

15 Aboriginal heritage

This chapter provides a summary of the Aboriginal heritage assessment undertaken for the Project. A full copy of the assessment report is provided as **Technical report 6 – Aboriginal heritage**.

15.1 Introduction

This chapter responds to the SEARs as relevant to Aboriginal heritage. Reference to where the SEARs have been addressed are provided in **Table 15-1** and the results of the assessment are summarised in this chapter.

Table 15-1 SEARs

SEARs	Where addressed in the EIS
Heritage	
<p>The Proponent must identify and assess any direct and/or indirect impacts (including cumulative impacts) to the heritage significance of:</p> <ol style="list-style-type: none"> Aboriginal places and objects, as defined under the <i>National Parks and Wildlife Act 1974</i> and in accordance with the principles and methods of assessment identified in the current guidelines; Aboriginal places of heritage significance, as defined in the Standard Instrument – Principal Local Environmental Plan; environmental heritage, as defined under the <i>Heritage Act 1977</i>; items listed on State, National and World Heritage lists; heritage items and conservation areas identified in environmental planning instruments applicable to the Project area. 	<p>Section 15.3 and Section 15.4. Those items related to Non-Aboriginal heritage are addressed in Chapter 14 of this EIS.</p>
Where impacts to Aboriginal objects and/or places are proposed, consultation must be undertaken with Aboriginal people in accordance with the current guidelines.	Refer Section 15.4

15.2 Method of assessment

15.2.1 Approach and methodology

The purpose of the Aboriginal heritage assessment is to identify potential Aboriginal heritage impacts that could occur during construction and operation of the Project, based on the locations of previously recorded Aboriginal heritage sites and the archaeological potential of the study area.

The study area for this Aboriginal heritage assessment comprises an approximate four kilometre buffer around the Project area, as shown in **Figure 15-1**. This buffer was applied to provide regional environmental and archaeological context.

The methodology adopted for the Aboriginal assessment was developed in accordance with the requirements of the NSW Office of Environment and Heritage's (OEH) (now Heritage NSW, Department of Premier and Cabinet) (DPC) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW, 2010c). The assessment methodology included:

- a review of the landscape context of the Project area and surrounds
- a review of existing Aboriginal Heritage Information Management System (AHIMS) data for land within the Project area, obtained from Heritage NSW, DPC (formerly OEH) on 14 October 2019 (AHIMS search #456278)
- a search of other relevant lists and registers, including State, National and World Heritage lists and any relevant LEPs
- a review of the findings of past Aboriginal archaeological investigations within the local area

- a visual inspection of the Project area on 7 October 2019 by AECOM Senior Heritage Specialist Luke Wolfe
- preparation of a report with management advice for any identified/potential Aboriginal heritage constraints (refer **Technical report 6 – Aboriginal heritage**).

Potential Aboriginal cultural and social impacts of the Project are assessed in **Chapter 11** of this EIS.

15.2.2 Statutory context

The relevant legislation relating to the protection of Aboriginal sites, places and objects in NSW that have been considered during the preparation of the assessment include:

- Commonwealth legislation including the EPBC Act and the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- NSW state-based legislation including the EP&A Act and the *NPW Act*
- *Sydney Local Environmental Plan 2012* (the Project area lies within the City of Sydney LGA).

It is also noted that the Project area lies within the Redfern-Waterloo Authority sites listed in the *State Environmental Planning Policy (State Significant Precincts) 2005*. However no places of Aboriginal heritage significance or Aboriginal heritage items are identified on the heritage map for the Redfern-Waterloo Authority sites contained within the SEPP. It is also noted that as discussed in **Section 3.1.1**, provisions of the SEPP do not apply to State Significant Infrastructure (unless they apply to the declaration of State Significant Infrastructure or are required to enable development to be carried out), and therefore the Project does not require consent under the *State Environmental Planning Policy (State Significant Precincts) 2005*.

Further information on the relevant requirements of each of the above are provided in **Technical Report 6 – Aboriginal Heritage**.

15.3 Existing environment

15.3.1 Historical background

Redfern Station and surrounds are located within the traditional lands of the Gadigal (also 'Cadigal') Aboriginal people, a member of the Eora language group (Horton, 1994). Estimates suggest that over half of the pre-European contact populations in the region were wiped out by 1790 by the likes of ongoing dispossession of land and resources and the effects of smallpox (Attenbrow, 2010; OCP Architects, 2017; Otto Cserhalmi & Partners, 2002). While these factors initiated widespread disconnection and breakdown of traditional cultural practices across Australia, the early development of Redfern and surrounding suburbs encouraged the growth of Aboriginal communities (Hinkson, 2010). During the late nineteenth and twentieth centuries, many Aboriginal people found employment in factories in Redfern (as well as Chippendale, Waterloo and Alexandria), though Aboriginal associations with Redfern became more pronounced in the 1970s when the Aboriginal Housing Company purchased properties there (Environment, Energy and Science Group, 2020). To the present date Redfern Station has important ties to the local Redfern Aboriginal community. Further information on the historical context of Redfern Station is provided in Appendix A of **Technical report 5 – Non-Aboriginal heritage**.

15.3.2 AHIMS database

The AHIMS database is administered by the DPC in accordance with Section 89A of the NPW Act. It contains information about Aboriginal places, which have been declared by the Minister to have special significance with respect to Aboriginal culture. Previously recorded Aboriginal objects and declared Aboriginal places are known as 'Aboriginal sites'.

