

Godden Mackay Logan

Heritage Consultants



Sydney Opera House: Vehicle and Pedestrian Safety Project and Forecourt Aboriginal Cultural Values Assessment

Report prepared for the Sydney Opera House Trust
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Report Register

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Sydney Opera House—Aboriginal Cultural Values Assessment

1.0 Introduction

1.1 Project Background

Godden Mackay Logan (GML) has been engaged by the Sydney Opera House Trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment has been prepared in relation to two components of works: the Vehicle and Pedestrian Safety (VAPS) project and proposed works within the forecourt area of Sydney Opera House, which includes the proposed diversion of Bennelong Stormwater Drain. The nature of these proposed works is described in further detail in Section 4.1 below.

1.2 Purpose of this Assessment

This report assesses the impacts of the proposed VAPS and forecourt works on Aboriginal cultural heritage values (including cultural values associated with both tangible and intangible heritage components) and identifies management strategies to mitigate any identified adverse impacts. This report also highlights broader opportunities for recognition and interpretation of Aboriginal cultural heritage values at Sydney Opera House as identified through consultation with Aboriginal stakeholders.

This report has been prepared as part of the environmental assessment (EA) for the proposed works to accompany an application to the Department of Planning for approval under Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The Director General's Requirements (DGR) for the forecourt works were issued by the Department of Planning on 24 July 2009, while a separate set of DGR was issued for the VAPS project on 17 December 2009. The DGR for both projects include provisions for heritage and archaeology under Section 2, including a requirement for:

An assessment of the likely impacts of the proposal on Aboriginal cultural heritage values and the protection measures to be adopted during the works (VAPS DGR 2d; Forecourt DGR 2c).

This Aboriginal Cultural Values Assessment responds to the above DGR (DGR 2d for the VAPS project, DGR 2c for the forecourt project). The remaining DGR under Section 2 that relate to heritage and archaeology are addressed by the following GML reports:

- Sydney Opera House: Vehicle and Pedestrian Safety Project (VAPS) – Archaeological Management Plan and Archaeological Impact Assessment (February 2010).
- Sydney Opera House: Forecourt – Archaeological Management Plan and Heritage Impact Assessment (January 2010).

1.3 Scope of Assessment

The scope of the Aboriginal Cultural Values Assessment included the following key tasks:

- Identification and registration of Aboriginal stakeholder groups or individuals through advertising a project notification in local print media (*Koori Mail*) and direct contact with representative bodies including DECCW, NSW Department of Aboriginal Affairs, City of

Sydney, NSW Native Title Services and the Metropolitan Local Aboriginal Land Council (MLALC).

- Facilitation of a consultation workshop with registered Aboriginal stakeholders to identify Aboriginal cultural values associated with the Sydney Opera House site, provide stakeholders with information on the nature of the proposed works, identify potential impacts of the proposal (if any) on Aboriginal cultural values and discuss mitigative options.
- Ongoing consultation with stakeholder groups and individuals throughout the assessment process, including co-ordination of attendance at the consultation workshop and follow-up from the workshop.
- Preparation of an Aboriginal Cultural Values Assessment outlining the outcomes of the consultation workshop, including the identification of Aboriginal cultural values and any impacts upon these values.

1.4 Statutory Context for Sydney Opera House

1.4.1 UNESCO World Heritage List

Sydney Opera House was inscribed on the UNESCO World Heritage List on 28 June 2007 for its Outstanding Universal Value and as a Masterpiece of Human Creative Genius under criterion (i) of the Operational Guidelines for the Implementation of the World Heritage Convention.

1.4.2 National Heritage List

Sydney Opera House was included in the National Heritage List on 12 July 2005 under a range of criteria, including its significance as a masterpiece of modern architectural design, engineering and construction technology in Australia and as a national icon that has become an internationally recognised symbol of modern Australia.

The National Heritage List is compiled and maintained by the Commonwealth Department of the Environment, Water, Heritage and the Arts.

1.4.3 Environment Protection and Biodiversity Conservation Act 1999

The Sydney Opera House site is subject to the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act), owing to the World Heritage and National Heritage listings of the site. Part 3, Division 1 of the EPBC Act identifies requirements relating to matters of national environmental significance (Subdivision A—World Heritage and Subdivision AA—National Heritage).

Under Section 137 of the EPBC Act, approval of activities related to a World Heritage property must be consistent with:

- a) Australia's obligations under the World Heritage Convention; or
- b) the Australian World Heritage Principles; or
- c) a plan that has been prepared for the management of a declared World Heritage property.

Under Section 137A of the EPBC Act, approval of activities related to a National Heritage place must be consistent with:

- a) the National Heritage management principles; or
- b) an agreement to which the Commonwealth is party in relation to a National Heritage place;
or
- c) a plan that has been prepared for the management of a National Heritage place.

The Sydney Opera House site is subject to a bilateral agreement between the Australian Government and the State of New South Wales made in 2005 pursuant to Section 45 of the EPBC Act. Under the terms of the agreement (Clause 8.1), an action taken at the Sydney Opera House site does not require the approval of the Commonwealth Minister for the Environment, Heritage and the Arts where:

the taking of the action has been approved by the State of New South Wales or an agency of New South Wales in accordance with the Management Plan for the Sydney Opera House ...

As the Sydney Opera House site is listed as a State Significant Site under Schedule 3 of the State Environmental Planning Policy (State Significant Development) 2005, any proposed development on the Sydney Opera House site would require the approval of the Minister for Planning. Such proposals would be subject to the assessment and approval processes outlined in Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) and the Sydney Opera House Management Plan under Section 46 of the EPBC Act submitted in August 2005.

The Management Plan referred to in the bilateral agreement provides a framework for protection of the National and World Heritage values of the Sydney Opera House site and has been endorsed by the Heritage Branch, Department of Planning (formerly the NSW Heritage Office). The Management Plan states that approval of actions in relation to the Sydney Opera House site may only be made in accordance with the Management Plan.

The Management Plan identifies that any proposed development on the Sydney Opera House site would require two statutory approvals—one pursuant to the EP&A Act and one pursuant to the *Heritage Act 1977* (NSW)—before works could commence.

1.4.4 Environmental Planning and Assessment Act 1979

The Sydney Opera House site has been declared a State Significant Site under Schedule 3 of the State Environmental Planning Policy (Major Development) 2005.

All development on the land covered by this State Environmental Planning Policy is therefore considered as State Significant Development. Part 3A of the EP&A Act applies to State Significant Development and the Minister for Planning is the consent authority where that development requires development consent.

1.4.5 Heritage Act 1977

The *Heritage Act 1977* (NSW) would usually only apply to the proposed development of a State significant site if the Minister were to determine that the proposed works were subject to the provisions of Part 4 of the EP&A Act. However, the Sydney Opera House Management Plan under the EPBC Act requires that the Heritage Act still apply to this site. The relevant provisions of the Heritage Act include:

State Heritage Register

Sydney Opera House is listed on the New South Wales State Heritage Register.

The SHR, established under the Heritage Act, is a list of identified heritage items of particular importance to the people of New South Wales. It includes items and places determined to be of State heritage significance. The Heritage Act governs the development of sites registered on the SHR, specifying compliance with a variety of requirements prior to development under Sections 56–65A of the Act.

Section 57 of the Heritage Act states:

When an Interim Heritage Order or listing on the State Heritage Register applies to a place, building, work, relic, moveable object, precinct, or land, a person must not do any of the following things except in pursuance of an approval ...

(c) move, damage or destroy the relic or moveable object,

(d) excavate any land for the purpose of exposing or removing the relic,

(e) carry out any development in relation to the land on which the building, work or relic is situated ...

The relics provisions of the Heritage Act (Sections 138–146) do not specifically apply to sites that are listed on the SHR, although the site may contain ‘relics’ as defined by the Heritage Act.

Section 170 Heritage and Conservation Register

The historic subterranean stormwater channel (Bennelong SWC No. 29) that crosses the site is in the ownership of Sydney Water and is listed on its Section 170 Heritage and Conservation Register as an item of High historical and technical significance. Sections of the original (decommissioned) drain would be removed as part of the proposed works.

Section 170 of the Heritage Act requires government instrumentalities to maintain a heritage and conservation register of heritage items in their ownership or control and requires minimum standards of maintenance and repair to all items listed on this register. Notice must be given to the Heritage Council of New South Wales prior to removal of any item from the agency's Section 170 Register, transferral of ownership of any listed items or demolition of any items.

1.4.6 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) (NPW Act) would only apply to the proposed project if the Minister were to determine that the proposed works were subject to the provisions of Part 4 of the EP&A Act. Relevant provisions of the NPW Act, if they were to apply, are discussed below.

The NPW Act provides statutory protection for all Aboriginal objects (consisting of any material evidence of the Aboriginal occupation of New South Wales) under Section 90 and for ‘Aboriginal places’ (areas of cultural significance to the Aboriginal community) under Section 84. Aboriginal objects and places in New South Wales are afforded automatic statutory protection through the NPW Act, whereby it is an offence (without the Minister's consent) to:

Damage, deface or destroy Aboriginal sites without the prior consent of the Director-General of the National Parks and Wildlife Service...

The NPW Act defines an 'Aboriginal object' 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.

There is one registered Aboriginal site within the study area (Site No. 45-6-1615 in the Aboriginal Heritage Information Management System (AHIMS) database, recorded as a 'midden'), but the condition of this site is recorded as 'destroyed' (this site was destroyed before it was recorded in 1983).

1.5 Authorship and Acknowledgements

This report has been prepared by Laura Farquharson, Heritage Consultant, and Sharon Veale, Senior Associate, of Godden Mackay Logan. The report was reviewed by Prof Richard Mackay, AM, Partner. The contribution of Sheridan Burke, Partner, throughout the project is also acknowledged.

Valuable assistance was provided throughout the project by Marie Khoury of Savills and Greg McTaggart of Sydney Opera House Trust.

This report presents the outcomes of consultation with registered Aboriginal stakeholder groups and individuals. GML would like to acknowledge the significant contributions to this project of the following stakeholders:

- Rebecca McHugh, Metropolitan Local Aboriginal Land Council;
- Darlene Hoskins-McKenzie; and
- Scott Franks, Yarrawalk.

1.6 Limitations

The project scope did not include the preparation of a summarised Aboriginal history and ethnography relating to the Sydney Opera House site and its surrounds. Such information has been documented previously in a range of sources.¹

Aboriginal consultation was limited to registered Aboriginal stakeholders. Broader Aboriginal community consultation was not undertaken as part of this project.

2.0 Consultation Strategy

This section includes an overview discussion of the consultation activities that have been undertaken in preparing this Aboriginal Cultural Values Assessment for the Sydney Opera House.

2.1 Consultation Objectives

Several key objectives were identified for Aboriginal community consultation as part of the preparation of this report. These were:

- To clearly identify and register all interested Aboriginal stakeholders and provide opportunities for their involvement in the consultation process and in the preparation of the Aboriginal Cultural Values Assessment.

- To provide objective and balanced information to assist registered stakeholders in understanding the purpose and process of the consultation, the nature of the proposed works and possible impacts on Aboriginal cultural heritage values.
- To facilitate stakeholder feedback by providing a variety of means for all stakeholders to put forward ideas and raise concerns.
- To consult directly with stakeholders throughout the assessment process to ensure that issues, ideas and concerns are understood and considered.
- To reflect the views of registered Aboriginal stakeholders (as expressed through the consultation process) within the Aboriginal Cultural Values Assessment report, thereby responding to the DGR for both components of proposed works at the Sydney Opera House.

2.2 Approach

GML's approach to Aboriginal cultural values assessment recognises that Aboriginal people are the primary determinants of the significance of their heritage, and it is therefore not possible to undertake Aboriginal cultural assessment without consultation. GML undertakes Aboriginal community consultation in accordance with DECCW's *Interim Community Consultation Requirements for Applicants* (2005) as well as the guiding principles of the Burra Charter and the 'Ask First' guidelines, which form the best-practice standards for Aboriginal community consultation in New South Wales.

GML's approach to Aboriginal community consultation is informed by a commitment to gaining input into the project to help inform and shape content and outcomes. It incorporates the following:

- Identification of key stakeholders (including organisations, groups and individuals) and provision of information to them throughout the project.
- Co-ordination of a consultation process that meets the needs of the community in terms of accessibility, venues and timing and provides meaningful opportunities for engagement and input into the assessment process.
- Development of consultation that assists the Sydney Opera House Trust by providing information, identifying issues and concerns and responding to the DGR regarding Aboriginal cultural values.

2.3 Consultation Process

Consultation has been designed to seek and gather informed input during the preparation of the Aboriginal Cultural Values Assessment for the Sydney Opera House. The consultation process is summarised below.

2.3.1 Project Notification

In accordance with DECCW requirements, Aboriginal stakeholders were actively sought and identified through the appearance of a project notification advertisement in local print media. The public notification appeared in the *Koori Mail* on 10 February 2010 requesting that registrations of interest be received by 24 February 2010 (Appendix A).

Direct contact was also made with various representative bodies, providing notification of the project and seeking information on interested Aboriginal stakeholder parties or individuals for the study area. Written notification was sent to DECCW, NSW Department of Aboriginal Affairs, City of Sydney, NSW Native Title Services and MLALC (copies of this correspondence are included at Appendix B).

2.3.2 Identification and Registration of Aboriginal Stakeholders

Upon commencement of the project, GML contacted MLALC to request a meeting to discuss the project. While MLALC was unable to attend an initial meeting, it did indicate its willingness to attend the consultation workshop and be consulted as part of the assessment process. In addition to the registration of MLALC, a registration of interest was received from Darlene Hoskins-McKenzie, a Bidjigal woman and traditional owner for the study area, in response to the advertised project notification. In response to GML's correspondence (outlined in Section 2.3.1 above), DECCW subsequently provided notification that both MLALC and Yarrawalk were registered for the study area and that both these stakeholder groups should be consulted. Scott Franks of Yarrawalk was subsequently contacted by GML and notified of the project.

