

Waterloo Estate South

Aboriginal Cultural Heritage
Assessment Report

March 2026



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EXECUTIVE SUMMARY

Project overview

Artefact Heritage and Environment have been engaged by Stockland to prepare an Aboriginal Cultural Heritage Assessment Report for the concept proposal at Waterloo, NSW (the study area). The study area is within the boundaries Metropolitan Local Aboriginal Land Council and the land of the Gadigal. The concept proposal would seek consent for a proposed mixed-use development which would include social, affordable, and market housing, community, educational, health services and commercial spaces.

The concept proposal has been declared State Significant Development (State Significant Development–93222706) under the *Environmental Planning and Assessment Act 1979*. The Secretary’s Environmental Assessment Requirements issued on 8 October 2025 outline that Aboriginal Cultural Heritage assessment would be required to inform the Environmental Impact Statement for the concept proposal. This report meets the Aboriginal Cultural Heritage requirements of Item 18 of the project SEARs:

SEAR	Documentation	Response
18. Aboriginal Cultural Heritage		
<ul style="list-style-type: none"> • Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: <ul style="list-style-type: none"> ▪ identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or ▪ providing an initial assessment of the potential impacts. • Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: <ul style="list-style-type: none"> ▪ identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site ▪ is prepared in accordance with relevant guidelines. 	<ul style="list-style-type: none"> • Aboriginal Cultural Heritage Assessment Report 	<p>This report meets the ACHAR requirement for Item 18 of the project SEARs.</p>

In order to satisfy Item 18 of the project SEARs, an Aboriginal Archaeological Technical Report prepared in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)* (the Code of Practice) has been appended to this report (see Appendix A – Archaeological Technical Report).

This Aboriginal Cultural Heritage Assessment Report is submitted to the Department of Planning, Housing and Infrastructure on behalf of Stockland and NSW Land and Housing Corporation (the Applicant) in support of the concept State Significant Development Application for the redevelopment of the study area.

This report considers the impacts of the concept proposal on Aboriginal cultural heritage within the study area. It is also informed by the Archaeological Technical Report which identified that a Potential Archaeological Deposit (PAD), Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171), was present

across a large portion of the study area and that potential subsurface Aboriginal objects would be impacted by the proposal.

The cultural heritage assessment includes:

- Assessment of the Aboriginal cultural heritage values of the study area and identification of any specific areas of cultural significance
- Assessment of archaeological potential in the study area
- The results of archaeological survey and the Aboriginal test excavation program within the study area
- Aboriginal stakeholder consultation.

Summary of findings

Based on a combination of archaeological and cultural heritage value, this Aboriginal Cultural Heritage Assessment Report has identified the following:

- No AHIMS sites are located within the study area
- Two AHIMS sites are located within 200 m of the study area:
 - AHIMS ID 45-6-4138 (shell midden, since identified as not a site)
 - AHIMS ID 45-6-2597, located less than 20 m from the western boundary of the study area (since destroyed through excavation and subsequent works and is not associated with Waterloo Estate South)
- The study area is located within the Tuggerah Soil Landscape
- While the study area has been subject to significant historical ground disturbance through residential developments, Aboriginal objects may be present within deep deposits of Botany Sands as the depth of these disturbances is unknown
- An area of Potential Archaeological Deposit (PAD) was identified within the study area. This PAD was named Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171). This area was identified as a PAD based on its location within the Botany Sands.
- The study area holds historical and social significance associate with the long history and connection to contemporary Aboriginal community and the Cadigal/Gamaygal/Eora people.

Recommendations

Based on the findings, the following recommendations are made:

- Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171) would be harmed by the proposed works. If avoidance of the PAD is not possible during the proposal, archaeological test excavation would be required within the identified area of PAD to verify the presence of Aboriginal objects and gather enough information to assess significance and develop suitable mitigation measures. Archaeological test excavation is not a mitigation measure and data

obtained from test excavation would be used to inform an impact assessment and develop mitigation measures for harm to potential subsurface Aboriginal objects

- Due to the existing buildings and built surfaces (concrete paths etc), the presence of tenants and the social and Aboriginal cultural sensitivity of the study area, a complete test excavation program that adequately samples the PAD and retains “enough information” as defined by Heritage NSW (DECCW 2010: 28) prior to the submission of the concept proposal EIS may not be feasible. For this reason, a post-demolition excavation program that informs the detailed design has been recommended and has been supported by Heritage NSW and the Department of Planning, Housing and Infrastructure. This recommendation concerns the southern portion of AHIMS ID: 45-6-4171, the location of the proposed Stage 1 (Blocks 8 and 9) development for Waterloo Estate South. The test excavation program would therefore be undertaken post-demolition and the results of the program would inform the detailed design for Stage 1 construction certificate application prior to any bulk excavation works being undertaken. The excavation program would also inform additional excavations of AHIMS ID: 45-6-4171 as part of future stages of the project. For timings of the recommended test excavation program, please see Section 9.3
- A Test Excavation Methodology must be prepared by a suitably qualified archaeologist. This document must outline a methodology for test excavations within the PAD
- An amended ACHAR with results from test excavations within would be prepared in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (2011) (the Guide). The ACHAR would be prepared in consultation with the Aboriginal community in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for proponents* (2010) (the Consultation Requirements). To facilitate meaningful consultation and accessibility, the results of the archaeological assessment would be summarised within the ACHAR in concise, plain English
- Any changes made to the project should be assessed by an archaeologist in consultation with the Registered Aboriginal Parties. Any changes that may impact on Aboriginal sites not assessed as part of the project may warrant further investigation and result in changes to the recommended management and mitigation measures
- A copy of this report should be sent to Metropolitan Local Aboriginal Land Council for their records.

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NOTE ON LANGUAGE IN QUOTES

A number of quotes used in this report come from documents written in the nineteenth and twentieth centuries by European observers. They have been included because they provide information on the lives of Aboriginal people in the region, though the language used and views expressed by these writers can be offensive and distressing.

GLOSSARY OF TECHNICAL TERMS

Aboriginal cultural heritage: The material (objects) and intangible (mythological places, dreaming stories etc) traditions and practices associated with past and present-day Aboriginal communities.

Aboriginal object: Any deposit, object or material evidence (not being a handicraft made for sale), including Aboriginal remains, relating to the Aboriginal habitation of NSW.

AHIMS: Acronym for 'Aboriginal heritage information management system'. AHIMS is a register that contains information about NSW Aboriginal heritage, and it is maintained by DECCW.

Archaeology: The scientific study of human history, with focus on material remains and ethnographic evidence.

Artefact: An item of cultural material created by humans.

Easting: This is a measurement used to determine location. The easting is the x-coordinate and relates to the vertical lines on a map, which divide east to west. It increases in size when moving

Exposure: The level of ground exposure is based on the whether the landform is eroding, aggrading or stable.

Northing: This is a measurement used to determine location. The northing is the y-coordinate and relates to the horizontal lines on a map, which divide north to south. It increases in size when moving further north.

Potential Archaeological Deposit (PAD): A PAD is a location that is considered to have a potential for subsurface Aboriginal objects. This is determined from a visual inspection of the site, background research of the area and the landform's cultural importance.

Sandstone: Is a sedimentary rock formed from sand-sized grains.

Survey: In archaeological terms, this refers to walking over a surface while studying the location of artefacts and landmarks. These are then recorded and photographed.

Visibility: Refers to the degree to which the surface of the ground can be observed. This may be influenced by natural processes such as wind erosion or the character of the native vegetation, and by land use practices, such as ploughing or grading. It is generally expressed in terms of the percentage of the ground surface visible for an observer on foot.

1.0 INTRODUCTION

1.1 Project background

Artefact Heritage and Environment (Artefact Heritage) have been engaged by Stockland to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the concept proposal at Waterloo South, NSW (the study area). The study area is within the boundaries Metropolitan Local Aboriginal Land Council (LALC) and the land of the Gadigal. The concept proposal would seek consent for a proposed mixed-use development which would include social, affordable, and market housing, community uses and non residential spaces, as detailed in Section 8.0.

The concept proposal has been declared State Significant Development (SSD–93222706) under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Secretary’s Environmental Assessment Requirements (SEARs) issued on 8 October 2025 outline that Aboriginal Cultural Heritage assessment would be required to inform the Environmental Impact Statement (EIS) for the concept proposal. This report meets the Aboriginal Cultural Heritage requirements of Item 18 of the project SEARs:

Table 1: Item 18 of the project SEARs

SEAR	Documentation	Response
18. Aboriginal Cultural Heritage		
<ul style="list-style-type: none"> • Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: <ul style="list-style-type: none"> ▪ identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or ▪ providing an initial assessment of the potential impacts. • Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: <ul style="list-style-type: none"> ▪ identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site ▪ is prepared in accordance with relevant guidelines. 	<ul style="list-style-type: none"> • Aboriginal Cultural Heritage Assessment Report 	<p>This report meets the ACHAR requirement for Item 18 of the project SEARs.</p>

In order to satisfy Item 18 of the project SEARs, an Aboriginal Archaeological Technical Report (ATR) prepared in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)* (the Code of Practice) has been appended to this report (see Appendix A – Archaeological Technical Report).

This ACHAR is submitted to the Department of Planning, Housing and Infrastructure (the Department) on behalf of Stockland and NSW Land and Housing Corporation (the Applicant) in support of the concept State Significant Development Application (SSDA) for the redevelopment of the study area.

The cultural heritage assessment includes:

- Assessment of the Aboriginal cultural heritage values of the study area and identification of any specific areas of cultural significance
- Assessment of archaeological potential in the study area
- The results of archaeological survey and the Aboriginal test excavation program within the study area
- Aboriginal stakeholder consultation.

In this report reference to “Homes NSW” or “the Applicant” shall also be taken to mean “New South Wales Land and Housing Corporation (LAHC)” who is the registered owner of 93 per cent of land within the study area. Any reference to “Waterloo South” in this report should be read as the redevelopment of land owned by LAHC and associated public land (such as roads) throughout the Precinct Area.

The concept development is categorised as SSD as per Section 26, Schedule 1 of *State Environmental Planning Policy Planning Systems 2021* (Planning Systems SEPP) as the project includes housing development carried out by or on behalf of the LAHC, with an estimated development cost (EDC) of more than \$30 million.

The concept, in summary, aims to deliver:

- High quality mixed tenure housing in the context of a rapidly transforming area
- Approximately 3,300 new dwellings, of which a minimum 30% will be social housing, approximately 20% will be affordable housing, and a maximum of 50% will be market housing (measured as a percentage of the total residential gross floor area)
- Publicly accessible open space and public realm activation
- An authentic mixed-use precinct, with housing co-located with non-residential uses, community uses, essential services, and access to public transport.

The concept SSDA will guide the detailed design of future buildings, open spaces, and the public realm within the Waterloo South site. The concept SSDA seeks development consent for key planning metrics, including maximum building envelopes, building heights, setbacks, vehicular access points and road network, and the distribution of floor area across different land uses and residential tenure types.

A state-assessed rezoning application has also been prepared and submitted concurrently to give effect to this concept SSDA. The state-assessed rezoning application seeks amendments to the *Sydney Local Environmental Plan 2012* (SLEP 2012) and the Waterloo Estate (South): Design Guide 2022 (2022 Design Guide) to align with the maximum building envelopes sought in this concept SSDA. Notably no additional gross floor area (GFA) or density is sought under the state-assessed rezoning application than is currently permissible on the site under the SLEP 2012.

1.2 Study area

The study area is located within the suburb of Waterloo, NSW (Figure 1). The study area is within the Sydney Local Government Area (LGA) and the Parish of Alexandria, within the County of Cumberland. The study area contains public housing lots owned by the NSW LAHC, as well as private residential and commercial lots and strata apartment buildings. The study area is bounded by Raglan street and Redfern Estate Heritage Conservation Area (HCA) to the north, residential

development and Waterloo HCA to the east, McEvoy Street and industrial development to the south, and Cope Street and Waterloo Metro Station to the west.

The study area comprises an area of approximately 123,149 m² across 10 street blocks. The study area, excluding any privately owned properties within the Waterloo South Precinct Area, comprises approximately 114,822 m², or just over 93 per cent of the land within.

The legal description of the study area is detailed in Table 2.

Table 2: Legal description of the study area

Address	Lot/DP
Lots owned by NSW Land and Housing Corporation (land is subject to both the rezoning and the concept SSDA)	
209-219 Cope Street, Waterloo	Lot 1 DP 217386
238-246 George Street, Waterloo	Lot 1 DP 225159
229-231 Cope Street Waterloo	Lot 3 DP 10721
6 John Street, Waterloo	Lot 1 DP 533762
97-109 Cooper Street, Waterloo	Lot A DP 105916, Lot B DP 105916, Lot C DP 105916, Lot 14 DP 10721, Lot 3 in DP 217386
248-254 George Street, Waterloo	Lot 2 DP 533678
232 Pitt Street, Waterloo	Lot 11 DP 635663, Lot 10 DP 635663
74-76 Wellington Street, Waterloo	Lot 1 DP 224728
331-337 George Street, Waterloo	Lot 3 DP 533680
247-251 Cope Street, Waterloo	Lot 1 DP 533679
339-341 George Street, Waterloo	Lot 1 DP 77168
250 Pitt Street, Waterloo	Lot 313 DP 606576
Lots owned by others (land that does <u>not</u> form a part of the concept SSDA)	
221-223 Cope Street, Waterloo	Lot 6 DP 10721, Lot 7 DP 10721, Lot 9 DP 10721, Lot 8 DP 1147179
225-227 Cope Street, Waterloo	Lot 5 DP 10721, Lot 4 DP 10721
233 Cope Street, Waterloo	Lot 12 DP 1099410, Lots 1-41 SP 79210
116 Wellington Street, Waterloo	Lot 10 DP 10721, Lot 11 DP 10721
111 Cooper Street, Waterloo	Lot 15 DP 10721
291 George Street, Waterloo	Lot 10 DP 1238631, Lots 1-20 SP 96906
110 Wellington Street, Waterloo	Lot 101 DP 1044801, Lots 1-58 SP 69476
336 George Street, Waterloo	Lot 3 DP 10686

213-215 Cope Street, Waterloo Lot 2 DP 217386

Site and surrounding context

The suburb of Waterloo is located within the City of Sydney LGA and is located 3 km south of Sydney CBD. The site is part of the broader Waterloo Estate, which comprises the northern, central, and southern precincts and accommodates a significant community residing in social housing.

