

26-42 Eden Street and 161-179 Princes Highway, Arncliffe

Aboriginal Cultural Heritage
Assessment Report

(PUBLIC)

Report to Billbergia

January 2022



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EXECUTIVE SUMMARY

Bilbergia proposes the construction of a mixed-use residential, retail and community precinct with open space at 26-42 Eden Street, Arncliffe. The site is currently zoned as B4 Mixed Use under the Rockdale Local Environment Plan 20122 (Sheet LZN_003). Bilbergia seeks to redevelop the site as a mixed-use precinct with open space, retail, residential use comprising social and market housing as part of the NSW Land and Housing Corporation's (LAHC) "Communities Plus" program.

The study area (Figure 1) comprises the Lot numbers below and requires the demolition of all buildings currently standing. The Lot numbers are:

- Lot 1 DP447649
- Lots 1,2,3,7 to 12 DP23701
- Lots 25 and 26 DP 1228031
- Lot 3 DP1094906.

The study area is located within the Bayside Local Government Area (LGA) and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC).

The proposal is a State Significant Development (SSD) 11429726. Secretary's Environmental Assessment Requirements (SEARs) were issued on 18 December 2020. Section 14 of the SEARs stipulates heritage assessments are required for the Environmental Impact Statement (EIS).

Artefact Heritage has been engaged by Bilbergia to provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support the EIS. The aim of this ACHAR is to identify Aboriginal cultural heritage values within the study area, conduct consultation with Aboriginal stakeholder groups and to assess impacts to Aboriginal heritage that may result from the proposal.

Consultation with registered Aboriginal parties (RAPs) has been completed.

1.1 Overview of findings

The following results and recommendations are based on consideration of:

- The requirements of Aboriginal heritage guidelines including:
 - *The Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010a) – known as *The Code of Practice*
 - Guide to investigating and assessing and reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011) – known as ACHAR guidelines.
 - *The Aboriginal Cultural Heritage consultation requirements for proponents 2010* (OEH 2010b)- known as Consultation Guidelines)
- SEARs issued to the project by the Department of Planning, Industry and Environment on 18 December 2018 (SSD 11429726).

The assessment found that:

- No previously unrecorded Aboriginal sites or objects were identified within the study area during the site inspection.
- After physical examination of the study area and examination of historical aerial photography and research, the study area has been assessed as having nil to low potential to retain intact archaeological deposits
- The result of the consultation supports the archaeological assessment of the study area as holding nil-low potential for the preservation of Aboriginal heritage.
- Consultation with Registered Aboriginal Parties (RAPs) did not reveal any Aboriginal sites or places of social, historical or aesthetic significance associated with the study area.

1.2 Recommendations

Based on the results of this assessment and in accordance with Aboriginal heritage guidelines mandated in the SEARs for the proposal, the following recommendations are made:

- As the study area was found to be disturbed and to have a nil-low potential for Aboriginal objects to be located within it, it is recommended that further assessment is not required.
- The results of the consultation indicate that there are no sites of places of significance in the study area, and no further consideration is required.
- Consultation supports the view of the Metropolitan LALC representative during the site inspection who did not identify any particular cultural significance associated with the study area.
- If changes are made to the proposal that may result in impacts to areas not assessed by this ACHAR further assessment would be required.
- Unexpected Aboriginal objects remain protected by the *National Parks and Wildlife Act 1974*. If any such objects, or potential objects, are uncovered in the course of the activity, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW and Metropolitan LALC must be notified.
- If human remains, or suspected human remains, are found in the course of the activity, all work in the vicinity should cease, the site should be secured, and the NSW Police and Heritage NSW should be notified.

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2.0 INTRODUCTION

2.1 Project background

Bilbergia proposes the construction of a mixed-use residential, retail and community precinct with open space at 26-42 Eden Street, Arncliffe. The site is currently zoned as B4 Mixed Use under the Rockdale Local Environment Plan 20122 (Sheet LZN_003). Bilbergia seeks to redevelop the site as a mixed-use precinct with open space, retail, residential use comprising social and market housing as part of the NSW Land and Housing Corporation's (LAHC) "Communities Plus" program.

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The study area is located within the Bayside Local Government Area (LGA) and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC).

Consultation with registered Aboriginal parties (RAPs) has been completed.

2.2 Location

2.2.1 Local context of the project

The site is bordered by Eden Street to the west and the Princess Highway to the east. It is a roughly rectangular parcel of land covering approximately 13,600m² (1.36 ha). The study area (Figure 1) is 100 m from Arncliffe Station on the Illawarra Line to the north, and also high density residential apartments. The M5 tunnel is approximately 180m to the north east.

Low density housing lies on the south side, together with commercial premises, a primary school and church. Arncliffe Public School is located 100m away. High density apartments, commercial and industrial properties lie to the east; the M5 East tunnel portal lies 600m away.

High density apartments are located to the west on Eden Street, a railway cutting and commercial/industrial properties as well as airport car parking.

The study area is approximately 3.4 km from Sydney Airport, Mascot and is in close proximity to both the Cooks River and the Wolli Creek. It is located approximately 9.5 km from the Sydney's Central Business District (CBD).

Figure 1. Study Area.



Source: C:\Users\gholes\Documents\Arncliffe\Mapping\QGIS Arncliffe.qgs



Study Area
21060 Eden Street, Arncliffe
LGA: Bayside

Scale: 1:1,500
Size: A4
Date: 08-10-2021

0 30 60 m



Figure 2. Local context of the area.



Figure 3. Current boundaries of the study area.



Cadastral Boundaries
21060 Eden Street, Arncliffe
LGA: Bayside

Scale: 1:1,000
Size: A4
Date: 17-11-2021

0 20 40 m



2.3 Overview of the project

The proposal seeks approval for the following development:

- Demolition of all existing buildings and structures on the site;
- Site preparation works, excavation and tree removal;
- The construction of a mixed-use development comprising:
 - 744 apartments across (4) buildings between 19-23 storeys in height, as follows:
 - 186 market housing apartments in Building A;
 - 202 market housing apartments in Building B;
 - 180 social housing apartments in Building C; and
 - 176 market housing apartments in Building D;
 - 3,113m² retail gross floor area;
 - 240m² for a future childcare centre;
 - 3,706m² of communal open space;
 - 813 spaces of lower ground and basement car parking; and
- 4,870m² of publicly accessible open space including a 4,000m² park, an 870m² public plaza (meeting space), and through site link connecting Eden Street and the Princes Highway.

Indicative plans of the built form of the future development are shown in Figure 4 and Figure 5.

