

Redevelopment of Harbourside Shopping Centre Aboriginal Heritage Due Diligence Assessment Report



Prepared for Mirvac by Curio Projects
September 2016

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Executive Summary

Curio Projects Pty Ltd have been engaged by Mirvac Projects Pty Ltd to prepare an Aboriginal Heritage Due Diligence Assessment Report, which functions as an appendix to the Heritage Impact Statement (HIS) to support a State Significant Development Application (SSDA) submitted to the Minister for Planning and Infrastructure pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Mirvac Projects Pty Ltd (Mircvac) is seeking to secure approval to establish concept proposal details for the redevelopment of the Harbourside Shopping Centre (Harbourside), including a new retail shopping centre, residential apartment tower and substantial public domain improvements.

The project supports the realisation of the NSW State Government's vision for an expanded 'cultural ribbon' spanning from Barangaroo, around to Darling Harbour and Pyrmont. The project importantly will add further renewed diversity in tourism and entertainment facilities to reinforce Sydney's CBD being Australia's pre-eminent tourist destination.

This report serves as Appendix 2 to the Heritage Impact Statement (HIS) prepared for the Harbourside development and considers the Aboriginal Heritage of the study area.

The proposal relates to a staged development application and seeks to establish concept proposal details for the renewal and re-imagining of Harbourside. The concept proposal establishes the vision and planning and development framework which will be the basis for the consent authority to assess future detailed development proposals. The Harbourside site is to be developed for a mix of non-residential and residential uses, including retail and restaurants, residential apartments, and open space.

The Concept Proposal seeks approval for the following key components and development parameters:

- Demolition of existing site improvements, including the Harbourside Shopping Centre, pedestrian bridge links across Darling Drive, obsolete monorail infrastructure, and associated tree removal;
- A network of open space areas and links generally as shown within the Public Domain Concept Proposal, to facilitate re-integration of the site into the wider urban context;
- Building envelopes;
- Land uses across the site, non-residential and residential uses;
- A maximum total Gross Floor Area (GFA) across the Harbourside site of 87,000m² for mixed use development (non-residential and residential development);
- Basement car parking;
- Car parking rates to be utilised in subsequent detailed (Stage 2) Development Applications);
- Urban Design and Public Realm Guidelines to guide future development and the public domain; and
- Strategies for utilities and services provision, drainage and flooding, and ecological sustainable development.

This Aboriginal Heritage Due Diligence Assessment Report assesses the Aboriginal archaeological and environmental context of the study area, including previous archaeological work and registered sites, land disturbance and landscape features in order to determine the nature and significance of any potential Aboriginal archaeology that may be present within the study area.

This report has determined that:

- The study area does not contain any previously registered sites.
- The study area is located predominantly on reclaimed land along the western shoreline of Darling Harbour/Cockle Bay.

- The study area and surrounds were historically an integral part of the industrial use of Darling Harbour from the 1850s through to the 1970s, and were part of/adjacent to the Darling Harbour Railway Goods Yard and Railway tracks.
- The study area is located wholly across the soil profile of 'Disturbed Terrain', associated with the extensive land reclamation of the area in the 1870s and 1910s, and no natural soil profiles are likely to have been retained in this area.
- There is low to no potential for in situ Aboriginal archaeological deposits to be present within the study area.
- There is a low potential for Aboriginal archaeological deposits such as stone artefacts or shell middens to be located at the study area in a disturbed context.

With regards to Aboriginal cultural heritage area for the study area, it is recommended that:

- This report should be used in conjunction with the Historical Archaeological Assessment report, and the Heritage Impact Statement to support the current SSD Development Application for the study area.
- As the proposed development is considered to be a SSD, the requirements for Aboriginal heritage management in accordance with the NPW Act would not apply to this development.
- Should unexpected finds such as Aboriginal stone artefacts or shell middens be located during development, work should cease in the immediate vicinity of the find and the project archaeologist notified in accordance with an unexpected finds protocol established for the site.

1.0 Introduction

This report supports a State Significant Development Application (SSDA) submitted to the Minister for Planning and Infrastructure pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Mirvac Projects Pty Ltd (Mirvac) is seeking to secure approval to establish concept proposal details for the redevelopment of the Harbourside Shopping Centre (Harbourside), including a new retail shopping centre, residential apartment tower and substantial public domain improvements.

The project supports the realisation of the NSW State Government's vision for an expanded 'cultural ribbon' spanning from Barangaroo, around to Darling Harbour and Pyrmont. The project importantly will add further renewed diversity in tourism and entertainment facilities to reinforce Sydney's CBD being Australia's pre-eminent tourist destination.

This report serves as an appendix to the Heritage Impact Statement (HIS) prepared for the Harbourside development and considers the Aboriginal Heritage of the study area.

1.1. Background and Study Area

Mirvac acquired Harbourside, a key location within the Darling Harbour precinct, in November 2013. Harbourside, which was opened in 1988 as part of the Bicentennial Program, has played a key role to the success of Darling Harbour as Australia's premier gathering and entertainment precinct.

Despite its success, with an annual pedestrian visitation of around 13 million people, Harbourside is now outdated and in decline. The building lacks a quality interface to the Darling Harbour public domain and Cockle Bay and does not integrate well with the major transformation projects underway and planned for across Darling Harbour.

Harbourside is at risk of being left behind and undermining the significant investment being made in Darling Harbour that will see it return to the world stage as a destination for events and entertainment. Accordingly, Mirvac are taking a carefully considered and staged approach to the complete revitalisation of the site and its surrounds.

The study area is located within Darling Harbour, a 60 hectare waterfront precinct on the south-western edge of the Sydney Central Business District (CBD) that provides a mix of functions including recreational, tourist, entertainment and business. More generally, the study area is bounded by Pyrmont Bridge to the north, the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) to the south, Darling Drive and the alignment of the Light Rail to the west, and Cockle Bay to the east.

A locational context area plan and location plan are provided at Figures 1 and 2 below.

The Darling Harbour precinct is undergoing significant redevelopment as part of the SICEEP, Darling Square, and IMAX renewal projects. The urban, built form and public transport / pedestrian context for Harbourside will fundamentally change as these developments are progressively completed.