The Waterloo South Precinct Area is predominantly owned by LAHC, however, as outlined in Table 2, the site, the subject of this report, excludes several privately owned lots located within the boundary of the broader Waterloo South precinct as shown in Figure 3. The privately owned lots are currently used for residential, office, light industrial, and infrastructure uses. The LAHC owned sites are currently used almost exclusively for the provision of social housing, with ancillary offices and community facilities. Overall, Waterloo South currently contains a total of 750 social housing dwellings and 120 private dwellings.

As shown in Figure 2, surrounding suburbs include Redfern to the north, Green Square to the south, Alexandria to the west and Zetland to the east. This broader area has been subject to significant change over the last 10 years with projects such as South Eveleigh, Redfern North Eveleigh Precinct Renewal, Waterloo Metro Quarter and Over Station Development (OSD) all contributing to the changing character of the area.

These broader renewal projects are supported by proximity to a range of public transport services, including Redfern Station, Green Square Station, and Waterloo Metro Station, all of which are within walking distance of Waterloo South.

Figure 1: Location of the study area

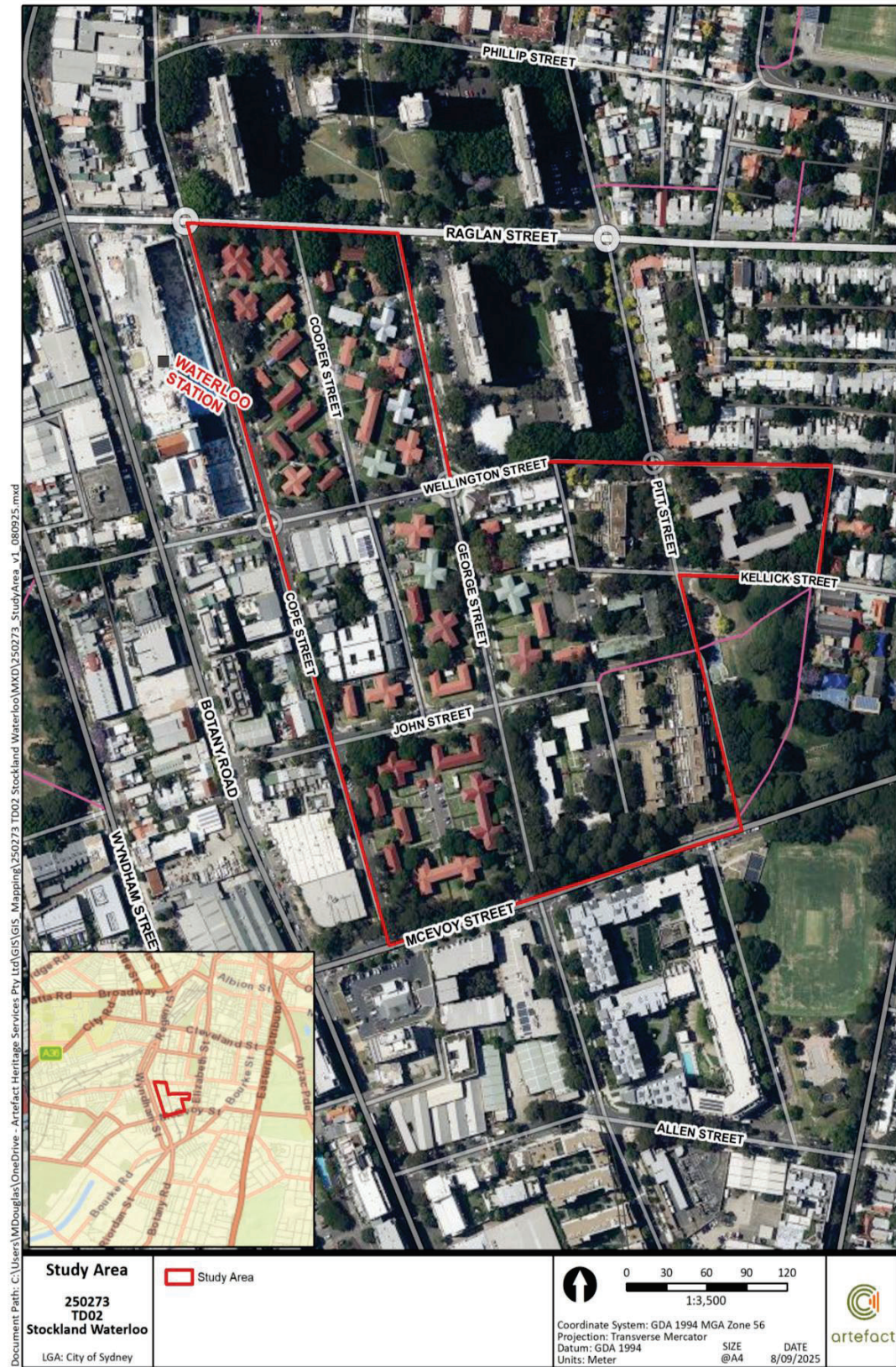


Figure 2: Aerial view of the Waterloo Estate and the Waterloo Estate South precinct area

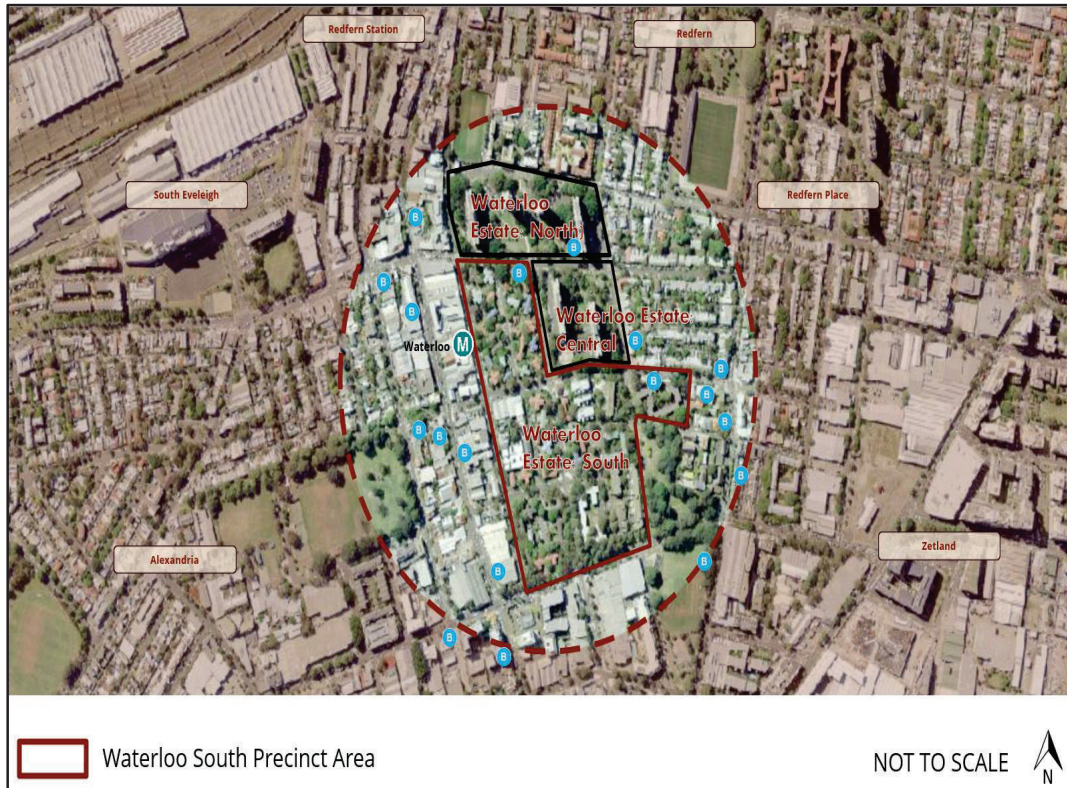


Figure 3: Waterloo Estate South Project area



1.3 Aims and objectives

This ACHAR aims to identify and assess the Aboriginal heritage values of the study area and consult with Aboriginal stakeholders and the results of the archaeological investigations undertaken. This report will be included in the EIS and used to inform the concept SSD application for the project.

The objectives of this report are to:

- Identify any Aboriginal cultural values in and around the study area
- Assess these cultural values, as related to the study area, through consultation with Aboriginal stakeholders
- Assess the impacts the proposed construction might have on Aboriginal cultural heritage and the potential archaeological resources within the study area
- Document the process and outcomes of Aboriginal stakeholder consultation
- Provide a plain English summary of the results of the ATR to the Registered Aboriginal Parties (RAPs).

1.4 Statutory framework

This ACHAR has been prepared by Artefact Heritage for the concept proposal at the study area which has been declared SSD (SSD-93222706) under the EP&A Act. The SEARs issued on 8 October 2025 outline that Aboriginal Cultural Heritage assessment would be required to inform the EIS for the concept proposal. This report has been prepared to meet the ACHAR requirement of Item 18 of the project SEARs.

Table 3: Item 18 of the project SEARs

SEAR	Documentation	Response
18. Aboriginal Cultural Heritage		
<ul style="list-style-type: none"> • Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: <ul style="list-style-type: none"> ▪ identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or ▪ providing an initial assessment of the potential impacts. • Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: <ul style="list-style-type: none"> ▪ identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site ▪ is prepared in accordance with relevant guidelines. 	<ul style="list-style-type: none"> • Aboriginal Cultural Heritage Assessment Report 	<p>This report meets the ACHAR requirement for Item 18 of the project SEARs.</p>

This ACHAR has been prepared to address this requirement of the project SEARs, and the following guidelines:

- *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales*; hereafter the Code of Practice
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*, hereafter the Guide
- *Aboriginal cultural heritage consultation requirements for proponents 2010*; hereafter the Consultation Requirements.

The full legislative context for this assessment can be found in the ATR prepared alongside this report, which is contained within Appendix A of this report (Appendix A – Archaeological Technical Report).

2.0 SUMMARY OF CONSULTATION

Consultation for this project has been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a). A summary of the consultation for this project has been provided below. The full consultation records for this project are included in Appendix B – Consultation Log and Records.

2.1 Stage 1

2.1.1 Agency letters

In accordance with Section 4.1.2 of the Consultation Requirements, Artefact Heritage corresponded with the following organisations by email on 29 August 2025 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the local area:

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

Responses were requested by 12 September 2025.

2.1.2 Advertisement

In Accordance with Step 4.1.3 of the Consultation Requirements, an advertisement was placed in the October edition of City Hub online newspaper by Alt Media. The October edition was published on 24 September 2025. The publication invited the participation of Aboriginal people and organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the local area, requesting their response by 9 October 2025.

2.1.3 Registration of Aboriginal parties

In accordance with Section 4.1.3 of the Consultation Requirements, invitations to register an interest in the project were sent by email on 15 September 2025 to all Aboriginal people and organisations identified through responses from agencies contacted as part of Stage 1. The emails provided details about the location and nature of the proposal and an invitation to register as an Aboriginal stakeholder. The registrations of interest for the project were requested by 29 September 2025.

A total of 13 groups were registered for the project including the Metropolitan LALC. One RAP requested their details not be disclosed. The list of RAPs is provided in Table 4.

Table 4: List of registered stakeholders

Name	Organisation/group
Nathan Moran and Raymond Weatherall	Metropolitan Local Aboriginal Land Council
Thomas Dahlstrom	Thomas Dahlstrom or Kahliyrh Bell
Ethan Trewlynn	Long Gully Cultural Services
Sonione Wakabut Rogers	
Lilly Caroll and Paul Boyd	Didge Ngunawal Clan
Kelvin Boney	Wallanbah Aboriginal Site Conveyancing
Paul Bell	Paul Bell Indigenous Site Specialist
Carolyn Hickey	A1 Indigenous Services
Steven Carroll	Guugaburra Yiramiilan
Clive Freeman	Freeman & Marx Pty Ltd environmental and archaeological consultancy
Phil Khan	Kamilaroi Yankuntjatjara Working Group
Jenny Beale	Butucarbin Aboriginal Corporation
Name withheld	Name withheld

In accordance with Section 4.1.6 of the Consultation Requirements, the list of the RAPs for the project was issued to Heritage NSW and the Metropolitan LALC on 14 October 2025.

2.2 Stage 2

Stage 2 of the Consultation Requirements is to provide information regarding the scope of the proposed project and the proposed cultural heritage assessment process. To satisfy Stage 2 and Stage 3 of the Consultation Requirements, an ACHAR methodology was prepared that included relevant information and the details are outlined in Section 2.3. This consultation facilitates a process whereby RAPs can contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the cultural significance of Aboriginal objects and/or places within the project area to be determined, and have input into the development of any cultural heritage management options.

2.3 Stage 3

2.3.1 ACHAR assessment methodology

A copy of the proposed ACHAR assessment methodology was sent to the RAPs by email on 10 October 2025, requesting feedback by 7 November 2025. The draft assessment methodology presented information about the project and invited feedback on the cultural significance of the area. A summary of the comments received by Artefact Heritage is presented in Table 5.

Table 5: Summary of Aboriginal stakeholder comments on the ACHAR assessment methodology

Person / RAP group	Comment	Response
Ethan Trewlynn (Long Gully Cultural Services)	Agreed with the ACHAR assessment methodology.	Noted in consultation log and report.
Carolyn Hickey (A1 Indigenous Services)	Agreed with the ACHAR assessment methodology.	Noted in consultation log and report.
Thomas Dahlstrom (Thomas Dahlstrom or Kahliyrh Bell)	Agreed with the ACHAR assessment methodology (use of desktop studies and cultural knowledge to provide assessment). Recommended to include any shared cultural knowledge.	Noted in consultation log and report. Artefact intend to include any shared cultural knowledge in the ACHAR.
Sonione Wakabut Rogers	Stated they are available	Noted in consultation log and report.
Phil Khan (Kamilaroi Yankuntjatjara Working Group)	Agreed with the ACHAR assessment methodology.	Noted in consultation log and report.

2.4 Stage 4

A copy of the draft ACHAR was sent to the RAPs by email on 23 December 2025, requesting feedback by close of business on 27 January 2026. A summary of the comments received by Artefact is provided in Table 6.

