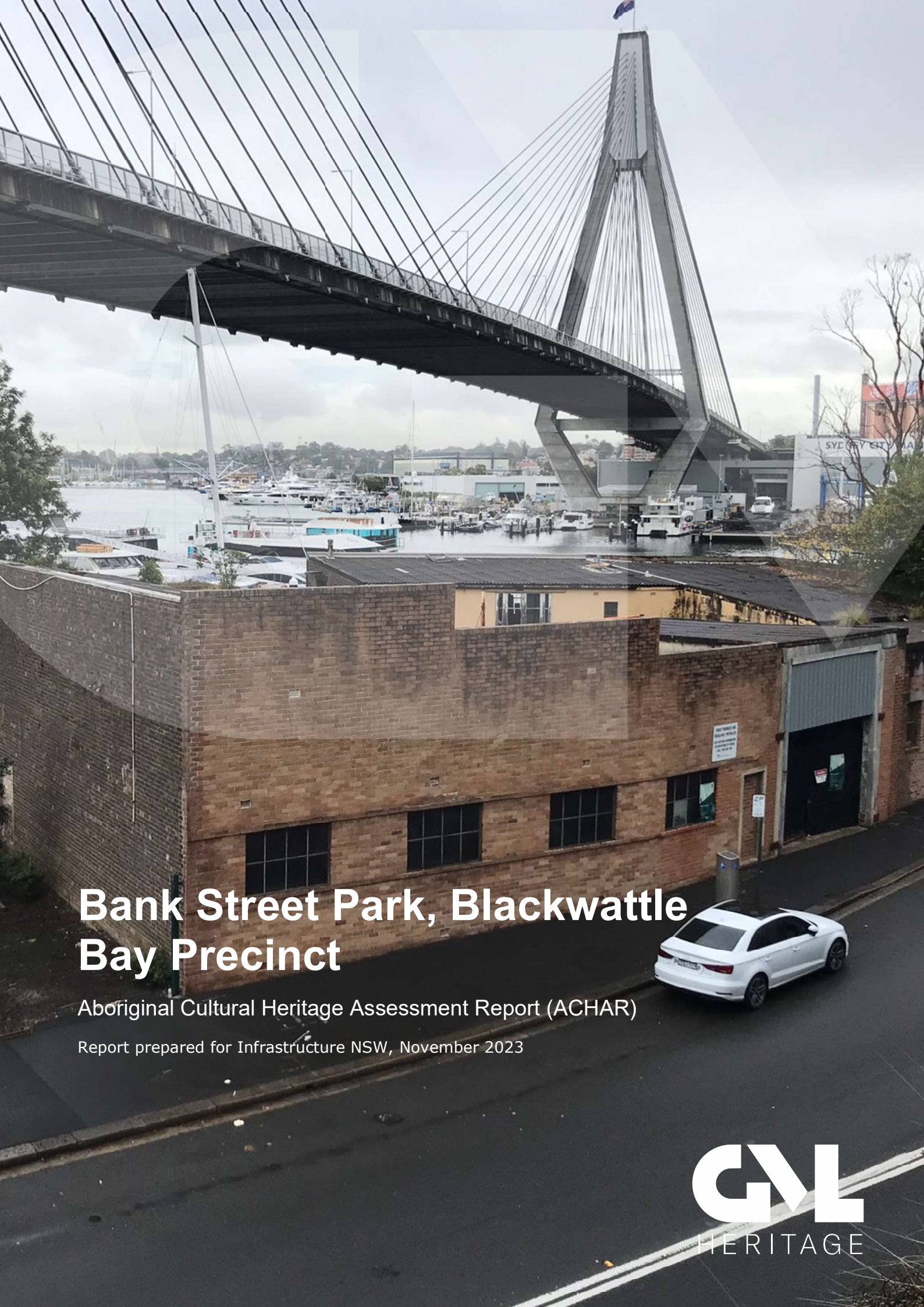
Bank Street Park
Blackwattle Bay / Tjerruing

SSD-53386706

Appendix Q

Aboriginal Cultural Heritage Assessment Report (GML)

December 2023



Bank Street Park, Blackwattle Bay Precinct

Aboriginal Cultural Heritage Assessment Report (ACHAR)

Report prepared for Infrastructure NSW, November 2023

GML HERITAGE

Acknowledgement of Country

We respect and acknowledge the First Nations of the lands and waterways on which we live and work, their rich cultural heritage and their deep connection to Country, and we acknowledge their Elders past and present. We are committed to truth-telling and to engaging with First Nations to support the protection of their culture and heritage. We strongly advocate social, cultural and political justice and support the Uluru Statement from the Heart.

Cultural warning

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.

GML HERITAGE

Report register

The following report register documents the development of this report, in accordance with GML's Quality Management System.

Job No.	Issue No.	Notes/Description	Issue Date
23-0126F	1	Draft Report to INSW	20 October 2023
23-0126F	2	Draft Report to project RAPs	25 October 2023
23-0126F	3	Final Draft to INSW	23 November 2023
23-0126F	4	Final Report	28 November 2023

Quality assurance

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

Indigenous cultural and intellectual property

We acknowledge and respect the inherent rights and interests of the First Nations in Indigenous Cultural and Intellectual Property. We recognise that Aboriginal and Torres Strait Islander people have the right to be acknowledged and attributed for their contribution to knowledge but also respect their rights to confidentiality. We recognise our ongoing obligations to respect, protect and uphold the continuation of First Nations rights in the materials contributed as part of this project.

Cover image: View to 1–3 Bank Street. (Source: © GML Heritage, 2023)

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Executive summary

Infrastructure NSW engaged GML Heritage Pty Ltd (GML) to prepare an Aboriginal cultural heritage assessment report (ACHAR) for the Bank Street Park development within the Blackwattle Bay precinct, Pyrmont. This report forms part of the Environmental Impact Statement (EIS) for the site prepared under the project Secretary's Environmental Assessment Requirements (SEARs) issued for State Significant Development (SSD) application number SSD-53386706.

This report aims to:

- identify, assess and report on Aboriginal heritage values within the site;
- involve the Aboriginal community in decisions with respect to its heritage;
- determine how the Bank Street Park development project may harm these values; and
- establish the mechanism for conservation and mitigation of harm to these values.

This ACHAR should be read in conjunction with the Aboriginal Archaeological Technical Report (ATR), which details the results of a program of archaeological test excavation that was completed to address the project SEARs. The ATR forms an appendix to this report.

The cultural heritage assessment has confirmed the identification of an Aboriginal archaeological deposit within the site, the potential for additional areas of potential archaeological deposits (PAD), and Aboriginal cultural values associated with the site.

We recommend that staged Aboriginal heritage management strategies be followed for the Bank Street site, involving impact avoidance where possible, archaeological monitoring in areas of potential impact to PAD, and further Aboriginal archaeological investigation in the instance of identification unexpected finds or areas of PAD within the impact area.

Contents

1 Introduction

1 Introduction to the Project

1.1 Introduction

The purpose of this report is to identify whether the site possesses or has the potential to possess Aboriginal heritage archaeological sites, places, objects, landscapes and/or values, in accordance with the Heritage NSW guidelines for Aboriginal heritage assessment, to support a State Significant Development Application (SSDA) for a new waterfront public park within Blackwattle Bay, to be known as Bank Street Park (SSD-53386706). Bank Street Park is located at 1A-19 Bank Street, Pyrmont on the shoreline of Tjerruing Blackwattle Bay and adjacent areas of Blackwattle Bay.

1.2 Blackwattle Bay Precinct

Bank Street Park forms part of the Blackwattle Bay Precinct, which is an area of predominantly government owned land located on the western edge of the Pyrmont Peninsula and adjoining the waters of Blackwattle Bay (Figure 1.1).

Figure 1.1 Blackwattle Bay Precinct. (Source: INSW)

The precinct was rezoned in December 2022 to facilitate a new mixed-use community, providing for around 2,000 new residents and 5,600 new jobs and creating a vibrant 24/7 economy. Updated planning and land use controls were incorporated into the Sydney Local Environmental Plan 2012, along with site specific design guidance in the *Blackwattle Bay Design Guidelines.*

A critical part of the Blackwattle Bay Precinct is the high quality public domain which includes a series of parks and open spaces connected by a foreshore promenade. Bank Street Park will bring new active and passive recreation uses into a unique park environment, catering for both existing and future communities in the vicinity.

1.3 Site description

Bank Street Park is located at 1A-19 Bank Street, Pyrmont NSW within the City of Sydney local government area (LGA) and includes harbour development in Blackwattle Bay. The site area is 1.1 hectares. The relevant lot and deposited plans and the respective ownership for the site are detailed in Table 1.1 and shown in Figure 1.2 and Figure 1.3.

Table 1.1 Summary of land title details of the site.

Street address	Lot and Deposited Plan details	Ownership
1A Bank Street, Pyrmont NSW 2009	Lot 1 DP 85206 Lot 1 DP 188671	Transport for NSW
1–3 Bank Street, Pyrmont NSW 2009	Lots 1–2 DP 1089643 Lot 1 DP 439245	Infrastructure NSW
5 Bank Street, Pyrmont NSW 2009	Lot 20 DP 803159	Transport for NSW
7 Bank Street, Pyrmont NSW 2009	Lot 19 DP 803159	Transport for NSW
9 Bank Street, Pyrmont NSW 2009	Lot 21 DP 803159	Transport for NSW
11 Bank Street, Pyrmont NSW 2009	Lot 22 DP 803159	Transport for NSW
17–19 Bank Street, Pyrmont NSW 2009	Lots 5–6 DP 803160	Transport for NSW
Sydney Harbour	Lot 5 DP 1209992	Roads and Maritime Services (Transport for NSW)

Street address	Lot and Deposited Plan details	Ownership
Sydney Harbour	Lot 107 in DP 1076596	Transport for NSW
Part Bank Street road reserve	N/A	City of Sydney Council

Bank Street Park is located on Gadigal Land, one of the twenty-nine clans of the great Eora Nation. It adjoins the foreshores of Glebe to the west and Pyrmont Bridge Road and Wentworth Park to the south.

Figure 1.2 Site context map. The indicative site location is outlined in red. (Source: SIX Maps with Architectus edits [2023])

Figure 1.3 Bank Street Park site location within Blackwattle Bay State Significant Precinct. The indicative site location is outlined in red. (Source: Blackwattle Bay Design Guidelines with Architectus edits [2023])

1.4 Proposed development

1.4.1 Overview

Development consent is being sought for a *recreation area* for the primary purpose of a *public park*, comprising:

- Site preparation works, including tree removal, earthworks and remediation to facilitate the proposed use;
- Demolition of three existing buildings at 1–3 Bank Street;
- New and adapted facilities for community use, including:
  - New single storey building to accommodate flexible community space, café, and marina office/store facilities, with green roof and photovoltaics;
  - Adaptive reuse of Building D for public amenities, bin and other storage;
  - Boat launching ramp and pontoon for passive watercraft, including dragon boats and kayaks;
  - Boat storage building with change facilities for dragon boat users with publicly accessible rooftop deck;

- Public domain works, including:
  - 'Interpretation Garden' in existing building 'ruins' at 1–3 Bank Street;
  - Split level foreshore promenade;
  - Multi-purpose court with edge seating and partial fence;
  - Nature-based inclusive playspace for ages 2–12;
  - Fitness equipment;
  - Public plaza and grassed open space areas;
  - New tree plantings and planter beds;
  - Public art, wayfinding and interpretative signage, lighting, bike parking and seating;
- Harbour works including:
  - Overwater boardwalk;
  - Land/water interface works, including sandstone terracing into water and support structure, to improve marine habitat;
  - Demolition and construction of a new timber launching ramp for dragon boats;
  - Kayak/passive craft pontoon; and
  - Restoration, repair and alterations to the existing seawall for new stormwater outlets.
- Works to Bank Street road reserve, including:
  - Road space reallocation to provide separated cycleway;
  - Cycleway transition to Bank Street to continue south as part of future works;
  - Reinstatement of existing on-street parallel parking;
  - Tree planting;
  - Accessible parking space; and
  - Loading zone adjacent 1–3 Bank Street.

1.5 Planning Secretary's Environmental Assessments Requirements

This report has been prepared in response to the relevant requirements outlined within the Planning Secretary's Environmental Assessments Requirements (SEARs) issued on 11 May 2023 for application SSD-53386706. Table 1.2 addresses the relevant SEARs requirements and provides a project response.

Table 1.2 Secretary's Environmental Assessments Requirements.

Item	SEARs	Relevant report section(s)
Item 6	**6. Aboriginal Cultural Heritage** • Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts on any Aboriginal cultural heritage values on the land prepared in accordance with the relevant Heritage NSW Guidelines: – Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) – Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011) – Code of Practice for Archaeological Investigation in NSW (DECCW 2010).	This report forms the project Aboriginal Cultural Heritage Assessment Report (ACHAR). This report has been developed in accordance with the Heritage NSW guidelines specified in the project SEARs. An assessment of the project's impacts on Aboriginal cultural heritage values associated with the Bank Street Site is provided in Section 6 (of this report).
	• Address how the development responds to the commitment and principles for action in the Connecting with Country Framework for Tjerruing Blackwattle Bay	See Section 4.6 (of this report).
	• Archaeological test excavation of any potential archaeological deposits (PAD) in the proposed impact area	See Section 4.3 (of this report) and the project Archaeological Technical Report (ATR) (Appendix B of this report).

1.6 Objectives of this Aboriginal cultural heritage assessment

The objectives for the assessment were to:

- identify and consult with local Aboriginal community members who can speak for Country;
- understand and record Aboriginal heritage places and values, and determine whether these are part of a larger Aboriginal cultural landscape and/or Aboriginal traditions;
- involve the local Aboriginal community in the cultural heritage values assessment process, and determine best practice options for the future management of the identified Aboriginal cultural heritage;

- determine how the proposed project may impact the identified Aboriginal cultural heritage values, and aim to minimise impacts through sensible and pragmatic site and land management; and
- provide clear recommendations for the conservation of Aboriginal heritage values and relevant impact mitigation strategies that benefit both Aboriginal cultural heritage and the proponent.

1.7 Statutory context

In NSW, Aboriginal heritage is principally protected under two Acts:

- the *National Parks and Wildlife Act* 1974 (NSW) (NPW Act); and
- the *Environmental Planning and Assessment Act* 1979 (NSW) (EPA Act).

1.7.1 National Parks and Wildlife Act 1974

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

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.

The protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure. Sites of traditional significance that do not necessarily contain material remains may be gazetted as 'Aboriginal Places' and thereby be protected under the NPW Act. However, areas are only gazetted if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

A strict liability offence applies for harm to or desecration of an Aboriginal object or declared Aboriginal Place.[1] The definition of 'harm' includes destroying, defacing, damaging or moving an Aboriginal object or declared Aboriginal Place. Under the Act, applicants must seek approval prior to disturbance of sites with the potential to contain Aboriginal objects or cultural material.

The potential for Aboriginal objects, sites, places and/or values within the site, and for the proposed development to impact such objects, has been assessed and the results presented in this report.

1.7.2 Environmental Planning and Assessment Act 1979

Projects declared State Significant Development (SSD) under Part 4 of the EPA Act require heritage and archaeology to be managed in accordance with the project approval documents, including conditions of the Development Consent. Section 4.41(d) of the EPA Act provides an Aboriginal heritage impact permit (AHIP) under Section 90 of the NPW Act is not required for a SSD project that is authorised by a SSD development consent. As the Bank Street Park project has been declared SSD, the requirement to obtain an AHIP does not apply. Furthermore, Section 4.41(3) of the EPA Act provides that any reference to SSD under Section 4.41 that is authorised by a development consent extends to "any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements". The implication being, test excavation required under the SEARs, such as for the Bank Street Park project, can be carried out prior to SSD consent being issued without the need for an AHIP.

The EPA Act provides for the identification, protection and management of heritage items through inclusion in schedules to planning instruments such as State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs). Heritage items in planning instruments are usually historic sites but can include Aboriginal objects and places. The EPA Act requires that appropriate measures be taken for the management of the potential archaeological resource by means consistent with practices and standards adopted in meeting the requirements of the NPW Act.

The site is in the City of Sydney local government area and is therefore subject to the *Sydney Local Environmental Plan 2012*. There are no currently listed heritage items under the LEP that fall within the site that have identified Aboriginal heritage values.

1.7.3 Approach to Aboriginal heritage management

In NSW Aboriginal heritage assessment and management is underpinned by several guidelines and policies. Our approach is based on the following guidelines:

- *Operational Policy: Protecting Aboriginal Cultural Heritage* (2009);[2]
- *Aboriginal cultural heritage consultation requirements for proponents* (consultation guidelines) (2010);[3]

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (2010) (the Due Diligence Code);[4]
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) (the Code of Practice);[5]
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011);[6] and
- the Australia ICOMOS Burra Charter (2013) (the Burra Charter).[7]

1.7.4 The Burra Charter process

The Burra Charter process (Article 6) outlines a three-stage process for the assessment and management of heritage. The three stages are:

1. develop an understanding of heritage significance;
2. develop policy that is appropriate to the significance; and
3. undertake management in accordance with the policy.

The Burra Charter's explanations for heritage provide the basis for definitions used in this report. The Burra Charter's Indigenous Practice Note provides further guidance for application of the Burra Charter to Aboriginal heritage. We have used the following definitions:

Article 1.1—Place

> Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.[8]
>
> 'Place' includes locations that embody spiritual value (such as Dreaming places, sacred landscapes, and stone arrangements), social and historical value (such as massacre sites), as well as scientific value (such as archaeological sites). In fact, one place may be all of these things or may embody all of these values at the same time.[9]

Article 1.2—Cultural Significance

> Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.[10]

Article 1.10—Use

> Use means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.[11]

Article 1.11—Compatible Use

Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.[12]

Article 8—Setting

Conservation requires the retention of an appropriate setting. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the cultural significance of the place.[13]

Places of significance to Indigenous people require a holistic approach to 'setting'. 'Setting' may encompass the broadest of experiential factors including a sense of 'intrusion' occasioned when people of the 'wrong' gender, age or level of initiation trespass on defined areas, as well as auditory and visual intrusion.

For some Indigenous peoples, nature and culture are indivisible. The social significance and spiritual significance of a place for Indigenous people may be wholly or partly dependent on the natural environment that the place forms a part of, including aspects such as biodiversity, and totemic and resource species.[14]

Application to the current assessment

To implement the Burra Charter process, we have undertaken the following steps:

Step 1—Understand the place

This involved investigation into the environment, archaeology, history and literature. Field survey was undertaken in collaboration with the Aboriginal community. The outcome of the Step 1 investigations was the development of archaeological and landscape maps and plans that show the known sites, places and values connected to the site. The approach followed the notion that the site is part of an Aboriginal cultural landscape, and the site represents a small zone within this landscape.

Step 2—Assess cultural significance

A preliminary indication of cultural significance considered aesthetic, historic, scientific and social aspects to the site. This preliminary assessment of value should be used for future assessments, noting both that 'cultural significance may change'[15] and 'tangible heritage should not be emphasised at the expense of intangible heritage'.[16]

Step 3—Identify factors and issues

The results from Steps 1 and 2 were used to identify key future management factors and issues. The issues and factors define future needs, opportunities and constraints connected with possible future compatible use.

Step 4—Develop policy

The outcome from Step 3 was applied to develop appropriate management policy, in consultation with the Aboriginal community and in accordance with relevant NSW statutory processes.

1.8 Authors of the Project

This project has been undertaken by the following people. Each person's role and affiliations are detailed in the below table.

Table 1.3 Investigators and contributors.

Person	Affiliation	Role
Dr Tim Owen	GML	Project Director
Andie Coulson	GML	Project Manager, author and archaeologist
Sophie Jennings	GML	Author
Jacob Kiefel	GML	Archaeologist and author
Erica Brown	GML	Archaeologist
Jamie Currell	Kamilaroi-Yankuntjatjara Working Group	Archaeological Assistant and RAP
Gary Dunn	Ngaamba Cultural Connections	Archaeological Assistant and RAP

1.9 Endnotes

[1] Department of Environment, Climate Change and Water 2010, National Parks and Wildlife Act 1974 (NSW), 'Fact sheet 1', September 2010.

[2] Department of Environment and Climate Change, *Operational Policy: Protecting Aboriginal Cultural Heritage 2009*, Department of Environment and Climate Change (NSW),

[3] Department of Environment Climate Change and Water NSW 2010, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, Department of Environment, Climate Change and Water (NSW).

[4] Department of Environment Climate Change and Water NSW 2010, Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Department of Environment, Climate Change and Water NSW, Sydney.

[5] Department of Environment Climate Change and Water NSW, Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, 2010.

[6] Office of Environment and Heritage NSW, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011, Office of Environment and Heritage, Department of Premier and Cabinet, Sydney South,

[7] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC.

[8] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, Article 1.1.

[9] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, p 2.

[10] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, Article 1.2.

[11] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, Article 1.10.

[12] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, Article 1.11.

[13] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, Article 8.

[14] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, p 5.

[15] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, p 4.

[16] Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC, pp 2 and 4.

2 Understanding the site

2 Understanding the site

The purpose of this chapter is to provide contextual information to inform our understanding of Aboriginal occupation, use and connections within the site. This section is separated into the following parts:

- Section 2.1 identifies the traditional Aboriginal connections with the site;
- Section 2.2 provides an overview of the existing environmental setting;
- Section 2.3 presents the outcomes of relevant prior Aboriginal heritage work;
- Section 2.4 provides a summary of geotechnical testing undertaken within the site;
- Section 2.5 details the recent history of land use;
- Section 2.6 provides a summary of Sections 2.1 to 2.5; and
- Section 2.7 outlines a predictive model of the archaeological potential for the site that synthesises the information from Sections 2.1 to 2.6.

2.1 Ethnohistory

The site is considered a part of the lands of the Gadi people of the Eora Nation. Gadi land extended from the South Head of Sydney Harbour to Alexandra Canal/Cooks River, and inland to Petersham in Sydney's Inner West.[1] The people of Gadi (grass tree) Country are often referred to as the Gadigal, with -gal being the suffix for 'man'.[2] The site intersects with the boundary with Wann (or Wanne) Country, which is described as extending from Darling Harbour to Parramatta.[3] However, as per the Bangawarra (2021) *Connecting with Country Framework for Tjerruing Blackwattle Bay*, a wide array of Aboriginal peoples hold ancestral connections to Sydney, including the Eora, Dharawal, Dharug, Gundangara, Gai-maragal (often referred to as Gammeragal or Cammeragal) and Guringai peoples.[4] The site falls within the boundaries of the Metropolitan Local Aboriginal Land Council (MLALC).

Early dates for Aboriginal occupation in Sydney stretch back to at least 50,000 years before present (BP).[5] Aboriginal culture was dynamic, as demonstrated by changes to the archaeological record throughout this period. Rapid sea level rise in the post-glacial period (18,000 to 11,000 BP) caused a major reorganisation of social and spatial boundaries as coastal people were forced inland by rising waters.[6] This period also saw the beginning of a more continuous archaeological record of occupation within the Sydney Basin.

The Cumberland Plain had significant sources of raw stone materials: silcrete, indurated mudstone/silicified tuff (IMST) and quartz. Aboriginal people used these materials to

manufacture stone artefacts. The presence of these materials is linked to their origins (ie source), and changing frequency and preference for use over the Pleistocene and Holocene periods. The sequence of stone use is referred to as the Eastern Regional Sequence (ERS), with demonstrated changes over the last 10,000-plus years.[7] Subtle differences in stone artefact morphologies across the wider Sydney basin likely reflect both long-term territorial areas, while the long-term patterns of the ERS reflect changing preferences for materials, technology, clan and/or language boundaries and, notably, changes to trade networks.[8]

Changes in local technology are apparent through other economies. For instance, approximately 1,000 years ago, hook and line fishing were adopted in southern coastal New South Wales.[9] Fishing appears to have been a gendered task; women used hooks and lines, while men fished with pronged spears.[10] Women were also responsible for making the shell hooks. Fishing in Port Jackson appears to have been concentrated in the lower parts of the estuary (ie east of the Sydney Harbour Bridge).[11]

Colonisation in 1788 significantly disrupted Aboriginal society. Impacts for Aboriginal people included the loss of access to land, food and resources, exacerbated by the introduction of new diseases and violent reprisals. As many as 1,500 Aboriginal people are estimated to have been living in coastal Sydney when the First Fleet arrived in Sydney Cove (Warrane).[12] Despite its proximity to early settlement in Sydney, the development of Pyrmont (Pirrama) was initially slow. The Gadigal people had a strong presence on the Pyrmont peninsula until the late 1830s, at which point much of the peninsula was subdivided, and industry, including sandstone quarrying, became prevalent.

Despite dramatic changes to Aboriginal lifeways, Aboriginal people have always maintained their connections with Country and culture, and continue to practise and hand down cultural knowledge today within their communities and more broadly.

Further details on the Aboriginal history and cultural heritage of the site and surrounds are provided in the *Connecting with Country Framework for Tjerruing Blackwattle Bay*.[13]

2.2 Environmental setting of the site

The site's 'environment' forms a component of the traditional lands and Country of the Gadigal people of the Eora Nation. Understanding the environment through the geology, soils, landforms, water and ecology is important to understand the context of long-term Aboriginal connections to the land. Combining basic environmental information with the history and contemporary connections starts to provide an understanding of the local and regional cultural landscape. Describing and mapping the landscape contextualises the

physical data, and underpins intangible connections inherent in most Aboriginal cultural landscapes. An overview of the baseline datasets for geology, soil, landforms, water, the climate and ecology, is provided in this section.

2.2.1 Landforms

The site is situated on the foreshore of the Pyrmont (Pirrama)[14] peninsula, forming part of the eastern shoreline of Blackwattle Bay. The Pyrmont peninsula consists of a northwest to southeast oriented ridgeline, flanked by slopes dropping down towards the harbour. Less-modified peninsula shorelines (ie Balls Head, Mann Point and Berry Island) on the northern shoreline of Sydney Harbour, where the sloping headlands and rocky harbour foreshores have been less intensely modified, may provide evidence of the likely pre-modification landforms of the Pyrmont peninsula. These less-modified peninsulas have very low to low relief and moderately inclined (10% to 32%) up to steep (32% to 56%) slopes forming rolling- to steep-rise erosional landform patterns. Therefore, prior to land use modifications following invasion, the slopes of Pyrmont peninsula were likely steep, potentially benched, leading down to a rocky shoreline. Illustrations of Pyrmont during the early years of European colonisation indicate that the northern extent of Pyrmont peninsula, including the site, was dominated by sandstone ridges and bluffs, with a rocky or cliff-dominated shoreline.[15]

At present, the landforms of the peninsula have been flattened and much of the shoreline reclaimed to form a levelled, regular shoreline (Figure 2.1). Present landforms across the site have an extremely low relief (0–6 metres above sea level) and a level (<1%) to very gently inclined (1–3%) modal terrain slope. This has resulted in an erosional landform pattern comprising level to gently undulating plains.[16] Immediately east of the site, the landform rises steeply into a modified cliff face formed by sandstone quarrying.

