below.



Figure 3 – Indicative Concept Proposal

Source: Turner Studio

2. RELEVANT STATUTORY CONTROLS

The following legislation, which has been sourced from the *Guide to Investigation, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*, provides the primary context for Aboriginal heritage management in NSW: the *National Parks and Wildlife Act 1974* (NPW Act), the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *National Parks and Wildlife Regulation 2009* and the *Heritage Act 1977* (the Heritage Act).

Other relevant legislation includes the Aboriginal Land Rights Act 1983, the Native Title Act 1993 (Cth), the NSW Native Title Act 1994 and other Australian Government legislation.

2.1. THE NATIONAL PARKS AND WILDLIFE ACT 1974 (NSW)

The National Parks and Wildlife Act 1974 (NSW) (the 'NPW Act') is the primary piece of legislation for the protection of Aboriginal cultural heritage in New South Wales. The DPIE administer the NPW Act. The NPW Act provides statutory protection for Aboriginal objects by making it illegal to harm Aboriginal objects and Aboriginal places, and by providing two tiers of offence against which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. The NPW Act defines Aboriginal objects and Aboriginal places:

Aboriginal object means 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.

Aboriginal place means any place declared to be an Aboriginal place under section 84. The highest tier offences are reserved for knowledgeable harm of Aboriginal objects or knowledgeable desecration of Aboriginal places. Second tier offences are strict liability offences—that is, offences regardless of whether or not the offender knows they are harming an Aboriginal object or desecrating an Aboriginal place—against which defences may be established under the National Parks and Wildlife Regulation 2009 (NSW) (the 'NPW Regulation').

Section 87 of the NPW Act establishes defences against prosecution under s.86 (1), (2) or (4). The defences are as follows:

- An Aboriginal Heritage Impact Permit (AHIP) authorising the harm (s.87(1)).
- Exercising due diligence to establish Aboriginal objects will not be harmed (s.87(2)).

Due diligence may be achieved by compliance with requirements set out in the National Parks and Wildlife Regulation 2009 (the NPW Regulation) or a code of practice adopted or prescribed by the NPW Regulation (s.87(3)).

Changes to the NPW Act were made effective on 1 October 2010 and include;

- Increased penalties for Aboriginal heritage offences, in some cases from \$22,000 up to \$1.1 million in the Case of companies who do not comply with the legislation.
- Prevention of companies or individuals claiming 'no knowledge' in cases of serious harm to Aboriginal heritage places and objects by creating new strict liability offences under the Act.
- Introduction of remediation provisions to ensure people who illegally harm significant Aboriginal sites are forced to repair the damage, without need for a court order.
- Unification of Aboriginal heritage permits into a single, more flexible permit.
- Strengthened offences around breaches of Aboriginal heritage permit conditions.

2.2. THE NATIONAL PARKS AND WILDLIFE REGULATION 2009 (NSW)

The NPW Regulation 2009 (cl.80A) assigns the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (NSW Department of Environment, Climate Change and Water 2010) (the Code) as one of the codes of practice that can be complied with pursuant to s.87 of the NPW Act.

Disturbed land is defined by cl.80B (4) as “*disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable*”. Examples given in the notes to cl.80B (4) include “*construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)*”.

2.2.1. The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010

The Code describes the process that must be followed and the actions that must be taken by a proponent, and the site conditions that must be satisfied, to show due diligence in the consideration of potential harm to Aboriginal objects.

The Due Diligence Code sets out a basic framework with the following steps followed in order to make an assessment of whether or not proposed activities may harm Aboriginal objects:

- **Step 1.** Will the activity disturb the ground surface?
- **Step 2a.** Search the AHIMS database and use any other sources of information of which you are already aware
- **Step 2b.** Activities in areas where landscape features indicate the presence of Aboriginal objects
- **Step 3.** Can the harm or the activity be avoided?
- **Step 4.** Desktop assessment and visual inspection
- **Step 5.** Further investigations and impact assessment

The process set out in the Code involves consideration of harm to Aboriginal objects at increasing levels of detail, with additional information incorporated at each step and used to support the decisions being made. If the proposed activities are not “low impact activities” the considerations result in a determination of whether or not;

- Further approval (an AHIP) under the NPW Act is required, or;
- Due Diligence obligations for the protection of Aboriginal objects are discharged by the process under the Code.

Aboriginal consultation is not required for an investigation under the due diligence code (DECCW 2010:3). However, if the due diligence investigation shows that the activities proposed for the area are likely to harm objects or likely objects within the landscape, then an Aboriginal Heritage Impact Permit will be required with full consultation.

A record of the due diligence procedure followed must be kept in order to ensure it can be used as a defence from prosecution (DECCW 2010:15).

Following a due diligence assessment (where an AHIP application was not required), an activity must proceed with caution. If any Aboriginal objects are identified during the activity, then works should cease in that area and DPIE notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

2.3. NATIONAL NATIVE TITLE REGISTER (NNTR)

The Native Title Act 1993 (Cth) (NTA) provides the legislative framework to:

- Recognise and protect native title;
- Establish ways in which future dealings affecting native title may proceed and to set standards for those dealings, including providing certain procedural rights for registered native title claimants and native title holders in relation to acts which affect native title;
- Establish a mechanism for determining claims to native title; and
- Provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NSW Native Title Act 1994 was introduced to make sure the laws of NSW are consistent with the Commonwealth's NTA on future dealings. It validates past and intermediate acts that may have been invalidated because of the existence of native title. The National Native Title Tribunal has a number of functions under the NTA, including maintaining the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements and mediating native title claims.

2.4. OTHER ACTS

The Australian Government Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth) may be relevant if any item of Aboriginal heritage significance to an Aboriginal community is under threat of injury or desecration and state-based processes are unable to protect it. The Environment Protection and Biodiversity Conservation Act 1999 (Cth) may also be relevant to some proposals, particularly where there are heritage values of national significance present.

3. CONSULTATION PROCESS

The (then) Department of Environment, Climate Change and Water (DECCW) (now DPIE) established a set of *Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents*, which were endorsed in 2010.

The intention of the ACHCRs is to establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts of proposed activities on Aboriginal cultural heritage and to inform decision making for any application for an AHIP. The ACHCRs require consultation with Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to a proposed project area/development zone in accordance with these requirements.

These requirements:

- Apply to all activities throughout New South Wales that have the potential to harm Aboriginal *objects* or *places* and that requires an AHIP;
- Replace the *Interim Community Consultation Requirements for Applicants*, December 2004; and
- Support other (then) DECCW policies and procedures that provide direction and guidance for AHIP proponents in determining Aboriginal cultural heritage impacts.

These consultation requirements are also required to be undertaken prior to any test excavation occurring in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (2010).

3.1. OVERVIEW OF CONSULTATION UNDERTAKEN TO DATE

On behalf of NSW Land and Housing Corporation, Urbis undertook statutory engagement to inform an Aboriginal Cultural Heritage Study for the subject area. At the time of finalising this report, consultation had been completed to Stage 1 of the ACHCRs.

Stage 2 of the consultation process will be commenced following approval of the planning proposal, at which time proposed project information will be presented/provided to registered Aboriginal parties for comment.

On 27 November 2018, and in accordance with the ACHCRs, the following organisations were contacted by letter (emailed) and provided with a contact name, phone number and email to provide information. As a result of this process, one Aboriginal party (the Metropolitan Local Aboriginal Land Council) has registered interest in the project to date.

A copy of the letter is in Appendix A. The outcomes of this correspondence are summarised in Table 3 below.

Table 3 – Stakeholder response register

Stakeholder	Response
Department of Environment, Climate Change and Water (DECCW) (now DPIE)	No response was received.
Metropolitan Local Aboriginal Land Council (MLALC)	<p>No response was received within a 28-day period.</p> <p>As a number of stakeholder groups referred to the MLALC as the key stakeholder to provide feedback, follow-up phone discussions were held and the information emailed again on 7 January 2019.</p> <p>On 11 January 2019, The MLALC provided a list of representatives who could be contacted as a part of the broader consultation process. The list was not specific to the DPIE ACHCRs and as such NSW Land and Housing Corporation have elected to contact relevant parties as a separate enquiry.</p>

Stakeholder	Response
	Following correspondence, the Metropolitan LALC were registered as an Aboriginal stakeholder (organisation) for this project.
The Registrar, Aboriginal Land Rights Act	The Office of the Registrar responded on the 4 December 2018 with a letter citing no known Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983.
The National Native Title Tribunal	No response was received.
Native Title Serviced Corporation (NTS Corp)	No response was received.
City of Sydney Council	<p>City of Sydney Council advised to contact the MLALC (already undertaken).</p> <p>They also provided guidance on the City's mechanisms for engaging with Aboriginal and Torres Strait Islander communities outside of the statutory Aboriginal Cultural Heritage process, which was noted.</p>
Relevant catchment management authorities (NSW Heritage Division). Office of Environment and Heritage	<p>The (then) Office of Environment and Heritage (OEH) responded on 10 December 2018, with a list of Aboriginal stakeholders that may have an interest in the subject area. Of the list, 42 organisations, groups or individuals have an association with the City of Sydney LGA.</p> <p>In accordance with the consultation requirements, correspondence was provided to these 42 organisations/parties via mail and/or email on 8 February 2019 to notify them of the proposed project, and to provide them with an opportunity to be involved in consultation.</p> <p>The organisations/parties had until 1 March 2019 to respond (with this date being greater than the required 14 day response period).</p> <p>A list of the 42 organisations contacted is provided at Appendix B with no responses received.</p>

In addition to the above, the ACHCRs stipulate that advertisements must be published in relevant newspapers. The advertisement must include a brief overview of the project, the location, and contact methods. The advertisement serves as an invitation for Aboriginal people who hold knowledge on the cultural significance of the site(s) to register an interest in being consulted.

To meet this requirement, advertisements were placed in three separate local newspapers as outlined below. A copy of the advertisement is in **Appendix C**.

No registrations of interest were received in response to these newspaper advertisements.

Table 4 – Advertisement

Organisation	Published	Response
The National Indigenous Time (online)	30 November 2018	No response was received over a 28-day period.
The South Sydney Herald	4 December 2018	No response was received over a 28-day period.
The Koori Mail	12 December 2018	No response was received over a 28-day period.

In addition to the above consultation in accordance with the ACHCRs, Murawin Consulting have also prepared an *Aboriginal Stakeholder Engagement Report*. The purpose of this report is to provide an overarching guide to aid the interpretation and integration of Aboriginal cultural values, principles, perspectives and aspiration to future development of the subject area. It predominately relates to contemporary culture, though the report also refers to Aboriginal cultural heritage and history.

Stakeholders engaged by Murawin Consulting as part of the consultation for the *Aboriginal Stakeholder Engagement Report* included the following:

- *Local Aboriginal Elders and community representatives which included both Gadigal Traditional Owners, knowledge holders of both historical and contemporary Aboriginal stories of place;*
- *Metropolitan Local Aboriginal Land Council;*
- *Relevant Aboriginal organisations in the local inner city and eastern Sydney areas; and*
- *Key government agencies.*

The following list is an overview of points that came out of consultation with Aboriginal stakeholders conducted by Murawin Consulting. The list covers how Aboriginal concepts and cultural beliefs can be captured in design (Murawin Consulting 2019, p.7).

- *Storylines and Songlines cover all of Australia land, skies and below the surface. Draw on these cultural lines as design narratives. Design ideas should seek to understand and explore relationships with the concept of Country both past and present and the relevant past, deeper and diverse layers of history and connections to place;*
- *Women and Mens business cultural practices and responsibilities such as fishing, gathering bushtucker, making of weapons for hunting, art, song, dances and languages, placement of particular groupings in the camping ground or around the Corroboree ring;*
- *Creative process that respects ceremony as a significant aspect of place;*
- *Grounded in the concept of interdependence and the connection to the natural and the built environment are connected and need to be viewed holistically;*
- *Commitment to relational ways of being, doing and knowing;*
- *Demonstrating culturally relevant design ie naming of places, Indigenous languages and contributions of Aboriginal peoples to the area through public spaces with ceremonial significance that are also open to the broader public use, and through interpretive, educational and artistic elements;*
- *Connection to Country and factors such as healing;*
- *Fostering a sense of belonging and community where Aboriginal people can see themselves and feel they belong; and*
- *Embrace an inter-generational and trans-generational thinking – looking forward and looking back, while being rooted in the present generation. Building on this perspective enables design work to be an expression of our current time, learning from history and those who came before us while taking into account the generations to come.*

The following list of points relating to flora and fauna were tested with Aboriginal stakeholders consulted by Murawin Consulting (Murawin Consulting 2019, p.9-10).

- *Gadigal Flora and Fauna - Tall Spike Rush and the Jointed Twig Rush;*
- *Used to be able to get ducks and birds in swamps;*
- *People used to come to Redfern and look out over lakes;*
- *Connection to Mt Carmel. Those consulted spoke of Mt Carmel being a high place and therefore would have had been typically used as a place for viewing over the landscape or a campsite;*
 - *North of Angel Place where the Tank Stream originally discharged into Sydney Harbour (near Bridge Street and Circular Quay), access to fish and shell-fish resources are likely to have provided a relatively predictable and concentrated range of dietary resources. South of the site, within the swampy margins of Hyde Park (where the Tank Stream originated), waterfowl and terrestrial mammals such as macropods may have been sought. Given the nature of the terrain around central Sydney, Aboriginal campsites would have been on ground least affected by swamp areas. Therefore, major campsites would have been on the more habitable ground. Given the height of Mt Carmel, it may very well have been an Aboriginal campsite.*
- *Rosebery sand dunes and used to play on sand hills in Margaret St; and*
- *Gadigal Track – Botany Road was an Aboriginal Track. This is further evidenced by some of Sydney's main thoroughfares, such as George Street, Oxford Street and King Street in Newtown, followed Aboriginal tracks that had served as trading routes between farmed grasslands or bountiful fishing areas.*

4. SITE DESCRIPTION

The subject site Waterloo South forms part of the broader Waterloo Estate precinct. A detailed site description of Waterloo South is included in the separate Heritage Impact Statement report prepared by Urbis prepared for this Planning Proposal. The following brief summary is provided only. Please refer to the separate Heritage Impact Statement for a full and detailed site description.

The broader Waterloo Estate (the Estate) comprises land bounded by Cope, Phillip, Pitt and McEvoy Street, including an additional area bounded by Wellington, Gibson, Kellick and Pitt Streets. It has an approximate gross site area of 18.98ha (13.53ha excluding roads). While that part of the Estate south of Raglan Street and west of George Street is relatively flat, the Estate slopes up gently to Phillip Street, and considerably to Pitt Street, to the local high point of Mount Carmel to the south-east.

Waterloo South includes land bounded by Cope, Raglan, George, Wellington, Gibson, Kellick, Pitt and McEvoy Streets, and has an approximate gross site area of 12.32 hectares (approximately 65% of the total Estate).

Waterloo South currently comprises 749 social housing dwellings owned by LAHC, 125 private dwellings, and commercial properties on the south-east corner of Cope and Wellington Streets. Existing social housing within Waterloo South is predominantly walk up flat buildings constructed in the 1950s and '60s, and mid-rise residential flat buildings.

Listed Heritage Items within Waterloo South include the Duke of Wellington Hotel, Electricity Substation 174 on the corner of George and McEvoy Streets, the terrace houses at 229-231 Cope Street and the Former Waterloo Pre-School at 225-227 Cope Street. The State Heritage listed 'Potts Hill to Waterloo Pressure Tunnel and Shafts' passes underneath the precinct.

4.1. EXISTING DEVELOPMENT

Existing development within Waterloo South forms part of the broader Estate. Existing building typologies within Waterloo South are shown on the following map.



GDA 1994 MGA Zone 56



Project No: P0019829

Project Manager: Ashleigh Persian

Waterloo South

Privately Owned Land/Land Excluded from Proposed Redevelopment

Referential Infill Terrace Housing

Single Storey Units for Aged Tenants

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BUILDING TYPOLOGIES IN THE WATERLOO ESTATE

Waterloo South Planning Proposal
NSW Land and Housing Corporation

Two Storey Walk-Up Apartment Buildings

Three Storey Walk-Up Apartment Buildings

Multi-Storey Walk-Up Apartment Buildings

Figure 4 – Building typologies in Waterloo South

Source: Urbis

5. ENVIRONMENTAL CONTEXT

The following information is largely sourced from the AHMS *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*.¹ Where required, this has been supplemented with additional information by Urbis.

5.1. LAND-USE HISTORY/DISTURBANCE

As has been outlined in the Historical Overview in the separate Heritage Impact Statement report, the entire Waterloo Estate has been subject to residential, commercial and industrial development for over 150 years. This has resulted in significant modifications to the landscape, including 'truncation' or cutting and filling works, the construction of buildings and associated landscaping, and the installation of services across the site. The majority of the subject area has experienced primarily a general level of cutting approximately 0-1m associated with services and footings.

However, it was noted in the previous AHMS assessment that in association with the Tuggerah soil landscape, artefacts have been identified at depths greater than two metres within the surrounding area.² The implications of these earlier AHMS assessments is that despite extensive impacts to the shallow soil profile archaeological potential remains at depth within the Tuggerah soil landscape. The implications of the underlying geology and soil landscape on archaeological potential are considered further below.

5.2. TOPOGRAPHY AND HYDROLOGY

The subject area is situated on a landscape that was originally characterised by moderate to steep slopes which likely reflect the upper slopes and crests of large sand dunes. There is a sharp and notable increase in slope and elevation towards the eastern portion of the subject area, primarily associated with the local rise in the topography around the Our Lady of Mt Carmel School. Levelled areas have been created throughout the entire Estate to enable development, and this has resulted in significant modification to the original topography.

To the south of the subject area the elevation declines, and prior to European contact land to the south contained a large number of swamps, creeks and wetlands known as the Waterloo Swamps (alternate names include Lachlan Swamps or Botany Wetlands). The Swamps were formerly a network of fresh water and marshland that extended from what is now known as Botany Bay to Centennial Park, with parts of the system being located within 200 metres of the subject area.

Shea's Creek, now known as the Alexandra Canal, was a tributary of the Cooks River and is located approximately 550 metres to the southwest of the subject area. Two lagoons, one of which is known as Boxley's Lagoon, are located to the northwest of the site in Redfern; the ethnographical record strongly suggests that these lagoons were frequented by Aboriginal people during the contact period (refer to Section 6.1.1, below).

5.3. SOILS

The site is situated on the Tuggerah soil landscape. This soil landscape is characterised as an aeolian landscape, and consists of a variety of deep (greater than two metres) loamy sands and peats commonly found in dune fields.³ It is noted that the geotechnical assessment prepared for the subject area (refer below) identifies that the site is also underlain by quaternary alluvium sands; the interaction between the Aeolian and alluvium sand deposits in this area is not clear, and has been heavily impacted by environmental processes over time, as well as by more contemporary development and associated disturbances.

Within this soil landscape generally, recent and Pleistocene (>10,000 years BP) cultural materials are commonly encountered, and archaeological finds at depths greater than two metres are not uncommon within this context. It is noted that while development in the local area and immediate to Waterloo South would have resulted in significant disturbance to the upper part of the dune profile, deeper deposits may

¹ AHMS, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*, 2014.

² AHMS, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*, 2014, p. 16.