Table 6: Summary of Aboriginal stakeholder comments on the draft ACHAR

Person/ RAP group	Comment	Response
Name withheld (Name withheld)	Expressed an interest in registering for the project	Noted in consultation log and report
Carolyn Hickey (A1 Indigenous Services)	Supports the assessment and appreciates the effort put into the report.	Noted in consultation log and report.
Phil Khan (Kamilaroi Yankuntjatjara Working Group)	Agrees with and supports the recommendations	Noted in consultation log and report

3.0 HISTORICAL BACKGROUND

3.1 Aboriginal histories

3.1.1 Living on Country for millennia

Many Aboriginal people, like other Indigenous or First Nations people around the world, have been living on Country for 'time immemorial' – they have always been here, and their origins lie in the creation of the land and animals. As Sydney Elder and Wiradjuri activist Aunty Jenny Munro expresses:

'...from time immemorial, we believe as Aboriginal people, Australia has been here from the first sunrise, our people have been here along with the continent, with the first sunrise. We know our land was given to us by Baiami, we have a sacred duty to protect that land'

Over the last few decades, archaeologists' knowledge of deep human time in Australia has expanded from just a few thousand years in the 1950s, to 25,000 years in the 1960s, then 40,000 years, to now around 60,000 years or more (Belshaw, Nickel & Horton 2020, 112; Karskens 2009, 25; Munro in Currie, 2008, 4).

Archaeological evidence of Aboriginal people living in the Sydney region from Shaw's Creek west of the Dyarubbin (Nepean) River is dated at around 14,000 years ago and numerous other sites in the area have been dated at around 15,000 ago. While Cranebrook Terrace, near Penrith in Western Sydney, has been dated to 41,700 years and a site near Parramatta at 30,000 years old, there is growing consensus among archaeologists and historians that people have lived across the Sydney region from around 50,000 years ago. The earliest documented evidence of Aboriginal people living along the Cooks River is a 10,500 year old fireplace discovered during an archaeological dig next to Tempe House at Wollie Creek Attenbrow 2010, 18-20; Nanson, Young & Stockton 1987, 77; Williams, et al 2017, 100-109; Jo McDonald, 2005; Attenbrow, 2012; Williams et al., 2012; Jo McDonald CHM, 2005, 28, 56).

More ancient sites lie off the coast and in river valleys, now deep under water. Before the major sea level rise event at the end of the last ice age around 17,000 years ago, Aboriginal people living along the Parramatta River could have walked downstream along the riverbanks to the sea about 30 kilometers beyond the current day coastline. Over generations they would have watched and told stories about the gradual change as the sea rose to fill the 'drowned river valley' of what is now Sydney Harbour until it reached present levels around 6,000 years ago (Nunn & Reid 2016, 11; Attenbrow: 2010, 154-155; Birch, 2007, 217-219.).

Given the devastating impact of violent dispossession and disease upon Aboriginal people in the Sydney region during colonisation, the precise identification of language groups and historical traditional lands or Country for a given area is often difficult today. Early colonial observer Watkin Tench believed there was at the least coastal and inland dialects of the same language and, while this is challenged by some historians who prefer less distinction between what were all 'canoe cultures' around Sydney's coast and waterways, there seems to have been an alignment with inland economies of the rivers, creeks and open forests of the Cumberland Plain, and coastal 'saltwater' focused groups.

3.1.2 Sydney region

Prior to colonisation, Aboriginal people in the relatively resource rich Sydney region lived in extended family groups estimated at around 30 to 50 people. These groups were associated with certain territories or places that gave clan members particular social and economic rights and obligations. Each of the estimated 30 clans in the Sydney region had a name often associated with a place or resource such as the Cabro (Gabra) gal (people) at modern day Cabramatta. Clan groups moved around a defined area in response to changing seasons and the availability of food and other resources. European observers mistakenly took this as a nomadic lifestyle, when in fact they moved around a 'limited and deeply known' area. There were also forms of more sedentary agriculture and aquaculture, and villages such as those described by early colonial diarists at Kamay-Botany Bay and later accounts of '70 huts' at Bent's Basin on the Nepean River west of Sydney (Gapps 2010, 26-60; Attenbrow 2010, 78; Karskens 2009, 36; Gammage 2012, 281-304).

Some areas, particularly resource rich ones, had shared boundaries or reciprocal rights with bordering and neighbouring groups. With appropriate permission and protocols, people could travel through and hunt on other groups' lands. On special occasions such as feasts associated with the beaching of a whale; a kangaroo hunt on the open forests of southwestern Sydney; trading or exchanging stone, tools and other items, as well as ceremonial occasions, people would often travel long distances around and from outside the Sydney region (Gammage 2012, 22-27).

With several rivers and estuarine coastal areas, the Sydney region sustained a comparatively large population, unlike more arid inland areas. Fish and shellfish were a major part of Saltwater peoples' diets. The nawi (tied-bark canoe) was a common sight both day and night in rivers and creeks and was even dexterously paddled off the coast. There are many accounts by early colonists of Aboriginal people in canoes fishing and cooking their catch on small fires on hearth stones within the vessels. Women were the primary fishers from nawi (men usually fished with spears). Women were highly skilled with shell hooks and twine fishing lines and thus played an important economic role in Sydney. They were noted as cradling their children while fishing, as their songs floated across the waters of Sydney Harbour (Banks, 1770 [2005]; Attenbrow 2010, 38; Collins 1789, 557).

People living inland across the Cumberland Plain focused on hunting small animals, gathering plants and catching freshwater fish and eels. Banksia flowers, wild honey, varieties of yam and burrawang nuts (macrozamia - a cycad palm with poisonous seeds that require processing to remove toxins) were recorded as important food sources. Xanthorrhoea, also known as the grass tree, had many uses - the nectar was eaten, the stalk used as a spear and the resin as a glue. Small animals such as bandicoots and wallabies were hunted with traps and snares. Watkin Tench noted the skill in cutting footholds in trees to swiftly climb to hunt possums (Tench, 1793 [2004], 82, 230; Kohlen, 1985, 9; Attenbrow, 2010, 41).

The landscape and environment before Europeans arrived was a finely managed one. In 1790 John Hunter observed people 'burning the grass on the north shore opposite to Sydney, in order to catch rats and other animals'. In 1804 Henry Waterhouse described the land around Cowpastures as 'a beautiful park, totally divested of underwood, interspersed with rich, luxuriant grass ... except where recently burnt'. These forests that had been managed by many generations of Aboriginal people through such methods as what is known as 'firestick farming'. Fire was an important tool and also used to open up tracks, to 'clean country', drive animals into the paths of hunters, cooking, warmth, treating wood, cracking open stones and for a place to gather, dance and share stories and knowledge (Hunter 1787-1792, 1793, 312; Waterhouse 359; White, 1790 [2003], 163; Gammage, 2012, 163-185; Griffith, 2018, 240).

The Sydney region was a landscape rich with the imprints of activity, art and culture such as rock engravings and paintings, scarred and carved trees, ceremonial rock and mound structures, cooking

ovens, villages of bark huts, stone tool quarries, grinding grooves and tool-making sites, burial and other shell middens, and other artefacts. All this activity had a lasting impact on the landscape, and many elements such as rock engravings in particular survive, or have been kept intact or cared for by community members. Over time, many Aboriginal pathways were taken up by the colonists and made into roads, some still on the same routes today. 'Kangaroo grounds' became colonial estates, fishing creeks became drains, hills and peaks used for communication became signaling stations and lookouts, and shell middens became the limestone for the bricks and mortar of early colonial buildings (Griffith 2018, 241; Gammage 2012, xix; Attenbrow 2012).

The large swathes of Hawkesbury sandstone across the Sydney region were the canvas for what has been likened to an enormous open air art gallery – engravings of the outlines of spirit creatures, marsupials, birds, fish, weapons, footprints and even European boats alongside people, showing a continuity that carried on beyond the arrival of British colonisers in 1788. This Sydney art tradition was distinctive from other regions such as inland New South Wales where carved trees were more prominent, or further south where painting dominates. There are more than 4,000 known rock art sites and more than 3,000 rock shelters with pigment or painted art, often featuring hand stencils. The Sydney Basin has been compared to Kakadu National Park in terms of the vast numbers of Aboriginal sites that remain today (Karskens 2009, 32; Griffith 2018, 188; Mulvaney & Kamminga 1999, 284, 376-381; McDonald 2007).

Figure 4: 'Native climbing a gum tree', Georgiana Lowe - album of drawings of New South Wales views, ca. 1842-1850 Mitchell Library, State Library of New South Wales, SAFE/PXD 390)



Figure 5: Fishing hooks crafted by Aboriginal communities living around Sydney Harbour, John White, 1790 (State Library of New South Wales)



Figure 6: 'Native grass tree', Georgiana Lowe - album of drawings of New South Wales views, ca. 1842-1850 (Mitchell Library, State Library of New South Wales, SAFE/PXD 390)



Figure 7: Sketch by Joseph Lycett of two Aboriginal men spearing eels, c. 1817 (Two Aboriginal Australian men fishing for eels, New South Wales, ca. 1817 [picture]/[Joseph Lycett], accessed <https://nla.gov.au/nla.obj-138499671/view> (24 April 2024)

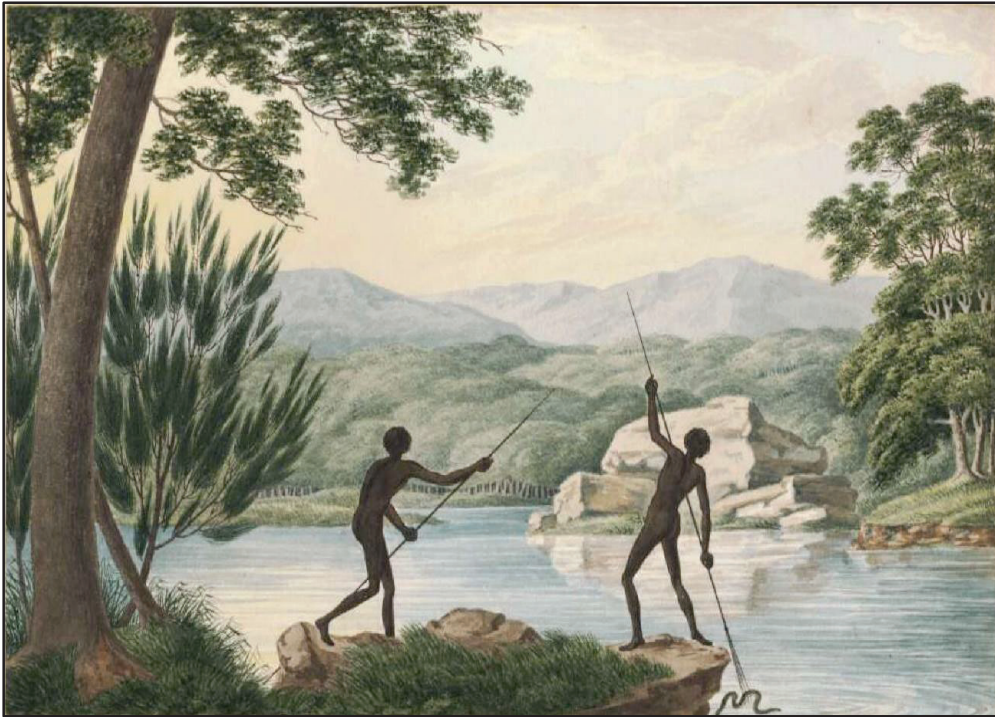


Figure 8: Sketch by Joseph Lycett of Aboriginal men hunting wildlife and 'cleaning Country' (The University of Newcastle, The Lycett Album ca. 1820: Aboriginal People of Newcastle and Lake Macquarie in European Colonial Art)



Figure 9: Bulgandry rock engravings, north of Hawkesbury River (Artefact Heritage)



Figure 10: An example of Dharawal hand stencils in the Royal National Park (original-history-of-the-Illawarra, Weebly)



3.1.3 Gadigal Country

The Gadigal lived on the south side of what is now called Sydney Harbour for hundreds of generations and tens of thousands of years. According to historian Keith Vincent Smith, 'Cadi' means 'below or under' and the name of the clan group stems from Camp Cove, a place described as below South Head. The Cadi (or more correctly Gadi) heartland stretched from South Head through the present-day Eastern Suburbs to Woolloomooloo Bay, Farm Cove and Warrane or Warrang (Sydney Cove), up to the entrance to Darling Harbour or Gomora (Smith, 2020).

They were one of around 30 clan groups across the Sydney region. On the west side of Gomora were the Wangal, on the north side of the harbour the Cammeraygal, Borogegal and Wallumedegal. To the south and east were the Bidjigal and Gweagal. While the Gameygal have been identified with the mouth of the Cooks River at Kamay-Botany Bay, their focus seems to have been toward the bay and not inland toward present-day Waterloo (Irish 2016, 11).

It is difficult to be precise today about how far the Gadigal clan 'estate' stretched to the south. Often, natural features such as watersheds, ridges or rivers were 'boundaries'. The study area of present-day Waterloo sits on the edge of the watershed of creeks running northward to the harbour and Shea's Creek headwaters running southward to Kamay-Botany Bay. It seems present-day Waterloo would have been more connected to Gadigal Country to the north.

Western conceptions of clan groups having distinctive boundaries are of limited value. Many clan groups had shared boundaries or reciprocal rights with bordering and neighbouring groups. With appropriate permission and protocols, people could travel through and hunt on other groups' lands. The resource rich wetlands and tidal areas of the Cooks River for example - particularly around the Gumbramorra wetlands that have now been largely land filled for the development of the Marrickville area - were likely to have been a significant shared resource area, accessed by Wangal, Bidjigal and Gadigal people.

The Kameygal lived on the north shore of Kamay or Botany Bay, along the banks of the Cooks River from the west and south to Botany and La Perouse. According to historian Keith Vincent Smith, in the Sydney language, *kamey* and variations, including *kamai*, *kah-my*, *ka-mai*, and *camey*, is the generic name for a spear. Thus the Kameygal were possibly the 'spear clan' (Smith, 'Eora People').

Precisely where the Gadigal and Kamaygal (Kameygal) shared a boundary is unclear. It is almost certain they both would have moved to the beach and rocks on the coast for seasonal or ceremonial purposes, such as the gathering of several hundred people Governor Phillip witnessed in 1790. According to David Collins, 'in a cove on the sea-side, between Botany Bay and Port Jackson, [possibly Little Bay] he [Phillip] suddenly fell in with an armed party of natives, in number between two and three hundred men, women and children.' Undoubtedly, people had gathered at least from Kamay and around Sydney Harbour to muster these numbers (Collins, 1789, 24-5)

In 1790, the Wangal man Bennelong related to Governor Phillip the clans around Sydney Cove (Smith, 'Eora People').

