

90-102 Regent Street Redfern

Aboriginal Cultural Heritage
Assessment Report

Final

Report to Allen Jack + Cottier

October 2020

Sydney LGA



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EXECUTIVE SUMMARY

The Trust Company (Australia) Limited ATF WH Regent Trust are preparing an Environmental Impact Statement (EIS) for the proposed redevelopment of 90-102 Regent Street, Redfern. The project has been identified as a State Significant Development (SSD-10382) under Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The project would be assessed under the *Environmental Planning and Assessment Act 1979*.

Allen Jack + Cottier on behalf of The Trust Company (Australia) Limited ATF WH Regent Trust have engaged Artefact Heritage to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to accompany the EIS.

It was found that:

- No previously unrecorded Aboriginal sites were identified within the study area.
- The study area is considered to have been subject to moderate – high levels of disturbance
- The landscape context of the study area is not considered to have been preferable for Aboriginal occupation when compared to other landscape features within the immediate vicinity of the study area.
- All sections of the study area were found to demonstrate low archaeological potential
- The vicinity of the study area is considered to have substantial Aboriginal cultural heritage values
- No direct impacts from the proposed works on Aboriginal cultural heritage have been identified.
- The proposed works have incorporated Aboriginal cultural heritage values through the incorporation of Aboriginal artwork in the built form of the building and through the use of native plantings.

The following recommendations are made:

- No further archaeological investigation is recommended.
- The proposed development should continue to investigate methods to incorporate Aboriginal cultural heritage values into the proposed design.
- If suspected human remains are located during any stage of the proposed works, work must stop immediately, and the NSW Police notified. An Archaeologist or Physical Anthropologist should be contacted in the first instance where there is uncertainty whether the remains are human.
- An unexpected finds procedure (see section 9.3.3) must be in place throughout the proposed works, with procedures in place for notification of a heritage consultant, Heritage NSW, Metropolitan LALC and the RAPs where unexpected finds are identified.

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1.0 INTRODUCTION

1.1 Background

The Trust Company (Australia) Limited ATF WH Regent Trust are preparing an Environmental Impact Statement (EIS) for the proposed redevelopment of 90-102 Regent Street, Redfern. The project has been identified as a State Significant Development (SSD) under Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The project would be assessed under the *Environmental Planning and Assessment Act 1979*.

1.2 Approval framework

The project will be subject to assessment by the Department of Planning and Environment as SSD 10382. An EIS will be submitted in support of the determination of the project. In relation to Aboriginal heritage the Secretary's Environmental Assessment Requirements (SEARs) for this project are:

The EIS shall identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010), and guided by the Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW 2011).

The ACHAR shall:

- include consultation with Aboriginal people and documented in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR. .*
 - an assessment of impacts on Aboriginal cultural heritage values. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH. It is noted that a due diligence is not an appropriate assessment, an ACHAR is required.*
 - include procedures to be followed if Aboriginal objects are found at any safe of the life of the development to formulate appropriate measures to manage unforeseen impacts.*
-

Allen Jack + Cottier on behalf of The Trust Company (Australia) Limited ATF WH Regent Trust have engaged Artefact Heritage to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to accompany the EIS.

In accordance with the consultation requirements of the SEARS, a draft of this report was provided to Heritage NSW on 9 October 2020 with comments requested by 6 November 2020. No comments on the report had been received at the time that this report was finalised. Any comments provided by Heritage NSW will be responded to as part of the projects Response to Submissions.

1.3 Proposed works

The proposed works includes the demolition of all existing buildings and structures and construction of an 18-storey mixed use building. The proposed land uses include retail premises on the ground floor facing Regent Street with the remainder of the ground floor and levels above to be used for student accommodation providing a total of 408 beds, indoor and outdoor communal areas, bicycle storage, loading dock and ancillary services and facilities. No on-site car parking (or associated basement) is to be provided.

This ACHAR has been prepared in accordance with the following requirements and guidelines:

- Secretary's Environmental Assessment Requirements (SEARs SSD 10382).
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (Code of Practice) (Department of Environment, Climate Change & Water [DECCW] 2010).
- The Burra Charter (ICOMOS 2013).
- Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010) (Consultation Requirements).
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (Office of Environment & Heritage [OEH] 2011) (The ACHAR Guide).

1.4 Study Area

The site location for the proposed works is 90-102 Regent Street, Redfern (Figure 1). The site is located within the City of Sydney Local Government Area (LGA).

The site is identified as Lots 1-3/2 in Section 2 of DP3954, Lot 1 in DP184335 and SP57425. The site is bound by Regent Street to the east, William Lane to the west, and Marion Street to the north.

The study area falls within the boundaries of the Metropolitan Local Aboriginal Land Council (Metropolitan LALC). The study area is located within the Parish of Alexandria and County of Cumberland.

1.5 Objectives of this Assessment

The objectives of this report are to:

- Assess the Aboriginal cultural heritage values of the study area, including archaeological and community cultural values, and the significance of identified values.
- Identify Aboriginal cultural heritage values that may be impacted by the proposed works, including consideration of cumulative impacts, and measures to avoid significant impacts.
- Ensure appropriate Aboriginal community consultation in the assessment process.
- Identify any recommended further investigations, mitigation and management measures required, should the project proceed.

This report includes:

- A description of the scope of the project and the extent of the study area.

- A description of the Aboriginal community involvement and Aboriginal consultation.
- A significance assessment of the study area including cultural and archaeological values.
- A description of the statutory requirements for the protection of Aboriginal heritage.
- An impact assessment for recorded Aboriginal sites and areas of archaeological potential.
- Provision of measures to avoid, minimise, and if necessary, offset the predicted impacts on Aboriginal heritage values.
- Provision of procedures to be followed if Aboriginal objects are found during the life of the development.

1.6 Limitations

This report has been prepared to assess Aboriginal heritage values only. Non Aboriginal heritage is assessed in a separate technical paper for the EIS (Artefact 2020a)

1.7 Authorship and acknowledgements

The report was prepared by (Alyce Haast, Senior Heritage Consultant) who also managed the project and supervised the archaeological survey and Latisha Ryall (Heritage Consultant, Artefact Heritage). The survey was also attended by Sophie Barbera (Heritage Consultant, Artefact Heritage). Carolyn MacLulich (Principal, Artefact Heritage) directed the project and provided management input; Sandra Wallace (Director) reviewed the final report.

The qualifications of the heritage consultants involved in the production of the report is included in Table 1.

Table 1: Qualifications

Name	Qualification	Years' Experience
Alyce Haast	Master of Professional Archaeology	5 years
Latisha Ryall	BA Archaeology and Palaeoanthropology	2 years
Sophie Barbera	Master of Heritage Conservation	2 years
Carolyn MacLulich	Master of Letters (Museum and Heritage Studies)	26 years
Sandra Wallace	PhD (Archaeology)	17 years

Figure 1: Study Area



Source: D:\GIS\GIS_Mapping\19076 90-102-Regent St\19076_Regent_st.jpg



Study Area
19076 90-102 Regent St
LGA: City of Sydney

Scale: 1:1000
Size: A4
Date: 28-05-2019

0 20 40 m



2.0 LEGISLATIVE CONTEXT – ABORIGINAL HERITAGE

2.1 State Legislation

2.1.1 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act), administered by Heritage NSW (formerly the Office of Environment and Heritage (OEH)) provides statutory protection for all Aboriginal 'objects' as defined under Section 83 of the Act, and for 'Aboriginal places' as defined under Section 84. An Aboriginal object is defined as:

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

An Aboriginal Place is declared by the Minister, in recognition of its special significance with respect to Aboriginal culture.

Under Section 86 of the NPW Act Aboriginal objects and places are protected. Section 86 provides for two offences relating to Aboriginal objects and one offence concerning Aboriginal places and establishes penalties and fines for the harm or desecration of an Aboriginal object or place. All Aboriginal objects, whether recorded or not are protected under the NPW Act.

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

There are no gazetted Aboriginal places in the study area.

As this project is being assessed under Part 4 Division 4.7 of the Environmental Planning & Assessment Act 1979 permits issued under the NPW Act 1974 are not required (Part 4 Division 4.7, Section 4.4.1).

2.1.2 Native Title Act 1994

The *Native Title Act 1994* was introduced to work in conjunction with the Commonwealth *Native Title Act 1993*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act. There are no Native Title claims currently registered in the study area.

2.1.3 Aboriginal Lands Right Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the ALR Act to:

- (a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and
- (b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area is within the boundary of the Metropolitan LALC.

2.1.4 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits.

The proposed works will be assessed under part 4, Division 4.7 of the EP&A Act, which establishes an assessment and approval regime for SSD. Part 4, Division 4.7 applies to development that is declared to be SSD by a State Environmental Planning Policy (SEPP). Division 4.7, Section 4.41 of the EP&A Act specifies that approvals or permits under section 90 of the NPW Act 1974 are not required for approved SSD.

The EP&A Act requires also that local governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required.

Sydney LEP 2012

The study area falls within the boundaries of the City of Sydney LGA. Clause 5.10 outlines the provisions which apply to heritage conservation and requirements in relation to development applications affecting a heritage item or within a conservation area.

The aim of the LEP in relation to Aboriginal heritage is to conserve Aboriginal objects and Aboriginal places of heritage significance. The LEP lists identified items of heritage significance in Schedule 5. If agreement is reached with the Aboriginal community, items or Aboriginal places of heritage significance are also listed within this schedule.

There are no Aboriginal places of heritage significance listed on the Sydney LEP 2012.

2.1.5 State Environmental Planning Policy (State and Regional Development) 2011

The State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identified development which is declared to be State significant. Schedule 2 of the SRD SEPP states that development on the Redfern-Waterloo Sites, with Capital Investment Value (CIV) of more than \$10 million, is considered an SSD. The proposed works have been classified as SSD.

Secretary's Environmental Assessment Requirements (SEARs)

Under Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), the proposed works is classified as SSD. Approval from the Minister for Planning is required and will be based on the assessment of an EIS for the project. As such the Secretary-General of the (NSW) Department of Planning and Environment has prepared SEARs which need to be addressed in the EIS. The Department of Planning, Industry and Environment has had input into drafting the SEARs as per section 1.2.

2.2 Commonwealth legislation

2.2.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

Most State Aboriginal heritage databases provide protection for those sites with physical evidence. The Commonwealth Act, *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. In most cases, archaeological sites and objects registered under the State Act will also be Aboriginal places subject to the provisions of the Commonwealth Act.

There is no cut-off date and the Commonwealth Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The Commonwealth Act takes precedence over State cultural heritage legislation where there is conflict. The responsible Minister may make a declaration under Section 10 of the Commonwealth Act in situations where state or territory laws do not provide adequate protection of heritage places.