2.3.3 One-on-One Communication

One-on-one communication is an effective means of gathering information and liaising with individuals that may have a particular interest or specific knowledge base. For this project, one-on-one communication took the form of telephone conversations and email correspondence.

GML contacted all registered Aboriginal stakeholders via telephone to introduce the project, provide some background information and to issue an invitation to the consultation workshop. A full log of all consultation is included at Appendix C.

Face-to-face meetings are also an effective means of consulting with local Aboriginal people, particularly to discuss issues and concerns related to a project. As part of the one-on-one consultation, opportunities to meet personally with individual stakeholders were pursued if requested. An individual meeting was held with Darlene Hoskins-McKenzie in advance of the consultation workshop (a filenote of the meeting is included at Appendix D).

2.3.4 Consultation Workshop

A consultation workshop was held with registered Aboriginal stakeholders and Godden Mackay Logan project staff on 30 March 2010. (The workshop agenda is included at Appendix E.) Invitations to attend the workshop were issued and accepted by the following registered stakeholder groups and individuals:

- Metropolitan Local Aboriginal Land Council (represented by Paul Morris, CEO, and Rebecca McHugh, Administration Officer);
- Darlene Hoskins-McKenzie; and
- Yarrawalk (represented by Scott Franks).

The consultation workshop was an opportunity for project details to be effectively communicated to registered Aboriginal stakeholders in a concise, clear, well-co-ordinated and consistent manner. An agenda and supporting material were distributed in order to assist stakeholders in understanding the nature of the proposed works, the disturbance history of the site and the various site formation

processes that have affected the land that today contains the Sydney Opera House. This material included aerial photographs, site survey plans, historical plans and overlay plans.

Discussion was directed towards identifying key Aboriginal cultural values associated with the Sydney Opera House site and its surrounds, thereby affording an opportunity for stakeholders to review project documentation and discuss the nature of the proposed works in light of these identified values. Stakeholder aspirations with regard to management strategies and mitigation options were identified. The workshop was a forum for discussions and afforded an opportunity for stakeholder perspectives, ideas, views and concerns to be expressed and clarified.

Following the workshop, detailed notes summarising the discussion and key outcomes were prepared by GML and distributed to the attendees for confirmation as a true reflection of the workshop. Stakeholders were provided with opportunities to comment on the summary notes and these were revised to incorporate stakeholder responses. These notes are included at Appendix F.

Key outcomes of the consultation workshop are outlined in Sections 3.3, 5.1 and 5.2 below.

2.3.5 Review and Comment on the Draft Report

A draft version of this report was provided to registered Aboriginal stakeholders for review and comment prior to its finalisation. Stakeholder comments regarding the draft report were provided verbally (documented in Appendix C) and in writing (included at Appendix H).

3.0 Identification of Aboriginal Cultural Values

3.1 Introduction

An assessment of heritage values aims to identify whether a place has heritage values to the community, establish what those values may be, and determine why the place (or element of a place) may be considered important and valuable to the community. The terms 'heritage value' and 'heritage significance' are broadly synonymous with 'cultural significance', which is the term that *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999* (the Burra Charter) uses to mean:

aesthetic, historic, scientific or social value for past, present or future generations.

This definition is broadly consistent with those used by other organisations including the Australian Heritage Council, the National Trust of Australia (NSW) and the Heritage Branch, NSW Department of Planning.

Assessments of cultural significance rely on an understanding and analysis of these values which have been derived from an examination of the context of the place or item, its function, its associations and its aesthetic qualities. An understanding of the historical context of a place and consideration of the physical evidence are therefore key components in significance assessment.

When identifying and assessing Aboriginal cultural values it is therefore critical to consider both the tangible and intangible components that can be encompassed by such values within a community. Aboriginal cultural values are not limited to archaeological evidence. Instead, cultural heritage values for Aboriginal communities exist as meanings, memories and knowledge. Aboriginal cultural heritage value is a measure of the special meanings and associations a place may have for particular Aboriginal groups. Aboriginal cultural values can only be identified in consultation with representatives of that community. The investigation of these values is therefore based on the

identification of relevant stakeholder groups, consultation with those people and analysis of the values expressed.

All evidence of Aboriginal cultural heritage tends to have some level of contemporary significance to Aboriginal people through its tangible link to past people, places, life ways and country. However, these values extend well beyond physical evidence to encompass a range of broader associations, meanings and traditions. These values are often very complex and cannot be considered in the same way that archaeological or scientific values are considered.

In preparing the Aboriginal Cultural Values Assessment for the Sydney Opera House, consideration was given to the range of tangible and intangible elements that typically embody Aboriginal cultural values including archaeological remains, cultural landscape values, associations, meanings, stories, understandings and memories. Such an assessment of Aboriginal cultural values assists in the development of holistic future management options for the place and helps ensure that Aboriginal cultural values are considered, recognised and appropriately managed.

Two key sources of information on Aboriginal cultural values were identified at the outset of this assessment:

1. existing documentation relating to Aboriginal cultural values for the Sydney Opera House (ie already documented values); and
2. those Aboriginal cultural values identified and expressed by Aboriginal stakeholders through the consultation process.

The Aboriginal cultural values identified through these two sources are described below.

3.2 Existing Documentation on Aboriginal Cultural Values

The Management Plan for the Sydney Opera House provides information about the building's National Heritage values. It outlines the statutory and management framework for the site to ensure these values are protected and conserved.² The Sydney Opera House meets National Heritage values under criteria A, B, E, F, G and H, and assessment of the site under these criteria is supported by its listing on the National Heritage List (a copy of the complete listing is included at Appendix G).

The National Heritage Listing for the Sydney Opera House recognises Aboriginal cultural values and associations with the site under Criterion H (the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history). The site listing under this criterion recognises that:

The peninsula on which the Sydney Opera House now stands has a special association with Bennelong, an Aboriginal man 'captured' by Governor Arthur Phillip in 1789. Bennelong became a prominent and influential figure in the early Sydney colony, sharing information about his culture with Governor Phillip and regularly visiting the Governor's residence. He was the first Aboriginal adult in the new colony to play a significant role in mediating interactions between Aboriginal people and the early settlers, and was reportedly highly regarded by both Aboriginal people and Europeans. Governor Phillip built the first structure - a house - on the peninsula for Bennelong's use, and from the 1790s the peninsula became known as 'Bennelong Point', and was known to Aboriginal people as Tyubow-gule (McBryde 1989, 17).³

Values identified under other criteria can also be seen to encompass Aboriginal cultural values. For instance, under Criterion E (the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group), the listing recognises that:

*The aesthetic qualities of the Sydney Opera House relate both to its topographical setting on Bennelong Point, and its distinctive architectural features. Its landmark qualities are enhanced by the building's juxtaposition with Sydney Harbour, its relationship with the Sydney Harbour Bridge, the garden landscape of Bennelong Ridge, the sandstone cliff face of Tarpeian Rock and the vistas and views...*⁴

The listing under Criterion A also recognises the Opera House's prominent setting on Bennelong Point, while Criterion B acknowledges the site as a national cultural icon and an important performing arts venue.⁵

The nomination prepared to support inscription of the Sydney Opera House onto the World Heritage List also touches upon the Aboriginal associations with the site:

*The outstanding natural beauty of the setting of the Sydney Opera House is intrinsic to its significance. The Sydney Opera House is situated at the tip of a prominent peninsula projecting into Sydney Harbour (known as Bennelong Point) and within close proximity to the Royal Botanic Gardens and the world famous Sydney Harbour Bridge. Bennelong Point is flanked by Sydney Cove, Farm Cove and Macquarie Street. These sites saw the first settlement, farming and governing endeavours of the colony in the late 18th and early 19th centuries. Known as 'Jubgalee' by the traditional Aboriginal custodians (the Cadigal people), Bennelong Point was a meeting place of Aboriginal and European people during the early years of the colony.*⁶

Aboriginal associations are additionally recognised within the Conservation Management Plan (CMP) for the Sydney Opera House (the CMP is currently under review).⁷ Assessment of the significance of the Sydney Opera House is presented in the CMP based on 'an understanding of the physical attributes and use of the building, its relationship with the setting and of the associations with and attitudes to both building and site'.⁸ It recognises that:

*This significance is intensified by the extensive associations of the site and its structures, including Aboriginal and European contact (Bennelong and his house).*⁹

The CMP also outlines a management policy for excavation at the Sydney Opera House which considers tangible Aboriginal remains. The policy states that:

*Although the area of Bennelong Point controlled by the Sydney Opera House Trust has a history of European occupation dating back to 1788 and unknown millennia of Aboriginal use before that, the site is now so heavily disturbed that sub surface cultural remains are limited.*¹⁰

While the CMP does recognise Aboriginal use of the site, this Aboriginal use (and associated connections to the place) is assessed only in light of the potential for physical remains. Broader consideration of Aboriginal cultural values (particularly intangible values) has not been given within the existing CMP.

3.3 Aboriginal Cultural Values Identified through Stakeholder Consultation

The existing documented Aboriginal cultural values (as summarised above) provide a baseline from which further Aboriginal cultural values were identified through consultation with Aboriginal stakeholders.

Aboriginal stakeholders identified a wide range of Aboriginal cultural values during the consultation workshop. These values are associated with both tangible and intangible aspects of Aboriginal cultural heritage. Values identified by Aboriginal stakeholders were documented by GML, and include:

- The site has value as associated with a main meeting area and place for ceremony at Farm Cove and is very significant to the Aboriginal community.
- The site is associated with a major meeting ground for a number of different nations. The site is therefore about the diversity of the Aboriginal community. The site was part of a meeting/gathering place for Aboriginal people.
- Lots of Aboriginal people were slaughtered in the early days of European settlement.
- The meanings and values of the site are mixed; the site has good and bad history.
- Physical evidence of Aboriginal occupation (eg middens) at the site is likely to remain; however, in most instances this material is likely to be highly disturbed and not in situ. Despite this, information can still be gained from crushed middens. The material that is likely to survive is of significance, despite the likely very high levels of disturbance.
- There is dislike of the Australia Day commemoration in the Botanic Gardens, which was felt to misrepresent Aboriginal community views. The commemoration does not reflect the majority view of the Aboriginal community.
- The Tarpian wall project is of particular interest to the local Aboriginal communities. This project recognises both Bennelong (who was from the other side of the harbour, around the Kissing Point area) and Pemulwuy. It is important that the history of both subjects is respected and that the histories and contributions of each are recognised as representative of the broader Eora nation.
- Aboriginal communities all over Australia hold a contemporary attachment to the Sydney Opera House through the performing arts. There needs to be recognition of the modern-day contribution of Aboriginal people and their personal histories that are intertwined with the Sydney Opera House. Many contemporary Aboriginal communities have attachments to the building. For instance, Uncle Vic Simms performed at the opening of the Opera House.
- Performing at the Sydney Opera House is considered the pinnacle of achievement in the performing arts. Aboriginal people have rich associations with the building through the performing arts.
- There are strong associations between the site as a corroboree ground and the present day; these values are not relics of the past, but endure as part of Aboriginal peoples' continuing cultural attachment to the Sydney Opera House.
- The Sydney Opera House is recognised as an icon. Aboriginal people see a different landscape that existed prior to the development of the Sydney Opera House. This former landscape is storied and has layers of meaning and association. The landscape helps define Aboriginal identity and is part of who they are.

- Aboriginal cultural values associated with the Sydney Opera House site relate to both tangible remains (eg potential surviving middens or other physical relics) as well as intangible meanings, associations, stories, memories and histories.
- Aboriginal cultural values associated with the Sydney Opera House are vital, vibrant and alive. They are not static or staid.¹¹

4.0 Impacts on Aboriginal Cultural Values

4.1 Nature of Proposed Works

The Sydney Opera House Trust proposes to complete two components of works: the VAPS project and proposed works within the forecourt area which involve the diversion of Bennelong Stormwater Drain.

In completing the VAPS project, Sydney Opera House Trust proposes to construct a new basement level beneath the Sydney Opera House. This new basement level would incorporate a loading dock, security amenities and storage facilities, and would be accessed via a vehicular tunnel that would run from the existing surface access road to the south of Sydney Opera House to the proposed new basement level (Figures 1 and 2). The provision of a new loading dock below the Sydney Opera House and the associated access ramp would separate heavy vehicle deliveries from busy pedestrian areas and would increase public safety. It would also avoid the need for heavy vehicles to use the western and northern boardwalks.

The proposed works within the forecourt area involve the diversion of the major stormwater channel that runs along Bennelong Point ('Bennelong Drain') from its current location to a new route under the Sydney Opera House forecourt (Figures 3 and 4). The proposed new discharge point would be Farm Cove. The diversion of the drain is in line with the strategic building plan for Sydney Opera House and would result in greater operational flexibility for future projects that are planned for Sydney Opera House, including the VAPS project discussed above.

4.2 Impact Assessment

The proposed development works have been considered in light of the Aboriginal cultural values identified in Sections 3.2 and 3.3 above in order to identify likely impacts to these values. Impacts to both tangible and intangible Aboriginal cultural values have been considered.

There is potential for impacts to any physical Aboriginal objects that may survive at the site (albeit in highly disturbed contexts). Aboriginal stakeholders have identified Aboriginal cultural values associated with any such tangible Aboriginal cultural material that may survive at the site. The value of this material to the Aboriginal community is not diminished by the likely high levels of disturbance, and so any potential impacts to such material would impact upon these Aboriginal cultural values. Proposed measures for the protection/mitigation of these physical impacts during the proposed works are discussed below.