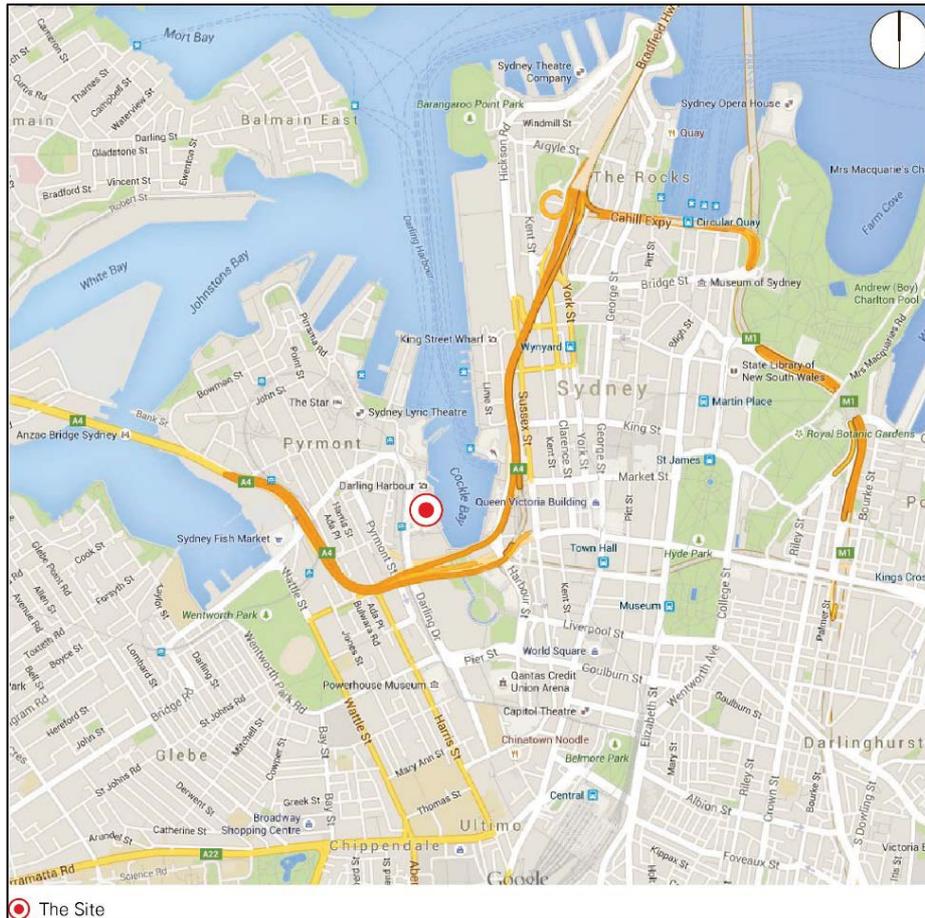


FIGURE 1: LOCATION CONTEXT AREA PLAN SHOWING THE LOCATION OF THE SUBJECT SITE. SOURCE: JBA PLANNING 2016.



FIGURE 2: HARBOURSIDE SITE BOUNDARY. SOURCE: GOOGLE EARTH WITH CURIO PROJECTS ADDITIONS 2016

1.2. Overview of Proposed Development

The proposal relates to a staged development application and seeks to establish concept proposal details for the renewal and re-imagining of Harbourside. The concept proposal establishes the vision and planning and development framework which will be the basis for the consent authority to assess future detailed development proposals. The Harbourside site is to be developed for a mix of non-residential and residential uses, including retail and restaurants, residential apartments, and open space.

The Concept Proposal seeks approval for the following key components and development parameters:

- Demolition of existing site improvements, including the Harbourside Shopping Centre, pedestrian bridge links across Darling Drive, obsolete monorail infrastructure, and associated tree removal;
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- Car parking rates to be utilised in subsequent detailed (Stage 2) Development Applications);
- Urban Design and Public Realm Guidelines to guide future development and the public domain; and
- Strategies for utilities and services provision, drainage and flooding, and ecological sustainable development.

A more detailed and comprehensive description of the proposal is contained in the Environmental Impact Statement (EIS) prepared by JBA.

1.3. Statutory Controls

Aboriginal cultural heritage is governed in NSW by two principal pieces of legislation:

- *NSW Parks and Wildlife Act 1974* (NPW Act); and
- *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.3.1. NSW Parks and Wildlife Act 1974

The NSW Parks and Wildlife Act 1974 (NPW Act), administered by the OEH, is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act 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.”¹

The NPW Act provides the definition of 'harm' to Aboriginal objects and places as:

“...any act or omission that:

¹ NPW Act 1974, Part 1: 5. Available at <http://www.austlii.edu.au/au/legis/nsw/consol_act/npawa1974247/>. Accessed 9 February 2016.

- (a) destroys, defaces or damages the object or place, or*
- (b) in relation to an object-moves the object from the land on which it had been situated, or*
- (c) is specified by the regulations, or*
- (d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),”²*

The NPW Act also establishes penalties for ‘harm’ to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of Aboriginal objects and cultural material is to seek an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirements of an approved AHIP.

1.3.2. Environmental Planning and Assessment Act 1979

The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW' (EP&A Act)³. Dependent upon which Part of the EP&A Act a project is to be assessed under, differing requirements and protocols for the assessment of associated Aboriginal cultural heritage may apply.

Part 4, Division 4.1 of the EP&A Act identifies and defines State Significant Development projects (SSD) as those declared under Section 89C of the EP&A Act. SSD and State Significant Infrastructure projects (SSI), replace 'Concept Plan' project approvals, in accordance with Part 3A of this Act, which was repealed in 2011.

Where a project is assessed to be an SSD, the process of development approval differs, with certain approvals and legislation no longer applicable to the project. Of relevance to the assessment of Aboriginal heritage for a development, the requirement for an AHIP in accordance with Section 90 of the NPW Act is removed for SSD projects (EP&A Act, Section 89J).

1.3.3. OEH Guidelines

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW Act, and EP&A Act, the OEH have prepared a series of best practice statutory guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regards to Aboriginal heritage in NSW, and implement best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. These guidelines include:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.*⁴ (the Due Diligence Code of Practice)
- *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW.*⁵ (the Guide to Investigating)
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales.*⁶ (the Code of Practice)

² NPW Act 1974.

³ http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/longtitle.html

⁴ DECCW 2010a, *Due Diligence Code of Practice for the Investigation of Aboriginal Objects in New South Wales*.

⁵ OEH 2011a, *Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.

⁶ DECCW 2010b, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales*.

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.⁷ (the Consultation Guidelines)
- *Aboriginal Heritage Impact Permits, a Guide for Applicants*.⁸

The purpose of the Due Diligence Code of Practice is to ‘assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP’.⁹ This current report has been prepared in accordance with the Due Diligence Code of Practice.

1.3.4. Current DA Approval and Requirements

The Site is located within the Darling Harbour precinct, which is identified as a State Significant Site in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*. As the proposed development will have a capital investment exceeding \$10 million, it is declared to be State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act), with the Minister for Planning the consent authority for the project.

This State Significant Development Application (DA) is a staged development application made under section 83B of the EP&A Act. It seeks approval for the concept proposal for the entire site and its surrounds. More specifically this staged DA includes establishing land uses, gross floor area, building envelopes, public domain concept, pedestrian and vehicle access and circulation arrangements and associated car parking provision. Detailed development application/s (Stage 2 DAs) will accordingly follow seeking approval for the detailed design and construction of all or specific aspects of the proposal in accordance with the approved staged development application.

The Department of Planning and Environment provided the Secretary’s Environmental Assessment Requirements (SEARs) to the applicant for the preparation of an Environmental Impact Statement for the proposed development on 30 August 2016. This report has been prepared having regard to the SEARs as relevant.

As the proposed development is considered a SSD project, the requirement of the NPW Act for a Section 90 AHIP to be sought prior to any impact to Aboriginal sites or objects, legally will not apply. However, Aboriginal objects, sites and places are still afforded statutory protection under the NPW Act, and are required to be adequately addressed in accordance with current standards and guidelines.

Therefore, this Aboriginal Heritage Due Diligence Assessment report seeks to holistically assess the potential and likelihood for Aboriginal objects to be located within the study area, and determine preliminary management strategies regarding Aboriginal cultural heritage at the study area through the course of this initial DA.

1.4. Authorship

This report was written by Sam Cooling, Senior Aboriginal Heritage Archaeologist for Curio Projects, and was reviewed by Natalie Vinton, Principal Heritage Specialist for, and Director of, Curio Projects.

