

06 June 2017

Mr Greg Colbran
Development Manager
Deicorp Ltd.
Level 4, 161 Redfern Street
Redfern NSW 2016

Dear Greg

**Re: Historical Archaeological Assessment and Aboriginal Cultural Heritage
Assessment Advice for 83-123 Eveleigh St, Precinct 3, Pemulwuy, The Block, Redfern.**

The following advice is proposed to accompany the DA documentation for 83-123 Eveleigh St, Precinct 3, Pemulwuy being prepared by Deicorp and the proponent, the Aboriginal Housing Company Ltd.

It provides a response to the requirement for an Historical Archaeological Assessment and an Aboriginal Cultural Heritage Assessment to be prepared as part of the SEARs requirements issued for Concept Plan Modification (MP 06_0101 MOD 2) and State Significant Development Application (SSD 8135) – Pemulwuy, The Block, Redfern (dated 3 May 2017).

1.0 SITE DESCRIPTION

The site that forms the study area for this assessment is identified as Precinct 3 of Pemulwuy, which is bound by the Railway corridor to the east, Eveleigh St to the west, a small part of Lawson Street to the south and adjacent properties to the north (as shown in Figure 1, below).

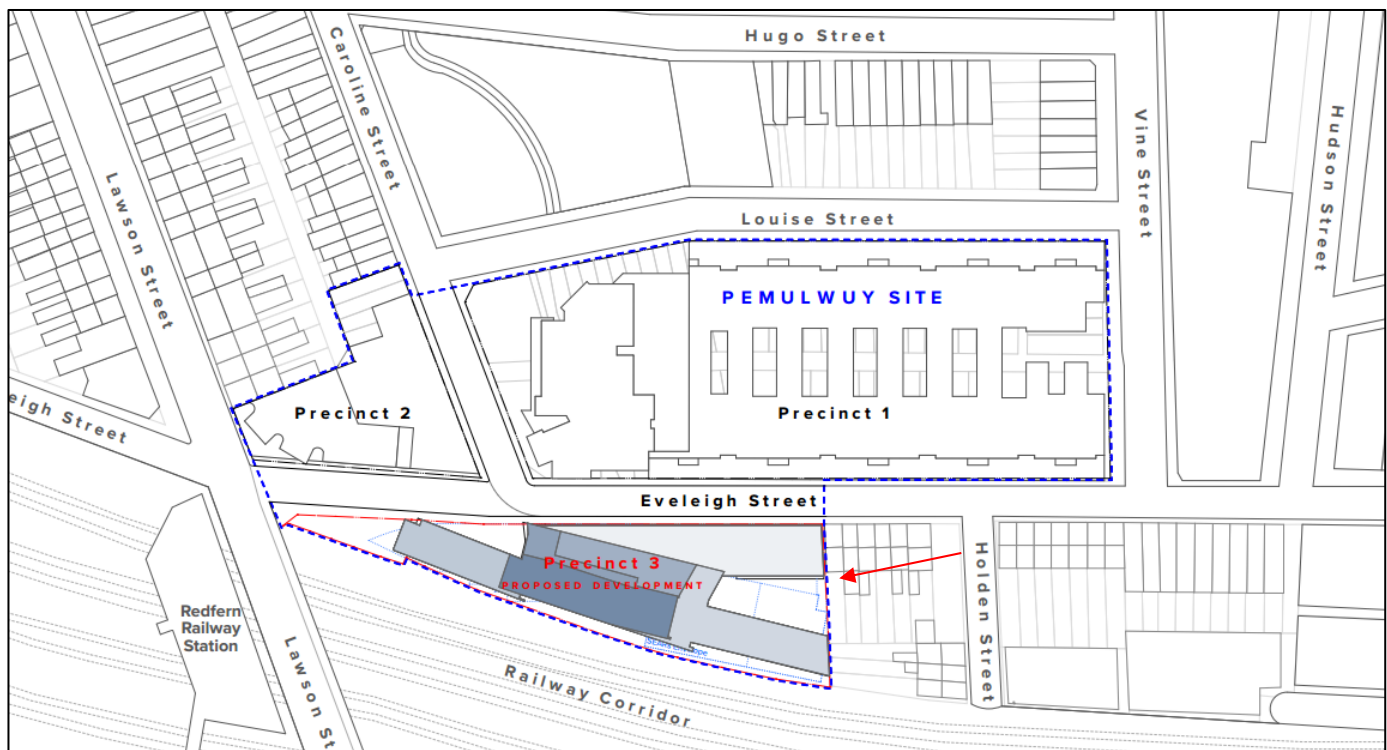


FIGURE 1: PRECINCT 3, PEMULWUY HIGHLIGHTED IN RED (SOURCE: TURNER 2017, WITH CURIO ADDITION).

As described by NBRS + Partners in the *Heritage Interpretation Plan: Pemulwuy Development, The Block, Redfern* (dated December 2011), the land is in the immediate vicinity of the Redfern CityRail's Railway Corridor.

All of the former historic terrace housing on the site was cleared many years ago to make way for a children's playground and other services, and was completed in the 1990s. One semi-demolished, derelict building remains. There are a few remnant trees, a former children's playground and the rail corridor perimeter wall to the east, which contains several painted Aboriginal murals. The site is currently unable to be accessed as it is fenced for security purposes.