It is also likely that the proposed works may impact upon intangible Aboriginal cultural values, which are connected to the potential physical evidence of Aboriginal heritage at the site. Aboriginal cultural values also relate to history and beliefs associated with the site, and impacts to these types of values can be more complex than purely physical impacts. Options have therefore also been identified for the broader management of intangible Aboriginal cultural values and the mitigation of impacts to these values below.

5.0 Issues, Concerns and Opportunities

5.1 Key Issues and Concerns

The nature of the proposed works and likely impacts on identified Aboriginal cultural values were discussed with Aboriginal stakeholders during the consultation workshop. There was general acceptance among stakeholder representatives that the proposed works would proceed. There was recognition that the proposed works may result in some impacts to any potentially surviving Aboriginal cultural material, but also recognition that any such material is likely to already be significantly disturbed by previous layers of development.

In light of these potential impacts, the following key issues and concerns were identified by stakeholders during the workshop:

- There is recognition and acceptance that the project is going ahead.
- There needs to be recognition of what is there and recognition of the peoples of this area.
- It is a priority for Aboriginal stakeholders that relics be kept, retained and displayed on site. There is some potential for relics on the site, albeit in highly disturbed contexts. The community would encourage retention on site, unless the material is of very high cultural significance or sensitivity.
- There is an opportunity to analyse soil samples.
- There should be recognition of traditional owners. It is important to ask 'Who are the traditional people of this country?' These people need to be recognised.
- Stakeholders would like there to be adoption of traditional language, for instance to name some areas on the site.
- There needs to be recognition of both the good and bad history of the site.
- There is currently a lack of recognition of Aboriginal cultural values at the site. There needs to be broader recognition of Aboriginal cultural values at the Sydney Opera House.
- There is currently only recognition of Aboriginal cultural values in terms of Bennelong's house, but there needs to be recognition of the greater role of the place. This should not just be about the Gadigal people but should consider the bigger picture. The site was near the Farm Cove corroboree ground; it was 'our meeting place'.
- It would be good to recognise the greater groups/mobs around Sydney as well as the Gadigal people ('one clan within a mob of peoples').
- There needs to be consultation with traditional owners (the Bidjigal/Gadigal clans of the Eora Nation).
- There should be recognition of this place and our peoples and the suffering that they went through under colonisation and invasion.
- It is important that people within the Aboriginal community be given an opportunity to be involved in site interpretation and the process needs to be inclusive (eg extend an invitation to the

Aboriginal people of the Sydney basin). There should also be recognition that many community groups do not have the resources to be involved easily.

- There needs to be recognition of connection to country and bloodline ties. It is very important to ensure that the people we are talking to are the right people (it is 'important to have the right people for our mobs').¹²

5.2 Opportunities

Informed by the key Aboriginal cultural values and issues and concerns outlined above, stakeholders identified a number of opportunities for recognition of Aboriginal cultural values, some of which relate directly to the potential physical impacts associated with the proposed works. Other opportunities relate to identified Aboriginal cultural values that are intangible but that are connected to the potential physical evidence of Aboriginal heritage associated with the Sydney Opera House. These opportunities may serve to mitigate impacts on Aboriginal cultural values.

The following opportunities were identified by stakeholders:

- This process is an opportunity to recognise the value of the site to the Aboriginal community. The Sydney Opera House and the state government have an opportunity to recognise this, and 'if they don't recognise this it will be a great loss to them'.
- There is an opportunity to offset impacts of the proposed works through recognition of the Aboriginal community and Aboriginal cultural heritage values associated with the site.
- Aboriginality needs to be recognised by Indigenous and non-Indigenous people, and there is an opportunity for recognition of Aboriginality through the outcomes of this project. Such recognition can reach an international audience at the Sydney Opera House.
- There is an opportunity to recognise the Bidjigal and Gadigal clans and the broader clans of the Eora Nation.
- There are opportunities here to retain material on site in a traditional cultural display. This is a significant opportunity, but needs to be managed in a sensitive way. For instance, a glass display of Aboriginal cultural heritage material could be repatriated from the Australian Museum (eg similar displays at the Powerhouse). A steering committee could be established to work with the Sydney Opera House Trust and collectively make an application to the Australian Museum for material to be repatriated. This would enable some significant remains to be displayed.
- It is suggested that oral histories of Aboriginal people with connections to the site could be recorded and used in interpretation at the Sydney Opera House.
- There may be opportunities to negotiate with the Botanic Gardens to develop broader interpretation strategies with Farm Cove.
- There is an important opportunity to work collectively to acknowledge authenticity and Aboriginal connection to this place.
- There is an opportunity for Aboriginal artefacts to be displayed and interpreted within display cases in the tunnels and car park access points (such interpretation could possibly incorporate Aboriginal music or other mediums).¹³

6.0 Conclusions and Recommendations

6.1 Conclusions

In preparing this Aboriginal Cultural Values Assessment, GML has responded to the DGR for proposed VAPS and forecourt works, which requires:

An assessment of the likely impacts of the proposal on Aboriginal cultural heritage values and the protection measures to be adopted during the works.

There has been some previous documentation of Aboriginal cultural values within existing management documents for the Sydney Opera House; however, any such consideration of these values has generally focused on physical remains alone. Consultation with registered Aboriginal stakeholders as part of this assessment has built upon these previously documented values, resulting in the identification of a range of Aboriginal cultural values associated with the Sydney Opera House. These values are both tangible and intangible.

Consideration of the development proposal has identified likely impacts to Aboriginal cultural values. The likely impacts will potentially be to the physical Aboriginal objects that may survive at the site, albeit in disturbed contexts. Proposed measures for the protection/mitigation of these physical impacts during the proposed works are discussed below.

It is also likely that the proposed works may impact upon intangible Aboriginal cultural values which are connected to the potential physical evidence of Aboriginal heritage at the site. Options have therefore also been identified for the broader management of intangible Aboriginal cultural values and the mitigation of impacts to these values.

6.2 Recommendations

Informed by the outcomes of Aboriginal community consultation and impact assessment outlined above, GML makes the following recommendations for the mitigation of likely physical impacts to Aboriginal cultural material that may survive at the site:

- Archaeological monitoring of proposed development works should occur in accordance with the Archaeological Management Plan outlined by GML in previous archaeological assessment reports.¹⁴ It would be appropriate for Aboriginal stakeholder representatives to participate in the monitoring. Stop-work provisions and protocols for the recording and collection of any identified archaeological material are included within the Archaeological Management Plan.
- In the event that Aboriginal cultural material is identified and collected, it may be appropriate for such material to be retained, interpreted and displayed on site. Further consultation with Aboriginal stakeholders would be required to determine the appropriate management of any such material.

In view of the broader Aboriginal cultural values identified through this assessment, GML also makes the following recommendations to the Sydney Opera House Trust for the ongoing management of broader Aboriginal cultural values associated with the Sydney Opera House site:

- The Sydney Opera House Trust will develop a protocol for ongoing Aboriginal stakeholder consultation and engagement as part of the long-term management of the Sydney Opera House.

- The Sydney Opera House Trust should develop an interpretation strategy that outlines an approach to the recognition and interpretation of Aboriginal cultural values and Aboriginality associated with the Sydney Opera House site. Aboriginal people are the rightful interpreters of Aboriginal cultural heritage. Any proposed interpretation of Aboriginal cultural heritage at the Sydney Opera House should involve identified Aboriginal stakeholders.
- As part of the current revision of the Sydney Opera House Conservation Management Plan, further consideration and assessment of Aboriginal cultural values with regard to the aforementioned recommendations should be considered. Such revision would facilitate better consideration of Aboriginal cultural values within the day-to-day management of the Opera House.
- Any future revision of the Management Plan for the Sydney Opera House should reflect the updated Conservation Management Plan, particularly any revised policies regarding Aboriginal cultural significance.

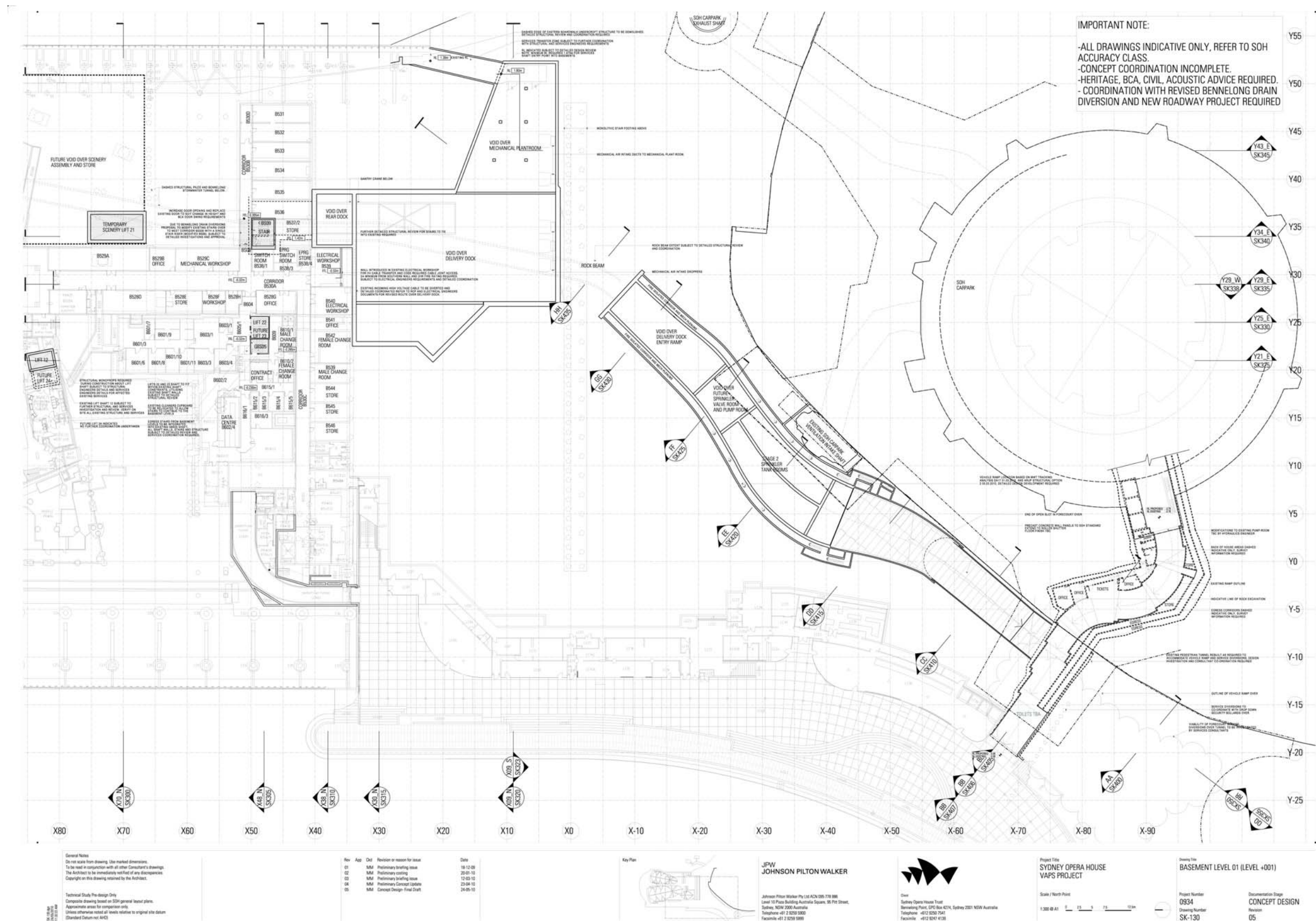


Figure 1 Plan showing the proposed new basement level and heavy vehicle access tunnel to be completed as part of the VAPS project. (Source: Savills on behalf of the Sydney Opera House Trust)