1.5. Limitations

This report is a desktop assessment of environmental and Aboriginal archaeological context and potential only. No consultation with the local Aboriginal community has been undertaken as part of this assessment, and therefore no social or cultural assessment of Aboriginal heritage values has been undertaken at this time. The OEH Due Diligence Code of Practice states that ‘consultation with the

⁷ DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

⁸ OEH 2011b, *Aboriginal Heritage Impact Permits, a Guide for Applicants*.

⁹ DECCW 2010a: 2.

Aboriginal community is not a formal requirement of the due diligence process¹⁰, however only Aboriginal people are able to provide information regarding the Aboriginal cultural and social nature and significance of a site or location.

No visual inspection of the study area was undertaken for the preparation of this report.

¹⁰ DECCW 2010a: 3

2.0 Archaeological and Environmental Context

This section summarises the environmental and archaeological background and context for the study area, including previous work undertaken in proximity to the site. This summary serves to place the study area and proposed development into an appropriate regional context, as well as provide a current archaeological predictive model for the region. This will assist to determine the nature and significance of any potential Aboriginal archaeology that may be present, as well as assist in the development of appropriate management mechanisms. Through a desktop assessment, a general understanding of any potential archaeology at the site can be formed, and appropriate measures developed, prior to any non-reversible impact to the site and Aboriginal archaeology and cultural values.

2.1. Environmental Context

2.1.1. Geology and Soils

The study area is located on the soil landscape profile of 'Disturbed Terrain'¹¹, underlain by Quaternary Alluvium (silty to peaty quartz sand, silt and clay with ferruginous & humic cementation in places and common shell layers).¹² While the study area is located wholly on Disturbed Terrain, the western border of the study area aligns approximately with the boundary between the Disturbed Terrain and Deep Creek soil profiles (Figure 2.4).

The Disturbed Terrain would have been created through the extensive processes of land reclamation that involved the placing of man-made fill (dredged estuarine sand and mud, demolition rubble, industrial and household waste) over swamps and estuarine shores along the Sydney harbour foreshore in the late 1800s and early 1900s.

Further detail regarding land reclamation at the current study area is discussed in Section 2.1.3 below.

2.1.2. Hydrology

The study area is located immediately on the western shore of Darling Harbour. Originally known as Cockle Bay, the area has been well documented as being used by Aboriginal people for the foraging and consumption of shellfish and other marine faunal resources (see Comber Consultants, Darling Quarter 2012, below).

In addition to being located immediately adjacent to the waters of Darling Harbour, the study area is located approximately 950m southeast from what was known by European settlers as 'Tinkers Well', on the northwestern point of the Pyrmont Peninsula. This was a freshwater spring located in a large sandstone overhang where water trickled from between the sandstone and collected into a natural bowl in the sandstone floor of the overhang¹³. Accounts from early European settlers relate the use of this area and this spring by Aboriginal people into the 19th Century. While the shelter in which Tinkers Well was located was destroyed in the early 20th century, the water of the spring itself is still present flowing between sandstone behind a modern apartment building near to the original location.

2.1.1. Landscape and Landforms

The Pyrmont peninsula is oriented approximately north-west/south-east. Mainly due to sandstone mining, major changes to the topography of the peninsula were undertaken prior to detailed mapping

¹¹ Chapman, G.A., and Murphy, C.L, 1989, *Soil Landscapes of the Sydney 1:100 000 Sheet*. Soil Conservation Service of NSW., Sydney.

¹² Herbert C., 1983, *Sydney 1:100 000 Geological Sheet 9130, 1st edition*. Geological Survey of New South Wales, Sydney

¹³ Irish, P & Goward, T. 2013, Sydney Barani—Tinkers Well. Available at: <<http://www.sydneybarani.com.au/sites/tinkers-well/>> Accessed 8th February 2016.

of the area. However, it is generally understood that the Pyrmont peninsula prior to 1788, generally consisted of sandstone rises and outcrops, grading down towards the water on all sides.

While the majority study area is located on reclaimed land, the western side may potentially perch on the very eastern edge of the grading from a sandstone hill top, down towards the sandy shoreline of Cockle Bay (Figure 3).

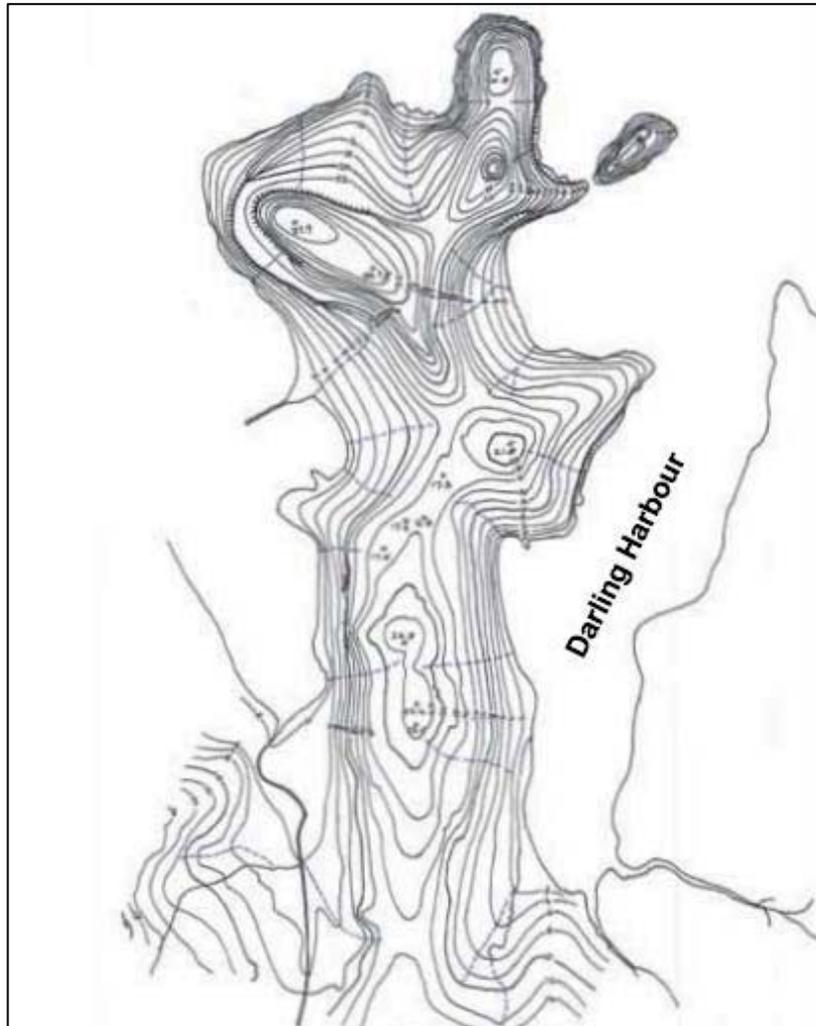


FIGURE 3: PROPOSED TOPOGRAPHY AND DRAINAGE OF THE PYRMONT PENINSULA IN 1788. (SOURCE: BROADBENT, J., 2010, TRANSFORMATIONS: ECOLOGY OF THE PYRMONT PENINSULA 1788-2008, SYDNEY. FIGURE 3.5: 54)

2.1.2. Flora & Fauna

Prior to European settlement and subsequent land clearing, the vegetation of the Pyrmont Peninsula would have generally comprised of low, dry sclerophyll open-woodland along ridges and upper slopes, with species commonly present including Red Bloodwood *Eucalyptus gummifera*, Scribbly Gum *Eucalyptus haemastoma*, Brown Stringybark *Eucalyptus capitellata* and Old Man Banksia *Banksia serrata*. More sheltered slopes would have commonly supported Black Ash *Eucalyptus sieberi*, Sydney Peppermint *Eucalyptus piperita* and Sydney Red Gum *Angophora costata*. The understorey of these plant communities would have consisted of a variety of native shrubs.¹⁴ However the nature of the sandstone peninsula, water availability and drainage would have affected the growth of these various floral species.