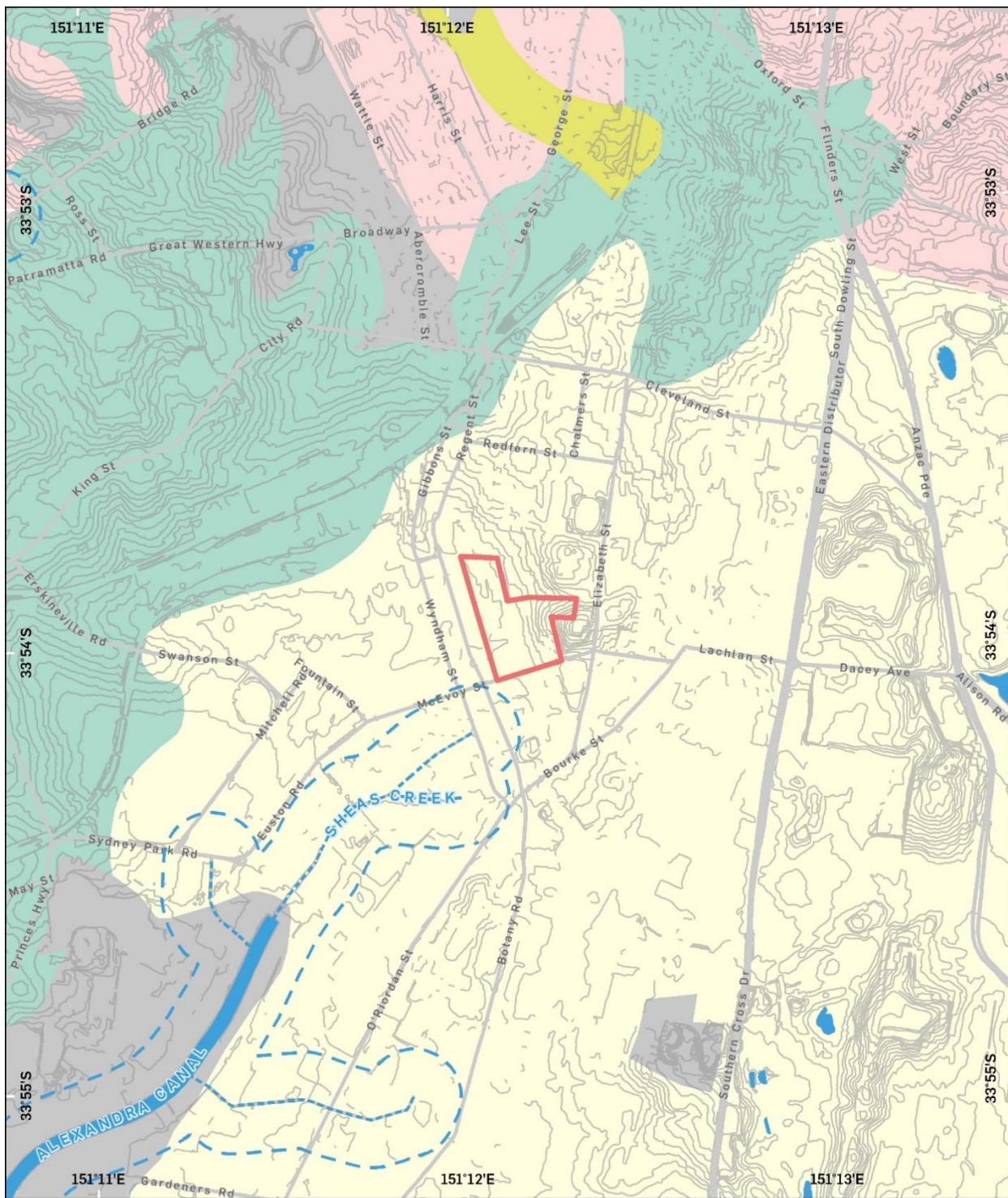
³ Chapman, G. A., & Murphy, C. L., *Soil Landscapes of the Sydney 1:100 000 sheet*. Sydney: Soil Conservation Service of N.S.W., 1989.

remain intact below. This has been confirmed by the relevant geotechnical studies, as outlined at Section 5.6 below.



Figure 5 – Overview of disturbance within the Estate

Source: Urbis



GDA 1994 MGA Zone 56

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1 KM

Project No: P0019829

Project Manager: Balazs Hansel

SOIL LANDSCAPES AND HYDROLOGY

Aboriginal Cultural Heritage Assessment
NSW Land and Housing Corporation

- Subject Area
- Ephemeral
- Aeolian (AETg)
- Disturbed Terrain (DTxx)
- Residual (REbt)
- Water
- Hydrology
- Hydrology 200m Buffer
- Alluvial (ALdc)
- Erosional (ERgy)
- Residual (RElh)
- Permanent
- Contours

Figure 6 – Soil landscapes and hydrology

Source: Urbis

5.4. GEOLOGY

As discussed above, the subject area is, in association with the aeolian Tuggerah soil landscape, underlain by quaternary (Holocene and Pleistocene) alluvium. This comprises wind-blown, fine to medium grained, well sorted marine quartz sand commonly referred to as the Botany Sands.

The bedrock underlying the Botany Sands is either:

- Ashfield Shale, underlain by the Mittagong Formation and/or Hawkesbury Sandstone; or
- Hawkesbury Sandstone.

The Ashfield Shale is expected across most of the subject area, though faulting that has led to uplifting and removal of the Ashfield Shale through erosion to the east of the subject area.

Ashfield Shale is described as black to dark grey shale and laminate, while the Mittagong formation is an intermediate unit sometimes present between the Ashfield Shale and Hawkesbury Sandstone. It is sometimes referred to a transition bed between the fine-grained Ashfield Shale and relatively coarse-grained Hawkesbury Sandstone and is described as shale, laminite, and medium grained quartz sandstone. The Hawkesbury Sandstone is described as medium to coarse-grained quartz sandstone, very minor shale and laminite lenses.⁴

The AHMS report notes that a source of silcrete, a type of stone commonly used by Aboriginal people to manufacture stone implements, was known to occur in Newtown, which indicates that good quality workable stone was locally available to Aboriginal people in the past.⁵

5.5. FLORA AND FAUNA

Prior to European settlement and the intensive development of the subject area and surrounding landscape, Waterloo South is likely to have been situated within a transitional zone between the Eastern Suburbs Banksia Scrub (ESBS) vegetation community and open woodland forest. This is based on the underlying geology and soil landscapes.

ESBS is a sclerophyllous heath/scrub community that occurs on disjunct patches of nutrient poor aeolian dune sand along the Sydney coast. Small patches of woodland, low forest or limited wetter areas may be present within ESBS, depending on site topography and hydrology. Common species of the community include wallum banksia, heath-leaved banksia, old man banksia, pink wax flower, variable swordsedg, coastal tea tree, broom heath, and the grass tree.⁶ Open woodland within the Sydney Basin is most typically characterised by eucalypt species.

The above vegetation communities would have provided habitats for a variety of animals, as well as providing potential food and raw material sources for Aboriginal people. The nectar of the banksia flower is known to have been sourced by Aboriginal people in the past, while the dry cones of the flowers are known to have been used as firebrands, to strain drinking water, or as tools (e.g. needles).⁷

The grass tree had many uses; nectar was collected from the long flowering spokes with a sponge made of stringybark, while the stalks from old flowers and fruits were used as tinder. The heart of the flower stem was edible, and the long dry stem could be used to make light spear shafts while the soft wood provided the base for a fire-drill used for fire making. The soft bases of young leaves were sweet, and have a nutty flavour, and tough leaves were used as knives to cut meat. Resin was used as glue to fasten barbs in spears or axe

⁴ AECOM, May 2017, *Phase 1 Geotechnical and Contamination Study: Waterloo*, prepared for UrbanGrowth NSW.

⁵ AHMS, Redfern, Waterloo and South Eveleigh Urban Renewal Sites, *Desktop Aboriginal Heritage Assessment*, 2014, p. 41.

⁶ NSW Department of Environment and Conservation, 2004, *Eastern Suburbs Banksia Scrub Endangered Ecological Community Recovery Plan*, NSW Department of Environment and Conservation: Hurstville.

⁷ Nash, Daphne. 2004. *Aboriginal Plant Use in South-Eastern Australia*. edited by Australian National Botanic Gardens, p. 2.

heads to handles, and roots are known to have been eaten. Further, grass trees flower in response to fire, making them a more useful natural resource in the past.⁸

Eucalyptus trees were a particularly important resource; leaves were crushed and soaked for medicinal purposes, bowls, dishes, and canoes were made from the bark, and spears, boomerangs and shields were crafted from the hard wood.⁹

Typical animals which may have been present in the area and hunted by Aboriginal people in the past include kangaroos, wallabies, wombats, sugar gliders, possums, echidnas, a variety of lizards and snakes, birds, as well as native rats and mice. These animals may have been utilised as a source of food, or as a resource for the manufacture of implements and ornaments.¹⁰

5.6. RELEVANT GEOTECHNICAL STUDIES

As part of the overarching project, AECOM has prepared a *Phase 1 Geotechnical and Contamination Report*. This report has identified the following preliminary geotechnical model, which is based on available borehole data in the vicinity of the Waterloo Estate.

Table 5 – Preliminary geotechnical model for the Estate

Geotechnical unit	Description	Depth to top of unit (m)	Unit thickness (m)
Fill	Likely to be variable sands or clays containing silt, gravel, possibly waste materials	Ground surface	Less than 1
Tuggerah Aeolian Sands and Botany Alluvium Sands	Sand: mainly fine to medium grained, loose and medium dense	0.6 to 1.6	1 to 6
Residual Soil	Silty Clay: medium plasticity, very stiff and hard	2.2 to 5.2	2.7 to 6
Ashfield Shale	Shale: extremely weathered to highly weathered, very low to medium strength	7.8 to 14.6	1.2 to 9.2
Mittagong Formation and/or Hawkesbury Sandstone	Sandstone: mainly fresh rock with medium to high strength	9.2 to 22.5	Not proven

This report identifies, however:

*The unit depths, thicknesses and material properties presented in Table 1 should not be assumed to represent the maximum or minimum values on the site. Actual unit boundaries and material properties can be highly variable, particularly for fill.*¹¹

To date no physical geotechnical investigation has occurred within Waterloo South specifically. As such, the information presented in Table 5 is indicative only. Borehole investigations, which are to be undertaken within the subject area as part of the overall project, will provide more accurate information regarding the actual sub-surface conditions, and how contemporary development has impacted them.

⁸ Nash, Daphne. 2004. *Aboriginal Plant Use in South-Eastern Australia*. edited by Australian National Botanic Gardens, p. 5-6.

⁹ Nash, Daphne. 2004. *Aboriginal Plant Use in South-Eastern Australia*. edited by Australian National Botanic Gardens, p. 7-8.

¹⁰ Attenbrow, V. 2003. *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*: UNSW Press, p. 70-76.

¹¹ AECOM, May 2017, *Phase 1 Geotechnical and Contamination Study: Waterloo*, prepared for UrbanGrowth NSW.

Such data is available for an adjacent site, being the former Rachel Forster Hospital at 134-144 Pitt Street, immediately north of the Waterloo Estate. Two geotechnical studies were undertaken of the Waterloo Estate, which identified that;

The soil profile across the site was characterised generally by fill materials consisting of brown to light brown/grey to light grey gravely silty sand with brick and crushed concrete fragments and minor ash traces, grass and tree rootlets, dry; overlying natural brown to light grey sand, fine to medium grained, dry (0.3 to 2.5 m BGL [below ground surface]); overlying natural red/grey clay, medium-high plasticity, dry (0.3 to 6m BGL).¹²

AHMS, who worked on this site for the purposes of archaeology, identified that for the purposes of Aboriginal heritage the natural sand between 0.3 and 2.5 metres below ground surface was of interest. This is because this sand unit has the potential to reflect part of the under-lying dune system common in this region, and has been demonstrated to be a deposit with potential to contain buried Aboriginal objects.

AHMS further noted that grey coloured sands and sandy loams are indicative of former A-horizon topsoils because it suggests they contain a humic content derived from surface vegetation, and it is these upper units that have potential to contain cultural deposits associated with Aboriginal use of the area before European settlement.

Given the proximity of the former Rachel Forster Hospital site, and in the absence of geotechnical data from within Waterloo South, it can be assumed that a similar sub-surface profile will be present within the subject area.

5.7. SUMMARY

A review of the environmental context suggests that resources, including food (flora and fauna) and raw material sources, would have been available in and around the subject area in the past. Topographically, the subject area would have been easily accessed and navigated on foot.

Waterloo South would have contained subsistence resources, including flora, fauna and water. Within 200 metres to the south of the subject area, and prior to European contact, a network of fresh water and marshland swamps, creeks and wetlands known as the Waterloo Swamps (alternate names include Lachlan Swamps or Botany Wetlands) was formerly located. Shea's Creek, now known as the Alexandra Canal, is also located approximately 550 metres to the southwest of the subject area, and lagoons were located to the northeast. These water sources would have provided a significant resource for Aboriginal people in the past, both in the form of water as well as the provision of riverine/lacustrine resources generally, including food in the form of shellfish and fish.

Original vegetation and associated fauna would have also provided an abundance of natural resources for use as food, or for the manufacture of tools and general equipment. As discussed above, vegetation species present in the subject area, including various eucalypt and banksia species, are known to have been used by Aboriginal people in the past.

Preferred raw stone materials such as chert, mudstone, quartz and silcrete do not naturally occur in the immediate area. However, this is not to say that such material may not have been brought to the immediate area from farther afield either for working or use, as is typically seen to be the case as low-density artefact sites within the Sydney Basin. The known silcrete source present in Newtown, which is located in relative proximity to the subject area, indicates that quality workable stone was locally available to Aboriginal people in the past.¹³

¹² *Environmental Investigations*, 2012, Unpublished report to Kaymet Corporation Pty Ltd.: Kaymet Corporation Pty Ltd. Additional environmental investigations. 134-150 Pitt Street, Redfern, NSW.

¹³ AHMS, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*, 2014, p. 41.

6. ARCHAEOLOGICAL CONTEXT

The purpose of reviewing the relevant heritage information is to assist in identifying whether Aboriginal objects or places are present within the subject property. An understanding and review of the relevant archaeological context is critical in formulating predictive models and assessing the archaeological potential area.

6.1. ETHNOHISTORICAL CONTEXT

At the time of European settlement, the Aboriginal people of the Sydney region were organised into named territorial groups. The groups local to the Waterloo area would most likely have belonged to the Darug (Dharug), Gundundurra and the Dharawal (Thurawal) language groups.¹⁴

However, as noted in the 2014 AHMS report, there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups of the greater Sydney region. These debates have arisen largely because by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th Century, Aboriginal groups had been broken up and reconfigured by European settlement activity.

Sydney region archaeologist and historian Val Attenbrow has cautioned:

Any boundaries mapped today for (these) languages or dialects can only be indicative at best. This is not only because of an apparent lack of detail about such boundaries in the historical documents, but because boundaries between language groups are not always precise line'.¹⁵

Language groups such as the Darug included a number of sub-groups often referred to as 'clans', based upon religious and/or totemic associations to country. Ethno-historical evidence indicates the Redfern/Waterloo area may have been part of the land occupied by the Cadigal or coastal Darug clans.¹⁶

6.1.1. Known Uses of Local Resources

The following summary of ethnohistorical accounts of local resource sites being used by Aboriginal people in the past has been sourced directly and in its entirety from the AHMS 2014 assessment.¹⁷

After European arrival, the swamp at Redfern (in the vicinity of Redfern Park) was a focus of Aboriginal use and occupation, being favoured by Indigenous people visiting the town of Sydney, and the site of ritualised disputes following the enclosure of Hyde Park.

Obed West, a 19th century Sydney resident, recalled:

Boxley's Clear [Redfern] was a great rendezvous of the blacks and was one of their great feasting grounds as well as the scene of many a hard-fought battle. The clearing at Redfern, being nicely adjacent, was chosen by the natives as the place of meeting for the settlement of disputes, in lieu of the Racecourse. This also was the spot where the blacks were punished by their comrades for breaches of their tribal laws....¹⁸

West also noted the diverse food resources available to the Aboriginal inhabitants of early 19th Century Redfern:

...Boxley's Lagoon these days was the home of vast numbers of red-bills, wild ducks, snipe, landrail and other game now rarely seen anywhere near Sydney. Eels were also plentiful in the

¹⁴ Attenbrow, 2010: 221-222.

¹⁵ Attenbrow, V., *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*. Sydney: UNSW Press, 2002, pp.34-35.

¹⁶ AHMS, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*, 2014, p. 30.

¹⁷ AHMS, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*, 2014, p. 30-31.

¹⁸ Marriot, E. W, 1988, *The Memoirs of Obed West. A Portrait of Early Sydney*, Barcom Press, p. 45-46.

*water, and in the bush were bandicoots, possums and native cats which the youths of the time would chase with dogs when the nights were favourable....*¹⁹

West observed Aboriginal camping around the fringes of Redfern, possibly including the elevated landforms such as the current subject area:

*Round the edges of the clear were camping grounds of the blacks, and little do people know who live in comfortable houses with steam trams running past their doors, realize that they are sleeping on the houses and graves of the aboriginals.*²⁰

The historical evidence summarised above indicates Aboriginal people occupied Redfern during the early 19th century and used the local area for camping, gathering food, traditional fighting, meeting and transit. This indicates that material evidence of Aboriginal occupation and use is likely to survive in less disturbed areas of Redfern and the immediately adjacent Waterloo.

6.1.2. AHMS Mapping Project – Mapping Sydney's Ethnohistorical Record

To assist in the development of Aboriginal Cultural Heritage Assessments, AHMS has initiated a mapping project to explore early historical texts and diaries to identify spatial locations where Aboriginal activities were observed. The AHMS project 'Mapping Sydney's Aboriginal Past' provides a spatial understanding of Aboriginal activity around the point of contact. It consists of an interactive map, a searchable database of site-specific ethnographic evidence, and a range of other tools which bring a spatial perspective to the primary sources.

The database was created by systematically reviewing the early primary sources for the Sydney region and plotting any site-specific ethnographic evidence on an interactive map. The area of study extended from the Hunter River in the north to Jervis Bay in the south, and as far west as the Lachlan River. The sources consulted ranged from James Cook's visit to Botany Bay in 1770 through to Missionary James Backhouse's visit to the colony in 1835-1837. In total, this project reviewed over fifty primary sources, including all major First Fleet journals and all relevant volumes of the Historical Records of Australia.

A search of AHMS' ethnographic database reveals no specific observations within the subject area. Only one ethnographic recording is evident in close proximity to the subject area, specifically an Aboriginal track. This database entry, as included in AHMS 2014 study, reads as follows:

Date: 31 May 1788

Location: Leading away from Cockle Bay and the site where convicts Samuel Davis and William Okey were killed.

Sources: William Bradley, A Voyage to New South Wales, December 1786 - May 1792: The Journal of Lieutenant William Bradley of HMS Sirius (Sydney: Ure Smith Pty Limited, 1969), 31 May 1788; Watkin Tench, A Narrative of the Expedition to Botany Bay (London: Prepared J. Debrett, 1789), Chapter IX, January-February 1788; David Collins, An Account of the English Colony in New South Wales, Volume 1 (London: T. Cadell Jun. and W. Davies, 1798), Chapter VI; John Hunter, An Historical Journal of the Transactions at Port Jackson and Norfolk Island (London: Printed for John Stockdale, 1793), September 1789.

Quotes: Bradley: Saturday. 31 May 1788: The Governor with a party went to the place where the two Men had been killed by the Natives, the boat returned leaving them in a Natives path which they meant to follow until they met with the Natives.