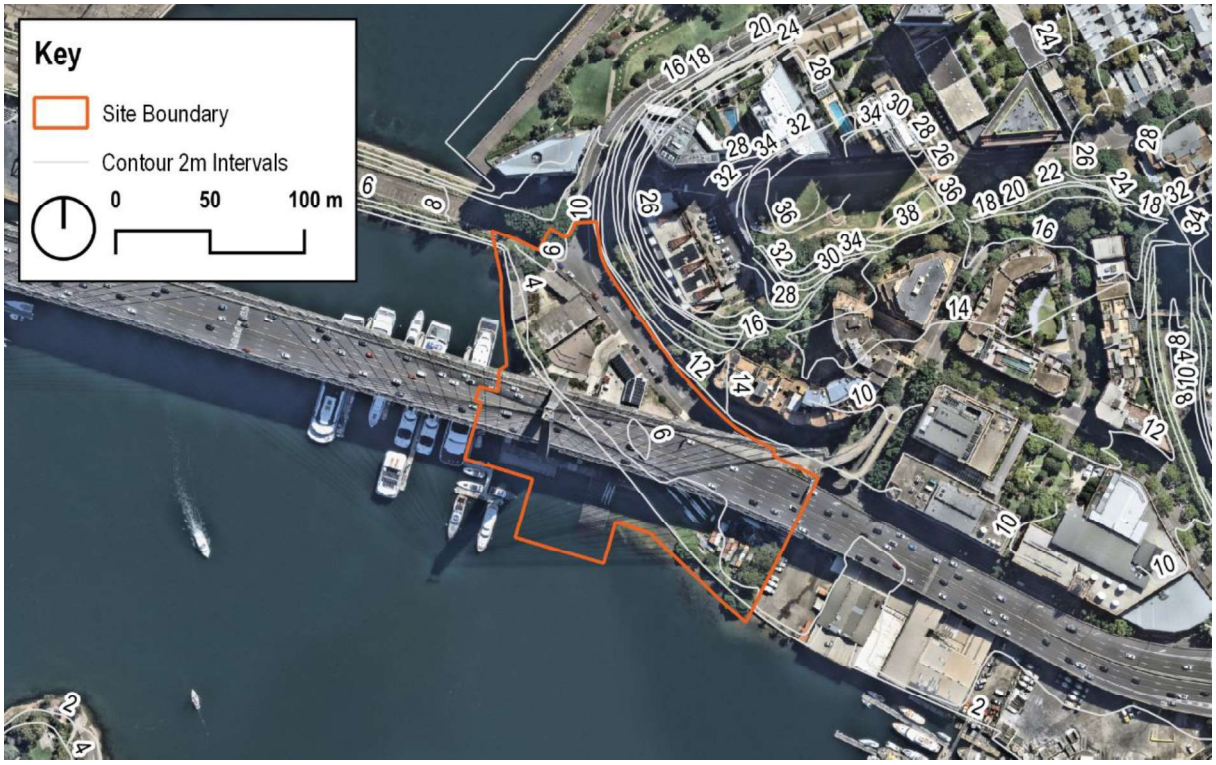

Figure 2.1 Topography of the site. (Source: Nearmap with GML overlay, 2023)

2.2.2 Geology and soil landscapes

Geological mapping (Figure 2.2)[17] indicates that the site overlies Hawkesbury Sandstone, a medium to coarse-grained quartz sandstone with shale and laminite lenses deposited in the Triassic period, which makes up the majority of the Pyrmont peninsula.

Areas of harbour development overlie regolith and recent mud, silt and sand sediments deposited by estuarine processes within the harbour. The regolith and recent sediments of anthropogenic origin along the foreshore reflect the extent of nineteenth and twentieth century reclamation activities. Analysis of geotechnical data[18] has also identified the presence of Gymea and alluvial or colluvial soils along the shoreline below the reclamation deposits (see section 2.4 below).

The Gymea soil landscape is characterised by soils that are shallow to moderately deep (<20–<100 centimetres) and generally consists of loose, coarse sandy loam with common small sandstone, and platy ironstone fragments and charcoal inclusions (A_1 horizon) overlying an earthy, yellowish-brown clayey sand forming a B horizon, or, where exposed, a hard-setting topsoil. This may overlie an earthy to weakly pedal yellowish-brown sandy clay loam (B horizon).

The alluvial or colluvial soils tend to comprise brown sands with traces of gravels. If alluvial in nature, these soils would have been formed by flooding of local waterways, introducing alluvial sediment to the site. If colluvial, the deposits would have been formed by movements of soils downslope due to gravity, potentially aided by water as sheet wash.

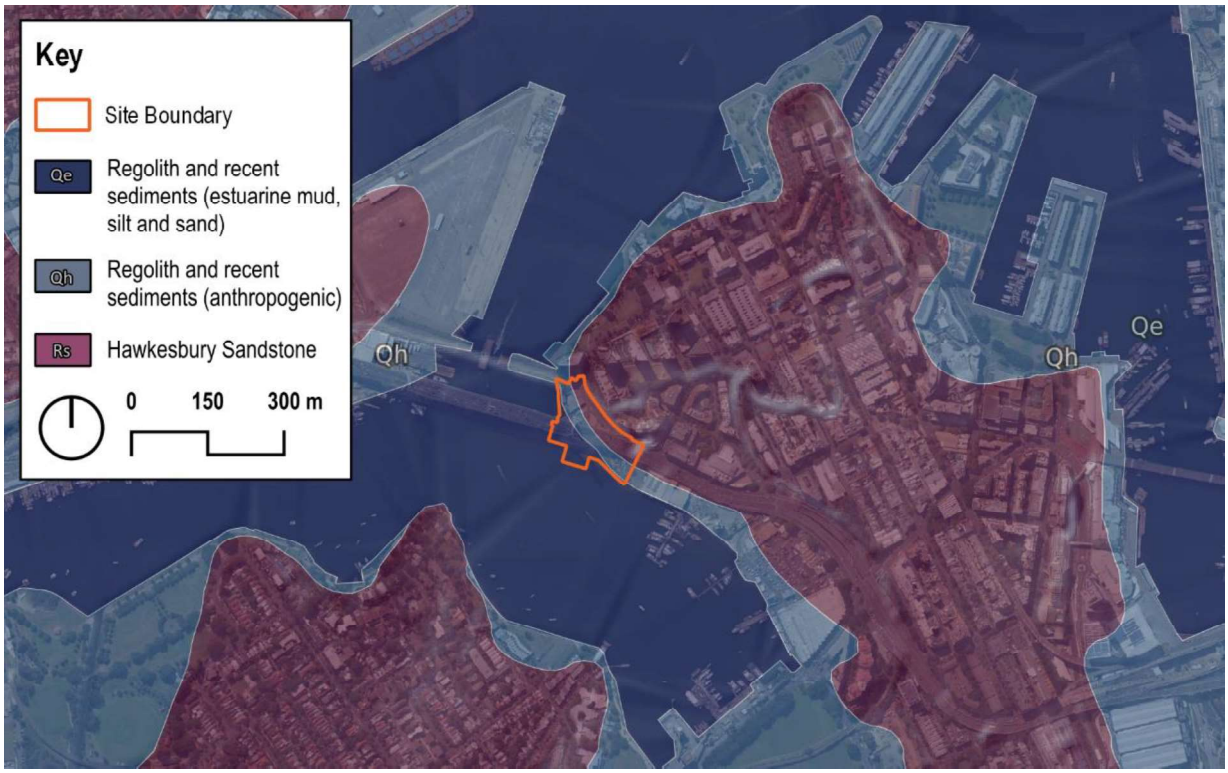

Figure 2.2 Geology of the site and surrounds. (Source: NSW Department of Regional Australia, MinView, with GML overlay, 2023)

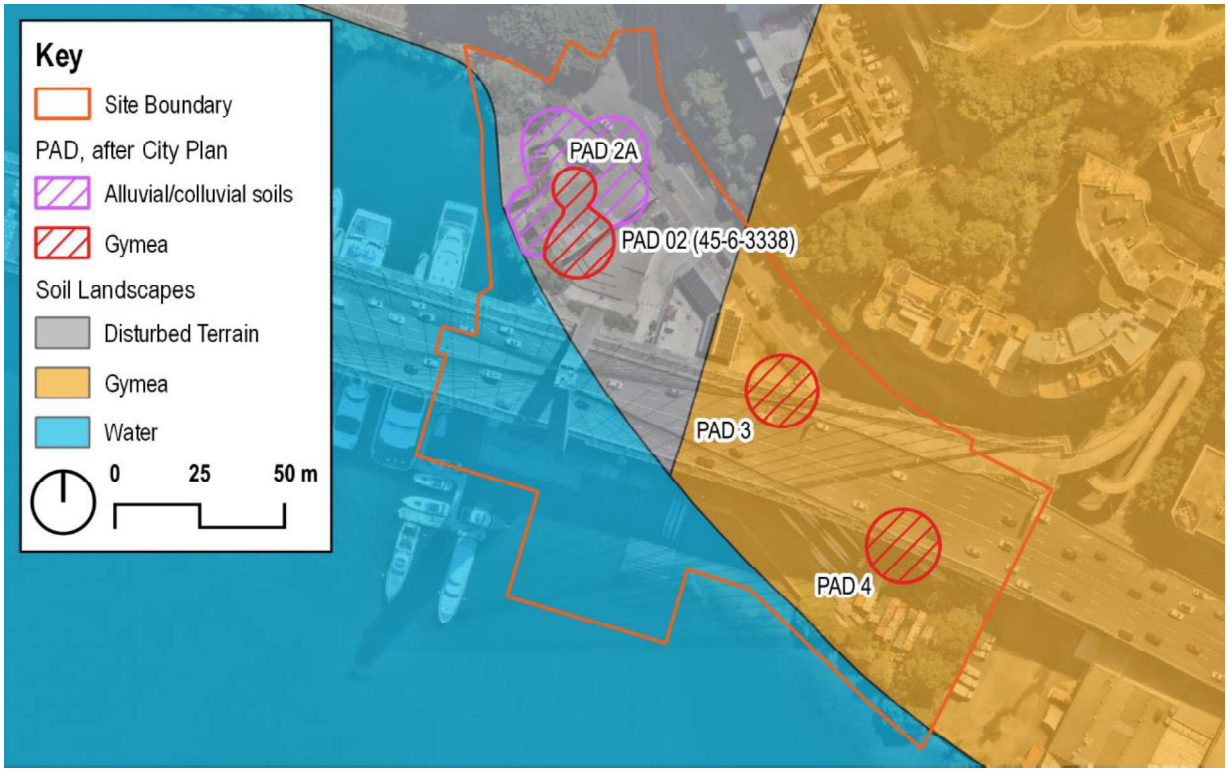

Figure 2.3 Areas of PAD (ie areas of Gymea or alluvial or colluvial soils) after CityPlan 2023.[19] The soil landscape mapping indicating the extent of the Gymea soil landscape is taken from the Soil Landscapes of the Sydney 1:100,000 map sheet. (Source: SIXMaps and NSW SEED[20] with GML overlay, 2023)

2.2.3 Hydrology

The availability of water has significant implications for the range of resources available and the suitability of an area for human occupation. The site abuts Blackwattle Bay, part of the wider Sydney Harbour (Warrane).

Prior to landform alterations following European invasion, low-order waterways would have flowed into Blackwattle Bay, while the bay itself would have extended further inland (Figure 2.4). Small streams likely flowed from the headland to the harbour during times of rainfall. Blackwattle Creek, since obscured by development, named for the Blackwattle tree (*Tjerruing*, *Callicoma serratifolia*) that would have been abundant along the watercourse, would have flowed into Blackwattle Bay from swampy headwaters at the present-day location of Lake Northam in Victoria Park.[21] Furthermore, a freshwater spring was recorded at the northern extent of the peninsula—'Tinker's Well'.[22] The well was located in a large sandstone shelter and was formed from natural freshwater seepage from cracks in the outcropping sandstone. Water accumulated into a dish in the

sandstone floor of the shelter, likely carved out or enlarged by Aboriginal people. This well appears to have been located approximately 50–100 metres east of the site, albeit higher up the peninsula slope, approximately 30 metres above sea level.[23] The well was used by Aboriginal people, as demonstrated by midden material found within the shelter. The well was destroyed by quarrying during the 1920s.[24]

As a result, ample freshwater and estuarine water resources would have been available in the immediate vicinity of the site.

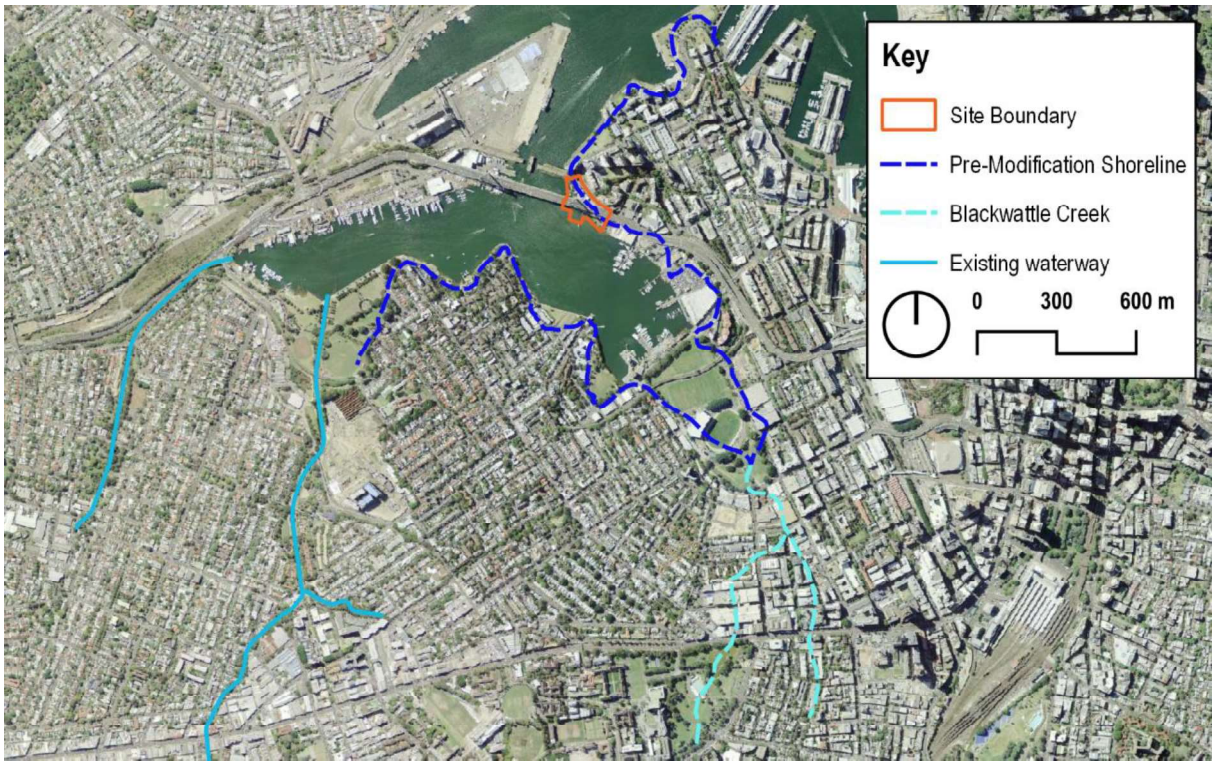

Figure 2.4 Approximation of the pre-modification shoreline of Blackwattle Bay and Blackwattle Creek after Birch et al (2009) (Source: SIXMap with GML overlay, 2023).[25]

2.2.4 Ecology

The ecology of the site has been significantly impacted by post-invasion development. Prior to invasion, the foreshore of Blackwattle Bay would have provided a rich estuarine environment of mudflats, saltmarshes, mangroves and seagrass. This environment would have provided marine resources such as fish, shellfish and crustaceans. The Gymea soil landscape of the Pyrmont peninsula would have provided access to wet and dry sclerophyll woodlands and open forests with terrestrial faunal and floral resources. Dominant species would have included red bloodwood (*Eucalyptus gummifera*), yellow bloodwood (*Eucalyptus eximia*), brown stringybark (*Eucalyptus capitellata*), old man

banksia (*Banksia serrata*), black ash (*Eucalyptus sieberi*), Sydney peppermint (*Eucalyptus piperita*), smooth-barked apple (*Angophora costata*) and scribbly gum (*Eucalyptus haemastoma*). An estimated 675 flora species would likely have been present on the Pyrmont peninsula at the time of invasion, forming a possible 17 plant communities, from estuarine and coastal wetlands through to ridgetop woodlands and gully forests.[26] The site was likely dominated by Sandstone Ridgetop Woodland, with heath elements.[27] Key species would have included red bloodwood, scribbly gum, heath-leaved banksia *(Banksia ericifolia*) and scrub she-oak (*Allocasuarina paludosa*). Fauna species present on the peninsula likely included potentially 22 frog species; 45 reptile species encompassing snakes, lizards and turtles; a variety of bird species; and 60 or more mammal species, encompassing marsupials, bats, rodents and sea mammals.[28]

The estuarine and woodland environments would have provided a rich array of flora and fauna resources that the Eora would have used for food, medicine and raw materials.

2.2.5 The climate

Climatic conditions across the Sydney Basin have fluctuated considerably throughout Aboriginal occupation. During the Last Glacial Maximum (LGM), which spanned 115,000–11,700 BP, temperatures were 6 to 10 degrees Celsius cooler than today.[29] The end of the LGM brought about an increase in rainfall and an alleviation of cooler and drier temperatures, before a return to cooler conditions from 5,000 BP.[30] The cool and dry conditions intensified around 3,000 BP, with temperatures dropping to their lowest level in the preceding 10,000 years.[31] This period also saw the onset of the El Nino Southern Oscillation (ENSO), resulting in periods of fluctuation between drier El Nino and wetter La Nina conditions, which have continued to the present day. Where El Nino reduced available water sources and forest canopy, La Nina increased rainfall, and, with it, increased vegetation and flood risk along rivers.[32] Such fluctuations would have likely impacted land use within the site. Climatic conditions began again to ameliorate from roughly 1,500 BP.[33]

The recent past of 1,000 BP to present has seen climatic conditions similar to that of the present day. January would have been the hottest month of the year, with average maximum temperatures of 26–29 degrees Celsius and highs of 47 Celsius, and average minimum temperatures of 15–18 degrees Celsius.[34] July would have been the coldest month of the year, with average maximum temperatures of 15–17 degrees Celsius, and minimum averages of 2–8 degrees Celsius.[35]

Changes in climatic conditions resulted in sea level fluctuations. Glacial periods saw sea levels fall, with sea levels 60,000 BP approximately 30–35 metres below present levels, dropping to approximately 110–130 metres below present levels between 30,000 and

18,000 BP. During this period, Port Jackson, of which the site forms a part, would have been situated approximately 15 kilometres east of its present location, on what is now Australia's continental shelf. At this time, Sydney Harbour would have been a river valley. Following the end of the LGM in approximately 12,300 BP, sea levels rose, with Sydney Harbour inundated and reaching its present form by 7,000 BP. Oscillations have occurred within the last 7,000 years. Sea levels were at their highest at 1–2 metres above present levels approximately 7,000 years ago, remaining higher than present until 1,400 years ago, albeit with periods of lowered sea levels between 5,100 and 4,600 years ago, and 3,300 and 2,700 years ago.[36]

Sea level fluctuations, both throughout the last 60,000 years and within the Holocene, have affected the potential usage and subsequent archaeological record within the site. The site is situated below 10m above sea level (ASL), while much of the western area of the site is reclaimed low-lying marshy foreshore. As such, while the site was considerably inland during the LGM, much of the site may have been inundated until approximately 2,000 to 1,400 years ago. This has implications for the inundation and loss of older Pleistocene sites that may have been present, and may mean that any Aboriginal objects present today likely date to the comparatively recent past.

2.2.6 Summary of the local environment

The site is situated partially on Triassic Hawkesbury sandstone and the associated Gymea soil landscape, and partially on Disturbed Terrain, composed of concrete blocks, demolition rubble, quarried material and reworked sands or clays, of anthropogenic origins. The site has been extensively modified through alterations to the shoreline via land reclamation and quarrying of the sandstone bedrock, resulting in a truncation of the landform. Prior to European invasion, the northern extent of the Pyrmont peninsula, including the site, was dominated by steep slopes leading to a rocky shoreline. The peninsula would have supported a variety of flora and fauna, with the site likely comprising dry sclerophyll woodland. A variety of terrestrial and estuarine plant and animal resources would have been available year-round. The closest freshwater sources to the site would have been Tinker's Well, a natural spring just east and upslope of the site, and Blackwattle Creek, which would have flown into Blackwattle Bay approximately 1km southeast of the site.

2.3 Previously identified Aboriginal heritage

The purpose of this section is to synthesise available information from previous archaeological investigations, and to provide context and a baseline for what is known about Aboriginal cultural heritage in the site.

2.3.1 Aboriginal Heritage Information Management System (AHIMS) register

A search of the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) database of an area 6km (north to south) by 6km (east to west) between eastings, northings 329395, 6247821 to 335395, 6253821 was undertaken on 31 May 2023 (reference number 787291). The search identified 97 recorded Aboriginal sites and no Aboriginal places. One previously recorded Aboriginal site is within the site—AHIMS ID 45-6-3338, an area of PAD.

A second search of the AHIMS database was undertaken on 23 November 2023 for the same coordinates. The search identified one additional Aboriginal site, bringing the total for the search area to 98 recorded Aboriginal sites and no Aboriginal places. As in the initial search, one previously recorded Aboriginal site is located within the site—AHIMS ID 45-6-3338. The results of the search are shown in Figure 2.5.

An overview of the AHIMS results is shown in Table 2.1 and Figure 2.5.

Table 2.1 Results of the AHIMS search.

Site feature	Frequency	Percentage
Aboriginal Ceremony and Dreaming, Artefact and Burial	1	1.0
Aboriginal Ceremony and Dreaming, Artefact and Shell	2	2.0
Aboriginal Resource and Gathering	2	2.0
Art	8	8.2
Art and Artefact	2	2.0
Art, Artefact and Shell	5	5.1
Art, Artefact, Burial and Shell	1	1.0
Artefact	10	10.2
Artefact and PAD	2	2.0
Artefact and Shell	23	23.6

Site feature	Frequency	Percentage
Artefact, PAD and Shell	1	1.0
Grinding Groove	1	1.0
Grinding Groove and Water Hole	1	1.0
Habitation Structure	1	1.0
Modified Tree	1	1.0
Non-Human Bone and Organic Material, Shell	1	1.0
Potential Archaeological Deposit (PAD)	24	24.6
PAD and Shell	1	1.0
Shell	3	3.1
Water Hole	1	1.0
Not a Site	7	7.2
Total	**98**	**100**

Seven invalid sites (ie not a site) were within the search area and these have been excluded from the following analysis.

This search indicates that stone-artefact-based sites (ie sites comprising or including artefacts and PAD) constitute the predominant site type recorded in this area, followed by sites comprising or including shell (ie middens). The general pattern of Aboriginal sites in the local area shows a strong association with the foreshore, with a high number of sites situated along the shoreline of Sydney Harbour and Parramatta River.

Of the sites, 29 (32%) are closed sites (ie situated in enclosed landforms such as rock shelters), while 62 (68%) are open sites (ie situated within open contexts). Closed sites are predominantly situated along the shoreline, likely as a function of exposed sandstone outcrops where the foreshore slopes down to the harbour. Open sites are situated both along the foreshore and further inland.

Sites comprising or with a shell component are closely associated with the harbour foreshore, and less frequently with the banks of now-obscured waterways that flowed to

the harbour. This patterning is a result of the marine nature of the fish, shellfish and gastropods consumed.

Despite rapid post-invasion development, several sites are recorded within the Sydney CBD, indicating the potential for Aboriginal sites and objects to survive even within disturbed contexts.

One registered site, an area of PAD (The Bays Precinct PAD02, AHIMS ID 45-6-3338), is situated in the Bank Street site within the footprint of 1A and 1–3 Bank Street. The PAD site is described as extending 55 metres in length and 35 metres in width. The description provided on the AHIMS site card states:

> The PAD consists of apparently undeveloped land in 1A Bank St Pyrmont, and land that appears not to have been subject to modern development in 1–3 Bank St Pyrmont. Historical mapping indicates this is not reclaimed land. Geotech[nical] bores in these properties indicates presence of preserved natural soils.

The area of PAD encompasses areas overlain by buildings within 1A to 3 Bank Street. The PAD was assigned based on the presence of remnant natural soils, which were considered to have potential to retain an in situ Aboriginal archaeological deposit (see Section 2.4 below).[37]

Four additional sites are located within 1 kilometre of the Bank Street site and these are all areas of PAD (AHIMS IDs 45-6-2960, 45-6-3339, 45-6-3826 and 45-6-4057). The closest is AHIMS ID 45-6-2960[redacted], a closed (shelter) site [redacted]

<FIGURED REDACTED>

Figure 2.5 Heritage NSW AHIMS search results for the landscape surrounding the site. (Source: Heritage NSW AHIMS, 2023)

<FIGURED REDACTED>

Figure 2.6 AHIMS sites in the immediate vicinity of the site. (Source: Heritage NSW AHIMS, 2023)

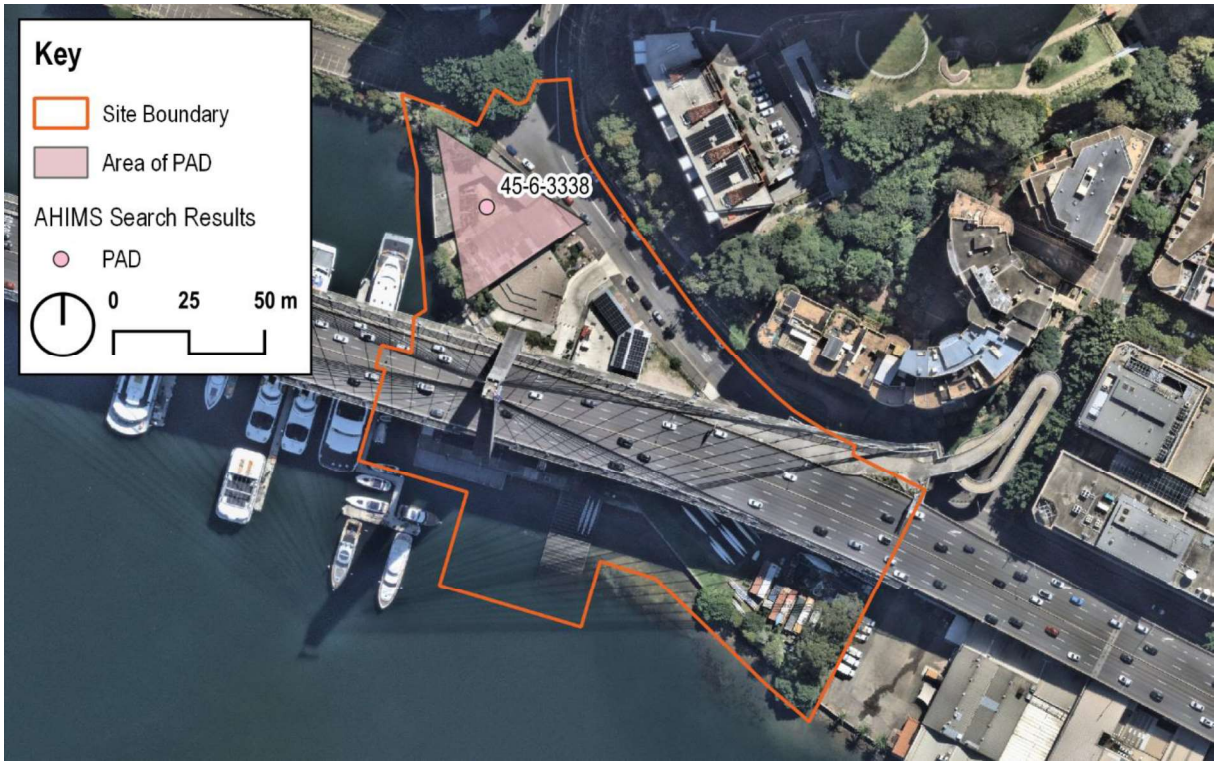

Figure 2.7 The Bays Precinct PAD02 (45-6-3338) area of PAD, after Artefact 2021. Note the vicinity of Jacksons Landing Shelter PAD (45-6-2960) to the site. (Source: Artefact 2021, Heritage NSW AHIMS and Nearmap with GML overlay, 2023)

2.3.2 Previous heritage investigations

The site is located in a region that has been subject to extensive prior Aboriginal heritage assessment. A review of key local Aboriginal archaeological and heritage reports has been undertaken and a summary is provided in Table 2.2 below.

Blackwattle Bay State Significant Precinct Study—Aboriginal Cultural Heritage Assessment Report—Artefact, 2022

Artefact prepared an ACHAR for the wider Blackwattle Bay State Significant Precinct (referred to as the 'precinct-wide ACHAR' in this report), of which the present site forms

the northeastern portion. The ACHAR included a desktop study, archaeological field survey and community consultation.

Most of the precinct was assigned low to nil Aboriginal archaeological potential due to the extent of land reclamation and historical disturbance, particularly along the southern extent of the site, where Blackwattle Bay/Swamp was infilled to form Wentworth Park. However, two areas of PAD were identified—AHIMS ID 56-6-3339 [redacted] and AHIMS ID 45-6-3338 (The Bays Precinct PAD02 within 1A and 1–3 Bank Street, contained within the subject site). The PADs correspond to areas of mapped remnant natural landforms.

Surveys were conducted as part of the assessment in 2014 and 2017. The 2014 survey identified moderate archaeological potential within 1A and 1–3 Bank Street, with the remainder of the site ascribed nil archaeological potential. The 2017 survey was conducted with representatives from RAP groups registered for the precinct-wide ACHAR. From the results of survey, Artefact concluded that intact preserved natural soils may be present beneath the concrete yard within 1–3 Bank Street, and that impacts from construction of the 1–3 Bank Street buildings were likely to have been localised. 1A Bank Street, which could not be accessed at the time of survey, was not considered to exhibit evidence of significant ground disturbance.