¹⁴ Chapman and Murphy, 1989.

While the diversity of flora on the peninsula would have supported a variety of fauna such as kangaroo, wallaby, wombat, echidna, flying fox, emus, quolls, various native rats and mice, snakes and lizards, this would also have been limited by the extent of the vegetation growth on the sandstone peninsula.¹⁵ Marine faunal resources would have also been easily accessed from the study area, both from the fresh water and estuarine environment of the Tank Stream, as well as from nearby Sydney Cove.

2.1.3. Modern Land Use, Land Reclamation and Disturbance

A summary of the modern development history of the study area and its surrounds, including land reclamation of Cockle Bay, disturbance and historical development, is provided here in order to understand the effect that previous land use may have had on the preservation or destruction of potential Aboriginal archaeological remains at this location. Further details on historical development within the study area and surrounds, including reference sources and historical plans are contained in the full detailed history of the area presented in the *Historical Assessment: Darling Harbour Railway and Goods Yard in the context of the history of the western side of Darling Harbour, Ultimo and Pyrmont* (Hale, January 2016), and prepared specifically for this Harbourside project.¹⁶

Early plans of Sydney city indicate that while development was well established in eastern Darling Harbour from the early 1800s, the western side of Darling Harbour remained relatively undeveloped until the 1840s. An exception was the construction of Newstead House (also known as Bunn's Cottage) in c1832, on present day Murray Street, near Bunn Street (approximately 100m west of the study area). Subsequent development on the Pyrmont Peninsula itself from the 1840s and 1850s was related to industries such as shipbuilding (Shipbuilders Chowne and Russell), and corresponding roughly built sandstone block cottages for working class residents of the area. This initial development was focused on the northeast point of the Pyrmont Peninsula (Figure 4). Additional development on the Pyrmont Peninsula included the operation of the Australian Steam Navigation Company on Darling Island from 1851, the subsequent major reclamation of Darling Island in 1870 to join it to the mainland, and the establishment of the Saunders sandstone quarry on the north-western corner of the peninsula in 1853.

Construction of railway lines in the 1850s, and the Pyrmont Bridge, which opened in 1857 (and was replaced in 1902 with the current iteration of the bridge, constructed of steel, timber and stone), saw the Pyrmont peninsula begin its development into a main industrial port and functional centre of Sydney. In addition, in 1874, the head of Cockle Bay was reclaimed as far as Liverpool Street, and the Iron Wharf was constructed on the western side of Darling Harbour. The Iron Wharf was the first wharf in the world to be constructed wholly of iron, and was considered to be a major engineering feat of the time. In collaboration with this development boom in the area, the initial stage of development of the Darling Harbour Railway Goods Yard was undertaken in 1874-88, and continued to grow and develop into the 1920s. The Goods Yard would have been located immediately west of the current study area, with the railway lines themselves running to the east.

Cockle Bay was further reclaimed in 1918, as waters south of Pyrmont Bridge became too shallow for large vessels to traverse. This also resulted in the demolition of the Iron Wharf in 1926, which was then partially dumped into the reclaimed harbour. The Darling Harbour Goods Yard became a crucial

¹⁵ Tench W. 1789, *A Narrative of the Expedition to Botany Bay*, pp13–84. In Flannery, T (ed.) 2012, *Watkin Tench: 1788*, The Text Publishing Company, Melbourne

¹⁶ Hale, P. 2016 *Historical Assessment: Darling Harbour Railway and Goods Yard in the context of the history of the western side of Darling Harbour, Ultimo and Pyrmont*, contained in the Harbourside Redevelopment Heritage Impact Statement, prepared by Curio Projects, 2016 (Appendix 1).

intersection between rail and shipping in Sydney, and remained so up until the 1960s post-war economic boom that was driven by overseas demand for Australian wool and wheat.

The collapse of the economic boom by the early 1970s, signaled the end for the Darling Harbour Railway and Goods Yard. Industrial and transport systems restructured and relocated to other parts of Sydney, and by 1971, the City of Sydney Strategic Plan was considering the redevelopment of Darling Harbour. Work commenced in 1976-77 on the Western Distributor, which allowed traffic to bypass Darling Harbour and the Pyrmont Bridge. The Darling Harbour Goods Yard was closed from 1982, with the last goods train running in 1984. Plans to redevelop Darling Harbour into a recreational, entertainment and public precinct was announced by the NSW Government in 1984, with the aim of completion to coincide with the state's 1988 Bicentennial celebrations. The remaining 19th century industrial heritage buildings at Darling Harbour were generally demolished (with the exception of Pyrmont Bridge, the Hydraulic Pumping Station and several other items). Construction of the Harbourside Festival Marketplace (the current Harbourside Shopping Centre of the current study area), commenced in 1986 and was completed in time for the Bicentennial celebrations on 26th January, 1988.