3.0 ABORIGINAL COMMUNITY CONSULTATION

Aboriginal community consultation has been conducted in accordance with the Consultation Requirements. A consultation log has been maintained which details all correspondence with the registered Aboriginal parties for the project (see Appendix 1).

Identification of stakeholders and registrations of interest

In accordance with Stage 4.1.2 of the Consultation Requirements, correspondence was sent to the following organisations requesting details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the Sydney LGA:

- National Native Title Tribunal.
- NTSCORP.
- Office of Environment and Heritage (now Heritage NSW).
- The Registrar, Aboriginal Land Rights Act 1983.
- Greater Sydney Local Land Services.
- Metropolitan Local Aboriginal Land Council.
- Sydney City Council.

In accordance with Stage 4.1.3 of the Consultation Requirements, Artefact placed an advertisement in the *Koori Mail* and the *Central Courier* on 24 April 2019. The advertisement invited all Aboriginal persons and organisations who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the study area to register their interest.

Also in accordance with Stage 4.1.3, letters and/or emails were sent on 1 May 2019 to all Aboriginal persons and organisations identified through responses from the agencies contacted during Step 4.1.2. The letters provided details on the location and nature of the proposed works, as well as an invitation to register as an Aboriginal stakeholder. Fourteen days were allowed for registrations.

Following the completion of Steps 4.1.2 and 4.1.3, the following 16 Aboriginal stakeholders registered an interest in the project:

- A1 Indigenous Services.
- Biamanga.
- BH Heritage Consultants.
- Butucarbin.
- Cullendulla.
- Darug Aboriginal Cultural Heritage Assessments.
- Darug Land Observations.
- Didge Ngunawal Clan.
- Goobah.
- Kawul Cultural Services.
- Merrgarn.
- Murra Bidgee Mullangari Aboriginal Corporation.
- Murramarang.

- Tocomwall.
- Woronora Plateau Gundangara Elders Council.
- Wurrumay.

In accordance with Step 4.1.6 of the Consultation Requirements, a list of Registered Aboriginal Parties (RAPs), a copy of the newspaper advertisement, and a copy of the invitation to register an interest, were forwarded to Department of Planning, Industry and Environment and Metropolitan LALC on 29 May 2019.

Review of assessment methodology

A copy of the proposed ACHAR methodology was distributed to RAPs on 29 May 2019, with a 28-day period for review and comment. The document included project details, and a summary of proposed ACHAR assessment methodology. Comments were received from two RAP representative with the comment attached in full in Appendix 1.

The comments received supported the proposed methodology.

Site survey

An archaeological survey of the site was undertaken on the 22 July 2019 with a representative of Metropolitan LALC.

Discussions held during the survey indicated that the study area had been heavily impacted through construction of the existing structures on the site. The potential for incorporating heritage interpretation into the development was also discussed with native plantings and the incorporation of appropriate local Aboriginal names into the development suggested by Metropolitan LALC. The report from the Metropolitan LALC is included as Appendix 3.

Review of draft ACHAR

On the 16 April 2020, a copy of draft ACHAR was sent to the RAPS with comments due by 15 May 2020. At the end of the consultation period, no comments had been received from RAPS on the draft ACHAR.

Project update

A project update was issued to all RAPS on the 12 October 2020.

4.0 ENVIRONMENTAL CONTEXT

The environmental context of the study area is to assist in the prediction of:

- The potential of the landscape over time to have accumulated and preserved Aboriginal objects.
- The ways Aboriginal people have used the landscape in the past with reference to the presence of resource areas, surfaces for art, other focal points for activities and settlement.
- The likely distribution of the material traces of Aboriginal land use based on the above.

4.1 Environmental background

4.1.1 Landform, Geology and Soils

The underlying geology of the study area consists of undulating Aeolian dunefields associated with the extensive Botany Lowlands dune system; deposited in the Quaternary (Late Pleistocene and Holocene) (Herbert 1983). The study area is positioned on the north western fringe of the Botany Lowlands system; which extends through the suburbs of Botany, Randwick and South Sydney. The Aeolian deposits are positioned on Triassic Age Ashfield Shale, which is underlain by Triassic Age Hawkesbury Sandstone.

The study area is located within the Tuggerah soil landscape and borders the Blacktown Soil landscape to the west.

The Tuggerah soil landscape comprises quaternary (Holocene and Pleistocene) wind-blown, fine to medium grained, well sorted marine quartz sand. Prior to European occupation and development, the area would have comprised gently undulating to rolling coastal dunefields. Sand dune systems are considered to be a landform sensitive for the presence of Aboriginal cultural heritage.

The Blacktown soil landscape is typified by shallow duplex soils over a clay base (Hazelton 1992). The biomantle is underlain by heavily textured subsoil with a depth of generally less than a metre, and most commonly less than 300 millimetres (mm). The archaeological implications of this soil landscape are that intact deposits are likely to occur in the A horizon, which is generally up to 300 mm in depth, and that stratigraphic potential would be limited.

4.1.2 Hydrology

A number of swamps and small waterlines were located within the low lying areas of the undulating dune landform in the region surrounding the study area (Figure 2). Historical sources suggest there was a large swamp approximately one kilometre east of the study area, known as Boxley's Lagoon (Thorp 1994). Blackwattle Creek and Blackwattle Swamp were also located approximately 500 metres (m) northwest of the study area.

Many of the swamps in the area would have fed into Sheas Creek (Alexandra Canal) approximately 1.4 kilometres (km) to the south of the study area; which is a tributary to Cooks River. The Cooks River catchment stretches from near Bankstown and discharges into Botany Bay.

Figure 2: Figure indicating approximate locations of waterways during the early colonial period (source: eveleighbstories.com.au/stories/indigenous-place/indigenous-connections)



4.1.3 Flora and fauna

The vegetation would have originally comprised a combination of Coastal Dry Sclerophyll Forest and Coastal Heaths (Keith 2004). The Dry Sclerophyll Forest grows on sandstone landscapes in areas below 700 metre (m) elevation, where rainfall average varies from 1,000 to 1,300 mm (Keith 2004:146). This vegetation type encompasses a wide range of related forest and woodland communities. The eucalypt canopy includes Sydney red gum, red bloodwood and Sydney peppermint, brown stringybark, broadleaved scribbly gum and old man banksia (Keith 2004:146). The prominent and diverse sclerophyll shrub understory is shorter and more open on ridges than in gullies, while the open ground layer is dominated by sclerophyll sedges.

The Coastal Heaths generally comprise a small overstorey of sparse Red Bloodwood, Heart-leaved Stringybark and Yellow-top Ash (Keith 2004:179). The low shrubby vegetation comprises a diverse array of sclerophyllous genera, and is interspersed with an equally rich complement of sedges and herbs, and a small number of grasses. Various plant species within the area were exploited for food, seeds, nectars, fruits, roots and tubers. For example, various species of native lilies with small tuberous roots were collected and eaten.

The flower-cones of the Banksia were soaked in water in bark or wooden containers to extract the nectar to make sweet drinks. The hearts of the Grass Tree stems were eaten and the nectar from the spike flowers was also collected and eaten. They could also be utilised for making tools such as spears, shafts and handles for stone implements, as well as carrying vessels of bark and woven fibre, digging sticks and a variety of other items utilitarian and non-utilitarian. The dry flower-stems of the smaller Grass Tree species were used for spears.

The region surrounding the study area would have provided an abundance of native animals for not only as a food source, but for a number of other materials. Mammals such as kangaroos and wallabies and arboreal mammals such as possums can be used as a food source and also for tool making. For example, tail sinews are known to have been used as a fastening cord, whilst 'bone points' which would have functioned as awls or piercers are an often abundant part of the

archaeological record (Attenbrow 2010:118). Ethnographic observations of early European settlers noted that Aboriginal people used a variety of animal parts; claws, talons, bone, skin, teeth, shell, fur and feathers for a variety of tools and non-utilitarian functions. In summary, the study area would have provided a variety of resource and suitable climatic conditions for year round occupation by Aboriginal groups inhabiting the area.

4.1.4 Historical land use context

The area today known as Redfern was likely being utilised by Europeans from the earliest years of the colony. It is located in close proximity to fresh water and food resources which may have made it popular to the early colonists.

The early years of the nineteenth century saw several large land grants made within Redfern. These included grants to Dr William Redfern, William Hutchinson, John Thomas Campbell and William Chippendale. These land parcels were mainly used as farming land. The study area is located within land granted to Chippendale. Chippendale had been officially granted 95-acres in 1819, however, he and his family had been residing on the land since 1817, during which time, the family had constructed a house and servants' quarters (OEH 2018). Chippendale eventually sold his land to Solomon Levey in 1821. After his death in 1833 his land was sold to William Hutchinson.

William Hutchinson subdivided the land in 1844 as the Chippendale Estate into six blocks, each to be inherited by his children. The blocks contained between seven and ten acres.

In the years following the 1842 subdivision of the Redfern Estate and 1844 subdivision of the Chippendale Estate, Redfern began to thrive. By the 1850s, Redfern, and particularly Pitt Street in Redfern, had become an affluent and sought-after area. The architectural style of the residences built during this time reflect this affluence, as buildings were constructed with an attic storey, timber columns, French doors and stucco to resemble ashlar stonework (OEH 2006). Between George and Pitt Streets, the courthouse, post office, police station and fire station were built (OEH 2006).

Due to Redfern's central location, the coming of the Sydney to Parramatta railway line in 1855 further boosted its development (OEH 2009). Land resumptions for the rail line facilitated inner city residential developments along the rail corridor, allowing for an increase in Redfern's population.

Historical maps and photographs show residential development within the study area from the 1880's. The majority of the structures within the study area date to the 1890's and include the former Bunnerong Hotel (later called the Captain Cook Hotel) and three two storey shop and dwellings. The southern most property is currently occupied by a multistorey apartment structure with split level basement facilities which were constructed in 1998.

The development of the railway, the extensive Eveleigh Railway Workshops, and an increasing number of factories in Redfern, Chippendale, Waterloo and Alexandria saw an increase in people moving to the Redfern area for employment in the late 1800s and early 1900s. From the mid 1900s Redfern became a centre for Aboriginal activism (see section 5.2). In recent decades, there has been a rapid gentrification of inner Sydney suburbs, including Redfern (Morgan 2012). In 2005, the NSW State Government formed the Redfern Waterloo Authority (RWA) with a focus on developing and gentrifying Redfern (Begg & K. De Souza 2009). This development has seen an influx of students and young professionals to the area along with the establishment of new cafes, restaurants and bars. In addition, many of the industrial spaces have been redeveloped into residential spaces (AHMS 2015).