The study included geotechnical testing within 1A and 1–3 Bank Street (within the north of the present site). The results of geotechnical testing indicated localised areas of natural soils are present within the precinct, despite most of The Bays comprising historical fills. Two boreholes within 1A and 1–3 Bank Street contained natural soils above the water table, while an additional three boreholes contained natural silts below the water table. Intact soils were considered to have potential to contain subsurface Aboriginal archaeological deposits, hence assigning an area of PAD within 1A and 1–3 Bank Street.

Across the Blackwattle Bay Precinct, shelters and middens were expected to be the most prevalent site types, if present, although low-density artefact scatters, isolated finds and rock engravings were also considered as possible. Some potential for burials where intact midden and sandy deposits are present was noted, as was the potential for contact archaeology (flaked glass and metal objects) within the investigation area.

Community consultation indicated that the Blackwattle Bay area holds cultural value for local Aboriginal people due to the precinct's long history of use by Aboriginal people.

No further investigation was recommended for most of the precinct, with the exception of the two areas of PAD, for which further study was identified as required, including

archaeological management (ie excavation) should natural soil profiles be confirmed to be present.

The KENS site (Kent, Erskine, Napoleon and Sussex streets)—Aboriginal Archaeological Post-Excavation Report—Dominic Steele Consulting Archaeology, 2006

The Kent, Erskine, Napoleon and Sussex streets (KENS) site was subject to Aboriginal and historical archaeological excavation in 2003, prior to the redevelopment of the city block. The site is situated approximately 1.5 kilometres east of the site, on the midslope to footslope of a north–south trending ridgeline, underlain by Hawkesbury Sandstone. Its lowest point was on the rocky foreshore facing Darling Harbour/Cockle Bay. The high tide mark was located under the eastern side of Sussex Street, meaning the western portion of the KENS site was within the tidal zone of mudflats fringed with mangroves, ti-tree and swamp mahogany.[38] The ridge and slope would have supported woodland containing blackbutt, red bloodwood, Sydney peppermint and angophora trees.

Several buried pre-1788 soil profiles of the erosional Gymea soil landscape were identified over the course of the archaeological excavation program. Although original in situ Gymea soils remained in pockets, all areas excavated had been impacted by disturbance and post-depositional processes resulting from both natural and post-colonisation development activities. Various European constructions (including, for example, a well and later building foundations) mixed or removed some of the natural soil profiles, evident through the truncation of soil horizons. Wave action on the foreshore side had also eroded sediment. Further impacts to the natural soils came from massive sheet erosion, likely dating to the late eighteenth century, presumably resulting from land clearance. However, deposition prevailed wherever sediment barriers occurred, including both natural (breaks in slope, side slopes) and man-made (eg historical features such as walls) features. Within the truncated in situ soils, most artefacts were fragmented and had chipped edges and heat damage resulting from substantial traffic trampling and burning during the early historical period.

However, some development processes had also buried natural profiles, contributing to their preservation. For example, some profiles had been encircled by foundations, sealed beneath floor deposits, or capped by fill through erosional deposition, land reclamation or stabilisation.

Archaeological testing and salvage across these profiles revealed considerable concentrations of Aboriginal stone artefacts. Test excavation at the KENS site identified 80 flaked artefacts of silcrete, quartz and tuff—the remains of past Aboriginal knapping. Salvage excavation brought the total to 952 artefacts across the site. Silcrete was the dominant raw material in the assemblage (77%), with quartz making up 11% and tuff

9%. Four glass artefacts were identified. Unfortunately, the site had no evidence of middens, despite the previously large distribution of middens along the foreshore. Artefacts were found in the preserved Gymea soils and in overlying colluvium. No historical artefacts were found in the remnant soils, suggesting rapid burial of these soils beneath historical deposits. Analysis suggested that the artefact assemblage dated primarily from the Late Bondaian period, albeit with some Middle Bondaian elements, while the presence of flaked glass indicated the site's continued use following contact in 1788.

The KENS site demonstrated that Aboriginal archaeological sites may survive in places that have experienced multiple historical phases of development and disturbance. It also clearly illustrated processes of site taphonomy, where early historical activities such as land clearing and increased traffic (humans and horses) had a significant impact on the survival of the Aboriginal archaeological record.

Pyrmont Peninsula Place Strategy—Kelleher Nightingale Consulting, 2020

Kelleher Nightingale prepared an ACHAR for the Pyrmont peninsula as part of a review of planning for the Western Harbour Precinct. The report aimed to identify and consolidate information regarding both the Aboriginal archaeological resource and the cultural landscape of the Pyrmont peninsula. The investigation area extended from the northern extent of the peninsula south to Broadway, and was constrained to the east and west by Cockle and Blackwattle bays. The present site is included within this area.

The study comprised desktop assessment and field inspections. Six Aboriginal archaeological sites were identified within the investigation area—five areas of PAD and a shell midden and artefact site. One site, AHIMS ID 45-6-3338 (The Bays Precinct PAD02), and an area of PAD (discussed above) are situated within the present site. One Aboriginal heritage feature, Tinker's Well (since destroyed), was also identified within the investigation area, and was identified as requiring further investigation to determine its cultural and/or social value.

The overall investigation area was found to be highly disturbed by the industrial development and urbanisation of Pyrmont. However, areas of the original landform that have been subject to minimal ground surface modification were considered to have potential for remnant natural soils, which may contain subsurface archaeological deposits. Therefore, the approximate extent of the entire pre-modification peninsula landform was assigned archaeological sensitivity.

Darling Quarter (formerly Darling Walk)—Aboriginal Archaeological Excavation Report—Comber, 2012

As part of the redevelopment of Darling Walk in Darling Harbour, an extensive series of Aboriginal and historical archaeological excavations were undertaken in 2008 and 2009 at Darling Quarter, approximately 1.2 kilometres east of the site. The site is partially situated on reclaimed land infilling Cockle Bay and partially across the original shoreline of the bay.

Excavations identified the remains of a shell midden, which included ten chert, silcrete and quartz artefacts. Eleven identified shell species were noted in the midden assemblage, with the predominant species being Sydney cockle (*Andara trapezia*) at 92% of the total weight of shell excavated. The midden deposit was on an exposed area of sandstone bedrock outcrop overlooking the harbour. It appears that the midden had originally been on higher ground farther east, but had been redeposited by wave action closer to the water's edge and disturbed by later historical land reclamation.

445–473 Wattle Street, Ultimo—Aboriginal Cultural Heritage Assessment Report—Biosis, 2012

Biosis assessed the 445–473 Wattle Street site, situated 1.5 kilometres southeast of the site, on the wider undulating terrain landform sloping down to Blackwattle Bay. The site is adjacent to the since-obscured Blackwattle Creek, marked by the present alignment of Blackwattle Lane, which forms the western edge of the site.

The site had been heavily developed, but geotechnical investigations indicated that alluvial soils were present at depth beneath historical fill layers. These soils may comprise remnants of the original natural subsoil and, therefore, may retain Aboriginal archaeological material. Remnant soils were present 2.5 metres or greater in depth below the ground surface, and extended to 7 metres in depth below the ground surface level. Moderate to high archaeological potential was assigned to the remnant soils and the site was listed on AHIMS as a PAD (AHIMS ID 45-6-3064).

The ACHAR recommended avoiding impacts to the alluvial soils. Archaeological test excavation was recommended for any areas where impact to alluvial soils was unavoidable.

Westmead to The Bays and Sydney CBD Environmental Impact Statement—Technical Paper 4 Aboriginal Cultural Heritage Assessment Report—Artefact Heritage Services, 2020

The Bays was assessed as part of an Environmental Impact Statement (EIS) prepared for Sydney Metro for the Sydney Metro West project. The Bays station site is located adjacent to White Bay Power Station, Robert Street, Rozelle, approximately 800 metres

west of the site. An environmental and archaeological background was prepared for the site, and an archaeological survey was undertaken. Similar to the site, The Bays site was found to be largely situated on a modified flat landform formed by land reclamation. Prior to invasion and subsequent land modification, the White Bay area was considered to have provided a range of valuable subsistence and raw material resources for Aboriginal people. However, the extent of land modification, construction and demolition was found to have significantly impacted the potential for Aboriginal objects to be present.

Artefact Heritage concluded that infilling phases along the eastern foreshore of White Bay in the early twentieth century could have preserved any intact archaeological deposits or Aboriginal objects present, and assigned low to moderate potential to this area of the site. This area with PAD was registered as 45-6-3826. The PAD was considered to have potential for subsurface deposits as infilling along the eastern foreshore in the early twentieth century may have preserved any intact artefact deposits.[39] The PAD was subsequently reassessed by EcoLogical,[40] which concluded that the majority of the area of PAD was situated over reclaimed land and, as such, held low archaeological potential. Visual inspection of the PAD indicated it was largely covered in grey sandy infill soils, with soil exposure indicating stratigraphic phases of infill material.

Powerhouse Ultimo Renewal Project—Aboriginal Cultural Heritage Assessment Report—Curio Projects, 2021

Curio prepared an ACHAR for the Powerhouse Ultimo Renewal Project, situated at 500 Harris Street, Ultimo, approximately 1.3 kilometres southeast of the site. The site is positioned on the southeastern edge of the Pyrmont peninsula, along what would have been the original Cockle Bay/Darling Harbour shoreline, and to the east of Blackwattle Creek. The site is situated on Gymea soils over Hawkesbury Sandstone. The landform of the site, which would have initially comprised a slope extending east towards Cockle Bay, has since been flattened due to modifications from development.

A moderate to high disturbance had occurred to the site, resulting from post-invasion land clearance and building construction. However, the potential for intact archaeological deposits below the levels of disturbance was noted and confirmed by geotechnical testing. Two boreholes out of eleven across the site encountered natural soils of silty sand and sandy clay alluvial soil below layers of disturbance. Both boreholes were towards the east of the site, downslope towards Darling Harbour. Remnant natural soil profiles were encountered between 1.5 to 4.5 metres below surface level depending on location, and were between 0.5 to 5 metres thick.

Intact natural soils were assigned moderate to high archaeological potential, with expected site types comprising PADs, stone artefacts and middens. Any Aboriginal objects present are expected to date from 7,000 to 1,000 BP, after sea levels had

stabilised to current levels. The site was also assigned potential for contact archaeology (ie flaked glass). Archaeological test excavations are required to determine the nature, extent and significance of any Aboriginal archaeological deposits present within the site.

University of Sydney—Aboriginal Heritage Impact Assessment Report—AHMS, 2016

AHMS prepared an Aboriginal Heritage Impact Assessment (AHIA) for portions of the University of Sydney (USYD) Camperdown and Darlington campuses. USYD is located approximately 1.8 kilometres south of the site and is situated on the Blacktown soil landscape.

USYD had been subject to prior archaeological investigations, including test excavations conducted at the Geology Lawn, Maze Green and USYD Central. All three sites were found to have significant disturbance, and each site resulted in recovery of a single artefact, namely a flaked silcrete artefact, a flaked artefact and a silicified tuff artefact.

Two registered AHIMS sites are located within USYD—both had isolated stone artefacts found in disturbed contexts, which have since been destroyed.

AHMS (2016) concluded that, in line with prior assessments, most of the USYD Camperdown and Darlington campuses hold low archaeological potential due to transient use of the site by Aboriginal people pre-invasion and extensive historical disturbance. Two exceptions were identified—the Life Sciences Precinct and parts of the Health Precinct were proximal to original creek lines and have evidence of buried natural soil profiles. As such, these areas have moderate potential for low-density artefact scatters, isolated finds and PADs.

AHMS (2016) also identified places of cultural value within USYD through consultation with the Aboriginal community. Most of these places had historical or recent cultural connections. For instance, the Macleay and Shellshear Museums hold Aboriginal remains, the Mackie Building and the Koori Centre relate to Aboriginal education, and the university entrances are culturally valuable as markers or gateways for entering Aboriginal land. Two places (the Quadrangle and the sports ovals) were identified as having pre-invasion cultural connections. The land encompassing the two sports ovals (adjacent to the former Orphan School Creek) would have been a former hunting ground for the Gadigal people and may have subsurface deposits beneath introduced overburden. Anecdotal evidence from the Aboriginal student body indicated that the Quadrangle area may have been where ceremonies were held.

The Quadrant, Broadway—Aboriginal Archaeological Post Excavation Report—Dominic Steele Consulting Archaeology, 2003

The Quadrant Site, approximately 1.6 kilometres southeast of the site on the corner of Broadway Street and Mountain Street, was subject to archaeological testing by Dominic Steele Consulting Archaeology in 2001 and 2002. Blackwattle Creek originally passed through the Quadrant Site, which was a natural swamp. Excavation revealed that, in a portion of the site, natural soil profiles had been preserved beneath a capping of introduced fill, although these were truncated and disturbed. The soil profiles present at this site were comprised of a deep alluvial deposit, with the upper layers consisting of a Blacktown soil landscape. Excavations uncovered a small remnant patch of sandy loam covering an area of approximately 5 metres by 10 metres, which contained 14 Aboriginal flaked stone artefacts from three of the 16 trenches excavated. This site was registered in AHIMS as site #45-6-2629. Consent to destroy the site was granted with the requirement for monitoring works; however, no further artefacts were located. The artefact scatter was interpreted as a background distribution of stone artefacts in a landscape only sporadically visited by Aboriginal people. The limited Aboriginal archaeological evidence encountered at the Quadrant Site was determined to be the product of two factors. The first was the significant disturbance across the site in the historical period. The second was the way past Aboriginal people were likely to have used the natural environment—due to the poorly drained swampy nature of the site, it was unlikely to have been used for long-term occupation.

The report identifies that, beyond the creek line and swamp, more elevated portions of the site located on Hawkesbury Sandstone would have been more favourable for Aboriginal occupation, with a less ephemeral archaeological signature. The report noted that these locations have generally experienced such a degree of historical development that the natural A horizon soils capable of bearing artefacts and archaeological deposits have been removed or heavily disturbed.

Concept Design ITPS-1 The Bays—Aboriginal Heritage Due Diligence Report—GML Heritage, 2023

GML conducted a due diligence assessment for a traction substation site and an adjoining cable route to connect to The Bays Sydney Metro West site. The site extended along Robert Street and Port Authority of NSW lands in Balmain, abutting White Bay, approximately 800 metres northwest of the site. The site was situated within a disturbed landscape formed by extensive industrial use and land reclamation in White Bay. Originally, the White Bay foreshore was likely characterised by stepped ridges of Hawkesbury Sandstone ascending the Balmain Peninsula away from the bay. The present landform of the site was created via land reclamation and modification of the existing

coastline, forming a flat landform with extremely low relief and level to a very gently inclined slope.

Due to the nature and extent of prior ground disturbance, Aboriginal archaeological potential throughout the site was assessed as low to nil.

Chapter 5, Identifying Where People Camped and Land Use Patterns—Sydney's Aboriginal Past—Val Attenbrow, 2010

Chapter 5 of Val Attenbrow's *Sydney's Aboriginal Past*[41] examines land use patterns for the Sydney region prior to European invasion. Campsite locations were chosen for shelter from weather and ease of access to resources—namely water, food and raw materials. Campsites might be occupied for a single night or longer term (ie days to weeks). European invaders noted that in coastal Sydney, campsites were often established near waterways, which they assumed was for access to marine resources such as fish and shellfish.

Attenbrow detailed the results of the Port Jackson project, which examined archaeological patterning of the Port Jackson catchment. The site included Sydney Harbour, extending to South Head to the east, Middle Harbour in the north, and the Lane Cove and Parramatta rivers to the west. The study was split into eight sub-catchments for analysis. Blackwattle Bay/Pyrmont falls within the Concord to Sydney Harbour Bridge sub-catchment, which has both freshwater and estuarine influences.

The archaeological record for the sub-catchment was dominated by middens, due to the estuarine nature of the harbour/Parramatta River at this point. Archaeological deposits (ie stone artefact-based sites) were uncommon in the sub-catchment, but were more common in freshwater sub-catchments. Middens tend to be more visible than artefact deposits, which are generally contained within the soil profile. Regardless, middens appear to have been the dominant site type for the area.

Both a greater number (98%) and a greater density of midden and archaeological deposit sites were found on areas with Hawkesbury Sandstone as the underlying geology compared with Wianamatta Shale. However, middens and deposits tend to survive better and be more visible on the sandstone geology. The sub-catchments to the west and along the southern side of the estuary/Parramatta River, including the Concord to Sydney Harbour Bridge sub-catchment, had the lowest numbers of middens and deposits. These low numbers were likely due to dense residential and industrial development in the area, and the prevalence of Wianamatta Shale as the underlying geology.

For the Port Jackson catchment, 60% of middens and 80% of archaeological deposits were found in closed contexts (ie rock shelters). Whether this is partially a function of

extensive development on the flatter Wianamatta Shale landscapes, which tend to be open context and do not form closed context landforms, is unclear. More than 50% of middens across the Port Jackson catchment were within 10 metres of the high-water level.

Table 2.2 Summary of relevant prior Aboriginal heritage reports in chronological order.

Report	Location and connection with the site	Findings/key heritage outcomes
Steele (2003) The Quadrant, Broadway Aboriginal Archaeological Post-Excavation Report	1.6km southeast of the site, along Blackwattle Creek.	Disturbed natural Blacktown and alluvial soil profiles encountered beneath historical layers of disturbance. An artefact scatter consistent with background artefact distribution was encountered during test excavation.
Steele (2006), The KENS Site Aboriginal Archaeological Post Excavation Report	1.5km east of the site on a similar landform of Gymea soils over sandstone and reclaimed/reworked land on the shoreline of Cockle Bay.	Areas of intact soil were found to be present beneath historical layers of disturbance. In total, 952 silcrete, quartz, tuff and worked glass artefacts were found in Gymea soils and overlying colluvium.
Attenbrow, V (2010), *Sydney's Aboriginal Past*	Assessed the Aboriginal archaeological record for the Port Jackson region.	The dominant archaeology of the Concord to Sydney Harbour Bridge sub-catchment consists of middens, with sites more common and denser on Hawkesbury Sandstone geology compared to Wianamatta Shales.
Biosis (2012), Wattle St Ultimo ACHAR	1.5km southeast of the site adjacent to Blackwattle Creek.	Buried alluvial soils were detected between 2.5 to 7m below the ground surface. Moderate archaeological potential was assigned, and the site listed on AHIMS as a PAD.
Comber (2012), Darling Quarter Comber Archaeological Excavation Report	1.2km east of the site, situated partially on the original Cockle Bay shoreline and partially on historical land reclamation.	A shell midden and ten artefacts were recovered during test excavation. The shell midden had been redeposited and disturbed by wave action and historical land reclamation.
AHMS (2016), University of Sydney Aboriginal Heritage Impact Assessment Report	1.8km south of the site. Part of the campus formed a component of the catchment for Blackwattle Creek.	Low archaeological potential for much of the site, with the exception of two locations with moderate potential associated with buried alluvial soils.
Artefact (2020), Westmead to The	800m west of the site. Situated on a similar landform of sandstone and	Area of low to moderate PAD assigned where intact natural soils may have been preserved beneath historical layers of

Report	Location and connection with the site	Findings/key heritage outcomes
Bays and Sydney CBD ACHAR	reclaimed/reworked land on the shoreline of White Bay.	disturbance. Areas of reclaimed land were assigned low potential.
Kelleher Nightingale (2021), Pyrmont Peninsula Place Strategy	Assessment of the Pyrmont peninsula, of which the site is a part.	The entire original landform of the Pyrmont peninsula, excluding exclaimed areas, was assigned archaeological sensitivity due to the potential for buried intact soils that may retain subsurface Aboriginal archaeological deposits.
Artefact (2021), Blackwattle Bay State Significant Precinct ACHAR	Blackwattle Bay Precinct, of which the site forms part.	The majority of the precinct has low to nil archaeological potential due to the extent of disturbance; however, two areas of PAD corresponding to areas of mapped remnant landforms were identified. One area of PAD is within the present site, and initial geotechnical testing indicated natural soils may be present beneath historical fill layers.
Curio (2022), Powerhouse Ultimo Renewal Project ACHAR	1.3km southeast of the site. Situated on a similar landform of Gymea soils over sandstone on the shoreline of Cockle Bay.	Moderate to high potential for PADs, stone artefacts, middens and contact archaeology within remnant intact Gymea soils preserved beneath historical layers of disturbance.
GML (2023), Concept Design ITPS-1 The Bays Due Diligence Report	800m northwest of the site. Situated on a similar landform of sandstone and reclaimed/reworked land on the shoreline of White Bay.	Site situated almost entirely on reclaimed land. Subsequently, low potential for intact soils and Aboriginal objects to be present due to the extent of disturbance within the site.

2.4 Summary of geotechnical testing

Initial geotechnical investigation of the site was undertaken by JBS&G in 2012, as outlined within Artefact 2021.[42] These investigations formed part of wider geotechnical testing conducted across the Blackwattle Bay Precinct, which indicated a high level of fill across most of the precinct. However, geotechnical testing within the northern part of the site (1A and 1–3 Bank Street) indicated that localised areas of natural soils were preserved. In 2023, percussion coring was conducted as part of a site contamination assessment by JBS&G and was archaeologically monitored by City Plan. The results of the 2012 and 2023 investigations were archaeologically assessed by City Plan Heritage.[43]

Intact soil profiles were identified in several boreholes within the site, and were found to correspond to units of the Gymea soil landscape and to alluvial or colluvial soils. Intact

Gymea soils were found to correspond to gy2, an earthy yellowish-brown clayey sand that usually comprises the B horizon, and gy3, an earthy to weakly pedal yellowish-brown sandy clay loam that usually forms a B or C horizon. Areas of intact natural C horizon (weathering sandstone bedrock) were also encountered below the B horizon soils, but were not considered to have PAD, presumably because the bedrock layers are culturally sterile. Alluvial deposits within the site were likely formed by the flooding of gullies or creeks within or adjacent to the site. Colluvial sediments would have formed from the deposition of unconsolidated sediments from higher up the peninsula within the site, resulting from the downslope creep or aided by water movement such as sheet wash.

Boreholes with PAD are outlined in Table 2.3 below. Note that the 2023 boreholes BH04, BH05 and BH08 also encountered intact soils between 4.1 to 4.2 metres, 3.5 to 4 metres and 6 to 7.2 metres in depth, respectively. However, these soils were identified as C horizon and, as such, were not assigned PAD as they were considered culturally sterile. BH04 from the 2012 geotechnical program also encountered natural soils interpreted as colluvial sediment or reworked C horizon soils between 1.4 and 2 metres in depth, but was not assigned PAD.

Table 2.3 Results of the geotechnical testing within the site, after City Plan (2023).

Borehole	Year	Depth of fill	Depth of intact soils	Soils with PAD	Soils with PAD description	Interpretation
BH01/ MW01	2012	2.4m	2.4–5m Alluvial /colluvial	2.4–3.8m	Brown sand with trace of gravels.	Alluvial or colluvial sediments.
				3.8–5m	Dark brown silts and sands with trace of gravels.	Alluvial or colluvial sediments.
BH02/ MW02	2012	2.4m	2.4–4.5m	2.4–2.7m	Silty sandy clay, brown and grey, occasional sandstone fragments.	B or B/C soil profile, potentially of the Gymea soil landscape.
BH05/ MW05	2012	1.1m	1.1–4.6m	1.1–3.4m	Sand, white and brown, trace of dark brown clays and gravel, bands of compressed sand.	Alluvial or colluvial sediments.
				3.4–3.8m	Coarse grained sands, dark grey and trace of light brown.	Alluvial or colluvial sediments.

Borehole	Year	Depth of fill	Depth of intact soils	Soils with PAD	Soils with PAD description	Interpretation
				3.8–4.2m	Coarse grained sands, white and trace of light brown.	Alluvial or colluvial sediments.
BH06	2012	0.5m	0.5–3m	0.5–1.5m	Fine grained sands, brown, traces of clays, sand mottles, and compressed sand plates throughout.	Alluvial or colluvial sediments.
BH03A	2023	2.15m	2.15 to 3.2m (with core loss between 2.2 and 3m) B to C horizon	2.15–2.2m	Sandy silty clay (with fine sand component), dark greyish brown mottled (25%) dark yellowish brown, with very occasional charcoal inclusions.	B horizon, potentially gy2 of the Gymea soil landscape.
				3–3.05m	Sandy silty clay (fine sand component), dark brown.	B/C horizon, potentially gy3 of the Gymea soil landscape.
BH11	2023	2m	2–3.2m (with core loss between 2.2 and 2.6m) B to C horizon	2–2.2m	Clayey sand, dark greyish brown with sandstone gravels.	B horizon, potentially gy2 of the Gymea soil landscape.
				2.6–2.95m	Clayey sand, dark greyish brown with sandstone gravels.	Continuation of above, B horizon (gy2).
BH14	2023	1.8m	1.8–3.5m. B to C horizon	1.8–2.5m	Sandy silty clay, light brown/grey.	B horizon, potentially gy2 of the Gymea soil landscape.

Artefact (2021) noted that of the 2012 boreholes with natural soils and PAD, BH02 and BH06 contained natural soils above the water table, while boreholes BH03, BH04 and BH05 contained natural silts that were below the water table. The results of 2012 geotechnical testing were understood by Artefact to suggest that natural soils did persist beneath the developed area of 1A and 1–3 Bank Street. Furthermore, Artefact considered intact soils to have the potential to contain subsurface Aboriginal archaeological deposits, hence the designation of PAD (45-6-3338) within 1A and 1–3 Bank Street.

The analysis of the borehole logs by City Plan confirmed the presence of PAD below 1A and 1–3 Bank Street, and also identified two other areas of PAD within the wider site buried beneath 0.26 to 3.8m of contaminated fills (Table 2.4 and Figure 2.8).[44] Based on their analysis of the borehole data, City Plan suggested adjusting the present boundaries of AHIMS ID 45-6-3338. City Plan identified both Gymea soils and alluvial or colluvial soils within the footprint of AHIMS ID 45-6-3338, and recommended that the two soils be recorded as separate PADs because the erosional Gymea soils and the alluvial or colluvial soils are formed via different depositional processes. Furthermore, City Plan suggested altering the boundaries of the PAD following the results of the 2023 geotechnical testing to reflect the increased understanding of the locations of intact soils within 1–3 Bank Street.

The two additional areas of PAD within the site were also Gymea soils. As these two areas of PAD are spatially separated from the PAD within 1–3 Bank Street, these were considered to be separate PADs and not an extension of the existing PAD(s). These two PADs were indicatively mapped as a 10-metre buffer around the boreholes with intact Gymea soils.

The areas of PAD identified by City Plan within the site are outlined in Table 2.4 and shown in Figure 2.8 below.

Table 2.4 Reassessment of areas of PAD within the site, after City Plan (2023).

PAD	Corresponding boreholes	Soils	Interpretation and location
The Bays Precinct PAD02 (45-6-3338)	BH03A, BH02/MW02	Gymea soil profile, B horizon	Truncated Gymea soil profile. Boundaries of the PAD as recorded by Artefact should be adjusted.
Additional PAD (City Plan PAD02A)	BH01/MW01, BH05/MW5, BH06	Alluvial/colluvial soils	Alluvial or colluvial soils within the footprint of PAD 45-6-3338. Forms a crescent shape around the Gymea soils within the area of PAD.
Additional PAD (City Plan PAD03)	BH11	Gymea soil profile, B horizon	Truncated Gymea soil profile. Located 80m southeast of PAD 45-6-3338.
Additional PAD (City Plan PAD04)	BH14	Gymea soil profile, B horizon	Truncated Gymea soil profile. Located at least 120m southeast of PAD 45-6-3338.