'From the Entrance of the Harbour, along the South Shore, to the Cove adjoining this Settlement, the District is called Cadi, & the Tribe Cadigal — the Women, Cadigalleon. The South Side of the Harbour from the above-mentioned Cove to Rose-Hill, which the Natives call Parramatta, the District is called Wann, & the Tribe, Wanngal. The opposite Shore is called Wallumetta, & the Tribe, Wallumedegal. The other Tribes which live near us, are those of Gweagal, Noronggerragal, Borogegal, Gomerrigal, & Boromedegal.'

The Gadigal had different relations with these groups – some Gadigal ceremonial gatherings such as initiations were conducted by other clan groups with certain authority to do so. For example, according to early colonist David Collins, the Cammeraygal (on the north side of the harbour) were able to ‘oblige’ other clans to ‘attend wherever and whenever they directed’ and Collins believed they had a ‘decided superiority over all the tribes’ the colonists had encountered. Contests were delayed until the Cammeraygal arrived and they also had the ‘extraordinary privilege of exacting a tooth from the natives of other tribes inhabiting the sea coast (Collins, 1789, 24-5 456).’

As historian Paul Irish notes, the harbour clans were bound together by women, who married between various clans. Thus, Aboriginal people who lived in the area around present-day Waterloo were in fact from a mixture of clans. Everyone was bound by ‘complex webs of spiritual and family connection’ to other places than their clan group ‘heartlands’. They were bound through marriage and by the clans of their parents and grandparents, as well as their place of birth. To meet the cultural obligations of these links, Aboriginal people regularly travelled across the broader Sydney and southern coast region (Irish, ‘Woollahra Aboriginal Heritage Report’ 24).

Gadigal women (Gadigalleon), like the rest of the coastal or saltwater groups in the Sydney region, were important food providers for their families. One of the staple food sources was fish. While men speared fish from the shoreline with multi-pronged spears or *mooting*, the women fished from their nawi or tied-bark canoes with lines and hooks. They made their fishing lines or carr-e-jun by twisting together strands of fibre from kurrajong trees, cabbage trees or flax plants. Animal fur and grass ‘nearly as fine as raw silk’ were also used to make lines. One colonist described them as ‘nicely shredded and twisted very close and neatly’. The distinctively crescent-shaped fish-hooks or burra were crafted from the turban shell (Bradley 1802, 133; Tench 1793, 284).

Gadigalleon had extraordinary skills in fishing, swimming, diving and using watercraft. They sang as they fished and were seen fishing for long periods during the day, in all weathers, and often at night with small fires on board. These women, as historian Grace Karskens has noted, ‘dominated the waters of the harbours, coves and bays, and the coastlines in between. The men mostly only used canoes when they wanted to get from one cove to another.’ (Karskens 2014; Collins, 1789, 557; White 1790, 149; Bradley 1802, 133).

Although the resource rich foreshores of the harbour were the focus for Gadigal, the areas inland around what is today's Eastern Suburbs, the City of Sydney and suburbs to the south of the Gadigal foreshore around Redfern and Waterloo were used as well. Inland, there were fruits, seeds, nuts and grains. Nectars, rhizomes and tubers were also harvested. Some parts of plants would have required special preparation to remove any poisons, but the seeds of all native grasses are edible. David Collins noted the difference between the inland areas and the foreshores, although did not observe the use of plants as closely as he might have; (Collins 1789).

‘The woods, exclusive of the animals which they occasionally find in their neighbourhood, afford them but little sustenance; a few berries, the yam and fern-root, the flowers of different banksia, and at times some honey, make up the whole vegetable catalogue’

Near the study area of present-day Waterloo, there was series of permanent ponds and semi-permanent wetlands supporting waterbirds, freshwater fish and turtles, forests of paperbark and swamp mahogany, sedges, reeds, ferns and lilies. Freshwater springs rose near current day Surry Hills. What is now known as the Lachlan Swamps (in and around today's Centennial Park), were once much larger and surrounded by wetland vegetation. The wetlands also had expanses of sandstone outcrops that provided rock shelters. The area near present-day Waterloo was a rich place. It may have been, like the Gubramorra wetlands, a shared resource (Cox, Inall, Ridgeway 2021, vi).

Men used wooden spears and women wooden digging sticks - two of the most important possessions of Aboriginal people in the pre-colonial past. The Melaleuca tree's paper-like bark was used as shelter, wrapping, containers and for fire lighting. In 1791 John Hunter described how Aboriginal burning the ground on the north side of the harbour, opposite the settlement', was a practice 'constantly' done when the weather was dry. 'Firestick farming' was the practice of burning land to create new green shoots and thereby attract kangaroos for hunting, but fire was also used to control undergrowth and prevent larger bushfires (Hunter 1793, 361; Tench 1789, 284).

Due to the predominance of relatively soft sandstone around Sydney Harbour, hard stone used for axes and scrapers in particular, was traded from areas such as the basalt gravel beds along the Nepean River. Trading was extensive and far-reaching. Silcrete from an outcrop near present day Plumpton Ridge on the Cumberland Plain in Sydney's west and mudstone from the Hunter Valley or near Warragamba dam have been found around Sydney Harbour (Currie 2008, 10-15).

As the seasons changed, Sydney Aboriginal people moved throughout theirs and other clan groups' Country to access resources, set up camps and hold ceremonies. Songlines passed down through the generations guided them on their travels. They navigated the woodlands using a network of trackways that crisscrossed through Country. These tracks wove through kurrajong trees, Port Jackson fig trees and paperbarks. Many of these tree species can still be seen today in Sydney bushland today.

Aboriginal pathways were often turned into roads by colonisers from the 1790s. Pathways crisscrossed the entire Sydney region and often followed the best travel routes. According to historian Keith Vincent Smith, 'one notable path, which ran from Blackwattle Creek at the Brickfields Village (now Chippendale) southwards to the north shore of Botany Bay, was the forerunner of Botany Road'. Aboriginal people would have walked along what became the road to Botany Bay just west of the study area at Waterloo for thousands of years (Meadows, 'Aboriginal History of the Waverley Area', 2).

Figure 11: Group of Aboriginal women fishing, attributed to Phillip Gidley King, c. 1790 (Mitchell Library, State Library of New South Wales, BP Safe 1/457)



Figure 12: Aboriginal groups night fishing and making fire, c. 1817 (National Library of Australia, Aboriginal Australians night fishing by fire torches, New South Wales, ca. 1817 [picture] / [Joseph Lycett])



3.1.4 1788 – British invasion and colonisation

The Gadigal would undoubtedly have heard of if not seen the ship HMB *Endeavour* when it stayed in Kamay-Botany Bay for several days in 1770. Perhaps they viewed the ship from the high points near present-day Waterloo. However, the tall ships that arrived in 1788 did not continue to travel onwards like Cook's *Endeavour* – they arrived in Warrane (Sydney Cove) to stay – changing the Gadigal and all the Sydney groups' lives forever.

The colonisers arrived with pre-conceptions about Aboriginal society, often believing it to be static and unchangeable, unable to adapt to colonisation, and highly territorial. However, the network of social, ceremonial and family relations that existed among clans right across the Sydney region and beyond meant that in fact, the Sydney people were highly mobile and adaptable. At any one time, people from various clan groups could be living in another group's Country, people could have family networks over great distances and a clan group might have several different languages spoken. This adaptability, based in a strong central core of the clan's heartland, was to shape how Aboriginal people survived the decimation of disease and the massive impact of colonisation (Irish 2017, 16-17).

Lieutenant William Bradley's diary of the first year of the British outpost in the middle of Gadigal land shows a pattern of increasing conflict between the colonisers and the Sydney people during 1788. At first, in late January, Bradley reported how the people they met at Botany Bay were 'Well disposed to us' and for two days 'our People & the Natives were mixed together'. In the first two weeks at Warrane (Sydney Cove), he said 'Men, Women & Children' were 'very friendly'. At the 'Middle Branch', they 'met us in the most cheerful manner' and 'danced with us' and at Spring Cove on the north shore Bradley met 'several canoes' and the people 'had so much confidence in us' they 'mixed together and were quite sociable' (Bradley 1802, 61-66).

Bradley also noted how the men were reluctant to allow the Europeans near women. He admired their tactical good sense, as even when 'socialising' they 'had Arms ready to protect them' {women}, or had someone guarding their weapons, which 'increased my favourable opinion of them'. In the last few days of January Bradley recorded nine instances of communication that he witnessed, and only one of conflict (a spear thrown), and that was reported to him.

But as the days turned to months, conflict increased. During February Bradley recorded several times where 'the natives would not come nearer the camp' or 'ran off in great confusion'. On the 9th of February he wrote that the French under La Perouse at Botany Bay 'had been obliged to fire on the Natives' 'to keep them quiet' and at Garden Island how some Sydney men stole axes and shovels, 'but not without their skin being well pepper'd with small shot'. Still, he recorded personally observing ten instances of 'communication' and only two of conflict.

In late May, Bradley noted that Captain Campbell went to the 'SW arm' (present day Iron Cove) to where two convicts had been left to gather rushes. Campbell found a trail of blood from their tent leading to the mangroves, where he found the mutilated bodies of the convicts William Okey and Samuel Davis – the first known European deaths at the hands of the Sydney people.

Tension between the Sydney people and the colonisers grew. As Tench and Dawes noted, there was an association made between all the colonists and firearms – 'gooroobeera' according to Tench was the name given to the colonists as 'those who carry guns' and according to Dawes 'djerebar', the name given to the musket and which 'the natives frequently called us by'. Bradley noted at North Head he met three men and two boys who 'made signs for us not to fire our Musquets' (Gapps Re-reading William Bradley online).

By September, Bradley's initial idea 'of their being Friendly disposed' had changed. He was now convinced the Sydney people were only friendly when 'we have them in our power' or they 'are well prepared by being armed'. He noted that lately 'they have attack'd almost every person who has met

with them that has not had a muskquet & have sometimes endeavoured to surprise some who had'. Indeed, he writes 'the Musquet now seems to be the only thing to keep them in Awe' and that some of them have been killed by Musquet balls ... I have not the least doubt'. At this point, no Aboriginal people living around Sydney Harbour would approach the British encampment at Warrane (Sydney Cove). The Gadigal now refused to communicate with those occupying their lands (Bradley 1802, 112-127).

3.1.5 Prisoners and the deadly Galgala

Governor Phillip had been ordered by King George III to 'endeavour by every possible means to open an Intercourse with the Natives and to conciliate their affections, enjoining all Our Subjects to live in amity and kindness with them.' But not since February 1788 had any Aboriginal person been into the encampment at Sydney Cove. Phillip decided to capture some by force hoping to 'reconcile' Aboriginal people to the occupation of their country and to persuade them to come and live with the colonists. In December, a man named Arabanoo was captured and kept prisoner (King George III, 1787).

In April 1789, what Sydney Aboriginal people called galgala or smallpox broke out and more than half - possibly even 80 percent - of the population around Sydney Harbour were dead within a month. While there is no historical evidence to suggest smallpox was intentionally released by the colonists, it has been strongly associated with them by Aboriginal people ever since.

With Warrane as in effect the 'ground zero' point of the British invasion and occupation of Aboriginal lands, the Gadigal stood little chance. Bennelong, a Wangal man from west of Gomora (including his 'estate' of Me-mel or Goat Island), told the colonists that his Gadigal friend Colebee's 'tribe' (as David Collins put it) was reduced by smallpox to just three people (Collins 1798, 497).

Captain John Hunter wrote that 'it was truly shocking to go round the coves of this harbour [seeing] men, women and children, lying dead'. David Collins wrote that those who witnessed Arabanoo's grief and agony could never forget either – on being taken on a boat around the harbour Arabanoo 'lifted up his hands and eyes in silent agony [and exclaimed] "All dead! All dead!"' (Karskens, 2009, 50; Gapps, 2018, 55-56).

After being kept a prisoner at Sydney Cove, Arabanoo succumbed to smallpox and died in May 1789. Governor Phillip immediately ordered that another 'native' be taken at the first opportunity. It was not until November 1789 that Bennelong and Colby were seized at Manly in a manner similar to that of Arabanoo. Colby (Colebee), a Gadigal man from the southern side of the harbour, escaped two weeks later, leaving the Wangal man Bennelong alone at Sydney Cove. By April 1790, the trust between Governor Phillip and Bennelong had grown and Bennelong was released from his shackles and allowed to walk freely around the settlement. The colonists learned a great deal from Bennelong about the Sydney people, and vice versa.

Bennelong's wife Barangaroo was a Cammeragaleon – a woman from the Cammeraygal on the north side of the harbour. As David Collins noted, wives 'are always selected from the women of a different tribe, with whom they are at enmity'. Barangaroo often travelled to the north shore with her husband Bennelong. Watkin Tench described how Bennelong openly stated his hatred of the Cammeraygal - perplexing the colonists by his visits to Cammeray whilst at the same time encouraging the Governor to send soldiers to kill all the Cammeraygal, and at other times saying they were 'good men' (Tench, 1793, 118; Collins, 1789, 362; Hunter, 1793, 327).

Barangaroo was known to be constantly at odds with Bennelong's interaction with the colonists. Historian Grace Karskens suggests this could have emanated from the increasing loss of Aboriginal women's status as their role in food providing of the staples (fish and plants – perhaps 80 percent of their peoples' diets) was diminished by the colonisers fishing and farming. So too, the colonisers would only deal with men, not women, which was at odds with traditional Aboriginal practices (Karskens 2014).

3.1.6 Spearing the Governor – 1790s

The choices were stark for survivors. Some, like Pemulwuy the Bidjigal warrior from the Georges River area, chose to fight back against the colonists. Pemulwuy was to lead a fierce resistance war during the 1790s, mostly on the fringes of the expanding colony (though at one time attacking the town of Parramatta in 1797). Others like Bennelong chose to live with the colonists and move in and out of the townships. After being held a captive in leg irons, these were taken off in April 1790 and he walked about freely with the governor. He shared an upstairs room with a servant in Governor Phillip's house, built on the present site of the Museum of Sydney on the corner of Bridge and Phillip Streets, Sydney. But soon after, in May, he left to go back to his people.

In September, Bennelong and Colebee were among some 200 Aboriginal people feasting on a stranded whale on the beach at Kayeemy (Manly Cove) Bennelong promised to return to Sydney Cove if Governor Phillip, who was at South Head, would come to see him. When Phillip landed from his boat Bennelong shook his hand warmly and called him *beanga* (father). Keith Vincent Smith and others have regarded what occurred next as what 'seems in retrospect to be a ritual spearing or 'payback' arranged by Bennelong and Colebee for the deprivation of their liberty', though a misunderstanding at a time of armed tension has also been suggested. A *carradhy* or 'clever man' named Willemering from the Carigal (Garigal) from Broken Bay speared the governor and the party came under attack and took to their boats (Smith 2016; Gapps 2018, 74–78).