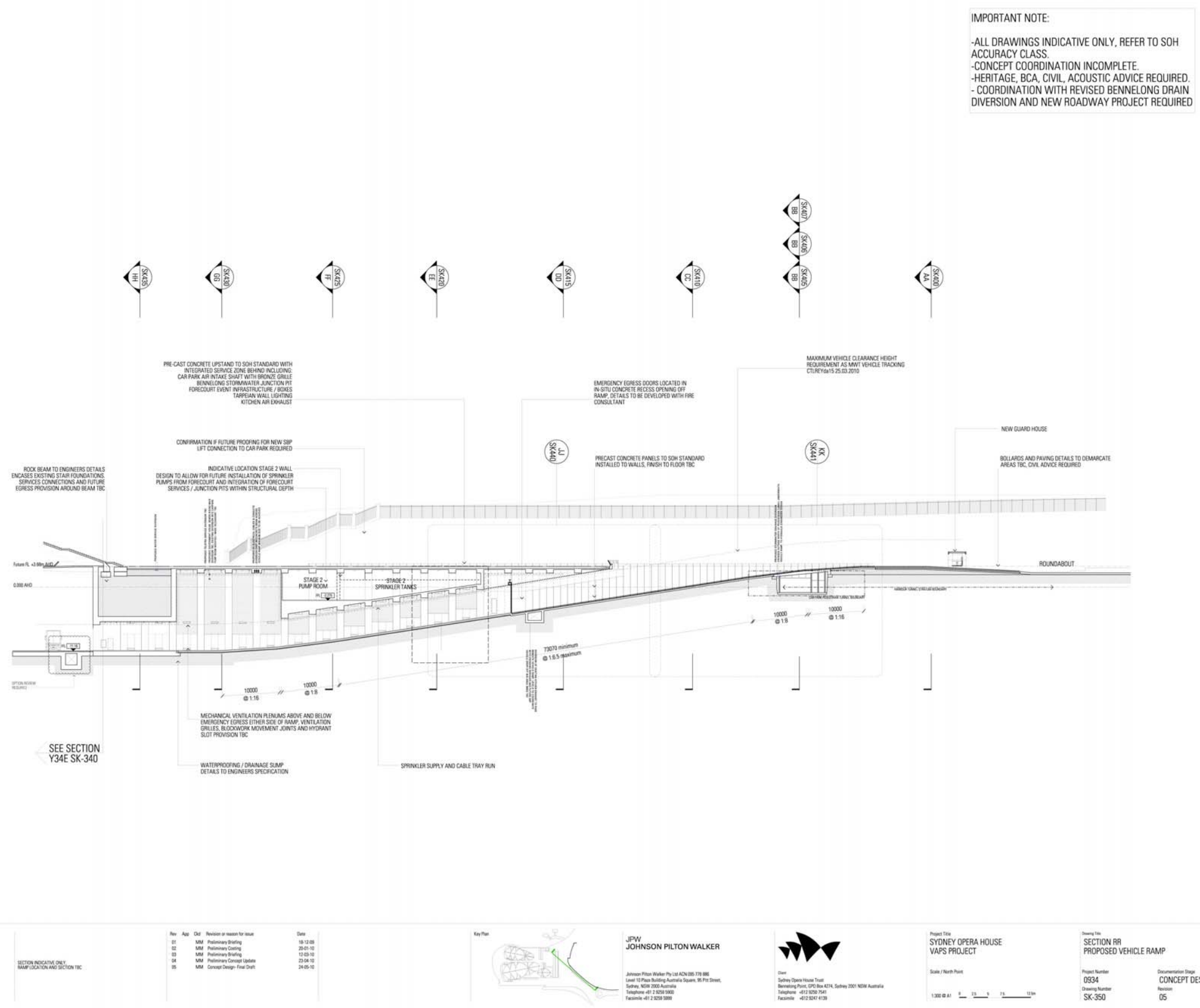


Figure 2 Section showing the proposed new basement level and heavy vehicle access tunnel to be completed as part of the VAPS project. (Source: Savills on behalf of the Sydney Opera House Trust)

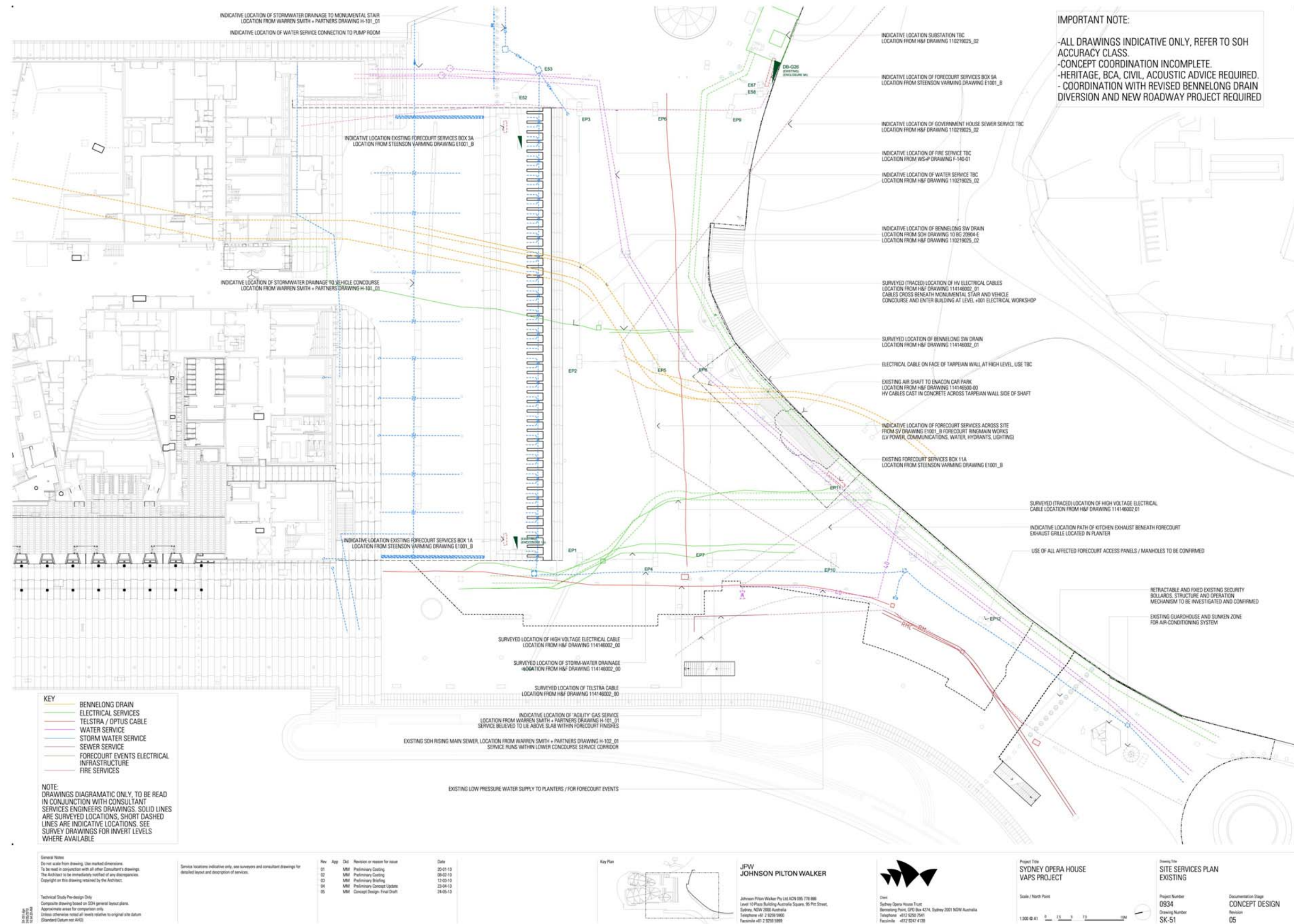


Figure 3 Plan showing part of the existing route of Bennelong Drain, which is to be relocated as part of the forecourt works. (Source: Savills on behalf of the Sydney Opera House Trust)

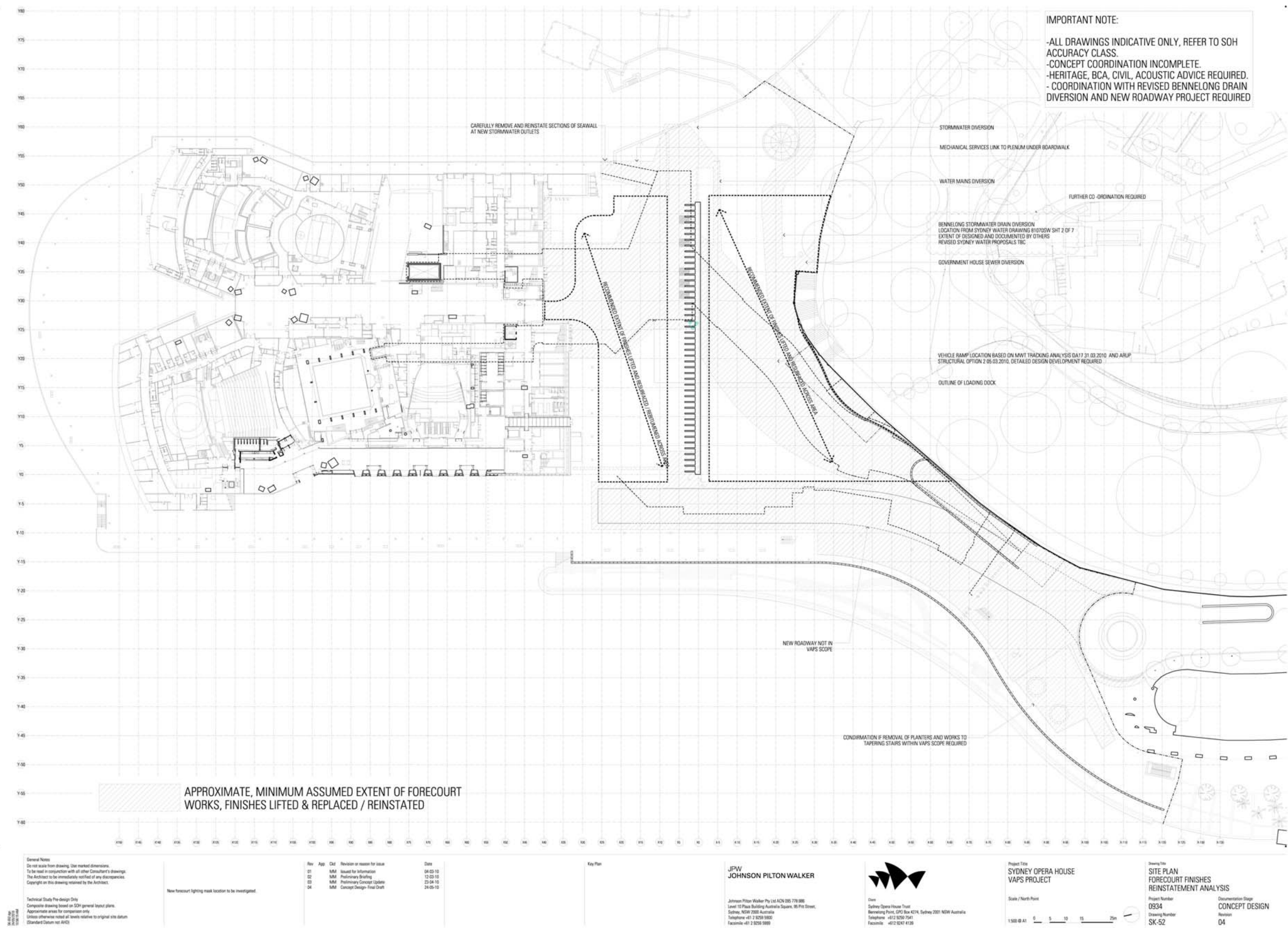


Figure 4 Plan showing the location of the proposed Bennelong Drain diversion. (Source: Savills on behalf of the Sydney Opera House Trust)

7.0 Endnotes

- ¹ See for instance: Kerr, James Semple, 2003, *Sydney Opera House: A Plan for the Conservation of the Sydney Opera House and its Site* (Third Edition), Sydney Opera House Trust, Sydney; Attenbrow, Val, 2002, *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*, UNSW Press, Sydney; and McBryde, Isabel, 1989, *Guests of the Governor: Aboriginal Residents of the First Government House*, Friends of the First Government House Site, Sydney.
- ² Management Plan for the Sydney Opera House, August 2005, p3.
- ³ Commonwealth of Australia Gazette, No. S132, 12 July 2005, pp6-7.
- ⁴ Ibid, p3.
- ⁵ Ibid, pp2-3.
- ⁶ *Sydney Opera House Nomination by the Government of Australia for Inscription on the World Heritage List*, 2006, p13.
- ⁷ Kerr, James Semple, 2003, *Sydney Opera House: A Plan for the Conservation of the Sydney Opera House and its Site* (Third Edition), Sydney Opera House Trust, Sydney.
- ⁸ Kerr, James Semple, 2003, *Sydney Opera House: A Plan for the Conservation of the Sydney Opera House and its Site* (Third Edition), Sydney Opera House Trust, Sydney, p32.
- ⁹ Ibid, p32.
- ¹⁰ Ibid, p32.
- ¹¹ Information and personal comments provided by Aboriginal stakeholders during a consultation workshop held on 30 March 2010. See Appendix F for comprehensive documentation of the workshop outcomes.
- ¹² Information and personal comments provided by Aboriginal stakeholders during a consultation workshop held on 30 March 2010. See Appendix F for comprehensive documentation of the workshop outcomes.
- ¹³ Information and personal comments provided by Aboriginal stakeholders during a consultation workshop held on 30 March 2010. See Appendix F for comprehensive documentation of the workshop outcomes.
- ¹⁴ Godden Mackay Logan, Sydney Opera House: Vehicle and Pedestrian Safety Project (VAPS) – Archaeological Management Plan and Archaeological Impact Assessment (February 2010); and Godden Mackay Logan, Sydney Opera House: Forecourt – Archaeological Management Plan and Heritage Impact Assessment (January 2010).

8.0 Appendices

Appendix A

Project Notification

Appendix B

Project Notification Letters

Appendix C

Aboriginal Stakeholder Consultation Log

Appendix D

Filenote of one-to-one stakeholder consultation meeting

Appendix E

Aboriginal Stakeholder Consultation Workshop Agenda

Appendix F

Aboriginal Stakeholder Consultation Workshop Summary

Appendix G

National Heritage List Gazettal

Appendix H

Aboriginal Stakeholder comments on the draft Aboriginal Cultural Values Assessment

Appendix A

Project Notification

Notification and Registration of Aboriginal Interest

In response to the Department of Planning, Director General's Environmental Assessment Requirements for the proposed Vehicle Access and Pedestrian Safety project at the Sydney Opera House, Godden Mackay Logan has been commissioned by the Sydney Opera House Trust to prepare an Aboriginal Cultural Values Assessment. The assessment will include the identification of any potential impacts associated with the proposed works on Aboriginal cultural heritage values and mitigative measures that may be required.

Sydney Opera House Trust invites Aboriginal groups and individuals to register their interest in the project. Interested parties should respond in writing and include an explanation of their interest and association with the subject site. Registrations must be received by Wednesday 24th February 2010.