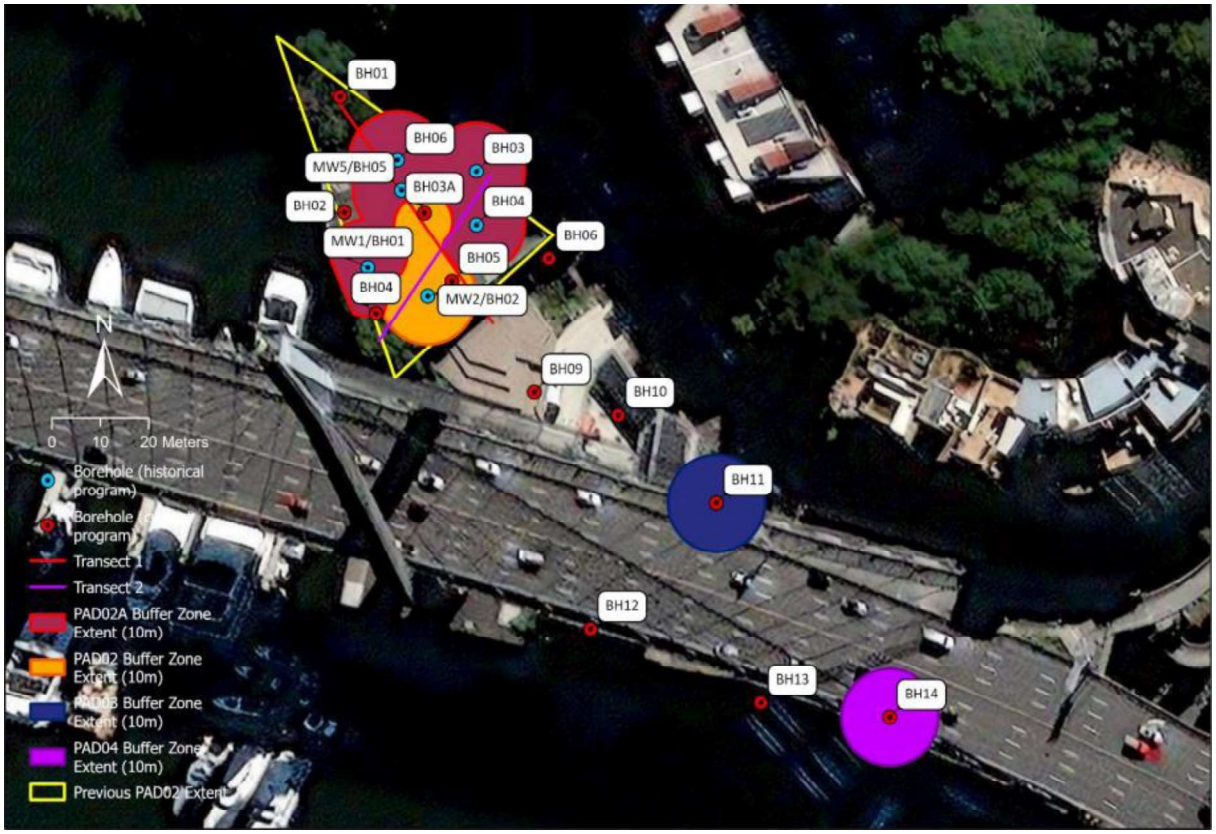

Figure 2.8 Map of 2012 and 2023 geotechnical testing within the site. (Source: City Plan, 2023)

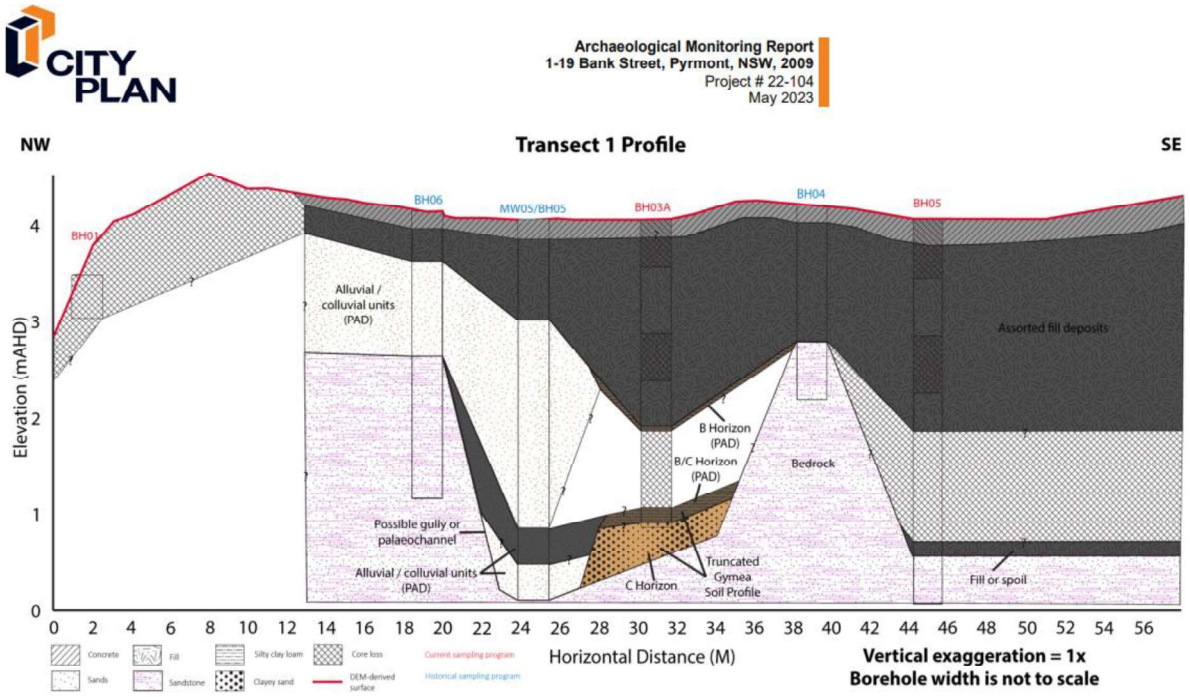

Figure 2.9 Transect 1, illustrating the cross-section of deposits associated with PAD 45-6-3338 (truncated Gymea soil profile) and the alluvial colluvial deposits within the original PAD footprint. (Source: City Plan, 2023)

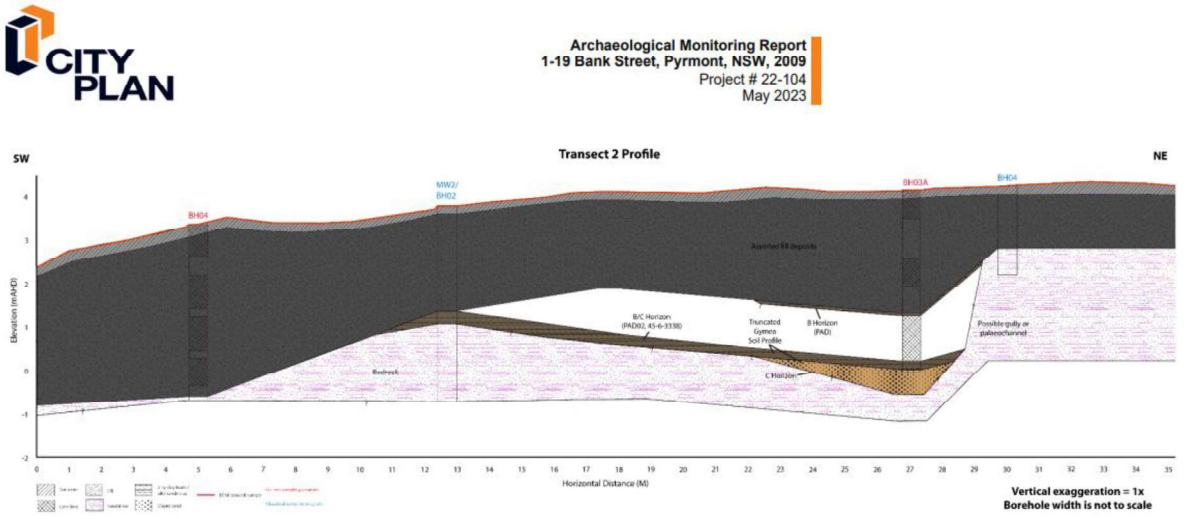

Figure 2.10 Transect 2, illustrating the cross-section of the truncated Gymea soil profile within PAD 45-6-3338. (Source: City Plan, 2023)

2.5 History of the recent land use

The site has been subject to a history of extensive recent land use, including substantial reworking of the Blackwattle Bay shoreline. Prior land uses may affect the ability of the landscape to inform and relate its history of Aboriginal connections. Vegetation clearance, movement of creeks and waterways, cut and fill, and construction have all changed how the landscape appears. These activities can also affect and alter original soil profiles, which may influence the intactness of Aboriginal archaeological sites. Understanding the range and extent of prior recent land use helps develop a model of Aboriginal heritage sensitivity. To assess changes to the site, we have investigated historical maps and historical aerial imagery.

Pyrmont was visited in 1806 by Captain John Macarthur, who named the area Pyrmont after a spa town in northern Germany on account of a natural spring, Tinker's Well, where he and his companions stopped for a picnic.[45] Illustrations of Pyrmont during the early years of European colonisation indicate that the northern extent of Pyrmont peninsula, including the site, was dominated by sandstone ridges and bluffs, with a rocky or cliff dominated shoreline.[46] Despite its proximity to early settlement in Sydney, the development of Pyrmont was initially slow. The Gadigal people had a strong presence on the Pyrmont peninsula until the late 1830s, at which point much of the peninsula was subdivided, and industry, including sandstone quarrying, became prevalent.[47]

The site was initially part of Ultimo Estate, a 34-acre land grant made to Dr John Harris in 1803 and subsequently expanded to 233 acres by 1818 via additional grants and land purchases.[48] The estate was partly used for small-scale farming, but this was largely for show.[49]

The western portion of the peninsula was targeted for quarrying from the 1840s to the end of the century, with quarries locally known as 'Paradise', 'Purgatory' and 'Hellhole'.[50] These quarries were run by the Saunders family, who purchased land on the northwest of the Pyrmont peninsula in 1853. The closest quarry to the site was Paradise, with the escarpment face of the former quarry extending between Bowman Street and Mount Street to the immediate northeast of the site. The quarried escarpment face is listed as a landscape heritage item on the Sydney LEP (item number I1199). Quarrying resulted in drastic changes to the topography of the site, truncating the natural landform and resulting in the destruction of Aboriginal objects, including the Tinker's Well shelter and midden. Land reclamation likely occurred during this period, with mapping by Birch et al (2009) suggesting that reclamation within the site dates to after 1854, with major reclamations occurring by the late 1870s.[51] Quarrying in Pyrmont continued through to the early 1930s.

The State Heritage listed Glebe Island Bridge opened in 1903, with the site intersecting a portion of the heritage curtilage along the eastern approach to the bridge where it adjoins Bank Street. The bridge comprises a swing-span road bridge linking Pyrmont and Glebe Island.[52] Construction included land reclamation for the eastern approach to the bridge.

The land of the subject site continued to be leased by timber yards and other minor shipping and industrial ventures throughout the early twentieth century. In 1900, Augeson & Co. secured the lease of the northern edge of the subject site at 1–3 Bank Street, where it developed a timber yard and wharf.[53] In 1910, this was replaced by Cowlishaws timber yard and wharf. Uses for the 5 Bank Street site around the time included the Taylor Allen and Co. timber store, Wallis Brothers sawmills, McEnnally Bros and Co. lightermen and tugboats, and Puech's skin store.[54] Twentieth-century historical aerial photographs indicate the gradual development and changing shoreline within the site. Wharves and jetties were built, expanded and dismantled progressively between the 1930s and 1980s, demonstrating the intensive industrial nature of the site and Pyrmont peninsula as a whole. A period of intensive land reclamation occurred from the early to mid-1990s (Figure 2.19 and Figure 2.20), associated with the construction of the east support pylon of the ANZAC Bridge, which opened in 1995. During this period, the site was almost completely flattened and most structures removed to allow for construction of the pylon, with the exception of the buildings in the northern portion of the site, namely 1–3 Bank Street. This would have resulted in significant truncation of natural soils and/or of introduced fill layers.

In summary, impacts to the landforms of the site have been significant. Quarrying to the north of the site associated with the Paradise quarry has likely truncated the soil horizons in the north of the site, potentially down to bedrock. Land reclamation associated with the construction and destruction of wharves, construction of the adjacent Glebe Island Bridge and construction of the ANZAC Bridge pylon will have further resulted in changes to the landform, including introducing areas of capping fill over natural soils, which, in places, may have protected underlying truncated yet remnant natural soils from further impacts. Construction of the ANZAC Bridge pylon will have resulted in impacts to natural soil deposits within the pylon footprint. Trenching for installation of utilities across the site, including installation of stormwater pits in 1A Bank Street, may have resulted in impacts to natural soils where these extend below the depths of imported fills. Although large portions of the site have been disturbed, the geotechnical testing suggests that pockets of truncated remnant natural soils are present within the site.

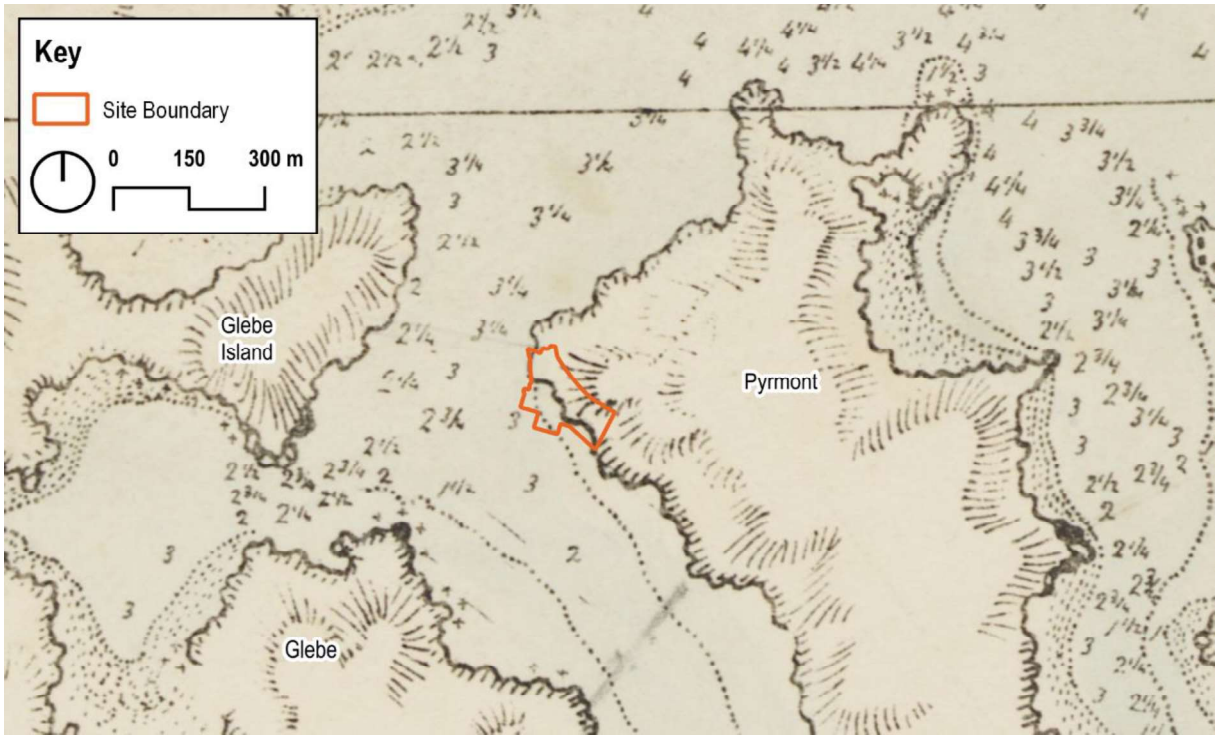

Figure 2.11 1822 historical map of the site, indicating the pre-industrial development shoreline of Blackwattle Bay. (Source: State Library of NSW, Port Jackson, NSW by John Septimus Roe, record ID 74VMyavVRmMl)

Figure 2.12 Dr Harris' residence within Ultimo estate, looking north towards the Pyrmont peninsula, c1821–1823. Note that the peninsula remains vegetated and predominantly unaltered at this time. (Source: State Library of NSW, Views of Sydney and Surrounding District, Edward Mason)

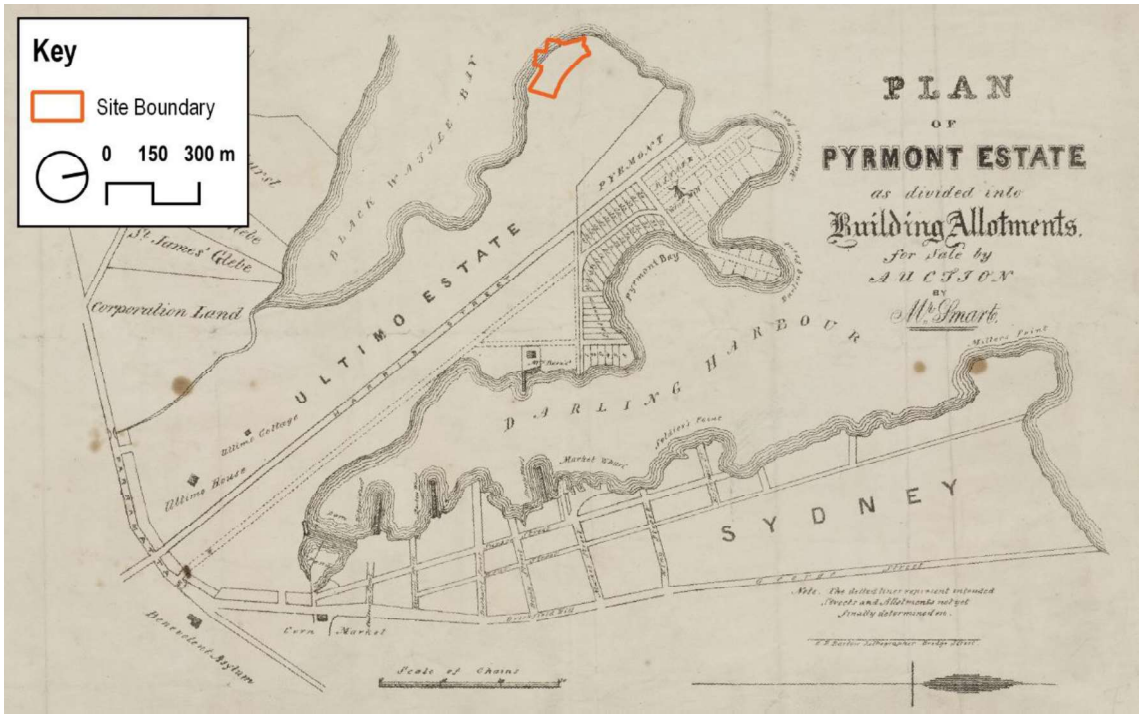

Figure 2.13 1839 plan of Pyrmont, with the position of the site within Dr John Harris' landholdings (Ultimo Estate) indicated. (Source: State Library of NSW, Plan of Pyrmont as divided into building allotments for sale by auction by Mr Smart, record ID 74VvM6VbD4Pd)

Figure 2.14 1930 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

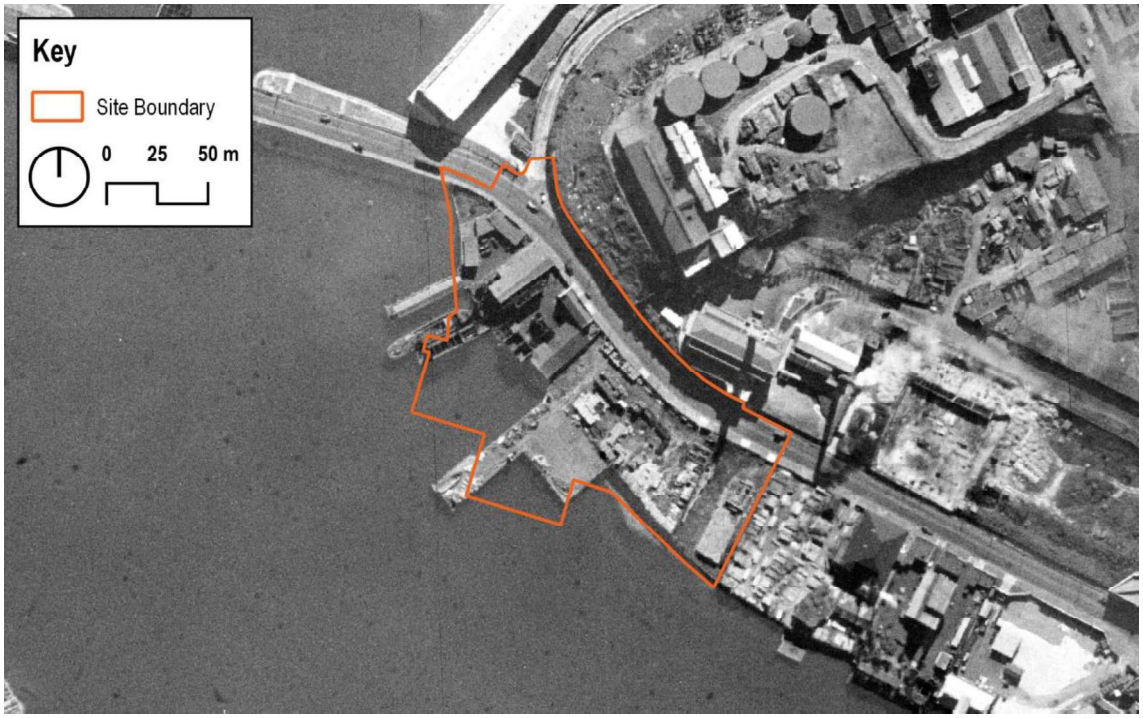

Figure 2.15 1943 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

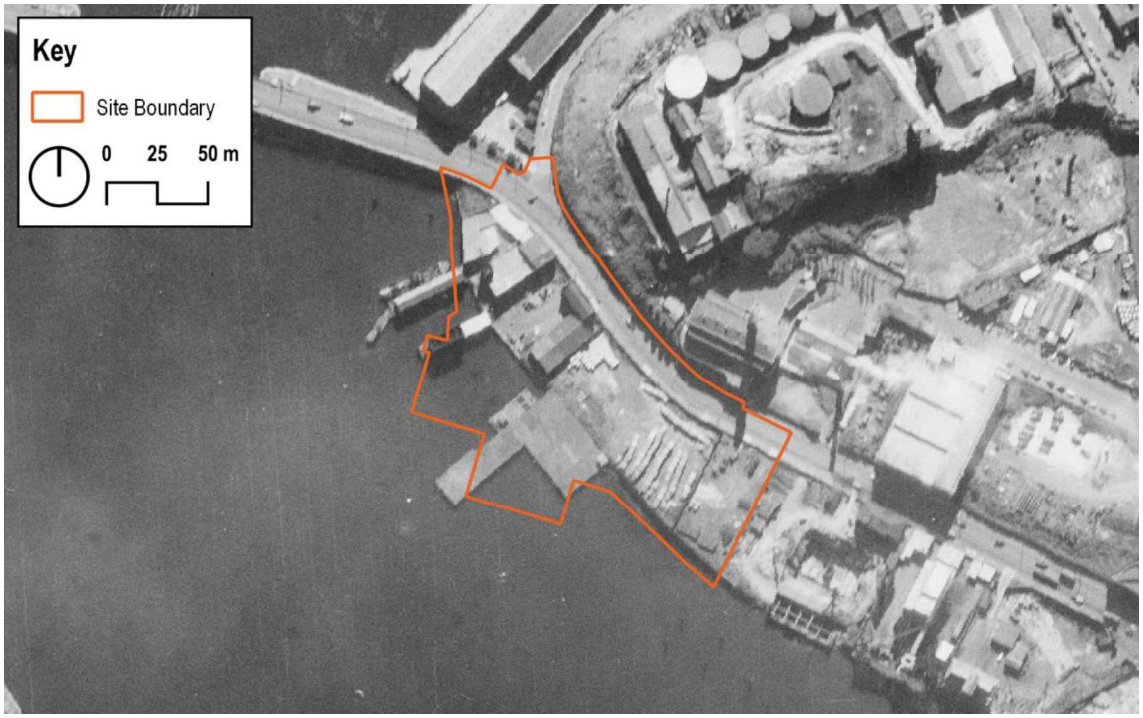

Figure 2.16 1951 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

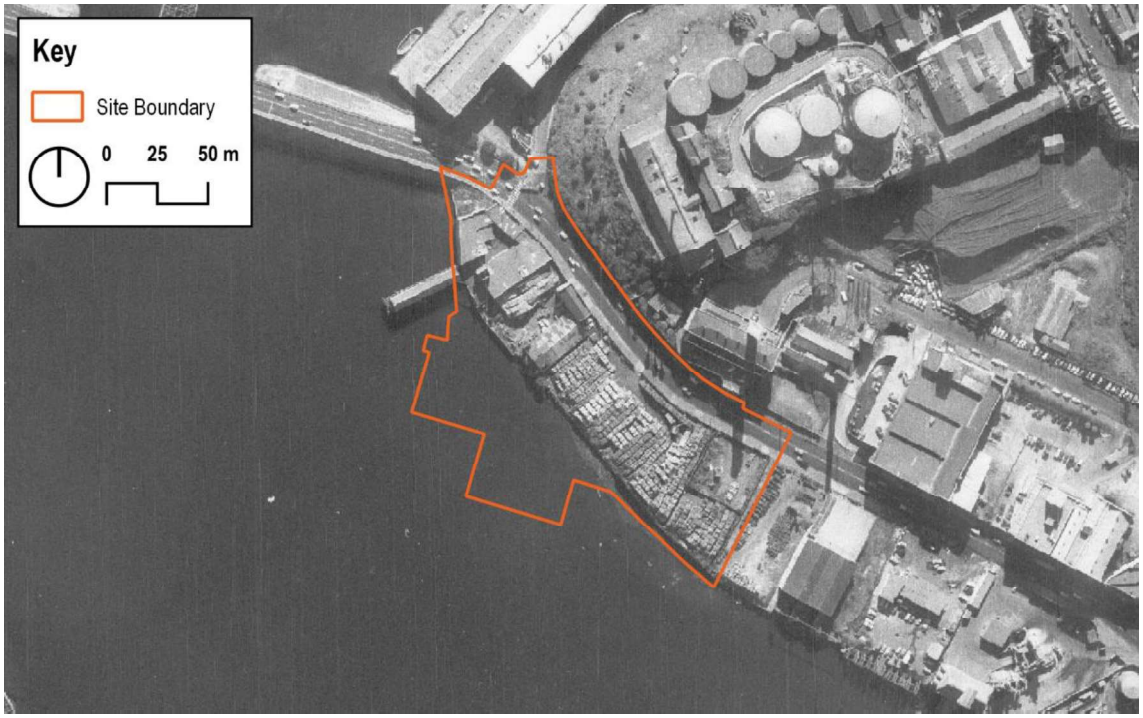

Figure 2.17 1961 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

Figure 2.18 1978 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

Figure 2.19 1991 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

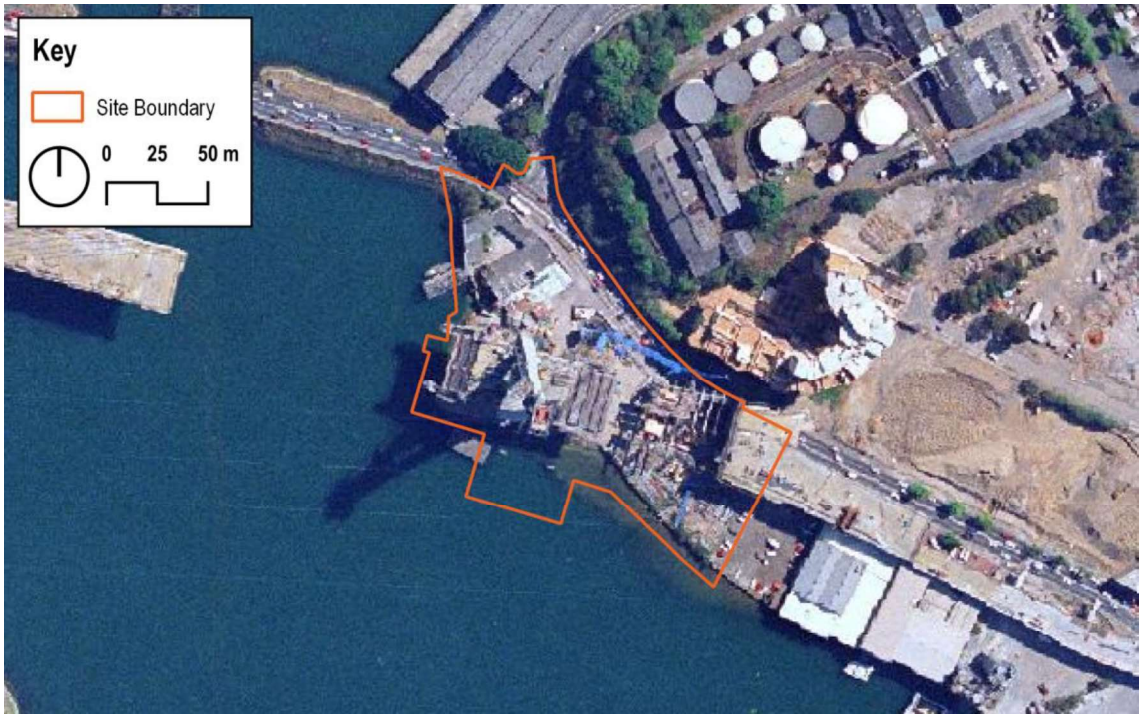

Figure 2.20 1994 historical aerial photograph showing the site. (Source: NSW Spatial Collaboration Portal with GML overlay, 2023)

Figure 2.21 2023 aerial imagery of the site. (Source: Nearmap with GML overlay, 2023)

2.6 Summary of archaeological and environmental context

Prior to European invasion, the northern extent of the Pyrmont peninsula, including the site, was dominated by steep slopes leading to a rocky shoreline. The peninsula would have supported a variety of flora and fauna, with the site likely comprising dry sclerophyll woodland. A variety of terrestrial and estuarine plant and animal resources would have been available year-round. The closest freshwater sources to the site would have been Tinker's Well, a natural spring just east and upslope of the site, and Blackwattle Creek, which would have flown into Blackwattle Bay approximately 1 kilometre southeast of the site. As a result of fluctuating sea levels during the Holocene, the site was likely partially to fully inundated between 7,000 and 1,400 BP.