Phillip recovered from his wound and on 17 September 1790 went by boat to meet Bennelong and in October 1790, Bennelong and several other people returned to visiting the Sydney settlement. Bennelong and Colebee began to visit Governor Phillip regularly for dinner (a midday meal) and at Bennelong's request, Phillip built him a brick hut 'on a point of land fixed upon by himself' on the headland at Tubowgulle, now Bennelong Point and the site of the Sydney Opera House (Smith 2016).

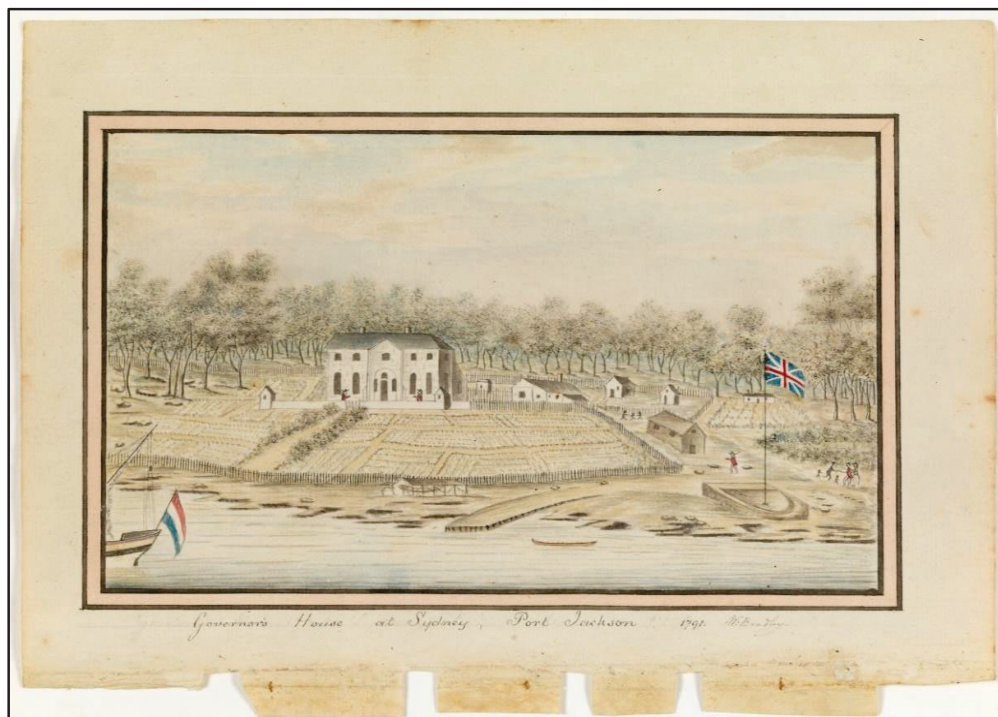
While visits to the township continued, many Sydney Aboriginal people regrouped to form new communities. Bennelong's last wife Boorong's clan lands around Kissing Point, further up the Parramatta River, proved to be a safe place for what was an amalgamated extended family group. Bennelong died in 1813 and was buried in the grounds of the beer brewer James Squire's Kissing Point estate (Smith 2016; Irish 23).

Few Sydney Aboriginal people can be followed through the historical record as people moved around and colonists rarely noted their names. One exception was Bennelong's sister Carangarang who outlived her more famous brother by 25 years. Born about 1771, Carangarang was a notable figure around Sydney and Kissing Point until the late 1830s, when she was in her sixties. In 1821 Lieutenant Allen Francis Gardiner described her at Kissing Point wearing an 'Opposum Cloake' and carrying a net bag over her shoulders. Her hair was a mass of 'Gorgon locks', decorated with eel bones, the 'brush of a native dog's tail, and a bunch of Emu feathers' behind' (Vincent Smith, Keith 2016).

Figure 13: The British colony at the entrance of Port Jackson, 1788 (State Library New South Wales, William Bradley drawings from his journal 'A Voyage to New South Wales', ca. 1802)



Figure 14: Governor's House at Sydney, 179. (State Library New South Wales, William Bradley drawings from his journal 'A Voyage to New South Wales', ca. 1802)



3.1.7 Surviving, farming and fishing – 1810s

During the early 1800s Aboriginal people still continued to visit and camp for periods either with sympathetic colonists such as Captain John Piper in the present-day Eastern Suburbs or in such places as the public common that was to become Hyde Park. Others camped in the coves of today's Eastern Suburbs that were still undeveloped and offered refuge and fishing, gathering and hunting opportunities. Traditional dispute resolution combat was often conducted in the streets of Sydney township and the unofficial sporting ground of Hyde Park was often used. The *Sydney Gazette* newspaper reported in October 1803 that;

'On Sunday last a number of Natives assembled on a ground at the upper end of Pitt's Row [Pitt Street, then on the outskirts of the township], with a design of inflicting punishment on two men who were directly or indirectly concerned in the assassination of two others who died of their spear wounds.'

One of them was 'Musquetto' and the *Gazette* was much surprised at his dexterity in defending against '64 spears, all thrown with rancour and malignity, and 17 of which went through the target [shield], some to a depth of nearly two feet. The 65th and last thrown at him entered the calf of his right leg, and penetrated six inches through' (*Sydney Gazette* 16 October 1803, 2).

Bungaree (Boongarie) was born around 1775 and was a Garigal man from Broken Bay. He took up a role as a mediator between the colonists and Aboriginal people, often working as a guide with various colonial expeditions including Matthew Flinders circumnavigation of the continent in 1803. He was a diplomat, and also a skilled entertainer who impersonated the governors and other local figures. Bungaree came to live in Sydney in the 1810s when he married Matora, whose family appears to have been from Port Jackson (Irish, 2017, 9-11).

Governor Macquarie decided to take active measures and attempt to 'civilise' the Aboriginal people living in and around Sydney. After establishing the Native Institution (a school for Aboriginal children) at Parramatta in 1814, in 1815 Macquarie made Bungaree 'Chief of the Broken Bay Tribe' and set aside land at Georges Head on the north side of Sydney Harbour. He allocated Bungaree and his family huts, farming equipment and a boat for fishing (*Sydney Gazette*, 4 February 1815).

The families lived at Georges Head for several years, however, the attempt to farm land not suited to farming quickly fell into disarray, with crops abandoned for the more traditional methods of fishing and hunting (Smith 2011a).

While some camps and settlements were formally established, others were not. At Point Piper, Captain John Piper's estate bordered a small creek where, from at least 1819, a group of Aboriginal people were camped. In 1822 Piper supported them by writing a petition to the new Governor Sir Thomas Brisbane, stating that they 'have no other residence but their natural woods near Sydney, and at this ... season of the year are almost in a state of nudity, suffering Cold and hunger in the extreme.' He asked the new governor for some blankets (Colonial Secretary Reel 6052 State Records New South Wales, 4/1753:159).

Another settlement for Aboriginal people living in Sydney was established at Elizabeth Bay in the early 1820s. Governor Macquarie had huts built and provided a fishing boat and tackle for 42 'settlers' at the 'Native Village' (Smith, 2011b).

According to Obed West writing in the 1880s, the land running down to Rushcutters Bay (Barcom Glen) was 'a great camping place for the blacks' and West recalled in the 1830s and 1840s watching 'them in their canoes in the bay, the gins fishing with the line while their sable lords used their spears to get the fish that swam beneath them' (West, *Sydney Morning Herald*, 12 October 1882, 9).

Importantly, West also recalled campsites and meeting grounds at present-day Redfern:

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

West also noted why the location at the clear ground around present-day Redfern was important for resources; (Marriot 1988, 45-46).

....Boxley's Lagoon these days was the home of vast numbers of red-bills, wild ducks, snipe, landrail and other game now rarely seen anywhere near Sydney. Eels were also plentiful in the water, and in the bush were bandicoots, possums and native cats which the youths of the time would chase with dogs when the nights were favourable....

In many ways, Sydney was still very much an Aboriginal place for a long period during the 19th century, particularly as people came to the city from other areas. During the 1830s to 1860s there was a surprising number of camps around Sydney Harbour and in the broader area, hundreds of Aboriginal people were a regular sight paddling their nawi (bark canoes), guiding foreign visitors, selling fish to people and travelling the roads and tracks. The coves and creeks around the more rugged areas of today's eastern suburbs were still very much undeveloped bushland, offering fishing and other resources.

Only a few names of the people who were known as the 'Sydney tribe' are known. One was Cora Gooseberry, who outlived her more well-known husband Bungaree for 20 years. Her Aboriginal name was recorded as 'Carra or Kaaroo' and Europeanised to 'Cora'. She was known as 'Queen of Sydney and Botany' and 'Queen of Sydney to South Head'. She was often seen wrapped in a government issued blanket, her head covered with a scarf and a clay pipe in her mouth, as depicted in portraits by Charles Rodius and W H Fernyhough in the 1830s. Cora found a sympathetic hotel owner Edward Borton and with her family and other Aboriginal people often camped on the footpath outside the 'Cricketer's Arms' on the corner of Pitt and Market Streets. Borton later owned the 'Sydney Arms' Hotel in Castlereagh Street where he allowed Cora to sleep at nights, and where she was eventually found dead at the age of 75. Borton paid for a gravestone and her burial in the Presbyterian section of the Devonshire Street Cemetery (now covered by Central Railway). Her gravestone was transferred to the Pioneers Cemetery at Botany (Smith 2013).

Many Aboriginal people came into Sydney from other areas. One report from 1838 noted 'sundry' Aboriginal people performing a corroboree in George Street. Bridget Riley was charged and 'ordered to betake herself' to Broken Bay, where she said she came from. In March, a group of people from the Illawarra arrived in Sydney, apparently 'to fight the Broken Bay tribe'. The *Sydney Monitor* newspaper suggested 'their fights are now practiced as much to please the whites as the blacks' and the paper called 'the attention of the Police to the subject', who were widely criticised for the 'sufferance which is given to the aboriginals'. The *Sydney Gazette* newspaper suggested they should be 'thrown back upon their native wilds.' (*Sydney Gazette*, 13 January 1838, 3; *Sydney Gazette*, Thursday 2 February 1837, 2; *Sydney Monitor*, 6 February 1837, 2, 3 March 1837, 2; *Sydney Gazette*, 4 March 1837, 2, 13 March 1838, 2).

Meanwhile, some Aboriginal people were quietly going about their business working in the city. In early 1838, *The Sydney Monitor* noted that 'a dray loaded with wool was seen proceeding the other day, down George street, in charge of a black native, who appeared to understand his business equally as well as the best European driver, and smacked his whip with as becoming a grace' (The Sydney Monitor, 26 January 1838, 2).

Figure 15: Portrait of Bungaree, a native of New South Wales, with Fort Macquarie, Sydney Harbour, in background 1826, Augustus Earle National Library of Australia, nla.pic-an2256865)



Figure 16: Henry Campbell, 'Scene on Double Bay Sydney N.S.W. 1840-1842' (SLNSW, PXC 291.34)



Figure 17: Pencil sketch by Charles Rodius of Cora Goosberry in April 1844 (Mitchell Library, State Library of NSW - PXA 1005)



3.1.8 The Protection Era

By the 1890s, most Aboriginal people had either moved away from the city or had been forced to move to reserves and missions. Some few managed to survive in camps along creeks and rivers to the south and west such as at the Hawkesbury and Georges River, but as the city rapidly expanded from the 1880s it became almost impossible to live close to the city.

The access to fishing and traditional foods at La Perouse, as well as being far enough away from the city to be relatively 'out of sight' from the authorities - but also close enough to southern Sydney for work opportunities - meant it had become a focal point for the southern coastal Aboriginal people of Sydney who had survived invasion and dispossession (Kensy, Julia, 2008; Watt 2020; 97).

But in the 1880s, there was a major – and devastating - shift in government policy. The Parkes government was under increasing pressure to take action on Aboriginal affairs and in 1882 George Thornton was appointed as Protector of Aborigines. Thornton promoted removing Aboriginal people from urban areas, but he did allow five families to stay at La Perouse, suggesting that their 'camp' was 'economically viable' via fishing in the main. Elsewhere around Sydney, other camps were seen as 'parasitic' and a 'nuisance to society'. Thornton had some huts built at La Perouse for the community there, which in 1881 was 50 people around Kamay-Botany Bay (35 at La Perouse and 15 in the area of Kamay) (Kensy, Julia, 2008; Watt 2020; 97).

In 1883, Thornton's role was replaced by the Aborigines Protection Board. The Board wanted to segregate Aboriginal people onto small areas of land and by 1885, seven acres of land at La Perouse was declared a 'Reserve for the use of Aborigines' – the only one at this stage in the Sydney region.

As the city of Sydney grew, in the 1880s, numbers Sydneysiders were taking day trips to the seaside. Many went to Kurnell and Botany and others to La Perouse, curious to see the Aboriginal people who lived there. This caused concern for the Aborigines Protection Board who wanted to keep the La Perouse community segregated and led to further restrictions. In 1895, the reserve was enclosed by a fence and only the local constable and the resident missionary had keys. Aboriginal people were prevented from selling fish at the markets and restrictions placed upon boat and rail travel. In 1897 the Aborigines Protection Board rejected requests by missionaries for more huts and increased rations for the La Perouse community because the board believed this would encourage more people to move from the south coast to La Perouse. The late 19th and early 20th centuries were a grim period of Australian racism (Kensy, Julia, 2008).

But the strength of the La Perouse community was astounding. After concerns about white tourists mingling with the community, in 1900, the Aborigines Protection Board decided to relocate Aboriginal people from La Perouse to Wallaga Lake on the south coast. But they refused to move - despite the fact that the Aborigines Protection Board reduced, and eventually ceased supplying rations. By 1902, it seems that the Aborigines Protection Board had given up and resumed supplying rations to those on the reserve. In 1908 there were 73 people living on the reserve. During 1908, new houses were built and by 1912, the population on the reserve had grown to 106. In 1915 there were 124 people living on the reserve (Kensy, Julia, 2008).