Figure 4. Indicative plan (1) of built form and open space proposal. (Client's documentation).



figure 7.6.13. Built Form & Public Open Space Diagram - Indicative Built Form Study 1

Figure 5. Indicative plan (2) of built form and open space proposal. (Client's documentation).



figure 7.6.14. Built Form & Public Open Space Diagram - Indicative Built Form Study 2

2.4 Purpose and scope of the report

Artefact Heritage has been engaged to prepare an ACHAR for inclusion in the proposal EIS. This technical paper considers the construction impacts on Aboriginal cultural heritage and potential archaeological resources within the study area and includes:

- Assessment of the Aboriginal cultural heritage values of the study area and identification of any specific areas of cultural significance
- Assessment of archaeological potential for the study area
- Aboriginal stakeholder consultation
- Preparation of a methodology for archaeological management including test excavation and salvage where required.

2.5 Secretary's Environmental Assessment Requirements

The SEARs (SSD 11429726) were issued on 18 December 2018. The SEARs noted that, under Section 14, the EIS must address the heritage significance of the study area. The requirements of the SEARs are listed in Table 1.

Table 1. Secretary's Environmental Assessment Requirements

Item	Secretary's Environmental Assessment Requirements	Where addressed in this report
1	a statement of heritage significance and an assessment of the impact on the heritage significance of any heritage items, or conservation areas, on and adjacent to the site in accordance with the relevant guidelines	Section 8
2	address any archaeological potential and significance on the site and the impacts the development may have on this significance	Section 6, 7, 9
3	an Aboriginal Cultural Heritage Assessment Report in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site, including archaeology.	This document; Section 9 and 10

Authorship

This report was prepared by Elizabeth Bonshek (Senior Heritage Consultant). Management input and review was provided by Sandra Wallace (Director). Brye Marshall drafted the site visit.

3.0 LEGISLATIVE CONTEXT

3.1 Introduction

There are several pieces of legislation that are relevant to the assessment of Aboriginal cultural heritage for the proposal. This chapter provides a summary of these Acts and the potential implications for the proposal.

3.2 NSW National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act* (NPW Act) provides statutory protection to all Aboriginal places and objects. An Aboriginal Place is declared by the Minister, under Section 84 of the NPW Act in recognition of its special significance with respect to Aboriginal culture. Under Section 86 of the NPW Act Aboriginal objects and Aboriginal Places are protected. An Aboriginal object is defined as:

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

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

There are no gazetted Aboriginal places in the study area. All Aboriginal objects, whether recorded or not, are protected under the NPW Act.

However, as the proposal is subject to assessment under Section 4.1 of EP&A Act, Schedule 2 of the Environmental Planning and Assessment Regulation 2000, permits allowing harm to Aboriginal objects issued under the NPW Act.

3.2.1 National Parks and Wildlife Regulation 2019

Under the authority of the NPW Act, the National Parks and Wildlife Regulation 2019 provides regulations for Aboriginal heritage assessment and consultation with registered Aboriginal parties.

Part 5 (Division 2) of the National Parks and Wildlife Regulation sets out the requirements of a due diligence assessment process and provides requirements for more detailed assessment and consultation with registered Aboriginal parties for activities that may result in harm to Aboriginal objects. This includes:

- Clause 60 – consultation process to be carried out before application for Aboriginal heritage impact permit
- Clause 61 – application for Aboriginal heritage impact permit to be accompanied by cultural heritage assessment report.

In order to comply with Clause 60 and 61 of the National Parks and Wildlife Regulation 2019, preparation of an ACHAR and consultation with RAPs must be in accordance with the following guidelines:

- Code of Practice (DECCW 2010a)
- ACHAR guidelines (OEH 2011)
- Consultation guidelines (DECCW 2010b).

The current assessment has been carried out in accordance with the above guidelines in order to meet the SEARs which refer to them.

3.3 NSW Environmental Planning and Assessment Act 1979

The EP&A Act provides planning controls and requirements for environmental assessment in the development approval process. The EP&A Act consists of three main parts of direct relevance to Aboriginal cultural heritage: Part 3 which governs the preparation of planning instruments; Part 4 which relates to development requiring consent; and Part 5 which relates to activity that does not require consent.

The project is subject to assessment and approval by the NSW Minister for Planning and Public Spaces under Part 4 Section Division 4.7 of the EP&A Act, which establishes an assessment and approval regime for SSD.

An EIS supported by the current assessment has been prepared to assess the impacts of the proposal, in accordance with SEARs.

Section 4.12(8) of the EP&A Act provides that environmental planning instruments (such as local environmental plans and SEPPs) do not, with some exceptions, apply to SSD projects. Notwithstanding, the environmental planning instruments that are relevant to the proposal have been considered for consistency, as described below.

3.3.1 Local Environmental Plan

Local Environmental Plans (LEPs) are prepared by councils in accordance with the EP&A Act to guide planning divisions for LGAs.

The aim of LEPs in relation to heritage is to conserve the heritage significance listed within this schedule.

The study area falls within the boundaries of Bayside Local Government Area, LEP 2021.

Section 3.3. (2) (g) of the Bayside LEP excludes environmentally sensitive areas from development, specifically:

(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,

and lists Aboriginal objects and Aboriginal places of heritage significance in Schedule 5 (Section 5.10 Heritage Conservation).

A search was undertaken on 18 October 2021 and no Aboriginal places of heritage significance were identified within the study area in Bayside's LEP 2021.

3.4 NSW Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act* 1983 is administered by the NSW Department of Human Services - Aboriginal Affairs. This Act established Aboriginal Land Councils (at State and local levels). These bodies have a statutory obligation under the Act to:

- Take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law
- Promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area is located within the Metropolitan LALC boundaries.

3.5 NSW Native Title Act 1994

The *Native Title Act* 1994 was introduced to work in conjunction with the Commonwealth Native Title Act. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act.

A search of the Native Title Vision mapping service, provided by the National Native Title Tribunal by Elizabeth Bonshek on 18 May 2021 did not identify any Native Title claims in or around the study area.

3.6 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Environment and Heritage Legislation Amendment Act (No. 1) 2003* amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to include 'national heritage' as a matter of national environmental significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List and the Commonwealth Heritage List.

The *Australian Heritage Council Act 2003* establishes a new heritage advisory body – the Australian Heritage Council – to the Minister for the Environment and Energy and retains the Register of the National Estate.

The *Australian Heritage Council (Consequential and Transitional Provisions) Act 2003* repeals the *Australian Heritage Commission Act 1975*, amends various Acts as a consequence of this repeal and allows the transition to the current heritage system.

Together the above three Acts provide protection for Australia's natural, Indigenous and non-Indigenous heritage. The new framework includes:

- A new National Heritage List of places of national heritage significance
- A Commonwealth Heritage List of heritage places owned or managed by the Commonwealth
- The creation of the Australian Heritage Council, an independent expert body to advise the Minister on the listing and protection of heritage places
- Continued management of the non-statutory Register of the National Estate.