4.1.5 Current site conditions

The site is currently comprised of a row of five brick buildings comprised of a mix of commercial and residential buildings. Basement facilities are noted within the footprint of 98-102 Regent Street and across a small portion of 90 Regent Street associated with the former hotels cellar.

A geotechnical assessment was completed of the study area on the 17-20 September 2019 (Douglas Partners 2019). Assessment comprised of the sinking of seven boreholes ranging in depth from 0.9m-20m. The boreholes identified a layer of fill across the majority of the study area including several inclusions of mixed building materials (concrete, glass, tile, timber, brick etc).

Figure 3: Location of bore holes (Douglas Partners 2019: Appendix B)



Table 2: Inferred geotechnical profile (reproduced from Douglas Partners 2019: 2)

Geotechnical unit	Typical description
Fill	Fill extended to depths of between 0.3m- at least 2m. The fill was mostly granular material including a mixture of silt clay, sand and gravel. With a trace of concrete, glass, brick, sandstone, tile, pvc and timber fragments; over
Sandy Clay	Firm sandy clay (possibly alluvial) to depths up to 2m
Silty clay	Mostly stiff and very stiff silty clay (residual) to depths of between 5.3m and 9.7m.
Laminate and siltstone (Ashfield Shale)	Laminate and siltstone bedrock below depths of between 5.3 and 9.7m and continuing to bottom of boreholes. The rock profile generally includes very low and low strength, fractured laminate about 1m to 3m thick underlain by medium and high strength, fresh and slightly fractured laminate and siltstone.

5.0 ABORIGINAL CONTEXT

5.1 Aboriginal histories of the locality

Prior to the settlement of Europeans in 1788, areas surrounding Sydney Harbour were occupied by the Eora people. The name Eora is derived from *Ea*, meaning yes and *ora*, meaning this place or here (Smith 2006). The Eora inhabited a territory bordered by the coast to the east, Pittwater and the mouth of the Hawkesbury River to the north and the Georges River and Botany Bay to the south. The geographical location suggests that a marine based diet of fish, shellfish and edible plants from the shoreline is likely to have been an important component of Eora subsistence. Remaining evidence of these subsistence activities includes various shell middens, rock shelters with art and archaeological deposit, and engravings along the coastline.

The Eora were comprised of multiple family groups, which included different languages and varying settlements around the harbour. These groups included the Gadigal, the Wanegal and the Cammeraygal.

Upon initial contact, the population of the Eora is likely to have been around 1,000 people; however some estimates put the figure at between 3,000-5,000 (Smith 2006). The arrival of Europeans had a rapid effect on the Eora population due to introduced disease and dislocation and disruption of traditions and established behaviours. In 1789, the area was hit by an epidemic of smallpox-or similarly contagious disease-leading to a significant drop in population and by the 1820s, the number of Aboriginal people inhabiting the area had been irreversibly reduced (Curon 1985: 9).

Of the three Eora clans, the Gadigal people occupied the land closely associated with the study area. Their traditional occupation of the area is believed to have been for at least 20,000 years prior to European arrival in 1788. The territory associated with the Gadigal people stretched from the south side of Port Jackson from South Head to Petersham (Heiss 2002).

Aboriginal occupation pre-European contact would likely have been concentrated around resource rich areas associated with water. A number of swamps and small waterlines were located within the low-lying areas of the undulating dune landform in the region surrounding the development site. Historical sources suggest there was a large swamp to the east, where Redfern Park is today, known as Boxley's Lagoon. Blackwattle Creek and Blackwattle Swamp were also located to the northwest of the site. Many of the swamps in the area would have fed into Shea's Creek (Alexandra Canal) approximately 1.8 kilometres (km) to the southwest of the site, which is a tributary to Cooks River. The area between Eveleigh and Central Station was also part of an Aboriginal pathway or travel corridor running north-south, likely utilizing the higher ground/ ridgeline located to the east of the site.

5.2 Recent aboriginal history of the locality

From the 1840s onwards Redfern, Waterloo and Eveleigh became an industrial hub. The most significant industrial development in the municipality was the arrival of the railway in 1850. The construction of the Eveleigh railway yards began in 1875 and expanded to include an area of over 60 acres. By 1908 the Eveleigh began manufacturing steam locomotives.

Strong working and social networks were built within Redfern and the Eveleigh Railway Workshops, with the Eveleigh complex becoming pivotal in the Australian Labour Movement. In addition to this, due to the close proximity of the La Perouse reserve, Aboriginal people had found employment within the factories of Chippendale, Waterloo, Alexandria and Redfern with the Eveleigh Workshops being no exception.

There was a steady migration of Aboriginal people from rural centres due to the reasonable rent and employment opportunities of the area (Anderson 2000:130-143). Redfern became a centre for activism by the mid-twentieth century and the first Aboriginal Football Club – the Redfern All Blacks – was established in 1944 having an important effect on the community. By 1960, the Aboriginal population in Redfern was estimated at 12,000, swelling to 35,000 in the 1970s. It was during this time that the Aboriginal Housing Company was formed to manage the grant known as ‘The Block’ (Anderson 2000:130-143).

5.3 Aboriginal Heritage Information Management System

The locations and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information, including the AHIMS data and GIS imagery, is removed from this report if it is to enter the public domain.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 23 May 2019 (Client ID: 422599). The search results were re-exported from the AHIMS database on the 15 September 2020 which confirmed that no further Aboriginal sites had been recorded in the search area following the original search.

An area of approximately 4 km (east-west) by 4 km (north-south) was included in the search. The AHIMS search provides archaeological context for the area and identifies whether any previously recorded Aboriginal sites are located within or near the study area. The parameters of the search were as follows:

GDA 1994 MGA 56

Buffer

Number of sites

16

A total of 16 Aboriginal archaeological sites were identified in the extensive AHIMS search area. The distribution of recorded sites within the AHIMS search area is shown in Figure 4. Heritage NSW lists 20 standard site features that can be used to describe a site registered with AHIMS, and more than one feature can be used for each site. The frequency of recorded site types is summarised in Table 3. For the 16 sites within the search area, six site features were recorded. The majority of recorded sites (43.75%) are potential archaeological deposits (PAD) (n=7).

Table 3: Frequency of recorded site types

Site feature	Frequency	Per cent (%)
Aboriginal Ceremony and Dreaming, Artefact, Shell	1	6.25%
Aboriginal Resource and Gathering	1	6.25%
Artefact	5	31.25%
Artefact, Potential Archaeological Deposit (PAD)	1	6.25%
Potential Archaeological Deposit (PAD)	7	43.75%
Shell, Artefact	1	6.25%
<i>Total</i>	<i>16</i>	<i>100 %</i>

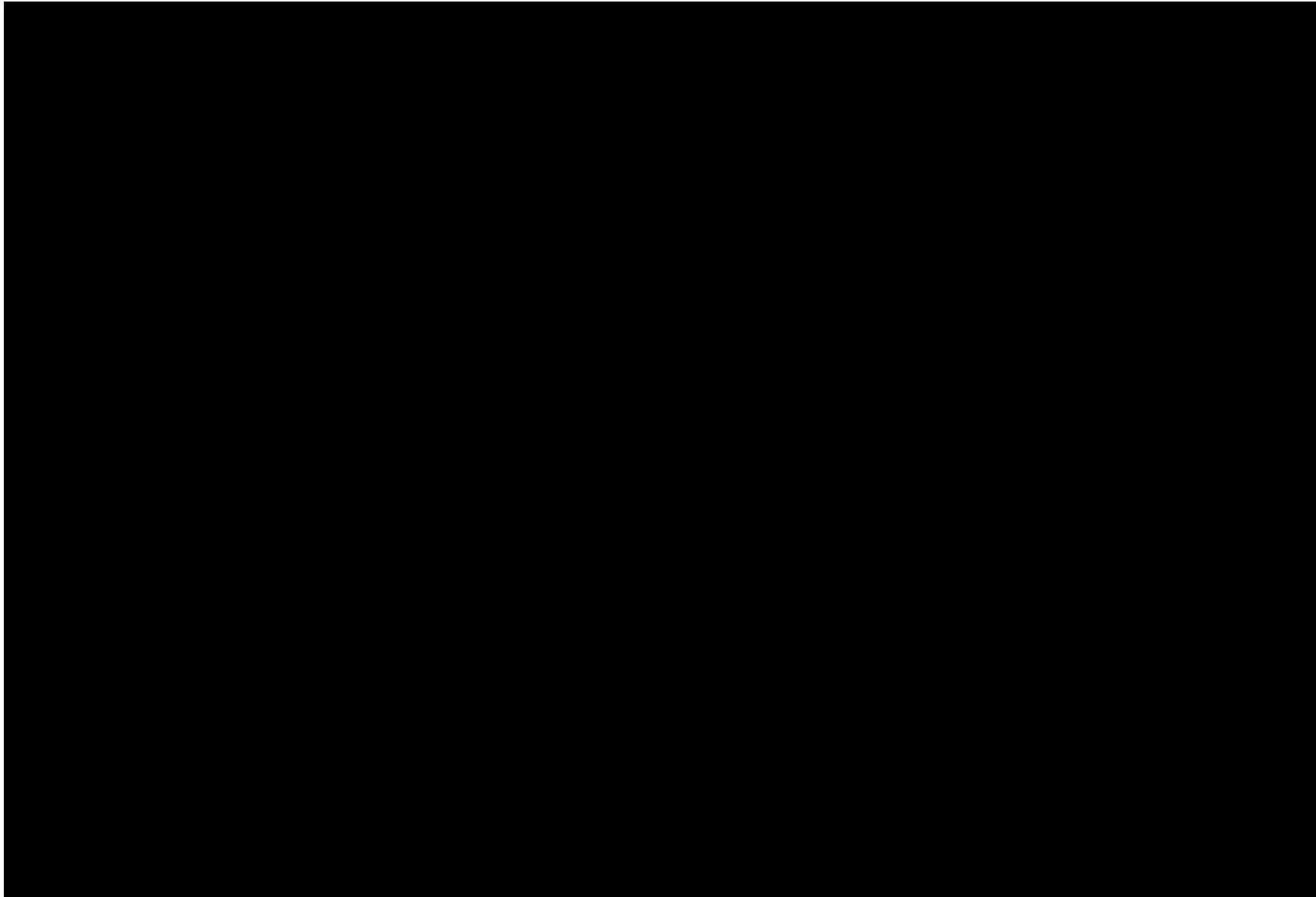
The nature and location of the registered sites is a reflection of the past Aboriginal occupation from which they derive, but is also influenced by historical land-use, and the nature and extent of previous archaeological investigations. Although Aboriginal occupation covered the whole of the landscape, the availability of fresh water, and associated resources, was a significant factor in repeated and long-term occupation of specific areas within the landscape. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation, while others, such as stone artefacts, are more resilient.