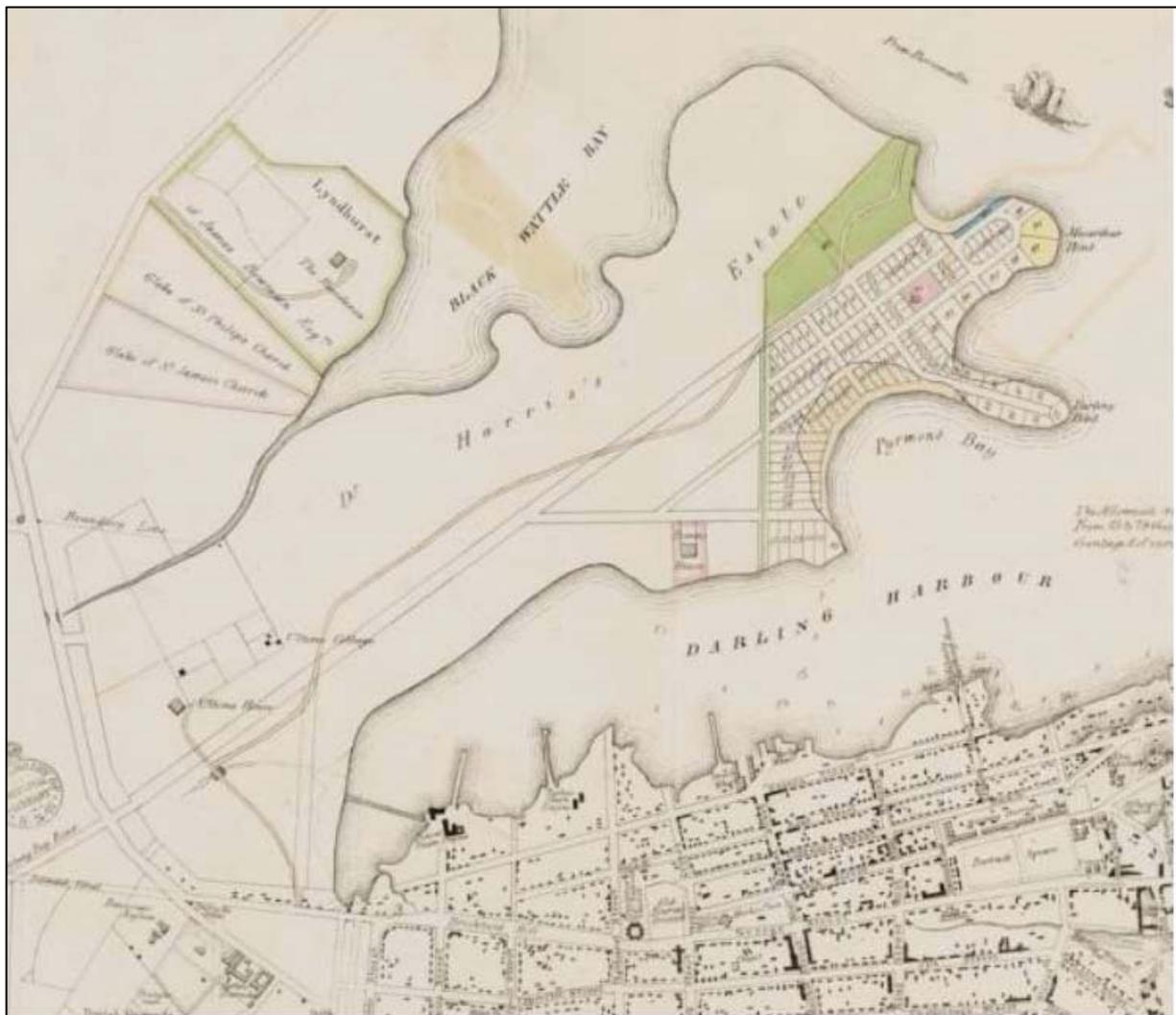


FIGURE 4: BASIRE'S 1836 PLAN FOR THE DEVELOPMENT OF PYRMONT. THE LOCATION OF THE CURRENT STUDY AREA DEMONSTRATES NO DEVELOPMENT. (SOURCE: PLAN OF SYDNEY WITH PYRMONT, NEW SOUTH WALES, THE LATTER THE PROPERTY OF EDW. MACARTHUR ESQ, DIVIDED INTO ALLOTMENTS FOR BUILDING 1836, BASIRE, MITCHELL LIBRARY Q365/GV.1, A5573001.)

Land Reclamation

Most of the current shorelines of Sydney Harbour and the Parramatta River have been subject to land reclamation through the removal or filling of mudflats, wetlands, mangroves and saltmarshs. Land reclamation processes include the deposition of fill materials (commonly waste fill or previously contaminated sediments) over semi-submerged land, and draining of water from this land, in order to enable construction. Most of the modification of the Sydney shoreline has been undertaken for harbour construction, navigation, wharf and shore development.¹⁷

The land reclamation along the western side of Darling Harbour took place mainly in 1874 (with the exception of Darling Island, which was connected to the mainland of the peninsula earlier, as described above). Further land reclamation within the head of Cockle Bay was undertaken in 1918 (as summarised above). Figure 2.3 demonstrates a summary of the land reclamation across the Sydney estuary, with reclamation around the area of the study area having taken place after 1854.

The study area is most likely located across the boundary between what would have been the original shoreline of the western side of Darling Harbour (pre-1788), and land reclaimed in 1874. Figure 5 presents the map of the original shoreline and land reclamation of Darling Harbour, while Figure 6 presents the soil profiles of the region.

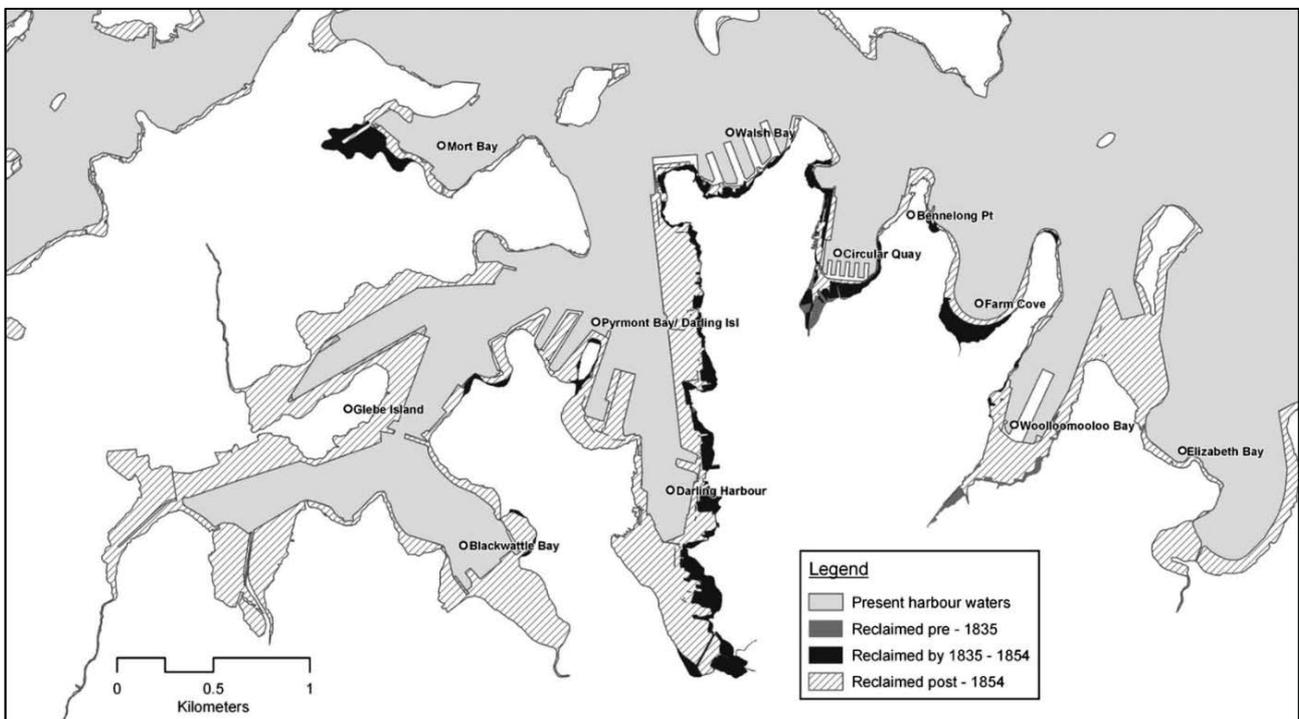


FIGURE 5: SUMMARY OF LAND RECLAMATION ACROSS THE SYDNEY ESTUARY INCLUDING DARLING HARBOUR. (SOURCE: BIRCH ET. AL., 2009: FIGURE 5, 357).

¹⁷ Birch, G. F., O. Murray, I. Johnson and A. Wilson (2009). Reclamation in Sydney Estuary, 1788- 2002. *Australian Geographer* 40 (3): 347-368.