Sunday. 1st June. The Governor & party return'd by land to Sydney Cove: He had followed the path to the NW arm of Botany Bay, met with a party of Armed Natives of 210; The Governor & one of their principal people, met unarmed, one of the Natives advanced to shew a wound which he had received in the shoulder apparently with an Axe; they were all friendly, the Women shew'd every disposition to be very familiar; a quantity of dried fish was found among these people & bones which from the size were supposed to belong to the Kangaroo. Orders were this day given, that no party under 6 armed Men were to go into the woods on account of the Natives being so numerous.

¹⁹ Marriot, E. W, 1988, *The Memoirs of Obed West. A Portrait of Early Sydney*, Barcom Press, p. 45-46.

²⁰ Marriot, E. W, 1988, *The Memoirs of Obed West. A Portrait of Early Sydney*, Barcom Press, p. 46.

Tench, February 1788: In spite, however, of all our precautions, they soon found the road to Botany Bay, in visits to the French, who would gladly have dispensed with their company.

Collins, March 1789: Immediately on this being known in the settlement, an armed party was sent out with an officer, who found the body of the man that had been killed, stripped, and lying in the path to Botany Bay.

Hunter, September 1789: this route being now well known, and the path well trodden, it was not an unpleasant walk.

*Other: This route is marked in as a path on Charles Grimes' map 'A topographical plan of the settlements of New South Wales, including Port Jackson, Botany Bay and Broken Bay', 1799. MAP RM 711. See also Paul Carter, *The Road to Botany Bay* (London: Faber and Faber Ltd, 1987).²¹*

The map presented in the AHMS report showing the location of this track is provided at **Figure 7**.

6.2. TEMPORAL RANGE OF OCCUPATION

Aboriginal occupation of the Sydney region is likely to have spanned at least 20,000 years, although dates of more than 40,000 years have been claimed for artefacts found in gravels of the Cranebrook Terrace on the Nepean River.²² Late Pleistocene occupation sites have been identified on the fringes of the Sydney basin and from rock shelter sites in adjoining areas. Dates obtained from these sites were 14,700 BP at Shaws Creek in the Blue Mountain foothills,²³ c.11,000 BP at Loggers Shelter in Mangrove Creek,²⁴ and c.20,000 BP at Burrill Lake on the South Coast.²⁵

The majority of sites in the Sydney region, however, date to within the last 3,000 to 5,000 years, with many researchers proposing that occupation intensity increased from this period.²⁶ This increase in sites may reflect an intensity of occupation which was influenced by rising sea levels, which stabilised approximately 6,500 years ago. Older occupation sites along the now submerged coastline would have been flooded, with subsequent occupation concentrating on and utilising resources along the current coastlines and in the changing ecological systems of the hinterland.²⁷

²¹ AHMS, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment*, 2014, p. 34.

²² Nanson et al. 1987; Stockton 1993; Stockton & Holland 1974.

²³ Kohen et al. 1984.

²⁴ Attenbrow 1981, 2004.

²⁵ Lampert 1971.

²⁶ Kohen 1986; McDonald 1994; McDonald & Rich 1993.

²⁷ Attenbrow 2003.

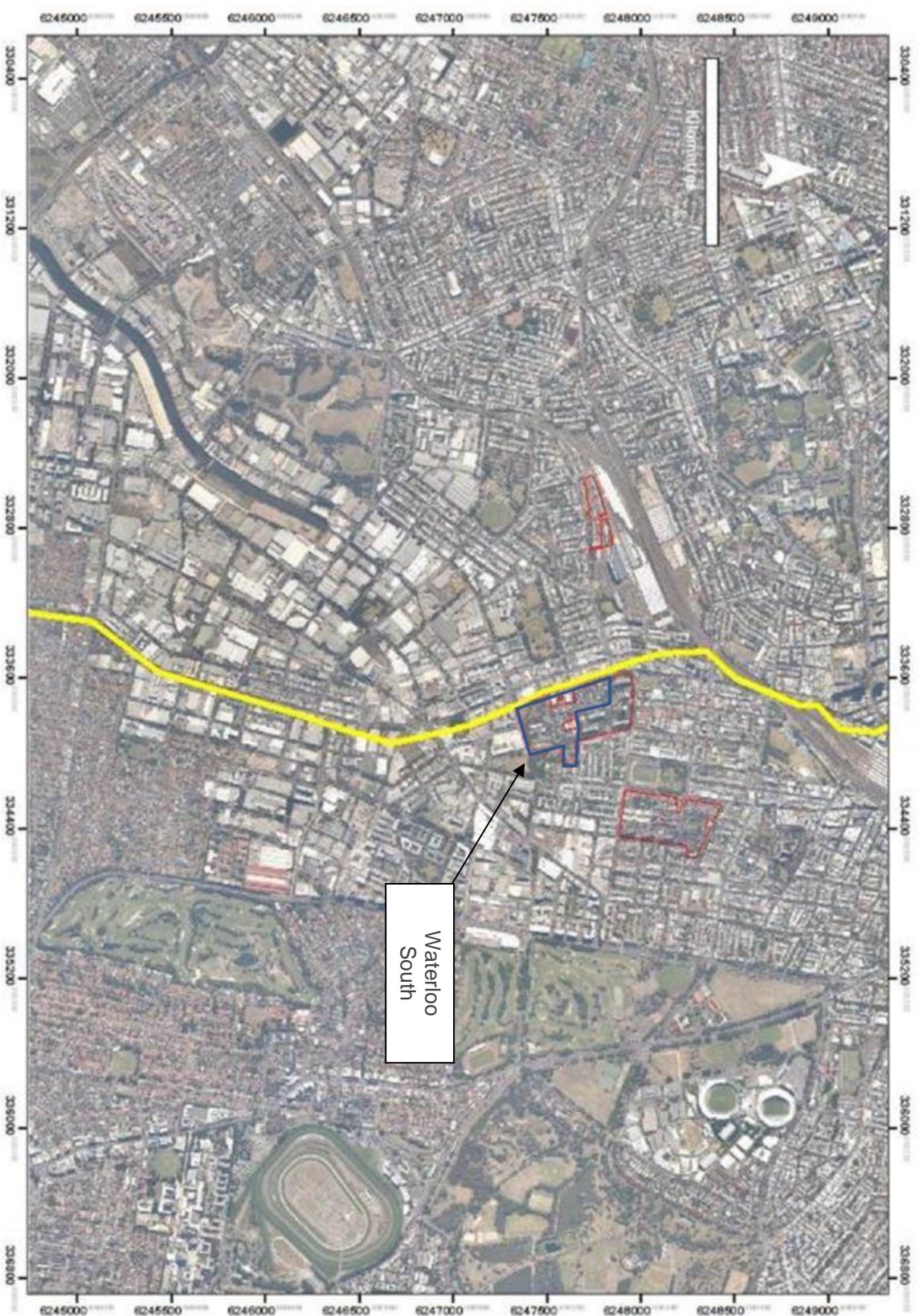


Figure 7 – Map of Aboriginal trackway documented in the vicinity of Waterloo South (indicated by blue polygon)

Source: AHMS, Redfern, Waterloo and South Evesleigh Urban Renewal Sites, Desktop Aboriginal Heritage Assessment, 2014, p. 38, Figure 24.

6.3. REGIONAL SITE PATTERNS

Over the last few decades and in association with the increasing spread of urban development, the Cumberland Plain to the west of the Sydney CBD has become the most intensively investigated archaeological landscape in Australia. Through these investigations, regional archaeological site patterns have been developed and, generally speaking, the principles of these patterns can and have been applied to the Sydney Basin more generally. More recent works have contributed to refining these models.²⁸

Within the broad Sydney region, the dominant site types (in the 15-20 per cent frequency range) are rock shelters with midden deposit, rock shelters with art, rock art engravings and open artefact scatters. Less common site types, in the 5-15 per cent range, include rock shelters with artefacts, grinding grooves and open middens.²⁹

The most common site types found on the Cumberland Plain are open artefact scatters/open camp sites, followed by scarred trees and isolated finds. Shelter sites and grinding grooves are also found, although mainly around the periphery of the Plain in sandstone geology, such as that which characterises the coastal areas of the Sydney Basin. Key trends are summarised below:

- Site frequency and density are directly related to the location of sites within the landscape;
- Complex sites are usually located close to permanent water sources, with major confluences being a key requirement for occupation sites, and would have been used intensively by larger groups, or used repeatedly by smaller groups over a longer period of time;
- Sites with large numbers of artefacts can occur on ridge tops and hill crests;
- Sites situated in alluvial soils retain the potential for stratified deposits;
- Potential Archaeological Deposits (PADs) are most likely to be located along valley floors and low slopes in well-drained areas; and surface artefact distribution does not accurately reflect the composition or density of subsurface archaeological deposits. Some areas with few or no surface manifestations have often been shown to contain subsurface archaeological deposits;
- Artefact scatters are most commonly linked to the close proximity of permanent water sources in areas such as creek and river banks and alluvial flats. The majority of these sites are located within 100 metres of permanent fresh water;
- Artefact assemblages generally comprise a small proportion of formal tool types with the majority of assemblages dominated by unretouched flakes and debitage;
- High concentrations of artefacts are more likely to be located within resource rich areas;
- Silcrete is the dominant raw material used for tool manufacture, followed by chert (also known as tuff). Silcrete sources are located in the north-western Cumberland Plain at places such as St Marys, Plumpton Ridge, Marsden Park, Schofields, Riverstone, Deans Park, Llandilo and Ropes Creek. Other raw materials include indurated mudstone from Nepean River gravels, quartz, porphyry and hornfels which may be derived from Rickaby's Creek gravels, and basalt;
- Stands of remnant old growth vegetation retain the potential for scarred trees to be present; however, large scale land clearance of the plain in general means that such stands of vegetation are rare; and
- Evidence of post-contact camp sites may be located in close proximity to early European houses and farms, or official buildings.

Further to the above, extensive excavation across the Cumberland Plain has since shown that areas with no surface evidence often contain sub-surface deposits buried beneath current ground surfaces. This is a critical consideration in aggrading soil landscapes, such as those commonly found across the Cumberland Plain and Botany Bay landscapes. In a 1997 study of the Cumberland Plain, McDonald found that 17 out of

²⁸ AMBS 2013: 27

²⁹ AHMS, 2014, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites – Desktop Aboriginal Heritage Assessment* prepared for the Urban Growth Development Corporation, p. 40.

61 excavated sites had no surface artefacts before excavation, and that the ratio of recorded surface to excavated material was 1:25.³⁰

None of the excavated sites could be properly characterised on the basis of surface evidence. In short, surface evidence (or the absence of surface evidence) does not necessarily indicate the potential, nature or density of sub-surface material. The results of McDonald's study clearly highlight the limitations of surface survey in identifying archaeological deposits in this landscape. The study also shows the importance of test excavation in establishing the nature and density of archaeological material on the Cumberland Plain.³¹

6.4. LITERATURE REVIEW (ARCHAEOLOGICAL ASSESSMENTS UNDERTAKEN IN THE LOCAL AREA)

In comparison with the Cumberland Plain, a relatively limited number of Aboriginal sites have been identified and recorded in urban Sydney contexts. Recorded site types include open campsites, middens, rock engravings, rock shelters and historic burials.

The limited number of recorded sites within the Sydney CBD area is directly related to the long and intensive history of development; over 200 years of European development has destroyed the majority of Aboriginal sites that would have originally existed along the shores of Sydney Harbour and its associated streams and bays.

The majority of Aboriginal sites identified within the Sydney CBD have been recorded during the course of historical archaeological excavations associated with development projects. Aboriginal sites and objects were identified in pockets of remnant topsoil either beneath or between historical archaeological contexts.³²

Lampert, R.J, 1985, *Excavation Report on Mort's Bond Store*, unpublished report to the Department of Environment and Planning

In 1985 Lampert excavated a midden and camp site at Mort's Bond Store, (previously located at East Circular Quay). The site had been truncated by construction of the building and was in a highly disturbed condition. It contained shell and bone, as well as stone artefacts manufactured from red and grey silcretes, quartz, quartzite and chert. The artefacts were comprised of flakes, flaked pieces and cores. Lampert hypothesised that the stone material was sourced from quarries on the Cumberland Plain.

Attenbrow, V, 1992, 'Shell Bed or Shell Midden', *Australian Archaeology* No. 34

Another midden was uncovered during building works near the historic building "Lilyvale" on the corner of Cumberland and Essex Streets, The Rocks, to the north west of the subject area. It had been highly disturbed by the construction of terrace houses in the 1830s and was subsequently destroyed by the construction of a hotel (AHIMS 45-6-1853).

AHIMS 45-6-2580 (original reporting not available)

During historic excavations in relation to the construction of the eastern distributor at Woolloomooloo, an artefact scatter was uncovered. This site was subsequently excavated by Brayshaw (AHIMS 45-6-2580). This site, which was located near a spring, contained 4 silcrete, 4 chert, 2 quartz artefacts plus one quartzite and one chalcedonic silica artefact. They were found at a depth of about one metre in "disturbed topsoil, overlain by fill".

AHIMS 45-6-2651 (original reporting not available)

During historic excavations in respect of development works located at William Street (to the south of the subject area), an artefact scatter was uncovered. This was subsequently excavated, and the artefacts included fine quartz debitage and cores, silcrete flakes and tuff cores and flakes (AHIMS 45-6-2651).

³⁰ McDonald, J., *Archaeological Test Excavation of PAD 1 CSIRO Laboratory, Ian Clunies Ross Research Laboratory*, Report to CSIRO Australia, 1997.

³¹ AHMS, 2014, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites – Desktop Aboriginal Heritage Assessment* prepared for the Urban Growth Development Corporation, p. 40.

³² AHMS, 2014, *Redfern, Waterloo and South Eveleigh Urban Renewal Sites – Desktop Aboriginal Heritage Assessment* prepared for the Urban Growth Development Corporation, p. 41.

GML Heritage, Angel Place Project 1997, Archaeological Excavation Volume 3, Salvage Excavation of Site #45-6-2581, report prepared for AMP Asset Management Australia, the NSW Heritage Council and NPWS (NSW)

GML conducted salvage excavations of site 45-6-2581 in Angel Place, situated between George and Pitt Streets in Sydney's CBD and located approximately 2 km to the northeast of the current project area. The site straddles the former alignment of the Tank Stream. Technological analysis of 54 flaked stone artefacts recovered during the excavations revealed that on-site reduction of various materials including silicified tuff, indurated mudstone, silcrete and quartz had taken place. The original size of the site could not be determined due to development impacts. However, the artefact distribution suggested that there was a contiguous distribution of lithics along the banks of the original creek, likely to have been deposited from repetitive or continuous Aboriginal occupation.

It was concluded that the site is likely to have been a point of first contact between the original Aboriginal occupants of the Tank Stream Valley and the European settlers arriving in Sydney Cove in 1788. However, no unequivocal physical evidence of contemporary Aboriginal contact and/or occupation was detected at the site.

Steele, D, 2002, Aboriginal Archaeological Excavation: Quadrant Development Site, Broadway & Mountain Street, Sydney, NSW, containing DECC Site 45-6-2629, unpublished report to College Square Residential Pty Ltd

In 2002 Steele undertook Aboriginal archaeological test excavation and monitoring at a block situated at Broadway and Mountain Streets, approximately 600 m to the southwest of the current project area. Testing in 1 x 1 metre squares was undertaken along the bank and upslope of Blackwattle Creek, which traverses the site.

One small remnant patch of original topsoil (measuring c. 5 x 15 metres) was tested and produced approximately 20 Aboriginal flaked stone artefacts. All items were less than 10 millimetres in maximum dimension, and the assemblage generally consisted of non-diagnostic pieces. Consent to destroy the site was subsequently granted, with the provision of monitoring of the works, but no further Aboriginal artefacts were recovered.

Steele, D, 2006, Final Aboriginal Archaeological Excavation Report: The KENS Site (Kent, Erskine, Napoleon and Sussex Streets), Sydney, NSW, containing DECC Site 45-6-2647 and associated areas of PA, unpublished report to Leighton Contractors Pty Ltd

In 2006 excavations were undertaken at the KENS site, bounded by Kent, Erskine, Napoleon and Sussex Streets in the Sydney CBD. A total of 952 artefacts were excavated, with silcrete being the dominant raw material type. Tuff and quartz artefacts were also present.

The excavation report interpreted the site as being occupied between 2,800 BP to 1788.

AHMS, 2007, Former Rachel Forster Hospital – Initial Archaeological Assessment, unpublished report to Redfern-Waterloo Authority and AHMS, 2012, Former Rachel Forster Hospital Site Aboriginal Heritage Impact Assessment, prepared for Kaymet Corporation Pty Ltd

AHMS undertook a preliminary assessment of this site in 2007 and prepared an Aboriginal Heritage Impact Assessment in 2012. The site is the Former Rachel Forster Hospital site located at 34 Pitt Street, Redfern, to the immediate north of the Waterloo URS site.

The assessments identified that the subject site would have moderate to high potential for Aboriginal objects/sites to be present. In addition the assessments identified that local landscape features of the site (on the crest of a dune) and landscape features in the vicinity of the site (several water resources), increases the likelihood that the locality was used by Aboriginal people in the past.

Specifically, the assessments identified that naturally occurring soil deposits are likely to occur below historic occupation layers are typical of those found within the Tuggerah and Newport soil landscapes which cover extensive portions of south and eastern Sydney. Both are aeolian sands, laid down c10,000 years BP, with the Tuggerah landscape forming extensive dune fields, while the Newport landscape forms a sand mantle over earlier soil horizons. The date of formation of these sand deposits is therefore well within the known timeframe for Aboriginal occupation in the Sydney Basin.

The assessments identified that the site is located near the former presence of numerous streams and swamps within these soil landscapes was a resource zone that was attractive to Aboriginal people, as demonstrated by numerous early historic accounts of the late Eighteenth and early Nineteenth Centuries.

This, combined with the documented identification of Aboriginal sites by archaeological investigations within development contexts on former dune fields and beside former water sources (e.g. Angel Place, Sydney, and Prince of Wales Hospital, Randwick), suggested that the natural soil have some potential to contain remains of Aboriginal occupation in areas where soil deposits have not been substantially removed by the construction of the hospital.

AHMS, 2009, National Indigenous Development Centre – Aboriginal Heritage Impact Assessment, unpublished Report for Indigenous Land Corporation

In 2007, AHMS undertook an assessment of the proposed National Centre for Indigenous Excellence located between George, Phillip and Cope Streets, Redfern, located in proximity to the subject area

The assessment identified that the site had potential to be on aeolian (wind-blown) dunes in the general vicinity of Black Wattle Creek, a significant water source running through the southern edge of the (now) Sydney CBD. These findings, along with the relatively undisturbed nature of the site, prompted test excavations.

Excavations consisted of four 1m² test pits located within a larger historic excavation of several mid-late 19th century residences on the site. The test pits reached depths of up to 90 centimetres and confirmed the aeolian nature of the area. However, no Aboriginal objects were recovered as part of the excavations.³³

Comber, J, 2012, Darling Quarter (formerly Darling Walk), Darling Harbour, Aboriginal Archaeological Excavation Report, unpublished report to Casey & Lowe Pty Ltd on behalf of Lend Lease Bovis

In 2012 Comber undertook an Aboriginal archaeological assessment and excavation at Darling Harbour, at a site which had previously been developed with a large commercial building that was demolished prior to excavation. The excavation was undertaken close to the former shoreline, with soils contained therein being silty alluvium.