No registered sites area located within the current study area. The closest site to the study area is the Wynyard Street Midden (AHIMS ID 45-6-2597) [REDACTED]

[REDACTED] However, the description on the site card does not match the location based on the AHIMS coordinates. [REDACTED]

[REDACTED] The site card indicates a midden site was identified within a grassed area.

Figure 4: Extensive AHIMS search



5.4 Previous archaeological assessments

5.4.1 Previous archaeological assessments

A number of Aboriginal archaeological assessments have been conducted within the local region. These assessments have included archaeological excavations conducted at sites identified during the course of historical archaeological investigations.

11 Gibbons Street, Redfern (Artefact 2018a)

Artefact Heritage (2018) undertook an Aboriginal archaeological assessment of an urban redevelopment site directly adjacent to the current study area. The assessment area was completely obscured by bitumen and existing structures. The geotechnical report identified that potentially intact sand deposits were present within the soil profile. The analysis concluded that while archaeologically sensitive sand deposits were potentially located below the existing ground surface that the study area was not located within an area which would have represented a preferred area of Aboriginal occupation. No further archaeological assessment was recommended.

13-23 Gibbons Street, Redfern (Artefact 2018c)

Artefact Heritage (2018) undertook an Aboriginal archaeological assessment of an urban redevelopment site directly 10 m southwest of the current study area. The assessment area was completely obscured by bitumen and existing structures. The geotechnical report identified that there was substantial variation with the upper portions of the soil profile comprised of fill on top of sand, clay and laminate deposits and potentially intact sand deposits were present within the soil profile. The analysis concluded that while archaeologically sensitive sand deposits were potentially located below the existing ground surface that the study area was not located within an area which would have represented a preferred area of Aboriginal occupation. No further archaeological assessment was recommended.

60-78 Regent Street, Redfern (Artefact Heritage 2014)

Artefact Heritage (2014) undertook a due diligence assessment of an urban redevelopment site located approximately 260 m northeast of the current study area. The assessment area was completely obscured by bitumen and existing structures. Assessment was based on environmental and historical research as well as information recovered from geotechnical investigation. Geotechnical investigation indicated that the A horizon sands had been removed from the area with fill appearing to have been directly deposited onto silty clay subsoil. It was considered that the site had low potential to contain Aboriginal objects or archaeological deposits.

175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (AHMS 2014)

A preliminary Aboriginal cultural heritage assessment was undertaken for this site which is approximately 470 m north of the study area and located within 200 m of the former Blackwattle Creek. Despite its location adjacent to a favourable resource, AHMS (2014) considered that the historical development of the site would have impacted the full depth of the former soils as the site was situated on Blacktown soils. It was also considered that any Aboriginal objects were unlikely to be present (AHMS 2014).

445-473 Wattle Street, Ultimo (Biosis 2012a)

An Aboriginal cultural heritage assessment was undertaken by Biosis for proposed student accommodation, approximately 1.3 km north west of the study area. The assessment found that significant disturbance and impact to the immediate area had occurred since European occupation;

however there still remained potential for intact subsurface deposits below the disturbance layer. The archaeological sensitivity of the study area was considered to be further increased due to the site's close proximity to Blackwattle Creek (Biosis 2012a).

The assessment identified that the soil profile of the study area comprised fill deposits present from the current ground surface until 2.5 m depth. Below the fill deposits, alluvial soils were thought to be present to approximately 7 m depth. Due to the presence of these potentially sensitive soil deposits the study area was registered on AHIMS as a PAD (AHIMS ID 45-6-3064) (Biosis 2012a).

It was not understood whether the buildings situated within the study area were built on top of original ground surfaces or built onto fill materials. It was also unknown whether the study area was situated on an area of reclaimed land surrounding Blackwattle Bay. It was discussed that if the study area was positioned on reclaimed land it should be considered to have low potential for Aboriginal cultural heritage. The assessment also asserted that if the alluvial deposits were natural then they should be considered to have high potential to contain intact archaeological deposits. It was recommended that the alluvial soils be avoided by construction works if possible and that test excavation for Aboriginal cultural heritage be conducted prior to the commencement of any development (Biosis 2012a).

61-79 Quay Street, Haymarket (Biosis 2012b)

Biosis (2012b) completed a due diligence assessment for The Quay Project at Haymarket, approximately 1.3 km north of the study area. The assessment determined that the area would have been an attractive place for Aboriginal people to occupy and camp on due to the topography and close proximity of resources. However, due to extensive modification of the area since the 18th century it was considered highly likely that the natural soil profile had been completely removed, and with it any traces of Aboriginal occupation. The due diligence recommended that the works proceed without further investigation or approvals on the condition that if the works encountered any natural soil profiles they immediately cease until further archaeological investigation was undertaken (Higgs & Gibbins 2012a; 2012b).

Cultural Resources Management (CRM) encountered remnant deposits of natural topsoils while completing historical excavations at the Haymarket site and engaged Biosis to undertake excavations focused on recovering Aboriginal cultural heritage. The excavations comprised five 0.5 m x 0.5 m test pits focussed on areas retaining remnant soil profiles. The excavations revealed that the study area, while containing very shallow and minor portions of the original soil profile, was highly disturbed and no Aboriginal objects were identified (Higgs & Gibbins 2012a; 2012b).

157-159 Redfern Street Redfern (Cultural Resource Management 2009)

Cultural Resources Management (CRM) completed an Aboriginal archaeological assessment for the proposed redevelopment of the Redfern RS; located at 157-159 Redfern Street, Redfern (CRM 2009). The site is located approximately 90 m north of the current study area.

The archaeological assessment determined that there was a potential for Aboriginal objects to be located within the area, due to the resource rich nature of the area, pre-European settlement (CRM 2009a:16). It found that the most likely site types present were camp sites, artefact scatters, isolated finds and middens. The assessment included an investigation into historic land use to determine the integrity of the subsurface soil profile within the site; as the construction of the buildings could have degraded or removed evidence of past Aboriginal occupation. However, it was believed that the evidence could not accurately identify the depth of impact. Evidence cited included geotechnical investigations; which identified up to 800 mm of fill material over sandy clay.

While it was noted that the geotechnical investigation showed that no residual soils were present at the site; the archaeological assessment believed that this was insufficient evidence to prove disturbance across the entire site (CRM 2009: 34). Subsequently the assessment recommended a

small test excavation programme to identify the presence or absence of intact archaeological resource. During the historical excavations undertaken by CRM an isolated stone artefact was recovered from the spoil of a European post hole. As the stone artefact (recorded as AHIMS ID 45-6-2987) was found in a highly disturbed context it was assessed as having low scientific significance. The site was considered to have low potential to contain any further Aboriginal cultural heritage and it was recommended that the works proceed with caution (Higgs & Gibbins 2012a, 2012b).

Redfern Courthouse and Police Station, 103-105 Redfern Street, Redfern (Austral 2007)

A preliminary desktop assessment was undertaken by Austral Archaeology for the proposed redevelopment of Redfern Courthouse and Police Station into a community health centre; located approximately 314 m east of the study area. The desktop indicated that the site was present on former sand dune landform, with numerous resources available within the region (Austral 2007). However, the land use history of the site indicated significant ground disturbance, including land clearance and construction of the Courthouse/Police Station with subsequent modifications and extensions to structures. An examination of a geotechnical investigation within the site also indicated that natural deposits had been significantly disturbed. Therefore, any potential Aboriginal sites or objects within subsurface contexts would have been removed or destroyed since European modification (Austral 2007). It was concluded that the area had a very low potential for subsurface cultural material.

National Indigenous Development Centre, 180 George Street, Redfern (AHMS 2007a)

AHMS completed an Aboriginal heritage impact assessment of proposed development of a National Indigenous Development Centre (NIDC), located approximately 135 m to the southeast of the current study area. The impact assessment was prepared to accompany a Part 3A development application as a Major Project.

The assessment identified that the soil profile of the study area comprised fill deposits across the site, ranging from 0.2 to 3 m in depth. However, geotechnical testing identified substantial portions of natural Aeolian sand below the fill deposit. The identified sands were grey coloured, which indicated potential humic content from former vegetation, suggesting that the sands are A-horizon soil (AHMS 2007a: 14). Due to the presence of A-horizon sands below European fill and the abundance of resources associated with the former dunes in the region; it was concluded that the area had a potential for subsurface cultural material. The predictive modelling suggested site types could consist of artefact scatters, isolated artefacts, shell deposits or burials. It was determined that any development works that removed or destroyed the Aeolian sand deposits would potentially disturb Aboriginal archaeological deposits (AHMS 2007a: 53).

Test excavations were conducted with four 1 m x 1 m test pits reaching depths of up to 900 mm confirmed the presence of Aeolian sand, but no Aboriginal objects were retrieved (AHMS 2007a).

Former Rachel Forster Hospital, 134-150 Pitt Street, Redfern (AHMS 2007b)

A preliminary Aboriginal and historical archaeological assessment of this site was undertaken to inform the redevelopment of this site approximately 350 m southwest of the study area (AHMS 2007b). Shallow remnant soil profiles were identified as part of the Tuggerah and Newport soil landscapes and it was considered that the former streams and waterways in the immediate locality would have provided past Aboriginal populations with an attractive resource zone. These soils were interpreted as having potential to contain evidence of Aboriginal occupation (AHMS 2007b).

Central Site, Darlington Campus, University of Sydney (JMD CHM 2006)

Previous survey of this area (Jo McDonald Cultural Heritage Management [JMD CHM] 2004) identified the Central Site as one of four areas of low to moderate archaeological potential due to its proximity to Blackwattle Creek and low levels of historical disturbance (JMD CHM 2004).

Test excavation of this location was undertaken although it was recognized that the location of this area at the head of a first order valley near an ephemeral water resource was unlikely to result in high densities of Aboriginal archaeological material. Although remnant A-horizon soils were present up to 0.5 m in depth across the site following stripping of contaminated soils these were found to be very disturbed. Nine 1 m x 1 m test pits were excavated resulting in the discovery of a single flaked silicified tuff artefact (JMD CHM 2006).

Maze Green, Darlington Campus, Sydney University (Jo McDonald Cultural Heritage Management 2005)

Test excavations were undertaken at the Darlington Campus of Sydney University, less than one km north west of the study area. Previous survey of this area identified Maze Green as one of four areas of low to moderate archaeological potential due to its proximity to Blackwattle Creek and low levels of historical disturbance (JMD CHM 2005).