3.6.1 National Heritage List

The National Heritage List is a list of places with outstanding heritage value to our nation, including places overseas. So important are the heritage values of these places that they are protected under the EPBC Act. This means that a person cannot take an action that has will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Australian Government Minister for the Environment.

There are no items listed on the National Heritage List located within the study area for this assessment.

3.6.2 Commonwealth Heritage List

The Commonwealth Heritage List is a list of places managed or owned by the Australian Government.

There are no items listed on the Commonwealth Heritage List located within the study area for this assessment.

4.0 ABORIGINAL COMMUNITY PARTICIPATION

4.1 Aboriginal consultation

Aboriginal community consultation has been conducted in accordance with the Consultation Requirements.

A consultation log was maintained which details all correspondence with the registered Aboriginal parties for the project.

4.2 Identification of stakeholders and registrations of interest

The consultation for this ACHAR has been completed and followed the Consultation Requirements of the Department of Environment, Climate Change and Water (DECCW 2010a).

Documentation of the consultation process is provided in the Appendix.

In accordance with step 4.1.2 of the Consultation Requirements, Artefact Heritage corresponded with the following organisations by email on the 29 September 2021 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the local area:

- Bayside Council
- Metropolitan Local Aboriginal Land Council (Metro LALC)
- Greater Sydney Local Land Services
- Heritage NSW
- National Native Title Tribunal
- Office of the Registrar, Aboriginal Land Rights Act 1983
- Native Title Service Corporation (NTSCorp)
- Heritage NSW – Parramatta Office

In addition to this, and in accordance with Step 4.1.3 of the Consultation Requirements, an advertisement was placed in the *St George Leader* and the *Sutherland Leader* on 22 September 2021, inviting the participation of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the local area.

In accordance with Step 4.1.3 of the Consultation Requirements, between the 12 to 14 October 2021 emails or letters were sent to all Aboriginal persons or organisations identified through advertisement or through responses from agencies contacted as part of Step 4.1.2. In accordance with Step 4.2 the letters provided details about the location and nature of the proposal, as well as an invitation to register as an Aboriginal stakeholder.

As a result, six (6) groups and individuals registered their interest (Table 2). A copy of the assessment methodology was sent to registered Aboriginal parties (RAPs) by email on 29 October 2021, requesting comments by 26 November 2021. Four (4) RAPs responded. These RAPs supported the findings of the methodology and of the Archaeological Survey. Their comments are presented below (Table 3).

Table 2. Groups or individuals registered as RAPs.

Organisation	Contact
Didge Ngunawal Clan	[REDACTED]
Waawaar Awaa Aboriginal Corporation	[REDACTED]
Kamilaroi Yankuntjatjara Working Group	[REDACTED]
Goobah Developments	[REDACTED]
A1 Indigenous Services	[REDACTED]
Butucarbin Aboriginal Corporation	[REDACTED]

4.3 Review of assessment methodology

Four RAPs responded and supported the assessment methodology. The responses of the four (4) RAPs are presented in Table 3, below.

Table 3. Summary of Aboriginal stakeholder comments on methodology

Person/ RAP group	Comment
Didge Ngunawal Clan	DNC agrees to all proposals
A1 Indigenous Services	I have reviewed the document and support the Information and Methodology


<p>Waawaar Awaa Aboriginal Corporation</p>	<p>Waawaar Awaa Aboriginal Corporation supports the proposed methodology for 26-42 Eden Street, Arncliffe.</p> <p>An Aboriginal Heritage Information Management Systems (AHIMS) search identified that no registered sites were found inside the study area. A site inspection was carried out on 8 October 2021 by Mr Josh Symons– Artefact Heritage and Brye Marshall Artefact Heritage and. Rowena Wallace, a site officer from the Metropolitan LALC.</p> <p>The land has been modified and the ground surface has been disturbed through construction and landscaping and the laying of cement footpaths which connect the apartment blocks. Approximately 70% of the study area is covered by apartment buildings, cement pathways, drives and parking bays. Remaining areas have been landscaped. Areas of open ground were formerly landscaped and are now disturbed by human traffic and erosion caused by rain and water. Where soil is visible it is eroded.</p> <p>Artefact Heritage to produce and provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support the EIS as per SEARs requirement.</p> <p>Responses to your direct questions are as follows: · Do you know of any objects or places of value to Aboriginal people in the study area or locality? None on AHIMS and area heavily disturbed.</p>
<p>Kamilaroi Yankuntjatjara Working Group</p>	<p>“We at KYWG would like to recommend a cultural interpretation plan for the project, this can be achieved through native landscaping, art, digital displays, native edible gardens and much more. It is important to have interpretation to better understand Aboriginal culture and to educate the wider community. We would like to agree to your methodology, and we support you ACHAR. We look forward to further consultation and working alongside you on this project.”</p>

4.4 Review of draft Aboriginal Heritage Assessment report

On 29 November 2021, the draft Aboriginal Heritage Assessment report was emailed to the RAPs for comment.

One RAP responded and the responses is presented in Table 4 below.

Table 4. Summary of Aboriginal stakeholder comments on the draft ACHAR

Person/ RAP group	Comment
 Kamilaroi-Yankuntjatjara Working Group	<p>Summary of comment:</p> <p>Aboriginal people have cared for the land for tens of thousands of years and have a spiritual connection to the land, water and sky. Aboriginal cultural, practices and customs link people to the land. Water is highly significant. The Cooks River is very close, and the area has potential because because Aboriginal people would have carried out activities along the river daily.</p> <p>It is important to incorporate a cultural interpretation plan for the project to acknowledge Aboriginal people. Aboriginal people have one of the oldest continuing cultures and must be respected.</p> <p>Direct quote:</p> <p>“...if there is any chance of uncovering our cultural heritage before it is lost forever, we must take all opportunities to unearth cultural heritage. In saying that we would like to recommend further investigation in the form of testing or monitoring of the area we understand the area is highly disturbed but there is a chance to uncover artefacts in disturbed soils. We would like to agree to your report, we look forward to working alongside you on this project.”</p> <p>Supports the proposal.</p>

5.0 ENVIRONMENTAL CONTEXT

5.1 Geology and soils

The study area lies within GyMEA Erosional soilscape which comprises shallow to moderately deep (30-100cm) Yellow Earths and Earthy Sands on crests and inside of benches; shallow (less than 20cm) Siliceous Sands on leading edges of benches; localised Gleyed Podzolic Soils and Yellow Podzolic Soils on shale lenses; and shallow to moderately deep (less than 100cm) Siliceous Sands and Leached Sands. Soils overlay Hawkesbury Sandstone which is medium to coarse grained quartz sandstone with minor shale and laminate lenses (eSPADE, 2021 State of NSW and DPIE).