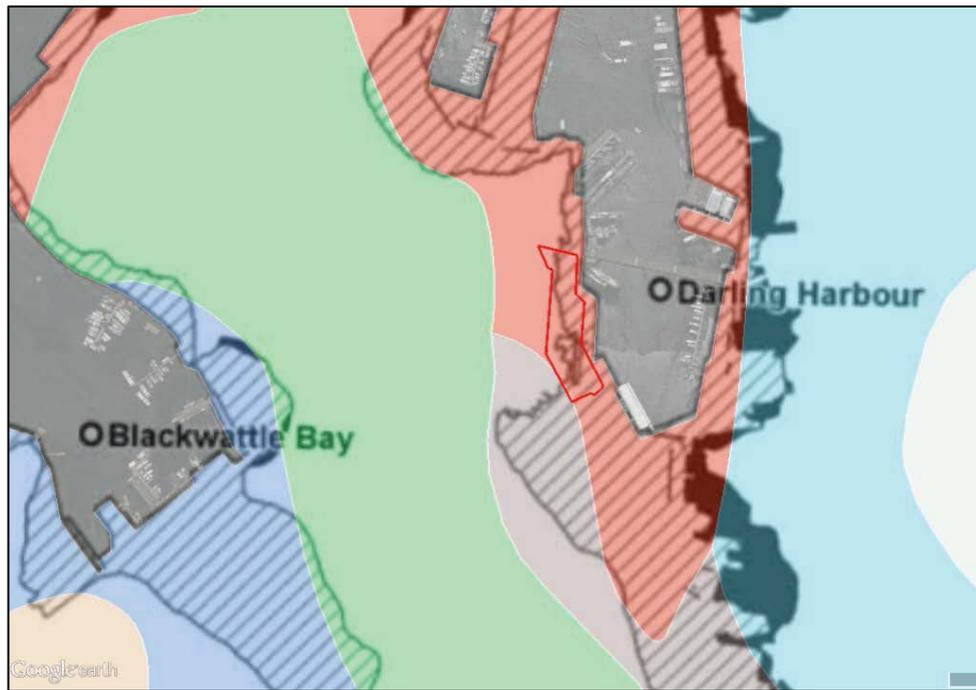


FIGURE 6: LAND RECLAMATION/ORIGINAL SHORELINE WITH SOIL PROFILES AND STUDY AREA (OUTLINED IN RED). (SOURCE: GOOGLE EARTH PRO WITH CURIOPROJECTS ADDITIONS 2016). NB. SOIL PROFILES. ORANGE= DISTURBED TERRAIN (DT), PURPLE= DEEP CREEK (DC), GREEN AND LIGHT BLUE= GYMEA (GY).

2.2. Aboriginal Archaeological Context

2.2.1. AHIMS Search

The OEH guidelines for Aboriginal cultural heritage management require a current extensive search of the Aboriginal Heritage Information Management System (AHIMS) database, managed by OEH (i.e. current within the last 12 months).

The AHIMS search was undertaken on 8th February 2016, and returned 20 results within approximately 2km of the study area. The extensive AHIMS search is attached as an Appendix to this report. No registered sites were located within the current study area.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistencies in the coordinates (differing datums between years of recording), the existence of and impact to registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to the OEH, however these forms are not always submitted), and other database related difficulties. It should also be noted that AHIMS database is a record of archaeological work that has been undertaken, and registered with OEH in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominantly triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

Therefore, the above AHIMS search result has been synthesized as best possible within the scope of this current report to determine the most likely nature and location of previously registered sites in proximity to the current study area.

Summary descriptions of Aboriginal site features as identified by OEH, and as relevant to this report are presented in Table 1.

TABLE 1: ABORIGINAL SITE FEATURES REFERRED TO IN THIS REPORT.

Site Feature	Description/Definition by OEH
Aboriginal Burial (Aboriginal Ceremony and Dreaming Site)	<p>A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc.</p> <p>Soft, sandy soils along creek and river beds, and beaches were favoured for burials, as they allowed for easier movement of soil, however burials may also often have occurred in rock shelters and shell middens.</p>
Art Site	<p>Art is located in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving, engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants.</p>
Artefact Site (Open Camp Sites/artefact scatters/isolated finds)	<p>Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people.</p> <p>Registered artefact sites can range from isolated finds, to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.</p>
Potential Archaeological Deposit (PAD)	<p>An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc, may be present in a subsurface capacity.</p> <p>Evidence for Aboriginal cultural material may not be present on the ground surface, but still may be present at a location.</p>
Shell Midden	<p>A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearths, and occasionally burials.</p> <p>Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where fresh water resources are available. Shell middens may vary greatly in size and components.</p>

The 20 results from the current AHIMS search included five different site types, some in combination with each other. These sites are summarised in Table 2.

TABLE 2: AHIMS SITES IN VICINITY OF STUDY AREA

Site Type	Number of Sites	Percentage of Sites (%)
Aboriginal Burial (Aboriginal Ceremony and Dreaming)	1	5
Artefact	4	20
Artefact and Shell Midden	1	5
Artefact and Potential Archaeological Deposit (PAD)	2	10
Potential Archaeological Deposit (PAD)	12	60
TOTAL	20	100%

The general location of each of these registered sites in proximity to the study area is depicted in Figure 2.5. The most common site type registered in the area is PAD sites, followed by Artefact sites, and Artefact in combination with PAD sites.

Of the 20 registered sites, two have been updated with AHIMS as ‘Site Status: Not a Site’ (i.e. #45-6-3081, 200 George Street, and #45-6-3152, 168-190 Day Street, Sydney).

It is possible that other site results from this AHIMS search have already been subject to harm or have been destroyed under AHIPs or through authorized site works, and have not been updated in AHIMS. However, as none of these sites are located within the current study area, this is not of a direct concern for this project, and the location of all sites, regardless of their current status, will inform the Aboriginal archaeological potential assessment for the current study area.

Assessment of AHIMS Search

The general distribution of sites from the AHIMS search around the study area is visible in Figure 7. While this is simply a representation of the archaeological work that has been undertaken across the Sydney CBD and surround, it also appears visually to be relatively evenly dispersed across the general Sydney CBD area. This is therefore also suggestive of the actual nature of the distribution of Aboriginal archaeological sites in the area - which is that Aboriginal archaeological sites may exist across the entire CBD area, wherever conditions allow them to survive (i.e. incomplete levels of ground disturbance, along the edge of the original sandstone outcrops and geology, along water sources, and where natural soil profiles are still present).

Only one site has previously been registered on the Pyrmont Peninsula/on the western side of Darling Harbour (#45-6-2960). However, this is likely a reflection of the lack of previous Aboriginal archaeological work undertaken in this area as opposed to a direct reflection of the Aboriginal archaeological potential of the peninsula.