Historical land use within the site has resulted in significant impacts and modifications to the original landforms via alterations to the natural sloping rocky foreshore from sandstone quarrying between the 1850s and 1930s, creation and destruction of industrial and commercial wharves, land reclamation between the 1850s and 1870s and in association with the construction of the ANZAC Bridge in the early 1990s, and

construction of the ANZAC Bridge itself. The soils of the site are predominantly disturbed, composed of reworked sands, silts and clays, with ash, charcoal, road metal, slag, concrete fragments, and bluestone and sandstone gravel inclusions.[55] Disturbed soils either continue to bedrock or, in places, overlie truncated natural soil profiles. These natural soil profiles correspond to Gymea soils, and alluvial or colluvial soils. Areas of intact soil have potential to retain Aboriginal archaeological subsurface artefact deposits and, therefore, have been assigned as PADs. Four areas of PAD have been assigned to the site based off the results of geotechnical investigation.

2.7 Archaeological predictive models

Aboriginal heritage predictive modelling provides an understanding of Aboriginal sites, places and object distribution with a wider landscape.[56] Through a process of landscape characterisation, Aboriginal people and archaeologists are able to infer those locations most frequently visited and used in the past. Such assessment may be used to interpret long-term subsistence and habitation patterns. Based upon the landscape context, land use history, regional and local archaeological patterns it is possible to provide a predictive statement for the likely occurrence of Aboriginal archaeological sites/places connected with the site (Table 2.5).

Based on examination of the AHIMS results and relevant local literature, the most likely Aboriginal site types to be present within the site are stone artefacts (scatters and/or isolated finds), contact archaeology (ie worked glass, metal or flint) and middens. Four areas of PAD have been identified in the site based on geotechnical testing. These areas of PAD comprise buried intact natural soil profiles of both truncated Gymea soils and alluvial or colluvial soils, and Aboriginal objects could potentially be present within these buried soil profiles. As a result of land reclamation and other historical disturbance activities, these areas of PAD are buried beneath 0.5m and 2.4m of historical fills. This may have protected and thus preserved archaeological deposits, as demonstrated by the KENS archaeological site within the Sydney CBD. Like the site, KENS was situated on a modified shoreline at the footslope of a ridgeline. Aboriginal artefacts, including lithics and contact archaeology, were found both within truncated Gymea soils and in overlying colluvial soils. Therefore, Aboriginal objects could potentially be present within the site in areas of intact preserved soils (Figure 2.22).

Table 2.5 Types of Aboriginal archaeological sites that may be located within the site.

Archaeological site type	Description and potential location
Stone artefacts	Stone artefact concentrations are collections of stone, frequently brought from other areas, which demonstrate evidence for Aboriginal working, use and/or discard of the stone at a single location. Stone artefact concentrations may be associated with any of the below site types. Where such sites are buried by sediment they may not be noticeable unless exposed by erosion or disturbed by modern activities. These sites may be present within the site in areas of buried natural soil profiles.
Isolated finds	Sites consisting of a single stone artefact, isolated from any other artefacts or archaeological evidence. They are generally indicative of sporadic past Aboriginal use of a location. A distinction should be drawn between isolated finds which are a component of the background distribution of objects and specialised objects such as axes, hammer stones, grinding dishes etc which would have been used repeatedly and may have been carried from place to place. These sites may be present within the site in areas of buried natural soil profiles.
Contact archaeology	Contact period artefacts consist of non-Aboriginal materials (including but not limited to flint, glass and ceramic) which demonstrate evidence for Aboriginal manufacture, use and/or discard. These objects can be difficult to distinguish from historical artefacts. These artefacts can provide insights into Aboriginal use of new materials brought by British colonisers. These sites may be present within the site in areas of buried natural soil profiles and in reworked soils.
Shelter sites	Sandstone shelters and overhangs were used by Aboriginal people to provide habitation areas sheltered from the rain and sun. The deposits in such sites are commonly very important because they often contain clearly stratified material in a good state of preservation. These sites may be found in areas of outcropping sandstone. Shelters are not likely to be present in the site as the natural sandstone slope has been quarried out within the site. Tinker's Well, a shelter with a natural spring and midden deposit, was located approximately 50–100m east of the site, while the [redacted] (AHIMS ID 45-6-2960) is situated [redacted].
Shell middens	Middens predominantly consist of accumulations of shell that represent the exploitation and consumption of shellfish by Aboriginal people. Shell species may be marine, estuarine or freshwater

Archaeological site type	Description and potential location
	depending on the environmental context. Middens frequently also include faunal remains, stone artefacts, hearths and charcoal. These sites are prevalent on the estuarine foreshores of Sydney Harbour, of which the site forms a part. Middens may be present within the site in areas of buried natural soil profiles.
Grinding grooves	Grooves resulting from the grinding of stone axes or other implements are found on flat areas of suitable sandstone. They are often located near waterholes or creek beds because water is necessary in the sharpening process. In areas where suitable outcrops of rock were not available, transportable pieces of sandstone were used. These sites are not likely to be present in the site as the natural sandstone slope has been quarried out within the site.
Quarries	These are areas where stone was obtained for flaked artefacts or ground-edge artefacts, or where ochre was obtained for rock paintings, body decoration or decorating wooden artefacts. No raw stone material sources are known on the Pyrmont peninsula. It is unlikely that this site type is present within the site.
Art sites	Aboriginal paintings, drawings and stencils are commonly to be found where suitable surfaces occur in sandstone shelters and overhangs. These sites are often referred to as rock shelters with painted art. Rock engravings, carvings or peckings are also to be found on sandstone surfaces both in the open and in shelters. These are referred to as rock engraving sites. These sites are not likely to be present in the site because the natural sandstone slope has been quarried out within the site, removing any exposed sandstone outcrops and shelters that may have contained art sites.
Scarred trees	Scarred trees bear the marks of bark and wood removal for utilisation as canoes, shields, boomerangs or containers. It is commonly very difficult to confidently distinguish between Aboriginal scars and natural scars or those made by Europeans. Scars may also originate as 'foot-marks', small pockets cut into the bark of a tree enabling the tree to be climbed. These sites are unlikely to be present in the site because all mature native vegetation has been cleared.
Burial sites	Burials may be of isolated individuals, or they may form complex burial grounds. They are often associated with other site types such as middens or mounds. These sites are generally associated with deep sandy deposits. There is a low likelihood of burials being present in the site due to the predicted rocky nature of the pre-modification shoreline.

Archaeological site type	Description and potential location
Mound sites	Commonly found on lower-lying alluvial floodplains, mound sites are formed by the long term build-up of soil, organic material, or shell to form a small mound. Mounds may contain stratified deposits and can contain burials. These sites are unlikely to be present within the site due to the rocky estuarine foreshore nature of the landform.
Stone arrangements, carved trees and ceremonial grounds	These site types are often interrelated. Stone arrangements vary from simple cairns or piles of rocks to more elaborate arrangements—patterns of stone laid out to form circles and other designs, or standing slabs of rock held upright by stones around the base. Carved trees may have intricate geometric or linear patterns or representations of animals carved into their trunks. Ceremonial grounds and graves were often marked by such trees. Bora grounds are a common type of ceremonial site and they are generally associated with initiation ceremonies. They comprise two circles, generally edged with low banks of earth but sometimes of stone, a short distance apart and connected by a path. These sites are unlikely to be present in the site due to the nature of the landform and because all mature native vegetation has been cleared.
Resource area	Resource gathering areas represent landforms that contain a high number of fauna and flora species, which were known Aboriginal resources. Resource areas are frequently associated with permanent water resources, often swamps or marshes, and frequently have recorded sites such as middens nearby. Landforms associated with these sites are often flats with a favourable outlook. The larger Pyrmont peninsula likely provided a rich array of resources, from estuarine and swampy landforms to woodlands. The site may have formed part of this large web of resources.

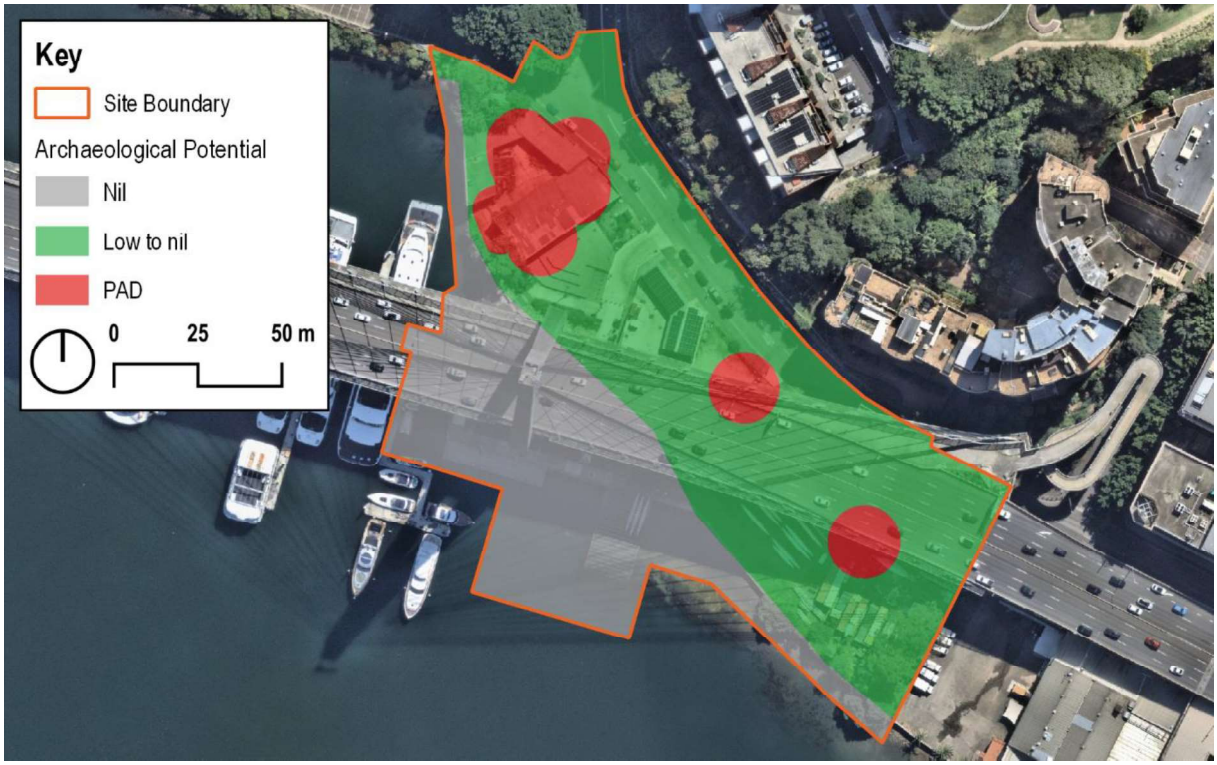

Figure 2.22 Aboriginal archaeological potential within the site. (Source: Nearmap with GML overlay, 2023)

2.8 Endnotes

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3 Aboriginal community consultation

3 Aboriginal community consultation

3.1 Introduction

Aboriginal community consultation is required for any assessment of Aboriginal heritage in order to make a valid assessment of Aboriginal (heritage) 'values'; especially those Aboriginal memories, stories and associations between the Aboriginal people and their traditional lands or Country. Aboriginal people frequently express an enduring connection to their Country, a connection that transcends generations, both past and present. The connection is frequently expressed as a sense of belonging, which may manifest through physical objects or place; alternatively, it may be presented as an intangible idea, where an appreciation of an unseen quality or non-materialistic value connects a place in the landscape, tradition, observance, custom, lore, belief and/or history to the person or group describing the item, event or value. The notion of intangible, social, or community values is essential to Aboriginal people as 'the effective protection and conservation of this heritage is important in maintaining the identity, health and wellbeing of Aboriginal people'.[1]

In order to gather social and community views and opinions with respect to Aboriginal heritage and identify and address Aboriginal heritage values, Heritage NSW requires proponents to adhere to the guideline document Aboriginal cultural heritage consultation requirements for proponents 2010.[2]

GML recognises and acknowledges the continuing Indigenous ownership of the traditional knowledge, traditional cultural expressions, practices, innovations and intellectual property rights in the materials provided by Aboriginal and Indigenous people, on which research and assessments in our reports may be based, and endeavours to protect the privacy, integrity and wellbeing of participants in this research.

3.2 The process of consultation

These consultation guidelines set out a process involving identification, registration, engagement and consultation with Aboriginal peoples who may hold cultural knowledge relevant to determining the significance of an Aboriginal object and/or place.

Adherence with guidelines involves following a number of stages, which includes:

1. Informing Aboriginal people about the nature and scope of the proposal.
2. Understanding what might be present in the landscape and its cultural significance.

3. Determining the potential impacts and the proposed strategies to deal with them.
4. Reviewing the report.[3]

Aboriginal groups are invited to register interest as a party to consultation. This includes placing local press advertisement(s), seeking responses from the Registered Aboriginal Parties (RAPs) on the proposed assessment methodology, and providing them with an opportunity to comment on the assessment reports and recommendations. The guidelines specify timeframes for each stage of the consultation process. Further details pertaining to these stages are described below.

The Aboriginal community consultation for this project has been carried out in accordance with Heritage NSW guidelines. This chapter contains specific details of Aboriginal community consultation with regard to the heritage assessment of the site.

The complete log of all communications between GML and RAPs and all letters, responses and details pertaining to this consultation are provided in Appendix C.

3.2.1 Stage 1: Notification of project

The aim of Stage 1 is to 'identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project'.[4] The identification process involves:

- sending letters to select government agencies to determine relevant Aboriginal stakeholder groups to contact; and
- placing notices in local press, inviting Aboriginal people who hold relevant cultural knowledge to register in the process of community consultation.

A letter notifying all Aboriginal people and MLALC about the proposed project must be sent to each individual and group identified through the above stages. Aboriginal people have a minimum of 14 days after the letter is sent or the notice published in the newspaper to register an interest in the project.

The outcome of Stage 1 is a list of Aboriginal people who have registered to be involved in consultation. These are the project's RAPs. The RAPs are to be involved for the remainder of the project; Aboriginal consultation with groups or persons outside of the RAPs is not required.

Letters requesting contact details for Aboriginal people or organisations who may hold cultural knowledge and may identify heritage issues relevant to the site were sent via email on 30 May 2023 to:

- Heritage NSW;
- Metropolitan Local Aboriginal Land Council;

- Office of The Registrar, Aboriginal Lands Right Act 1983;
- National Native Title Tribunal;
- Native Titles Service Corporation;
- City of Sydney Council; and
- the Greater Sydney Local Land Service (former Greater Sydney Catchment Management Authority).

Responses were received from the following groups:

- Greater Sydney Local Land Service;
- City of Sydney Council;
- National Native Title Tribunal;
- The Office of The Registrar, Aboriginal Lands Right Act 1983; and
- Heritage NSW.

Subsequently, those Aboriginal people who were identified during the Step 1 notifications were contacted via letter on 13 June 2023, providing information regarding the project and inviting them to register an interest (Step 2 notifications). A notification was also placed in *Koori Mail* on 14 June and the *Sydney Morning Herald* on 15 June, inviting registrations of interest by Aboriginal people with cultural knowledge relevant to the site.

The Project's Registered Aboriginal Parties

In line with the outcomes of Stage 1 following the consultation guidelines[5] the project's RAPs are:

- Butucarbin Aboriginal Corporation;
- Darug Custodian Aboriginal Corporation;
- Dharug Ngurra Aboriginal Corporation;
- Didge Ngunawal Clan;
- Guntawang Aboriginal Resources Incorporated;
- Kamilaroi-Yankuntjatjara Working Group;
- MLALC;
- Ngambaa Cultural Connections;
- Yarrawalk;
- Sonione Wakabut Rogers;
- Confidential #1;
- Confidential #2; and
- Confidential #3.

A copy of the notification and the details of RAPs were provided to Heritage NSW and the MLALC on 7 July 2023.

3.2.2 Stage 2: Presentation of Information

A letter has been sent to all RAPs informing them of the project outline, project impacts, timeline and milestones of the project. Included was a methodology for undertaking the project's assessment and a request for any information on culturally sensitive areas of local traditional knowledge relating to the site. Stage 2 allowed 28 days for the RAPs to respond.

Each RAP group was provided with written details of the proposed project and a test excavation sampling strategy, in the form of an Aboriginal Archaeological and Cultural Assessment Methodology (AACAM). This was presented by post or email, on 1 August 2023. Comments were received from Kamilaroi-Yankuntjatjara Working Group and a confidential RAP group. Both groups supported the proposed methodology.

Further details of the Aboriginal consultation undertaken for the site are provided in Appendix C.

Test excavation

Test excavation to satisfy the project SEARs was undertaken between 11 and 15 September 2023. This stage of works included representatives from Kamilaroi-Yankuntjatara Working Group (KYWG) and Ngaamba Cultural Connections (NCC). A total of two local Aboriginal community representatives participated in the excavation: Jamie Currell (KYWG) and Gary Dunn (NCC). An invitation to participate was also extended to MLALC; however, no response was received prior to the commencement of the testing program. GML would like to acknowledge Rowena Welsh-Jarrett (MLALC) for her time over the phone and in person during the test excavation program to discuss the project and methodology.

3.2.3 Stage 3: Gathering information

During the excavation process we discussed local Aboriginal heritage values, places and sites with the community representatives. This provided an understanding of the local perspective for Aboriginal habitation and subsistence patterns; as well as understanding some local intangible values and connection with the cultural landscape.

Further, extensive consultation has been conducted with the local Aboriginal community as a component of the park design. Outcomes are summarised in the Bank Street Park Phase 1 Community Engagement Outcomes Report (Cred Consulting) and Bank Street Park (Tjerruing Park) Designing for/of/with Country First Nations Consultation Summary (Greenshoot Consulting and Greenaway Architects).[6] Discussion of the cultural context of Blackwattle Bay is also detailed in the Connecting with Country Framework for Tjerruing

Blackwattle Bay (Bangawarra).[7] These reports have identified key themes and values relating to the site both pre- and post-colonisation. Some key values and themes connected with the Bank Street site include:

- Gadigal women's mastery of fishing.
- Pre-colonisation environment: meeting of salt (harbour) and freshwater (Parramatta River, Blackwattle Creek) waters; native flora and fauna.
- Connection to the Blak Diggers in association with the ANZAC Bridge, which is situated above the site.

Discussion with representatives of the RAPs indicated that the site holds significance, particularly in the context of the comparative rarity of retained potential Aboriginal sites in foreshore contexts within the Sydney CBD, due to extensive disturbance and land reclamation.

GML invites RAPs to provide further comment on heritage values, places and sites.

3.2.4 Stage 4: Review of draft report

Following preparation of the draft ACHAR, the RAPs were provided a review period of 28 days to read and comment on the draft ACHAR (this report). RAP review of the draft ACHAR commenced on 25 October 2023, and concluded on 22 November 2023. All community comments received have been summarised in Table 3.1, and written responses are included in Appendix C. If required, action and response to each comment has been undertaken and is detailed in Table 3.2.

The draft ACHAR was supplied on 25 October as an email attachment. Some RAPs noted issues with accessing the file, as a result, the ACHAR was resent via link over email on 30 October.

Table 3.1 RAP comments on the draft ACHAR.

#	RAP	Comment
1	Darug Custodian Aboriginal Corporation (DCAC)	Flagged that ACHAR was not attached to email.
2	Guntawang Aboriginal Resources Incorporated (GARI)	Identified that previous construction within the Blackwattle Bay area may have destroyed or obscured Aboriginal sites, prior to/during the early years of the implementation of Local Aboriginal Land Councils. Enquired how project ACHAR related to previous Blackwattle Bay precinct-wide ACHAR (prepared by Artefact Heritage, 2021). Agreed with the ACHAR and ATR drafts.
3	Sonione Wakabut Roders	Confirmed receipt of draft ACHAR.

#	RAP	Comment
4	KYWG	Agreed with and supported recommendations. Suggested archaeological monitoring proposed as a harm mitigation strategy for the site should be conducted by a RAP.

Table 3.2 GML responses to RAP comments to the draft ACHAR.

#	GML's response
1	A link to the project ACHAR and ATR was resent to all RAPs via email on 30/10/23 in response to DCAC's email.
2	Phone and email response to GARI representative. Outlined how project ACHAR specifically examines the Bank Street site, where the precinct-wide 2021 ACHAR covered Blackwattle Bay as a whole. Summarised results of excavation, and provided brief summary of proposed management and mitigation strategies proposed as presented in the project ACHAR.
3	Noted.
4	Email response to KYWG. Acknowledged KWYG review of and comment on the ACHAR; recommendation has been added to Strategy 2 (see Section 7.1.2).

3.3 Summary of Aboriginal cultural values identified

The process of Aboriginal consultation has identified heritage values and social connections between the local Aboriginal community and project area. These aspects are identified in Table 3.5 and Figure 3.1. The outcomes of Aboriginal consultation have informed the process of heritage identification, values assessment and associated heritage policy development.

No specific values associated with the Bank Street site were identified in RAP review of the project ACHAR. However, discussion with the RAPs on site during fieldwork, and consultation conducted as a component of the park design[8] for the site have identified cultural values in association with the site. These values include:

- The actual and potential archaeological record of the site, manifest in the flint flake identified during testing and the potential for other areas of deposits with archaeological potential to be present. The archaeological record within the site connects First Nations people to their past and is representative of their cultural continuity in association with the site and wider area.
- Traditional connections to the site and surrounds. First Nations people have lived with and cared for Country for thousands of years. Connections were drawn to Gadigal women's mastery of fishing, which would have occurred throughout the harbour, including Blackwattle Bay.

- The environmental context of the site. The site is adjacent to the meeting of fresh water and saltwater.
- Contact archaeology. The site is part of the wider region of early contact between European colonists and First Nations people. A flint flake was identified during archaeological test excavation at the Bank Street site. Further contact archaeology artefacts may be present in deposits with PAD within the site.

3.4 Requirements for future Aboriginal consultation

Heritage NSW has defined a number of stages during the Aboriginal consultation process. The following table provides a synopsis of the progress to date.

Table 3.3 Cultural heritage assessment program synopsis—progress to date.

Stage	Status
Write to statutory bodies to obtain contact details for Aboriginal people who may have an interest in the project.	Completed
Write to identified Aboriginal people, inviting them to register an interest in the project.	Completed
Place an advertisement in local print media, inviting Aboriginal people with cultural knowledge of the area to register an interest in the project.	Completed
Record names of Aboriginal people who have registered an interest in the project.	Completed
Advise MLALC and Heritage NSW of RAPs' details (subject to privacy requests).	Completed
Present information regarding proposed project to RAPs.	Completed
Provide methodology for the cultural heritage and archaeological assessment to RAPs.	Completed
Invite RAPs to provide input for the assessment methodology.	Completed
RAPs are invited to identify: • whether any Aboriginal objects of cultural value are present within the site; and • whether any places of cultural value are present within the site.	Completed
RAPs are invited to comment on potential management outcomes.	Completed
Prepare draft ACHAR and provide it to RAPs for comment.	Completed

Stage	Status
Incorporate RAPs' comments into the final ACHAR.	Completed
Provide final ACHAR to RAPs, MLALC and Heritage NSW.	This report

Future consultation with the RAPs should include the following steps.

- Copies of the final report (this report) will be sent to all registered Aboriginal groups.
- Any future work relating to the Aboriginal archaeological mitigation, or any significant changes to the development, should include consultation with the relevant Aboriginal stakeholders.

3.5 Endnotes

[1] Department of Environment, Climate Change and Water 2010, Aboriginal cultural heritage consultation requirements for proponents 2010, Sydney.

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[6] Cred Consulting, Bank Street Park Phase 1 Community Engagement Outcomes Report, report prepared for Infrastructure NSW, October 2022;

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4 Investigations into Aboriginal heritage

4 Investigations into Aboriginal heritage

The background investigations have established the nature of the local environment, the extent of prior heritage works, and known Aboriginal connections into the site. This section presents the results of our investigations into the Aboriginal heritage of the site. The outcomes combine to describe the overarching cultural landscape, and provide the basis for the Aboriginal heritage values assessment.

4.1 Consultation with Heritage NSW

In addition to consultation with Heritage NSW required as part of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW, 2010) (Consultation Requirements), additional consultation was undertaken with Heritage NSW by GML on behalf of INSW via phone and email to clarify the approach and approvals mechanism for Aboriginal archaeological testing to satisfy the project SEARs. The project SEARs (Item 6) prescribed preparation of an ACHAR in accordance with the Code of Practice which identifies certain circumstances where test excavation cannot occur without an AHIP, including within 50m of a rockshelter or shell midden. Given that the Bank Street site is [redacted], and preliminary reporting indicated the site had potential to contain midden material, GML sought clarification to confirm that the requirement for an AHIP was turned off as the project had been declared SSD. Heritage NSW confirmed that test excavation could proceed without the requirement for an AHIP in accordance with Part 4 Division 4.7 Section 4.41 (3) of the EPA Act. Endorsement for the proposed test excavation methodology was also provided by Corey O'Driscoll (Senior Assessments Officer [Archaeologist]), Heritage NSW, via email on 8 August 2023.

4.2 Archaeological survey

Archaeological survey for the Blackwattle Bay Precinct was conducted as a part of the Artefact ACHAR in 2014 and 2017.[1] This program of survey included inspecting the Bank Street site.

The site is a developed site without ground surface visibility and/or soil exposures. Due to the extensively developed nature of the site and the prior archaeological survey

conducted by Artefact as part of the initial ACHAR process (see Section 2.3.2), additional archaeological survey was not deemed to be necessary.

A preliminary site inspection was undertaken by GML archaeologists Dr Kat McRae and Andie Coulson on 6 June 2023 to inspect areas which had previously not been inspected as part of the Artefact survey.[2] Further details are provided in Section 2.2.1 of the ATR.

4.3 Archaeological test excavations

This section provides an overview of the outcomes of Aboriginal archaeological test excavation conducted at the Bank Street site. For a detailed discussion of the excavation methodology, results and analysis, please refer to the ATR (Appendix B).

4.3.1 Summary of test excavation results

Prior archaeological assessments of the site (CityPlan 2023;[3] see also Artefact 2021[4]) had identified four areas of PAD within the site based on the results of geoarchaeological investigations. These are identified as PAD 02 (AHIMS ID 45-6-3338), PAD 2A, PAD 3 and PAD 4 (Figure 4.1). The program of Aboriginal archaeological test excavation aimed to confirm the presence of intact soil landscapes and their archaeological content, and to archaeologically sample these PADs. The test excavation methodology, outlined in the AACAM, was developed in accordance with the Code of Practice to comply with the project SEARs.

A total of five test units were proposed in the AACAM. Four test units (TU1, TU2, TU3 and TU4) were proposed in areas of PAD adjacent to the geotechnical boreholes with identified intact remnant soils to test for the presence of Aboriginal objects. An additional TU, TU5, was proposed between PAD 3 and PAD 4, in an area which had not been sampled via geotechnical investigations. Testing in this location aimed to identify whether PAD was continuous between PAD 3 and PAD 4.