FIGURE 2: AERIAL VIEW OF PRECINCT 3 HIGHLIGHTED IN RED (SOURCE:GOGGLE MAPS 2017, WITH CURIO ADDITIONS).



FIGURE 3: VIEW LOOKING SOUTH TOWARDS LAWSON ST, WITH PRECINCT 3 LOCATED ON THE LEFT (SOURCE: GOGGLE EARTH, 2017).

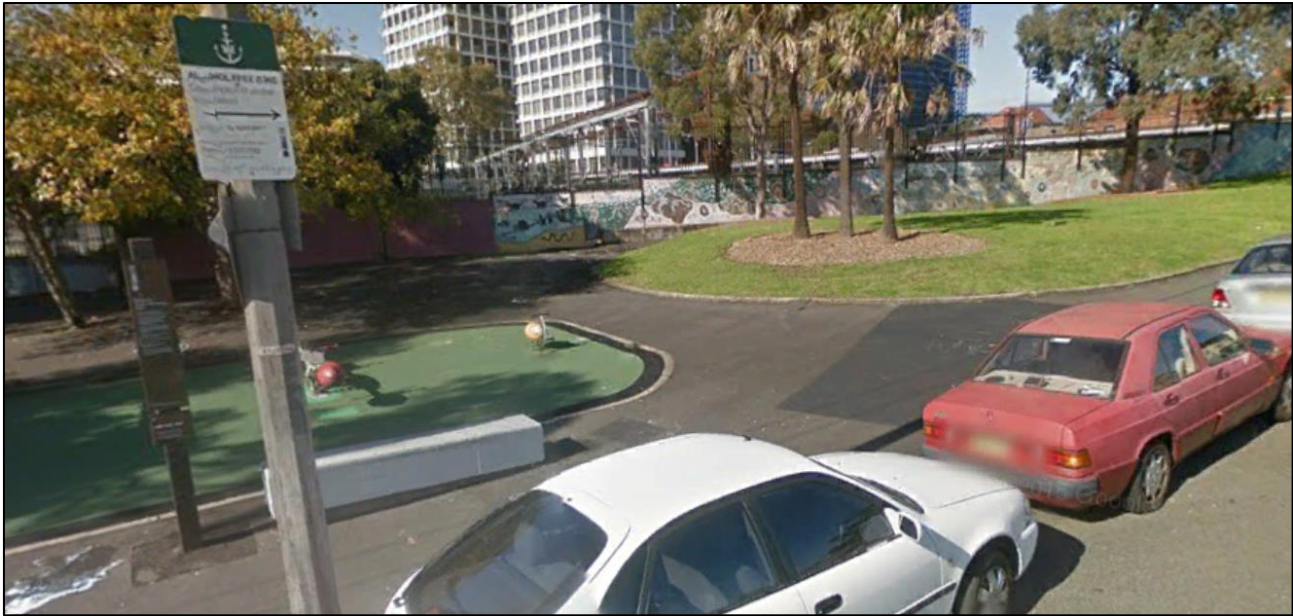


FIGURE 4: LOOKING EAST TOWARDS RAIL CORRIDOR. (SOURCE:GOOGLE EARTH, 2017).

2.0 BRIEF HISTORICAL OVERVIEW OF THE SITE

The following brief historical overview has been drawn from the *Heritage Interpretation Plan: Pemulwuy Development, The Block, Redfern*, prepared by NBRS + Partners (dated December 2011) and from the Director General's Environmental Assessment Report MP11_0093 and MP06_0101 Mod 1. Additional information relevant to the significant Aboriginal history of Redfern, as identified in the *Heritage Interpretation Strategy – Australian Technology Park* prepared by Curio Projects in 2016 as part of Stage 1 ATP SSD conditions of consent, and approved by the Department of Planning and Environment in May 2017, is included to provide a broader context for the Aboriginal history of the Redfern area.

A full historical analysis for the subject site is included in the above-mentioned NBRS + Partners report which was approved as part of existing DA consent issued for the site (Application no. MP11_0093), dated 21 December 2012. For the purposes of this report, the emphasis of the summary relates to the development of Precinct 3. Nevertheless, the full history contained in the NBRS + Partners report of 2011 should be read in conjunction with this short report.

2.1 Aboriginal Occupation Pre-1788

Redfern forms part of a wide expanse of land that was traditionally occupied by the Cadigal (or Gadi, Gadigal) people, spanning from South Head to Botany Bay and west to Petersham. They were one of the clans of the coastal Durug (or Eora) people. Neighbouring clans included the Wanegal to the west and the Gameygal to the south. Precinct 3 is within this traditional land of the Cadigal people.