While the location of the study area is within the GyMEA Erosional soil scape it is also in close proximity to the adjacent Warriewood, Disturbed soil scapes located to the east and the Birrong soilscape located to the north.

According to the subsurface profiles of the soilscape undertaken at the study area using boreholes fill ranging between 0.3 to 0.9 m was encountered laying atop sand / sandy clay (Coffey Report 2018: 13):

Fill material was encountered at all boreholes which comprised of brown to dark brown sand, medium grained with trace gravels and rootlets. Fill material extended to depths ranging from 0.3 to 0.9m bgl.

The underlying natural material graded from sand to sandy clay. Sands ranged from brown to grey in colour with sandy clays ranging from orange to brown.

5.2 Landforms and hydrology

The landforms of the study area would have comprised undulating to rolling rises and low hills with relief ranging from 20-80 m, with slopes of 10-25%; rock outcrops are less than 25%. The limitations of the area include steep slopes, high soil erosion, rocky outcrops and shallow highly permeable soil, with low fertility.

The original hydrology of the area has been disturbed by urban growth and is not recorded on eSPADE. The study area is located approx. 980 m from the Cooks River in north easterly direction and 1.1km in an easterly direction; it lies 1.1 km to Wolli Creek to northwest. The first of four ponds is located to the east approximate 550 meters away and alongside the southern side of Marsh Street.

The site is located on a gentle slope with ground water expected to flow from the south east corner to the north west corner. Surface water runs into stormwater drainage while flows towards Eden Street (Coffey 2018).

5.3 Vegetation

The original flora in which the study area is located would have comprised dry sclerophyll woodland and open-forest. The ridges and upper slopes would have been characterised by red bloodwood (*Eucalyptus gummifera*), yellow bloodwood (*E. eximia*), scribbly gum (*E. haemastoma*), brown stringybark (*E. capitellata*) and old man banksia (*Banksia serrata*). In more sheltered slopes black ash (*E sieberi*), Sydney peppermint (*E. Piperita*) and smooth-barked apple (*Angophora costata*) would

have been common. Shrubs from the families of Epacridaceae, Myrtaceae, Fabaceae and Proteaceae would have grown in the woodland understory (eSPADE, 2021 State of NSW and DPIE).

5.4 European history and land use

Artefact (2021) has produced a Non-Aboriginal (Historic) Archaeological Assessment which outlines the European history and land use of the area in which the study area sits.

Early parish maps show that the progression of land grants south of the Cooks River (and the relative size of those grants) was primarily guided by the quality of the soil and the nature of the topography. Fluvial deposits currently represented by the Birrong soil landscape were the most valued and among the first to be granted. Packer's 1809 grant that borders the study area to the east and north of Arncliffe station provided fertile soil which supported extensive lawns and gardens along the river side (Tempe House and St. Magdelene's Chapel, NSW Office of Environment and Heritage SHR). The abundance of natural resources within the Rockdale area along the George and Cook Rivers and Botany Bay were noted by European explorers in the early stages of settlement. However, the difficulty of access via river or overland travel limited the amount of settlement within the area.

The study area lies adjacent to a land grant to Reuben Hannon, in the 1820s, but the land was not occupied by new owners although fencing appears to have been put up. In 1825 Hannon's son, David, bought the land in which the study area now lies, and built a house located outside of the study area.

After 1851 a road, now known as Eden Street (formerly Rocky Point Road), was proposed, cutting through Hannon's property. This route was preferred to avoid the swampy and sandy conditions present generally in that area. It is suggested that the road was called Eden, in reference to the market gardens there. By 1854 the number of residential properties had increased purchased by investors and farmers. A second impetus for expansion came with the construction of the Illawarra line and the Arncliffe train station in 1884, which triggered rapid subdivision of land especially in proximity to the station. Arncliffe station is 100m north-west of the study area.

An aerial map taken in 1943 shows that the northern half of the study area, has not yet been entirely built over. What appears to be a bifurcating access/pathway or drainage line crosses the study area in the northern half between Eden Road and Prince Highway. Buildings, a few trees and what appears to be garden lots are present in the southern half (Figure 6). By 1951 (Figure 7) the northern half has been built upon, accommodating 2 apartment complexes comprising eight separate buildings. By 1978 all gardens area to the south (visible in Figure 6) has been replaced by four large apartment blocks.

Figure 6. Aerial map, 1943. Showing southern half of the property built over and the northern half denuded of vegetation.



Source: C:\Users\HP\OneDrive\Documents\Projects\Eden Rd, Arncliffe\Eden Rd mapping file.qgz



Study area on Sydney 1943 imagery

21060 Eden Street Site Redevelopment

LGA: Bayside Council

Scale: 1:1700
Size: A4
Date: 14-04-2021

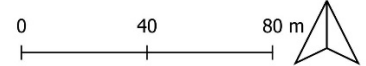


Figure 7. Aerial map, 1951. The study area has been built over entirely.



Source: C:\Users\gholes\Documents\Documents\Mapping\QGIS\Arncliffe.qgz



1951 Aerial Imagery
21060 Eden Street, Arncliffe
LGA: Bayside

Scale: 1:1,000
Size: A4
Date: 17-11-2021

0 20 40 m



Figure 8. Aerial map, 1978. All but one of the residential houses in the north of the study area have been demolished and replaced with apartment blocks erected.



1978 Aerial Imagery
21060 Eden Street, Arncliffe
LGA: Bayside

Scale: 1:1,000
Size: A4
Date: 17-11-2021

0 20 40 m



6.0 ARCHAEOLOGICAL AND ETHNOGRAPHIC CONTEXT

6.1 Ethnographic and historical evidence

The Arncliffe area is part of the traditional lands occupied by family or clan groups known as the Kameygal or Gameygal who were so called for their close proximity to Botany Bay which is known as Kamay. Other readings suggest the Kogarah area may have been occupied by the Bideegal/ Bidjigal or Bediagal people who Tench described as a group living on the peninsula at the head of Botany Bay and chiefly on the north arm near the Cooks River (Matthews 1907). The Kameygal people were located around the western and northern shores of Botany Bay, bordered to the north by the Wangal and to the west by the Bediagal. From this region of intersection, the Bediagal people stretched westward along the northern side of the Georges River. The Bediagal were bordered by the Cabrogal to the west and to the north by the Burramattagal and Wangal (Mulvaney and White 1987). Long-term areas of interaction and 'travel corridors' for movement between different groups may have existed where there were shared boundaries.