Please register in writing to:

Sydney Opera House
c/o- Godden Mackay Logan
Attn: Ms. Laura Farquharson
78 George St, REDFERN NSW 2016
Fax: (02) 9319 4383

Appendix B

Project Notification Letters

22 February 2010

The Registrar of Aboriginal Owners
NSW Department of Aboriginal Affairs
Level 13, Tower B
280 Elizabeth Street
SURRY HILLS NSW 2010

Our Ref: 10-0018aac1

Re: Sydney Opera House – Aboriginal Cultural Values Assessment

Dear Sir / Madam,

Godden Mackay Logan (GML) has been commissioned by the Sydney Opera House trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment is being prepared in response to the Department of Planning, Director General's Environmental Assessment Requirements for the proposed Vehicle Access and Pedestrian Safety project at the Opera House.

In completing the assessment, GML will be undertaking Aboriginal stakeholder consultation in accordance with best practice standards (as proscribed by the NSW Department of Environment, Climate Change and Water's (DECCW) *Interim Community Consultation Requirements for Applicants*). In accordance with Part B, Section 1 of the Consultation Requirements we are seeking written expressions of interest from Aboriginal groups or individuals who wish to be consulted during the assessment through public advertisement and direct notifications. This includes public advertisement in the Koori Mail and direct notification to the Metropolitan Local Aboriginal Land Council. We would be pleased if your organisation would be able to providing the details of any additional Aboriginal organisations or individuals of whom you may be aware that have links to the area or who may be interested in the project. Please provide written notification of any additional parties as soon as possible.

Following registration of interest, we will coordinate a consultation workshop with identified stakeholders to inform preparation of the Aboriginal cultural values assessment. Please do not hesitate to contact me if you would like further information on the project.

Yours sincerely

Godden Mackay Logan Pty Ltd



Laura Farquharson
Heritage Consultant

GML

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ABN 60 001 179 362

www.gml.com.au
heritage@gml.com.au

22 February 2010

The General Manager
City of Sydney
PO Box 1591
SYDNEY NSW 2001

Our Ref: 10-0018csc1

Re: Sydney Opera House – Aboriginal Cultural Values Assessment

Dear Sir / Madam,

Godden Mackay Logan (GML) has been commissioned by the Sydney Opera House trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment is being prepared in response to the Department of Planning, Director General's Environmental Assessment Requirements for the proposed Vehicle Access and Pedestrian Safety project at the Opera House.

In completing the assessment, GML will be undertaking Aboriginal stakeholder consultation in accordance with best practice standards (as proscribed by the NSW Department of Environment, Climate Change and Water's (DECCW) *Interim Community Consultation Requirements for Applicants*). In accordance with Part B, Section 1 of the Consultation Requirements we are seeking written expressions of interest from Aboriginal groups or individuals who wish to be consulted during the assessment through public advertisement and direct notifications. This includes public advertisement in the Koori Mail and direct notification to the Metropolitan Local Aboriginal Land Council. We would be pleased if your organisation would be able to providing the details of any additional Aboriginal organisations or individuals of whom you may be aware that have links to the area or who may be interested in the project. Please provide written notification of any additional parties as soon as possible.

Following registration of interest, we will coordinate a consultation workshop with identified stakeholders to inform preparation of the Aboriginal cultural values assessment. Please do not hesitate to contact me if you would like further information on the project.

Yours sincerely

Godden Mackay Logan Pty Ltd



Laura Farquharson
Archaeologist

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22 February 2010

Executive Director Operations
NSW Department of Environment and Climate Change
PO Box A290
SYDNEY SOUTH NSW 1232
Our Ref: 10-0018dec1

Re: Sydney Opera House – Aboriginal Cultural Values Assessment

Dear Sir / Madam,

Godden Mackay Logan (GML) has been commissioned by the Sydney Opera House trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment is being prepared in response to the Department of Planning, Director General's Environmental Assessment Requirements for the proposed Vehicle Access and Pedestrian Safety project at the Opera House.

In completing the assessment, GML will be undertaking Aboriginal stakeholder consultation in accordance with best practice standards (as proscribed by the NSW Department of Environment, Climate Change and Water's (DECCW) *Interim Community Consultation Requirements for Applicants*). In accordance with Part B, Section 1 of the Consultation Requirements we are seeking written expressions of interest from Aboriginal groups or individuals who wish to be consulted during the assessment through public advertisement and direct notifications. This includes public advertisement in the Koori Mail and direct notification to the Metropolitan Local Aboriginal Land Council. We would be pleased if your organisation would be able to providing the details of any additional Aboriginal organisations or individuals of whom you may be aware that have links to the area or who may be interested in the project. Please provide written notification of any additional parties as soon as possible.

Following registration of interest, we will coordinate a consultation workshop with identified stakeholders to inform preparation of the Aboriginal cultural values assessment. Please do not hesitate to contact me if you would like further information on the project.

Yours sincerely

Godden Mackay Logan Pty Ltd



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22 February 2010

Manager
NSW Native Title Services
PO Box 2105,
Strawberry Hills NSW 2012
DX 22525, Surry Hills

Our Ref: 10-0018ntc1

Re: Sydney Opera House – Aboriginal Cultural Values Assessment

Dear Sir / Madam,

Godden Mackay Logan (GML) has been commissioned by the Sydney Opera House trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment is being prepared in response to the Department of Planning, Director General's Environmental Assessment Requirements for the proposed Vehicle Access and Pedestrian Safety project at the Opera House.

In completing the assessment, GML will be undertaking Aboriginal stakeholder consultation in accordance with best practice standards (as proscribed by the NSW Department of Environment, Climate Change and Water's (DECCW) *Interim Community Consultation Requirements for Applicants*). In accordance with Part B, Section 1 of the Consultation Requirements we are seeking written expressions of interest from Aboriginal groups or individuals who wish to be consulted during the assessment through public advertisement and direct notifications. This includes public advertisement in the Koori Mail and direct notification to the Metropolitan Local Aboriginal Land Council. We would be pleased if your organisation would be able to providing the details of any additional Aboriginal organisations or individuals of whom you may be aware that have links to the area or who may be interested in the project. Please provide written notification of any additional parties as soon as possible.

Following registration of interest, we will coordinate a consultation workshop with identified stakeholders to inform preparation of the Aboriginal cultural values assessment. Please do not hesitate to contact me if you would like further information on the project.

Yours sincerely

Godden Mackay Logan Pty Ltd



Laura Farquharson
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22 February 2010

Metropolitan Local Aboriginal Land Council
PO Box 1103
STRAWBERRY HILLS NSW 2012

Attention: Mr Paul Morris, CEO

Our Ref: 10-0018pmc1

Re: Sydney Opera House – Aboriginal Cultural Values Assessment

Dear Mr Morris,

Godden Mackay Logan (GML) has been commissioned by the Sydney Opera House trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment is being prepared in response to the Department of Planning, Director General's Environmental Assessment Requirements for the proposed Vehicle Access and Pedestrian Safety project at the Opera House.

In completing the assessment, GML will be undertaking Aboriginal stakeholder consultation in accordance with best practice standards (as proscribed by the NSW Department of Environment, Climate Change and Water's (DECCW) *Interim Community Consultation Requirements for Applicants*). In accordance with Part B, Section 1 of the Consultation Requirements, we would like to notify your organisation of the project; indeed we would be pleased if the Land Council were willing to be involved in the project.

Under Part B, Section 1 of the Consultation Requirements we require a written expression of interest from all Aboriginal groups or individuals who wish to be consulted about the project. If you wish to register your interest, please forward written notification to the following address:

Sydney Opera House Trust
c/- Godden Mackay Logan
Attn: Ms. Laura Farquharson
78 George St
REDFERN NSW 2016

Following the registration period, we will coordinate a consultation workshop with identified stakeholders to inform preparation of the Aboriginal cultural values assessment. Please do not hesitate to contact me if you would like further information on the project.

Yours sincerely

Godden Mackay Logan Pty Ltd



Laura Farquharson
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Appendix C

Aboriginal Stakeholder Consultation Log

Aboriginal Stakeholder Consultation Log

Date	Group	Correspondence	Method
29 th January 2010	-	GML commissioned by SOH to prepare Aboriginal cultural values assessment	Email
10 th February 2010		Public notification appears in Koori Mail	Print
12 th February 2010	MLALC	LF tried several times this week to speak to Allen Madden and arrange an initial meeting but did not get through. LF left messages on Allan's mobile and with the MLALC office.	Phone
18 th February 2010	MLALC	LF tried to speak to Allan Madden to arrange an initial meeting, but couldn't get through. LF left another message.	Phone
18 th February 2010	MLALC	LF spoke to Paul Morris (CEO MLALC) about project.	Phone
18 th February 2010	MLALC	LF emailed Paul Morris with details of the project	Email
18 th February 2010	MLALC	Paul Morris emailed LF indicating that he would respond to her email on Monday	Email
22 nd February 2010	MLALC	Written notification of project sent to MLALC	Email
22 nd February 2010	MLALC	Written notification of project sent to MLALC	Mail
22 nd February 2010	City of Sydney	Written notification of project and request for information on stakeholders sent by GML	Mail
22 nd February 2010	DECCW	Written notification of project and request for information on stakeholders sent by GML	Mail
22 nd February 2010	NSW Department of Aboriginal Affairs	Written notification of project and request for information on stakeholders sent by GML	Mail
22 nd February 2010	NSW Native Title Services	Written notification of project and request for information on stakeholders sent by GML	Mail
23 rd February 2010	MLALC	LF left message for Paul Morris (mobile and office number) to try and arrange a meeting	Phone
24 th February 2010		Registration Period Closes	
25 th February 2010	MLALC	Registration of interest received from MLALC	Email
25 th February 2010	DH-M	Darlene Hiskons-McKenzie and Jocelyn visited the GML office to speak to LF, however LF out of office. DH-M and J spoke with Anita Yousif, indicating that they would like to register their interest in the project. Anita confirmed that they could still register their interest.	In person
25 th February 2010	DH-M	LF phoned DH-M to confirm registration of interest and arrange an initial meeting.	Phone
25 th February 2010	DH-M	LF emails DH-M confirming registration of interest & confirming meeting arrangements	Email
25 th February 2010	DH-M	DH-M emailed LF to confirm meeting arrangements	Email
1 st March 2010	DH-M	LF & SV met with SH-M (see separate filenote)	In person

9 th March 2010	Office of the Registrar	Letter received indicating that there are no Registered Aboriginal Owners pursuant to Division 3 of the <i>Aboriginal Land Rights Act 1983</i>	Mail
10 th March 2010	DECCW	Letter received indicating that two Aboriginal stakeholder groups are known to DECCW for the study area: Metropolitan Local Aboriginal Land Council (Contact Paul Morris) Yarrawalk (Contact Scott Franks)	Mail
15 th March 2010	DH-M	LF phoned DH-M re dates of availability for consultation workshop but no answer	Phone
15 th March 2010	MLALC	LF phoned Rebecca McHugh re Paul's availability to meet about the project. Rebecca informed me that there were internal political problems within the Land Council and that Paul was not currently able to meet with us. LF suggested that in order to keep the process progressing, I go ahead and arrange a date for the consultation workshop, and let MLALC know. LF also suggested that perhaps RH could attend the workshop if Paul was unavailable. RH agreed that she could attend if PM unavailable. LF said she would call back to confirm a date for the workshop.	Phone
15 th March 2010	DH-M	LF emailed DH-M re dates of availability for consultation workshop	Email
15 th March 2010	DH-M	DH-M returned LF's call and confirmed she was available Tuesday 30 th March from 11am – 1pm. LF said she would email to confirm location etc.	Phone
15 th March 2010	MLALC	LF phoned Rebecca McHugh to confirm date for consultation workshop. RM confirmed she would be available on that day. LF to email workshop details/confirmation	Phone
15 th March 2010	Yarrawalk	LF phoned Scott Franks to notify him of the project and invite Yarrawalk to the consultation workshop. See separate file note for further details.	Phone
15 th March 2010	Yarrawalk	LF emailed Scott Franks to notify him of the project and invite Yarrawalk to the consultation workshop.	Email
22 nd March 2010	MLALC	LF emailed Rebecca McHugh to confirm workshop arrangements	Email
22 nd March 2010	Yarrawalk	LF emailed Scott Franks to confirm workshop arrangements	Email
22 nd March 2010	DH-M	LF emailed Darlene Hoskins-McKenzie to confirm workshop arrangements	Email
22 nd March 2010	Yarrawalk	Scott Franks emailed confirming his attendance at the workshop	Email
24 th March 2010	DH-M	LF phoned Darlene Hoskins-McKenzie to confirm her attendance at the workshop. Darlene phoned back to confirm.	Phone
24 th March 2010	MLALC	Rebecca emailed to confirm her attendance at the workshop	Email
30 th March 2010	MLALC Yarrawalk DH-M	Stakeholder consultation workshop attended by all stakeholders. See separate workshop agenda and workshop summary notes.	In person
19 th April 2010	MLALC Yarrawalk DH-M	LF emailed all stakeholders a copy of the draft <i>Stakeholder Consultation Workshop Summary</i> , for review and comment.	Email
23 rd April 2010	DH-M	Darlene phoned SV to discuss comments on the draft <i>Stakeholder Consultation Workshop Summary</i> . Comments were provided over the phone and documented by SV for input into the revised summary.	Phone
28 th April 2010	MLALC	Rebecca emailed LF to apologies for delay in providing a response to the draft <i>Stakeholder Consultation Workshop Summary</i> , and ask if it is too late to provide comments.	Email