The 2013 GML CMP for the ATP site (associated with the development of the Redfern Railway and Workshops) notes that:

More than thirty different Aboriginal groups are recorded as having occupied the Sydney region prior to contact. Estimates of the number of Aboriginal people living along the coast between Broken Bay and Botany Bay at the time of contact place the number at approximately 1,500 people. Similar estimates have been made for the inland groups occupying the Cumberland Plain to the west. However, it is difficult to make any certain estimate of population numbers, with researchers placing the total pre-contact number of Aboriginal people within the Sydney region anywhere between 4,000 and 8,000.¹

¹ GML 2013: 7

The Cadigal subsisted on the wide resource base of the local area, including terrestrial, estuarine and marine resources, although archaeological and ethnohistorical evidence indicates that the Sydney Aboriginal economy is likely to have been predominantly marine-oriented. Food was obtained through fishing, shellfish collection, hunting and gathering of small plants and animals. These activities would have been conducted in the vicinity of the study area; indeed, it is likely that the nearby swamps, estuarine mud flats and bays would have provided a relatively reliable, predictable and concentrated range of fish, shellfish and crustacean resources. Fishing was conducted either with lines or spears, although traps and stone weirs may also have been used. As well as the range of plant and animal foods, the landscape would have provided a range of medicinal plants, as well as raw materials used for the manufacture of tools, weapons and shelters and for ceremonial purposes including body decoration.²

2.2 Post-Contact Aboriginal History

Serious documentation of local Aboriginal culture and history by early amateur and professional anthropologists was not properly undertaken until around the 1890s. At this point in time many surviving Aboriginal people from local and surrounding groups were living in fringe camps, on properties (owned by non-Aboriginal people), missions, and reserves. There were many constraints and barriers during that time which adversely impacted on cultural continuance. Despite these constraints and barriers, levels of traditional knowledge and practices have been carried on in Redfern and its surrounding areas.

Two hundred years after European displacement, many Aboriginal people with traditional connections to Country still live in the region. There are also many opportunities and places within Eveleigh and the surrounding area that not only illustrate Aboriginal cultural heritage but are an important legacy for present and future generations of Aboriginal and non-Aboriginal people.

Aboriginal heritage extends well beyond the typical archaeological sites, rock engraving and rock shelter art. It includes natural landscape features, ceremonial, mythological or religious areas, massacre sites or other places with which Aboriginal people maintain a strong spiritual or historical association. The ATP CMP describes the post-European colonisation of Sydney and its impacts on the Aboriginal population of the region as follows:

The Cadigal were the earliest Aboriginal people to be impacted physically and socially by the European colonisation of Sydney. Early contact started on a relatively positive note, with a range of historic accounts detailing the friendly relations between European and Aboriginal people during this period. Governor Phillip had been instructed 'by every possible means to open an intercourse with the natives and conciliate their affections'. Phillip's policy in dealing with the Aboriginal people was to treat them with the greatest humanity and attention, ensuring that every precaution be made to prevent them from receiving insults.

However, these intentions of peaceful cohabitation were difficult to enforce, and friendly relations did not last. Many of the early settlers did not share the sentiments of the governor, being less morally inclined than him in relation to the local Aboriginal population. Incidents of conflict soon emerged and this, combined with European expansion and land and resource use, placed pressure on traditional Aboriginal practices. The local Aboriginal population became increasingly dispossessed of their traditional lands and food and plant resources, leading to inter-tribal conflict, starvation and the breakdown of traditional cultural practices...

...Places such as Happy Valley at La Perouse continued to be a focus for Aboriginal people through the nineteenth century and into the twentieth century. From the 1930s, Aboriginal people were attracted to working class suburbs like Redfern, Glebe, Pyrmont, Balmain and Rozelle where they could find work on the nearby railways, including Eveleigh Railway Workshops and factories. Many Aboriginal people migrated from northern and western New South Wales into these suburbs for new work opportunities. Particularly Redfern and Glebe became communities with sizable Aboriginal populations and many organisations developed to service the needs of these communities. Today, the Redfern area is the home of many Aboriginal organisations including the

² GML p8:2013

NBRS + Partners provided an extremely comprehensive assessment of post-contact Aboriginal history in the Heritage Interpretation Strategy written in 2011 for the existing DA at the site, with key sections of the history included as follows:

Virtually unique to Redfern and Darlington, was the entry of the large numbers of Aboriginal people, some who had been there since the early twentieth century and others who came following changes in legislation regulating their movement in the 1900s.

Aboriginal people from rural areas started moving into Redfern and the surrounding area during the 1920s because it was located centrally and rents were cheap. In addition, the workshops in Redfern and nearby Chippendale offered the possibility of regular work. During the Great Depression of the 1930s, many Aboriginal people sought refuge with relatives in the Redfern area as work in rural areas became scarce. The Eveleigh Railway Workshops was the largest employer of Redfern's residents. The Great Depression resulted in high unemployment among the Aboriginal population of the area. Landlords evicted many tenants of rental properties in the area, with a large number of Aboriginal people moving to shanty towns at the La Perouse Aboriginal Community...

In 1937, the Federal Government adopted a new official policy towards Aboriginal people. Under this policy of assimilation Aboriginal people of mixed descent were to be assimilated into white society whether they wanted to be or not. Those not living tribally were to be educated. All others were to stay on reserves. The following year, New South Wales followed suit by changing their official policy from 'protection' to 'assimilation'.

After World War II, there was a large Aboriginal population shift back into Redfern seeking refuge with relatives concentrated in and around 'The Block'. This followed moves by Randwick Council to close the shanty towns at La Perouse.

By the early 1960s, the Aboriginal population of Redfern was estimated at over 12,000 people. During the decade, an emerging social crisis arose in the community, involving alcohol, drugs and crime. This was coupled with discrimination and high unemployment among the Aboriginal community. Living conditions for local Aboriginal people declined rapidly over the course of the next two decades as people were at the mercy of disreputable and /or absentee landlords. The housing stock, predominantly cheap rental accommodation built in the 19th century, became run down and fell into disrepair. This led to growing criticism of Redfern as a 'slum' area.