Five test trenches were machine-excavated under the supervision of the project archaeologists in the proposed locations of TUs 1–5, with the intent of exposing deposits with PAD. In the instances where potential natural soils were not observed, excavation instead ceased when bedrock was encountered, or when excavation reached 2.2m to 2.5m below ground level. This depth was chosen as it provided a minimum of a 1m buffer beneath the proposed project impact depths, and as excavation beyond this depth posed a hazard due to risk of trench wall collapse.

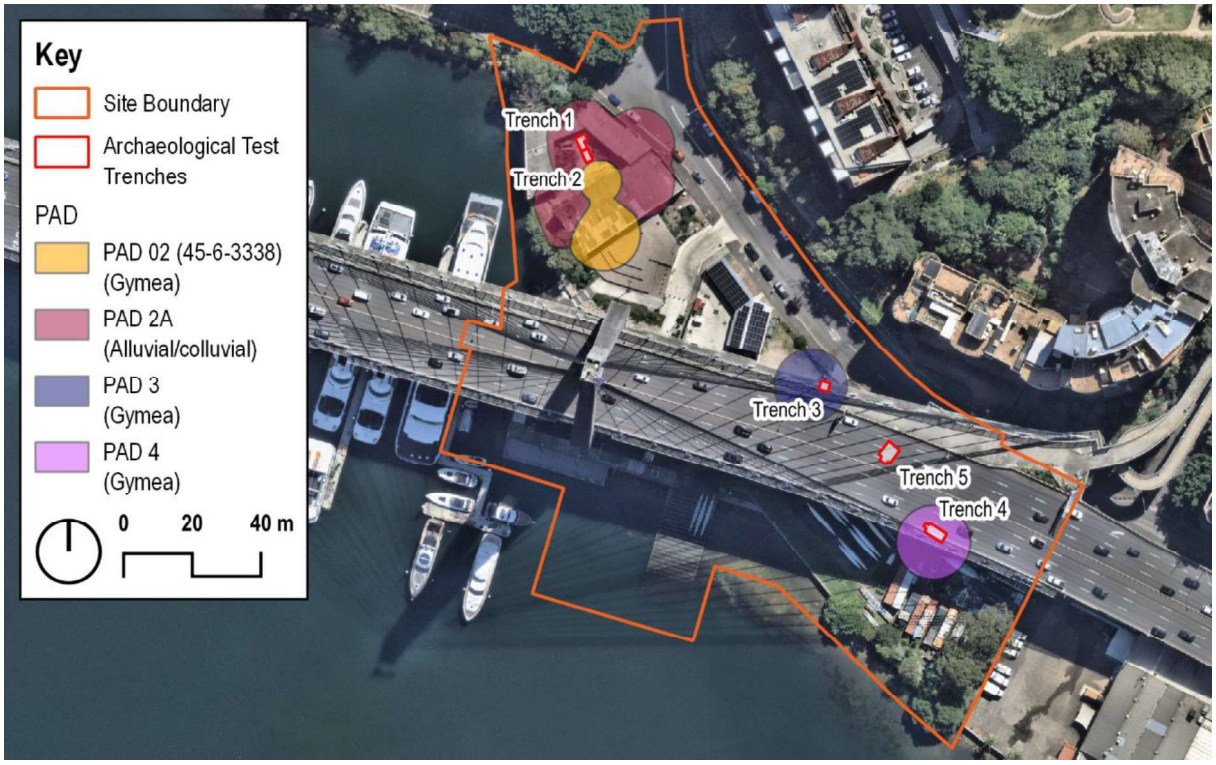

Figure 4.1 Locations of archaeological test trenches within the Bank Street site. (Source: Nearmap with GML overlay, 2023)

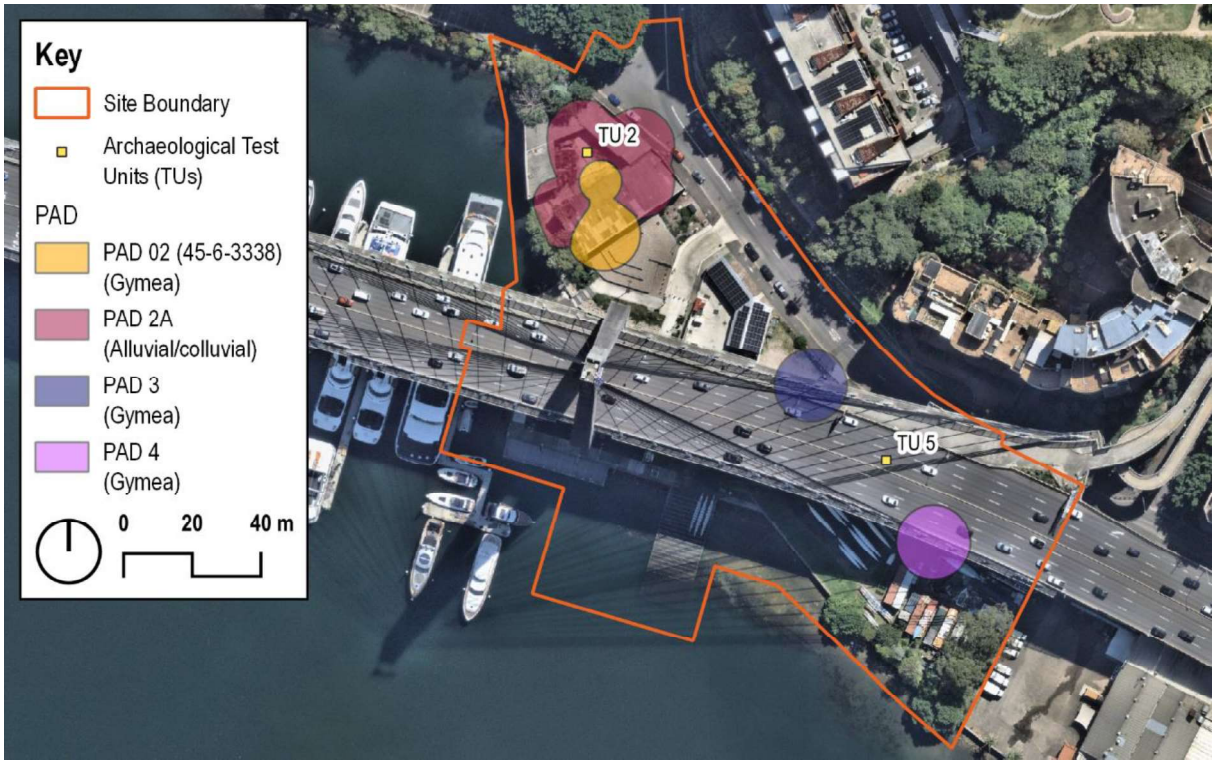

Figure 4.2 Locations of archaeologically excavated test units within the Bank Street site. (Source: Nearmap with GML overlay, 2023)

Two trenches, Trench 2 and Trench 5, were found to contain small, isolated pockets of deposits with PAD, comprising colluvial sediments and B horizon Gymea soils respectively. No natural soil profiles with the potential to contain Aboriginal objects were encountered at the locations proposed for TUs 1, 3 and 4.

These deposits were then subject to hand excavation in the form of test units, each measuring 500mm by 500mm, for a total excavation of 0.5m^2. Two TUs were excavated: TU 2 in the location of Trench 2, and TU 5 in the location of Trench 5. Both TUs were excavated to a sterile layer. All excavated material was wet sieved through a 3mm sieve, and any potential cultural material retained.

Only TU 2 returned an Aboriginal archaeological signature in the form of a single worked flint flake, and as such, only the colluvial deposit in the location of this TU may be confirmed to be an archaeological deposit. The artefact is fully analysed in Section 2.2.5 of the ATR. The artefact is currently stored in a secure location in the GML offices. It has been registered on AHIMS as a component of the existing AHIMS site 45-6-3338 (The Bays Precinct PAD02). This has updated the site type of 45-6-3338 from PAD to Artefact and PAD (Appendix C).

After consultation with the RAPs on site, no expansion of the TU was undertaken due to the low density of artefacts on site, and the spatially constrained nature of the test trenches and deposits with PAD.

The testing program has demonstrated that deposits with PAD (ie truncated and/or reworked remnant Gymea soils, and/or colluvium) may be spatially isolated to small pockets capped by historical fills, which may be present across the site. This has been demonstrated by TU 5.

Though deposits with PAD were not encountered within the locations of Trenches 1, 3 and 4, this does not suggest that the deposits with PAD intercepted by geotechnical testing do not remain within the Bank Street site. Rather, these deposits are likely highly spatially constrained and as such may not have been intercepted by the testing program. The PAD boundaries as described by CityPlan[5] comprise arbitrary 10m buffers centred on borehole locations that intercepted deposits with PAD. The testing program indicates that on the basis that these soils could not be accurately relocated, these deposits are likely to be significantly smaller in size, and not extend to the entire proposed footprint of each PAD. A summary of the results of test excavation is provided in Table 4.1 and Table 4.2

Table 4.1 Summary of test trenches excavated.

Test trench	PAD	Trench size (m)	Depth natural soils encountered (m)	Final depth (m)	Corresponding borehole	Corresponding TU	Trench description
1	PAD 2A	3.1m x 6.4m	No natural soils encountered	2.2m	BH06 (2012)	N/A	Trench contained introduced reclamation and levelling fills. For full description, see Historical Archaeological Research Design and Excavation Methodology (HARDEM) (GML, 2023). Excavation ceased when the maximum safe excavation depth in this location was reached. Bedrock was not reached at this location.
2	PAD 2 (AHIMS ID 45-6-3338)	1.5m x 2m	1.05m	2.1m	BH03A (2023)	TU 2	Trench contained introduced fills overlying colluvial deposit/s. TU 2 was then hand excavated to a sterile crushed sandstone layer.
3	PAD 3	2.5m x 2.2m	No natural soils encountered	2.2m	BH11 (2023)	N/A	Trench contained introduced levelling fills overlying sandstone bedrock. For full description, see HARDEM report (GML, 2023). Excavation ceased at bedrock.
4	PAD 4	5.8m x 2.9m	No natural soils encountered	2.5m	BH14 (2023)	N/A	Trench contained introduced reclamation and levelling fills. For full description, see HARDEM report (GML, 2023). Excavation ceased when the maximum safe excavation depth in this location was reached. Bedrock was not reached in this trench.

Test trench	PAD	Trench size (m)	Depth natural soils encountered (m)	Final depth (m)	Corresponding borehole	Corresponding TU	Trench description
5	N/A	4.7m x 4.1m	0.85m	1.4m	Untested area	TU 5	Trench contained introduced levelling fills overlying a reworked/truncated Gymea B horizon soil. TU 5 was then hand excavated into the suspected B horizon soils to bedrock.

Table 4.2 Summary of TUs excavated.

Test unit (TU)	Location	Coordinates (Easting, northing, GDA 94 MGA 56)	Area excavated (m^2)	Final depth (mm)	Number of spits	TU description	Aboriginal object count
TU 2	PAD 2 (AHIMS ID 45-6-3338)	332354; 6250888	0.25m^2	500mm	7	Colluvial deposits, likely post-1788, situated over a degraded bedrock, possibly a reclamation fill (post-1788).	1
TU 5	No corresponding PAD	332441; 6250799	0.25m^2	600mm	11	Layers of redeposited and/or reworked Gymea soils interrupted by an introduced sandstone crush layer, overlying sandstone bedrock.	0
						Total Aboriginal Stone Object Count	**1**

Figure 4.3 Trench 02, showing the location of TU 2 within the northeast corner. Facing northwest.

Figure 4.4 Location of soils identified for testing within the southern portion of Trench 5, showing TU 5 pre-excavation. 0.5m scale.

Figure 4.5 TU 2 at the end of excavation, facing northwest. 0.5m scale.

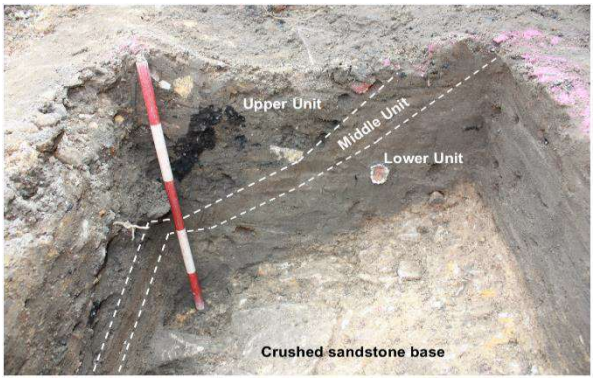

Figure 4.6 Annotated northwestern section of TU 2, showing all three sloping soil units overlying the crushed sandstone base.

Figure 4.7 TU 5 at the end of excavation, facing southeast. 0.5m scale.

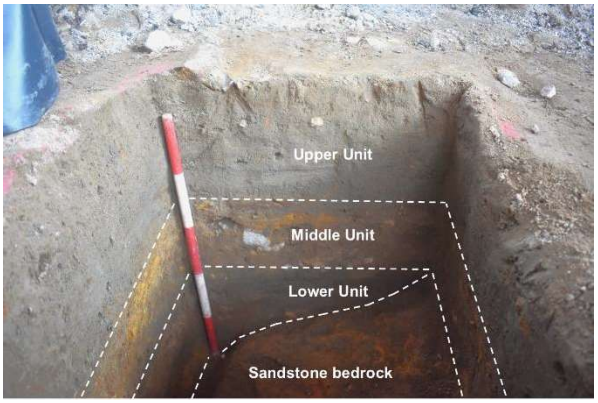

Figure 4.8 Annotated southwestern section of TU 5, showing soil units overlying degraded sandstone bedrock.

Figure 4.9 Flint flake from TU2 spit 7. Left image shows ventral surface, right image shows dorsal surface. The scale is 5mm long in 1 mm increments. (Source: GML, 2023)

4.3.2 Summary of discussion and analysis

On the basis of the identified Aboriginal object (flint flake), the presence of an archaeological deposit has been confirmed, comprising a colluvial, likely post-1788 deposit within 1–3 Bank Street. The Bank Street site retains potential for localised PAD to survive beneath introduced historical fill layers across the site. The Bank Street site should be considered to hold low potential for low-density artefact deposits or isolated stone artefact finds. There is also a low potential for midden material due to the foreshore context, although no shell material was identified during test excavations. Flint is not a naturally occurring material within Sydney,[5] and should be understood to be a contact-period (ie post-1788) artefact. It is likely the flint was transported to Sydney from Britain, potentially as ship's ballast, before being discarded upon arrival in the colony.[6] First Nations people recognised that flint was a workable material, and opportunistically adopted its use for the manufacture of stone artefacts using traditional manufacture techniques.

Based on the results of the test excavation program, the archaeological potential of the site has been refined and is presented in Figure 4.10. Areas south/southwest of the original shoreline (ie fully reclaimed land) have been assessed to hold nil archaeological potential. An archaeological deposit has been identified in the location of TU 2 on the basis of the recovery of an Aboriginal-worked flint flake within the colluvial deposit sampled by TU 2. This deposit may extend further southwest, with boreholes BH05/MW05 and BH01/MW01 also identifying suspected colluvial deposits with PAD. The remainder of the site holds potential for localised expressions of discontinuous and spatially isolated pockets of colluvial deposits or remnant Gymea soils, which have a low

potential to contain Aboriginal objects. In some instances, these have been intersected by geotechnical boreholes. Overall, the site has been assigned low archaeological potential.

Figure 4.10 Archaeological zoning plan for the site. The plan has been informed by archaeological test excavation (the ACHAR) and geotechnical investigation (see CityPlan 2023). (Source: Nearmap with GML overlay, 2023)

4.4 Aesthetic aspects

The landform of the Bank Street site has been highly modified. The present-day landform of the site does not retain aesthetic values.

The site does, however, retain views to Blackwattle Bay. These views hold aesthetic value, and are significant in association with the relationship to water and connections with traditional use of the bay, for example, in relation to fishing and travel.

4.5 Traditional connections

The site forms part of the wider cultural landscape of the Pyrmont (Pirrama) peninsula, part of the traditional lands of the Gadi. Pyrmont was not intensively developed by

Europeans until the 1830s to 1840s, and the peninsula retained a strong First Nations presence into the 1830s.[7]

Consultation with the First Nations community on the park design[8] has identified traditional connections within the site, connected with associations with the pre-colonisation environment, associated with the native flora and fauna and meeting of fresh and saltwater, and with Gadigal women's mastery of fishing, undertaken across the harbour, including on Blackwattle Bay.

The presence of a definitive post-1788 artefact, namely the worked flint flake, may attest to the ongoing presence of First Nations people on the Pyrmont peninsula following British colonisation, and the continued use of traditional artefact manufacture processes, albeit on an imported material.

4.6 Connecting with Country Framework for Tjerruing Blackwattle Bay

Assessment Requirement 6 of the project SEARs requires that the ACHAR:

> Address how the development responds to the commitment and principles for action in the Connecting with Country Framework for Tjerruing Blackwattle Bay.

This section outlines how the development meets these criteria.

4.6.1 Summary of the commitment and principles for action

The Connecting with Country Framework for Tjerruing Blackwattle Bay (hereafter CwCF) outlines a Connecting to Country Strategy for Tjerruing Blackwattle Bay, of which the Bank Street site forms a part. Key Caring for Country directions include:

- ongoing and meaningful consultation with local First Nations people;
- inclusive acknowledgement of Country;
- minimising damage to Country and augmenting Country;
- sustainable and careful stewardship of Country;
- engagement with both tangible (ie physical 'artefacts') and intangible values (ie aspects like stories of place, view lines, aesthetic values, amongst others), particularly in reference to archaeological and heritage reporting;
- utilising dual naming;
- revealing and acknowledging the pre-colonial shoreline;
- acknowledging traditional and sacred use of the saltwater Country coastline of Blackwattle Bay;

- investigation (ie via site visit) to assist in identifying Aboriginal archaeological sites;
- Truth-telling and acknowledging the past, as a component of reconciliation;
- incorporating measures for anticipated future climate change and sea level rise within the design of the site; and
- incorporating local stories of Country and visual expressions of culture (ie via art, graphic design, materiality) into the design.

The CwCF report sets out a connecting to community strategy, which advises:

- Engagement with 'on-Country' people (ie First Nations peoples with Ancestral connections to story and knowledges of the Sydney Metropolitan area) should be prioritised above First Nations people from other places.
- Consultation must commence at the beginning of development and extend throughout the planning process.
- Engagement must be renumerated.
- Consultation should be broad, ie engaging local on-Country people and groups as well as the Local Aboriginal Land Council (LALC).

The CwCF also provided a detailed response to the precinct-wide ACHAR,[9] including the following recommendations/notes:

- There must be acknowledgement and understanding that Aboriginal archaeology and cultural heritage that may not belong to one group may belong to another.
- Aboriginal people and cultures, including names of sites, should not be referred to in the past tense.
- Places should not be assumed to be of one single Aboriginal group, as many groups may have a connection to place and should be acknowledged.
- While it is vital to care for physical remains of Aboriginal heritage, there must also be an acknowledgement of intangible heritage such as stories, memories and songlines.
- Many archaeological, anthropological and historical texts are incorrect in making claims that are not true, eg Val Attenbrow has no evidence of First Nations' lives prior to sea level inundation.

4.6.2 Response to the commitment and principles for action

To respond to the commitment and principles for action outlined in the CwCF, the above recommendations and Caring for Country directions have been compiled into themes. The response of the Bank Street Park development to these principles is outlined in Table 4.2 below.

Table 4.2 Summary of the response of the Bank Street Park development to the CwCF.

Theme	Components	Response
Consultation and engagement with First Nations people	Ongoing and meaningful consultation with First Nations people. Consultation should be renumerated and engage with a range of individuals and groups, prioritising on-Country peoples.	Consultation has been conducted both as part of this ACHAR following the consultation guidelines (see Section 3); and as a component of the park design, undertaken by Cred Consulting and Greenshoot Consulting with Greenaway Architects.[10] As part of the ACHAR, representatives of the RAPs were engaged for the archaeological test excavation in a renumerated capacity. INSW is also undertaking further consultation with MLALC about the CwCF, separate to the ACHAR process.
Acknowledging Country	Components include: • recognising that many groups may hold connections to the Bank Street site; • acknowledging and reflecting components of the physical and cultural landscape; and • truth-telling and acknowledging the past.	Care has been taken within this ACHAR to acknowledge that many groups hold connection to the Bank Street site, and that the site maintains connections to the wider Pirrama landscape (see Section 2.1). Overviews of First Nations culture and heritage connected with the Bank Street site and surrounds is provided both within this ACHAR and the Bank Street Design Report.[11] The park design, as outlined within the Design Report reflects and acknowledges Country. See the designing with Country theme below for further detail.
Designing with Country	Components include: • Reflecting Country and local stories of Country via design and materiality.	The Designing for/of/with Country strategy outlines how the design of the park engages with the principles of Healing Country, Revealing Country, and Caring for Country.[12] See also the Designing with Country Integration[13] report.
Caring for Country	Minimising damage to Country, augmenting Country, and ensuring ongoing sustainable and careful stewardship of Country.	The Bank Street Design Report[14] outlines planning strategies for sustainability, adaptive re-use and native planting within the Bank Street site, which aim to enhance and sustain Country.

Theme	Components	Response
Archaeological investigation	Components include: • site inspection and archaeological investigation; and • acknowledging both tangible and intangible elements.	Archaeological investigation was undertaken in the form of a site visit/survey and Aboriginal archaeological test excavation, with the aims of understanding the potential Aboriginal cultural and archaeological resource of the Bank Street site (see Sections 4.2 and 4.3). The values assessment of this ACHAR includes an assessment of tangible and intangible heritage values including social, scientific, historical and aesthetic values associated with the site (see Section 5).

4.7 Information gaps

The test excavation program encountered several limitations due to the constrained nature of the site. Constraints are detailed in the project ATR (Section 2.2.6), and included inaccessible areas of PAD due to existing buildings, the depth of the PAD, the shared and spatially constrained nature of the site (including establishment of a temporary pop-up sports court), among others. As a result, not all areas of PAD identified within the Bank Street site were able to be fully investigated.

These limitations have been addressed via the management strategies proposed for the Bank Street site outlined in Section 7 below. The proposed management strategies provide mechanisms for avoidance of PAD by the project where possible and further archaeological investigation of areas of PAD that may be identified during the construction program.

4.8 Synopsis of Aboriginal heritage investigations

The assessment of prior archaeological and heritage studies (Section 2), consultation with the Aboriginal community (Section 3) and new investigations into the site (this section) has identified several key aspects of Aboriginal cultural heritage which are outlined in Table 4.3.

Table 4.3 Aboriginal heritage connected with the site.

#	Aspect of Aboriginal heritage	Tangible/ intangible	Description
1	Archaeological deposit within 1–3 Bank Street (colluvium, PAD 02A)	Tangible	Deposit of colluvium (likely post-1788) located within 1–3 Bank Street, corresponding to PAD 02A as identified by City Plan 2023.[15] Archaeological testing identified one Aboriginal object within the deposit (worked flint flake). Remaining deposit retains archaeological potential (PAD).
2	Localised remnant soils with potential for Aboriginal objects including PAD 02 (45-6-3338), PAD 03 and PAD 04	Tangible	Deposits of remnant truncated and/or reworked Gymea soils and colluvial deposits located across the Bank Street site. These deposits have potential to retain isolated artefacts, low-density artefact scatters, and/or midden material.
3	Views to Blackwattle Bay	Intangible	Views from the site to Blackwattle Bay. Consultation has identified aesthetic aspects and traditional connections associated with the bay, including connections to women's fishing and the intersection of fresh and salt waters.
4	Commemoration of Blak Diggers	Intangible	Connection to the Blak Diggers in association with the ANZAC Bridge, which is situated above the site.

4.9 Endnotes

1 Artefact Heritage, Blackwattle Bay State Significant Precinct Study Aboriginal Cultural Heritage Assessment Report, report prepared for Infrastructure NSW, January 2021.

2 Artefact Heritage, Blackwattle Bay State Significant Precinct Study Aboriginal Cultural Heritage Assessment Report, report prepared for Infrastructure NSW, January 2021.

3 City Plan Heritage, Draft Archaeological Monitoring of Site Contamination Assessment of 1–19 Bank Street, Pyrmont, NSW, report prepared for Infrastructure NSW, May 2023.

4 Artefact Heritage, Blackwattle Bay State Significant Precinct Study Aboriginal Cultural Heritage Assessment Report, report prepared for Infrastructure NSW, January 2021.

5 City Plan Heritage, Draft Archaeological Monitoring of Site Contamination Assessment of 1–19 Bank Street, Pyrmont, NSW, report prepared for Infrastructure NSW, May 2023.

5 Herbert, C 1983, *Sydney 1:100 000 Geological Sheet 9130*, 1st edition, Geological Survey of New South Wales, Sydney.

6 GML Heritage, Investigations of Aboriginal Site RSY1 Randwick Post Excavation Report, report prepared for Acciona & Transport for NSW, April 2020, pp 166–167;

GML Heritage, Site of First Government House-Conservation management Plan, vol. 2, report prepared for Sydney Living Museums, February 2017;

Attenbrow, V and Fullagar, R, Analysis of Stone and Glass Artefacts, report prepared for Australian Museum, October 1993;

Williamson, C, Pieces of Flint Excavated from the Hyde Park Barracks: Catalogue and Preliminary Report, report prepared for Historic Houses Trust, 1995.

[7] Fitzgerald, S 2008, *Pyrmont*, Dictionary of Sydney, viewed 6 October 2023, available from <https://dictionaryofsydney.org/entry/pyrmont>.

[8] Cred Consulting, Bank Street Park Phase 1 Community Engagement Outcomes Report, report prepared for Infrastructure NSW, October 2022;

[9] Artefact Heritage, Blackwattle Bay State Significant Precinct Study Aboriginal Cultural Heritage Assessment Report, report prepared for Infrastructure NSW, January 2021.

[10] Cred Consulting, Bank Street Park Phase 1 Community Engagement Outcomes Report, report prepared for Infrastructure NSW, October 2022;

Greenshoot Consulting and Greenaway Architects, Bank Street Park (Tjerruing Park) Designing for/of/with Country First Nations Consultation Summary, report prepared for Infrastructure NSW, July 2023.

[11] Oculus, Bank Street Design Report, report prepared for Infrastructure NSW, October 2023.

[12] Oculus, Bank Street Design Report, report prepared for Infrastructure NSW, October 2023.

[13] Greenaway Architects and Greenshoot Consulting, Bank Street Park Designing with Country Integration, report prepared for Infrastructure NSW, September 2023.

[14] Oculus, Bank Street Design Report, report prepared for Infrastructure NSW, October 2023.

[15] City Plan Heritage, Draft Archaeological Monitoring of Site Contamination Assessment of 1–19 Bank Street, Pyrmont, NSW, report prepared for Infrastructure NSW, May 2023.

5 Aboriginal heritage significance assessment

5 Aboriginal heritage significance assessment

The best practice guide to managing heritage places is the Burra Charter. It defines cultural significance as:

> Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.[1]

An assessment of aesthetic and social/spiritual values of Aboriginal cultural significance can only be made by the relevant Aboriginal community because Aboriginal people are the primary source of information about their cultural heritage values. Consulting with Aboriginal people at an early stage of the assessment process ensures they have opportunities to fulfil their heritage obligations. Aboriginal people must have control of their cultural knowledge and how it is used and shared. Restriction of cultural knowledge may be an important part of the value of the cultural knowledge. Management of impacts to Aboriginal cultural heritage values must involve the relevant Aboriginal people to ensure appropriate management is undertaken in accordance with the cultural heritage values.[2]

In line with the Burra Charter's four principal values (social, historical, scientific and aesthetic) and the NSW Heritage Office's publication *Assessing Heritage Significance*,[3] four assessment criteria can be used to assess the Aboriginal heritage values of a site.[4] The four criteria are:

- Social value: 'an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons';[5]
- Historic value: 'an item is important in the course, or patterning, of NSW's cultural or natural history (or cultural or natural history of the local area)';[6]
- Aesthetic value: 'an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)';[7] and
- Scientific value: 'an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)'. The assessment of scientific value also considers representativeness, rarity and educational potential.[8]

Consultation with the RAPs both as part of the ACHAR process and a component of the park design (conducted by Cred Consulting and Greenaway Architects with Greenshoot Consulting),[9] investigation into the background history of the site and local region, the field inspection and archaeological excavations have helped develop an understanding of the key social, historic and scientific values associated with the sites and objects within the site. Following the Office of Environment and Heritage 2011 guideline,[10] values are graded in accordance with a basic ranking of high, moderate or low. The ranking is based upon the research potential, representativeness, rarity and educational potential of each value. The grading is stated at the end of each value assessment below.