29 th April 2010	MLALC	LF emailed Rebecca to indicate it was not too late to provide comments and that comments would be appreciated.	Email
29 th April 2010	Yarrawalk	LF emailed Scott Franks to confirm whether he had any comments on the draft <i>Stakeholder Consultation Workshop Summary</i>	Email
3 rd May 2010	DH-M	LF emailed Darlene to follow up on her initial comments (received by SV over the phone) and confirm if she had any further comments.	Email
3 rd May 2010	MLALC	LF called Rebecca to confirm if MLALC had any comments on the draft <i>Stakeholder Consultation Workshop Summary</i> . Rebecca provided some comments over the phone, but was generally happy with the draft document and was happy for the draft report to now be prepared on the basis of this summary.	Phone
3 rd May 2010	Yarrawalk	LF called Scott Franks to confirm if he had any comments on the draft <i>Stakeholder Consultation Workshop Summary</i> . Scott confirmed that he had reviewed the summary and was happy with its contents. He stated that we would prepare a letter indicating his support for the document and send it through today.	Phone
3 rd May 2010	DH-M	LF phoned Darlene to follow up on her initial comments on the draft <i>Stakeholder Consultation Workshop Summary</i> . Darlene provided some additional comments over the phone and asked LF to call back later in the afternoon once she had further chance to review the document.	Phone
3 rd May 2010	DH-M	LF called Darlene again in the afternoon to follow up on the earlier phone call (as requested) but could not get through or leave a message.	Phone
4 th May 2010	MLALC	LF emailed Rebecca a copy of the revised Stakeholder Consultation Workshop Summary for information. LF also indicated that the draft Aboriginal Cultural Values Assessment was nearing completion and would be provided for comment in due course.	Email
4 th May 2010	Yarrawalk	LF emailed Scott a copy of the revised Stakeholder Consultation Workshop Summary for information. LF also indicated that the draft Aboriginal Cultural Values Assessment was nearing completion and would be provided for comment in due course.	Email
4 th May 2010	DH-M	LF emailed Darlene a copy of the revised Stakeholder Consultation Workshop Summary for information. LF also indicated that the draft Aboriginal Cultural Values Assessment was nearing completion and would be provided for comment in due course.	Email
4 th May 2010	DH-M	Darlene responded to LF's email requesting the contact details for a relevant SOH Trust representative.	Email
17 th May 2010	MLALC	Draft Aboriginal Cultural Values Assessment provided for comment. Comments requested by 14 th June 2010.	Mail
17 th May 2010	Yarrawalk	Draft Aboriginal Cultural Values Assessment provided for comment. Comments requested by 14 th June 2010.	Mail
17 th May 2010	DH-M	Draft Aboriginal Cultural Values Assessment provided for comment. Comments requested by 14 th June 2010.	Mail
9 th June 2010	DH-M	Package sent to DH-M on 17 th May containing the draft Aboriginal Cultural Values Assessment was returned to sender. It did not reach DH-M.	Mail
10 th June 2010	DH-M	LF phoned Darlene to apologise that she did not receive the draft report. LF could not get through on the phone.	Phone
10 th June 2010	DH-M	LF emailed Darlene a copy of the draft Aboriginal Cultural Values Assessment for comment. LF requested comments be provided by 14 th June, if possible. LF also provided the contact details for the relevant SOH Trust representative, as previously requested by Darlene.	Email
10 th June 2010	MLALC	LF phoned Rebecca to confirm MLALC received draft report and discuss any comments. Rebecca requested that a copy of the draft be emailed as the hard copy got wet in the post. Rebecca indicated that MLALC was happy with the draft, but would provide a formal reply after reviewing the electronic copy of the report.	Phone
10 th June 2010	MLALC	LF emailed Rebecca a copy of the draft Aboriginal Cultural Values Assessment for comment.	Email
10 th June 2010	Yarrawalk	LF phoned Scott to confirm he received draft report and discuss any comments. Scott requested that a copy of the draft be emailed, and indicated that he would forward a response today after reviewing the electronic copy of the report.	Phone

10 th June 2010	Yarrawalk	LF emailed Scott a copy of the draft Aboriginal Cultural Values Assessment for comment.	Email
16 th June 2010	MLALC	Rebecca emailed LF indicating MLALC's support for the draft Aboriginal Cultural Values Assessment.	Email
21 st June 2010	DH-M	LF phoned Darlene to confirm she received draft report and discuss any comments. Darlene provided some minor comments over the phone regarding the reference to Bidjigal / Gadigal clans. Darlene indicated that she would provide a formal comment via email in the next day or two after having reviewed the draft report. Darlene did indicate that she would be interested in preparing the Protocol for Aboriginal stakeholder consultation (as recommended in the draft report) and indicated that she would express this in her submission.	Phone
21 st June 2010	Yarrawalk	LF phoned Scott to confirm he received draft report and discuss any comments. Scott indicated that he had reviewed the report and supported its content. He had provided an email response on Saturday but LF had not received anything. Scott indicated that he would send the email again this evening.	Phone
22 nd June 2010	Yarrawalk	LF emailed Scott to confirm the outcomes of the phone conversation regarding provision of an email in support of the draft report.	Email
22 nd June 2010	DH-M	LF emailed Darlene to confirm the outcomes of the phone conversation regarding minor changes to draft report as per comments provided verbally on 21/6/10. LF also requested that final comments be provided via email, as discussed on the phone.	Email
23 rd June 2010	DH-M	Darlene emailed LF confirming that final comment on the draft report would be provided via email later today (23/6/10).	Email
24 th June 2010	Yarrawalk	LF phoned Scott and left message indicating that no comment had been received on the draft report.	Phone
24 th June 2010	DH-M	LF emailed Darlene to indicate that no comment had been received on 23/6/10 as planned.	Email
24 th June 2010	DH-M	LF tried to phone Darlene to follow up on any comments prior to finalising report. LF could not get through.	Phone
24 th June 2010	DH-M	Darlene phoned LF to indicate that written comment would be coming via email. Some minor text revisions were also requested and made over the phone.	Phone
24 th June 2010	DH-M	Written comment in support of the draft report provided by Darlene via email.	Email

Appendix D

Filenote of one-to-one stakeholder consultation meeting

Filenote

Job:	SOH Aboriginal Values Assessment	Job No.:	10-0018
Subject:	Meeting with Darlene Hoskins-McKenzie	Date/Time:	1/3/10 12:30pm
Persons Involved:	Darlene Hoskins-McKenzie (DH-M), Sharon Veal (SV), Laura Farquharson (LF)	Our Ref:	10-0018dhm1

Note:

- LF and SV met with DH-M to discuss project and scope/approach.
- SV/LF outlined the project (including project context and previous work) and our proposed approach (as per separate notes titled 'approach to consultation').
- SV/LF confirmed that the specific details of the proposal works (including elevations, site plans etc) will be discussed during the consultation workshop.
- DH-M identified a number of concerns, as follows:
 - what are the potential impacts of the proposed works on the former original ground surfaces associated with Bennelong's occupation of the site?
 - how will the project relate to the proposal for a Pemulwuy memorial/monument on the sandstone wall?
 - there was a former sandstone 'castle' structure on the site. How do the works relate to any potential remains of this former structure?

-
- DH-M to email LF her dates of availability in the coming weeks in order for us to organise the consultation workshop at a suitable time.
 - DH-M to try and email LD a copy of images showing the former 'castle' located on the site.
 - LF to be in touch with DH-M in order to arrange the consultation workshop.

Signature:**L Farquharson**

Appendix E

Aboriginal Stakeholder Consultation Workshop Agenda

Agenda

Project Name:	Sydney Opera House – Vehicle and Pedestrian Access Project and Forecourt Works	Date/time:	30 March 2010 11:00am – 1:00pm
Meeting type:	Stakeholder Consultation Workshop	Job No:	10-0018
Meeting Location:	Godden Mackay Logan – Large Meeting Room		
Attendees:	Laura Farquharson, Sharon Veale & Sheridan Burke – GML Rebecca McHugh – Metropolitan Local Aboriginal Land Council Darlene Hoskins-McKenzie Scott Franks – Yarrawalk		
Apologies:	Uncle Vic Simms (to have attended with Darlene Hoskins-McKenzie) Paul Morris – Metropolitan Local Aboriginal Land Council		

Time	Agenda Item
11:00 am	Welcome
	Introductions by each attendee
	Overview of the session, housekeeping and ground rules
11:10 am	Introduction to the project
11:20 am	Overview of consultation process, scope and outcomes
11:50 am	The nature of proposed works
12:10 am	Aboriginal cultural heritage values and significance
12:30	Assessing impacts
12:40 am	Where to from here? Outcomes
12:55 am	Wrap up and thanks

Appendix F

Aboriginal Stakeholder Consultation Workshop Summary

Stakeholder Consultation Workshop Summary

Project Name:	Sydney Opera House – Vehicle and Pedestrian Access Project and Forecourt Works	Date/time:	30 March 2010 11:00am – 1:00pm
Meeting type:	Stakeholder Consultation Workshop	Job No:	10-0018
Meeting Location:	Godden Mackay Logan – Large Meeting Room		
Attendees:	Laura Farquharson, Sharon Veale & Sheridan Burke (observer) – GML Rebecca McHugh – Metropolitan Local Aboriginal Land Council Darlene Hoskins-McKenzie Scott Franks – Yarrawalk		
Apologies:	Uncle Vic Simms (to have attended with Darlene Hoskins-McKenzie) Paul Morris – Metropolitan Local Aboriginal Land Council		

Project Background

Godden Mackay Logan (GML) has been engaged by the Sydney Opera House Trust to prepare an Aboriginal Cultural Values Assessment for the Sydney Opera House. This assessment is being prepared in relation to two components of works: the Vehicle and Pedestrian Safety (VAPS) project and proposed works within the forecourt area of Sydney Opera House, as described below.

In completing the VAPS project, Sydney Opera House Trust proposes to construct a new basement level beneath the Sydney Opera House. This new basement level would incorporate a loading dock, security amenities and storage facilities, and would be accessed via a vehicular tunnel that would run from the existing surface access road to the south of Sydney Opera House to the proposed new basement level. The provision of a new loading dock from the forecourt leading under the Sydney Opera House and the associated access ramp would separate heavy vehicle deliveries from busy pedestrian areas and would increase public safety. It would also avoid the need for heavy vehicles to use the westerns and northern boardwalks.

The proposed works within the forecourt area involve the diversion of the major stormwater channel that runs along Bennelong Point ('Bennelong Drain') from its current location to a new route under the Sydney Opera House forecourt. The proposed new discharge point would be Farm Cove. The diversion of the drain is in line with the strategic building plan for Sydney Opera House and would result in greater operational flexibility for future projects that are planned for Sydney Opera House, including the VAPS project discussed above.

GML has been engaged to assess the impacts of the proposed VAPS and forecourt works on Aboriginal cultural heritage values (including cultural values associated with both tangible and intangible heritage attributes of the site) and to identify management strategies to mitigate any identified adverse impacts.

Project Planning Context

The Aboriginal Cultural Values Assessment is being prepared as part of the Environmental Assessment (EA) for the proposed works, to accompany an application to the Department of Planning for approval under Part 3A of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act). Director General's Requirements for the forecourt works were issued by the Department of Planning on 24 July 2009, while a separate set of

DGR's were issued for the VAPS project on 17 December 2009. The DGRs for both projects include provisions for Heritage and Archaeology, including a requirement for:

An assessment of the likely impacts of the proposal on Aboriginal cultural heritage values and the protection measures to be adopted during the works.

The Aboriginal Cultural Values Assessment responds to this DGR. Other DGRs relating to heritage and archaeology have been addressed by two separate archaeological assessment reports previously prepared by GML (Sydney Opera House: Vehicle and Pedestrian Safety Project (VAPS) – Archaeological Management Plan and Archaeological Impact Assessment (February 2010) and Sydney Opera House: Forecourt – Archaeological Management Plan and Heritage Impact Assessment (January 2010)).

Purpose of Consultation

GML's approach to Aboriginal cultural values assessment embodies best practice standards for Aboriginal community consultation in New South Wales, which recognises that Aboriginal people are the primary determinants of the significance of their heritage, and it is therefore not possible to undertake Aboriginal cultural values assessment without consultation. GML undertakes Aboriginal community consultation in accordance with the Department of Environment, Climate Change and Water's (DECCW) *Interim Community Consultation Requirements for Applicants* (2005) as well as the guiding principals of the Burra Charter and the 'Ask First' guidelines for respecting Indigenous heritage places and values (Australian Heritage Commission), which together form the best practice standards for Aboriginal community consultation in New South Wales.

GML's approach to Aboriginal community consultation is informed by a commitment to gaining stakeholder input into the assessment to help inform and shape content and outcomes. A key component of the Aboriginal community consultation was therefore the facilitation of a stakeholder consultation workshop.

Workshop Introduction

A stakeholder consultation workshop was held at the GML office on Tuesday 30 March 2010 following advertisement of a project notification in the Koori Mail (dated 10 February 2010). Invitations to attend the workshop were issued and accepted by the following registered stakeholder groups and individuals:

- Metropolitan Local Aboriginal Land Council (represented by Rebecca McHugh, Administration Officer);
- Darlene Hoskins-McKenzie; and
- Yarrawalk (represented by Scott Franks).

The consultation workshop was an opportunity for project details to be effectively communicated to registered Aboriginal stakeholders in a concise, clear, well-coordinated and consistent manner. An agenda and supporting material were distributed in order to assist stakeholders in understanding the nature of the proposed works, the disturbance history of the site and the various site formation processes that have affected the land that today houses the Sydney Opera House. This material included aerial photographs, site survey plans, historical plans and overlay plans.