The Aboriginal population of Redfern swelled in the wake of the 1967 National Referendum on Aborigines, reaching more than 35,000. This in turn, led to overcrowding and shortage of accommodation with resulting discrimination on the part of landlords and owners. There followed calls from South Sydney Council and State Government to relocate the Aboriginal population away from the inner city. The NSW Department of Housing commenced resettlement of Aboriginal people west of the city in suburbs such as Mt Druitt and Campbelltown...

The resulting Aboriginal Housing Company (AHC) was the first community housing collective in Australia. Incorporated in 1973 the Company was formed in direct response to the widespread discrimination the Aboriginal people experienced in the private rental market. The AHC subsequently acquired 27 derelict houses on 'The Block' bounded by Vine, Eveleigh, Caroline and Louis Streets. The properties were renovated with Aboriginal employment and training by the AHC.⁴

³ Ibid p9:2013

⁴ Heritage Interpretation Plan:Pemulwuy Development, The Block, Redfern p7-8:2011)

2.3 Historical Occupation of Precinct 3

Prior to demolition works by the Aboriginal Housing Corporation, Precinct 3 was occupied by late nineteenth century and early twentieth century two-storey residential terraces and other premises, primarily built for the workers of the Eveleigh Workshops and other local industries.

The history contained in the NBRS + Partners report contains a series of historical plans that clearly document the historical development of the subject site. The historical plans show that Precinct 3 was originally part of the Chippendale Estate (see Figure 5).

William Chippendale received land grants in the Redfern area between 1817 and 1819, which extended to both sides of Botany Road. The land grant was made by Governor Macquarie in 1819 on the condition that at least 20 acres would be cleared and cultivated within 5 years, with no land allowed to be sold during that time. Chippendale is recorded as running cattle, growing potatoes and raising barley crops there, and the historical plans show that the land was cleared, as stipulated by Governor Macquarie.⁵

William Hutchinson purchased land (including Precinct 3) from Chippendale in 1844, after receiving a land grant of 52 acres, west of Chippendale's land grant in 1819 (Golden Grove). He purchased the southern portion of the original Chippendale grant, which then acquired the name of 'Hutchinson's Paddock'. According to the historical records, it was considered to be well-watered, was known for its watercress beds and was leased out by Hutchinson for market gardens. Eventually, Hutchinson subdivided his 62 acres and bequeathed the land to his children.⁶

Hutchinson's estate was then divided due to the construction of Sydney's first railway line which extended from Sydney to Parramatta Junction in 1855. This resulted in the compulsory acquisition of land owned by Hutchinson, with the rail corridor built adjacent to Precinct 3. Building activities associated with the construction of the railway line and rail corridor would have resulted in a high level of disturbance to the land adjacent to the railway, including the land within Precinct 3. Results from geotechnical investigations support this.

The first few buildings that existed within Precinct 3 are shown in the 1865 Trigonometrical Survey of Sydney for Eveleigh (as shown in Figure 6).

By 1888, as the railways and railway workshops were fully operational, historical plans show that the site was also fully developed with terrace housing and other local businesses (see Figure 7) constructed within Precinct 3. The railway dominated the industrial and employment scene of the Redfern area for many years. Further resumptions of Hutchinson's land began in the 1890s as expansions to the rail network took place. The present Lawson Street Overbridge was constructed in 1891.⁷

In 1973, the Aboriginal Housing Company (AHC) began acquiring portions of the site to be utilised as affordable residential accommodation, social and recreational services for the Aboriginal and Torres Strait Islander (ATSI) community. The AHC purchased its last privately-owned terrace in 1994.

Precinct 3 is now generally vacant after the majority of the housing stock on the site was systematically demolished over the years, apart from inaccessible playground equipment and a partially demolished modern building. Precinct 3 does not contain any significant built heritage items. However, the site has been identified as significant on a local, state and national level for its social value, especially within the Aboriginal and Torres Strait Islander community.⁸

⁵ Ibid. 8:2011

⁶ Ibid p10:2011

⁷ Ibid p13-14:2011)