Early ethno-historic records note the Aboriginal people of the Botany Bay region fishing from canoes, diving for oysters, collecting shellfish and trapping fish (Cook 1770). Lieutenant Captain Cook recorded that upon one venture ashore in Botany Bay his party found several small huts made of the bark of trees (Cook 1770). The vegetation in the areas and the topography are likely to have provided resources exploited by the local population. Animals that populated the area may have been hunted, marine resources fished from the wetlands and edible plant life collected (GML 2015).

The language spoken in Sydney and extending out onto the Cumberland Plain is known as Darug (Dharruk – alternative spelling). This term was used for the first time in 1900 by Matthews & Everitt (Matthews & Everitt 1900: 265). The Darug language group is thought to have extended from Appin in the south to the Hawkesbury River, west of the Georges River, Parramatta, the Lane Cove River and to Berowra Creek (Attenbrow 2010:34). As demonstrated above, the area was home to a number of different groups. However, traditional boundaries have primarily been reconstructed based on surviving linguistic evidence and are therefore only approximations: it is difficult to describe social interaction, tribal boundaries and linguistic evidence and any simple way, and it is also that boundaries and interaction across them varied over time.

It is likely that the Darug people enjoyed a subsistence lifestyle moving across the landscape in response to changing seasons and the availability of food and other resources. No doubt trade too affected where and when people travelled (Attenbrow 2010: 78).

Subsistence activities also varied throughout the different regions of the Cumberland Plain, particularly between coastal and inland groups (Brook & Kohen 1991: 3). Coastal groups were observed to rely on resources such as fish and shellfish, whereas inland groups relied more on small animals, plants and freshwater fish and eels (Tench 1793: 230; Kohen 1986: 77). There are many accounts by Europeans of Aboriginal people in canoes on rivers and the ocean, fishing and cooking their catch on small fires within the vessels (e.g. Collins 1798). Banksia flowers, wild honey, varieties of wild yam and Burrawong nut were recorded as important food sources (Collins 1798; Kohen 1985: 9), particularly for inland groups. Small animals such as bandicoots and wallabies were hunted through traps and snares (Kohen 1985: 9). Captain Tench observed the prowess of Darug men in carving toeholds into trees in order to swiftly climb while hunting possums, sometimes supplemented by smoking the animals out with fire (Tench 1793:82).

Plants were an important source of nutrition: common edible species included *Macrozamia*, a cycad palm with poisonous seeds requiring processing to remove toxins and then ground into a paste; and *Xanthorrhoea*, also known as the grass tree. The nectar of the grass tree is a high-energy food: in

addition, the resin acts as a strong glue for hafting tools while the flower spikes were used for spear barbs. From observations of early European colonists, about 20 species of plant were identified as being used by Aboriginal people of the Sydney region for food or for manufacturing various items (Attenbrow 2010: 41). It is likely this is only a fraction of what was actually used.

British colonisation had a profound and devastating effect on the Aboriginal population of the Sydney region, including Darug speakers. In the early days of the colony, Aboriginal people were disenfranchised from their land as the British claimed areas for settlement and agriculture. The colonists, often at the expense of the local Aboriginal groups, also claimed resources such as pastures, timber, fishing grounds and water sources. But the devastation of Aboriginal culture did not come about through war with the British, but instead through disease and forced removal from traditional lands. It is thought that during the 1789 smallpox epidemic over half of the Aboriginal people of the Sydney region died. In the 1840s, an Aboriginal man named Mahroot described himself as belonging to the 'Botany Bay Tribe' and lived around the northern shore of Botany Bay with around 50 other Aboriginal people. Only three of this group were recorded as speaking the same language as Mahroot, suggesting that the group was a merged party of survivors from the Sydney region.

The disease spread west to the Darug of the Cumberland Plain and north to the Hawkesbury. It may have in fact spread much further afield, over the Blue Mountains (Butlin 1983). This loss of life meant that some of the Aboriginal groups who lived away from the coastal settlement of Sydney may have disappeared entirely before Europeans could observe them or record their clan names (Karskens 2010: 452).

6.2 Archaeological evidence

Aboriginal people have lived in the Sydney area for more than 36,000 years. The oldest dated site in the greater Sydney region is Cranebrook Terrace which was dated at approximately 41,700 years Before Present (BP) with an error range of 5,000 years (Attenbrow 2010: 18; Karskens 2020). Evidence of Aboriginal occupation has been found dated to 50-60,000 BP at Lake Mungo in NSW, so it is likely that Aboriginal people have lived in the Sydney region for even longer than indicated by the oldest recorded dates we have at present. The archaeological material record provides evidence of this long occupation, but also provides evidence of a dynamic culture that has changed through time.

The existing archaeological record is limited to certain materials and objects that were able to withstand degradation and decay. As a result, the most common type of Aboriginal objects remaining in the archaeological record are stone artefacts. Archaeological analyses of these artefacts in their contexts have provided the basis for the interpretation of change in material culture over time. Technologies used for making tools changed, along with preference of raw material. Different types of tools appeared at certain times, for example ground stone hatchets are first observed in the archaeological record around 4,000 BP in the Sydney region (Attenbrow 2010). It is argued that these changes in material culture were an indication of changes in social organisation and behaviour.

After 8,500 BP silcrete was more dominant as a raw material, and bifacial flaking became the most common technique for tool manufacture. From about 4,000 BP to 1,000 BP backed artefacts appear more frequently. Tool manufacture techniques become more varied and bipolar flaking increases (McDonald 2006). It has been argued that from 1,400 to 1,000 years before contact there is evidence of a decline in tool manufacture. This reduction may be the result of decreased tool making, an increase in the use of organic materials, changes in the way tools were made, or changes in what types of tools were preferred (McDonald 2006). The reduction in evidence coincides with the reduction in frequency of backed blades as a percentage of the assemblage.

Further detail on the archaeological record in the surrounds of the study area will be provided in Section 6.4 below.

6.3 Registered Aboriginal sites

NOTE: The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on the heritage map for the proposal be removed from this report if it is to enter the public domain.

A basic search of the Aboriginal Heritage Information System (AHIMS) was undertaken on 28 September 2021 (Client Service ID 626031) to determine the location of Aboriginal sites in relation to the current study area. The search included the study area and a surrounding of 1 kilometre buffer. The parameters of the search were as follows:

GDA, Zone 56	Eastings:	[REDACTED]
	Northings:	[REDACTED]
Buffer		[REDACTED]
Number of sites		[REDACTED]

The search determined that there are no registered Aboriginal sites within the study area. The search revealed that there is one (1) Aboriginal site in the search area. The AHIMS database records sites using a list of twenty standard site types, one of which was found within the basic search (Office of Environment and Heritage (OEH) 2012):

- Potential archaeological deposit: An area where Aboriginal objects may exist below the ground surface.