5.1 Significance assessment

5.1.1 Social value

The site holds social value for the First Nations community in terms of its actual and potential archaeological record, which connects First Nations people to their past and is representative of their cultural continuity in association with the site and wider area. A single Aboriginal object in the form of a flint flake was identified during testing, while the remainder of the site is considered to hold low potential for additional Aboriginal objects in the form of stone artefacts and/or midden material.

Consultation conducted as part of this ACHAR, as a component of the park design,[11] and as part of the precinct-wide ACHAR[12] have identified social values in association with the meeting of fresh and saltwater within the area, and with Gadigal women's mastery of fishing, undertaken across the harbour, including on Blackwattle Bay. RAP Phil Khan (KYWG), registered for both the precinct-wide and the present ACHAR, identified in response to the precinct-wide ACHAR that the wider area is highly significant to First Nations people, who have lived on Country for thousands of years. He also noted that the precinct formed part of the region of early contact between European colonists and First Nations people.[13] The site has a high level of social value.

5.1.2 Historical value

The site is considered to be of low historical significance. There are no known post-contact historical associations with the site that have been identified through historical research or through consultation with First Nations communities to date. However, connections have been drawn between the ANZAC Bridge, which extends above the site, and the Blak Diggers, with plans to recognise the service of the Blak Diggers as a component of the proposed works.[14]

5.1.3 Scientific value

The site holds scientific significance to a low level through the extant Aboriginal archaeological deposit identified during archaeological test excavation, within the location of 1–3 Bank Street. This is demonstrated by the identification of an Aboriginal-worked flint flake within the colluvial deposit in this location. Scientifically, as an isolated find, the flint artefact recovered has limited research potential, as site-wide patterns cannot be studied from a sole data point. However, further research could be undertaken into the origin of the flint material within Britain.

Remnant soils with PAD could hold scientific significance, depending on the nature and extent of the archaeological deposit. The value of the deposit would be assessed based on its principal characteristics, integrity and comparability to other archaeological sites within the Pyrmont/Darling Harbour and Sydney CBD areas.

5.1.4 Aesthetic value

The site itself retains low to no aesthetic significance as a result of the significant disturbance and landform modification, which has significantly changed the pre-colonisation character of the site. However, the site retains view lines to Blackwattle Bay, and these views hold moderate to high aesthetic value associated with traditional connections to the waterbody, including women's use of the bay for fishing.

5.2 Statement of Significance

The site is assessed as holding high social value to the First Nations community. This value is manifest through the connections held by the local First Nations communities to the site as a place that possesses tangible evidence of past First Nations occupation of Pirrama and the wider Sydney region. The presence of the worked flint artefact identified within a colluvial deposit within 1–3 Bank Street confirms the presence of an archaeological deposit within the site. The artefact itself holds low scientific significance as an isolated find; however, further research is possible into the origin of the flint material, which is not a naturally occurring stone type within Sydney.[15] Views of Blackwattle Bay from the site retain aesthetic value. The site is assessed as having low to no historic value. Future connections between the ANZAC Bridge and Blak Diggers as part of the park development may enhance this value.

An overview of how these cultural values manifest within the site is presented in Table 5.1.

Table 5.1 Summary of Aboriginal cultural heritage values.

Value	Manifest through	Grade of significance
Social	Archaeological deposit in the form of a flint artefact, and other areas of PAD. Meeting of freshwater and saltwater in Blackwattle Bay. Past occupation of Pirrama by First Nations peoples.	Assessed as high
Historic	No historic associations identified. Future connections between ANZAC Bridge and Blak Diggers.	None. Potential for future values associated with commemoration of Blak Diggers within the park design.
Scientific	Isolated artefact find (flint artefact).	Low
	Localised remnant soils with potential for Aboriginal objects including PAD 02 (45-6-3338), PAD 03 and PAD 04.	To be determined
Aesthetic	Views to Blackwattle Bay.	Assessed as moderate to high

5.3 Endnotes

1 Australia ICOMOS Inc, The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013, Australia ICOMOS Inc, Burwood, VIC.

2 Department of Environment, Climate Change and Water 2010, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, Department of Environment, Climate Change and Water, p 2.

3 NSW Heritage Office 2001, Assessing Heritage Significance, NSW Heritage Office, Sydney.

4 Office of Environment and Heritage 2011, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, Office of Environment and Heritage, Sydney; this guide provides a background for undertaking an Aboriginal cultural heritage values assessment in accordance with the Burra Charter and NSW Heritage Office's Assessing Heritage Significance 2001. The approach recommended by the OEH has been adhered to for this report.

5 NSW Heritage Office 2001, 'Criteria D' in Assessing Heritage Significance, NSW Heritage Office, Sydney.

6 NSW Heritage Office 2001, 'Criteria A' in Assessing Heritage Significance, NSW Heritage Office, Sydney.

7 NSW Heritage Office 2001, 'Criteria C' in Assessing Heritage Significance, NSW Heritage Office, Sydney.

8 NSW Heritage Office 2001, 'Criteria E' in Assessing Heritage Significance, NSW Heritage Office, Sydney.

[9] Cred Consulting, Bank Street Park Phase 1 Community Engagement Outcomes Report, report prepared for Infrastructure NSW, October 2022;

Greenshoot Consulting and Greenaway Architects, Bank Street Park (Tjerruing Park) Designing for/of/with Country First Nations Consultation Summary, report prepared for Infrastructure NSW, July 2023.

[10] Office of Environment and Heritage 2011, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW, Office of Environment and Heritage, Sydney.

[11] Cred Consulting, Bank Street Park Phase 1 Community Engagement Outcomes Report, report prepared for Infrastructure NSW, October 2022;

Greenshoot Consulting and Greenaway Architects, Bank Street Park (Tjerruing Park) Designing for/of/with Country First Nations Consultation Summary, report prepared for Infrastructure NSW, July 2023.

[12] Artefact Heritage, Blackwattle Bay State Significant Precinct Study Aboriginal Cultural Heritage Assessment Report, report prepared for Infrastructure NSW, January 2021.

[13] Artefact Heritage, Blackwattle Bay State Significant Precinct Study Aboriginal Cultural Heritage Assessment Report, report prepared for Infrastructure NSW, January 2021, p 31.

[14] Oculus, Bank Street Design Report, report prepared for Infrastructure NSW, October 2023;

Greenaway Architects and Greenshoot Consulting, Bank Street Park Designing with Country Integration, report prepared for Infrastructure NSW, September 2023.

[15] Herbert, C 1983, *Sydney 1:100 000 Geological Sheet 9130*, 1st edition, Geological Survey of New South Wales, Sydney.

6 The proposed activity

6 The proposed development

This section provides a description of the proposed project development, its timing and objectives, and the Aboriginal values that it may harm (directly or indirectly). Aboriginal heritage management policy has been developed to guide and minimise impacts to Aboriginal heritage values.

6.1 Proposed development

INSW proposes to undertake construction of a public park within the Bank Street site. The site will be developed into a public park environment, featuring development of new community facilities, green space, play, recreation and exercise equipment, an overwater boardwalk, and public art.

The proposed development will require partial demolition of existing buildings, cut and fill landscaping, soil remediation, construction of new community buildings, play and exercise equipment, and outdoor furniture, and planting activities, all of which will involve impacts to the ground surface and subsurface deposits.

Works with the potential to involve ground disturbance include:

- Partial demolition of existing buildings at 1–3 Bank Street: part of Building A and all of buildings B and C presently extant in 1–3 Bank Street (Figure 6.3) will be subject to demolition as part of the proposed works (Figure 6.4). The full depth of impact will be subject to detailed design.
- Site preparation works including tree removal, earthworks and remediation: cut and fill excavation will be undertaken to landscape the site to create the new park. Depth of impacts vary across the site and are shown in Figure 6.2, Figure 6.5, Figure 6.6 and Figure 6.7. The majority of the site will be excavated to between 0.0m to 0.5m and 0.5m to 1m depth below existing ground levels.
- Construction of new community buildings and outdoor furniture/play equipment:
  - A new building with amenities, community space, café and marina office is proposed for 1–3 Bank Street Some of the existing buildings in 1–3 Bank Street are to be adaptively re-used for additional amenities and storage. Foundations of one of the buildings proposed for demolition will be retained as an "interpretation garden" (Figure 6.4). Construction of the new building will require excavation for footings and in-ground services.

- A dragon boat storage building in the centre of the site, adjacent to the Anzac Bridge pylon. The dragon boat storage building will be a new build. As identified in Figure 6.6, construction of the dragon boat storage building will require excavation within the building footprint.

- Construction of public domain works: these works will involve construction of walkways, a sports court, seating, fitness equipment, play equipment, signage, lighting, public art and bike parking. The installation of these components may involve subsurface impacts.
- Harbour works: include construction of an over-harbour boardwalk, demolition and creation of a new dragon boat launching ramp, kayak gangway and pontoon, repairs to the existing seawall, and land/water interface works. Ground impacts will be minimal as a result of harbour works, with ground disturbance limited to the interface between the harbour and shoreline within the site.
- New tree plantings: plantings will utilise plant species that would have once occurred naturally on the Pyrmont peninsula. The planting strategy has been developed with regard to the following principles:
  - retaining mature trees in good condition,
  - acknowledging pre-colonial indigenous plant communities, and
  - utilising predominantly endemic native species. Six mature trees are being retained on site.
- Installation of subsurface utilities: utilities will be required to service adapted and proposed buildings within the site. This will likely involve ground disturbance for installation of new services and maintenance of existing utilities within the site.
- Establishment of a cycleway within the Bank Street road reserve: the cycleway will run along the length of the site. This will likely involve shallow ground disturbance associated with resurfacing of Bank Street and street upgrade works to accommodate the cycleway.

Figure 6.1 Final plan for the site. (Source: Oculus, 2023)

Figure 6.2 Cut and fill plan for the site. (Source: Enspire Solutions, 2023)

Figure 6.3 Plan of existing buildings within 1–3 Bank Street. (Source: Collins and Turner, 2023)

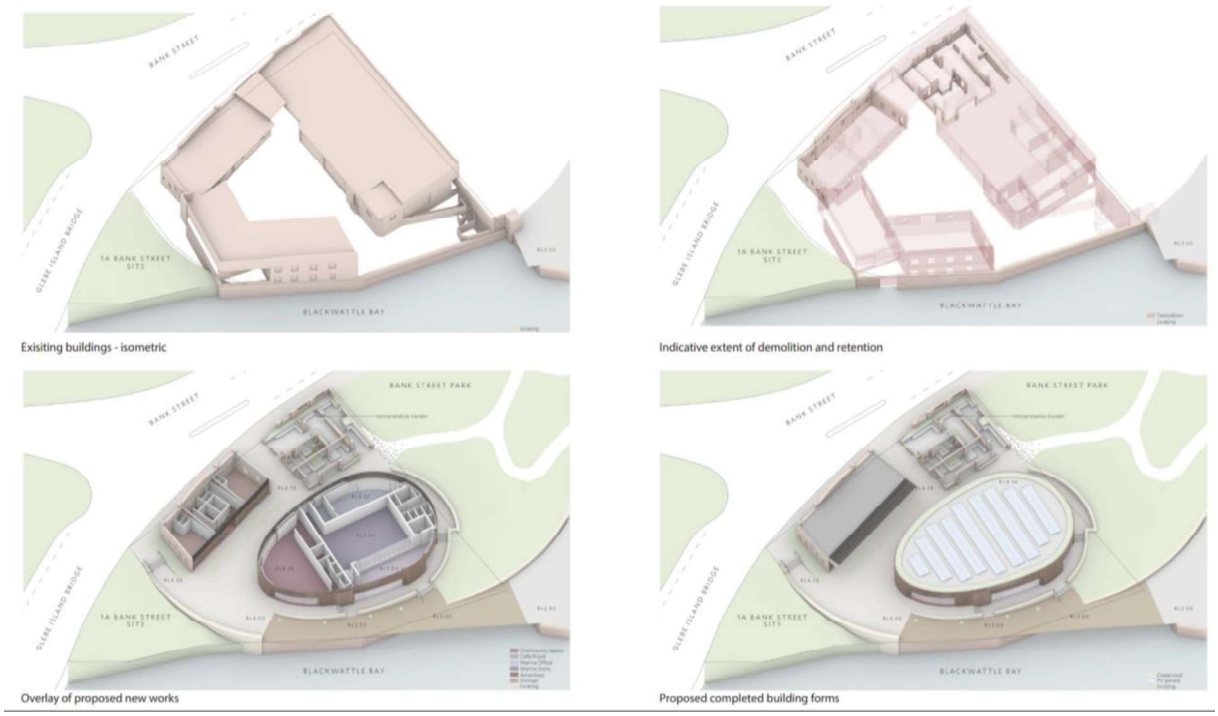

Figure 6.4 Isometric diagrams illustrating extent of demolition, re-use, and construction of new works within 1–3 Bank Street. (Source: Oculus, 2023)

Figure 6.5 Section A through the eastern part of the site showing the final levels of the proposed park in relation to the present condition of the site (blue dashed line). (Source: Oculus, 2023)

Figure 6.6 Section C through the centre of the site below the ANZAC Bridge showing the final levels of the proposed park in relation to the present condition of the site (blue dashed line). (Source: Oculus, 2023)

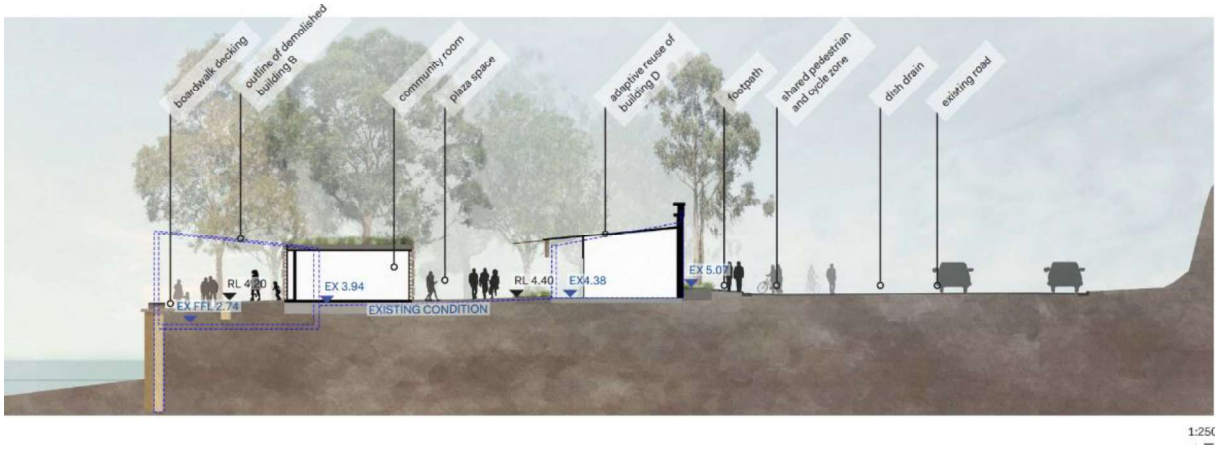

Figure 6.7 Section E through 1-3 Bank Street showing the final levels of the proposed park in relation to the present condition of the site (blue dashed line). (Source: Oculus, 2023)

6.2 Harm to Aboriginal objects and values

The assessment of Aboriginal heritage has identified archaeological deposits and areas of PAD in connection with the site. An assessment of the proposed activity is able to determine whether these aspects will be 'harmed' either directly or indirectly. This assessment is presented in Table 6.1. The various aspects of Aboriginal heritage hold a variety of heritage values (Table 5.1). These values may be impacted by the proposed

activity. An assessment of how the values may be directly or indirectly affected by the proposal is provided in Table 6.2.

Demolition of the existing buildings and construction of new buildings at 1–3 Bank Street will likely result in harm to any areas of PAD that may be present within this part of the site. Excavation for earthworks (cut and fill), construction of the dragon boat storage facility, planting of new trees and installation of in-ground services may have an impact where these works intersect with areas of PAD. Based on the results of the geotechnical investigations and archaeological test excavation, areas of PAD within the site are highly localised and spatially constrained within the site and these soils appear to be shallower in the northern and eastern parts of the site, becoming deeper (below greater depths of fill) towards the south and west.

Table 6.1 Aspects of Aboriginal heritage and the identified potential harm to Aboriginal heritage.

Aspect of Aboriginal heritage	Type of harm	Degree of harm	Consequence of harm
Archaeological deposit within 1–3 Bank Street (colluvium, PAD 02A)	Direct. Excavation for the proposed development extends up to 1m depth and deeper excavation would be required for new footings and services below this depth. The new marina building is directly adjacent to the archaeological deposit PAD 02A, and excavation and construction for the new buildings have the potential to impact this archaeological deposit.	Partial to total. Depending on the extent and location of PAD 02A, the proposed development may result in the partial or total removal of PAD.	Partial to total loss of value.
Localised remnant soils with potential for Aboriginal objects including PAD 02 (45-6-3338), PAD 03 and PAD 04	Potentially direct. Excavation for earthworks, new buildings, services and landscaping may result in impacts to PAD where these deposits survive in localised areas across the site.	Partial to total, pending depth of impact in relation to areas of PAD.	Partial to total loss of value.

Aspect of Aboriginal heritage	Type of harm	Degree of harm	Consequence of harm
Views to Blackwattle Bay	Indirect. Construction of new buildings at 1–3 Bank Street are within the same location as existing buildings, are of similar height and would not result in a greater obstruction of views. Planting of trees and park furniture in the southern part of the site may partially screen views within parts of the park, however views to the Bay would be maintained overall from the site.	Partial. Connection to water has formed a key design principle in development of the park design. Views to the bay are highlighted in areas of the park design, and therefore impacts are minimal.	Minor partial impact. Views would be maintained across most of the park.
Commemoration of Blak Diggers	Intangible	None.	None.

Table 6.2 Overview of impacts to values and identified potential harm.

Value	Manifest through	Degree of harm	Consequence of harm
Social	Archaeological deposit, flint artefact.	Partial	Partial to total loss of value
Historic	No historic associations identified. Future connections between ANZAC Bridge and Blak Diggers to be developed.	None	None
Scientific	Isolated artefact find (flint artefact).	Partial	Partial loss of value
	Localised remnant soils with potential for Aboriginal objects including PAD 02 (45-6-3338), PAD 03 and PAD 04.	Partial	Partial loss of value
Aesthetic	Views to Blackwattle Bay.	Partial	Minor partial loss of value

7 Avoiding and minimising harm

7 Avoiding and minimising harm

7.1 Overview

The following management and mitigation statements are made in light of the findings of the archaeological test excavation, background research, predictive modelling, heritage significance assessment, relevant NSW legislation protecting Aboriginal heritage, the project SEARs, the Heritage NSW Aboriginal Cultural Heritage Assessment Guidelines and consultation with local Aboriginal stakeholders.

If unmanaged and unmitigated, the impacts resulting from the proposal on Aboriginal heritage are likely to result in a loss of values, and thus impact to the local Aboriginal community. The following management and mitigation statements are based on consideration of:

- the requirements for considering Ecologically Sustainable Development (ESD); principles, and consideration of intergenerational equity and its application to the site;
- applying a cautious approach under the Burra Charter;
- consideration of cumulative impacts to Aboriginal heritage and the consequences of continued loss of Aboriginal heritage values;
- the assessment of the Aboriginal cultural heritage values;
- the interests of the local Aboriginal community members who participated in this project; and
- the size of the site, the extent of Aboriginal heritage values and likely impacts posed by the project proposal.

7.1.1 Strategy 1—impact avoidance

Avoidance of heritage sites represents the best heritage outcome as it means no impact to the identified heritage features. An avoidance strategy would be employed for the majority of the site, where the depth of construction impacts is expected to be shallower than areas of PAD. If PAD is identified during construction, opportunities to avoid impacts to PAD would be considered. Where impacts to PAD cannot be avoided, a program of archaeological investigation (Strategy 3) would be implemented to understand the nature of the deposit.

In the northern part of the site, the construction of the new building at 1–3 Bank Street may have an impact on areas of PAD, and avoidance of impacts would not be possible at

this location. Strategies for archaeological monitoring (Strategy 2) and archaeological investigation (Strategy 3) are recommended for this part of the site.

7.1.2 Strategy 2—archaeological monitoring

Works within 1–3 Bank Street would be subject to archaeological monitoring due to the potential for the proposed works to impact PAD within this part of the site. An archaeological deposit has been demonstrated to exist with the location of TU 2 at 1.05m below the existing ground surface, and may continue to the southwest. Archaeological monitoring is also recommended in the southern part of the site along the foreshore where a program of historical archaeological test excavation and archaeological monitoring will be completed (HARDEM 2023). The areas requiring archaeological monitoring are shown in Figure 7.1. This work should be conducted by a suitably qualified archaeologist with experience in First Nations archaeology and in tandem with the historical archaeological program. During works with the potential to expose deposits with PAD at 1–3 Bank Street, it is recommended that a representative of the project RAPs should be present.

Should any deposits with PAD be identified in these area that would be impacted by the proposed development, the archaeological excavation methodology outlined in Strategy 3 below should be implemented.

7.1.3 Strategy 3—Aboriginal archaeological excavation

The program of Aboriginal archaeological test excavation has identified a low-density artefact site and confirmed the spatially localised expressions of PAD within the site. In areas where remnant soils with PAD are identified that would be impacted by the proposed development, a program of Aboriginal archaeological investigation should be undertaken. An Archaeological Research Design is presented in Section 9 of this report to facilitate Aboriginal archaeological excavation.

This methodology has been designed to investigate and record any Aboriginal archaeological material that may be impacted by the proposed development. The ARD in Section 9 outlines a methodology for the:

- treatment of Aboriginal objects within disturbed/historical contexts;
- identification of areas of Aboriginal archaeological potential;
- test excavation within areas of Aboriginal archaeological potential;
- triggers and parameters for additional test excavation;
- commencement of development impacts following completion of the archaeological program; and

- reporting and post-excavation analysis.

7.1.4 Strategy 4—heritage induction

A heritage induction should be presented to all contractors, consultants and NSW State Government staff involved in works on the site prior to the commencement of works and should form part of the general site induction for all workers. This heritage induction would be prepared by a suitably qualified archaeologist. In detailing the management of First Nations cultural heritage and archaeology within the site, this induction would:

- detail the potential Aboriginal heritage resource within the site;
- summarise the heritage legislation applicable to the project;
- outline any conditions of approval related to Aboriginal cultural heritage applicable to the development works;
- detail the approach to Aboriginal heritage management in place for the project, including unexpected finds procedure in place for the site and procedure in case of a heritage breach; and
- provide contact details for key project staff responsible for management of unexpected finds and heritage within the site.

7.1.5 Strategy 5—unexpected finds procedure

An unexpected finds procedure should be developed for the Bank Street project which should stipulate the process for managing actual or suspected Aboriginal objects (ie shell, stone artefacts, etc) or deposits with archaeological potential that may be identified during works. The procedure should be provided to all staff and contracts who are working on the project. The unexpected finds procedure should include the following measures:

- In the instance of an unexpected find(s), works must cease immediately in the area, and no further disturbance can occur until the area has been assessed by a suitably qualified archaeologist.
- The project archaeologist must be contacted to inspect the item(s).
- Should the item(s) be Aboriginal in origin, the project archaeologist will advise on how to proceed. Works cannot recommence in the area of the unexpected find(s) until sign-off has been given by the archaeologist. This may involve consultation with project RAPs and Heritage NSW to discuss the management of the Aboriginal object(s).
- In the unlikely event that human remains are discovered at any time during the works, works must cease immediately in the surrounding area. The findings would need to be immediately reported to the NSW Police and/or the NSW Coroner's Office.

The MLALC should also be contacted in the event that human remains of actual or suspected Aboriginal origin are identified.

7.1.6 Strategy 6—ongoing artefact management

An artefact management and artefact repatriation strategy should be developed in consultation with First Nations stakeholders (ie project RAPs but may also include stakeholders involved in consultation for the park design). The management and repatriation policy would address the long-term management strategies for the Aboriginal artefact found during test excavation, and any further Aboriginal objects that are recovered as part of further archaeological investigations or unexpected finds during the development works.

This policy should specify the storage details for the artefact(s) until such time as the assemblage may be returned to First Nations stakeholders. Consultation should be undertaken between INSW, the project archaeologists and the First Nations stakeholders to determine how the artefact may be repatriated. Potential long-term management strategies include reburial within a protected location of the site, display and interpretation within the site, or off-site storage with an appropriate body, ie within a designated keeping place, as appropriate.

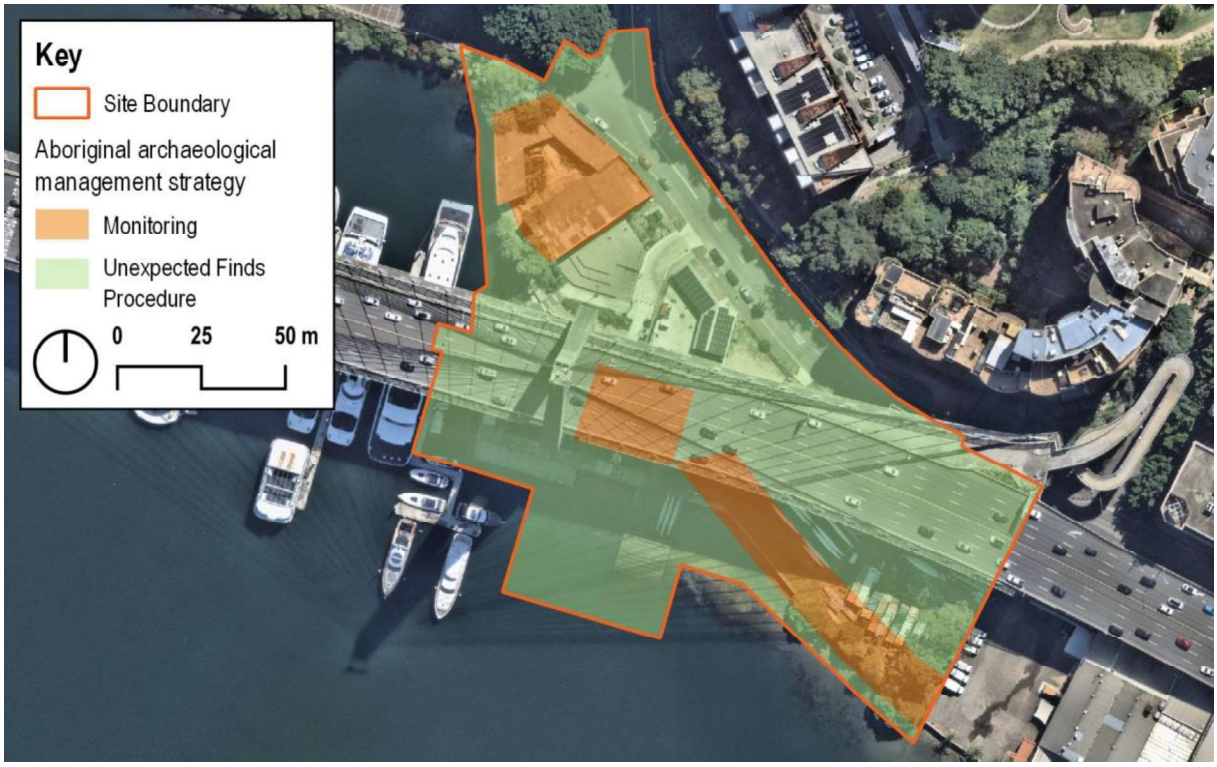

Figure 7.1 Aboriginal archaeological management strategy for the site. (Source: Nearmap with GML overlay, 2023)

8 Conclusions and recommendations

8 Conclusions and recommendations

8.1 Conclusions

The preparation of this ACHAR, including the program of Aboriginal archaeological test excavation, desktop reporting and community consultation, has provided an understanding of the Aboriginal archaeological and heritage resource of the Bank Street site. This site has potential for localised areas of remnant soils that have a low potential to contain Aboriginal objects. The site has identified social and aesthetic values associated with the past occupation of the site by First Nations peoples, and the views from the site into Blackwattle Bay. The proposed development is for construction of a new public park and includes new buildings for community facilities and a marina. The proposed development may result in a partial impact on remnant soils with PAD where the proposed works will extend to the depth of these deposits.