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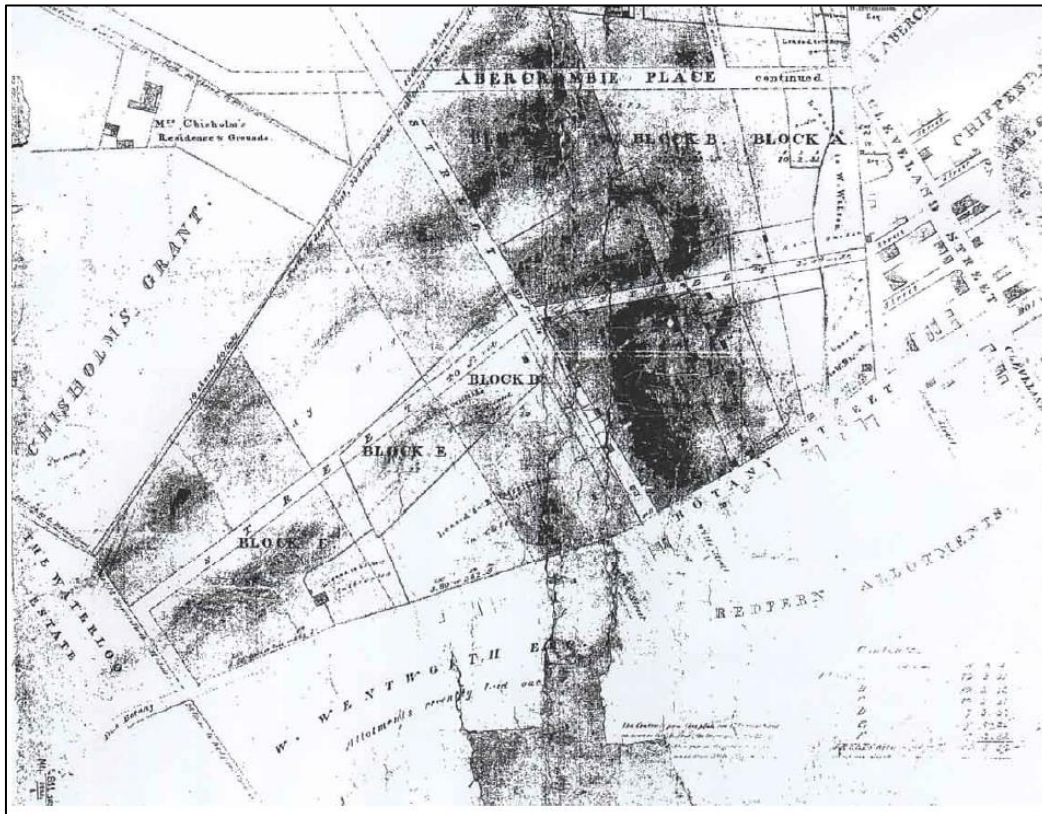


FIGURE 5: 1844 PLAN OF PART OF THE CHIPPENDALE ESTATE (SOURCE: ML PLANS ZM4 811.18194/1844/1 IN NBR5 + PARTNERS, 9:2011)



FIGURE 6: 1865 PLAN SHOWING FIRST HOUSES ON THE SITE OF PRECINCT 3, WITH GENERAL PRECINCT 3 SITE AREA OUTLINED IN RED (PORTION OF TRIGONOMETRICAL SURVEY OF SYDNEY EVELEIGH, CITY OF SYDNEY ARCHIVES. SOURCE: NBR5 + PARTNERS, 16:2017)