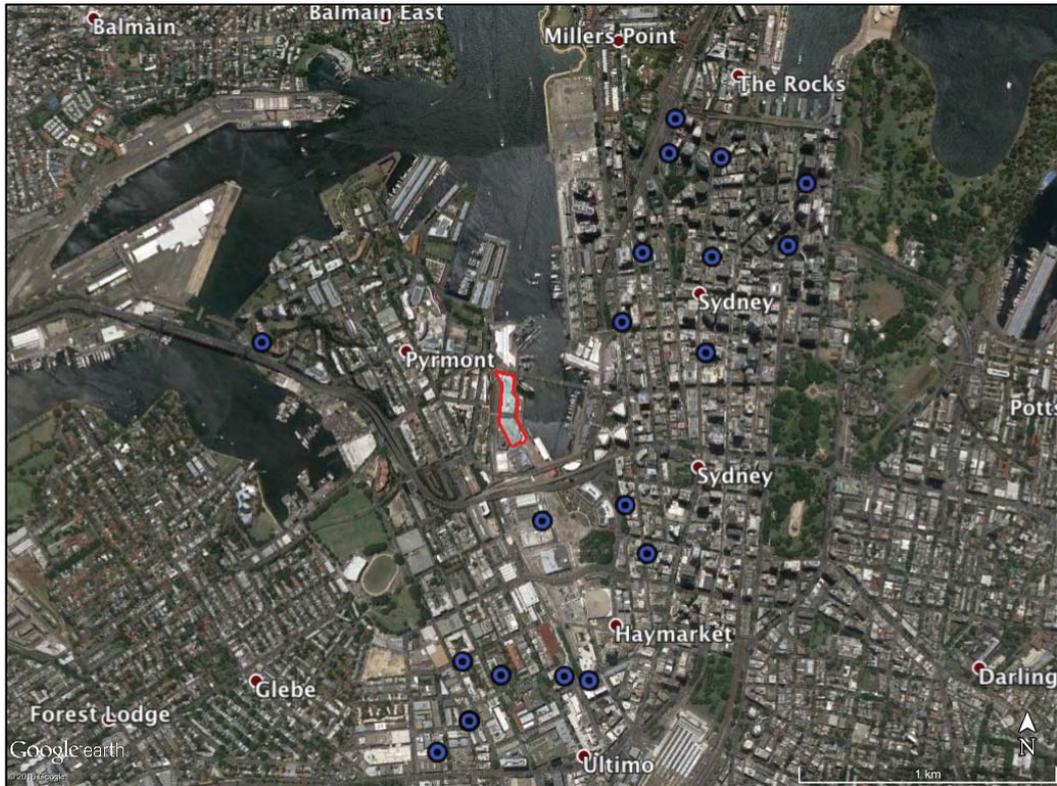


FIGURE 7: AHIMS SITES. CURRENT STUDY AREA IS SHOWN IN RED. (SOURCE: GOOGLEEARTHPRO WITH CURIO PROJECTS ADDITIONS 2016)

2.2.2. Relevant Local Aboriginal Archaeological Work

Review of relevant previous archaeological work is a highly informative and necessary step in identifying the likely nature of the potential archaeology at a site. The investigation of previous work undertaken in the region, on similar sites, and on similar landscape or landforms, can inform our understanding of a site by providing a proxy against which a newly investigated site can be measured (albeit with caution). That is to say, understanding the archaeological record at a general location can provide us with an indication of the nature and level of potential of archaeology that may be present at a site, prior to any subsurface investigation. As archaeology is by its very nature, a destructive discipline, it is important to acquire as much information and understanding of a site as possible prior to undertaking fieldwork (as once evidence has been excavated, its context is effectively destroyed), and also to avoid any unnecessary fieldwork at a site.

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to survive.

The location of the sites described below, in reference to the location of the current study area, is presented in Figure 2.6.

Darling Quarter (Comber 2008-2009)

Comber Consultants undertook a series of Aboriginal archaeological excavations in 2008 and 2009 for the redevelopment of Darling Quarter (formerly Darling Walk), Darling Harbour (in collaboration with Casey & Lowe who undertook the historical archaeological work for the project). The post excavation report for this work was prepared in 2012¹⁸.

¹⁸ Comber Consultants 2012, *Darling Quarter (formerly Darling Walk), Darling Harbour. Aboriginal Archaeological Excavation Report*. Prepared for Casey + Lowe on behalf of Lend Lease.

The site was located along the original foreshore of Cockle Bay (Darling Harbour). Aboriginal test excavation identified the remains of a shell midden, including Aboriginal stone artefacts on an exposed area of bedrock (Area 5 of the excavation) in close proximity to the original shoreline. This area was expanded into an open area salvage excavation across the remainder of the sandstone outcrop in the south-east of the excavation area and recovered ten Aboriginal stone artefacts in association with the midden. It was determined that Aboriginal people would have used this location on the sandstone outcrop to cook and eat the shellfish that had been gathered from the surrounding environment.

Of the ten stone artefacts recovered, all but two of them were manufactured of chert. There is no known local source of this rock type, and therefore the report suggests that the presence of this raw material type may have been the result of trading between the local Aboriginal people of the Cockle Bay area, and Aboriginal people that lived in the west, near Plumpton Ridge, a known source of chert for Western Sydney. It is also possible that other more local sources of chert were present around the Sydney CBD area prior to 1788 that remain unknown to archaeologists.

Wynyard Walk (GML 2015-In preparation)

GML Heritage undertook Aboriginal archaeological excavation of the Wynyard Walk, West Portal site in 2015. The potential Aboriginal archaeological deposit located at Wynyard Walk was assessed to be of moderate to high scientific significance primarily for its educative and research potential values. While disturbance at the site was considered likely, previous excavations in close proximity to the site such as the neighbouring KENS site, had illustrated that soil profiles capable of bearing archaeological deposits could be preserved in the area¹⁹. Aboriginal archaeological excavation of this site required a two-staged approach due to the nature of the site below previous development and in association with the historical archaeology at the site.

The post excavation report is still in preparation, however Aboriginal stone artefacts were indeed recovered in association with the historical archaeology present at the site, as well as within surviving natural soil profiles.

¹⁹ GML Heritage 2013, *Wynyard Walk Western Portal—Aboriginal Archaeological Technical Report*. Prepared for Thiess, 36



FIGURE 8: RELEVANT LOCAL ARCHAEOLOGICAL WORK. CURRENT STUDY AREA OUTLINED IN RED. YELLOW= DARLING QUARTER. GREEN= WYNYARD WALK. (SOURCE: GOOGLEEARTHPRO WITH CURIO PROJECT ADDITIONS 2016).

2.3. Summary of Archaeological and Environmental Context

The study area is located on the south-eastern edge of the Pyrmont peninsula, directly along the western shoreline of Darling Harbour. Named by European settlers as Cockle Bay, while the area was not developed extensively until the late 1800s, early historical accounts provide evidence that extensive use was made of the shell middens that lined the bay to provide mortar in lime kilns for civic development programs for the early colony.

While the Pyrmont peninsula would definitely have been a focus for Aboriginal occupation and habitation prior to 1788, the study area itself is located across the boundary between the original shoreline and reclaimed land (part of extensive land reclamation processes that were undertaken across the Sydney estuary in the 1800s to enable development of harbours, wharfrage and associated industries). In addition, the study area (both the area that may have been across the original shoreline of the bay, as well as across the areas of reclaimed land), was subject to extensive industrial use from the 1850s following the construction of rail lines into Pyrmont, and the development of the Darling Harbour Railway Goods Yard, rail tracks and neighbouring industrial services and yards.

While the Darling Quarter site was, similarly located to the current study area, along the original shoreline of Cockle Bay (excavation of which recovered an Aboriginal shell midden site with Aboriginal stone artefacts), the Darling Quarter site lay closer to the head of the cove, along the eastern side of the bay, and immediately adjacent to a documented, relatively undisturbed area of the Gynea soil profile. Conversely, the current study area is located along the western shoreline of Darling Harbour, adjacent to the sandstone peninsula of Pyrmont, and in conjunction with mapped disturbed soil profiles (associated with land reclamation).