Aboriginal occupation covered the whole of the landscape, though the availability of fresh water and resources was a significant factor in repeated and long-term occupation. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation. As a result, more resilient site types, such as stone artefacts, are predominant in the archaeological record. Because of this, the nature and location of registered Aboriginal sites is an imperfect reflection of past Aboriginal occupation. Furthermore, the surviving archaeological record is also a reflection not only of historical land-use, disturbance, and the post-depositional events, but also reflects the sampling bias of previous archaeological investigation.

[REDACTED]. Recorded by JMcDCHM 2011.

One (1) recorded site [REDACTED] was located within the search area approximately [REDACTED] from the study area. The site is classified as an open site, with potential archaeological deposit and one artefact.

The PAD registered as [REDACTED] is located predominantly below the [REDACTED]. The PAD consists of an alluvial sand sheet situated below 2-5 meters of historical fill and was discovered during archaeological investigation of [REDACTED]. A small portion of this site was disturbed by bulk earthworks during the construction of [REDACTED] which was located adjacent to [REDACTED]. [REDACTED] was located on the margin of the alluvial sand sheet which had already been highly disturbed. As this portion of the PAD was assessed as having low archaeological significance, and no RAPs commented on the cultural or social significance of this portion of the PAD, an AHIP [REDACTED] was subsequently issued on 14 November 2014 and works proceeded on the 18 November 2014.

The sand sheet remains intact under [REDACTED] and the larger proportion of the [REDACTED] is preserved within the [REDACTED]. This portion holds high scientific potential for revealing coastal and estuarine subsistence patterns during the Holocene, and prior to the current sea levels. Occupation dates for [REDACTED] are 10,700 years cal BP and represent the earliest dates for the Sydney's coastline (ref. [REDACTED]).

Figure 9. AHIMS site location in relation to the study area.

Removed for public viewing.

6.4 Previous archaeological investigations

There have been no previous archaeological assessment of the study area and no Aboriginal heritage objects or sites were recorded in the study area in the basic AHIMS database search.

Archaeological excavations in the vicinity of the study area have been reviewed by AECOM 2015 as part of their investigation for the WestConnex New M5, see below.

AECOM WestConnex New M5 Environmental Impact Statement

An assessment was carried out by AECOM in 2017 and areas of archaeological potential were identified within a larger heritage assessment zone. While the current study area falls within the broader assessment zone, it did not fall into the area identified as having archaeological potential (see Figure 10). This area was predominantly located around [REDACTED] in remnant areas. The eastern portion of the [REDACTED] is located approximately [REDACTED] of the study area.

AECOM identified seventeen (17) existing AHIMS sites including: eleven (11) rockshelters; three (3) open artefact sites; one (1) shell midden; a site containing an artefact scatter, edge ground axe and dugong bones, referred to as [REDACTED]. The latter is located on the [REDACTED] and at some [REDACTED] from the study area. This site was discovered in the late nineteenth century during the construction of a [REDACTED]. All but three AHIMS sites were located in the [REDACTED]. Four (4) new sites were recorded, all sandstone overhangs, located within [REDACTED], and overlooking an unnamed tributary [REDACTED], in [REDACTED].

The report found that, prior to European occupation, the lands of the Botany Lowlands and the Cumberland Lowlands would have provided Aboriginal people with marine, estuarine and land subsistence resources. However, the [REDACTED] is one of few remnant landscape features in their study area, which has suffered substantial disturbance through urban growth. They stated that the area was “unique in the [REDACTED] containing an archaeological resource comprising of rockshelters and artefact scatters linked to relatively undisturbed key landscape features [REDACTED]” (AECOM 23-8). The Technical Report stated that in contrast to these remnant areas, much of the area has been “grossly” disturbed via reclamation in the past and continued construction works and is unlikely to retain archaeological evidence of past occupation because of the “severity” of disturbance.

Areas of potential remnant landscapes include:

- [REDACTED]
- [REDACTED]
- [REDACTED]

AECOM provide a review of the excavations undertaken by Australian Museum Business Services (AMBS) in 2003; Val Attenbrow in 1984, 1990, and 1994; and Tranby College in 1986 (AECOM 2015: 31).

The study area does not fall within the identified area of archaeological sensitivity and is located in terrain classified by AECOM as disturbed (2015:23).

Figure 10. Heritage assessment area (indicated by black line) identified for investigation in AECOM study, showing broader assessment area and location of AHIMS sites and newly identified sites (page 23.1).

Removed for public viewing.

6.5 Predictive model

Archaeological assessments of Aboriginal sites have resulted in the development of several predictive trends.

AECOM's predictive model for the area is utilized for this assessment. On the basis of background research on the environment and previous archaeological works, according to AECOM surface evidence is likely to be:

- Sites in rockshelters, located in areas of significant sandstone outcrops, and may include art, stone artefacts, midden and archaeological deposit
- Shell middens in tidal, estuarine foreshore zones. Shell midden sites might be located at some remove from existing foreshore locations where earlier coastlines had existed
- Scarred trees may occur in remnant bushland
- Stone artefacts in surface and subsurface contexts where the ground has not been subject to significant modification due to development.

However, the study area is located in an area which has been subject to high levels of disturbance and modification by construction for at least 75 years (as evidenced by the aerial images). Further Coffey (2018) found fill on the site ranging between 0.3 to 0.9 m.

While the study area lies within the Gynea soil landscape, described by AECOM (2015: 23) as having potential for intact archaeological deposit, it also lies within an area described as highly disturbed and “unlikely to contain in-situ evidence of past Aboriginal activity” (AECOM 2015: 23-8).

It is likely that the AECOM's predictive model is not applicable to the study area as the latter is a highly disturbed area; there are no sandstone outcroppings; there is no remnant bushland, and the study area is removed from the coastline.

7.0 SITE SURVEY METHODOLOGY

7.1 Aboriginal site definition

An Aboriginal site is generally defined as an Aboriginal object or place. An Aboriginal object refers to any deposit, object or material evidence (not being a handicraft) relating to Aboriginal habitation of the area that comprises New South Wales (DECCW 2010). Aboriginal objects may include stone tools, scarred trees or rock art. Some sites, or Aboriginal places, can also be intangible and although they might not be visible, these places have cultural significance to Aboriginal people.