Backhoe transects were excavated to expose the original land surface, with a maximum depth of 500 mm. Following the backhoe transects, fifteen 1 m x 1 m test pits were hand excavated. Services were encountered in most test pits however, the original buried land surface was also identified at various depths up to 500 mm. One stone artefact manufactured from silicified tuff was identified during the subsurface investigation.

While the study area was situated within the watershed of Blackwattle Creek, it was concluded that the adjacent creek was an ephemeral water supply and other subsistence resources were not in close proximity; indicating that it was not a preferred area of occupation (JMD CHM 2005).

5.4.2 Central to Eveleigh Corridor: Aboriginal and Historic Heritage Review (AHMS 2015)

AHMS completed a heritage review of both Aboriginal and Historic heritage values present within the Central to Eveleigh corridor as part of an options assessment completed for UrbanGrowth NSW. The assessment aimed to understand the nature, extent and heritage significance of the study area and the subsequent implications on future planning.

The study provided an overview of the Aboriginal heritage significance of the Central to Eveleigh corridor and its surrounding area. As part of this assessment an extensive review of previous heritage studies as well as extensive Aboriginal community consultation was undertaken. The assessment also included a predictive model for the presence of Aboriginal objects within the corridor.

The assessment considered that pre-contact Aboriginal occupation would have been concentrated around resource rich areas associated with water. In proximity to the study area these resources were identified as lagoons and dune swales as well as Waterloo swamp located to the east of the current study area (AHMS 2015: 50).

The assessment also noted early colonial evidence of an Aboriginal pathway running north south along their study area, likely utilising the higher ground/ ridgeline located to the east of the current study area (AHMS 2015: 50).

The study noted that while much of the corridor had been subject to substantial historic development which would have impacted the remains of existing Aboriginal objects. It was however noted that as the upper profile of the Tuggerah soil landscape is present at a significant depth, that Aboriginal stone

artefacts should be expected to survive within these areas. It was however noted, that this evidence would more than likely be concentrated in the vicinity of water sources (AHMS 2015: 50).

5.5 Predictive Model

The results of the previous investigations undertaken indicate the following:

- The current study area has been subject to substantial residential development. This has resulted in the removal of any old growth trees within the study area and the removal of the upper soil profile.
- Aboriginal objects may be identified within intact soil deposits should they be present below the existing ground level.
- Aboriginal objects are likely to be present within proximity of water resources such as Waterloo Swamp and Shea's Creek. These resources are not located within the immediate vicinity of the study area.
- The study area is located on a slope landform which is not directly connected to the ridgeline identified within the AHMS (2015:50) corridor assessment. It is considered unlikely that the study area would have represented a preferred area of Aboriginal occupation.

6.0 ARCHAEOLOGICAL SURVEY

6.1 Survey methodology

6.1.1 Aims

The aims of the archaeological survey were to:

- Cover a representative sample of the study area that will potentially be impacted by the proposed works.
- Record any new Aboriginal objects identified during the survey.
- Identify areas of potential archaeological deposit (PAD) that may be present in areas that have had no or minimal disturbance.
- Liaise with Metropolitan LALC regarding the proposed works and the archaeological potential of the study area.
- Collect information to ascertain whether further archaeological investigation is required.

6.1.2 Timing and personnel

An archaeological survey was undertaken on 22 July 2019. The survey was supervised by Alyce Haast (Senior Heritage Consultant, Artefact Heritage) with Sophie Barbera (Heritage Consultant, Artefact Heritage) and Selena Timothy (Metropolitan LALC) also in attendance.

6.1.3 Methodology

The field survey was undertaken within an urban site with current structures completely obstructing the natural ground surface. The sample surface survey was conducted to develop an understanding of the extent of current disturbances related to the current use of the site.

A photographic record was kept of the landform elements, disturbance of the site and ground conditions.

6.2 Survey results

6.2.1 Survey coverage

A summary of survey coverage, in accordance with the Code of Practice, is outlined in Table 4 below.

A variety of urban materials including concrete and brick covered the entirety of the study area resulting in no visibility across the study area. The survey focused on assessing evidence of the sites land use history with historical and environmental research used to inform assessments of archaeological potential.

Table 4: Survey coverage summary

Survey unit	Survey unit area (m ²)	Landform	Visibility (%)	Exposure (%)	Effective coverage (m ²)	Effective coverage (%)	Sites	PAD
SU1	1330	Slope	0	0	0	0	0	0

6.2.2 Survey

The study area is positioned on gently sloping land roughly following the alignment of Regent Street. The study area is comprised of five brick buildings including a two storey former pub building at 90 Regent Street, an alignment of 2 storey shop structures at 92-96 Regent Street and an apartment block at 98-102 Regent Street.

Inspection of the internal portions of 90 Regent Street was available with a small cellar identified in the centre of the building. The rear yard of the property was largely covered by bitumen and paved surfaces with small garden bed areas.

Inspection of the remaining properties was undertaken from publicly accessible vantage points. The properties at 92-96 Regent Street are comprised of two storey shopfront structures which are located on the eastern portion of each lot. The western portion of each lot includes a yard structure which were largely covered by brick and concreted surfaces. 98-102 Regent Street is comprised of an apartment building with basement parking facilities visible below the apartment buildings.

No areas of ground surface visibility were present within the study area. The site inspection was unable to accurately identify any Aboriginal objects or areas where Aboriginal objects would be likely to occur.

Figure 5: Building at 90 Regent Street



Figure 6: Shop fronts located at 92-96 Regent Street



Figure 7: Apartments located at 98-102 Regent Street



Figure 8: Rear yard, 92 Regent Street



Figure 9: View of study area from rear of properties



Figure 10: Basement parking facilities, 98-102 Regent Street



6.3 Discussion

6.3.1 Ground disturbance

Based on historical records, geotechnical investigation and the site survey it has been identified that the study area has been subject to moderate- high levels of subsurface disturbance as described by the Code of Practice

The results of geotechnical investigation have confirmed the extent of subsurface disturbance as the results show the absence of substantial A-Horizon aeolian sands (Section 4.1.5). It appears that the

current development if the area has truncated the existing A-horizon deposits and largely deposited fill material onto sandy clay subsoils.

6.3.2 Analysis of archaeological potential

The archaeological potential of an area is determined by its landform, its location and the level of disturbance. Certain landforms, such as gentle slopes, are conducive to Aboriginal occupation while others, such as steep slopes, are not. The location of appropriate landforms in relation to natural resources, in particular their proximity to a permanent water source, increases levels of potential. Correlations between site location and proximity to a water source have been proven in previous archaeological investigations where the number of sites and their densities is highest in close proximity to a water source.

In areas where there is high level of disturbance however, the archaeological potential is lowered. It is unlikely that surface finds in these areas are in their original context and it is unlikely that sub-surface archaeological deposits are intact. The archaeological potential of an area is rated high, moderate or low, based on all of the above considerations.

- High: Intact archaeological material is likely to be found in this area.
- Moderate: Intact archaeological material may be found in this area.
- Low: It is unlikely that intact archaeological material will be found in this area.

Approximately one third of the study area has been identified as containing high levels of disturbance associated with the construction of basement parking facilities which has involved excavation of the southern portion of the study area to a depth of approximately 1.5 m below the surrounding landform. Geotechnical investigation across the remainder of the study area identified a varied fill layer above a sandy clay subsoil.

While in Redfern the presence of the Tuggerah soil landscape may indicate archaeological sensitivity, this potential is largely associated with A horizon soils. Current geotechnical investigation suggests that the natural sand deposits identified within the study area are associated with B horizon soils. These deep natural soil deposits are considered unlikely to contain Aboriginal objects.

In addition, the study area is not located within a landscape context which is considered to have been preferable for Aboriginal occupation when compared to other landscape features within the immediate vicinity of the study area. Predictive modelling suggests that occupation would have been concentrated in resource-rich areas associated with water (AHMS 2015: 50). While several creek lines and swamps are located within the region the current study area is not considered to be located within close proximity of these resources.

While information received from Metropolitan LALC indicated that the Redfern area contains cultural importance as a meeting place and travel route it is considered unlikely that the current study area would have represented a suitable location for occupation given the sites mid slope landform context. It is considered likely that Aboriginal occupation of the site would have represented transient movement throughout the landscape and that any remaining deep natural soil deposits are unlikely to contain Aboriginal objects.

7.0 ABORIGINAL CULTURAL HERITAGE ASSESSMENT

7.1 Methodology

The cultural assessment in this report includes information collected through desktop assessment, and consultation conducted throughout the ACHAR. This information was collected by Alyce Haast (Senior Heritage Consultant, Artefact Heritage) and Latisha Ryall (Graduate Heritage Consultant, Artefact Heritage).

7.2 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.

7.3 Identified Aboriginal cultural heritage values

Information from the desktop assessment for this and other projects in the Redfern region suggests that the study area is potentially part of a wider landscape of cultural significance. During consultation a strong theme emerged, regarding the importance of acknowledging the changing and continuing relationship to Redfern for Aboriginal people.

Table 5 summarises the cultural heritage values identified for the study area and surrounding region.

Table 5: Cultural heritage values identified for the study area and surrounds

Cultural heritage value	Description	Source
Sites position between multiple groups	Site is located at a key position between the lands of the Gadigal, Bidjigal and Wangal	Metropolitan LALC in Artefact 2018a
Connection to natural resources	Redfern borders wetlands and woodlands which would have provided abundant resources and water sources	Metropolitan LALC in Artefact 2018a

History of dispossession and marginalisation.	History of marginalisation towards Redfern in the 1800s. Closure of missions and movement of tribal groups towards Redfern. Redfern as the centre of Aboriginal Sydney.	Metropolitan LALC in Artefact 2018a
Redfern as the place where Aboriginal people		Artefact 2018b
Birthplace of Aboriginal rights	History of the birth of Aboriginal rights related to 'the Block' as well as major legal, health and community services.	Metropolitan LALC in Artefact 2018a;
	Redfern Park as the location of several Aboriginal rights movements and the location of Paul Keating's 1992 speech on dispossession.	AHMS 2015
Bill Ferguson	First elected Aboriginal member of the Aborigines Welfare board held a number of meetings within Redfern	AHMS 2015
Family Connection	Place where current RAPs were born and grew up. Relatives who moved to Redfern as a safe place following the closure of the missions.	Artefact 2018b

8.0 SIGNIFICANCE ASSESSMENT

8.1 Aboriginal material culture

No Aboriginal objects or areas of archaeological potential were identified within the study area and therefore no site specific assessment of archaeological significance is made in this report. The significance of the study area is instead connected to its cultural values as discussed in Section 8.2 below.