8.2 Recommendations

Based upon the findings of this report, and the ATR, the following heritage management recommendations are made:

- Impact avoidance: the design has sought to minimise impacts to areas of PAD by limiting the proposed depth of excavation. Across most of the site construction the depth of excavation has been restricted to avoid impacts to areas of PAD. In a few areas of the site avoidance of PAD cannot be implemented, and further archaeological management would be required in accordance with the below recommendations.
- Archaeological monitoring: a program of Aboriginal archaeological monitoring would be undertaken at 1–3 Bank Street during works that have the potential to expose or impact areas of PAD.
- Aboriginal archaeological investigation: should deposits with PAD be identified during civil works as an unexpected find, during archaeological monitoring or during historical archaeological testing/localised salvage, further Aboriginal archaeological investigation would be undertaken.
- Heritage induction: a heritage induction should be developed to inform all workers involved in the proposed development of the actual and potential heritage resource, the procedure to follow in case of an unexpected find, and key contact details for heritage management for the project.
- Unexpected Finds Procedure: an Unexpected Finds Procedure should be prepared for the project and provided to all staff and contractors working on the project.

- Ongoing artefact management: an artefact management strategy of the present and potential future artefact assemblage identified at the Bank Street site. This strategy should be developed in consultation with the project RAPs and other key First Nations stakeholders, and should detail the long-term management and storage of Aboriginal objects recovered from the site.

9 Archaeological research design

9 Archaeological research design

The following research design includes the research objectives and methodology for undertaking a program of Aboriginal archaeological excavation where remnant soils with PAD are identified during the construction program. Based on the results of previous geotechnical and archaeological investigations within the site, areas of PAD would be localised and spatially constrained. This methodology has been designed to facilitate appropriate test investigation and recording of any Aboriginal archaeological material that may be affected by the proposed development.

9.1 Research framework

The first objective of the archaeological excavation within the site is to undertake excavation that allows for the clarification, characterisation, description and archaeological potential of soil horizons across the site.

The second objective is to determine whether these soil profiles contain archaeological materials and assess them within a regional context.

To achieve these two objectives, research questions have been established to guide the archaeological process and provide the basis for questioning the data collected. Relevant research questions include:

1 What are the characteristics of soil horizons across the site?

   a. How has the land use history impacted the site and survival of soils and thus archaeological material?

   b. How do areas of remnant Gymea soils interface with alluvial/colluvial soils identified during geotechnical investigations? What do these differing deposits tell of different depositional or formation events?

2 Is an archaeological deposit present?

   a. What is the nature of the archaeological deposit?

   b. Is there archaeological evidence that can be dated (by carbon dating, optically stimulated luminescence and/or relative dating)?

      i. If so, how old is the deposit? Does this correspond to assumptions regarding land use/inundation in relation to sea level fluctuations?

c. Other than stone artefacts, what evidence—if any—is present for Aboriginal occupation and use of the site? Is midden material present and, if so, what may be understood of food resources used and subsistence practices?

3 What is the general nature of stone artefacts recovered from the site? How can the stone artefact assemblage be characterised?

   a. What raw materials are represented in the stone artefact assemblage?

   b. Can any information be ascertained from the stone artefact assemblage regarding the intensity of stone artefact reduction and discard?

   c. Can a difference between stone artefact deposits be identified by different strata in the assemblage over time? If so, what is the nature of that difference?

4 How can the deposit be interpreted?

   a. Does the archaeological deposit vary spatially or in nature between Gymea and alluvial/colluvial soils? How?

   b. What does the archaeological deposit tell us about Aboriginal use of this specific landscape?

5 Can the archaeology be interpreted in a regional context?

   a. Can the deposit be related to a wider cultural landscape?

      i. How does the archaeological deposit relate to comparable sites in the surrounding region, eg the KENS[1] site?

   b. What is the source of the artefactual stone? How does this correlate with current regional research and knowledge of stone resources?

6 Can the presence of Aboriginal archaeological evidence dating to the 'contact' period (ie post-1788) be distinguished or confirmed by examining the archaeological resource present within the site? Is there evidence of post-contact Aboriginal use of the site?

7 Is the archaeological deposit culturally significant?

   a. What is the heritage value of the deposit, both scientifically and culturally?

   b. How does the Aboriginal community view and value the deposit identified?

9.2 Aboriginal archaeological excavation

9.2.1 Identification of areas of Aboriginal archaeological potential

When areas of remnant soil profiles are identified on site, work would cease in the immediate vicinity and the Aboriginal archaeological team would be notified as soon as possible.

Consultation with the Aboriginal archaeological Excavation Director, the project RAPs and possibly Heritage NSW would occur as soon as a remnant soil horizon is identified. An assessment of the area in question would be undertaken and a determination of the site's condition and integrity made**.** The decision of how, when and where to commence the Aboriginal archaeological test excavation would be made in consultation between all relevant parties.

9.2.2 Aboriginal test excavation methodology

Where a remnant soil with PAD is identified in any scenario, the following methodology should be employed:

- A TU should be established, excavated and recorded by a suitably qualified archaeologist and representatives of the project RAPs.
- The TU should be appropriately sized in the relation to the deposit. A 0.5m^2 or 1m^2 TU is recommended.
- Where the TU intersects an Aboriginal archaeological deposit, then the Aboriginal Excavation Director, in consultation with the RAPs, will assess the nature, extent, condition and integrity of the deposit to determine what additional excavation is necessary in order to understand the full extent and nature of the resource. Triggers which may necessitate the expansion of the TU include identification of an archaeological feature or density of artefacts >5 per 1m^2.
- Expansion would be undertaken in increments equivalent to the current TU size (1m x 1m or 0.5m x 0.5m) until the extent of the resource has been fully explored.
- The TU should be excavated in 50mm spits, and excavated to a sterile layer or bedrock. Any archaeological features encountered should be excavated according to their stratigraphy.
- All excavated material should be wet sieved through a 3mm mesh, and any actual or suspected cultural material (ie stone, bone, shell) along with any historical material (ie flint, glass, ceramic; all of which may be reworked by First Nations people) should be kept for analysis. Material should be bagged by TU and spit. Sieving can occur on

or off site and can be undertaken using a water cart into skip bins, which can be emptied as required.

- The following details should be recorded for each TU:
  - TU number;
  - TU location;
  - TU landform;
  - TU aspect;
  - depth of each spit excavated;
  - number of stone objects (or other feature/s) per spit;
  - total number of objects;
  - any features or inclusions (such as carbon);
  - taphonomic factors (disturbance, bioturbation, etc); and
  - soil characteristics (so that a detailed pattern of changing soil landscapes across the site is developed);
  - section and plan diagrams should be drawn for each TU.
- Soil and carbon samples should be taken where possible which may be used for future palynology, sedimentology and optically stimulated luminescence dating.
- Any Aboriginal objects identified should be subject to specialist analysis.

9.2.3 RAP involvement in the work

Representatives of the RAPs with suitable relevant experience would be engaged by the proponent to collaborate in the archaeological works during the Aboriginal archaeological test excavation. The numbers of representatives should be appropriate to the workload on site.

9.2.4 Management of Aboriginal objects

All Aboriginal archaeological materials and soil samples would be temporarily stored in an appropriate place, which would initially be the archaeologist's office, or a relevant analyst's laboratory or office. Once the analysis is complete, the collection would be transferred to a suitable INSW site, or other location approved by INSW. Infrastructure NSW has the responsibility to develop an appropriate future management strategy for any Aboriginal artefacts recovered from the site in collaboration with the project's RAPs.

9.2.5 Aboriginal objects within disturbed/historical contexts

As part of the historical archaeological excavation program, if Aboriginal objects or archaeological material are identified within early historical unstratified or reclamation fill layers, they would be recorded to their fullest extent and removed from the immediate context to be cleaned, inventoried and re-bagged elsewhere on site as part of the historical archaeological excavation methodology and in accordance with this methodology. Work would continue in the immediate area as per the historical archaeological excavation methodology because the objects have been found in disturbed contexts.

The RAPs for the project and Heritage NSW would be notified of the discovery as soon as possible.

9.2.6 Post-excavation reporting

The results of further Aboriginal archaeological investigation should be detailed within an ATR. The report should provide a description and analysis of the evidence recovered from the site (ie the results of additional excavation), including images of the evidence and plans developed from measured drawings created on site; a review of the program with a response to the research framework; and a discussion of new areas of research that may have been highlighted by the excavation, including the relative values of the artefact assemblage.

9.3 Endnotes

[1] Dominic Steele Consulting Archaeology 2006, 'Aboriginal Archaeological Excavation Report—The KENS Site (Kent, Erskine, Napoleon and Sussex Streets), Sydney, NSW', prepared for Leighton Contractors Pty Limited.

Appendices

10 Appendices

Appendix A

AHIMS Search Results

Appendix B

ATR

Appendix C

Community Consultation Log

Appendix A

AHIMS Search Results

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

GML Heritage Pty Ltd - Surry Hills

Level 17 323 Castlereagh Street
Haymarket New South Wales 2000

Attention: Andie Coulson

Email: andiec@gml.com.au

Date: 23 November 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters, conducted by Andie Coulson on 23 November 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

98	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Level 6, 10 Valentine Ave, Parramatta 2150
Locked Bag 5020 Parramatta NSW 2124
Tel: (02) 9585 6345

ABN 34 945 244 274
Email: ahims@environment.nsw.gov.au
Web: www.heritage.nsw.gov.au

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2072										
45-6-0026										
45-6-2680										
45-6-0630										
45-6-1267										
45-6-2652										
45-6-2597										
45-6-1971										
45-6-1481										
45-6-3695										
45-6-3826										
45-6-2647										

Report generated by AHIMS Web Service on 23/11/2023 for Andie Coulson for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 98

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2637										
45-6-3762										
45-6-3899										
45-6-2168										
45-6-2822										
45-6-2966										
45-6-1957										
45-6-3071										
45-6-3064										
45-6-1237										
45-6-1939										
45-6-3848										

Report generated by AHIMS Web Service on 23/11/2023 for Andie Coulson for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 98

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-3324										
45-6-2687										
45-6-3552										
45-6-3116										
45-6-2663										
45-6-2676										
45-6-2960										
45-6-1232										
45-6-2979										
45-6-2742										
45-6-0030										
45-6-0283										

Report generated by AHIMS Web Service on 23/11/2023 for Andie Coulson for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 98

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteFeatures	SiteTypes	Reports
45-6-0618									
45-6-4099									
45-6-1615									
45-6-2581									
45-6-2580									
45-6-2287									
45-6-3654									
45-6-3694									
45-6-3696									
45-6-0555									
45-6-1828									
45-6-1972									
45-6-3152									

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-1268										
45-6-0891										
45-6-1901										
45-6-2651										
45-6-3446										
45-6-1853										
45-6-3338										
45-6-2180										
45-6-1271										
45-6-1955										
45-6-3705										
45-6-3502										

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2796										
45-6-3339										
45-6-2967										
45-6-2672										
45-6-2629										
45-6-2961										
45-6-1954										
45-6-3693										
45-6-2278										
45-6-1960										
45-6-4050										
45-6-2666										

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2838										
45-6-3325										
45-6-2745										
45-6-2762										
45-6-2987										
45-6-0519										
45-6-0622										
45-6-1347										
45-6-1900										
45-6-0628										
45-6-3327										
45-6-2299										

Report generated by AHIMS Web Service on 23/11/2023 for Andie Coulson for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 98

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-1809										
45-6-2767										
45-6-2382										
45-6-0027										
45-6-0811										
45-6-2055										
45-6-2843										
45-6-0621										
45-6-1935										
45-6-3217										
45-6-2783										

Report generated by AHIMS Web Service on 23/11/2023 for Andie Coulson for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 98

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 23-0126_update

Client Service ID : 842659

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-3081										

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 23/11/2023 for Andie Coulson for the following area at Datum :GDA, Zone : 56, Eastings : 329395.0 - 335395.0, Northings : 6247821.0 - 6253821.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 98

Appendix B

ATR

Appendix C

Community Consultation Log

Aboriginal Consultation Log—Bank Street Park Project—23-0126

Stage 1—Notification of Project Proposal and Registration of Interest

Stage 1, Step 1–Contacting relevant authorities

Body/Group	Contact Information	Date Sent/Date Reply	Response/Comment
Heritage NSW	heritagemailbox@environment.nsw.gov.au	**Sent** 30/05/2023 **Reply** 05/06/2023.	Provided list of Aboriginal stakeholders.
Metropolitan Local Aboriginal Land Council (MLALC)	metrolalc@metrolalc.org.au (02) 8394 9666	**Sent** 30/05/2023	
The Registrar, Aboriginal Lands Right Act 1983	adminofficer@oralra.nsw.gov.au	**Sent** 30/05/2023 **Reply** 28/06/2023	No Registered Aboriginal Owners identified for the project area. Suggested GML contact MLALC.
National Native Title Tribunal (NNTT)	GeospatialSearch@NNTT.gov.au	**Sent** 30/05/2023 **Reply** 30/05/2023	Search results indicate no Native Title Features within the study area.
Native Title Services Corporation (NTSCORP Limited)	information@ntscorp.com.au	**Sent** 30/05/2023	
City of Sydney Local Council	council@cityofsydney.nsw.gov.au	**Sent** 30/05/2023 **Reply** 30/05/2023	Recommend GML contact MLALC. Further, *The City of Sydney has a Community participation plan that you also might find helpful.* *It details our community engagement strategy and community participation plan and provides a framework for how we engage communities in the decisions we make. Pages 32 – 43 in the plan will take you directly to how we engage with our diverse communities.*

Body/Group	Contact Information	Date Sent/Date Reply	Response/Comment
Greater Sydney Local Land Services	gs.service@lls.nsw.gov.au	**Sent** 30/05/2023 **Reply** 30/05/2023	*GS LLS feels that it is not a primary source of contact for First Nations (Aboriginal) communities or persons that may inform or provide comment on development or planning issues.* *GS LLS strongly recommends you contact Heritage NSW…*

Stage 1, Step 2–Contacting people identified in Stage1, Step 1 & Newspaper notification

Organisation	Contact Information	Date Sent/Date Reply	Response/ Comment
Badu (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Barking Owl Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Biamanga (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Bidjawong Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Bilinga (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Butucarbin Aboriginal Corporation	[redacted]	**Sent** 13/06/2023 **Reply** 13/6/23	Registered
Clive Freeman	[redacted]	**Sent** 13/06/2023	
Corroboree Aboriginal Corporation	[redacted]	**Sent** 13/06/2023 –invite resent via email on 13/06/2023 to corrected email address (due to initial error in email address)	
Callendulla (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Darug Aboriginal Cultural Heritage Assessments	[redacted]	**Sent via post** 13/06/2023	

Organisation	Contact Information	Date Sent/Date Reply	Response/ Comment
Darug Boorooberongal Elders Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Darug Custodian Aboriginal Corporation	[redacted]	**Sent** 13/06/2023 **Reply** 14/6/23	Registered
Darug Land Observations	[redacted]	**Email sent** 13/06/2023 Bounce back email received, invite then **sent via post** 13/06/23. **Return to sender** – calls placed to numbers listed on HNSW stakeholder list on 30/6/2023, both numbers were disconnected.	
Dharug (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Dharug Ngurra Aboriginal Corporation	[redacted]	**Sent** 13/06/2023 **Reply** 14/6/2023	Registered
Didge Ngunawal Clan	[redacted]	**Sent** 13/06/2023 **Reply** 15/6/2023, 22/6/2023	Registered
DJMD Consultancy	[redacted]	**Sent** 13/06/2023	
Eric Keidge	[redacted]	**Sent via post** 13/06/2023	
Galamaay Cultural Consultants (GCC)	[redacted]	**Sent** 13/06/2023	
Ginninderra Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Goobah Development PTY LTD (Murrin Clan/People)	[redacted]	**Sent** 13/06/2023	
Goodragbee Cultural & Heritage Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Gulaga	[redacted]	**Sent** 13/06/2023	
Gunjeewong Cultural Heritage	[redacted]	**Sent** 13/06/2023	

Organisation	Contact Information	Date Sent/Date Reply	Response/ Comment
Aboriginal Corporation			
Guntawang Aboriginal Resources Incorporated	[redacted]	**Sent** 13/06/2023 invite resent via email on 13/06/2023 to corrected email address (due to initial error in email address) **Reply** 16/06/2023	Registered
Gunya Aboriginal Cultural Heritage Services PTY LTD	[redacted]	**Sent** 13/06/2023	
Gunyuu (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Jerringong (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Kamilaroi-Yankuntjatjara Working Group	[redacted]	**Sent** 13/06/2023 **Reply** 20/06/2023	Registered
Koori Digs Services	[redacted]	**Sent** 13/06/2023	
La Perouse Local Aboriginal Land Council	[redacted]	**Sent** 13/06/2023	
Metropolitan Local Aboriginal Land Council	[redacted]	**Sent** 13/06/2023 **Reply** 13/06/2023 and 20/06/2023	Registered
Minnamunnung	[redacted]	**Sent via post** 13/06/2023 **Return to sender** – call placed to number listed on HNSW stakeholder list on 30/6/2023, no response.	
Munyunga (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Mura Indigenous Corporation (icn:8991)	[redacted]	**Sent** 13/06/2023	
Murramarang (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Murrumbul (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Ngambaa Cultural Connections	[redacted]	**Sent** 13/06/2023 – invite resent via email on 13/06/2023 to	Registered

Organisation	Contact Information	Date Sent/Date Reply	Response/ Comment
		corrected email address (due to initial error in email address) **Reply** 14/6/23	
Nundagurri (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Pemulwuy (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Thauaira	[redacted]	**Sent** 13/06/2023	
Thawun Aboriginal Consultancy	[redacted]	**Sent** 13/06/2023	
Thomas Dahlstrom Offers ACH value by using 3D Laser and Drone technology	[redacted]	**Sent** 13/06/2023	
Thoorga Nura	[redacted]	**Sent** 13/06/2023	
Tocomwall	[redacted]	**Sent** 13/06/2023 **Reply** 13/06/2023	Registered as Yarrawalk.
Waawaar Awaa Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Wailwan Aboriginal Group	[redacted]	**Sent** 13/06/2023	
Walbunja (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Walgalu (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Wingikara (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Woka Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Wori Wooilywa	[redacted]	**Sent** 13/06/2023	
Wullung (Murrin Clan/Peoples)	[redacted]	**Sent** 13/06/2023	
Wurrumay Consultancy	[redacted]	**Sent** 13/06/2023	

Organisation	Contact Information	Date Sent/Date Reply	Response/ Comment
Yerramurra (Murrin Clan/Peoples) and Taste of Tradition Native Aboriginal Corporation	[redacted]	**Sent** 13/06/2023	
Yurwang Gundana Consultancy Cultural Heritage Services	[redacted]	**Sent** 13/06/2023	
Wallanbah Aboriginal Site Conveyancing	[redacted]	**Sent** 13/06/2023	
RAW Cultural Healing	[redacted]	**Sent** 13/06/2023	
Sonione Wakabut Rogers	[redacted]	**Sent** 13/06/2023 **Reply** 20/06/2023	Registered
Dharramalin	[redacted]	**Sent** 13/06/2023	
Ninnum	[redacted]	**Sent** 13/06/2023	

Newspaper	Date Published
Koori Mail	14 June 2023
Sydney Morning Herald	15 June 2023

Registration cut-off date: 30 June 2023 (14 days must be allowed for Aboriginal people to register an interest in the project).

Stage 1, Step 3–Registered Aboriginal Parties (RAPs) and LALC/Heritage NSW Notification

List of Registered Aboriginal Parties (RAPs)

Registered Aboriginal Party	Contact Information
Butucarbin Aboriginal Corporation	[redacted]
Darug Custodian Aboriginal Corporation	[redacted]
Dharug Ngurra Aboriginal Corporation	[redacted]

Registered Aboriginal Party	Contact Information
	[redacted]
Didge Ngunawal Clan	[redacted]
Guntawang Aboriginal Resources Incorporated	[redacted]
Kamilaroi-Yankuntjatjara Working Group	[redacted]
Metropolitan Local Aboriginal Land Council	[redacted]
Ngambaa Cultural Connections	[redacted]
Yarrawalk	[redacted]
Sonione Wakabut Rogers	[redacted]
Confidential #1	—
Confidential #2	—
Confidential #3	—

A copy of the registered Aboriginal parties, invitation to register and newspaper notice must be provided to MLALC and Heritage NSW within 28 days of the closing data for registering an interest. These records were provided to MLALC and HNSW on the dates specified below:

Organisation	Date Sent
Metropolitan LALC	7/07/2023
Heritage NSW	7/07/2023

Stage 2–Project Presentation and Gathering Information about Cultural Significance of the Proposed Project

Stage 2, Step 1–RAP Review of ARD/Methodology

Registered Aboriginal Party	Date Sent/Date Reply	Response/Comment
Butucarbin Aboriginal Corporation	**Sent** 01/08/2023	

Registered Aboriginal Party	Date Sent/Date Reply	Response/Comment
Darug Custodian Aboriginal Corporation (DCAC)	**Sent** 01/08/2023	
Dharug Ngurra Aboriginal Corporation	**Sent** 01/08/2023	
Didge Ngunawal Clan	**Sent** 01/08/2023	
Guntawang Aboriginal Resources Incorporated	**Sent** 01/08/2023	
Kamilaroi-Yankuntjatjara Working Group (KYWG)	**Sent** 01/08/2023 **Reply** 29/08/2023	Agreed with and supports methodology.
Metropolitan Local Aboriginal Land Council (MLALC)	**Sent** 01/08/2023	
Ngambaa Cultural Connections (NCC)	**Sent** 01/08/2023	
Yarrawalk	**Sent** 01/08/2023	
Sonione Wakabut Rogers	**Sent** 01/08/2023	
Confidential #1	**Sent** 01/08/2023 **Reply** 17/08/2023	Agreed with methodology.
Confidential #2	**Sent** 01/08/2023	
Confidential #3	**Sent** 01/08/2023	

ARD review period ends: 29 August 2023. (Minimum 28 days must be provided to review the ARD.)

Stage 2, Step 2–Archaeological Test Excavation

Heritage NSW must be notified at least 14 days before start of test excavation.

Organisation	Date Sent
Heritage NSW	18/08/2023

Opportunity for RAPs to visit study area/participate in fieldwork.

Registered Aboriginal Party	Date Sent/Date Reply	Response/Comment/Representative
MLALC	Call 1/9/23	Call from GML to MLALC. Interested in participating in testing
KYWG	Call 1/9/23	Call from GML to KYWG. Interested in participating in testing
DCAC	Call 1/9/23	Call from GML to DCAC. Voice message left.
MLALC	Email 1/9/23	Email from GML to MLALC. Follow up email re expression of interest to participate in testing
KYWG	Email 1/9/23	Email from GML to KYWG. Follow up email re expression of interest to participate in testing

Registered Aboriginal Party	Date Sent/Date Reply	Response/Comment/Representative
DCAC	Email 1/9/23	Email from GML to DCAC. Follow up email re expression of interest to participate in testing
DCAC	Call 1/9/23	Call from DCAC to GML. DCAC unavailable for testing
NCC	Call 5/9/23	Call from GML to NCC. Interested in participating in testing
NCC	Email 5/9/23	Email from GML to NCC. Follow up email re expression of interest to participate in testing
MLALC	Email 5/9/23	Email from GML to MLALC. Update re confirmed testing dates
KYWG	Email 5/9/23	Email from GML to KYWG. Update re confirmed testing dates
MLALC	Call 7/9/23	Email from GML to MLALC. Follow up re availability for excavation
NCC	Call and follow up email 7/9/23	Call from GML to NCC to ask for ABN and insurances for contract and whether comfortable with photo/video recording of the excavation by INSW. Reiterated in follow up email.
KYWG	Call and follow up email 7/9/23	Call from GML to KYWG to advise contract is being prepared and whether comfortable with photo/video recording of the excavation by INSW. Reiterated in follow up email.
KYWG	Email 8/9/23	Email from KYWG to GML. Acknowledged confirmed testing dates, advises that KYWG is fine with video and photography of the excavation.
MLALC	Call and follow up email 8/9/23	Call from GML to MLALC, since no response to email received. Clarified which email address to forward excavation dates to, advised to contact nmoran@mlalc.org.au. Previous emails regarding testing then forwarded to this address.
MLALC	Call and follow up text from MLALC, 13/9/23	Call from MLALC (Rowena Welsh-Jarrett) and follow up text to discuss Aboriginal excavation program.
MLALC	Return calls and text to MLALC 14/9/23	Calls between GML and MLALC to discuss excavation and arrange a time for Rowena Welsh-Jarrett to attend site on afternoon of 14/9/23 (during Aboriginal archaeological testing program).

Stage 3—Review of draft Aboriginal Cultural Heritage Assessment Report

Stage 3, Step 1–RAP Review of draft ACHAR

Registered Aboriginal Party	Date Sent/Date Reply	Response/Comment
Butucarbin Aboriginal Corporation	**Sent:** 25 October 2023	
Darug Custodian Aboriginal Corporation (DCAC)	**Sent:** 25 October 2023 **Reply** 27 October 2023	Flagged that attached reports were not received. Subsequently, the ACHAR and ATR were resent to all RAPs via email Sharepoint link on the 30 October to ensure RAP access to draft reports.

Registered Aboriginal Party	Date Sent/Date Reply	Response/Comment
Dharug Ngurra Aboriginal Corporation	**Sent:** 25 October 2023	
Didge Ngunawal Clan	**Sent:** 25 October 2023	
Guntawang Aboriginal Resources Incorporated (GARI)	**Sent:** 25 October 2023 **Email reply:** 30 October 2023 **Follow up phone call (GARI to GML):** 31 October 2023 **Email (GML to GARI):** 31 October 2023 **Email (GARI to GML):** 3 November 2023	Email 30/10: underfunding of local Land Councils during their early implementation means that construction during this period would have destroyed sites within the area. Agreed with ACHAR and ATR draft. Follow up call 31/10: Call from GARI to GML. Discussed potential destruction of sites during early years of construction in the area. A summary of the findings of the ACHAR and ATR was provided, and management policies (ie unexpected finds protocol and further archaeological investigation, including monitoring) were discussed. GARI representative agreed with the recommendations of the ACHAR/ATR. Email 31/10: Summarising content of phone discussion. Email 3/11: GARI conferred with content of email.
Kamilaroi-Yankuntjatjara Working Group (KYWG)	**Sent:** 25 October 2023 **Reply:** 21 November 2023	Agreed with and supported recommendations. Suggested archaeological monitoring proposed as a harm mitigation strategy for the site should be conducted by a RAP.
Metropolitan Local Aboriginal Land Council (MLALC)	**Sent:** 25 October 2023	
Ngambaa Cultural Connections (NCC)	**Sent:** 25 October 2023	
Yarrawalk	**Sent:** 25 October 2023 **Reply:** 31 October 2023	
Sonione Wakabut Rogers	**Sent:** 25 October 2023 **Reply** 27 October 2023	Confirmed receipt of draft reports.
Confidential #1	**Sent:** 25 October 2023	
Confidential #2	**Sent:** 25 October 2023	
Confidential #3	**Sent:** 25 October 2023	

One RAP group flagged that they had not received the ACHAR as an attachment following the initial provision of the report on 25 October. A link to the report was resent to all

RAPs on 30 October. No further issues with access to the report were flagged by the RAPs. The ACHAR review period ended 22 November 2023.

Stage 3, Step 2– Final submission

The Bank Street Park project is State Significant Development under Part 4 of the EPA Act. heritage and archaeology to be managed in accordance with the project approval documents, including conditions of the Development Consent. Section 4.41(d) of the EPA Act provides an Aboriginal heritage impact permit (AHIP) under Section 90 of the NPW Act is not required for a SSD project that is authorised by a SSD development consent.

The final ACHAR was provided to the client on 28 November 2023.

RAPs and MLALC must be provided with a copy of the final ACHAR.

Stage 3, Step 3–RAP notification of final ACHAR submission

Registered Aboriginal Party	Date Sent
Butucarbin Aboriginal Corporation	29 November 2023
Darug Custodian Aboriginal Corporation (DCAC)	29 November 2023
Dharug Ngurra Aboriginal Corporation	29 November 2023
Didge Ngunawal Clan	29 November 2023
Guntawang Aboriginal Resources Incorporated	29 November 2023
Kamilaroi-Yankuntjatjara Working Group (KYWG)	29 November 2023
Metropolitan Local Aboriginal Land Council (MLALC)	29 November 2023
Ngambaa Cultural Connections (NCC)	29 November 2023
Yarrawalk	29 November 2023
Sonione Wakabut Rogers	29 November 2023
Confidential #1	29 November 2023
Confidential #2	29 November 2023
Confidential #3	29 November 2023