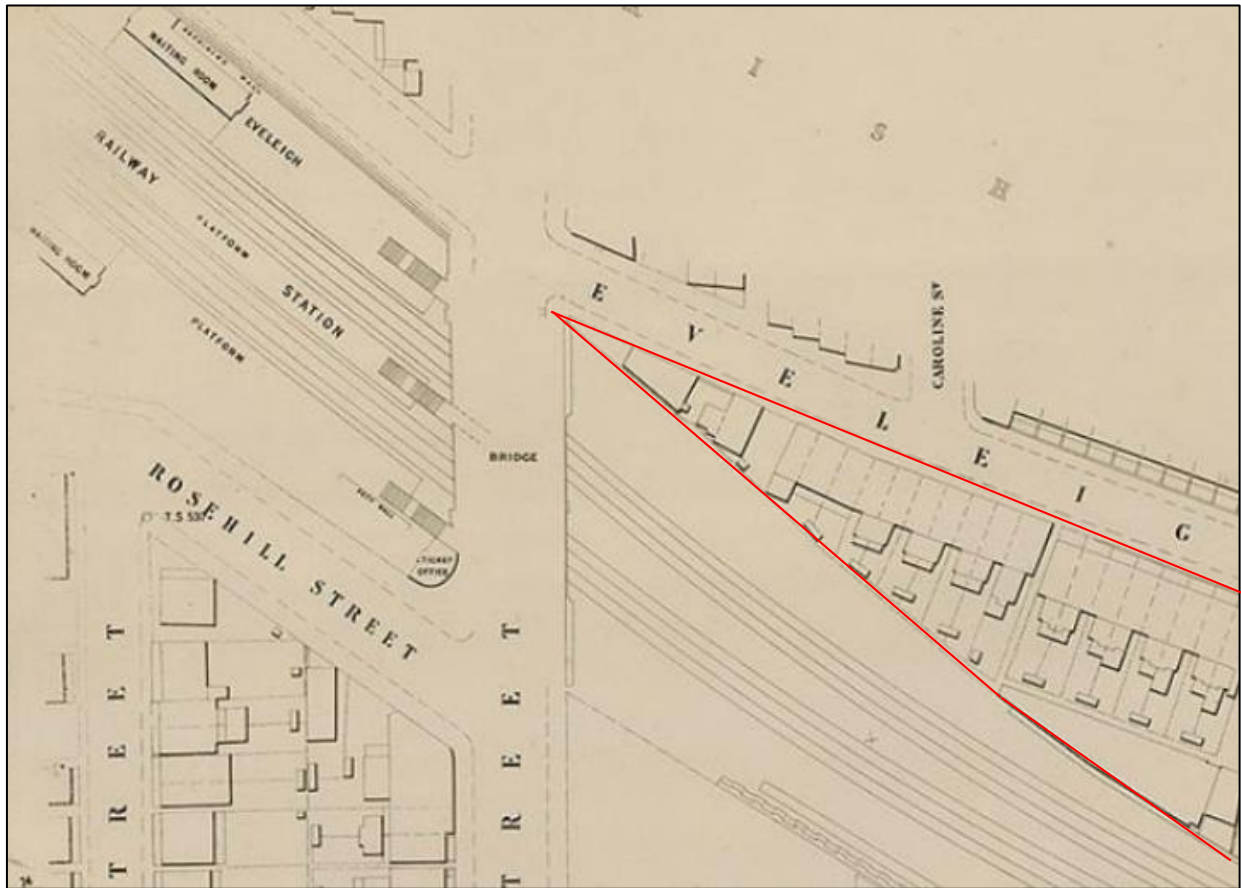


FIGURE 7: SYDNEY METROPOLITAN DETAIL SERIES REDFERN SHEET 21, 1888, SHOWS THE EASTERN SIDE OF EVELEIGH STREET ADJOINING THE RAILWAY LINE, GENERAL SITE AREA OUTLINED IN RED (SOURCE: STATE LIBRARY OF NEW SOUTH WALES, IN NBR5 +PARTNERS, 16:2017)



FIGURE 8: 1943 AERIAL VIEW OF PRECINCT 3 (SOURCE: SIX MAPS 2017)

3.0 REQUIREMENTS OF THE SEARS (APPLICATION 06_0101 MOD 2 AND SSD 8135) & EXISTING DA CONSENT.

In the SEARs requirements issued for Concept Plan Modification (MP 06_0101 MOD 2) and State Significant Development Application (SSD 8135) – Pemulwuy, The Block, Redfern (dated 3 May 2017), three key requirements were identified with respect to historical archaeological heritage and Aboriginal Cultural Heritage management under sub-section 11. Heritage. They were identified as:

- *An historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the 2009 Heritage Division, Office of Environment and Heritage guidelines 'Assessing Significance for Historical Archaeological Sites and 'Relics'. This assessment should identify what relics, if any, are likely to be present, assess their level of heritage significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. In the event that harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations. This methodology should include appropriate actions to guide monitoring, stop-work provisions should relics be found, appropriate recording, storage and public display provisions for relics. Aboriginal Cultural Heritage*
- *The EA / EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development. This may involve the need for surface survey and test investigation. The identification of cultural heritage values should be guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011).*
- *Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010. The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EA / EIS.⁹*

The previous DA consent issued for the site (Application no. MP11_0093), dated 21 December 2012, and which is still active, contains one condition of consent with respect to historical archaeology and Aboriginal Cultural Heritage. It states:

D10 Archaeological Discovery During Excavation

- Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act, 1977*
- Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.*

The Schedule 3 Statement of Commitments also states one commitment, no. 15 which reads as:

Heritage/Archaeology

Appropriate action is to be taken should any matter of archaeological significance be revealed during the excavation program.

⁹ SEARs requirements issued for Concept Plan Modification (MP 06_0101 MOD 2) and State Significant Development Application (SSD 8135) – Pemulwuy, The Block, Redfern (dated 3 May 2017).

4.0 RESPONSE TO SEARS HISTORICAL ARCHAEOLOGICAL AND ABORIGINAL CULTURAL HERITAGE REQUIREMENTS

The following information is provided in order to satisfy the requirements of the SEARS with respect to historical archaeology and Aboriginal cultural heritage values.

4.1 Preparation of an historical archaeological assessment

A comprehensive history was prepared by NBRIS + Partners in 2011 as part of the *Heritage Interpretation Plan: Pemulwuy Development, The Block, Redfern*. This history formed part of the documentation submitted for the existing DA for Precinct 3 and was approved as part of that consent. As stated in the previous sub-section, the consent issued at the time included a condition that stated:

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act, 1977

The condition of consent was applied by the Department of Planning because the overall assessment process concluded that it was unlikely that the site, based on the historical evidence provided in the reports prepared by NBRIS + Partners that the site would contain an historical archaeological resource.

A reassessment of the evidence, including a reassessment of the impacts of the proposed modification to the development in Precinct 3, as part of this report, has concluded that the excavation impacts associated with the redevelopment of Precinct 3, generally, remain the same as the existing consent. The excavation proposed is discrete, shallow excavation to an approximate depth of 1.5 metres, (in limited areas) to allow for the: levelling of land; construction of building footings; and associated below-ground services. Therefore, the actual proposed level of ground disturbance remains minimal, and similar in nature and extent, to that previously approved.