8.2 Significance assessment

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The Office of Environment and Heritage (2011) provides guidelines for heritage assessment with reference to the Burra Charter (Australia ICOMOS 2013) and the Heritage Office guidelines (2001). The assessment is made in relation to four values or criteria (Table 6). In relation to each of the criteria, the significance of the subject area should be ranked as high, moderate or low.

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

Table 6: Heritage criteria.

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

Social

Redfern contains social values to Aboriginal people associated with both occupation of the region prior to European colonisation which continues throughout the industrialisation and urbanisation of Redfern. These include the following associations:

- The site is in a key position between the lands of three main groups the Gadigal, Bidjigal, Wangal, an area bordering both wetlands and woodlands with abundant resources and water sources; there are deep time connections with this area over thousands of years.
- The history of Aboriginal people being marginalised from coastal camping grounds and having to move to the Redfern/Central area in early 1800s.
- The movement of Aboriginal people from regional NSW to Redfern during the Great Depression as rural work became scarce, additional movement of Aboriginal people with the end of both the First World War and Second World War in response to mission closure and dispossession associated with the soldier settlement schemes.
- The development of the Aboriginal rights movement.
- The establishment of a variety of community managed services including the Aboriginal Housing Company the Aboriginal Legal Service, the Aboriginal Medical Service, and the Black Theatre.

Historic

Redfern contains historic significance associated with the development of Aboriginal rights and services including several significant events and people. These include:

- Aboriginal activist Bill Ferguson who held a number of meetings in Redfern Town Hall and was the first elected Aboriginal member of the Aborigines Welfare board.
- The founding of the first Aboriginal football club – The Redfern All Blacks.
- The development of the Aboriginal Housing Company following the community resistance of forced evictions at 'the Block' site.
- Redfern park as the location of several Aboriginal rights movements including Paul Keating's 1992 speech on dispossession.

Scientific

Archaeological values refer to the archaeological or scientific attributes of a landscape or area. These are characterised using archaeological criteria such as archaeological potential, rarity of the archaeological resource, and disturbance. The study area has been designated as having a low archaeological potential due to the fact that it is unlikely for undisturbed intact archaeological deposit to remain the area.

Aesthetic

While the pre-European environment within Redfern has largely been lost to urban development the Redfern region maintains aesthetic significance associated with the development of an Urban Aboriginal identity. This identity is associated with the influx of Aboriginal people into the Redfern region following the Great Depression as work in rural areas became scarce. The built environment of Redfern reflects the development of a modern Aboriginal social network and community networking.

The influence of this is seen both through the substantial Aboriginal artwork incorporated into the built environment within Redfern as well as the variety of community services located within the Redfern area.

8.3 Statement of significance

While no specific cultural or archaeological values have been identified as being associated with the study area the Redfern region holds substantial cultural value both related to pre and post colonisation use of the region. Redfern holds particular value related to histories of dispossession of land both during the use of the La Perouse mission and following the great depression in which a large population of Aboriginal people lived in the Redfern area. More recently the region contains substantial heritage values as the birthplace of the Aboriginal rights movement as well as the location of multiple community based services.

9.0 IMPACT ASSESSMENT AND HERITAGE MANAGEMENT

9.1 Proposed development and Aboriginal Heritage impact

The proposed works includes the demolition of all existing buildings and structures and construction of an 18-storey mixed use building. The proposed land uses include retail premises on the ground floor facing Regent Street with the remainder of the ground floor and levels above to be used for student accommodation providing a total of 408 beds, indoor and outdoor communal areas, bicycle storage, loading dock and ancillary services and facilities. No on-site car parking (or associated basement) is to be provided.

Figure 11: Proposed basement levels

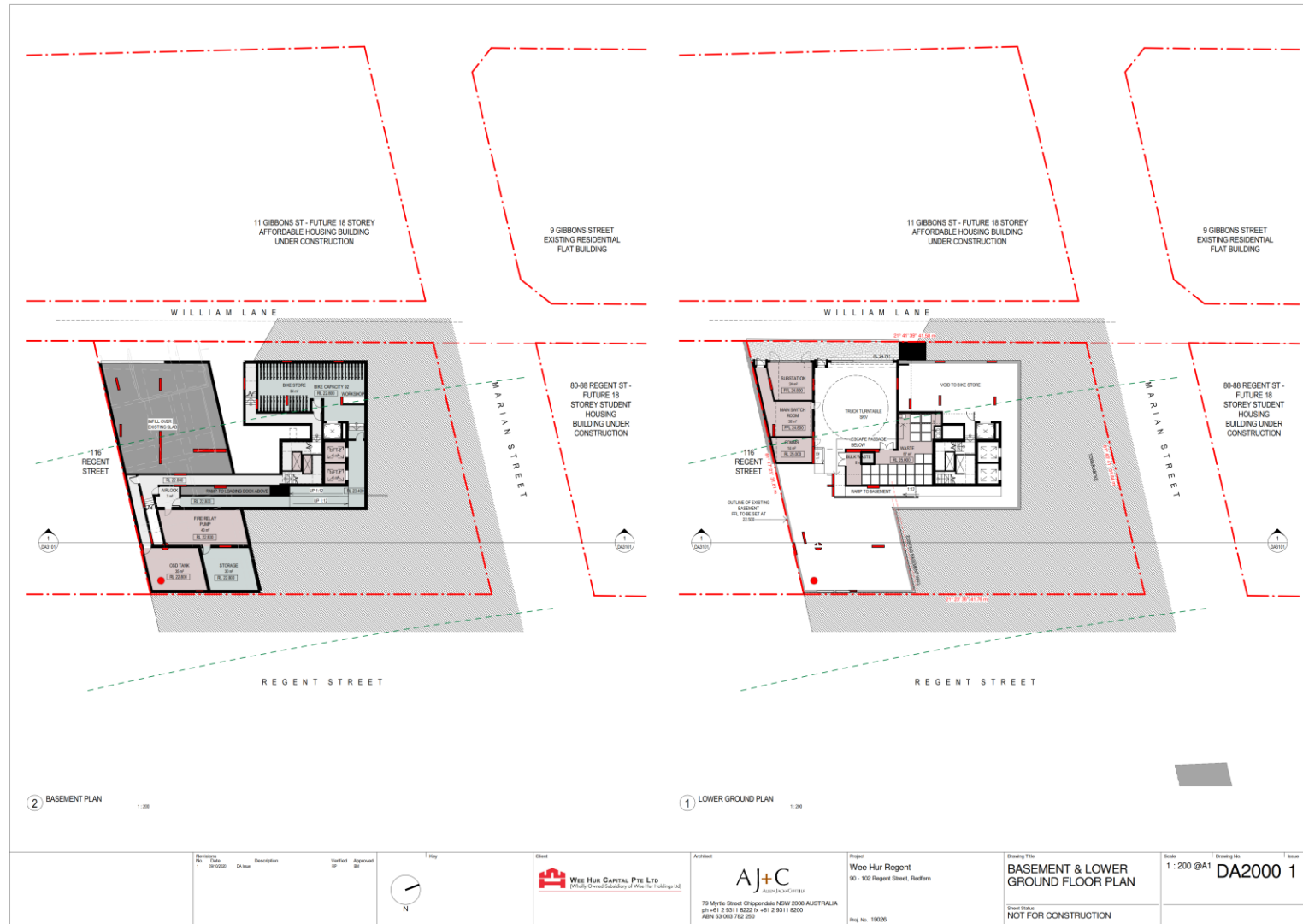


Figure 12: Proposed building design – elevations

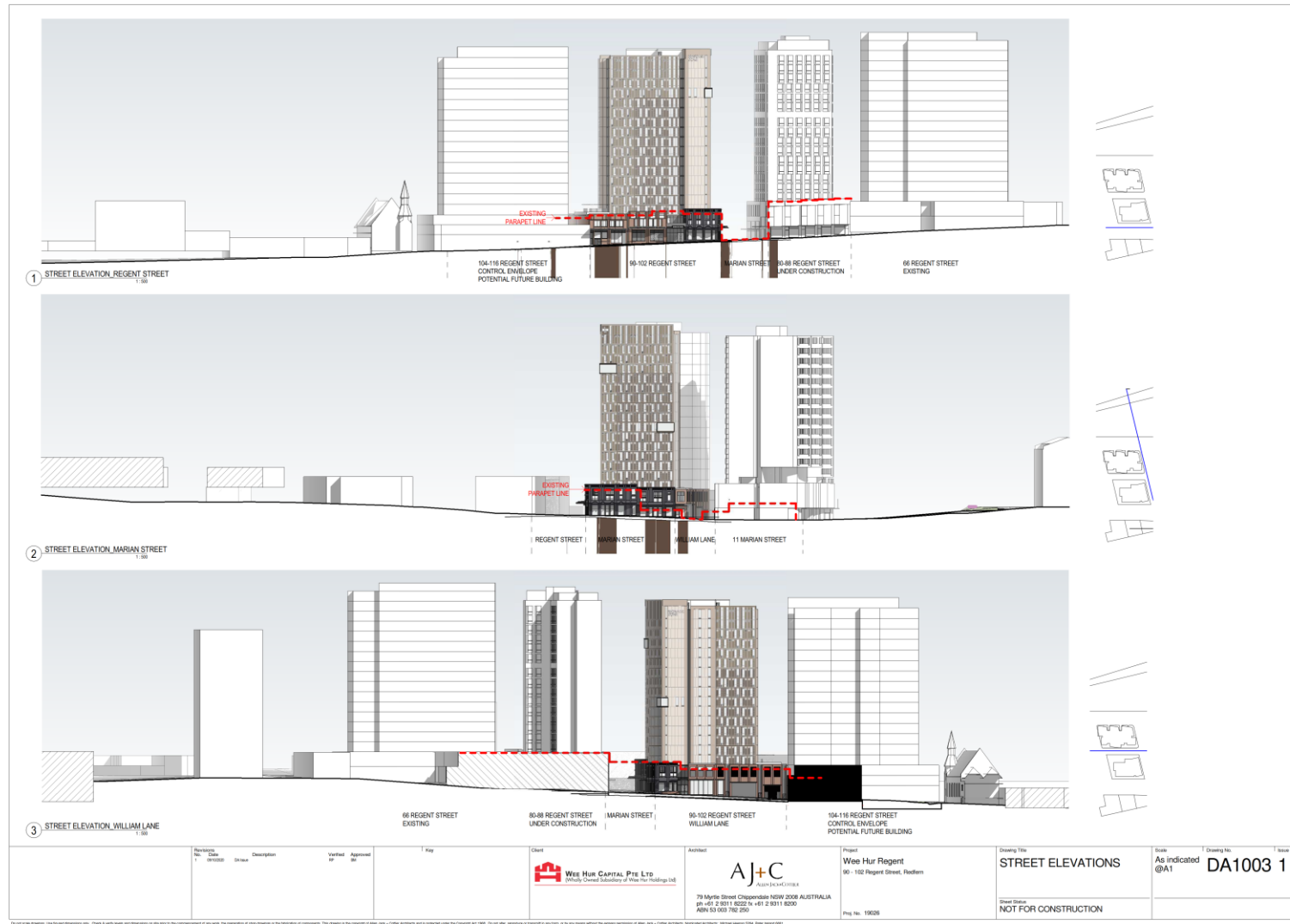


Figure 13: Proposed design elevation showing Aboriginal design in tower panels - western elevation



9.2 Aboriginal heritage impact

The definition of harm is limited to impacts which ‘...destroys, defaces, damages an object or place or in relation to an object – moves the object from land on which it has been situated.’ (s5 NPW Act).