3.1.9 A new era – Community and activism

From the early 1900s, the Aboriginal population in the Sydney city area began to grow. The working class suburb of Redfern became a hub for Aboriginal people to live and work. Jobs on the railways at the Eveleigh Railway Workshop in particular, offered an opportunity for people to move away from missions and reserves and the control of the Aborigines Protection Board. A strong community began to develop in the Redfern, Everleigh and the Waterloo area. The opportunity to work was one factor – other people came to 'reconnect with family'. Very soon the area became known as 'Aboriginal

Redfern'. It also became the most recognised and significant urban Aboriginal place in Australia (Cox, Inall, Ridgeway, 2021 v).

During the Great Depression of the early 1930s, many Aboriginal people sought refuge with relatives in and around Redfern as work in rural areas became scarce. During WWII people came from western NSW in particular, as there were increasing job opportunities during the war. Everleigh Railway Yards was Sydney's largest employer from the time it opened in 1886. It was also one of the biggest employers of Aboriginal people living in Sydney in the second half the 20th century. Aboriginal men also worked in the Alexandria goods yard loading trains with kegs and potatoes and on the waterfront docks at Walsh Bay and Darling Harbour (Heiss).

After WWII there was a large influx of Aboriginal people from western NSW into Redfern-Waterloo. Reserves, missions and camps were increasingly crowded and conflict and racism in rural areas meant many young Aboriginal people came to Sydney escaping this and to find work and opportunity (George Morgan in Cinetel Productions 2017, 28).

Many women worked for the Federal Match Factory in Alexandria, which was known as 'Wellington Matches' because so many of the Aboriginal workers were originally from the NSW country town of Wellington. Other local industries where Aboriginal people worked were the Henry Jones & Co IXL Jam Factory on Golden Grove Street in Chippendale, Francis Chocolates on Stirling Street in Redfern, and the Australian Glass Manufacturers on South Dowling Street at Waterloo (Heidi Norman 23 August 2009).

As activist Gary Foley recalled, the Redfern area was an important place of social connection where Aboriginal children and adults were welcome and safe (Foley 2014);

The one thing we all had in common, was that we were all poor. Redfern was regarded, by the rest of Sydney I suppose, as the slums, and despite there being some fairly dodgy landlords, it was a place where Aboriginal people could actually get somewhere to stay.

Redfern had become a focal point for political activism long before the more well-known movements of the 1960s and 70s. William (Bill) Ferguson, the founder of the Aborigines Progressive Association, and the leader of important civil rights actions such as the 1938 National Day of Mourning, held a number of meetings at Redfern Town Hall, and the former Boot Trade Union Hall at 122 Eveleigh Street (Cox, Inall, Ridgeway 2021, xii).

When Aboriginal people began to organise politically from the 1920s, there were often sympathetic white people to help in the struggle, many of them trade unionists. During the period from 1950 to 1967, unions and Aboriginal organisations worked closely to build momentum to the 1967 Referendum on Citizenship Rights and Commonwealth control of Aboriginal affairs.

In 1944, Bill Onus co-founded the Redfern All-Blacks Rugby League team. By 1946 they had made the finals. Redfern All Blacks has been central to the social, cultural and political history of Aboriginal Redfern. Throughout the 1950s and 1960s the Redfern All-Blacks also played a role in political activism and community organisation, notably by the activist Ken Brindle. Ken was involved in a range of community activities, including proposals to the Council for Aboriginal Affairs for a community centre. Similarly, Brindle, in organising the New Zealand tours, saw them as cultural exchanges and community development. Ken Brindle saw Redfern All Blacks as a means to build community and cultural capacity and pride. The football teams carried with them far greater significance – they were vehicles for community development and the re-forming of new communities. After the 1967 Referendum, people were more able to travel and came to Redfern, many searching for relatives

taken during the period of the Stolen Generations. Many men could arrive and pick up some part time employment playing rugby league (Hoff 2011).

By the 1960s, the Aboriginal population around Redfern numbered over 12 000, swelling to 35,000 in the 1970s. From the 1960s, Redfern was the centre of the urban Aboriginal civil rights movement in Australia. The establishment of Aboriginal-founded and controlled services in the 1970s, such as the Aboriginal Medical Service, the Aboriginal Legal Service and the Aboriginal Housing Company, provided inspiration for self-determination for many Aboriginal communities nationwide (Artefact Heritage 2022, 32).

A collection of streets opposite Redfern Station known as 'the Block' became the site of the first Aboriginal housing companies in NSW. The Block included Caroline, Eveleigh, Vine and Louis Streets. It was where a number of Aboriginal extended families had moved during the 1930s Depression. It became the subject of large protests, starting in the early 1970s, when landlords in the area conducted a campaign of evicting all Aboriginal residents.

A group of campaigners, led by Bob and Kaye Bellear, successfully lobbied the Whitlam government for a grant which allowed the Aboriginal Housing Company (AHC) to commence purchasing houses in 1972. Police harassment and violence was a key driver behind the establishment of the Aboriginal Legal Service and other community-controlled organisations, and Aboriginal activism generally (Cox, Inall, Ridgeway 2021, xii-xiii).

Redfern served as inspiration for self-determination among other Indigenous communities around Australia. In 1972 a group of Redfern-based Aboriginal activists established a protest camp for justice and land rights, on the lawns of Parliament House in Canberra. This 'Aboriginal Tent Embassy' was a critical political action in the broader Aboriginal struggle.

Other arts and cultural organisation began to flourish. In 1978, Radio Redfern, housed at the Black Theatre (now Gadigal House) provided a voice for Aboriginal people in Redfern. Aboriginal Redfern was a key birthplace of important contemporary artistic and cultural movements including Aboriginal theatre, dance, music, art, radio and film. It was the place where Aboriginal people came together to hold significant meetings, such as the first NSW Aboriginal Land Council meeting, and attend large social events, such as the Koori Knockout.

Figure 18: PIX magazine article on the Redfern All Blacks 'Aboriginal Footballers' 1946



Figure 19: Redfern Housing Project 1974 (National Archives of Australia [A8739, A1/8/74/104])



3.1.10 Public Housing and gentrification

During the 1960s the Housing Commission started addressing the problem of inner-city 'slums', which involved evicting and knocking down existing low-quality housing, rezoning or sub-dividing land to attract private development, and establishing new high-rise, higher-density public housing. The construction of the 29-storey Matavai and Turanga towers in Waterloo in 1977 was part of this 'urban renewal' process (Cox, Inall, Ridgeway, 2021, xv).

Throughout the 1980s and 1990s there was intense police harassment of Aboriginal people in Redfern-Waterloo. Many Aboriginal people tell stories of being constantly watched and stopped by police just because they were black. Police would wait outside pubs and arrest people en-masse for 'drunkenness'. With many people in Redfern-Waterloo part of the Stolen Generations who were removed from their families by police, there was a great distrust in them (Cinetel Productions 2017, 31-32).

With an economic downturn in the late 1980s, by the 1990s, a vicious cycle drugs and crime took hold in The Block. Many drug dealers from outside the area targeted the Community. Government policies had little effect. Community rallies against police crackdowns and government intervention occurred. Tensions grew when young Aboriginal men were killed by police. Things came to a head in the Redfern Riots in 2004 with images broadcast across the nation. At this point Aboriginal Community leaders came together and demanded their involvement in making change in the community. REDWatch was formed (Redfern-Eveleigh-Darlington-Waterloo) from Community members both to monitor the situation for Aboriginal people, as well as the police and government actions in the area (Cinetel Productions 2017, 31-32).

From the early 2000s, the Aboriginal and Torres Strait Islander population of the area began to decrease, as new residential development replaced industrial land uses. Aboriginal people began to move further to the inner west and southwest and western Sydney – sometimes by choice, but more often forced through state social housing policy, as well as looking for work and the increasing cost of living in the city area. As the inner city became increasingly gentrified, Redfern and Waterloo housing and rent prices grew and the number of Aboriginal families living in the area continued to decline. A 2021 Census estimate for the Waterloo and Redfern areas was 834 people (Cox, Inall, Ridgeway, 2021, xvii).

Public spaces around the Redfern area have played key roles in Aboriginal protests in Sydney. Redfern Oval marked the beginning point of the 1988 Bicentenary demonstration, which saw thousands of Australians marching to protest the colonial origins of Australia Day. Prime Minister Paul Keating chose Redfern as the location for his famous Redfern Speech in 1992. Belmore Park was also frequently utilised as a gathering place for protests and marches, with the last major events held in relationship to the Apology to Australia's Indigenous Peoples Speech by Prime Minister Kevin Rudd in 2008 and the Black Lives Matter protests in 2020 (Artefact Heritage 2022, 32).

Redfern and surrounds still remain important to Aboriginal people. Radio Redfern is now Koori Radio, based out of the same building, but now a voice to more than 100,000 Aboriginal people across greater Sydney. The annual Yabun Festival celebrates Indigenous culture, music and community in a hugely successful event. Today Aboriginal Redfern continues to be a key urban centre of Aboriginal and Torres Strait rights and identity. Aboriginal and Torres Strait Islander people live, work, study in or visit the area. Important Aboriginal and Torres Strait Islander organisations, services, cultural bodies and businesses continue to be based in the area, including those that grew from the historic first organisations formed there. Many Aboriginal people continue to travel to Redfern to access Community-controlled organisations, attend events, connect with family and friends, and to maintain and pass on connections with the history and significance of the area (Murawin, 2023, 21).

Figure 20: View of terrace houses along Cope Street, Redfern 1989. Note the graffiti showing the Aboriginal flag and sign for Radio Redfern (City of Sydney Archives)



Figure 21: Crowd watching the performances at Yabun, Redfern Park 2005 (City of Sydney Archives)



4.0 SUMMARY AND ANALYSIS OF BACKGROUND INFORMATION

4.1 Archaeological background

The following table summarises the previous archaeological literature from section 3.3 of the ATR (2025).

Table 7: Summary of archaeological literature/previous archaeological investigations.

Report	Summary
Etheridge Jr., R. (1905). The Further Discovery of Dugong Bones on the coast of NSW. Records of the Australian Museum, Vol. 6, No. 1, June.	<ul style="list-style-type: none"> • AHIMS ID 45-6-0751 comprises highly significant Dugong remains with stone artefacts and is located approximately 2.20km southwest of the study area. • Discovered in 1896 along Shea's Creek • Portions of the remains of a dugong (including ribs) showed marks made by stone tools and evidence of butchering activity by Aboriginal people • This site provides evidence that much of the Botany Basin was submerged as recently as 5,500 years ago (Artefact 2020). • Also found peat, shell and wood layers.
Attenbrow, 2002 – Pre-colonial land and resource use in Centennial, Moore and Queens Parks, NSW	<ul style="list-style-type: none"> • Discussed archaeological evidence within the wider parklands, identifying art sites in Centennial Park (sites since destroyed) and Queens Park, along with rock shelters present within Queens Park • Concluded archaeological potential at Centennial Park and areas of similar sandy soil would be limited to locations where the uppermost soil units had remained intact • While archaeological potential would be limited or absent where the uppermost soil units had been removed.
Artefact Heritage, 2015 – CSELR Early Works, Moore Park Tennis Centre	<ul style="list-style-type: none"> • Test excavation took place in 2014 in the Moore Park Tennis Centre, located approximately 2km northeast of the study area • Identified 500mm of introduced fill overlying sands with five artefacts recovered from a vestigial lower layer of a tg1 unit of Tuggerah sands.
Artefact Heritage, 2016 – Sydney Metro Chatswood to Sydenham, Aboriginal Heritage Archaeological Assessment	<ul style="list-style-type: none"> • Metro Station at Waterloo, directly west of the study area • Assessed Quaternary sand sheet where discrete portions of intact stratified deposits containing Aboriginal objects may occur beneath extant buildings • Identified moderate-high potential for Aboriginal objects in sub-surface contexts where there had not been extensive subsurface impacts.
AMBS, 2018 – Sydney Metro City & Southwest, Archaeological Method Statement: Barangaroo, Martin Place, Pitt Street & Waterloo	<ul style="list-style-type: none"> • Existing building construction and development in the area is likely to have impacted the Quaternary sand sheet. • Based on the presence sand identified through geotechnical investigation, it was determined that there was potential for undisturbed soil layers which could retain Aboriginal archaeological deposits to be present.

Report	Summary
GML Heritage, 2018. Investigations of Aboriginal Site RSY1, Randwick, Post Excavation Report. Report prepared for Acciona and Transport for NSW.	<ul style="list-style-type: none"> • Large numbers of English flint fragments and nodules were initially identified by GML Heritage at the Randwick Stabling Yards site of the CSELR, located 2.5km southeast of the study area. • Test and salvage archaeological excavation identified a preserved Tuggerah Soil tg1 and tg2 profile beneath the carpark hardstand • English flint ballast dumped in this location was utilised by Aboriginal people in manufacturing stone tools sometime between 1788 and about 1830. • Over 2400 Aboriginal stone artefacts formed from flint, and five Aboriginal glass artefacts were recovered.
Artefact Heritage, 2020. CSELR: Aboriginal Archaeological Excavation Report.	<ul style="list-style-type: none"> • Artefact have undertaken numerous previous archaeological investigations within Moore Park, approximately 2.45km east of the study area of this report. • Archaeological excavation of disturbed sands containing quantities of both historical artefacts and Aboriginal artefacts • Aboriginal artefacts have been identified within the preserved Tuggerah soil unit (500mm of introduced fill overlying sands).
Urbis 2020, Waterloo South Planning Proposal: Aboriginal Cultural Heritage Study. Report to NSW Land and Housing Corporation.	<ul style="list-style-type: none"> • Geotechnical borehole data derived from investigations at the former Rachel Forster Hospital at 134-144 Pitt Street, immediately north of the study area identified natural brown to light grey sand below modern fill • Assessed preserved aeolian sands should be considered archaeologically sensitive to 2.5m in depth • Based on geotechnical data, Urbis identified an area of low to moderate archaeological potential within the southern portion of the Waterloo Estate (South) study area. The area of potential is considered to have low degree of potential to contain shell middens and low to moderate degree to contain stone artefact deposits. • Resource areas include areas such as Waterloo Swamp, which was located southeast of the study area and Shea's Creek located south of the study area.
Artefact 2021, Waterloo Estate (South): Addendum Aboriginal Cultural Heritage Study. Report to NSW Department of Planning Industry and Environment.	<ul style="list-style-type: none"> • The addendum report investigated the impacts to the project area as a result of a new Planning Proposal including more detailed planning controls. • No Aboriginal objects or new areas of archaeological potential were identified during the site survey.
Urbis, 2024, 28-32 Bourke Road, Alexandria, NSW (Stage 2) Gadigal Country. Prepared for Alexandria Property Development.	<ul style="list-style-type: none"> • Urbis conducted an assessment approximately 542 m south of the study area • geotechnical investigations indicated the presence of intact natural sand body below historical fill (at approximately 0.6/1.9m) likely the Tuggerah soil landscape • Therefore, assessed as containing moderate archaeological potential for artefact scatters / campsites, burials, isolated finds, middens and PADS. • Further subsurface archaeological investigation program was recommended to understand the presence of potential archaeological deposits.