A redeposited midden with ten stone artefacts (predominately chert) was identified. The ten artefacts comprised unretouched flakes and flaked pieces with no features that could be used to attribute the artefacts to the phases described by McCarthy or Gould.

GML, Heritage, 2012, 200 George Street, Sydney, Aboriginal Archaeological Excavation, report prepared for Mirvac Property

A Due Diligence Assessment prepared by GML in 2012 concluded that the 200 George Street project area had some potential for Aboriginal archaeological deposits. A Potential Archaeological Deposit (PAD) was registered on the AHIMS database as #45-6-3081.

Archaeological investigations of PAD #45-6-3081 did not positively identify any Aboriginal archaeological deposits; that is, the potential archaeological deposit was not realised. Natural soil profiles were identified in Area 4 and Area 8 during historical archaeological excavation, but Aboriginal objects were not identified in either area during consequential works.

GML concluded that the location of their Study Area on the banks of the intertidal zone of the Tank Steam resulted in extensive reclamation activity throughout the 1800s, preserving the pre-European landscape intact. However, the geomorphology of this area, with stepped sandstone and highly organic estuarine soils, appears to have made it unsuitable to Aboriginal people, or unsuitable for conserving an archaeological signature relating to any activity which did occur. Hence, unexcavated portions of the 200 George Street study area were assessed to hold very low to no archaeological potential for further in situ Aboriginal archaeological deposits.

In Area 4 the natural soil profiles were deemed to have no archaeological potential due to the nature of their deposition within marine environments. In Area 8 the geomorphology was similarly unlikely to result in the deposition of in situ archaeological deposits due to a highly irregular bedrock surface.

The AHIMS card for 45-6-3081 was updated following the excavations to reflect these findings, with the site status modified to 'Not a Site'.

³³ AHMS, "Redfern, Waterloo and South Eveleigh", s.5.2.3.

Stening, T, 2015, (IN PREP), Darling Harbour Live (formerly SICEEP PPP), Darling Harbour: Aboriginal Archaeological Excavation Report, unpublished report to Casey & Lowe on behalf of Lend Lease

Comber Consultants were also engaged to undertake Aboriginal archaeological excavations at the former International Convention Centre on the western side of Darling Harbour. As part of these excavations, a total of 63 stone artefacts were identified; silcrete was the dominant material, and the artefacts were predominately flaked pieces (nine unretouched flakes and one retouched flake). Of these, 44 were identified as representing a 'discrete knapping floor on the edge of a midden'.

Based on an analysis of the artefacts it was determined that the assemblage belonged to Gould's "Australian small tool tradition" and the Bondaian phase of McCarthy's Eastern Regional Sequence. Radiocarbon dating and environmental information indicates the midden was deposited in the mid-1800s.

Artefact 2016, Sydney Metro City & Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment

The following conclusions have been drawn directly from the Sydney Metro City & Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment report (ACHAR) prepared by Artefact in 2016.

Waterloo Station

The Waterloo Station construction site is located within the block bounded by Raglan Street, Cope Street, Wellington and Botany Road. The site previously contained commercial and residential buildings. Subsurface impact would occur as a result of the excavation of the cut and cover station box, and as a result of construction of ancillary facilities such as offices and laydown areas.

Impacts to Aboriginal Heritage

No identified Aboriginal sites would be impacted by the proposed works at Waterloo Station. There is moderate-high potential for Aboriginal objects to occur in sub-surface archaeological deposits where there are surviving intact soil profiles (deep sand sheets) across the project site. Any Aboriginal objects that may be identified within this area may be considered to be of moderate to high archaeological significance.

AMBS 2018, Summary report on the historical archaeological Investigations at the Waterloo Station Site

AMBS has provided Sydney Metro with a 'Summary report on the historical archaeological Investigations at the Waterloo Station Site', dated July 2018, as a final excavation report is yet to be completed and released by AMBS for the eastern section of the site. This summary report notes the following:

- Open area archaeological excavations at the Waterloo Station site began on 8 January and completed on 25 May 2018
- The land sloped away to the east and a levelling fill of mixed sands and clays had been introduced apparently to raise the level along Botany Street (now Cope Street) in preparation for constructing housing. Some evidence of activity was identified in this deposit; pits, post holes and what appeared to be features possibly associated with industrial activity
- The natural white sands beneath the introduced fill showed evidence of early agricultural activity with pits, furrows/plough lines, possible hoe marks and post holes defining simple timber-framed structures as well as three wells lined with diamond frogged sandstock bricks.

6.4.1. Summary of the Literature Review

The above literature review demonstrates that archaeological sites present within the vicinity have been uncovered within sites/properties that have been subject to a similar degree of disturbance as the subject area.

Site types uncovered at comparable sites include artefact sites and shell midden sites. This suggests that Waterloo South has the potential to contain similar archaeological deposits within less disturbed areas of the site and in association with residual natural soil profiles.

The recent excavations undertaken by AMBS within the nearby Metro Quarter have definitively demonstrated that natural sands have been preserved beneath later development, and previous archaeological studies in the wider, surrounding landscape have demonstrated that natural sand deposits associated with the Tuggerah soil landscape have the potential to contain archaeological deposit at depth. Though excavations undertaken in the immediate area to date have had mixed results in terms of the actual

discovery of Aboriginal archaeological material within such sand deposits, the potential for this to occur within the current site cannot be discounted based on desktop research alone.

Given the known presence of residual natural soil profiles within the site, the known potential for archaeological material to be recovered from similarly developed sites, and the location of the subject area in relation to what would have been major resource sites (the Waterloo Swamps, Shea's Creek, Boxley's lagoon) for Aboriginal people in the past means archaeological potential cannot be discounted without further sub-surface investigations being undertaken.

6.5. AHIMS: REGISTERED ABORIGINAL SITES OR PLACES IN OR WITHIN THE VICINITY OF THE SUBJECT AREA

A search of the AHIMS database undertaken on 4th February 2020 for the area contained within the following co-ordinates, with a buffer of 1000 metres allowed:

- Lat, Long From: -33.901, 151.1983;
- Lat, Long To: -33.8947, 151.2069.

This search revealed that no registered Aboriginal objects and/or places are located in or within 100 metres of the subject area.

The search identified five Aboriginal objects and no Aboriginal places within the AHIMS search area.

Aboriginal objects are the official terminology in AHIMS for Aboriginal archaeological sites. From this point in the assessment forward the terms of 'Aboriginal sites', 'AHIMS sites' or 'sites' will be used to describe the nature and spatial distribution of archaeological resources in relation to the subject area.

The site types, number of sites and frequency of sites within the AHIMS search area has been summarised in the table below, and shown in relation to the subject area in Figure 8, including the relevant AHIMS identification number after each site type.

Table 6 – Results of the extensive AHIMS search conducted for the subject area

Site Type	Number	AHIMS ID	Frequency %
Artefact(s) Unspecified	2	45-6-2822, 45-6-3654	40%
Potential Archaeological Deposit	1	45-6-2680	20%
Shell Midden; Artefact(s) Unspecified	1	45-6-2597	20%
Aboriginal Resource and Gathering Site	1	45-6-2767	20%
TOTALS	5	-	100%

Of the five Aboriginal sites that have been previously registered, the closest is located approximately 400 metres to the north of the. This site is registered as 'Wynyard Street midden', and a review of the site card indicates this is a shell scatter located in a park near Gibbons Street, just south of Redfern Station.

Other site types include a potential archaeological deposit (PAD) located on Broadway, an Aboriginal resource and gathering site located within the University of Sydney Campus, and an unspecified artefact site located on City Road and another located at Central Station. All three of these sites are located more than a kilometre to the northwest of the subject area.



GDA 1994 MGA Zone 56

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1 KM

Project No: P0019829

Project Manager: Balazs Hansel

ABORIGINAL HERITAGE CONSTRAINTS

Aboriginal Cultural Heritage Assessment
NSW Land and Housing Corporation

- ▭ Subject Area ● Aboriginal Resource and Gathering, 45-6-2767 ● Artefact scatter, 45-6-2822 ● PAD, 45-6-2680
- Contours ● Artefact Scatter, 45-6-3654 ● Midden, 45-6-2597
- ▭ Hydrology

Figure 8 – Aboriginal heritage constraints

Source: Urbis

7. PREDICTIVE MODEL

In terms of archaeology, predictive modelling is used to present a model, or series of testable statements, about the nature and distribution of evidence of Aboriginal land use in the subject area, based on the historical, environment, archaeological context (refer to Sections 0, 5 and 6 of this report). To achieve this, a predictive model must characterise the patterning of material traces across the local and/or regional area, consider the distribution of natural resources and probable land-use strategies employed by Aboriginal people in the past, and consider the spatial and temporal relationships of sites.

Based on this, a predictive model of the material traces that are likely to be present in the subject area can be made, along with inferences as to the nature of Aboriginal occupation of the landscape in the past.

7.1. SITE TYPES

The following descriptions of Aboriginal site types is not exhaustive but does include the most commonly encountered/recording site types as they appear on the AHIMS.

Artefact Scatters

Artefact scatters are defined by the presence of two or more stone artefacts in close association (i.e. within fifty metres of each other). An artefact scatter may consist solely of surface material exposed by erosion, or may contain sub-surface deposit of varying depth. Associated features may include hearths or stone-lined fireplaces and heat treatment pits.

Artefact scatters may represent one or a number of the following activities:

- Camp sites: involving short or long-term habitation, manufacture and maintenance of stone or wooden tools, raw material management, tool storage and food preparation and consumption.
- Hunting or gathering activities.
- Activities spatially separated from camp sites (e.g. tool manufacture or maintenance).
- Transient movement through the landscape.

The detection of artefact scatters depends upon conditions of surface visibility, including vegetation cover, ground disturbance and recent sediment deposition. Factors such as poor light, vegetation, and leaf litter may obscure artefact scatters and prevent their detection during surface surveys. In addition, because artefact scatters are located on the ground surface, and are not fixed to the ground or any other surface, they can be easily disturbed and/or moved from their original contexts, or damaged. The likelihood of identifying artefact scatters in highly disturbed and intensively used areas is generally very low.

Shell Middens

Shell middens are places where the debris from eating shellfish and other food has accumulated over time. They can contain:

- Shellfish remains.
- Bones of fish, birds, and land and sea mammals used for food.
- Charcoal from campfires.
- Human remains.
- Tools made from stone, shell, and bone.

Shell middens are found throughout Australia, usually close to a shellfish source. They are generally found on the coast, but can be around inland lakes, swamps, and riverbanks. Within New South Wales, middens are typically found:

- On headlands.
- On sandy beaches and dunes.
- Around estuaries, swamps and the tidal stretches of creeks and rivers.

- Along the banks of inland rivers, creeks, and lakes.

Middens are also typically found in well placed camping or activity areas, being areas that are easily accessible, and which are located close to generous a shellfish resource. They are often fairly close to fresh water on a level, sheltered surface.

Bora/Ceremonial Sites

Bora grounds are a type of ceremonial site associated with initiation ceremonies. They are usually made of two circular depressions in the earth, sometimes edged with stone. Bora grounds can occur on soft sediments in river valleys and elsewhere, although occasionally they are located on high, rocky ground where they may be associated with stone arrangements.

Burials

Human remains tended to be placed in hollow trees, caves or sand deposits. Usually burials are only identified when eroding out of sand deposits or creek banks, or when disturbed by development. Aboriginal communities are strongly opposed to the disturbance of burial sites. The probability of detecting burials during archaeological fieldwork is typically extremely low.

Carved/Scarred Trees

Scarred trees contain scars caused by the removal of bark for use in manufacturing canoes, containers, shields or shelters. Ethnographic records suggest that carved trees were still relatively common in NSW in the early 20th century. They were commonly used as markers for ceremonial or symbolic areas, including burials.

Grinding Grooves

Grinding groove are elongated, narrow depressions in soft rocks (particularly sedimentary), generally associated with watercourses. They are most often found in association with sandstone. The depressions are created by the shaping and sharpening of ground-edge hatchets.

Lithic Quarries

A lithic quarry is the location of an exploited stone source. Sites will only be located where exposures of a stone type suitable for use in artefact manufacture occur; this includes chert, quartz, mudstone, and silcrete. Reduction sites, where the early stages of stone artefact manufacture occur, are often associated with quarries.

Rock Shelters with Art/Engravings and/or Occupational Deposits

Rock shelters include rock overhangs, shelters or caves, which were used by Aboriginal people for shelter, temporary occupation, and resource processing and/or preparation. Rock shelter site may contain artefacts, midden deposits and/or rock art/engravings. These sites will only occur where suitable geological formations are present.

Stone Arrangements

Stone arrangements include circles, mounds, lines or other patterns of stone arranged by Aboriginal people. Some were associated with bora grounds or ceremonial sites, and others with mythological or sacred sites. Hill tops and ridge crests which contain stone outcrops or surface stone, and have been subject to minimal impacts from recent land use practices, are potential locations for stone arrangements. Stone arrangements are also typically located on relatively flat, open land.

7.2. PREDICTIVE MODEL

The potential for each of the above identified site types to be present within the subject area is assessed in Table 7, below. This assessment has been informed by the historical, archaeological and environmental context of the precinct, the development and current and past uses of the Waterloo South, and the results of the AHIMS search.

Table 7 – Predictive model for archaeological sites within the area

Site Type	Discussion	Potential
Artefact Scatter/Deposit	<p>Within the subject area, there is potential for stone artefacts to occur in residual sand deposits. This is supported by a review of relevant archaeological investigations that have been undertaken in the vicinity of the subject area, which has demonstrated that Aboriginal artefactual material can be recovered from relatively intact, deep sand deposits, despite contemporary disturbance having occurred.</p> <p>Based on a review of the ethnohistorical and archaeological record for the local area, this potential is anticipated to be limited to low density artefact deposits. This is because previous investigations have strongly indicated that the occupation of areas away from the immediate foreshore was relatively sporadic; the ethnographical record supports this, in that it evidences that larger groups were more likely to establish semi-permanent 'villages' in closer proximity to permanent water sources, such as in the eastern suburbs or northern arm of Botany Bay.</p> <p>Higher density artefact scatters are more likely to occur where more focused and/or repeated Aboriginal occupation has occurred, such as in association with suitable resource procurement sites (eg. along higher order watercourses and on adjacent low gradient simple slopes or spur crests).</p> <p>The geology of the subject area does not suggest that raw stone materials preferred for working were readily available within the immediate vicinity, though known raw stone material sources are known to have been available in the broader local landscape (Newtown). The archaeological record provides strong evidence that the immediate availability of raw material does not preclude archaeological potential as materials were often sourced elsewhere and transported.</p> <p>In addition to the above, the extent to which the subject area has been disturbed over time places further limitations on the potential for artefact deposits to be uncovered from the site. Until geotechnical assessment is undertaken within the subject area boundaries, the presence of residual soils within the site is an assumption only.</p> <p>No artefacts were recovered from the immediately adjacent former Rachel Forster Hospital site, despite the presence of a similar sub-surface profile to that expected at the subject area.</p> <p>The overall potential for subsurface stone artefacts to be present within the subject area is therefore assessed as low to moderate.</p> <p>The overall potential for surface artefact scatters to be present within the subject area is assessed as nil, for the reasons outlined above.</p>	Low to moderate

Site Type	Discussion	Potential
Shell Middens	<p>Given the distance between the subject area and known former water bodies/water courses, it is considered that there is low potential for shell midden deposits to be present within undisturbed natural soil layers.</p> <p>Typically, shell midden sites are identified in closer proximity to water courses, and they are more common in association with coastal areas, estuaries, tidal zones, and known resource procurement/camping sites (such as Boxley's Lagoon to the northeast).</p> <p>Although middens have been recorded on the fringes of water bodies such as swamps, this is less common. The extent to which the subject area has been disturbed also limits the potential for <i>in situ</i> midden deposits to be uncovered.</p> <p>It is noted, however, that a midden site has been recorded in relative proximity to the subject area, being approximately 230 metres to the north.</p> <p>Any shell material, if present, would have to be analysed in order to determine how it was deposited; for example, shell material is often found within fill. If assessed to have been deposited in association with cultural activities such as resource processing, further investigation may also be required to determine the status of any such material as constituting material of Aboriginal cultural significance, as opposed to representing non-Aboriginal deposition (e.g. food remains of early British settlers).</p> <p>Overall, the potential for shell midden(s) to be present at the subject area is assessed as low.</p>	Low
Bora/Ceremonial Sites	<p>The subject area has been severely disturbed as a result of early site clearance, historical development and contemporary redevelopment. As such, it is considered that there is no potential for any identifiable physical evidence of bora and/or ceremonial sites to be present within the subject area.</p> <p>Although there is no currently available historical or ethnohistorical evidence specific to the subject area or land in its immediate vicinity to suggest that it was used for ceremonial/dreaming practices or purposes, this cannot be definitively discounted.</p> <p>It is considered that if such an association exists, it is relatively unlikely to have an identifiable physical presence within the subject area, but may be established through consultation with relevant Aboriginal stakeholders, groups or organisations.</p>	<p>Nil</p> <p>However refer to adjacent discussion</p>
Burials	<p>Based on previous/current land uses and the associated disturbance, as well as the general absence of suitable hollow trees, and suitable caves, the potential for burial sites to occur within the Waterloo South Precinct is considered to be very low to nil.</p> <p>There is no specific historical or cultural information to suggest that burials are likely to be present in the area.</p>	Very low - nil
Carved/Scarred Trees	<p>Carved/scarred trees are typically found in association with stands of original vegetation. Land use impacts over time, which have involved the extensive clearance of vegetation across NSW generally, has resulted in this site type becoming extremely rare.</p> <p>Given the complete vegetation clearance and extensive redevelopment of the subject area, it is considered that the potential for carved/scarred trees is nil.</p>	Nil

Site Type	Discussion	Potential
Grinding Grooves	Grinding grooves are most likely to be located in sedimentary bedrock (sandstone) along watercourses. Based on the environmental context of the subject area presented at Section 5, the potential for this site type to occur within the subject area is assessed as nil.	Nil
Lithic Quarries	Lithic quarries occur in association with outcrops of suitable stone material. The underlying geology of the subject area, which is not characterised by an abundance of any of the preferred raw stone materials, suggests that there is no potential for such outcrops to be present in the subject area. The potential for lithic quarries to be present is therefore considered to be very low.	Nil
Rock shelters with Art/Engravings and/or Occupation Deposit	Based on the topography, geology and soil landscape of the subject area, no rock shelters are or would previously have been present. As such, the potential for this type of site is assessed as nil.	Nil
Stone Arrangements	Stone arrangements are typically situated on hill tops, or along ridge crests that contain stone outcrops and/or surface stone and are more likely to be located on relatively flat, open land. Based on the topography of the subject area as well as the extent to which it has been disturbed, the potential for stone arrangements to be present is assessed as nil.	Nil

7.3. SUMMARY

The predictive model presented in Table 7, above, demonstrates that the potential for Aboriginal archaeological sites within the Waterloo South Precinct is highly dependent upon the presence/absence of particular landscape features, and the extent to which the area has previously been disturbed.

Based on a review of these factors, it has been determined there is a low degree of potential for shell middens and low to moderate potential of stone artefact deposits to be present within the Waterloo South. However, if present, such site types are not assessed to have any potential to have a visible, surface present, and if present would likely be limited to low-density deposits.

All other site types, including carved/scarred trees, bora/ceremonial sites and stone arrangements, rock shelter sites, and lithic quarries are considered to have a very low level to nil of potential to occur within the subject area. This is based on a number of factors, including the relatively low number of such site types having been previously identified in the area generally, the environmental context, and the extent to which the subject area has been disturbed (including complete vegetation clearance).