Discussion was directed towards identifying key Aboriginal cultural values associated with the Sydney Opera House site and its surrounds, thereby affording an opportunity for stakeholders to review project documentation and discuss the nature of the proposed works in light of these identified values. Stakeholder aspirations with regard to management strategies and mitigation options were identified. The workshop was a forum for discussions and afforded an opportunity for stakeholder perspectives, ideas, views and concerns to be expressed and clarified.

The aims of the workshop were to:

- provide objective and balanced information to assist registered stakeholders in understanding the purpose and process of the consultation and the nature of the proposed works;
- facilitate stakeholder feedback by providing an opportunity for all stakeholders to put forward ideas, raise concerns and identify possible impacts on Aboriginal cultural heritage values;
- consult directly with stakeholders throughout the assessment process to ensure that issues, ideas and concerns are identified, understood and considered; and
- record the views of registered Aboriginal stakeholders (as expressed during the consultation workshop) so that these views would be accurately documented within the Aboriginal Cultural Values Assessment report required by the DGR.

Overview of Workshop Discussion

A range of issues were discussed and considered during the consultation workshop, and these can broadly be broken down into three main categories:

1. Aboriginal cultural values associated with the Sydney Opera House site;
2. Key Issues and Concerns;
3. Opportunities.

A summary of the discussion relating to these categories is provided below.

Aboriginal Cultural Values Associated with the Sydney Opera House site

A range of Aboriginal cultural values were identified by stakeholders during the consultation workshop and documented by GML. These include:

- The site has value as associated with a main meeting area and place for ceremony at Farm Cove and is very significant to the Aboriginal community.
- The site is associated with a major meeting ground for a number of different nations. The site is therefore about the diversity of the Aboriginal community. The site was part of a meeting/gathering place for Aboriginal people.
- Lots of Aboriginal people were slaughtered in the early days of European settlement.
- The meanings and values of the site are mixed; the site has good and bad history.
- Physical evidence of Aboriginal occupation at the site is likely to remain today (eg middens), however in most instances this material is likely to be highly disturbed and not in situ. Despite this, information can still be gained from crushed middens. The material that is likely to survive is of significance, despite the likely very high levels of disturbance.
- There is dislike of the Australia Day commemoration in the Botanic Gardens; which was felt to misrepresent Aboriginal community views. The commemoration does not reflect the majority view of the Aboriginal community.

- The Tarpian wall project is of particular interest to the local Aboriginal communities. This project recognises both Bennelong (who was from the other side of the Harbour, around the Kissing Point area) and Pemulwuy. It is important that the history of both subjects is respected and that the histories and contributions of each are recognised as representative of the broader Eora Nation.
- Aboriginal communities all over Australia hold a contemporary attachment to the Sydney Opera House through the performing arts. There needs to be recognition of the modern day contribution of Aboriginal people and their personal histories that are intertwined with the Sydney Opera House. Many contemporary Aboriginal communities have attachments to the House. For instance, Uncle Vic Simms performed at the opening of the House.
- Performing at the Sydney Opera House is considered the pinnacle of achievement in the performing arts.. Aboriginal people have rich associations with the House through the performing arts.
- There are strong associations between the site as a corroboree ground and the present day; these values are not relics of the past, but endure as part of Aboriginal peoples' continuing cultural attachment to the Sydney Opera House.
- The Sydney Opera House is recognised as an icon. Aboriginal people see a different landscape that existed prior to the development of the Sydney Opera House. This former landscape is storied and has layers of meaning and association. The landscape helps define Aboriginal identity and is part of who they are.
- Aboriginal cultural values associated with the Sydney Opera House site relate to both tangible remains (eg. potential surviving middens or other physical relics) as well as intangible meanings, associations, stories, memories and histories.
- Aboriginal cultural values associated with the Sydney Opera House are vital, vibrant and alive. They are not static or staid.

Key Issues and Concerns

There was general acceptance among stakeholder representatives that the proposed works would proceed. The nature of these proposed works was discussed in detail and survey plans were provided for review. There was recognition that the proposed works may result in some impacts to any potentially surviving Aboriginal cultural material, but also recognition that any such material is likely to already be significantly disturbed by previous layers of development.

In light of these potential impacts, the following key issues and concerns were identified by stakeholders:

- There is recognition and acceptance that the project is going ahead.
- There needs to be recognition of what's there and recognition of the peoples of this area.
- It is a priority for Aboriginal stakeholders that relics are kept, retained and displayed on site. There is some potential for relics on the site, albeit in highly disturbed contexts. The community would encourage retention on site, unless the material is of very high cultural significance or sensitivity.
- There is an opportunity to analyse soil samples.
- There should be recognition of Traditional Owners. It is important to ask "Who are the traditional people of this country?" These people need to be recognised.

- Stakeholders would like there to be adoption of traditional language, for instance to name some areas on the site.
- There needs to be recognition of both the good and bad history of the site.
- There is currently a lack of recognition of Aboriginal cultural values at the site. There needs to be broader recognition of Aboriginal cultural values at the Sydney Opera House.
- There is currently only recognition of Aboriginal cultural values in terms of Bennelong's House, but there needs to be recognition of the greater role of the place. This should not just be about the Gadigal people but should consider the bigger picture. The site was near the Farm Cove Corroboree Ground; it was "our meeting place".
- It would be good to recognise the greater groups / mobs around Sydney as well as the Gadigal people ("one clan within a mob of peoples").
- There needs to be consultation with Traditional Owners (the Bidjigal/Gadigal/Eora people).
- There should be recognition of this place and our peoples and the suffering that they went through under colonisation and invasion.
- It is important that people within the Aboriginal community be given an opportunity to be involved in site interpretation and the process needs to be inclusive (e.g extend an invitation to the Aboriginal people of the Sydney basin). There should also be recognition that many community groups don't have the resources to be involved easily.
- There needs to be recognition of connection to Country and bloodline ties. It is very important to ensure that the people we are talking to are the right people (it is "important to have the right people for our mobs").

Opportunities

Following on from the discussion outlined above, stakeholders identified a number of opportunities for recognition of Aboriginal cultural values, some of which relate directly to the potential physical impacts associated with the proposed works. Other opportunities relate to identified Aboriginal cultural values that are intangible, but that are connected to the potential physical evidence of Aboriginal heritage associated with the Sydney Opera House. These opportunities may serve to mitigate impacts on Aboriginal cultural values.

The following opportunities were identified by stakeholders:

- This process is an opportunity to recognise the value of the site to the Aboriginal community. The SOH and the State Government has an opportunity to recognise this, and "if they don't recognise this it will be a great loss to them".
- There is an opportunity to offset impacts of the proposed works through recognition of the Aboriginal community and Aboriginal cultural heritage values associated with the site.
- Aboriginality needs to be recognised by Indigenous and non-Indigenous people, and there is an opportunity for an act of reconciliation through this recognition. Such recognition can reach an international audience at the Sydney Opera House.
- There is an opportunity to recognise the Bidjigal people and the broader clans within the Eora nation.

- There are opportunities here to retain material on site in a traditional cultural display. This is a significant opportunity, but needs to be managed in a sensitive way. For instance, a glass display of Aboriginal cultural heritage material could be repatriated from the Australian Museum (eg similar displays at the Powerhouse). A steering committee could be established to work with the SOH Trust and collectively make an application to the Australian Museum for material to be repatriated. This would enable some significant remains to be displayed.
- It is suggested that oral histories of Aboriginal people with connections to the site could be recorded and used in interpretation at the Sydney Opera House.
- There may be opportunities to negotiate with the Botanic Gardens to develop broader interpretation strategies with Farm Cove.
- There is an important opportunity to work collectively to acknowledge authenticity and Aboriginal connection to this place.
- There is an opportunity for Aboriginal artefacts to be displayed and interpreted within display cases in the tunnels and car park access points (such interpretation could possibly incorporate Aboriginal music or other mediums).

Summary

In preparing the Aboriginal Cultural Values Assessment, GML will be responding to the DGR which requires:

An assessment of the likely impacts of the proposal on Aboriginal cultural heritage values and the protection measures to be adopted during the works.

Consultation with registered Aboriginal stakeholders has identified a range of Aboriginal cultural values associated with the Sydney Opera House. These values are both tangible and intangible. Consideration of the development proposal has identified likely impacts to Aboriginal cultural values. The likely impacts will potentially be to the physical Aboriginal objects that may survive at the site, albeit in disturbed contexts. The proposed measures for the protection/mitigation of these physical impacts during the proposed works are discussed below.

It is also likely that the proposed works may impact upon intangible Aboriginal cultural values, which are connected to the potential physical evidence of Aboriginal heritage at the site. Aboriginal cultural values also relate to history and beliefs associated with the site. Options have therefore also been identified for the broader management of intangible Aboriginal cultural values and the mitigation of impacts to these values.

Recommendations

Based on the outcomes of the consultation workshop (as outlined above), GML propose to submit the following recommendations to the Sydney Opera House Trust for the mitigation of likely physical impacts to Aboriginal cultural material that may survive at the site:

- Archaeological monitoring of proposed development works should occur in accordance with the Archaeological Management Plan outlined by GML in previous archaeological assessment reports.¹ It would be appropriate for Aboriginal stakeholder representatives to participate in the monitoring. Stop work provisions and protocols for the recording and collection of any identified archaeological material are included within the Archaeological Management Plan.

- In the event that Aboriginal cultural material is identified and collected, it may be appropriate for such material to be retained, interpreted and displayed on site. Further consultation with Aboriginal stakeholders would be required to determine the appropriate management of any such material.

In view of the broader Aboriginal cultural values identified, GML also propose to submit the following recommendations to the Sydney Opera House Trust for the ongoing management of broader Aboriginal cultural values associated with the Sydney Opera House site:

- The SOH Trust should develop a protocol for ongoing Aboriginal stakeholder consultation and engagement as part of the long-term management of the Sydney Opera House. This may include the establishment of an Aboriginal Advisory Panel.
- The SOH Trust should develop an interpretation strategy that outlines an approach to the recognition and interpretation of Aboriginal cultural values associated with the Sydney Opera House site. Aboriginal people are the rightful interpreters of Aboriginal cultural heritage. Any proposed interpretation of Aboriginal cultural heritage at the Sydney Opera House should involve identified Aboriginal stakeholders.
- As part of the current revision of the Sydney Opera House Conservation Management Plan, further consideration of Aboriginal cultural values with regard to the forementioned recommendations should be considered.

Endnotes

¹ Sydney Opera House: Vehicle and Pedestrian Safety Project (VAPS) – Archaeological Management Plan and Archaeological Impact Assessment (February 2010); and Sydney Opera House: Forecourt – Archaeological Management Plan and Heritage Impact Assessment (January 2010).

Appendix G

National Heritage List Gazettal



Commonwealth
of Australia

Gazette

No. S132, Tuesday, 12 July 2005
Published by the Commonwealth of Australia

SPECIAL

Environment Protection and Biodiversity Conservation Act 1999

INCLUSION OF A PLACE IN THE NATIONAL HERITAGE LIST

I, Ian Gordon Campbell, Minister for the Environment and Heritage, having considered, in relation to the place listed in the Schedule of this instrument -

- (a) the Australian Heritage Council's assessment whether the place meets any of the National Heritage criteria; and
- (b) the comments given to the Council under section 324G of the *Environment Protection and Biodiversity Conservation Act 1999*; and

being satisfied that the place specified in the Schedule has the National Heritage value or values specified in the Schedule include, pursuant to section 324J of the *Environment Protection and Biodiversity Conservation Act 1999*, the place listed in the Schedule in the National Heritage List.

Dated 6th day of July 2005

Ian Gordon Campbell
Minister for the Environment
and Heritage

SCHEDULE**STATE****Local Government Area****Name:****Location****Criteria / Values****NEW SOUTH WALES****Sydney City****Sydney Opera House:**

2 Circular Quay and Macquarie Street, Bennelong Point, Sydney, comprising all of Lot 5 DP775888 and all of Lot 4 DP7879333, and including the sea walls abutting these lots.

Criterion

(a)
the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Values

The Sydney Opera House is significant in the course of Australia's cultural history, both for its place in the national history of building design and construction, as well as the history of the performing arts in Australia. The Sydney Opera House represents a masterpiece of modern architectural design, engineering and construction technology in Australia. It is a national icon that has become an internationally-recognised symbol of modern Australia and of Sydney, Australia's largest city. From the earliest concept drawings, the building's striking design, its quality as a monumental sculpture in the round, and its inspired design solution in response to its prominent setting on Bennelong Point in Sydney Harbour, have attracted national and international professional and public acclaim. The challenges involved in executing the design inspired innovative developments in technologies, construction engineering and building methods in Australia, creating the building's distinctive form, fabric and structural systems. Since the official opening on 20 October 1973 by Queen Elizabeth II, the Sydney Opera House has played a seminal role in Australia's performing arts history, enhancing the cultural vitality of the nation and continuously attracting nationally and internationally recognised performers from around the world. The achievement of its design and construction between 1957 and 1973 is all the more remarkable because it marks a significant transitional period in Australian political and economic development, and changing social attitudes towards Australian cultural life in the decades following World War II.

Criterion

Values

(b)

the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.

The Sydney Opera House is a cultural icon that has no counterpart in Australia. With its distinctive sail-like concrete shell roofs standing boldly upon a massive granite-faced platform, located prominently on the Sydney Harbour foreshore, the Sydney Opera House is the most widely recognised building in Australia, and one of the most definitive national architectural icons of the twentieth century. It is also a rare example of a national cultural centre that has gained widespread recognition and respect as a performing arts venue.

(e)

the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.