Therefore, while the study area is likely located right at the edge of what once would have been the original shoreline, land reclamation processes would have removed, covered or disturbed all Aboriginal cultural deposits, were they once present at this location. In addition, it is likely that the majority of the study area, overlapping the mapped area of original shoreline of Darling Harbour,

would have been a swamp and estuarine environment that would not have been suitable for human occupation.

Aboriginal archaeological deposits, should they be present within the vicinity of the study area, would most likely be either stone artefact sites, shell middens, or a combination of both. In order for these archaeological deposits to be present in situ, they would require the retention of natural soil profiles in the area that would be extant from 1788. The historical development at the study area including the large area of land reclamation within the study area itself, as well as the use of the area and surrounds for railway lines and the Darling Harbour Railway Goods Yards, indicates that there is low to nil potential for natural intact soil profiles to be retained in this area. The soil landscape mapping of the region is consistent with this assessment, as the study area is mapped to lie within 'Disturbed Terrain'. It should be noted that the study area boundary is immediately adjacent to a mapped area of the 'Deep Creek' soil profile, however it is also highly unlikely that any natural soil profiles are retained in this location due to the nature of the industrial development along the western shoreline of Darling Harbour from the 1850s to the 1970s.

Therefore, assessment of the environmental and archaeological context of the study area has determined that there is low to no potential for in situ Aboriginal archaeological deposits to be present within the study area.

3.0 Conclusions and Recommendations

Based on the above assessment of environmental and archaeological context, as well as in consideration of the historical background for the site, previous land use and disturbance, and in the current statutory context, the following conclusions and recommendations are made regarding the management of Aboriginal archaeology for the redevelopment of the Harbourside Shopping Centre.

3.1. Conclusions

- The study area does not contain any previously registered sites.
- The study area is located predominantly on reclaimed land along the western shoreline of Darling Harbour/Cockle Bay.
- The study area and surrounds were historically an integral part of the industrial use of Darling Harbour from the 1850s through to the 1970s, and were part of/adjacent to the Darling Harbour Railway Goods Yard and Railway tracks.
- The study area is located wholly across the soil profile of 'Disturbed Terrain', associated with the extensive land reclamation of the area in the 1870s and 1910s, and no natural soil profiles are likely to have been retained in this area.
- There is low to no potential for in situ Aboriginal archaeological deposits to be present within the study area.
- There is a low potential for Aboriginal archaeological deposits such as stone artefacts or shell middens to be located at the study area in a disturbed context.

3.2. Recommendations

- This report should be used in conjunction with the Historical Archaeological Assessment report, and the Heritage Impact Statement to support the current SSD Development Application for the study area.
- As the proposed development is considered to be a SSD, the requirements for Aboriginal heritage management in accordance with the NPW Act would not apply to this development.
- Should unexpected finds such as Aboriginal stone artefacts or shell middens be located during development, work should cease in the immediate vicinity of the find and the project archaeologist notified in accordance with an unexpected finds protocol established for the site.

4.0 Bibliography

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-2299	First Government House	AGD	56	334470	6251350	Open site	Valid	Burial : -, Aboriginal Ceremony and Dreaming : -	Burial/s, Historic Place	102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Michael Guider,Watkin Tench	
45-6-2647	KENS Site 1	AGD	56	333750	6250785	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		99857,100494, 102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Dominic Steele Archaeological Consulting	
45-6-2666	Wattle Street PAD 1	AGD	56	333150	6249450	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Dominic Steele Archaeological Consulting	
45-6-2663	Mountain Street Ultimo	AGD	56	333300	6249400	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Mary Dallas Consulting Archaeologists	
45-6-2838	420 George Street PAD	AGD	56	334080	6250670	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Doctor:Tim Owen	
45-6-2960	Jackson Landing Shelter	GDA	56	332442	6250870	Closed site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Mary Dallas Consulting Archaeologists,Mr.Paul Irish	
45-6-2979	UTS PAD 1 14-28 Ultimo Rd Syd	GDA	56	333650	6249590	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Dominic Steele Archaeological Consulting,Mr.Dominic Steele	
45-6-2581	Angel Place	AGD	56	334400	6251100	Open site	Valid	Artefact : -	Open Camp Site	97963,102494, 102763,10276 5
	<u>Contact</u>							<u>Recorders</u>	Dominic Steele Archaeological Consulting	
45-6-1853	Lilyvale	AGD	56	333950	6251600	Open site	Valid	Shell : -, Artefact : -	Midden	102763
	<u>Contact</u>							<u>Recorders</u>	Val Attenbrow,Andrew Ross	
45-6-2652	Ultimo PAD 1	AGD	56	333450	6250000	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	<u>Contact</u>							<u>Recorders</u>	Jim Wheeler	

Report generated by AHIMS Web Service on 08/02/2016 for Natalie Vinton for the following area at Datum :GDA, Zone : 56, Eastings : 333099 - 333851, Northings : 6250245 - 6250859 with a Buffer of 1000 meters. Additional Info : Due Diligence as part of an HIS. Number of Aboriginal sites and Aboriginal objects found is 20

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-2742	171-193 Gloucester Street PAD	AGD	56	333926	6251461	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102763
	Contact							Permits	2143,2342,2766	
45-6-3071	445-473 Wattle Street PAD	GDA	56	333285	6249412	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact							Recorders	Biosis Pty Ltd - Sydney	
45-6-3081	200 George Street	GDA	56	334237	6251637	Open site	Not a Site	Potential Archaeological Deposit (PAD) : 1		103114
	Contact							Recorders	Ms.Sally MacLennan	
45-6-2987	Poultry Market 1	GDA	56	333746	6249575	Open site	Valid	Artefact : 1	3577,3934	102494,102763
	Contact							Recorders	Ms.Samantha Higgs,Biosis Pty Ltd - Canberra	
45-6-3064	445-473 WATTLE ST PAD	GDA	56	333285	6249412	Open site	Valid	Potential Archaeological Deposit (PAD) : 1	3506	102763
	Contact							Recorders	Biosis Pty Ltd - Sydney	
45-6-2629	Broadway 1	AGD	56	333060	6249100	Open site	Valid	Artefact : -		102494,102763,102765
	Contact							Recorders	Dominic Steele Archaeological Consulting	
45-6-2637	George street 1	AGD	56	333860	6249880	Open site	Valid	Artefact : -	1299	98238,102494,102763,102765
	Contact							Recorders	Dominic Steele Archaeological Consulting	
45-6-2796	320-328 George St PAD	AGD	56	334100	6251050	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact							Recorders	Mr.Dominic Steele	
45-6-3152	168-190 Day Street, Sydney PAD	GDA	56	333877	6250257	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -	2415	
	Contact							Recorders	Mr.Josh Symons,Mr.Alex Timms	
45-6-3116	Wynyard Walk PAD	GDA	56	333931	6251252	Open site	Valid	Potential Archaeological Deposit (PAD) : 1	3789	
	Contact							Recorders	GML Heritage Pty Ltd	
								Permits	3670	

Report generated by AHIMS Web Service on 08/02/2016 for Natalie Vinton for the following area at Datum :GDA, Zone : 56, Eastings : 333099 - 333851, Northings : 6250245 - 6250859 with a Buffer of 1000 meters. Additional Info : Due Diligence as part of an HIS. Number of Aboriginal sites and Aboriginal objects found is 20

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