Archaeological investigations undertaken elsewhere within the Sydney CBD support the above predictions; artefact deposits and middens have been found at comparably developed sites within the CBD, including at Cumberland Place in The Rocks and at Angel Place further south along George Street.

It is acknowledged that the sub-surface conditions of the subject area cannot be definitively characterised without further (physical) investigation; no geotechnical investigations have been undertaken within the subject area itself, with the assessment of archaeological potential presented in this report based on a desktop assessment of the subject area's sub-surface condition and the results of geotechnical investigations undertaken in the surrounding landscape.

Despite this acknowledged limitation, the review of the historical, environmental, and ethnohistorical context of the Waterloo Estate presented in this report demonstrates that the subject area retains a degree of potential, however limited, to contain Aboriginal archaeological material or objects.

If present, archaeological material is predicted to occur in the less disturbed areas of the site, and in proximity to known resource areas, such as the Waterloo Swamp and Shea's Creek to the south/southwest of the Waterloo South Precinct. This is in accordance with the findings of the 2014 AHMS study.

Based on this, it is considered that the archaeological potential of the subject area requires further investigation in the form of archaeological test excavation in order to determine the presence or absence of archaeological material on site, as well as to investigate the nature and extent of any such material if found to be present.

Following the approval of the planning proposal and at the point of detailed design phase an Aboriginal Cultural Heritage Assessment should be undertaken in line with the requirements of the following guidelines:

- *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (DECCW 2010) (the Code of Practice);*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) (ACHA Guideline);*
- *Aboriginal Heritage Consultation Requirements for Proponents 2010 (DECCW 2010) (the Consultation Guidelines); and*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*

In the event that Aboriginal archaeological material is found within the subject area, it would make a relatively rare and highly significant contribution to the archaeological record. Preserved Aboriginal archaeological sites are relatively rare within the Sydney CBD and inner-city fringe areas, and within highly urbanised and developed contexts generally.

It is noted that the Aboriginal track discussed at Section 6.1.2 represented an intangible cultural element that is not considered to have the potential to have a physical presence. As such, an assessment of the potential for any physical evidence of this track to be present has not been considered as part of this assessment. This intangible cultural heritage element should be considered in any future Aboriginal Cultural Heritage Assessment for Waterloo South.

8. ARCHAEOLOGICAL FIELD SURVEY

A visual inspection of Waterloo South was undertaken by Archaeologist Karyn Virgin on 2 June 2017. As part of their 2014 assessment, AHMS also undertook a visual inspection of the entire Waterloo Estate.

8.1. SURVEY METHODOLOGY, AIMS AND STRATEGY

8.1.1. Survey Methodology

Waterloo South was surveyed in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.³⁴

8.1.2. Survey Aims

The aim of the visual survey was to identify, if present, any potential Aboriginal archaeological sites or objects, as well as to identify any landscape features that may indicate the likely presence of Aboriginal archaeological material or sites.

8.1.3. Survey Strategy

The subject area in its entirety has been subject to both historic and contemporary development, with no undeveloped areas or unmodified natural landscape areas retained on site. As such, no landscape features on which to base a survey strategy were determined to be present.

As a result of the above, no survey strategy was employed for the visual inspection; the subject area was inspected as a single survey unit. Generally, the landform comprised in this single survey unit has been identified as 'flat to gently sloping cleared land'.

8.1.4. Survey Units

For the specific purposes of this investigation and due to the limitations of the site, the subject area was treated as a single survey unit.

Generally, the landform comprised in this single survey unit has been identified as 'flat to gently sloping cleared land'.

8.2. LIMITATIONS

A comprehensive site survey of the subject area was not possible due to existing tenancies and security. As such, the visual inspection was limited to publicly accessible portions of the subject area.

8.3. FIELD METHODS

The survey was conducted on foot (pedestrian). All accessible areas of the subject area were inspected, though many areas were not accessible due to access restrictions (such as existing tenancies, fencing, and security issues). Given the highly developed nature of the site, this did not impact an overall understanding of site conditions.

During the survey, the conditions were recorded through the use of representative digital photography and field notes.

8.3.1. Ground Surface Visibility

Ground surface visibility is the amount of bare ground (or visibility) on the exposures which might reveal artefacts or other archaeological materials. It is important to note that visibility, on its own, is not a reliable indicator of the detectability of buried archaeological material. Things like vegetation, plant or leaf litter, loose sand, stony ground or introduced materials will affect the visibility. Visibility has been described by (then) DECCW (now DPIE) as 'what conceals'.³⁵ Ground surface visibility has been assessed for the subject area

³⁴ DECCW, 2010, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*

³⁵ DECCW, 2010, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*: 39

in relation to the gradings of visibility set out in Table 8, below. As per requirements, the ratings have been graded to the nearest 10%.

Table 8 – Gradings of ground surface visibility

Ground surface visibility rating	Overall Rating	Description
0-29%	Low	Heavy to moderate vegetation with scrub foliage, tree cover and/or floor debris (leaves etc). Ground surface not clearly visible, though patches of visibility caused by animal tracks, erosion etc may be present.
30-59%	Moderate	Moderate to low levels of vegetation, scrub and/or tree cover. Small to moderate patches of ground surface associated with animal tracks, erosion, ploughing grading, clearing, etc visible across the subject area.
60-100%	High	Low to very low levels of vegetation, and little to no scrub cover. Moderate to large areas of visibility due to more extensive disturbances associated with larger scale events like ploughing, grading, mining, and extensive erosion.

Overall, ground surface visibility within the subject area was identified to be moderate (around 50%). This is due primarily to the presence of extensive built form (building stock), as well as roadways, asphalted areas (carparking, pathways) which has obscured the ground surface across much of the subject area.

However, where such elements are not present, ground surface visibility is high with the remainder of the subject area comprising open, grassed space that functions as the yard areas for the residential properties, as well as extensive open space at the ground plane of Waterloo South.

8.3.2. Ground Surface Exposure

Ground surface exposure is different to visibility because it estimates the area with a likelihood of revealing buried artefacts or deposits rather than just being an observation of the amount of bare ground. It is the percentage of land for which erosion and exposure was sufficient to reveal archaeological evidence on the surface of the ground. In contrast to visibility, exposure has been described by (then) OEH (now DPIE) as 'what reveals'.³⁶

Ground surface exposure within the subject area was observed to be limited. This is due to the extent to which it has been developed with built form, as well as the presence of roadways, carparking etc.

The yard areas of residential properties and the open landscaped space around Waterloo South is grassed; within these contexts, areas of exposure were observed to be limited to the periphery of hard landscaping elements such as pathways, garden edgings, and retaining walls.

Overall, ground surface exposure was low, at less than 5%.

³⁶ DECCW, 2010, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*: 37

8.4. SURVEY COVERAGE AND SURVEY COVERAGE DATA

Survey coverage data is required to be recorded as part of an archaeological survey so as to document the conditions present during the survey, and to enable an assessment of the survey's effectiveness. Moreover, recording survey coverage data allows for an assessment of the obtrusiveness of Aboriginal objects (i.e. whether objects are readily visible, or buried, or otherwise obscured); this is necessary because the obtrusiveness of Aboriginal objects will influence the survey results. The specific conditions affecting the detection of Aboriginal objects can be described in terms of what reveals and what conceals the objects.³⁷

The key factors that influence survey coverage include ground surface visibility and ground surface exposure and accessibility. These elements have been discussed in 8.3 above. The survey coverage data for the survey is presented in Table 9, below.

Table 9 – Survey coverage data

Survey Unit	Landform	Survey Unit Area (square metres)	Visibility %	Exposure %	Effective Coverage Area (sq m)	Effective Coverage %	Number of Sites
1	Flat to gently sloping cleared land	180, 000 Approximate only	50%	5%	4,500	2.5%	None

8.5. PHOTOGRAPHS OF THE SUBJECT AREA

Figure 9 – Typical vegetation within the subject area (Urbis 2017)



Picture 1 – Contemporary plantings (less than 45 years old) within the open landscaped area surrounding Waterloo South



Picture 2 – Contemporary plantings (less than 45 years old) within the open landscaped area surrounding Waterloo South

³⁷ DECCW, 2010, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*: 16

Figure 10 – Typical site conditions, showing limited ground surface exposure despite high visibility in the more open areas (Urbis 2017)



Picture 3 – Open landscaped space showing areas of exposure on slopes



Picture 4 – Ground surface visibility and exposure within the yard areas of residential buildings

Figure 11 – General disturbance within the subject area (Urbis 2017)



Picture 5 – Example of earlier commercial development in Waterloo South



Picture 6 – Landscaping within Waterloo South



Picture 7 – General development in Waterloo South



Picture 8 – General development in Waterloo South

8.6. SITE RECORDING AND FIELD SURVEY RESULTS

The purpose of this archaeological survey was to identify and record sites in addition to the existing record of the material traces or evidence of Aboriginal land use. This information can then be used in archaeological assessments to interpret the Aboriginal history of Waterloo South, and to inform the archaeological record for the wider local area. The first priority in recording any Aboriginal object must always be to avoid or minimise, as far practicable, the risk of harm to the object itself.

Any Aboriginal sites that are identified during an archaeological investigation must be recorded and submitted for registration on the AHIMS. In recording sites, any material traces of past Aboriginal land use, as well as the spatial extent/identifiable boundaries, must be recorded. At a minimum, the site recording methods must provide enough information to complete a current AHIMS site recording form.

It should be noted, however, that not all Aboriginal cultural sites identified by Aboriginal stakeholders will contain identifiable material traces or be associated with distinct landform features. The extent and boundaries of these sites need to be mapped based on consultation with and input from stakeholders.

8.6.1. Survey Results

A predictive model of the subject area was formulated on the basis of a review of relevant environmental, historical and archaeological information. Based on AHIMS data and the results of previous archaeological investigations in the vicinity of the subject area, it was predicted that the site types most likely to be present within the subject area would be limited to low density stone artefact scatters or shell midden deposits.

If present, this site type was considered most likely to be found in association with the less disturbed areas of the subject area, and in closer proximity to known resource areas (being Waterloo Swamp to the south). Due to their sub-surface nature, such site types would not have a readily discernible surface presence.

Based on the topography of the subject area, as well as the extent to which it has been disturbed and cleared of vegetation, the potential for other site types such as scarred/carved trees, open artefact scatters, bora/ceremonial grounds, and stone arrangements was assessed as being very low to nil.

No such sites were identified during the survey, and vegetation was observed to exclusively comprise stands of regrowth trees or contemporary plantings. Signs of extensive disturbance were noted throughout the subject area, and as expected, ground surface visibility was generally very low, with intermittent and small areas of exposure only (less than 5%). No raw stone material suitable for working was identified during the visual inspection.

As predicted, no new Aboriginal sites were identified as a result of the survey. This was expected, particularly given:

- The subject area had previously been surveyed, and no Aboriginal sites or objects were identified;
- The extent to which the subject area has been disturbed through continuous residential and commercial development; and
- The limited instances of ground exposure and highly modified landscape.

9. AREA OF IDENTIFIED ARCHAEOLOGICAL POTENTIAL

The predictive model presented in Table 7, above, demonstrates that there is a low degree of potential for shell middens and low to moderate potential for stone artefact deposits to be present within the subject area. If present, such archaeological material is predicted to occur in the less disturbed areas of the site, and in proximity to known resource areas, such as the Waterloo Swamp and Shea's Creek to the south/southwest. This is in accordance with the findings of the 2014 AHMS study.

Based on this summary of archaeological potential, a discrete area archaeological potential has been identified. This area is shown in the below figure. This area of identified archaeological potential is in accordance with that identified in the 2014 AHMS study.

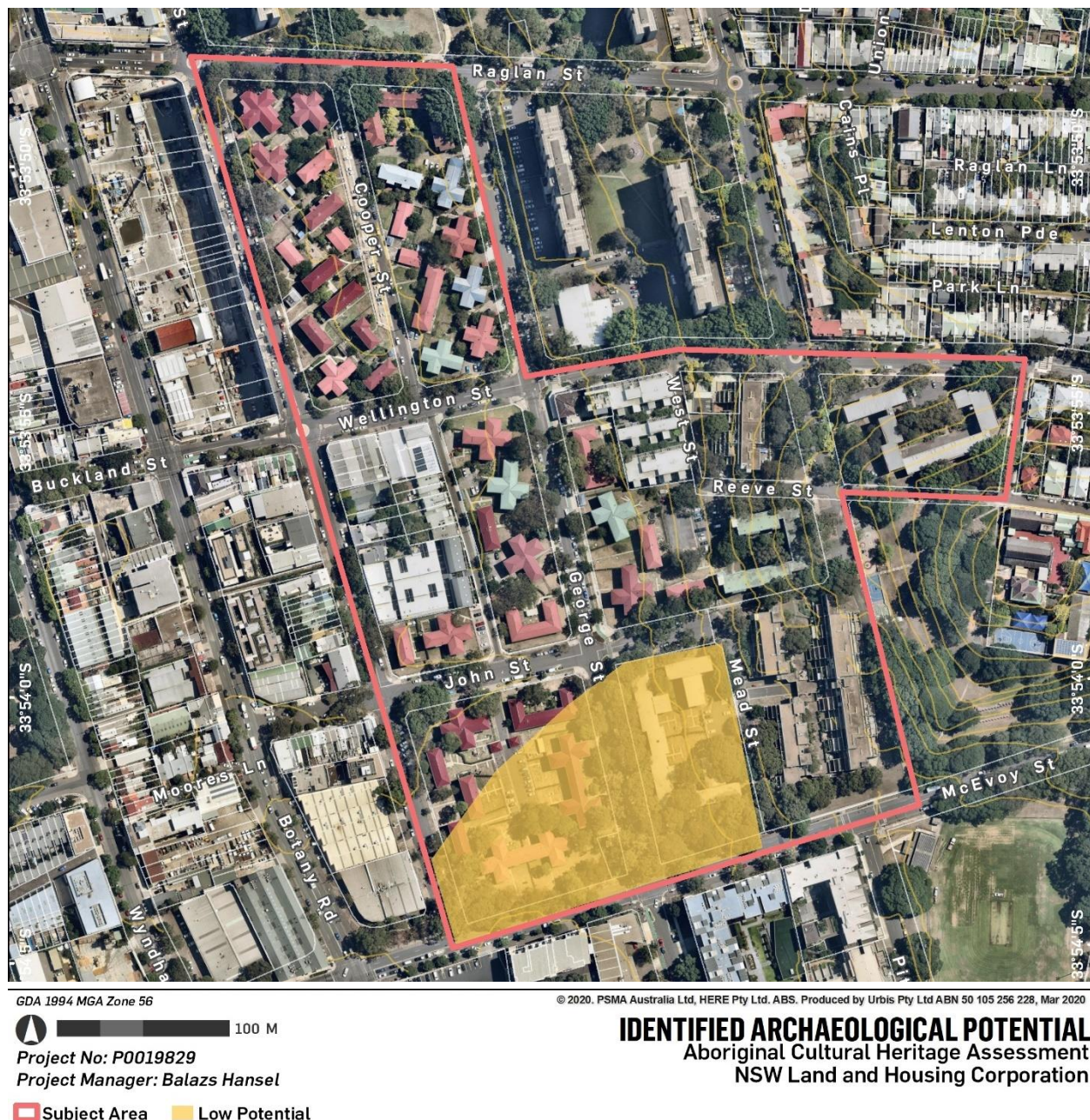


Figure 12 – Identified archaeological potential

Source: Urbis

10. CULTURAL HERITAGE VALUES AND STATEMENT OF ARCHAEOLOGICAL AND CULTURAL SIGNIFICANCE

Cultural significance is a concept that assists appraisal of the value of places. The places that are likely to be of significance are those that help us understand the past, enrich the present, and may be of value to future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects (Australia ICOMOS, 1999).

10.1. CULTURAL HERITAGE SIGNIFICANCE AND VALUES

The cultural heritage significance and values of an area and of any Aboriginal archaeological sites within that area can be assessed using the four criteria outlined in the *Burra Charter*; aesthetic, historic, scientific and social/ spiritual. These criteria are described below.

Social/Spiritual Value

Social/spiritual value concerns the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community. Places of social significance have associations with contemporary community identity. These aspects of heritage significance can only be determined through consultative processes with one or more Aboriginal communities. As such, they are archaeologically invisible and can only be identified with the aid of Aboriginal interpretation. If such sites are known, they hold particular cultural significance to contemporary Aboriginal people. Furthermore, sites of significance are not restricted to the period prior to contact with Europeans. Often events related to the contact period, and at times to the period since European settlement, may be important to the local Aboriginal communities.

Historic Value

Historic value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community. Historic places may or may not have physical evidence of their historical importance, however the significance will be generally greater where evidence of the association or event survives in situ, or where the settings are substantially intact. Some events or associations may be so important that the place retains significance regardless of subsequent treatment. In relation to Aboriginal cultural heritage, many post-contact places and sites have historic value.

Aesthetic Value

Aesthetic value refers to aspects of sensory and may include consideration of form, scale, colour, texture, and material of the fabric or landscape, as well as the smell and sounds associated with the place and its use. With regard to pre-contact Aboriginal cultural heritage sites, the placement within the landscape would be considered under this criterion. Individual artefacts, sites and site features may also have aesthetic significance.

Scientific (Archaeological) Value

Scientific (archaeological) value refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects. Assessment of scientific value is often based on the likely research potential of the area, place or object and will consider the importance of the data involved, its rarity, quality or representativeness, and the degree to which it may contribute further substantial information. Scientific or archaeological significance may be assessed by placing a site, feature or landscape in a broader regional context and by assessing its individual merits in the context of current archaeological discourse.

10.1.1. Assessment of Cultural Heritage Significance and Values

An assessment of cultural heritage significance and values incorporates a range of values which may vary for different individual groups and may relate to both the natural and cultural characteristics of places or sites. Cultural significance and Aboriginal cultural views can only be determined by the Aboriginal community using their own knowledge of the area and any sites present, and their own value system.

All Aboriginal heritage evidence tends to have some contemporary significance to Aboriginal people, because it represents an important tangible link to their past and to the landscape.

Consultation in accordance with the ACHCRs undertaken to date has been summarised at Section 3 of this report.

On behalf of NSW Land and Housing Corporation, Urbis undertook statutory engagement to inform an Aboriginal Cultural Heritage Assessment. On 27 November 2018, and in accordance with the ACHCRs, relevant parties were contacted by letter (emailed). Parties were provided with a statutory timeframe of 28 days for responses, however Urbis also welcomed responses after this closing date. In addition to party-specific letters, advertisements were placed in three separate local newspapers welcoming responses from the community. These were published on 30 November 2018 (The National Indigenous Time), 4 December 2018 (The South Sydney Herald) and 12 December 2018 (The Koori Mail). No responses were received over the 28-day timeframe.

In addition to the above consultation in accordance with the ACHCRs, Murawin Consulting have also prepared an Aboriginal Stakeholder Engagement Report. The purpose of this report is to provide an overarching guide to aid the interpretation and integration of Aboriginal cultural values, principles, perspectives and aspiration to future development of the subject area. It predominately relates to contemporary culture, though the report also touches on Aboriginal cultural heritage and history.

The report prepared by Murawin consulting complements the ongoing ACHCR process for this project.

To date, no information has been provided by any Aboriginal parties regarding the cultural heritage significance or values of the subject area. At the time of finalising this report, consultation had been completed to Stage 1 of the ACHCRs, with responses still expected from contacted parties.