The design, form, scale and location of the Opera House make it one of the most significant landmarks in Australia. The aesthetic qualities of the Sydney Opera House relate both to its topographical setting on Bennelong Point, and its distinctive architectural features. Its landmark qualities are enhanced by the building's juxtaposition with Sydney Harbour, its relationship with the Sydney Harbour Bridge, the garden landscape of Bennelong Ridge, the sandstone cliff face of Tarpeian Rock, and the vistas and views to and from The Rocks, Circular Quay, East Circular Quay, Macquarie Street, the Botanic Gardens and the harbour. The sculptural, billowing sail-like roof shells provide a visual link to and artistic representation of the yacht-scattered harbour waters. The ceramic white tiles of the roof further add to this relationship and provide a dramatic contrast with the blue waters of the harbour. The building with its strongly curved design emphasis is juxtaposed with the nearby Sydney Harbour Bridge which itself has a strongly emphasized curvature, and this visual relationship is a further element of the place's aesthetic appeal. The place's dramatic aesthetic appeal is enhanced by subtle floodlighting on the white roof shells at night. The building's ability to emotionally move people and invoke a strong aesthetic response is enhanced by the experience of approaching, entering and moving around the building and surrounds. The public promenades including the Forecourt, Broadwalk, and podium platform and steps contribute to the majestic qualities of the place. The large forecourt and sweeping podium steps prepare the visitor for the majestic quality of the soaring internal spaces including the folded concrete beams throughout the building, and the reinforced radial cranked beams in the northern foyers. These are complemented by the vast coloured glass panels in the main foyers of the Concert Hall and Opera Theatre wings, through which the harbour and city views reinforce the building's magnificent setting. The distinctive interiors including the foyers surrounding the major auditoria, the Reception Hall (now the Utzon Room), the Box Office foyer, and the Bennelong Restaurant designed by Utzon and Peter Hall, enhance the relationship between the interior and exterior of the building. The two large murals commissioned specifically for the Sydney Opera

Criterion**Values**

House, including John Olsen's 'Five Bells' and Michael Nelson Jagamara's 'Possum Dreaming', enhance the aesthetic values of the interior.

(f)
the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.

The Sydney Opera House represents a masterpiece of architectural creativity and technical accomplishment unparalleled in Australia's history. In every respect, it is a structure at the leading edge of endeavour. Its many awards, including the Royal Australian Institute of Architects Gold Award given to architect Jørn Utzon in 1973, reflect its pivotal place in the national story of creative achievement providing, as Utzon envisioned, 'an individual face for Australia in the world of art' (Frampton and Cava 1995, 296). The design of the building reflects Utzon's intention to create a sculptural form that would be both a focal point in Sydney Harbour and a reflection of its character. 'The white sail-like forms of the shell vaults relate as naturally to the Harbour as the sails to its yachts' (Assessors Report cited in Norberg-Schulz 1980, 56).

The 'hybrid' interior spaces of the Sydney Opera House reflect the creative genius of both Utzon and Todd, Hall and Littlemore, who completed the building and interior finishes after Utzon's departure. The major public spaces with outside views, for example were designed by Utzon (and completed by Peter Hall) to be finished in natural materials, textures and colours similar to those on the exterior of the building in order to bring the outside inside (Kerr 2003, 69). In his *Design Principles* booklet submitted to the Sydney Opera House Trust in 2002, Utzon revealed the two ideas of particular importance in his design: first, his use of organic forms from nature, evident in the leaf form pattern devised for the ceramic roof tiles, and second was the creation of sensory experiences to bring pleasure to the building's users, particularly the experience of approaching, mounting the grand staircase to the podium, passing through the low ribbed box office, up to the foyers flanking the auditoria with their harbour views, and the climax of the performance itself. 'Both ideas were...reinforced by Utzon's application of counterpointing techniques using light and dark tones, soft and hard textures and richly treated warm and cool interior colours. On a grander scale, the light toned shells of the building were to stand out against the (then) darker fabric of the city' (Kerr 2003, 44).

The interior spaces designed by Peter Hall, including the major auditoria known as the Concert Hall and Opera Theatre, and the minor performance spaces, performers' and staff areas, and rehearsal rooms, known collectively as 'Wobbly Land' because of the distinctive 'U' shaped timber paneling, demonstrate the distinctive design solutions that made the Opera House a

Criterion

Values

f) continued

functioning performing arts centre in the 1970s, and reflect the prevailing aesthetic values, building standards, and financial constraints of the day.

The process of building the Sydney Opera House resulted in the development of a number of innovative technical and creative solutions that were groundbreaking in the history of building design and construction in Australia. This is especially the case with the design and construction of the roof, based on the geometry of the sphere. The roof shells had to span large areas to accommodate the main hall and smaller hall. The solution to the structural challenges of the roof shells devised by Utzon and Ove Arup and Partners over a four year period involved the production of arched segments of varying curvature from the same range of precast modular units. The concrete shells were finally produced by cutting a three-sided segment out of a sphere and by deriving regularly modulated curved surfaces from this solid (Frampton and Cava 1995, 273). The roof shells with their vaulted concrete ribs were constructed using precast concrete segments fixed together with epoxy resin and held together by pre-stressing tendons, representing a considerable structural innovation for the period. The roof shells were faced in off-white Swedish Hoganas tiles inspired by the Chinese ceramic tradition. Using a European technique of prefabrication, over one million tiles were cast into precast concrete lids on the ground then bonded onto the ribbed superstructure of the shells (Frampton and Cava 1995, 280). From the point of view of science, the Opera House embodies within its structure the integration of sophisticated geometry, technology and art. It epitomizes the extraordinary creative potential of the assembly of prefabricated, repeated components (Norberg-Schulz 1996, 101).

The building was the first of its kind in Australia to use computer-based three-dimensional site positioning devices, geothermal pumps, tower cranes, chemical anchors, non-competitive tendering, life-cycle engineering, parametric design (such as the use of governing equations to model a design), and critical path methods. It gave rise to the establishment of a testing laboratory at the University of New South Wales that became one of the first organizations in the world to commercialise university research and support technology transfer. It also promoted Australian expertise internationally, and opened the way for international engineering construction firms such as Ove Arup to establish their operations in Australia. Utzon's approach to project management was instrumental in changing Australian building and building procurement practices, including *de facto* pre-qualification of bidders, use of scope drawings, performance-based design assistance from trade specialists, mock-up testing, and on-the-job skill development (Tombesi 2005).

Criterion**Values**

(g)
the place has outstanding
heritage value to the nation
because of the place's strong
or special association with a
particular community or
cultural group for social,
cultural or spiritual reasons.

The Sydney Opera House is an enduring symbol of modern Sydney and Australia, both nationally and internationally. Indeed, the profile of the distinctive ceramic clad roof shells has become an instantly-recognisable national emblem. For example, it provided the inspiration for the logo used to promote the 2002 Olympic Games held in Sydney. The building's role as a cultural icon is also derived from the numerous performances conducted there (100,000 since 1973), and the place's role as a focal point for community events. The Sydney Opera House is a mecca for both Australian and international visitors to Sydney, attracting over 100 million visitors since the opening in 1973. The high cost of construction was met by a major public lottery that served to enhance its status as a place for the people.

(h)
the place has outstanding
heritage value to the nation
because of the place's special
association with the life or
works of a person, or group of
persons, of importance in
Australia's natural or cultural
history.

The Sydney Opera House is directly associated with Jørn Utzon, whose design won an international competition in 1957 and was hailed by the architectural critic Sigfried Giedion as opening a new chapter in contemporary architecture. Utzon's design represented a significant development in the basic concepts of the Modern Movement in architecture associated with free plan and clear construction. It evolved during a period of experimentation in modern architecture occurring internationally in the 1950s. Utzon was influenced by the architecture of the ancient Mayans and Aztecs, as well as the work of earlier twentieth century architects including the Finnish architect, Alvar Aalto with whom Utzon worked in 1945, Frank Lloyd Wright, and Mies van der Rohe. Utzon's creative genius, exemplified in the Sydney Opera House, is widely acknowledged amongst national and international scholars of modern architectural history. Although Utzon left the project in 1966, prior to the building's completion, the Sydney Opera House is nevertheless identified with him and he has attracted national and international acclaim. His professional recognition in Australia is reflected by awards such as the Royal Australian Institute of Architects' Gold Award mentioned above, and internationally in awards such as the prestigious Pritzker Prize for Architecture awarded to Utzon in 2003.

The peninsula on which the Sydney Opera House now stands has a special association with Bennelong, an Aboriginal man 'captured' by Governor Arthur Phillip in 1789. Bennelong became a prominent and influential figure in the early Sydney colony, sharing information about his culture with Governor Phillip and regularly visiting the Governor's residence. He was the first Aboriginal adult in the new colony to play a significant role in mediating interactions between Aboriginal people and the early settlers, and was reportedly highly regarded by both Aboriginal people and Europeans. Governor Phillip built the first

Criterion

Values

h) continued

structure - a house - on the peninsula for Bennelong's use, and from the 1790s the peninsula became known as 'Bennelong Point', and was known to Aboriginal people as Tyubow-gule (McBryde 1989, 17).

For a description of any references quoted above, and more information on the place please search the Australian Heritage Database at <http://www.deh.gov.au/cgi-bin/ahdb/search.pl> using the name of the place.

Appendix H

Aboriginal Stakeholder comments on the draft Aboriginal Cultural Values Assessment

From: Darlene Hoskins-McKenzie [darlenehoskinsmckenzie@gmail.com]
Sent: Thursday, 24 June 2010 5:13 PM
To: Farquharson, Laura
Subject: Re: Sydney Opera House - draft Aboriginal Cultural Values Assessment
 Hello Laura,

I have just read the draft. I am happy to support the recommendations and wish to express my endorsement of the Report. In particular I wish to comment on the report's recommendation on the development of a Protocol for ongoing Aboriginal Stakeholder consultation and the proposed creation of a Protocol for ongoing Aboriginal Stakeholder consultation and engagement.

I would like to express my strong interest in being involved in the development of the Protocols for SOH Trust.

I also wish to applaud the Report for its recognition of the rightful place of Aboriginal peoples, particularly traditional Eora Peoples, as the true interpreters of their cultural heritage.

Finally I wish to commend Laura Farquharson and Sharon Veale of Godden Mackay Logan for their respectful engagement with stakeholders and their determination to provide informed consultation with myself and other members of the Aboriginal community.

Kind regards
 Darlene Hoskins-McKenzie

2010/6/10 Farquharson, Laura <LFarquharson@gml.com.au>

Dear Darlene,

I hope this email finds you well. I have tried to give you a call a couple of times this morning to have a chat about the Sydney Opera House project; however I can't seem to get through on the phone. I hope this email suffices in the mean time, however please feel free to give me a call should you like to discuss any of the matters below.

On 17 May I posted you a copy of the draft Aboriginal Cultural Values Assessment. This report was sent in order for you to have an opportunity to review and comment on the draft report prior to its finalisation. Unfortunately the package appears not to have made it through to you; it was returned to sender and appeared back on my desk yesterday! I am so sorry that the draft report didn't reach you.

I have therefore attached a copy of the draft report and original cover letter to this email, however I would also be happy to express post the package to you if you are able to confirm your postal address (the address I have for you is PO Box 3043 Redfern 2016).

As you will see from the attached cover letter, I was hoping to have received any comments back on the draft report by 14th June, however I appreciate that because the copy I posted in May did not reach you, you have not yet had an opportunity to review the draft report and this timing may not be possible for you. I will be away on leave next week and hope to finalise the report immediately upon my return (21 June). I would therefore be grateful if you are able to briefly review the report and either confirm your support for the draft report or outline any comments or concerns you may have at some point next week. I do, however, appreciate that this timing may not be possible for you; please let me know if this is the case and I will notify the SOH that there may be a delay in delivery of the final report.

Also, regarding your earlier enquiry as to the contact details for a relevant SOH Trust representative, the person you can contact is Rebecca Wyles (ph 9250-7789). Sorry that it has taken a while for me to get these details to you.

Please don't hesitate to give me a call if you would like to discuss any of the above.

Many thanks,

Laura

Laura Farquharson | Heritage Consultant

Godden Mackay Logan | Heritage Consultants

78 George Street, Redfern NSW 2016

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From: Rebecca Mchugh [rmchugh@metrolalc.org.au]
Sent: Wednesday, 16 June 2010 3:07 PM
To: Farquharson, Laura
Subject: RE: Sydney Opera House - draft Aboriginal Cultural Values Assessment
Hi Laura

Thank you for sending through another copy of the draft assessment.

The Metro Local Aboriginal Land Council has no issues or concerns with supporting the Aboriginal Cultural Values Assessment for the Sydney Opera House.

If you require any further information please feel free to contact me at any time.

Regards

Rebecca McHugh
Administration Officer
Metropolitan Local Aboriginal Land Council
36-38 George Street Redfern NSW 2012
Ph: 02 8394 9666
Fx: 02 8394 9733
Mb: 0413 913 376

From: Farquharson, Laura [mailto:LFarquharson@gml.com.au]
Sent: Thursday, 10 June 2010 10:46 AM
To: Rebecca Mchugh
Subject: Sydney Opera House - draft Aboriginal Cultural Values Assessment

Dear Rebecca,

Please find attached the draft Aboriginal Cultural Values Assessment for the Sydney Opera House. As discussed, I would be grateful if you could please reply confirming MLALC's support for the draft report. Alternatively, please let me know if you have any comments of concerns regarding the draft.

I will be away on leave next week but hope to finalise the report immediately upon my return (21 June), so would be grateful if you could provide any comments in writing prior to this date.

Please don't hesitate to give me a call if you would like to discuss any issues.

Many thanks,

Laura

Laura Farquharson | Heritage Consultant

Godden Mackay Logan | Heritage Consultants

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