The Code of Practice states, in regard to the definition of a site and its boundary, that one or more of the following criteria must be used when recording material traces of Aboriginal land use:

- The spatial extent of any visible Aboriginal objects, or direct evidence of their location
- Obvious physical boundaries where present, for example mound site and middens (if visibility is good), a ceremonial ground
- Identification by the Aboriginal community on the basis of cultural information

7.2 Archaeological survey methodology

7.2.1 Site inspection

A physical inspection of the study area was undertaken on the 08 October 2021 by Josh Symons (Technical Director – Artefact Heritage) and Brye Marshall (Heritage Consultant – Artefact Heritage). Rowena Wallace, a site officer from the Metropolitan LALC also attended for the duration of the site inspection.

The study area is situated between Princess Highway to the east and Eden Street to the west. To the north and south of the study area are residential properties. The study area slopes down from south to east. Approximately 50m south of the study area is Forest Road which sits on a crest (Figure 11). The study area follows the line of the sloping landform and the apartment buildings and associated grassed areas have been modified to reduce the slope. The central aspect of the study area has a gradient decline of approximately 5%, and this increases to approximately 20% as the northern aspect of the study area is approached.

Approximately 70% of the study area is covered with seven apartment buildings, cement pathways or bitumen driveways. Driveways and parking bays have been positioned in close proximity to the apartments (Figure 12). Apartment buildings across the study area are connected with cemented pathways or have enclosed grassed areas (Figure 13, Figure 14).

Grassed and landscaped areas surround the apartments across the study area (Figure 15, Figure 16). Surface visibility across the study area was approximately 5%. There are areas which have suffered from erosion resulting in 100% ground visibility (Figure 19, Figure 20). These areas are a result of impromptu walking tracks, and erosion caused by running water following what remains of the natural contour of the land Figure 21, Figure 22 and Figure 22).

The site survey did not reveal any artefacts or areas of archaeological potential.

Figure 11: of Eden Street looking up to Forest Road. View taken looking south Slope.



Figure 12: Example of driveways in relation to buildings. View taken looking east.



Figure 13: Buildings linked with concrete pathways. View looking east.



Figure 14: Buildings with enclosed grassed areas. View looking east.



Figure 15: Grassed areas surrounding apartment buildings. View looking northwest.



Figure 16: Grass covered areas in between apartment buildings. View looking west.



Figure 17: Landscaping along building, noting landform slope. View looking northwest.



Figure 18: Tendered raised garden bed at rear of apartment block 42. View looking northeast



Figure 19: Surface visibility. View looking east



Figure 20: Ground exposure as a result of people walking through the area. View looking south.



Figure 21: Impromptu walking track. View looking southeast.



Figure 22: Erosion as a result of water runoff. View looking south



Figure 23: Ground surface exposed around downpipe. View looking west.



7.2.2 Aims of archaeological survey

The aims of the archaeological survey were to:

- Inspect the perimeter of the site and car park, with focus on the latter as the central location for the proposed works
- Record any surface or potential subsurface Aboriginal sites that have not been recorded in AHIMS
- Identify areas of PAD that may be present in areas that have had no or minimal disturbance
- Engage with Metropolitan LALC regarding the proposed works and the archaeological potential of the study area
- Collect information to ascertain whether further archaeological investigation is required.

7.3 Archaeological survey coverage

The study area is located on land that would have been sloping prior to construction of buildings. The slope remains between buildings but has been modified and the ground surface has been disturbed not only through construction work but also by landscaping and the laying of cement footpaths which connect the apartment blocks. Where soil is visible it is eroded. The soil analysis carried out by Coffey (2018) found fill on the site ranging between 0.3 to 0.9 m. This may indicate cut and fill to manage the slope.

All of the study area has been built over or landscaped or has areas of open ground which had formerly been landscaped but are now disturbed by human traffic and erosion caused by rain and water.

A summary of the survey coverage of all survey units, according to the methodology outlined in the Code of Practice, is provided in Table 5 and Table 6.

Table 5. Effective survey coverage

Survey unit	Landform	Survey unit area (sq. m)	Visibility (%)	Exposure (%)	Effective coverage area (sq. m)	Effective coverage (%)
1	Slope / open areas between buildings	13,600	5	20-30	4,080	30

70% of the study area was covered in buildings. The remaining areas were grass or concrete paths.

Surface visibility across the site = 5%.

Table 6. Landform survey coverage

Landform	Landform area (sq. m)	Area effectively surveyed (sq. m)	% of landform effectively surveyed	Number of sites identified
Gentle slope	4,080	4,080	5	0

8.0 SIGNIFICANCE ASSESSMENT

8.1 Significance assessment methodology

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. *The Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) provides guidelines for heritage assessment with reference to the *Burra Charter* (Australia ICOMOS 2013). The assessment is made in relation to four values or criteria (Table 7). In relation to each of the criteria, the significance of the subject area should be ranked as high, moderate, or low.

Cultural heritage consists of places or objects, that are of significance to Aboriginal people. Cultural heritage values are the attributes of these places or objects that allow the assessment of levels of cultural significance.

Assessing the cultural significance of a place or object means defining why a place or object is culturally important. It is only when these reasons are defined that measures can be taken to appropriately manage possible impacts on this significance. Assessing cultural significance involves two main steps, identifying the range of values present across the study area and assessing why they are important.

Social/cultural heritage significance should be addressed by the Aboriginal people who have a connection to, or interest in, the site. As part of the consultation process the Aboriginal stakeholders were asked to provide information on the cultural significance of the study area. Information on consultation with Aboriginal stakeholders for the project is provided in Section 0.

Table 7. Burra Charter Heritage significance criteria

Criterion	Description
Social	The spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Does the subject area have strong or special association with the Aboriginal community for social, cultural or spiritual reasons?
Historic	Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Is the subject area important to the cultural or natural history of the local area and/or region and/or state?
Scientific	This refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific values will be gathered through any archaeological investigation carried out. Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state?
Aesthetic	This refers to the sensory, scenic, architectural and creative aspects of the place. It is often linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use. Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state?

In addition to the four criteria, Heritage NSW (OEH 2011; 10) requires consideration of the following:

- 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?

8.2 Socio/cultural significance

Socio/cultural heritage values should be addressed by Aboriginal people who have a connection to, or interest in, the area.

No socio/cultural heritage values or significance associated with the study area was identified as a result of the consultation process.

8.3 Historic significance

Historic values refer to the association of place with aspect of Aboriginal history. Historic values are not necessarily reflected in physical objects, but may be intangible and relate to memories, stories, or experiences.

No historic heritage values or significance associated with the study area was identified as a result of the consultation process.

8.4 Scientific significance

Scientific values refer to a site's potential to contribute to our current understanding and information. As there are no archaeological values in the site, there is no scientific significance.

Table 8. Scientific significance assessment

Site Name (AHIMS ID)	Research potential	Representativeness	Rarity	Education potential	Overall significance assessment
No AHIMS sites	None	None	None	None	None

8.5 Aesthetic significance

Aesthetic values refer to the sensory, scenic, architectural, and creative aspects of the place. These values may be related to the landscape and are often closely associated with social/cultural values.