4.2 AHIMS search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 22 August 2025 (Client Service ID: ██████████) for approximately 2 km x 2 km surrounding the study area. A total of 18 AHIMS registered sites are located within the extensive search area. No AHIMS sites are located within the study area.

The majority of these AHIMS registered sites comprise PADs followed by subsurface stone artefacts. The distribution of these sites appears sporadic and no discernible site pattern regarding site type concentrations or connection to landform is obvious within the extensive search results. This is likely due to the highly developed nature of the local area that has been subject to significant historical industrial and residential ground disturbances and significant road and rail infrastructure prior to the first iteration of *National Parks and Wildlife Act* in 1969. Therefore, evidence of past Aboriginal activities within the local area have likely been significantly impacted or destroyed. Aboriginal objects that have survived or areas of PAD that are identified are frequently located within small areas of bush or park where comparatively less historical ground disturbances have occurred or were identified during archaeological test excavations.

4.2.1 AHIMS ID 45-6-4138

AHIMS ID 45-6-4138 is located approximately 18 m west of the study area and comprised a subsurface artefact scatter. AMBS Ecology and Heritage undertook archaeological test excavations for the Western half of Waterloo Metro Station. A total of four artefacts were recovered from 0-200 mm. The assemblage comprised one Backed blade, one core and 2 small flakes of silcrete, indurated mudstone and chert. The artefacts were deposited within a highly disturbed context due to the historical successive phases of building across the area. Due to the low numbers of artefacts and highly disturbed context meaningful interpretation was limited. The site was completely destroyed through subsequent development of the station.

4.3 Environmental background

4.3.1 Soils and Geology

The study area is located within the Botany Basin, a geological feature that is largely filled by a Quaternary sand sheet, often of considerable depth. The sand sheet was deposited by prior watercourses during marine inundation, and most recently by wind known as the Botany Sands (Australian Stratigraphic Unit 2352) (Australian Stratigraphic Units Database, 2021).

The archaeologically sensitive layer of the Botany Sands consists primarily of the sands deposited by the Holocene winds, stained grey from organic materials, which once comprised the ground surface during Aboriginal habitation of the area. They are likely to date no earlier than from approximately 4,500 years ago. These stained grey sands are the top unit (tg1) of the Tuggerah Soil Landscape. This topsoil unit (tg1) is described as a surface of about 300mm deep of organically grey-stained unconsolidated sand, sitting above bleached sands (tg2) of one to two metres in depth.

While the study area has been subjects to significant ground disturbance through residential developments, Aboriginal objects may be present within buried Botany Sands, as was the case with the adjacent Waterloo Metro Station subsurface scatter (AHIMS ID 45-6-4138).

4.3.2 Hydrology and landforms

The study area is situated within a sloped landform part of a small ridgeline spur. The slope ascends eastwards towards a crest in the landscape a small portion of which is located in the very eastern corner of the study area. The surrounds of the study area were once a rolling plain of sand dunes (Quaternary sand sheet) interspersed with waterbodies, freshwater swamps and occasional streams. Covered by an open woodland and herbaceous shrubland, the study area would have constituted an advantageous location for Aboriginal people in the past, particularly given the likely presence of waterfowl, fish and eels in local waterbodies. It would be expected that such utilisation of the

landscape would result in preferential deposition of Aboriginal artefacts in swales (low points between dunes), and at the toe of slopes overlooking local waterbodies.

Shea's Creek is the nearest waterway located approximately 245 m south of the study area and is now largely confined to a stormwater channel that flows through Alexandria southwards into the Alexandra Canal and joins the Cooks River into Port Jackson. Archaeological evidence suggests waterways were important locations for providing food resources and camping grounds in proximity to these resources along the creek for Aboriginal people for millennia.

4.4 Predictive model

Based on desktop research and assessment, the following predictive statements were made prior to the survey undertaken as part of the ATR (2025):

- Although the study area has been subject to different phases of construction, it is possible that intact Tuggerah soil profiles may survive in the study area
- Artefacts are known to preserve in areas of Botany Sands beneath housing foundations, roads and modern fill and may be present within similarly disturbed areas within the study area
- Subsurface low density artefact scatters have the highest potential to be present within the study area
- Culturally modified trees, rock shelters or engravings are unlikely to be present within the study area
- Depths of developmental impacts are not currently known however it is assumed that the construction of the residential dwellings are likely to have significantly impacted the subsurface contexts. Areas of potential are therefore more likely to be contained to locations that have not undergone extensive development such as the landscaped areas, gardens and beneath sealed road surfaces and footpaths where disturbances are more likely to be limited to the upper stratigraphic units
- On the basis of the site listing AHIMS ID 45-6-2597, Urbis (2020) proposed that the study area should be considered sensitive for midden sites. However, based on AHIMS ID 45-6-2597 listed as not a site, is mapped in the wrong location, and the highly disturbed nature of the study area and surrounding Sheas Creek, it is predicted shell middens have low potential to be present within the study area
- Urbis (2020) identified an area of low to moderate archaeological potential within the southern portion of the Waterloo Estate (South) study area. The area of potential is considered to have low degree of potential to contain shell middens and low to moderate degree to contain stone artefact deposits. The area of low to moderate archaeological potential was based on predictive modelling of the study area which was informed by environmental, historical and archaeological information. It was estimated that archaeological material is most likely to occur within the less disturbed areas and in proximity to the known resource areas. Resource areas include areas such as Waterloo Swamp, which was located southeast of the study area and Shea's Creek located south of the study area.

5.0 SUMMARY OF FIELD INVESTIGATIONS

5.1 ATR Survey (Artefact September 2025)

The survey was undertaken on 24 September 2025 by Lily Hackett (Heritage Consultant) and Jonny Love (Senior Heritage Consultant). Will Middleton (Aboriginal Engagement Manager, Stockland) accompanied the team to ensure ingress and egress to the study area. A pedestrian archaeological survey of the study area was conducted in accordance with the Code of Practice (DECCW 2010). Due to the large size of the study area, the survey was divided by landform. The western half of the study area was located within one flat landform and was therefore further divided by block, 5 survey units in total.

The aims of archaeological survey were to:

- test the predictive model by ground truthing the findings of the desktop assessment
- identify and record all Aboriginal objects visible within the study area
- identify and define areas of PAD (as defined by the predictive model)
- gather enough information to assess scientific values of identified Aboriginal objects.

The majority of the study area had been subject to significant ground disturbance from historical residential construction buildings and subsurface infrastructure (drainage, electrical and NBN services). While disturbance was observed across much of the study area, it was discussed on site that sand deposits with Aboriginal objects have been identified beneath layers of historical fill and up to 2-2.5 m deep within the botany sands, particularly in Moore Park and in Central Station. As such, it was assessed there is potential for deep sand deposits with Aboriginal objects to still be present beneath layers of disturbance. Additionally, several exposures of light brown/grey silty sand consistent with the upper soil unit of tg1 were observed throughout the whole study area, although this may also indicate a sandy fill. Due to this identified area of archaeological potential, Waterloo Estate South PAD 01 was identified (AHIMS ID 45-6-4171, see Figure 22).

One soil exposure within the PAD boundary also contained highly fragmented shells several of which were half buried. The species observed included Common Pipi or Goolwa Cockle (*Plebidonax deltoides*), Sydney Cockle (*Anadara trapezia*), and Sydney Mud Whelk (*Pyrazus ebeninus*). Further investigation would be required to determine if the fragments represent disturbed midden or organic material within fill. No Aboriginal objects were identified during the survey.

Figure 22: Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171)



6.0 CULTURAL HERITAGE VALUES

6.1 Methodology

The cultural assessment in this report includes information collected through desktop assessment and Aboriginal community consultation undertaken in accordance with the Consultation Requirements. This information was collected by Beatrix Ye (Heritage Consultant, Artefact Heritage) and Lily Hackett (Senior Heritage Consultant, Artefact Heritage).

6.1.1 Cultural landscape

The World Heritage Convention of United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines a cultural landscape as one which has 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO 1991). The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al 2006).

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations.

6.1.2 Types of values

Aboriginal people hold significant knowledge about traditional use of land before and after contact. The landscape which encompasses the study area has cultural value of importance to the Aboriginal community. The Aboriginal community collectively holds values and knowledge that relate to:

- Traditional values: these are passed down by family and community as part of ancient tradition.
- Historical values: these are passed down by family and community and relate to the eras since colonisation; these may include information gained from historical source documents.
- Contemporary values: these are values of modern importance and relevance for Aboriginal stakeholder groups.

There is often no clear separation between these values, and they collectively co-exist with equal importance in forming the value that Aboriginal people place on landscape, cultural heritage, intangible heritage, and particular landforms or parts of the landscape.

6.2 Identified Aboriginal cultural heritage values

Table 8 provides a summary of the Aboriginal cultural heritage values associated with the study area. These have been obtained through community consultation and historical background research.

Table 8: Cultural heritage values identified for the study and surroundings

Cultural heritage value	Description	Source
Historic and contemporary values	The study area is located on country of the Cadigal/Gamaygal/ people. The Gadigal lived on the south side of what is now called Sydney Harbour for hundreds of generations and tens of thousands of years. This area sacred to Ancestors and contains sacred Aboriginal objects and materials to be un-earthed during development constructions.	Stephen Carroll during consultation with Aboriginal community
Contemporary values	The broader Waterloo and Redfern area, inclusive of the study area, as cultural value as connected to the inner Sydney Aboriginal community since the early 1900s where the area became a hub for Aboriginal people to live and work. The Waterloo area also became an area of strong community connection and self-determination through organisations and services through the mid and latter half of the 20 th century when racial targeting and discrimination was felt, particularly members of the Stolen Generations.	Cox, Inall, Ridgeway 2021, v; Morgan 2017; 28; norma 2009; Artefact 2022, 32; Gordon and Smith 2017, 31-32.
Contemporary values	The study area specifically demonstrates continued important values to the Aboriginal community where the Housing Commission estates of 1960s/1970s till present day serve as important housing and as an Aboriginal community hub where connection with family and friends takes place to maintain and pass on connections with the history and significance of the area.	Cox, Inall, Ridgeway 2021, v; Murawin 2023, 21.

7.0 SIGNIFICANCE ASSESSMENT

A significance assessment of the scientific, social, historic and aesthetic values of the study area is included below.

7.1 Significance assessment criteria

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The Guide (OEH 2011: 10) provides guidelines, in accordance with the Burra Charter (Australia ICOMOS 2013) for significance assessment with assessments being required to consider the following criteria:

- Social values – does the area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- Historic values – is the area important to the cultural or natural history of the local area and/or region and/or state
- Scientific values – does the area have the potential to yield information that will contribute to an understanding of the cultural and natural history of the local area and/or region and/or state
- Aesthetic values – is the area important in demonstrating aesthetic characteristics in the local area and/or region and/or state.

Scientific values should be considered in light of the following criteria:

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

It is important to note that heritage significance is a dynamic value.

7.1.1 Historic value

Historic values refer to the association of the place with aspects of Aboriginal history. Historic values can be related to physical objects, but may also be present through intangible and relate to memories, stories or experiences.

The study area has historically been a place where many members of the Aboriginal community live, work through self-determined Aboriginal organisations and services and connect, particularly for members of the Stolen generation and those involved in Indigenous activism throughout the 20th and 21st centuries. As such the study area demonstrates high historic values.

The consultation process also identified that the broader area was Cadigal/Gamaygal/Eora land and would have been used by Aboriginal people for fishing, hunting, camping, ceremonies, and travel.

7.1.2 Aesthetic value

This refers to the 'sensory' value of a place, and can include aspects such as form, texture, and colour, and can also include the smell and sound elements associated with use or experience of a site (Australian ICOMOS 2000). No specific aesthetic values have been identified within the study area.

7.1.3 Socio/cultural value

Social or cultural value encompasses the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods, or events. Communities can experience a sense of loss should a place of social or cultural value be damaged or destroyed. Social or cultural values can therefore only be identified through consultation with Aboriginal people.

The Consultation Requirements specifies that the social or cultural value of a place must be identified through consultation with Aboriginal people. Stephen Carroll (Guugaburra Yiramiilan) highlights the cultural connection to land in which the study area exists as country of the Cadigal/Gamaygal/Eora people sacred to their Ancestors and containing sacred Aboriginal objects and materials to be unearthed during development constructions.

7.1.4 Scientific value

7.1.4.1 Waterloo Estate South PAD 01

It is unknown whether Aboriginal archaeological objects are located within Waterloo Estate Renewal South PAD 01 (AHIMS ID: 45-6-4171). As such the research and educational potential is unknown, and the representativeness and rarity of potential artefacts deposits is also unknown. The PAD is of unknown scientific value. Archaeological test excavation would be required to understand the extent and nature of the PAD to ascertain its scientific value. The remainder of the study area does not hold any scientific value or archaeological significance.

A summary of the archaeological significance of sites identified is presented in Table 9.

Table 9: Significance assessment

Site name (AHIMS ID)	Research potential	Representativeness	Rarity	Education potential	Overall significance assessment
Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171)	Unknown	Unknown	Unknown	Unknown	Unknown

7.2 Statement of significance

The study area holds significant historic and social value due to its association with Aboriginal history, serving as a place where many Aboriginal community members, including those from the Stolen Generations and Indigenous activists, have lived, worked, and connected through self-determined organisations and services throughout the 20th and 21st centuries. While no specific aesthetic values have been identified, the area is culturally significant as land of the Cadigal/Gamaygal/Eora people. The scientific value of the Waterloo Estate South PAD 01 is currently unknown, as it is uncertain whether Aboriginal archaeological objects are present. Overall, the study area contains high significance for its social and historical connection to contemporary Aboriginal community of Waterloo and Redfern. Further investigation of the Waterloo Estate Renewal South PAD 01 (AHIMS ID: 45-6-4171) may reveal the presence of Aboriginal objects that would change the overall significance of the study area.