As the proposed works would not result in impacts to identified Aboriginal objects or a registered Aboriginal place the proposed works would be unlikely to result in harm as identified under the NPW Act as previously unidentified Aboriginal objects are unlikely to be present in remnant natural soil deposits below the existing development.

It is acknowledged that the continued urbanisation of the Redfern region has the potential to result in a cumulative impact on the cultural values of the local area. Potential measures to incorporate the cultural values of the study area are included in Section 9.3.

9.3 Management and mitigation measures

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. The current study area is not considered to contain Aboriginal archaeological potential and subsequently management and mitigation measures related to this aspect of cultural heritage is not required.

The study area is located within a culturally significant precinct with regards to both pre-contact and post contact use of the region. This connection to the region resulted in high cultural values being ascribed to the Redfern region.

The proposed management measures, outlined below, are based on the assessed levels of cultural significance and the potential for ongoing development to detract from the cultural significance of the Redfern region.

9.3.1 Heritage interpretation

The key aim of heritage interpretation would be to connect the contemporary experience of student residents and the public with the Aboriginal cultural values associated with the Redfern region (see Section 7.0). Heritage interpretation elements initially suggested for consideration at the site in the draft ACHAR included:

- Engaging Aboriginal artists to develop designs/artworks that could be incorporated into the built form through design features such as:
 - Facades
 - Paving
 - Murals
 - Artwork
- Incorporating local Gadigal words into naming conventions within the building (room names, floor names), in consultation with RAPs
- Incorporating native plant species into any plantings
- Providing interpretive information regarding the Aboriginal history of the site within common areas, developed in consultation with RAPs

In accordance with this management measure, the proposed development has incorporated Aboriginal artwork into precast concrete façade of the building as well as within several windows. The artist engaged for the project, Nicole Monks, will undertake consultation with the RAPs as part of the development of the artwork (shown in Figure 13). In addition to the Aboriginal artwork within the built form it is understood that the landscape plan for the proposed works includes the use of native grasses within the landscape plan (Turf Design Studio 2020).

9.3.2 Changes to the proposed works

This ACHAR is based upon the most recent information made available to Artefact Heritage as of the date of preparation of this report. Any changes made to the proposed works should be assessed by an archaeologist in consultation with the registered Aboriginal stakeholder groups. Any changes that may impact areas not assessed during the current study may warrant further investigation and result in changes to the recommended management and mitigation measures.

9.3.3 Unexpected finds

An unexpected finds policy should be included as part of the project Construction Environment Management Plan for the project. If unanticipated suspected Aboriginal heritage items are uncovered at any time throughout the life of the project the following steps should be undertaken.

- Cease all activity in the vicinity of the find
- Leave the material in place and protect it from harm
- Erect a 10 m exclusion zone (temporary fencing/signage)
- Take note of the details of the material and its location, take a photograph of the find *in situ*
- Inform the site manager/area supervisor, who would then inform the superintendent / principal

Once the find has been secured the project archaeologist/ heritage consultant should be contacted to assess the significance of the find and determine management requirements.

If the find is identified as a genuine Aboriginal object:

- Heritage NSW and Metropolitan LALC must be notified and the RAPs for the project consulted.
- A methodology for salvage and long term storage of the find in accordance with its identified significance must be developed in consultation with the RAPs.
- Salvage works in accordance with the methodology should be undertaken.
- The Aboriginal object should be registered on AHIMS

Works should not recommence until written consent is received from the project archaeologist/heritage consultant.

9.4 Ecologically sustainable development principles

In accordance with the ACHAR Guide, Ecologically Sustainable Development (ESD) principles have been considered in preparation of this ACHAR, including options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ESD are detailed in the NSW *Protection of the Environment Administration Act 1991*. ESD principles relevant to assessment of the proposed works as it relates to Aboriginal cultural heritage are considered below.

The integration principle

Decision-making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle'). The proposed works would comply with the integration principle in regard to Aboriginal heritage. There are no identified areas of archaeological significance within the study area that will be impacted.

An in-depth assessment of cultural values of the region was included during the consultation process for the current ACHAR. It is understood that the project has engaged an Aboriginal artist as part of the project's public art strategy. It is understood the artist will consult with the local Aboriginal community to create culturally appropriate artwork for the proposed development.

The precautionary principle

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle'). Current and previous assessments of the study area have identified the study area as heavily disturbed and subsequently demonstrating low archaeological potential. Due to the regional nature of the cultural values associated with Redfern the proposed development will not result in significant impacts to the cultural values of the region.

The principle of intergenerational equity

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').

The proposed development of student accommodation results in a unique opportunity to directly interact and provide resources that benefit future generations. With particular reference to Aboriginal cultural heritage, the incorporation of cultural design elements into the design of the built environment will provide an avenue to disseminate information regarding the significant cultural values of the region to a new generation which will help ensure the preservation of knowledge relating to these values into the future.

10.0 RECOMMENDATIONS

The following recommendations are based on consideration of:

- Statutory requirements under the *National Parks and Wildlife Act 1974*.
- The requirements of the relevant guidelines: The ACHAR Guide (OEH 2011), Code of Practice (DECCW 2010a) and the Consultation Requirements (DECCW 2010b)
- SEARS SSD 10382
- The results of the background research, site survey and assessment.
- The likely impacts of the proposed development.

It was found that:

- No previously unrecorded Aboriginal sites were identified within the study area.
- The study area is considered to have been subject to moderate – high levels of disturbance
- The landscape context of the study area is not considered to have been preferable for Aboriginal occupation when compared to other landscape features within the immediate vicinity of the study area.
- All sections of the study area were found to demonstrate low archaeological potential.
- The vicinity of the study area is considered to have substantial Aboriginal cultural heritage values
- No direct impacts from the proposed works on Aboriginal cultural heritage have been identified.
- The proposed works have incorporated Aboriginal cultural values through the incorporation of Aboriginal artwork in the built form of the building and through the use of native plantings.

The following recommendations are made:

- No further archaeological investigation is recommended.
- The proposed development should continue to investigate methods to incorporate Aboriginal cultural heritage values into the proposed design
- If suspected human remains are located during any stage of the proposed works, work must stop immediately, and the NSW Police notified. An Archaeologist or Physical Anthropologist should be contacted in the first instance where there is uncertainty whether the remains are human.
- An unexpected finds procedure (see section 9.3.3) must be in place throughout the proposed works, with procedures in place for notification of a heritage consultant, Heritage NSW, Metropolitan LALC and the RAPs where unexpected finds are identified.

11.0 REFERENCES

- AHMS 2007a. National Indigenous Development Centre, Redfern, NSW: Aboriginal Heritage Impact Assessment, report to the Indigenous Land Corporation.
- AHMS 2007b. Former Rachel Forster Hospital – Initial Archaeological Assessment, report to Redfern-Waterloo Authority.
- AHMS 2014. 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern: Preliminary Aboriginal Cultural Heritage Assessment, draft report to Construct Corp.
- AHMS 2015. Central to Eveleigh Corridor, Aboriginal and Historical Heritage Review, report to UrbanGrowth NSW.
- Anderson, K 2000. 'Savagery and Urbanity: Struggles over Aboriginal Housing, Redfern, 1970-73', in Peter Read (ed), *Settlement: A History of Australian Indigenous Housing*. Aboriginal Studies Press, Canberra, p.130-143.
- Artefact 2014. Proposed Student Accommodation Development at 60-78 Regent Street, Redfern: Preliminary Aboriginal Heritage Assessment, report to Iglu.
- Artefact Heritage 2018a. 11 Gibbons Street, Redfern: Aboriginal Archaeological Survey Report, report to St George Community Housing
- Artefact Heritage 2018b, 13-23 Gibbons Street, Redfern: Statement of Heritage Impact, report to Allen Jack + Cottier
- Artefact Heritage 2018c, 13-23 Gibbons Street, Redfern, Aboriginal Cultural heritage Report, report to Allen Jack + Cottier
- Attenbrow, V. 2010. *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*. University of New South Wales Press Ltd. Sydney.
- Austral Archaeology 2007. Redfern Courthouse and Police Station, Redfern, NSW: Preliminary Aboriginal Desktop Assessment, for Atkinson Capital Insight.
- Begg, Z & K. De Souza, 2009. 'Introduction', in Z. Begg and K. De Souza (eds), *There Goes the Neighbourhood: Redfern and the Politics of Urban Space*, Creative Commons, Sydney.
- Biosis Research 2012a. 445-473 Wattle Street Ultimo, Proposed Student Accommodation Development: Aboriginal Cultural Heritage Assessment Report, report to Cultural Resources Management.
- Cultural Resources Management (CRM) 2009. 157-159 Redfern Street, Redfern, Archaeological Assessment European Archaeology. Report to Deicorp Pty Ltd.
- Curon, P. H. 1985. *Times of Crisis: Epidemics in Sydney 1788-1900*. Sydney University Press, Sydney.
- DECCW. 2010a. *Code of practice for archaeological investigation of Aboriginal objects in New South Wales*.
- Eveleigh Stories, 2018. 'Indigenous Connections' Viewed 28 August 2019 at: eveleighstories.com.au/stories/indigenous-place/indigenous-connections
- Fitzgerald, S. 2008. 'Chippendale' *Sydney Journal* Vol. 1 (December 2008). pp 118-122.
- Heiss, A. 2002. *Life in Gadigal Country*, Gadigal Information Service, Strawberry Hills, Sydney.