Despite this, the potential for the excavation to impact on historical relics has been reconsidered and as per the conclusions of the existing DA for the site, it is considered that the site has no potential for historical archaeological relics of local or State significance to be impacted upon by the development. The specific reasons for this conclusion are summarised as:

1. The historical development of Precinct 3 shows that the site was first occupied by non-Aboriginal people from c.1817-1819, when the first land grants were issued to William Chippendale, who cleared and used the land for cattle paddocks, potato and barley growing. After that, when the land was sold to Hutchinson it continued to be used as paddocks and garden markets until at least 1855. The evidence in the historical plans (as shown in Figures 5 and 6) shows the site was not subject to any significance development activities until after the mid-1850s.
2. The use of the land by Chippendale and Hutchinson is typical of land use in the area at the time and would not result in the creation of an archaeological profile that would be considered to meet the threshold of local or State archaeological significance, if intact. This is due to the fact that evidence of the former farmer and market gardening activities would be ephemeral in nature, if still present, is associated with regular activities that were occurring in the neighbourhood at the time and would not likely to contribute any new information (through archaeological research) that is not already readily available through the historical records and existing knowledge of similar site types in the area.
3. Demolition of the mid-late 1800s terraces may have left some heavily disturbed traces of former footings, services etc. within the curtilage of Precinct 3. Residential housing stock dating to the late 1880s, such as the two-storey terraces within Precinct 3 would, however, have been similar to, and consistent with, housing stock that is still extant in the local area today. This type of housing, and any associated archaeological resource are common both in the local and broader Sydney area. Therefore, if any archaeological resources associated with this phase of development within the study area were discovered during excavation works, then they would be considered common and unable to meet with the NSW *Assessing Archaeological Significance Guidelines* threshold for local or State significance. As a result, any remnant archaeological resource found would not meet with the archaeological 'relics' criterion under the provisions of the NSW Heritage Act, 1977, which states that to be defined as a 'relic' an artefact must have significance at a local or State level.

4. The cutting and filling activities associated with the construction of the railway corridor adjacent to Precinct 3 would have heavily impacted on the land associated with Precinct 3, as would the demolition of the terraces and the redevelopment of the land in the 1990s. Therefore, all archaeological resources are likely to have been removed and/or heavily disturbed.

In conclusion, it is considered that the site does not have the potential to contain historical archaeological relics of local or state significance. Therefore, it is considered that it is most appropriate for the excavation to proceed without archaeological monitoring, and that works should only cease if any historical archaeological relics are unexpectedly discovered on the site during the excavation program.

An appropriately qualified historical archaeologist should attend site, in the first instance, in the event that an unexpected archaeological relic is discovered, and all excavation or disturbance to the area is to stop immediately. Once the archaeologist has determined that it is indeed, an 'unexpected' relic, that is not associated with the former housing or farm uses of the site, then the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act, 1977.

4.2 Aboriginal Cultural Heritage Assessment

The SEARS stated that the:

EA / EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development. This may involve the need for surface survey and test investigation. The identification of cultural heritage values should be guided by the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011).

Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010. The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EA / EIS.¹⁰

As part of this review for the DA modification submission, the Aboriginal Cultural heritage values of the site, as identified in various previous documentation for the site, including the existing DA for the site, have been reviewed. It is noted that the Aboriginal Cultural heritage values for the whole of the Pemulwuy development site, including Precinct 3 have been extensively assessed and documented as part of the previous development approval process, which was completed post-2010.

As previously identified, the site is of local, State and National significance to Aboriginal people. In the NSW Heritage State Heritage Inventory datasheet for the Darlington Heritage Conservation Area, the cultural significance of the site, as a whole, is summarised as:

The Darlington Conservation Area lies within the lands of the Gadigal (Cadigal) people, part of the Dharug Nation. The area within the Darlington Conservation Area referred to as The Block is significant as one of the bases for Koori people in Sydney; it was one of the first pieces of land in urban Australia owned by indigenous people when it was purchased for indigenous housing in 1973.

The Block has provided indigenous Australians moving to Sydney the opportunity to remain living in a community environment with extended family, living together, providing a support network. The sense of community is partially maintained by the time residents spend in the public spaces of the verandahs and Eveleigh Street. The layout of the houses and the street facilitates this community atmosphere. The media attention and visibility of The Block has helped in the national acknowledgement that it is a significant place.

The Block is important to all Australians as a symbol of the ability of indigenous Australians to maintain their community identity in an urban situation. The struggle to gain ownership and control of The Block by the indigenous community was part of the movement by indigenous people during

¹⁰ SEARs requirements issued for Concept Plan Modification (MP 06_0101 MOD 2) and State Significant Development Application (SSD 8135) – Pemulwuy, The Block, Redfern (dated 3 May 2017).

the 1970s towards self-determination. The Block is also significant for its association with many famous indigenous people who have been residents or associated with The Block including Shirley Smith (Mum Shirl) and Kevin Gilbert.¹¹

In addition to the extensive social history and consultation work undertaken as part of the Heritage Interpretation Plan prepared by NBRIS + Partners in 2011, the Aboriginal Housing Company (the proponent) has undertaken and published a series of Redfern Oral Histories, which can be found on <http://www.redfernoralhistory.org/>. These histories were also reviewed as part of the preparation of the Heritage Interpretation Plan.

Full details of the community consultation undertaken by the proponent for the existing DA are outlined in the *Pemulwuy Community Engagement* prepared by Scott Carver Pty Ltd in 2011.

In the Director General's report prepared for the approval of DA (Application no. MP11_0093) in December 2012, where it was required to consider the Aboriginal community consultation undertaken and the assessment of Aboriginal Cultural Heritage Significance included in the Heritage Interpretation Strategy and other associated documentation, it states that:

The local ATSI (Aboriginal Torres Strait Islander) community has been consulted throughout the development...the Department is satisfied that the social and economic impacts of the proposal will benefit the ATSI community and the wider community.¹²

The Director General's report also noted that the Heritage Interpretation Strategy:

Considered the site and its significance to the Aboriginal and Torres Strait Islander Community and their culture. The HIS identified mechanisms for incorporating the proponent's research results into the adopted public art strategy for the publicly accessible areas within the site...having regard to the HIS and railway corridor heritage assessment and implementation of the recommendations contained in these reports, the Department is satisfied that the modified development is unlikely to have any adverse impacts on the heritage significance of the site.