8.0 IMPACT ASSESSMENT

8.1 Description of likely impacts

8.1.1 Project vision and intended outcomes

The vision for the site is to create a unique and vibrant mixed-tenure housing precinct that supports the needs of the community and delivers much needed housing in response to National and State Government priorities. Through consultation with Homes NSW, the concept aims to deliver a project that:

- High quality mixed tenure housing in the context of a rapidly transforming area
- Approximately 3,300 new dwellings, of which a minimum 30% will be social housing, approximately 20% will be affordable housing, and a maximum of 50% will be market housing (measured as a percentage of the total residential gross floor area)
- Publicly accessible open space and public realm activation
- An authentic mixed-use precinct, with housing co-located with non-residential uses, community uses, essential services, and access to public transport.

The proposed redevelopment seeks to create a unique and vibrant destination that can deliver significant social benefits to residents, visitors, and workers in the Waterloo area and broader City of Sydney LGA. The co-location of community uses with housing and employment uses will ensure the redevelopment is an integrated, accessible and connected precinct that supports the social needs of community.

8.1.2 Proposed Concept SSDA

The concept SSDA seeks concept approval in accordance with section 4.22 of the EP&A Act for the comprehensive redevelopment of the Waterloo South site. The concept proposal, if approved, will guide the detailed design of future buildings, public open spaces, and the public realm within Waterloo South. It will seek concept development consent for key planning metrics for the precinct as generally described in Table 10 (indicative figures) (see Figure 23-Figure 25).

Table 10: Key development metrics

Descriptor	Project Details
Project Area	<ul style="list-style-type: none"> • Waterloo South has a developable site area of 114,822sqm / 11.5ha • The Waterloo South Precinct Area, including all LAHC owned and privately owned properties and roads within the precinct, has a site area of 123,149sqm / 12.3ha.
Project Description	<ul style="list-style-type: none"> • Maximum building envelopes, including maximum building heights, street-wall heights and setbacks • Distribution of gross floor area across the Waterloo South development blocks • Indicative allocation of floor space between social housing, affordable housing, community uses and other non-residential uses across the Waterloo South Precinct Area

Land Uses	<ul style="list-style-type: none"> • Loading, vehicular, pedestrian, and active transport access arrangements • Public domain upgrades and new public domain and publicly accessible areas • Indicative subdivision plan, staging plan and delivery sequencing for development • Approval of the following management plans and strategies to inform future stages of the development: <ul style="list-style-type: none"> ▪ Updated Design Excellence Strategy ▪ Preliminary Public Art Strategy ▪ Contamination Strategy ▪ Flood Management Strategy ▪ Stormwater Management and Drainage Strategy ▪ ESD Strategy ▪ Strategies for utilities and service provision including service infrastructure lead-in enabling works ▪ Tree Retention Strategy.
Gross Floor Area	Up to 282,485 m ² .
Building Heights	Between 2 and 33 storeys.
Car Parking	Approximately 1,500 spaces (across all land uses), excluding on-street car parking spaces.
Staging/ Phasing	The indicative staging of the redevelopment is outlined in the concept SSDA. It is expected that the redevelopment will occur in seven (7) stages (inclusive of the delivery of the large park on Block 1).

8.2 Aboriginal heritage impact

The entirety of Waterloo Estate Renewal South PAD 01 (AHIMS ID: 45-6-4171) will be directly impacted through ground disturbance. A summary of the impacts is provided in Table 11.

Table 11: Impact assessment

Site name (AHIMS ID)	Type of harm	Degree of harm	Consequence of harm
Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171)	Direct	Total	Unknown

Figure 23: Aerial render showing the proposed future development



Figure 24: Location of concept proposal basement extents

Base 01



SJB

Figure 25: Location of concept proposal built development

Base 02



SRB

8.3 Ecological Sustainable Development principles

The Guide (OEH 2011) specifies that Ecological Sustainable Development (ESD) principles must be considered when assessing harm and recommending mitigation measures in relation to Aboriginal objects.

The following relevant ESD principles are outlined in Section 3A of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*:

- Decision-making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle')
- If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle')
- The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'principle of intergenerational equity').

8.3.1 The integration principle

The preparation of this ACHAR demonstrates regard for the integration principle by considering Aboriginal heritage values and impacts to these from the proposal during the planning phase. The nature of the proposal is in itself one that contributes to the long term economic and social needs of current and future residents of the area.

Development and implementation of a Heritage Interpretation Strategy for Aboriginal cultural heritage values of the study area through the Connecting with Country Framework will assist in complying with the integration principle.

8.3.2 The precautionary principle

Investigation is ongoing and will involve test excavation to establish the significance of the any subsurface artefacts should these be found. Until test excavations have been completed and the results incorporated into this ACHAR, the precautionary principle has not been addressed.

The combination of predictive models and the results of previous test excavations in the region have been used to assess the probable nature of the archaeological record within the study area. It has been assessed that there is potential for archaeological material to be potentially present within the study area. As such, investigation is ongoing and will involve further archaeological excavation to establish the significance of the any subsurface artefacts should these be found. Until test excavations have been completed and the results incorporated into this ACHAR, the precautionary principle will be updated.

8.3.3 The principle of intergenerational equity

The proposed works would adhere, as close as possible, to the principle of intergenerational equity by collating scientific and cultural information on former Aboriginal occupation of the study area through the previous investigations and this ACHAR. The ATR prepared an assessment of the study area and synthesised the regional character of Aboriginal objects and sites for posterity and future generations. Future test excavations will further synthesise the regional and local character of Aboriginal objects

and sites if they are present and recommend management and mitigation of harm measures for posterity and future generations.

8.4 Cumulative impacts

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

The study area has been subject to extensive cumulative impacts from subsequent historical development that has impacted any Aboriginal surface artefacts or Aboriginal sites and upper layers of soil that may have once contained Aboriginal objects. However as discussed in section 4.1 and 4.3.1, there is still potential for Aboriginal objects to be present within the deeper layers of Waterloo Estate Renewal South PAD 01 (AHIMS ID: 45-6-4171). The proposed redevelopment of the area and construction of large-scale tower buildings would have a cumulatively negative physical impact on the potential archaeological and scientific values of the PAD if Aboriginal objects are present. Test excavations would be required prior to development. Concurrently the demolition and re-location of the residents who reside in the extant buildings are predominantly occupied by the Aboriginal community and hence the dissemination and relocation of the community would have a great impact on the historical and social values attached to the study area.

9.0 MANAGEMENT AND MITIGATION MEASURES

9.1 Guiding principles

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved.

Where unavoidable impacts occur then measures to mitigate and manage impacts are proposed. Mitigation measures primarily concern preserving the heritage values of sites beyond the physical existence of the site. The most common methods involve detailed recording of Aboriginal objects, archaeological test and salvage excavations, artefact analysis and, where appropriate, reburial of Aboriginal objects in a location determined by the RAPs.

Mitigation measures vary depending on the assessment of archaeological significance of a particular Aboriginal site and are based on its research potential, rarity, representativeness and educational value. In general, the significance of a site would influence the choice of preferred conservation outcomes and appropriate mitigation measures, usually on the following basis:

- Low archaeological significance – conservation where possible. SSD Conditions of Approval would be required to impact the site before work can commence
- Moderate archaeological significance – conservation where possible. If conservation was not practicable, further archaeological investigation would be required such as salvage excavations or surface collection in accordance with the SSD Conditions of Approval.
- High archaeological significance – conservation as a priority. Where all other practical alternatives have been discounted mitigation measures such as comprehensive salvage excavations in accordance with the SSD Conditions of Approval would be required.

Sites of unknown scientific value should be conserved where possible. Where conservation is not practical further investigation under the Code of Practice will be required to confirm the presence of Aboriginal objects and gather enough information to assess significance. Test excavation is not a mitigation measure, it is an investigatory action required to gather enough information to inform the development of appropriate mitigation measures.

9.2 Site avoidance

Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171) has been identified within the study area and will be harmed by the proposed works. If avoidance is not possible, archaeological test excavation will be required prior to any proposed works to understand the presence and extent of potential Aboriginal archaeological objects.

9.3 Archaeological excavations

Archaeological test excavations within the identified area of PAD should be undertaken to verify the presence of Aboriginal objects and gather enough information to assess significance and develop suitable mitigation measures. Sub-surface archaeological testing would only be required within areas of the identified PAD that overlaps with impact areas. Archaeological test excavation is not a mitigation measure and data obtained from test excavation would be used to inform an impact assessment and develop mitigation measures for harm to potential subsurface Aboriginal objects.

Test excavation typically should be undertaken to support the SSD application and should be completed prior to the submission of the EIS. However, due to the existing buildings and built surfaces (concrete paths, etc), the presence of tenants, and the social and Aboriginal cultural sensitivity of the study area, a complete test excavation that adequately samples the PAD and retains “enough information” as defined by Heritage NSW (DECCW 2010: 28) prior to the submission of the EIS may not be feasible. For this reason, a post-demolition excavation program approach has been recommended. Artefact Heritage has been advised by the proponent that the DPHI has confirmed with Heritage NSW that they will raise no objection with the below post-demolition excavation approach for the proposed Waterloo Estate South development.

The post-demolition excavation program concerns the southern portion of AHIMS ID: 45-6-4171, the location of the proposed Stage 1 (Blocks 8 and 9) development for Waterloo Estate South.

Post-demolition test excavation program

It is understood that Homes NSW will undertake demolition of the Stage 1 area in early 2026. Following demolition of extant structures to surface level, monitored by a suitably qualified archaeologist, test excavation would be undertaken in a staged approach initially limited to the southern portion of the PAD (the location of the proposed Stage 1 development – Blocks 8 and 9). If significant Aboriginal archaeological resources are identified, salvage excavations may be triggered in those areas as noted in the methodology. This approach ensures that all areas of archaeological potential are addressed within a streamlined excavation program.

Due to the sensitivity of the project and the cultural and social challenges present due to the social housing and removal of Aboriginal residents, it is practical to undertake a test excavation program following demolition works. This approach would ensure the safety of any staff undertaking the test excavation and would ensure that the full area of the PAD within Stage 1 development could be sampled without limitations including in places beneath the previously extant infrastructure. The excavation program within Stage 1 development (Blocks 8 and 9) will inform the construction certificate application prior to any bulk excavation works commencing. The excavation program would also inform additional excavations of AHIMS ID: 45-6-4171 as part of future stages of the project.

An Archaeological Excavation Methodology would be prepared prior to the excavation program by a suitably qualified archaeologist in consultation with the RAPs which outlines a protocol for the investigation of the PAD, including triggers for salvage excavations (if required). In accordance with statutory requirements, the methodology would be prepared and reviewed by RAPs during the Aboriginal stakeholder consultation process which accompanies test excavation. Consultation with stakeholders would be carried out in line with the guidelines established in the Consultation Requirements.

The results of the test excavations would be documented in an Archaeological Excavation Report after the completion of the excavation program. The amended ACHAR would include the findings of the excavation report.

9.4 Changes to the project area

Advice provided within this ACHAR is based upon the most recent information provided by the proponent at the time of writing. Any changes made to the project should be assessed by an archaeologist in consultation with the RAPs. Any changes that may impact on Aboriginal sites not assessed as part of the project may warrant further investigation and result in changes to the recommended management and mitigation measures.

10.0 CONCLUSION

10.1 Summary

The following has been identified during theatre and consultation:

- No AHIMS sites are located within the study area
- Two AHIMS sites are located within 200 m of the study area:
 - AHIMS ID 45-6-4138 (shell midden, since identified as not a site)
 - AHIMS ID 45-6-2597, located less than 20 m from the western boundary of the study area (since destroyed through excavation and subsequent works and is not associated with Waterloo Estate South)
- The study area is located within the Tuggerah Soil Landscape
- While the study area has been subject to significant historical ground disturbance through residential developments, Aboriginal objects may be present within deep deposits of Botany Sands as the depth of these disturbances is unknown
- An area of PAD was identified within the study area. This PAD was named Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171). This area was identified as a PAD based on its location within the Botany Sands.
- The study area holds historical and social significance associate with the long history and connection to contemporary Aboriginal community and the Cadigal/Gamaygal/Eora people.

10.2 Recommendations

The following recommendations have been informed by the above summary:

- Waterloo Estate South PAD 01 (AHIMS ID: 45-6-4171) would be harmed by the proposed works. If avoidance of the PAD is not possible during the proposal, archaeological test excavation would be required within the identified area of PAD to verify the presence of Aboriginal objects and gather enough information to assess significance and develop suitable mitigation measures. Archaeological test excavation is not a mitigation measure and data obtained from test excavation would be used to inform an impact assessment and develop mitigation measures for harm to potential subsurface Aboriginal objects
- Due to the existing buildings and built surfaces (concrete paths etc), the presence of tenants and the social and Aboriginal cultural sensitivity of the study area, a complete test excavation program that adequately samples the PAD and retains “enough information” as defined by Heritage NSW (DECCW 2010: 28) prior to the submission of the concept proposal EIS may not be feasible. For this reason, a post-demolition excavation program that informs the detailed design has been recommended and has been supported by Heritage NSW and the DPHI. This recommendation concerns the southern portion of AHIMS ID: 45-6-4171, the location of the proposed Stage 1 (Blocks 8 and 9) development for Waterloo Estate South. The test excavation program would therefore be undertaken post-demolition and the results

of the program would inform the detailed design for Stage 1 construction certificate application prior to any bulk excavation works being undertaken. The excavation program would also inform additional excavations of AHIMS ID: 45-6-4171 as part of future stages of the project. For timings of the recommended test excavation program, please see Section 9.3

- A Test Excavation Methodology must be prepared by a suitably qualified archaeologist. This document must outline a methodology for test excavations within the PAD
- An amended ACHAR with results from test excavations would be prepared in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (2011) (the Guide). The ACHAR would be prepared in consultation with the Aboriginal community in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for proponents* (2010) (the Consultation Requirements). To facilitate meaningful consultation and accessibility, the results of the archaeological assessment would be summarised within the ACHAR in concise, plain English
- Any changes made to the project should be assessed by an archaeologist in consultation with the RAPs. Any changes that may impact on Aboriginal sites not assessed as part of the project may warrant further investigation and result in changes to the recommended management and mitigation measures
- A copy of this report should be sent to Metropolitan LALC for their records.

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APPENDIX A – ARCHAEOLOGICAL TECHNICAL REPORT

Redacted from public view.

APPENDIX B – CONSULTATION LOG AND RECORDS

Redacted from public view.



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