Any information received from Aboriginal parties pertaining to the cultural heritage significance and values of the subject area will be incorporated into any future reporting, and consultation will be undertaken to the appropriate stage of the ACHCRs prior to any physical archaeological investigation occurring within the subject area. The cultural heritage significance and values of the subject area will therefore be revised if required in consultation with the Aboriginal community as part of future consultation stages.

10.2. SCIENTIFIC (ARCHAEOLOGICAL) SIGNIFICANCE

Scientific significance, also referred to as archaeological significance, is determined by assessing an Aboriginal heritage site or area according to archaeological criteria. The assessment of archaeological significance is used to develop appropriate heritage management and impact mitigation strategies. Criteria for archaeological significance have been developed in accordance with DPIE guidelines, as shown in Table 10, below.

Table 10 – Scientific (archaeological) significance criteria

Significance Criteria	Description
Research Potential	Does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
Representativeness	How much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
Rarity	Is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
Education Potential	Does the subject area contain teaching sites or sites that might have teaching potential?
Condition	What is the condition of the site? Does it appear to have been impacted/altered?

10.2.1. Assessment of Scientific (Archaeological) Significance

As no sites have been identified within the subject area, an assessment of scientific significance cannot be undertaken.

11. THE PROPOSED ACTIVITY

At this stage, no physical works are proposed within Waterloo South. Rather, the current assessment is intended to support a planning proposal to amend the underlying planning controls for the site.

Ultimately, the intent of this is to enable the redevelopment of the subject area. This development will be subject to future development applications seeking consent for physical works.

11.1. POTENTIAL IMPACT OF THE PROPOSED ACTIVITY

As described above, the proposed activity for Waterloo South is currently limited to the planning proposal and establishment and application of new planning controls across the subject area. As part of this component of the proposal, no physical impacts to Waterloo South are proposed. However, the ultimate intent of this is to enable the redevelopment of the subject area, which will result in subsurface impacts.

The eventual redevelopment of the subject area has the potential to result in a total impact to the potential archaeological resource on site, if present.

If present, archaeological material is predicted to occur in the less disturbed areas of the site, and in proximity to known resource areas, such as the Waterloo Swamp and Shea's Creek to the south/southwest of the Waterloo South Precinct. This is in accordance with the findings of the 2014 AHMS study.

Based on this, it is considered that the archaeological potential of the subject area requires further investigation in the form of archaeological test excavation in order to determine the presence or absence of archaeological material on site, as well as to investigate the nature and extent of any such material if found to be present.

Following the approval of the planning proposal and at the point of detailed design phase an Aboriginal Cultural Heritage Assessment should be undertaken in line with the requirements of the following guidelines:

- *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (DECCW 2010) (the Code of Practice);*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) (ACHA Guideline);*
- *Aboriginal Heritage Consultation Requirements for Proponents 2010 (DECCW 2010) (the Consultation Guidelines); and*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*

In the event that Aboriginal archaeological material is found within the subject area, it would make a relatively rare and highly significant contribution to the archaeological record. Preserved Aboriginal archaeological sites are relatively rare within the Sydney CBD and inner-city fringe areas, and within highly urbanised and developed contexts generally.

It is noted that the Aboriginal track discussed at Section 6.1.2 represented an intangible cultural element that is not considered to have the potential to have a physical presence. As such, an assessment of the potential for any physical evidence of this track to be present has not been considered as part of this assessment. This intangible cultural heritage element should be considered in any future Aboriginal Cultural Heritage Assessment for Waterloo South.

11.1.1. Potential Impacts to Identified Aboriginal Archaeological Sites

There are no known or identified Aboriginal archaeological sites located within the subject area. As such, there are currently no identified impacts to any known or previously identified Aboriginal archaeological sites.

11.1.2. Potential Impacts to Unidentified Aboriginal Archaeological Sites and/or Deposits

In the event that any as-yet unidentified Aboriginal archaeological sites or deposits are identified within the subject area during further archaeological investigations or works, they may potentially be directly impacted by future redevelopment.

Residual natural soil profiles are considered likely to be present beneath contemporary development in the less disturbed areas of the subject area and in proximity to resource sites known to have been utilised by Aboriginal people in the past (e.g. the Waterloo Swamps, Boxley's Lagoon, Shea's Creek). Such soil profiles, if present, have been assessed to have the potential to contain low-density Aboriginal cultural heritage deposits, potentially comprising stone artefacts and/or shell midden material.

It is considered that the archaeological potential of the site is limited to the area of identified archaeological potential shown in Figure 12; this is based on the proximity of this area in relation to known resource sites, as well as the extent of disturbance.

11.1.3. Summary

As stated above, physical works that may occur within the subject area in the future may have the potential to harm subsurface Aboriginal archaeological material, sites or deposits that may be present within the area of identified archaeological potential shown in Figure 12, above. This would result in a degree of harm and loss of value (the degree of which is yet to be determined, as no physical works are currently proposed), in the event that any such material/sites are present.

It is therefore considered that further investigation of the potential archaeological resource within the area of identified archaeological potential is warranted in the form of an Aboriginal Cultural Heritage Assessment.

12. CONCLUSION AND RECOMMENDATIONS

This Aboriginal Cultural Heritage Assessment has been prepared to support the Planning Proposal to amend the underlying planning controls for Waterloo South. The key is to renew the area and create a mixed-housing precinct (supported by a new Metro Station), whilst also acknowledging and celebrating the important heritage aspects of the site. The purpose of this assessment was to identify and describe the Aboriginal cultural heritage values that exist across the subject area that will be affected by the development and document these.

This ACHS concluded that:

- The southern part of the subject area has low to moderate potential for Aboriginal archaeological resources.
- The rest of the subject area has low to nil potential for Aboriginal archaeological resources.
- The consultation process has been concluded at Stage 1 and the assessment of Aboriginal cultural heritage values are incomplete at this stage.

Based on the results of the ACHS, the above conclusions and in anticipation of a development application for any future developments within the subject area, Urbis formulated the following recommendations.

- Further detailed investigation in the form of an Aboriginal Cultural Heritage Assessment (ACHA) should be undertaken in line with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) to assess the potential and significance of Aboriginal cultural heritage.
- As part of the ACHA process, and Archaeological Assessment should be carried out in line with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (DECCW, 2010) to inform the ACHA of the Aboriginal archaeological resources of the subject area and resources and to provide strategies to conserve, mitigate, avoid and manage those resources.
- As part of the ACHA process a comprehensive consultation procedure should be carried out in line with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010) to inform the ACHA of the cultural knowledge of the registered Aboriginal people.
- Should any impact be proposed to Aboriginal cultural heritage, including archaeological salvage excavation, an application for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the *National Park and Wildlife Act 1974* will be necessary to support the Development application under Part 4 of the *Environmental Planning and Assessment Act 1979*.

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- http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;search=place_name%3Dsirius%3Blatitude_1dir%3DS%3Blongitude_1dir%3DE%3Blongitude_2dir%3DE%3Blatitude_2dir%3DS%3Bin_region%3Dpart%3Bkeyword_PD%3D0%3Bkeyword_SS%3D0%3Bkeyword_PH%3D0;place_id=106312
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[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

DISCLAIMER

This report is dated 25 March 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of NSW Land and Housing Corporation (**Instructing Party**) for the purpose of a Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A CONSULTATION LETTERS



**TOWER 2, LEVEL 23
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SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

27th November 2018

City of Sydney Council
Town Hall House
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SYDNEY, NSW 2000
council@cityofsydney.nsw.gov.au

WATERLOO STATE SIGNIFICANT PRECINCT (SSP) – ABORIGINAL CULTURAL HERITAGE STUDY AND CONSULTATION

Since early 2016, NSW Land and Housing Corporation (LAHC) and UrbanGrowth NSW Development Corporation have been undertaking community consultation and technical studies to inform the development of a master plan for both the redevelopment of the Waterloo social housing estate and the Metro Quarter (the development above the station). This work is in line with State Significant Precinct (SSP) requirements issued by the Department of Planning and Environment (DPE) in May 2017 following the nomination of Waterloo as an SSP. The full set of study requirements can be found on DPE's website.

This letter is to inform you that UrbanGrowth NSW Development Corporation has appointed Urbis to undertake consultation with the Aboriginal community as part of the Aboriginal Cultural Heritage Study with regard to the Waterloo SSP redevelopment area located in Waterloo, NSW.

Urbis has undertaken early research to identify any Aboriginal objects or places within the SSP redevelopment area. Initial studies prepared for the Central to Eveleigh Corridor and Sydney Metro planning have been used to inform this process.

The final studies will inform the listing of the area as a State Significant Precinct, and establish and apply new planning controls across the precinct. It is not intended for any physical works to be carried out at this stage of the master planning process.

Consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents* (2010) is therefore required for this project.

In order to facilitate positive Aboriginal cultural heritage outcomes and to ensure that we are in line with this, could you please provide Urbis with a list of all known Aboriginal people who would be interested in being consulted on this project. Specifically, those who hold knowledge relevant to understanding the cultural significance of Aboriginal objects and places in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Potential stakeholders are invited to register their interest in the project with Urbis directly by phone, email, or post on the below contact details. Phone: 1800 244 863 E-mail: engagement@urbis.com.au. **Please respond to this letter within 14 days.**

Kind Regards,

A handwritten signature in black ink, appearing to read "Dianne Knott".

Dianne Knott
Director, Engagement

APPENDIX B RELEVANT CATCHMENT MANAGEMENT AUTHORITIES (NSW HERITAGE DIVISION)



Office of
Environment
& Heritage

Our reference: Doc18/940296

Dianne Knott
Director, Engagement
URBIS

Dear Dianne,

Thank you for your letter dated 27th November 2018 to the Office of Environment and Heritage (OEH) regarding obtaining a list of the Aboriginal stakeholders that may have an interest in the proposed development for the Waterloo social housing estate and Metro Quarter, Waterloo, NSW.

Please find attached the list of Aboriginal stakeholders known to OEH that may have an interest in the project.

As the Department of Planning and Environment is the approval authority for this project, the consultation process should be in accordance with the relevant guidelines as stipulated by the Department of Planning and Environment.

If you wish to discuss any of the above matter further please email gs.ach@environment.nsw.gov.au.

Yours sincerely

S. Harrison 07/12/18

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Communities and Greater Sydney Division



27th November 2018

Department of Environment,
Climate Change and Water
Level 6, 10 Valentine Ave,
PARRAMATTA NSW 2150
info@environment.nsw.gov.au

WATERLOO STATE SIGNIFICANT PRECINCT (SSP) – ABORIGINAL CULTURAL HERITAGE STUDY AND CONSULTATION

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In order to facilitate positive Aboriginal cultural heritage outcomes and to ensure that we are in line with this, could you please provide Urbis with a list of all known Aboriginal people who would be interested in being consulted on this project. Specifically, those who hold knowledge relevant to understanding the cultural significance of Aboriginal objects and places in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

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Kind Regards,

A handwritten signature in black ink, appearing to read "Dianne Knott".

Dianne Knott
Director, Engagement

Appendix B

Summary of the consultation process

Stage 1

Notification of project proposal and registration of interest

Proponents must compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places from reasonable sources of information, which include writing to:

- the relevant DECCW EPRG regional office
- the relevant Local Aboriginal Land Council(s) (LALC)
- the Registrar, *Aboriginal Land Rights Act*
- the National Native Title Tribunal
- Native Title Services Corporation (NTSCorp)
- relevant local council(s)
- relevant catchment management authorities.

Proponent writes to the Aboriginal people whose names were provided by organisations a to g and LALC(s) to notify them of the proposed project and opportunity to be involved in consultation and places notification in the local newspaper.

The notification by letter and in the newspaper must include:

- the name and contact details of the proponent
- a brief overview of the proposed project that may be the subject of an application for an AHP, including the location of the proposed project
- a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in preparing an application for an AHP and to assist the Director General of DECCW in his or her consideration and determination of the application
- an invitation for Aboriginal people who hold knowledge relevant to determining the cultural significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity
- a closing date for the registration of interests.

Aboriginal people have a minimum of 14 days after the letter was sent or the notice was published in the newspaper to register an interest.

Proponent records names of Aboriginal people who have registered an interest in being involved in consultation – the 'registered Aboriginal parties'.

Stage 2

Presentation of information about the proposed project

Proponent presents and/or provides proposed project information to registered Aboriginal parties.

Proponent may create an opportunity for registered Aboriginal parties to visit the proposed project site.

Proponent records or documents that information on the proposed project has been presented. This record or documentation should include any agreed outcomes and/or contentious issues that may require further discussion (where applicable).

Proponent should provide a copy of this record or documentation to registered Aboriginal parties.

Proponent provides a copy of the notification and record of the registered Aboriginal parties to DECCW and relevant LALC within 28 days of the closing date for registering an interest.

Stage 3

Gathering information about cultural significance

Proponent presents and/or provides the proposed methodology(s) for the cultural heritage assessment to the registered Aboriginal parties for comment.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the methodology(s) to provide written or oral comment.

Proponent considers input provided by registered Aboriginal parties and finalises methodology for implementation. Proponent documents how the input has been considered.

Proponent seeks information from registered Aboriginal parties to identify:

- whether there are any Aboriginal objects of cultural value
- whether there are places of cultural value (whether or not they are Aboriginal places declared under Section 84 of the NPW Act).

Proponent seeks input from registered Aboriginal parties on potential management options.

Proponent prepares draft cultural heritage assessment report and provides it to the registered Aboriginal parties for review and comment.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the draft report to review and provide written or oral comment.

Stage 4

Review of draft cultural heritage assessment report

Proponent provides/makes available the final cultural heritage assessment report and AHP application to the registered Aboriginal parties and relevant LALCs within 14 days of an AHP application being made to DECCW.

Proponent finalises cultural heritage assessment report. The final report is submitted to DECCW for consideration with the proponent's AHP application.

LIST OF ABORIGINAL STAKEHOLDERS FOR THE GREATER SYDNEY BRANCH HELD BY OEH FOR THE PURPOSES OF THE ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

These lists are provided to proponents in accordance with section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the "Consultation Requirements") which commenced on 12 April 2010.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

A copy of the Consultation Requirements can be found on the OEH website at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>.

Under the Consultation Requirements; a proponent is required to provide Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

- Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:*
- *continue to maintain a deep respect for their ancestral belief system, traditional lore and custom*
 - *recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country*
 - *have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.*

Please note: the placement of an organisation's name on any OEH Aboriginal stakeholder list for the Consultation Requirements does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 80C of the National Parks and Wildlife Regulation 2009.

How to use this list

1. Determine which Local Government Areas (LGAs) your project area falls into
2. Identify which organisations and individuals on the list have an interest in the LGAs relevant to your project – identified in column 6 of the list
3. Contact the organisations/individuals who have indicated an interest in the relevant LGAs and invite them to register an interest in your project

Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.

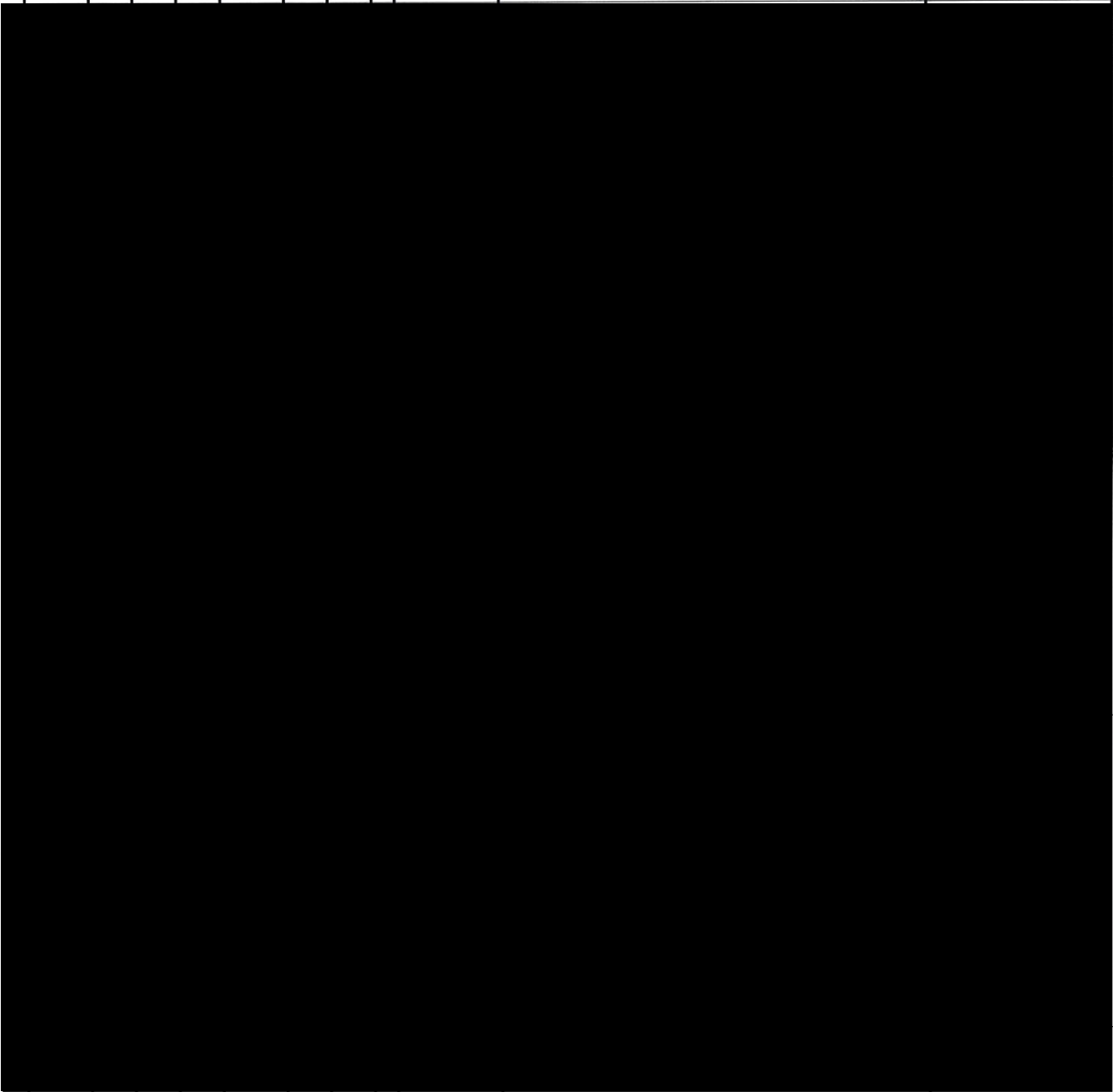
PLEASE NOTE: THE STAKEHOLDER LIST HAS NOT BEEN UPDATED TO INCLUDE THE RECENT

COUNCIL MERGERS AND NAME CHANGES. PLEASE CONSIDER THE PRE-MERGER COUNCIL

BOUNDARIES WHEN DETERMINING WHO SHOULD BE INVITED TO REGISTER FOR YOUR

PROJECT.