No aesthetic values or significance associated with the study area was identified as a result of the consultation process.

8.6 Statement of significance

The consultation process did not reveal any socio/cultural, heritage or aesthetic values or significance associated with the study area.

Archaeological significance was assessed as nil as there were no AHIMS sites present and no archaeological potential.

9.0 AVOIDING AND MINIMISING HARM

9.1 Proposed works

The proposal seeks approval for the following development:

- Demolition of all existing buildings and structures on the site;
- Site preparation works, excavation and tree removal;
- The construction of a mixed-use development comprising:
 - 744 apartments across (4) buildings between 19-23 storeys in height, as follows:
 - 186 market housing apartments in Building A;
 - 202 market housing apartments in Building B;
 - 180 social housing apartments in Building C; and
 - 176 market housing apartments in Building D;
 - 3,113m² retail gross floor area;
 - 240m² for a future childcare centre;
 - 3,706m² of communal open space;
 - 813 spaces of lower ground and basement car parking; and
- 4,870m² of publicly accessible open space including a 4,000m² park, an 870m² public plaza (meeting space), and through site link connecting Eden Street and the Princes Highway.

9.2 Impact assessment methodology

The definition of harm to an object or place under the NPW Act includes any act or omission that 'destroys, defaces or damages the object or place or in relation to an object –moves the object from land on which it had been situated.'

Direct harm may occur as a result of activities which disturb the ground surface including site preparation activities, earthworks and ground excavation, and the installation of services and infrastructure.

Indirect harm for Aboriginal heritage refers to impacts that may affect sites or features located immediately beyond or within the area of the proposed works. Indirect harm may include impacts from vibration, increased visitation, or increased erosion, including ancillary project activities (construction and/or operation) that are not located within the study area.

9.3 Aboriginal heritage impact assessment

There were no Aboriginal objects identified in the study area. While one site was discovered in the AHIMS database in the survey area, it is located almost 1 km away.

This report has assessed that intact archaeological deposits are not likely to be present below the ground surface. Therefore, the proposal is unlikely to impact any Aboriginal heritage items or places, or potential Aboriginal archaeology (Table 9).

Table 9. Summary of impacts

Site	Type of harm	Degree of harm	Consequence of harm
Study area	None	None	No loss of value

9.4 Ecologically Sustainable Development principles

In accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales*¹, the principles of ecologically sustainable development have been considered in preparation of this Aboriginal heritage assessment, including options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ecologically sustainable development are detailed in the NSW *Protection of the Environment Administration Act 1991*. Principles of ecologically sustainable development relevant to the assessment of the project as it relates to Aboriginal cultural heritage are considered below.

9.4.1 The integration principle

Decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle'). The preparation of this ACHAR demonstrates regard for the integration principle by considering Aboriginal heritage values and impacts to these from the proposal during its planning phase. The nature of the proposal is in itself one that contributes to the long term economic and social needs of current and future residents of the area.

9.4.2 The precautionary principle

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle').

As no archaeological sites were identified in the study area, no further archaeological investigation is recommended.

9.4.3 The principle of intergenerational equity

The proposed works would adhere, as close as possible, to the principle of intergenerational equity by collating scientific and cultural information on former Aboriginal occupation of the study area through the previous investigations and this ACHAR.

This report has assessed that no further archaeological investigations through test excavations need be conducted. However, see Unexpected Finds below.

¹ Office of Environment and Heritage 2011

9.5 Cumulative impacts

A cumulative impact is an impact on Aboriginal cultural heritage resulting from the incremental impact of the action/s of a development when added to other past, present and reasonably foreseeable future actions.

As no archaeological finds have been discovered in the study area, the impact of the proposed development has been assessed as having no harm or cumulative impacts to the Aboriginal heritage of the region.

A draft of the ACHAR was provided to RAPS for commentary and feedback on 29 November 2021.

10.0 MANAGEMENT AND MITIGATION MEASURES

10.1 Unexpected finds

An unexpected finds policy would be implemented in the event of any unexpected finds of Aboriginal sites, objects, or archaeological deposits being identified during construction.

An unexpected archaeological finds policy would involve the following actions:

- Stop work within the affected area, protect the potential archaeological find, and inform environment staff or supervisor
- Contact a suitably qualified archaeologist to assess the potential archaeological find
- If Aboriginal archaeological material is identified, works in the area should cease, and NSW Heritage should be informed. Further archaeological mitigation may be required prior to works recommencing
- If human remains are found:
 - Immediately cease all work at the particular location
 - Notify site manager and project archaeologist
 - Notify NSW Police
 - Notify Heritage NSW on the Environment Line 131555 as soon as practicable and provide details of the remains and their locations
 - Notify the Metropolitan LALC
 - Do not recommence any work at the location until cleared

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 Conclusions

The following results and recommendations are based on consideration of:

- The requirements of Aboriginal heritage guidelines:
 - The ACHAR guide (OEH 2011)
 - The Code of Practice (DECCW 2010a)
 - Consultation Requirements (DECCW 2010b)
- The SEARs (SSD 11429726) issued on 18 December 2018 (Department of Planning, Industry and Environment 2020)
- The results of background research and archaeological site survey results
- The likely impacts of the proposed development
- The consultation process with RAPs did not reveal any socio/cultural, heritage or aesthetic values or significance associated with the study area.

11.2 Recommendations

Based on the results of this assessment and in accordance with Aboriginal heritage guidelines mandated in the SEARs for the proposal, the following recommendations are made:

- As the study area was found to be disturbed and to have a nil-low potential for any Aboriginal objects to be located within it, it is recommended that further assessment is not required.
- The result of the consultation with RAPs indicates that there are no sites or places of significance in the study area, and no further action is recommended.
- Consultation supports the archaeological assessment of the study area as holding nil-low potential for the preservation of Aboriginal heritage. No further action is recommended.
- Consultation with the RAPs supports the view of the Metropolitan LALC representative during the site inspection who did not identify any particular significance associated with the study area.
- If changes are made to the proposal that may result in impacts to areas not assessed by this ACHAR further assessment would be required.
- Unexpected Aboriginal objects remain protected by the *National Parks and Wildlife Act 1974*. If any such objects, or potential objects, are uncovered in the course of the activity, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW and Metropolitan LALC must be notified.
- If human remains, or suspected human remains, are found in the course of the activity, all work in the vicinity should cease, the site should be secured, and the NSW Police and Heritage NSW should be notified.

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APPENDIX

12.1 Consultation Log to date – to be updated.

Removed for public viewing.



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