As part of the consideration of all previous documentation prepared and submitted for the existing DA for the site, and in consideration of the proposed modification to that DA, this report concludes that the Aboriginal Cultural heritage values for the site remain exactly the same as that previously documented. , it is considered that the site continues to have significance to the Aboriginal community at a local, State and National level, and that the proposed heritage interpretation initiatives, including Public Art within the Public Domain areas, outlined in the Heritage Interpretation Plan (dated 2011) will, as stated by the Department of Planning and Environment in their previous DA approval report, 'provide a unique sense of cultural identity.'¹³

In addition, the previous Department of Planning and Environment assessment of the proposal, stated that:

The modified proposal will provide on-going social and economic benefits to the Aboriginal and Torres Strait Islander Community.¹⁴

Given that the modifications will continue to deliver on all of the Heritage Interpretation and Public Art Initiatives previously approved, and that the current proposed modification is generally, seeking a further height variation to the building and other (minor) changes, it is considered that a new report to review and summarise the Aboriginal Cultural Heritage Significance of the site and/or any potential impacts on that significance would not achieve a different outcome. The site remains significant to Aboriginal people at a local, State and National level and the recommendations contained in the Heritage Interpretation

¹¹ SHI datasheet Darlington Heritage Conservation Area.

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=2421471>

¹² Pemulwuy Project Plan & Concept Plan Modification MP11-0093 and MP06-0101 Mod 1 Director General's Environmental Assessment Report p30:2012

¹³ Ibid 29:2012

¹⁴ Ibid 31:2012

Strategy prepared by NBRS + Partners in consultation with the community are still proposed to be implemented. Therefore, the previous assessments and recommendations of the Department of Planning Environment should also remain relevant.

In terms of whether there is a need to undertake an Aboriginal test excavation or site survey, it is considered that potential for Aboriginal objects to be disturbed or discovered during the proposed excavation works is nil. This is due to several factors, which are outlined below:

1. The proposed excavation within Precinct 3 is minimal and limited to an approximate depth of 1.5 metres, which places the impact and/or depth of the proposed excavation works within the highly disturbed historical profile of the site.
2. As part of the site clearance activities associated with the farming uses of the land (c.1817 -1850s), the cutting and filling for the railway corridor (1855-1920s) and the subsequent construction and demolition of the late 19th and early 20th century housing, that the site is heavily disturbed and is highly unlikely to contain any pockets of undisturbed, remnant natural soil profiles that would have the potential to contain Aboriginal objects within Precinct 3.
3. When the high disturbance of the land within Precinct 3 is assessed in association with the minimal level and extent of excavation proposed it is considered that there is no potential to find Aboriginal objects within Precinct 3, and that it would be unnecessary to undertake test excavation. It is considered that it is most appropriate for the excavation to proceed without archaeological monitoring, and that works should only cease if any Aboriginal object is unexpectedly discovered on the site during the excavation program.

In conclusion, with respect to Aboriginal archaeology, the previous condition of the DA consent is still considered the most appropriate management process for any unexpected Aboriginal objects which may be found during excavation works on site. It stated that:

a) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

5.0 CONCLUSIONS AND RECOMMENDATIONS

In conclusion, it is considered that the historical archaeological and Aboriginal Cultural Heritage Assessment requirements have been met both as part of the previous DA and DA modification approval processes and as supplement, where required, by this report.

It is considered that the proposed modification to the existing DA will not result in any new impacts to historical archaeology, Aboriginal Cultural Heritage Values and/or Aboriginal objects. The Aboriginal Cultural Heritage Values considered as part of the 2012 DA consent remain the same, namely that the site, and area as a whole, has Aboriginal cultural significance at a local, State and National level.

It is considered that the site does not have the potential to contain historical archaeological relics of local or state significance. Therefore, it is considered that it is most appropriate for the excavation to proceed without archaeological monitoring, and that works should only cease if any historical archaeological relics are unexpectedly discovered on the site during the excavation program.

In addition, it is considered that the site does not have the potential to contain Aboriginal objects that would be disturbed by the proposed development. Therefore, it is considered that it is most appropriate for the excavation to proceed without archaeological monitoring, and that works should only cease if an Aboriginal object is unexpectedly discovered on the site during the excavation program.

In order to manage the low risk of unexpected finds, the following is recommended:

- a) An appropriately qualified historical archaeologist should attend site, in the first instance, in the event that an unexpected archaeological relic is discovered. All excavation or disturbance to the area is to stop immediately. Once the archaeologist has determined that it is indeed, an 'unexpected' relic, that is not associated with the former housing or farm uses of the site, then the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act, 1977.
- b) In the event that an unexpected archaeological relic is discovered then all excavation or disturbance to the area is to stop immediately. Once a qualified Aboriginal archaeologist has determined that it is indeed, an 'unexpected' object, then the Office of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Vinton'.

Natalie Vinton

Principal Heritage Specialist - Director
Curio Projects Pty Ltd.