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Deerubbin Local Aboriginal Land Council	Kevin Cavanagh					
Tharawal Local Aboriginal Land Council	Rebecca Ede (CEO)					
Metropolitan Local Aboriginal Land Council	Nathan Moran					
Gandangara Local Aboriginal Land Council	Not provided					
La Perouse Local Aboriginal Land Council	Chris Ingrey					
Parramatta City Council Aboriginal Advisory Committee	Parramatta City Council					
Holroyd City Council Advisory Committee	Holroyd City Council					
Darug Custodian Aboriginal Corporation	Justine Coplin					
Darug Tribal Aboriginal Corporation	Not provided					
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
						
Darug Land Observations	Jamie Workman and Anna Workman					
Des Dyer						
Ken Foster						
La Perouse Botany Bay Corporation	Yvonne Simms					
Norma Simms						
Matthew and Andrew Coe						
Gundungurra Aboriginal Heritage Association Inc	Merl Williams					
Gundungurra Tribal Council Aboriginal Corporation	Sharon Brown					
Trevor Robinson						
Tania Matthews						

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information	
A1 Indigenous Services	Carolyn Hickey						is Wonnarua
Cubbitch Barta	Glenda Chalker						
	Rebecca Chalker						
Eric Keidge							

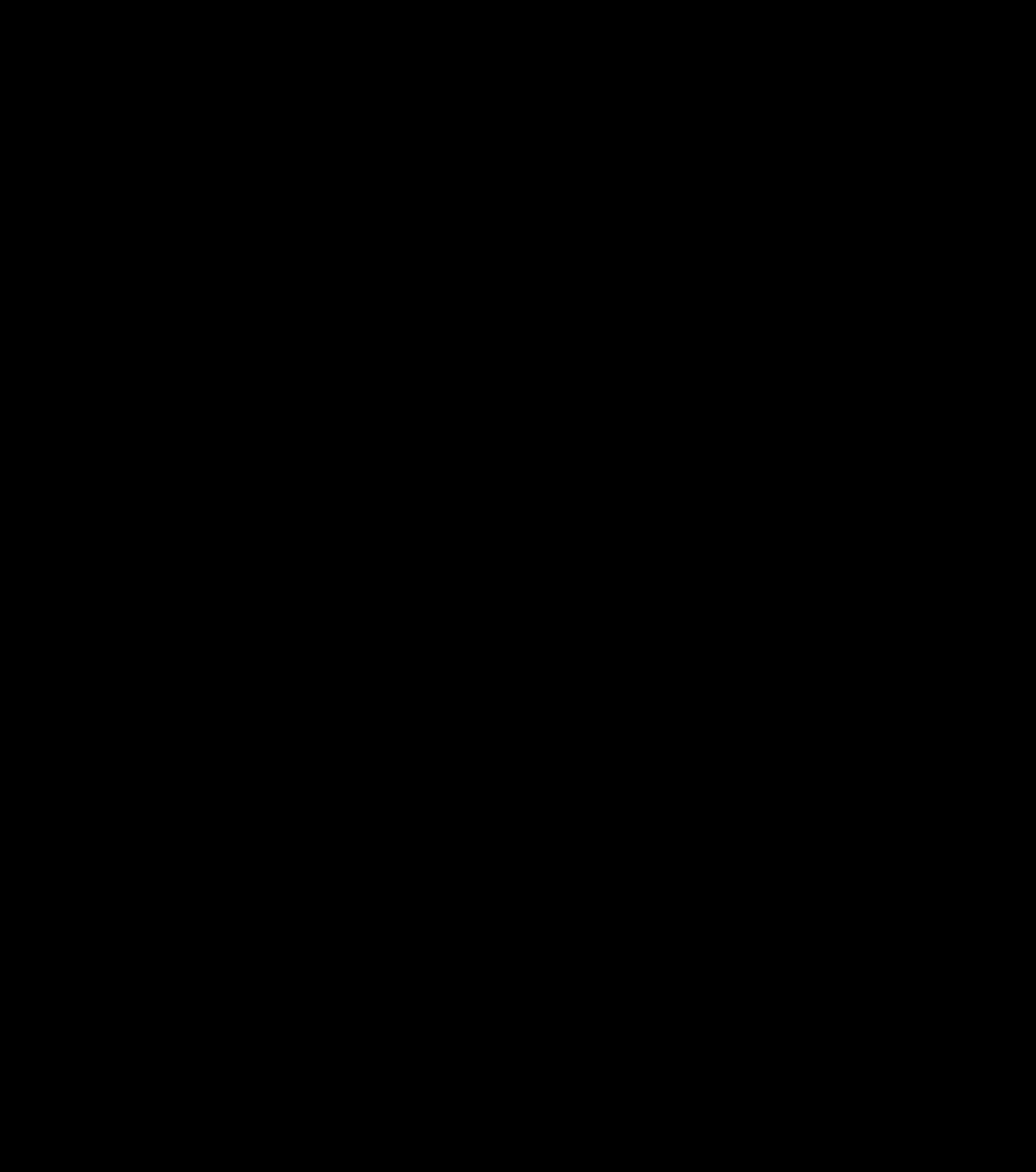
Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Gunjeewong Cultural Heritage Aboriginal Corporation	Cherie Carroll Turrise					
	Contact details have changed as the above contact details have been hacked as of January 2018					
Merrigam Indigenous Corporation	Shaun Carroll					
Corroboree Aboriginal Corporation	Steve Johnson					
Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson					
Muragadi Heritage Indigenous Corporation	Jesse Johnson					
Bidjawang Aboriginal Corporation	James Carroll					
Phil Kahn						
Wurrumay Consultancy	Kerrie Slater					
Warraaji Cultural Services	Aaron Slater (Manager)					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Kawui Cultural Services	Vicky Slater (Manager)					
Tocomwall	Scott Franks					
D'harawal Mens Aboriginal Corporation	Elwyn Brown					
Amanda Hickey Cultural Services	Amanda Hickey					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Widescope Indigenous Group	Steven Hickey and Donna Hickey	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
HSB Consultants	Patricia Hampton					
Rane Consulting	Tony Williams					
Anthony Williams						
Dhinawan-Dhigaraa Culture & Heritage Pty Ltd	Ricky Fields					
	Athol Smith					
Gunyyuu	Kylie Ann Bell					
Walbunja	Hika Te Kowhai					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Badu	Karla Lea Bond					
Goobah Developments	Basil Smith					
Wulling	Lee-Roy James Boota					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Yerramurra	Robert Parson					
Nundagurri	Newton Carriage					
Murrumbul	Mark Henry					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Jerrigong	Joanne Anne Stewart					
Pemulwuy CHTS	Pemulwuy Johnson					
Bilinga	Simalene Carriage					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Munyunga	Kaya Dawn Bell					
Wingikara	Hayley Bell					
Minnamunung	Aaron Broad					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Waigalu	Ronald Stewart					
Thauaitra	Shane Carriage					
Dharug	Andrew Bond					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Bilinga Cultural Heritage Technical Services	Robert Brown					
Guruyuu Cultural Heritage Technical Services	Darlene Hoskins- McKenzie					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Munyunga Cultural Heritage Technical Services	Suzannah McKenzie					
Murrumbul Cultural Heritage Technical Services	Levi McKenzie- Kirkbright					
Wingikara Cultural Heritage Technical Services	Wandai Kirkbright					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Gulaga	Wendy Smith					
Biamanga	Seli Storer					
Callendulla	Corey Smith					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Murramarang	Roxanne Smith					
DJMD Consultancy	Darren Duncan					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional Information
Buttacarbin Aboriginal Corporation	Jennifer Beale					
Didge Ngunawal Clan	Lillie Carroll Paul Boyd					
Ginninderra Aboriginal Corporation	Steven Johnson and Kystie Carroll					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Garrara Aboriginal Corporation	Raymond Ingrey					
Nerrigundah	Newton Carriage					
Duncan Falk Consultancy	Duncan Falk					
Sharon Hodgetts						
Wailwan Aboriginal Group	Philip Boney					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Guntawang Aboriginal Resources Incorporated	Wendy Morgan					
Barking Owl Aboriginal Corporation	Mrs Jody Kulakowski (Director)					
Yulay Cultural Services	Arika Jalomaki (Manager)					
Thoooga Nura	John Carriage (Chief Executive Officer)					

Holroyd

Sydney

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information
Barraby Cultural Services	Lee Field (Manager)					
Yurrandaali Cultural Services	Bo Field (Manager)					
Darug Boorooberongal Elders Aboriginal Corporation	Gordon Workman					
B.W Consultants	Ralph Hampton Nola Hampton					

Organisation/ Individual	Contact Name	Phone Number	Email Address/ Fax	Postal Address	LGA's	Additional information

Appendix B

Summary of the consultation process

Stage 1

Notification of project proposal and registration of interest

Proponents must compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places from reasonable sources of information, which include writing to:

- the relevant DECCW EPRG regional office
- the relevant Local Aboriginal Land Council(s) (LALC)
- the Registrar, *Aboriginal Land Rights Act*
- the National Native Title Tribunal
- Native Title Services Corporation (NTSCorp)
- relevant local council(s)
- relevant catchment management authorities.

The notification by letter and in the newspaper must include:

- the name and contact details of the proponent
- a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project
- a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in preparing an application for an AHIP and to assist the Director General of DECCW in his or her consideration and determination of the application
- an invitation for Aboriginal people who hold knowledge relevant to determining the cultural significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity
- a closing date for the registration of interests.

Proponent writes to the Aboriginal people whose names were provided by organisations a to g and LALC(s) to notify them of the proposed project and opportunity to be involved in consultation and places notification in the local newspaper.

Proponent records names of Aboriginal people who have registered an interest in being involved in consultation – the 'registered Aboriginal parties'.

Aboriginal people have a minimum of 14 days after the letter was sent or the notice was published in the newspaper to register an interest.

Stage 2

Presentation of information about the proposed project

Proponent presents and/or provides proposed project information to registered Aboriginal parties.

Proponent may create an opportunity for registered Aboriginal parties to visit the proposed project site.

Proponent provides a copy of the notification and record of the registered Aboriginal parties to DECCW and relevant LALC within 28 days of the closing date for registering an interest.

Proponent should provide a copy of this record or documentation to registered Aboriginal parties.

Stage 3

Gathering information about cultural significance

Proponent presents and/or provides the proposed methodology(s) for the cultural heritage assessment to the registered Aboriginal parties for comment.

Proponent considers input provided by registered Aboriginal parties and finalises methodology for implementation. Proponent documents how the input has been considered.

Proponent seeks information from registered Aboriginal parties to identify:

- whether there are any Aboriginal objects of cultural value
- whether there are places of cultural value (whether or not they are Aboriginal places declared under Section 84 of the NPW Act).

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the methodology(s) to provide written or oral comment.

Proponent seeks input from registered Aboriginal parties on potential management options.

Stage 4

Review of draft cultural heritage assessment report

Proponent prepares draft cultural heritage assessment report and provides it to the registered Aboriginal parties for review and comment.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the draft report to review and provide written or oral comment.

Proponent provides/makes available the final cultural heritage assessment report and AHIP application to the registered Aboriginal parties and relevant LALCs within 14 days of an AHIP application being made to DECCW.

Proponent finalises cultural heritage assessment report. The final report is submitted to DECCW for consideration with the proponent's AHIP application.

APPENDIX C

NEWSPAPER ADVERTISEMENT



UrbanGrowth NSW Development Corporation has appointed Urbis to undertake consultation with the Aboriginal community with regard to the Waterloo State Significant Precinct (SSP) study area located in Waterloo, NSW.

Consultation in accordance with the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents (2010) is required for this project as outlined in the State Significant Precinct requirements issued by the Department of Planning and Environment in May 2017.

Urbis would like to hear from local Aboriginal people who would be interested in being consulted on this project. Specifically, those who hold knowledge relevant to understanding the cultural significance of Aboriginal objects and places in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents (2010)* is therefore required for this project.

Aboriginal people who wish to be consulted for this assessment are invited to register an expression of interest by **Friday 28 December 2018** by phone (1800 244 863 e-mail (engament@urbis.com.au) or by post (attn: Urbis Engagement, Lvl 23, Darling Park Tower 2, 201 Sussex Street, Sydney NSW 2000).

APPENDIX D EXTENSIVE AHIMS SEARCH RESULTS

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-2597	Wynyrd St Midden	ACD	56	333469	6247920	Open site	Valid	Shell : -, Artefact : -	Midden	102494,10276 3,102765
45-6-2680	<u>Contact</u> Broadway Picture Theatre PAD 1	<u>Recorders</u> Mr.D Coe		56	333150	6249000	Open site	Valid	Potential Archaeological Deposit (PAD) : -	102142,10249 4,102763,1027 65
		<u>Recorders</u> Jim Wheeler		56	332680	6248680	Open site	Valid	Aboriginal Resource and Gathering : 1	102494,10276 3,102765
		<u>Recorders</u> Bill Lord		56	332750	6248550	Open site	Valid	Artefact : -	100302,10249 4,102763,1027 65
45-6-2822	<u>Contact</u> T Russell	ACD	56	332750	6248550	Open site	Valid	Artefact : -		
45-6-3654	<u>Contact</u> CRS AS 01 (Central Railway Station Artefact scatter 01)	<u>Recorders</u> Jo McDonald Cultural Heritage Management see GML		56	334055	6249146	Open site	Valid	Artefact : -	2554
		<u>Recorders</u> Artefact - Cultural Heritage Management ,Ms ennifer Norfolk		56	334055	6249146	Open site	Valid	Artefact : -	2554

Report generated by AHIMS Web Service on 04/02/2020 for Meggan Walker for the following area at Lat, Long From : -33.901, 151.1983 - Lat, Long To : -33.8947, 151.2069 with a Buffer of 1000 meters. Additional Info : add. Number of Aboriginal sites and Aboriginal objects found is 5

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

APPENDIX E MURAWIN ABORIGINAL STAKEHOLDER ENGAGEMENT REPORT

Waterloo State Significant Precinct Study

Aboriginal Stakeholder Engagement Report

February 2019

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1 Acknowledgement

I acknowledge Country and pay my respects to the Gadigal people as the Traditional Owners of the land in which the Waterloo State Significant Precinct (SSP) is situated. I recognise their continued connection to Country and that this connection can be seen through stories of place and cultural practices such as art, songs, dances, storytelling and caring for the natural and cultural landscape of the area. I acknowledge all the people who contributed to this report by sharing their knowledge of the broader Eora nation and the links of their stories to Waterloo. In writing this report I have gathered those stories into themes for re-telling and provide these key messages as part of this report.

2 Introduction

Gadigal, one of the 29 known Aboriginal clans of the Eora nation. Gadi territory ran from Burrawara (South Head) through to Warrane (Sydney Cove) and possibly to Blackwattle Creek along the southern shores of Sydney Harbour. It also included the wetlands and sand dunes now known as Redfern, Erskineville, Surry Hills, Paddington and Zetland and extended down to the valleys of the Cooks River. The name Cadi is believed to be the name of the grass trees that covered the area.¹

The 'Eora people' was the name given to the coastal Aboriginal people around Sydney. The word Eora simply means 'here' or 'from this place'. Local Aboriginal people used the word to describe to the British where they came from and so the word was then used to define the Aboriginal people themselves. The name Eora is proudly used today by the descendants of those very same people. Central Sydney is therefore often referred to as 'Eora Country'.²

In relation to this project, there have already been significant consultations undertaken with the local Aboriginal community to ensure that their perspectives and values are captured in different elements of the Waterloo SSP project. Even though there have been numerous consultations undertaken, there continues to be gaps in Aboriginal cultural knowledge and stories that can be drawn on to support the design and redevelopment occurring on the site, if we specifically refer to the locality of Waterloo. Which is a view contrary to Aboriginal cultural practices, as they did not stay in the one location but moved cross their traditional lands.

As part of the research for this report, targeted consultations were undertaken with Aboriginal people who have professional, cultural and/or personal connection to Waterloo. These stories are aimed at gaining a deeper understanding of cultural places of importance.

One of the key findings of the project is that the Waterloo story is a collective story, one that encompasses the neighbouring suburbs such as Redfern, Erskineville, Green Square, Mascot, Surry Hills, Zetland, Botany and of course Circular Quay. The issues raised by stakeholders whether it was in the historical, cultural or social, throughout the consultations the reference to Waterloo was articulated in this broader context. More specifically Waterloo/Redfern is in large part a recent historical and contemporary story. Both suburbs are generally considered a combined entity, and the epicentre of the Aboriginal rights struggle in Australia. The community has carried out a courageous, ongoing campaign for self-determination, recognition, and to address the devastating legacy of dispossession and dispersal Aboriginal people have faced. Pivotal and historic political battles have been waged and won from Waterloo/ Redfern. The community has a resilience and strength of purpose forged in the process that has much to offer the future Waterloo.

¹ <http://theoperahouseproject.com/#!/transcripts/Cathy-Craigie-essay>

² Heiss, A. & Gibson, M., Barani, Sydney's Aboriginal History, City of Sydney Council

3 Executive Summary

The local Gadigal / Aboriginal story is the founding sense-of-place narrative of this site and provides the context for appreciating the layers of Aboriginal history before and since colonial contact. The echo of the physical, spiritual and social landscape of pre-European Gadigal culture lives on in the strong belonging story of all those Aboriginal people who have more recently called the place home or been connected with it.

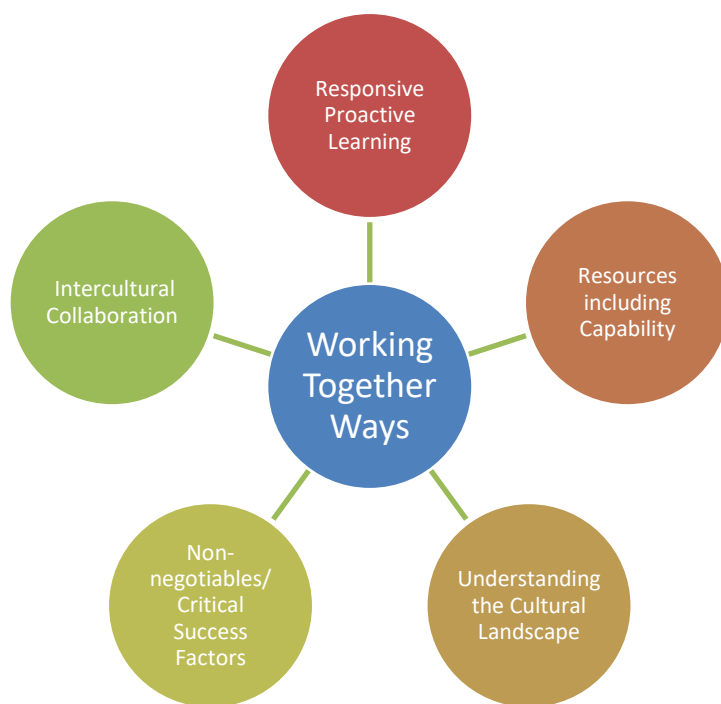
This report provides an overarching guide to aid the interpretation and integration of Aboriginal cultural values, principles, perspectives and aspiration to future development of the Waterloo State Significant Precinct. The redevelopment has the potential to foster cultural practice, social justice, inclusion, economic participation and retention and return of Aboriginal families to Waterloo, within an innovative, sustainable and culturally safe frame, that engenders respect, integrity and dignity.

This report includes advice on Aboriginal commentary from key stakeholders and other reports that draw on historical records, with the purpose of articulating the Aboriginal story of Waterloo. The report consists of Aboriginal cultural values and principles relating to design, placemaking and community engagement and how to incorporate these factors in a holistic way which aligns with Aboriginal thinking.

4 Methodology

The development of Murawin's Indigenous Engagement Framework is presented as a practical guide to assist with navigating the complexity of Indigenous Australian communities and draws on the experiences, aspirations and responsibilities that the author of this report when working with Indigenous stakeholders.

The framework can be drawn on to grow cultural competency of staff in working with Indigenous Australians. The framework has a range of prompts to stimulate thinking about critical success factors relevant to Aboriginal and Torres Strait Islander people's lives. The key aspect surrounding the framework is the concept of ongoing learning that seeks to improve outcomes for Indigenous Australians.