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

Higgs and Gibbons 2012a. The Quay Project, Haymarket: Archaeological Report, report to Cultural Resources Management.

Higgs and Gibbons 2012b. The Quay Project, Haymarket: Archaeological Report, final report to Cultural Resources Management.

ICOMOS Australia, 2013. The Burra Charter: the Australia ICOMOS charter for places of cultural significance 2013. Australia ICOMOS Incorporated.

Jo McDonald Cultural Heritage Management 2005. Sydney University Campus 2010: Test Excavations at the Law Building Site, Camperdown Campus; and at Maze Green, the Old Darlington School, Darlington Campus, for Capital Insight.

Jo McDonald Cultural Heritage Management 2006. Sydney University Campus 2010: Test Excavations at the university of Sydney, Central Site, Darlington Campus, report to Capital Insight.

Keith, 2004. Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT, Dept. of Environment and Conservation, Hurstville, NSW.

Morgan, G, 2012. 'Urban Renewal and the Creative Underclass', *Journal of Urban Affairs*, Vol. 34 No. 2, 207-222.

NSW Heritage Office 2001, Assessing Heritage Significance.

NSW Spatial Services 2018, SixMAPS available at <https://maps.six.nsw.gov.au/#>, viewed 28 May 2019.

Office of Environment and Heritage, 2018. 'Chippendale Heritage Conservation Area'. Viewed 28 May 2019 at: <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2421466>

Office of Environment & Heitage. 2011. *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.

Office of Environment and Heritage, 2006. 'Redfern Estate Heritage Conservation Area'. Viewed 28 May 2019 at: <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=242149>

Office of Environment and Heritage, 2009. 'Redfern Railway Station Group'. Viewed 28 May 2019 at: <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5012154>

Smith, K. V. 2006. Eora: Mapping Aboriginal Sydney 1770-1850, Exhibition Catalogue, State Library of NSW, Sydney.

Thorp, W. 1994. Historical Analysis Redfern Park, report to Clouston.

Tench, W. 1789, 1793. *Sydney's first four years: being a reprint of A narrative of the expedition to Botany Bay and A complete account of the settlement at Port Jackson*. Reprinted in 1961. (Angus and Robertson in association with RAHS).

Turf Design Studio 2020, 90-102 Regent Street, Redfern Landscape DA Report, report to Wee Hur holding Ltd.

12.0 APPENDICES

12.1 Appendix 1: Aboriginal community consultation

Removed for public display

12.2 Appendix 2: Extensive AHIMS Search

Removed for Public Display

12.3 Appendix 3: Metropolitan LALC report



Metropolitan Local Aboriginal Land Council

36-38 George Street Redfern NSW 2016
PO Box 1103 Strawberry Hills NSW 2012
Telephone: (02) 8394 9666 Fax: (02) 8394 9733 Email: bookings@metrolalc.org.au

Monday 22nd July 2019

Alyce Haast
Senior Heritage Consultant
ARTEFACT
Level 4, Building B
35 Saunders Street
Pyrmont NSW 2009

Dear Alyce

**Re: Site Survey 90- 102 Regent Street
Redfern, Sydney
NSW 2016**

On Monday 22nd July 2019, I Selina Timothy as a representative of Metropolitan Local Aboriginal Land Council participated in a site inspection survey at the above property to determine the purpose of identifying any Aboriginal sites and cultural and heritage values. The entire property was assessed at this time with Alyce Haast, Senior Heritage Consultant ARTEFACT.

Property/Inspection Description

The project in question is at 90-102 Regent Street in Redfern, Sydney the project of a new building in the place of an old existing building. The site has not been cleared of buildings and has been disturbed by works previously carried out and we did not find or didn't identify any material or subsurface potential of cultural significant.

Aboriginal Heritage

No Aboriginal sites or objects were located within the boundaries of the proposed development areas nor are any registered sites within the area are recorded.

We didn't identify any material or subsurface potential of cultural significant at the site but Aboriginal people of the past would have used the nearby area as an important source of food and a place of trade whilst travelling through the region in the past.

This indication of Aboriginal occupations, usage and the significance for Aboriginal people past and present still remains. All parts of Sydney hold significance to the Aboriginal people and the preservation and conservation of such sites is of high importance for our connection to Country

MLALC would like to request and propose a need for Aboriginal language to be utilized in any visual interpretation, naming conventions and/or outputs that stem from the project and to have native plant with seasonal fruits in the landscaping.

Conclusions and Recommendations

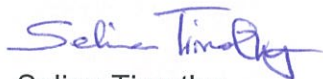
If any cultural materials are unearthed during any stages of excavation in the vicinity of any objects and/or deposits shall cease immediately and the area secure and representatives from MLALC and Representatives from The Office of Environment and Alyce Haast are to be contacted immediately.

Cultural significant objects found during works carried out are to be cared, respected and recorded in the correct way.

After proposed development finalized, MLALC suggested that landscapes of native vegetation be planted and would also like to suggest Aboriginal names of the area to be used in any visual interpretations and or in buildings and MLALC to be notified and made aware of wordings on signage.

If you require further information please do not hesitate in contacting the MLALC Office for assistance.

Regards,



Selina Timothy

Culture and Heritage Officer
Metropolitan Local Aboriginal Land Council (MLALC)

12.4 Appendix 4: Consultation request to Heritage NSW

Alyce Haast

From: Alyce Haast
Sent: Friday, 9 October 2020 10:35 AM
To: OEH HD Heritage Mailbox
Cc: Carolyn MacLulich; Ryan Peeters
Subject: 90-102 Regent Street: Request for review as part of consultation on SSD 10382
Attachments: 19076_90 102 Regent Street Redfern_ACHAR_201009.pdf; 19076_90-102 Regent St Redfern SoHI DRAFT V1 201009.pdf

To whom it may concern,

The Trust Company (Australia) Limited ATF WH Regent Trust is proposing to redevelop 90-102 Regent Street into a student accommodation building. The project is being assessed as a State Significant Development as SSD-10382.

As part of the development of the EIS, there is a requirement to consult with several agencies within the SEARs. Agencies listed include

- Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former Office of Environment and Heritage)
- Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)

As part of this consultation, I have attached a copy of the Draft SoHI (which addresses Built heritage and non-Aboriginal archaeology) and Draft ACHAR (which addresses Aboriginal heritage) for comment by Heritage NSW.

If Heritage NSW wishes to provide comment, We request any feedback or comment on the Draft SoHI or Draft ACHAR by 6 November 2020.

Please let me know if you require any further information,


Kind regards,

Alyce Haast
Senior Heritage Consultant

ARTEFACT

Cultural Heritage Management | Archaeology | Heritage Interpretation

Telephone: 61 2 9518 8411 **Mobile:** 0412 487 963
Address: Suite 56, Jones Bay Wharf, 26-32 Pirrama Rd, Pyrmont NSW 2009
Web: www.artefact.net.au

 We acknowledge the Traditional Custodians of Country in which we live and work, and pay our respects to them, their culture and their Elders past, present and emerging

Alyce Haast

From: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Sent: Friday, 9 October 2020 10:46 AM
To: Alyce Haast
Subject: Automated Response
Attachments: image002.png; image001.png



Heritage NSW

Thank you for your email to Heritage NSW, Department of Premier and Cabinet. We will respond to your email as soon as possible.

Coronavirus (COVID 19)

Given the rapid spread of coronavirus (COVID-19) Heritage NSW has taken steps to protect the safety, health and wellbeing of our staff, partners and communities. We have implemented a number of safeguards that meet official Australian Government COVID-19 guidelines. Whilst our offices remain open, we have well established flexible working arrangements for our teams across NSW, and we will continue to adapt as necessary as these guidelines continue to evolve. Face-to-face meetings and field work/site visits with our customers are now subject to new rules on gatherings and social distancing measures. There may also be some short delays in processing postage in the coming weeks.

We are committed to supporting our communities during this developing situation and we thank you for your patience and understanding.

Aboriginal cultural heritage regulation is now part of Heritage NSW

From 1 July 2020 Heritage NSW began managing Aboriginal cultural heritage regulatory functions under the *National Parks and Wildlife Act 1974*. Now the government functions for the management of Aboriginal cultural heritage is within the one State government agency. All the staff that previously carried out these functions in the Department of Planning, Industry and Environment have been welcomed into Heritage NSW.

Applications

If you have submitted an application under the *Heritage Act 1977* or the *National Parks and Wildlife Act 1974*, it will first be reviewed for completeness and then allocated to the appropriate assessment team. An officer will contact you if any additional information is required. The completeness check is generally completed within 7-14 business days.

We aim to process applications within the timeframes below:

Application Type	Timeframe (Commences once an application is complete)
Section 57(2) Exemption Notification	14 days
Planning Proposals Section 139 Exceptions Section 140 Permits Section 4.55 Modifications	21 days

Integrated Development Applications	If advertised: 21 days following receipt of submissions, or advice there were no submissions, or If not advertised: 40 days
Section 60 Applications Section 65A Modifications	40 days (or 60 days if advertised)
Section 90 Aboriginal Heritage Impact Permit	60 days

Nominations for listing under the *Heritage Act 1977* (State Heritage Register) must accompany a nomination form available on our website (<https://www.heritage.nsw.gov.au/protecting-our-heritage/nominate-listing-on-the-state-heritage-register/>). SHR Nominations are considered by the State Heritage Register Committee who will decide whether the nomination will proceed to the next stage of assessment.

Nominations for Aboriginal Place listings under the *National Parks and Wildlife Act 1974*, are allocated to the relevant team within 2 business days. An officer will contact you if any additional information is required. The Aboriginal Place proposal form is available on our website: <https://www.heritage.nsw.gov.au/protecting-our-heritage/nominating-an-aboriginal-place/>

Aboriginal Cultural Heritage Conservation and Repatriation

Programs supported by Heritage NSW include the ACH Conservation and Repatriation of Aboriginal ancestors and objects. This work is managed by staff located across NSW. Enquiries into these programs are sent to the relevant team within 2 business days. One of our staff will respond to you directly. Please advise us of any requests to modify our projects or timeframes to better accommodate your needs.

A new Heritage Management System is coming!

We are working to improve our systems to make it easier for you to work with us. Early next year, we will be releasing a new Heritage Management System, which will provide:

- Improved heritage search tools, and
- The ability to submit, pay and track the progress of applications online

Further updates will be provided as work progresses.

Further information is also available at <https://www.heritage.nsw.gov.au/>

Sincerely



**Premier
& Cabinet**

Customer Strategies
Heritage, Department of Premier
and Cabinet.

Locked Bag 5020, Parramatta 2124
T (02) 9873 8500

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