5 Stories of Place

5.1 Cultural complexity

Waterloo is located in the traditional homelands of the Gadigal people of the greater Eora Nation. Their lands and people were amongst the first of Indigenous Australia to experience the devastating impacts of colonisation and bore the brunt of European settlement.

The story of Waterloo is complex, in the context of the Aboriginal story, it is one of traditional Cadigal people being devastatingly impacted by colonisation, it is one of significant social housing history from the slum era to the current estate, challenging social issues, it's also a story of industrialism and people moving from the country areas for education and employment.

Throughout all of these stories, we heard of stories of individual and community resilience and how cultural identity has played a key role in overcoming issues such as racism and discrimination. The stories shared by stakeholders as part of this project further corroborates the existing reports that speaks of similar stories. The complexity lies in the fact that on one hand, the Waterloo/Redfern community is home to many disadvantaged Aboriginal families and on the hand it is home to a strong resilient community that continually strives for self-determination and empowerment.

In relation to the issue of who has the cultural authority to speak in relation to the Waterloo area, there are a number of factors to consider when working with the local Aboriginal community:

- Primarily, and most importantly, amongst the documents read and conversations had, there is agreement that the Waterloo area is situated on the ancestral homelands of the Gadigal people;
- Always facilitating opportunities for input from across the Aboriginal community;
- Building a relationship with the Metropolitan Local Aboriginal Land Council is important as they are one of the key community organisations in the local area and this is also an approach that is supported by the NSW Office of Aboriginal Affairs.

"Eora: Mapping Aboriginal Sydney 1770–1850, which draws on material researched by historian Keith Vincent Smith from the archival and historical collection of letters, maps, prints, books and drawings

contained in the State Library and compiled by Aboriginal researchers provides insight into the early stories of Aboriginal communities and families after contact, an account that runs contrary to the notion that colonisation completely displaced Aboriginal people.

This material when combined with other academic works produced by the likes of Indigenous linguist Dr Jakelin Troy and stories shared by Aboriginal stakeholders engaged through this project provide a rich tapestry of stories for Urban Growth to draw on in navigating the complexity of Aboriginal communities and showing leadership in ensuring Aboriginal perspectives are captured in all aspects of development.

5.2 Understanding relevance of the Cultural Landscape

An Aboriginal cultural landscape is ‘a place or area valued by an Aboriginal group (or groups) because of their long and complex relationship with that land. It expresses their unity with the natural and spiritual environment. It embodies their traditional knowledge of spirits, places, land uses, and ecology. Cultural landscapes comprise ongoing interrelationships between past and present histories and cultures and they importantly preserve cultural values. When Aboriginal people speak of cultural landscapes, this is generally inclusive of the footprint of their traditional homeland boundaries whilst also recognising that there are connections to neighbouring clan group lands and waters.

In relation to the Gadigal and their cultural landscape and the geographical boundaries of their place, it is still unclear, and all we have been able to determine as part of this project, the following information is provided from the *Eora Mapping Aboriginal Sydney* project:

“United by common language, strong ties of kinship, and a rich saltwater economy, the Aboriginal inhabitants of the Eora nation survived as skilled hunter-fisher gatherers in family groups or clans scattered along the coast. They identified themselves as Eora (pronounced ‘yura’), meaning simply ‘the people’, a word derived from Ee (yes) and Ora (here, or this place), revealing their deep connection to the land. Their territory spread from the Georges River and Botany Bay in the south to Port Jackson (Sydney Harbour), north to Pittwater at the mouth of the Hawkesbury River and west along the river to Parramatta. It was an environment of bushland, sandstone cliffs and ridges, bays and coves, sandy ocean beaches, rocky headlands, mangrove swamps, creeks and tidal lagoons.”

5.3 Connection to Country

Since time immemorial Aboriginal people have managed, cultivated and cared for the landscape where Waterloo stands. It is part of a broader cultural landscape and Aboriginal people hold knowledge, understanding, obligation and custodianship of this landscape, often expressed as Connection to Country. Country is multi-dimensional, consisting of people, animals and plants, reaching into the sky, covering all the land and sea, and extending underground.

Connection to Country is deeply personal and familial, connecting Aboriginal people to everything, and to each other in unity. Expressed through stories, song, dance, hunting, fishing and gathering, as well as traditional Aboriginal Welcome to Country protocols, Connection to Country is embedded and alive in the many layers and history of the Waterloo area.

5.4 Aboriginal Design Principles

The Design Institute of Australia has the Australian Indigenous Design Charter which consists of a Communication Design Protocol that has 10 key points to guide practitioners for supporting the inclusion of Indigenous knowledge into their practice.

The Charter recommends that when working on projects involving the representation of Aboriginal and Torres Strait Islander culture communication designers and buyers of design (non-Indigenous and Indigenous) are expected to adhere to the following ten points:

1. **Indigenous led.** Ensure Indigenous representation creation in design practice is Indigenous led
2. **Self-determined.** Respect for the rights of Indigenous peoples to oversee representation creation of their culture in design practice
3. **Community specific.** Ensure respect for the diversity of Aboriginal and Torres Strait Islander culture by following community specific cultural protocols
4. **Deep listening.** Ensure respectful, culturally specific, personal engagement behaviors for effective communication and courteous interaction are practiced
5. **Impact of design.** Always consider the reception and implications of all designs so that they are respectful to Indigenous culture
6. **Indigenous knowledge.** Respectfully ask the client if there is an aspect to the project, in relation to any design brief, that may be improved with Indigenous knowledge
7. **Shared knowledge** (collaboration, co-creation, procurement). Develop and implement respectful methods for all levels of engagement and sharing of Indigenous knowledge (collaboration, co-creation, procurement)
8. **Legal and moral.** Demonstrate respect and honour cultural ownership and intellectual property rights, including moral rights, and obtain appropriate permissions where required
9. **Reconciliation Action Plan (RAP).** Develop a RAP incorporating the AIDC:CD and
10. **Charter implementation.** Ensure the implementation of the AIDC:CD to safeguard Indigenous design integrity.

The following points are an overview of points that came out of consultations with Aboriginal stakeholders of how Aboriginal concepts and cultural beliefs can be captured in design.

- Storylines and Songlines cover all of Australia land, skies and below the surface. Draw on these cultural lines as design narratives. Design ideas should seek to understand and explore relationships with the concept of Country both past and present and the relevant past, deeper and diverse layers of history and connections to place;
- Women and Mens business cultural practices and responsibilities such as fishing, gathering bushtucker, making of weapons for hunting, art, song, dances and languages, placement of particular groupings in the camping ground or around the Corroboree ring;
- Creative process that respects ceremony as a significant aspect of place;
- Grounded in the concept of interdependence and the connection to the natural and the built environment are connected and need to be viewed holistically;
- Commitment to relational ways of being, doing and knowing;
- Demonstrating culturally relevant design ie naming of places, Indigenous languages and contributions of Aboriginal peoples to the area through public spaces with ceremonial significance that are also open to the broader public use, and through interpretive, educational and artistic elements;
- Connection to Country and factors such as healing,
- Fostering a sense of belonging and community where Aboriginal people can see themselves and feel they belong
- Embrace an inter-generational and trans-generational thinking – looking forward and looking back, while being rooted in the present generation. Building on this perspective enables design work to be an expression of our current time, learning from history and those who came before us while taking into account the generations to come.

5.5 Placemaking

The growing Indigenous voice in placemaking is being expressed by weaving natural forms and Aboriginal cultural identity into the built environments. These voices are deliberately attempting to express and explore alternative worldviews, but also to progress reconciliation, healing and economic empowerment. Urban design, public art and the architecture of buildings that are done in collaboration with Aboriginal people provides an opportunity for inserting new perspectives into the planning and building processes.

5.6 Places of significance

The Waterloo SSP area is a fairly small area, therefore in relation to obtaining information of places of cultural and historical significance we've had to look to the neighbouring communities which have connection to Waterloo. As discussed previously on this report, highlighting historical and cultural places of significance in the built environment is an important consideration in the planning process.

The following information is taken from previous reports undertaken.

Traditional information of cultural significance

- The importance of the wetlands and water to the Gadigal
- The Gadigal are saltwater / freshwater people using the different waters as they moved across their traditional lands. They did not have permanent shelters but moved regularly within their tribal boundaries. They followed seasonal patterns of animal migration and plant availability. This way they didn't overuse any one, food source from the land. Tu-bow-gule (Bennelong Point) was a favourite place for fishing and harvesting food. At the northern most tip the point was a rocky tidal isle (Bruang) with a small beach on its western side. There was a white clay quarry from which ceremonial body ochre was obtained. The isle was also popular with women and children collecting oysters and other seafood. Fishing and food gathering provided an opportunity for adults to pass on knowledge and stories to children. It was also a chance to teach them about the harbour, Middens provided opportunities for learning with each layer of the midden recorded the most recently harvested food and from this, the next fisherman could check to make sure they did not harvest the same seafood. This ensured the preservation and sustainability of the seafood. Today, in the Harbour there are very few seashells. When the new settlers arrived, they used the build-up in the middens to make lime for mortar to use on early buildings.³
- Botany Road as a traditional route for the Gadigal
- Burial site at Central
 - o *The land in the vicinity of the Macquarie Lighthouse was a sacred site used for burial of the dead. It was here where their elderly dead were cremated and their younger dead placed in grass-lined graves and covered with soil. Believing that the spirits of the dead roamed the burial grounds, these sites were kept well away from where they lived, hence this burial ground's isolated location.*⁴
- The environment would have not only provided plentiful food sources but provided a secure and plentiful habitat for the extensive wildlife in the area. The National Parks and Wildlife Service has published a list of animals believed to be present in the area
- Waterloo area pre-1788, which was originally published in 'Histories of Green Square Including that the extensive sand dune wetlands of the area also provided a haven for native bird species.
- Access to fish and shell-fish resources are likely to have provided a relatively predictable and concentrated range of dietary resources. Swampy areas had animals such as waterfowl and terrestrial mammals such as macropods may have been sought.

³ <http://theoperahouseproject.com/#!/transcripts/Cathy-Craigie-essay>

⁴ <http://visitsydneyaustralia.com.au/heritage-aboriginal-clans.html>

- The Cadigal were not tall, but stocky and very strong. They wore fur coats made from possum skins in winter, but discarded them in summer, to wear only their belts and weapons. The women wore kangaroo skins in winter, and carried over-the-shoulder bags containing flint stones to make fires and paperbark for holding water.⁵

Contemporary places of significance

These places of significance would be of relevance to broader Gadigal story but certainly people living in the Waterloo area visited these places. The history, connection and values associated with these places could be further explored led by further appropriate consultation with the community. Some examples of these places that hold importance are outlined below:

- Duke of Wellington Hotel (George Street, Waterloo) which then is connected through stories to other hotels including the Clifton, Empress, and Cricketer Arms – all of these places were where Aboriginal people socialized and were often places where those from the country areas would meet up with other family members.
- World Square – Red Hill Brick pit (location or more information?)
- Darlington School, (near Newtown and now a University of Sydney swimming pool), where we had our dances
- Hidden sites below existing buildings and current urban development. Underground places of significance include the Tank Stream and the connection to the area
- Phoenician Club, Broadway
- Railway tunnels – white pipe clay will be found. Used to swim in railway tunnels
- Victoria Park lake was originally larger, swampland
- Palms Milk Bar, first time Aboriginal people got to experience a Milk Bar and have hamburgers
- Walking to Mascot to a place called the Sixties (60s)
- Australia Hall in Elizabeth Street, Airforce Hall at Redfern, the Railway Institute and the Redfern and Darlington town halls were all meeting places for socialising and political meetings.

5.7 Flora and Fauna of significance

All of these points relating to flora and fauna have been tested with Aboriginal stakeholders consulted.

- Gadigal Flora and Fauna - Tall Spike Rush and the Jointed Twig Rush
- Used to be able to get ducks and birds in swamps
- People used to come to Redfern and look out over lakes
- Connection to Mt Carmel. Those consulted spoke of Mt Carmel being a high place and therefore would've had been typically used as a place for viewing over the landscape or a campsite
 - o *North of Angel Place where the Tank Stream originally discharged into Sydney Harbour (near Bridge Street and Circular Quay), access to fish and shell-fish resources are likely to have provided a relatively predictable and concentrated range of dietary resources. South of the site, within the swampy margins of Hyde Park (where the Tank Stream originated), waterfowl and terrestrial mammals such as macropods may have been sought. Given the nature of the terrain around central Sydney, Aboriginal campsites would have been on ground least affected by swamp areas. Therefore, major campsites would have been on the more habitable ground. Given the height of Mt Carmel, it may very well have been an Aboriginal campsite.*
- Rosebery sand dunes and used to play on sand hills in Margaret St
- Gadigal Track – Botany Road was an Aboriginal Track. *This is further evidenced by some of Sydney's main thoroughfares, such as George Street, Oxford Street and King Street in Newtown, followed Aboriginal tracks that had served as trading routes between farmed grasslands or bountiful fishing areas.*⁶

⁵ <http://visitsydneyaustralia.com.au/heritage-aboriginal-clans.html>

⁶ <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

5.8 Totems

A totem is an object or thing in nature that is adopted as a family or clan emblem. Different clans are assigned different totems, and, in some cases, individuals are given personal totems at birth.

Arriving in 1792, Thomas Watling, transported for forging banknotes, was assigned to Surgeon John White. As well as picturesque landscapes, Watling drew the Cadigal leader Colebee (White-breasted Sea Eagle), his wife 'Da-ring-ha' or Daringa (Stingray), his nephew Nanbarry (Parrot Mouth) and his kinsman Caruey (White Cockatoo).⁷

Whale, Kangaroo, Possum, and Stingray, all of which were prevalent in the area and noted in reports

5.9 Language

The Sydney Aboriginal Language document produced by Dr Jakelin Troy with the assistance of the Australian Dictionaries Project and the Australian Institute of Aboriginal and Torres Strait Islander Studies and draws on historical note books, seems to be an acceptable approach to maintaining Aboriginal languages of the Sydney region including of the Cadigal people.

As part of this project we spoke with Cadigal descendants, government officers and staff and board members of Aboriginal community organisations who affirmed this position, therefore several key words that are relevant for placemaking and design and could be used in the master planning of the Waterloo SSP are outlined below:

English	Aboriginal Sydney Language
Basket	bangala
Canoe	nuwi
fish hook made from shell,	bara
house or hut—any habitation	gunya,
house	ngalawingalawi
net	narrami
paddle or oar	narawang
torch made of reeds	budu
window	winda
heat	ganalung
deep water	guru
hill	bulga
place or country	nura
white clay (also 'white')	dabuwa
duck—a wild duck	yurungi
berry	wigay
paperbark tree	gurrundurrung
play	dyanmila
walk or go	yana-
live	mudang
path or road	murru
place	ngurang
Sydney	Weè-rong

⁷ <https://www.sl.nsw.gov.au/stories/eora>

5.10 Aboriginal Narrative of Waterloo

The following points have been extracted from several reports undertaken by Urban Growth and other government agencies in the Redfern / Waterloo area. The points below have also been tested with Aboriginal stakeholders consulted as part of this project.

- Waterloo is a history of great resilience with an archaeological evidence of the Gadigal people, dating back thousands and thousands of years.
- The establishment of colonial Sydney, saw the Gadigal dispossessed, relocated and rapid population decline.
- They managed a landscape of sustainable abundance.
- Aboriginal employment on the construction of railroad and Aboriginal people participated broadly in the burgeoning economy, in skilled roles as well as labouring and domestic service...The Eveleigh railway workshops constructed in 1875 were a big employer of Aboriginal people."
- Epicentre of the Aboriginal political and human rights struggle and campaigns in Australia.
- Strong relationship with the Redfern Aboriginal community, cultural heritage considerations are likely to include intangible and about identity, colonial and post-colonial history and celebration of significant community events
- Buckle and Normans bottle recycling business
- Carpark near Black Theatre was bottle recycle depot and used to take bottles their to exchange for money. Willie Wei Ting – would pay us a penny a bottle

6 Principles for Future Engagement

6.1 Indigenous Values

Aboriginal communities can be complex to navigate and if not handled sensitively where both sides agree there is a beneficial outcome, the experience could be damaging to future opportunities for engagement. Navigating this complexity can be supported through the appreciation and understanding of a common set of values and their relevancy to the workplace.

The following value-set comes from the Keeping Research on Track which provides a guide for researchers working with Aboriginal communities to ensure that their engagement appropriate.

Spirit and Integrity - Focusses on a continuation between past, current and future generations and respectful and honourable behaviours

Reciprocity - Shared responsibility and obligation based on diverse community and kinship connections

Respect - Strong culture is built on respect and trust and is imperative to the evaluator / community relationship

Equality - Recognises the equal value of all individuals and affirms Aboriginal and Torres Strait Islander peoples' right to be different

Survival and protection - Essential to ensure the protection of Indigenous cultures, languages and cultural identity

Responsibility - Recognition of core responsibilities involving country, kinship bonds, respecting others and the maintenance of culture and spiritual awareness.

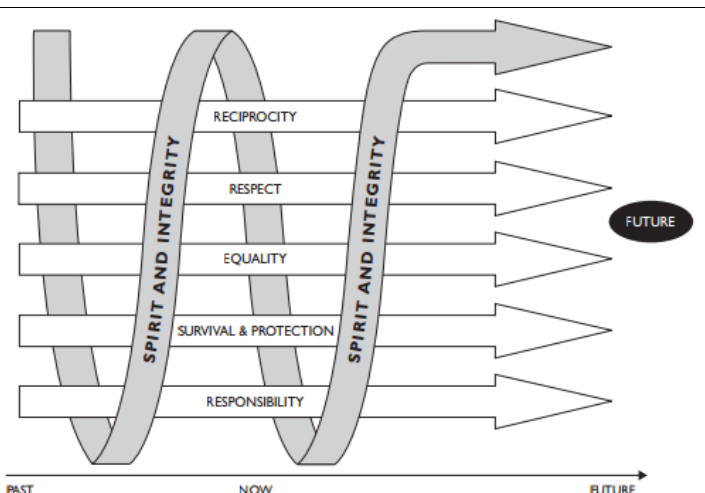


Diagram 1: Aboriginal and Torres Strait Islander Peoples values relevant to health research ethics

(Source: NHMRC, "Keeping research on track: A Guide for Aboriginal and Torres Strait Islander peoples about health research ethics")

These values certainly align with the outcomes of the Aboriginal Cultural Values workshop held in Redfern in 2015 which was attended by a range of Aboriginal stakeholders living in and /or working in the area was seen to be an important way of capturing the Aboriginal values of the area so that they could be considered in the future planning related to the Central to Eveleigh corridor.

6.2 Cultural Protocols

Future engagement would be supported by incorporating the following Aboriginal protocols:

- Encourages recognition and respect of Aboriginal heritage and cultures
- Encourages promotion of Aboriginal cultural practices to the wider community
- Encourages understanding from the wider community around Aboriginal cultural practices
- Ensures that the use of Aboriginal cultural practice is recognised as useful to building relationships and partnerships

6.3 Understanding Aboriginal Leadership

Engagement with the Aboriginal community should appreciate the role of Aboriginal leadership, Indigenous leaders grapple with a broad range of cultural, social and political issues and how they in leadership roles provide guidance and direction whilst building the capacity of the broader community in cultural protocols. Issues of self-determination and self-governance; spiritual connection and responsibilities to land, ancestors and community; and taking responsibility for the broader community as well as for future generations.