A search of the AHIMS database undertaken on 14 October 2019 (AHIMS search #456278) within the four kilometre buffer applied to the Project area (i.e. the study area), returned 25 site entries. Of these, two sites were recorded as 'not a site' in their respective AHIMS site cards (AHIMS ID #45-6-3152 and #45-6-3552), resulting in 23 valid site entries. As shown in **Table 15-2**, areas of Potential Archaeological Deposit (PAD) were the most common site type represented, accounting for 48% (n = 11) of known sites. Open artefact sites (comprising one or more artefacts) were also common,

accounting for 40% (n = 9) of the results. Other, less common site types included one Aboriginal ceremony and Dreaming site, one resource and gathering site and one midden site, comprising shell material and artefacts (refer to **Figure 15-1**).

Table 15-2 AHIMS data for Aboriginal sites within the Project area

Site type	Count (n)	Percentage of total
PAD	11	48%
Open Artefact Site	9	40%
Aboriginal Ceremony and Dreaming	1	4%
Resource and Gathering	1	4%
Midden	1	4%
Total	23	100%

A single Aboriginal site, 'Wynyard St Midden' (AHIMS ID #45-6-2597), recorded in 1997, was reported within the Project area. Review of the AHIMS site card for Aboriginal site 45-6-2597 describes the site as a midden observed within a park '100 m south of Redfern Station...on west side of street'. Initial review of AHIMS spatial data indicates that the site is located on Cope Street, Redfern, approximately 140 metres east of the Project area. On review, the site is erroneously described as lying on 'Wynyard Street', interpreted as Wyndham Street (Gibbons Street). While the mapping included in the site card provides insufficient detail to accurately ascertain the site's location, reference to contemporary mapping and interpolation of data suggests that the park in which the midden's shell material was observed, is likely to be the Gibbons Street Reserve. Following review of historical aerial photography and mapping for the area, it was also noted that the footprint of the contemporary Gibbons Street Reserve was bulk excavated in the 1960s during the construction of an access portal associated with the Eastern Suburbs Railway (**Figure 15-2**). Excavation associated with construction of the Eastern Suburbs Railway is also shown in **Figure 15-3**. It follows that no natural ground surfaces would have remained after the construction activities in this area. Noting the small quantities of shell material reported, it is likely that any shell material observed was included in the fill material that had been used to reinstate the Gibbons Street Reserve and therefore would not be of cultural origin (typically, shell material that is cultural (i.e. derived from a midden) would be bleached and/or burnt, contain charcoal and other secondary evidence (i.e. artefacts or bone fragments), none of which were described in the site card).

TfNSW has contacted the Metropolitan Local Aboriginal Land Council (MLALC) regarding this potential AHIMS site, however no response has been received to date.



FIGURE 15-1: ABORIGINAL SITES (NOTE THAT THE APPROXIMATE POSITION OF ABORIGINAL SITE #45-6-2597 IS SHOWN AS DESCRIBED IN SECTION 15.3.2)

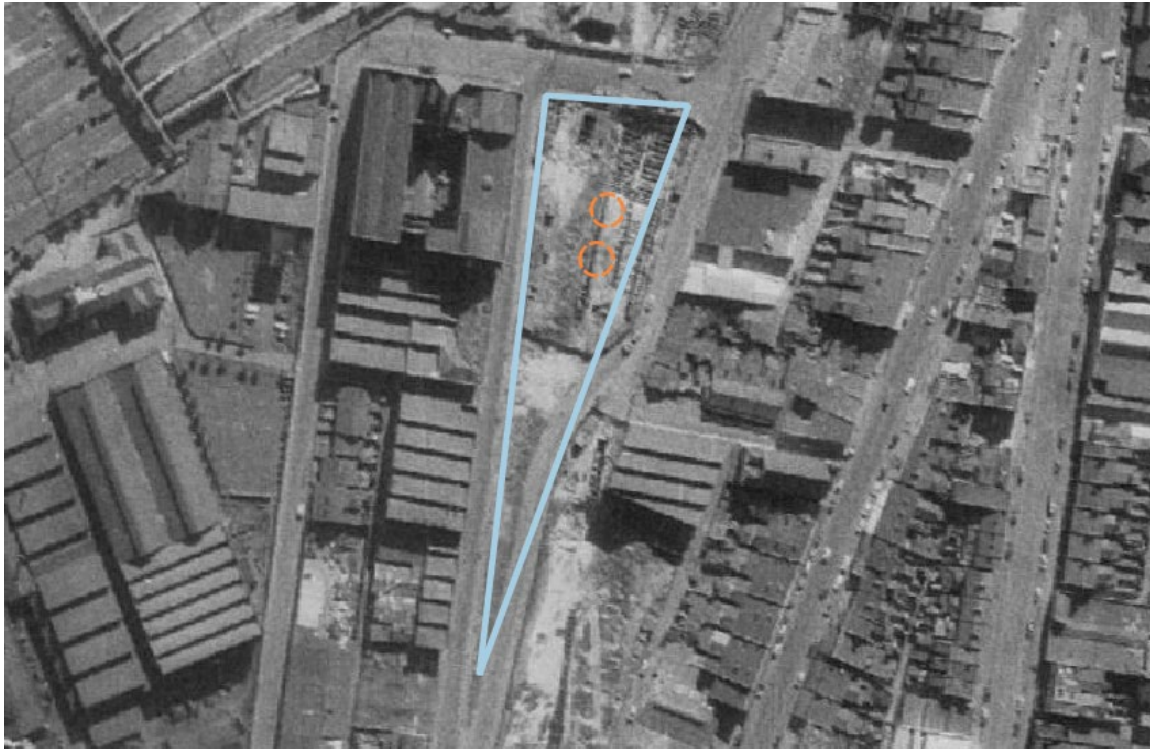


Figure 15-2 Location of the Gibbons Street Reserve during construction of the Eastern Suburbs Railway (blue line). The approximate position of Aboriginal site 45-6-2597 (orange dotted lines) shown in location as interpreted from the site card description. Image source: Land and Property Information 2019

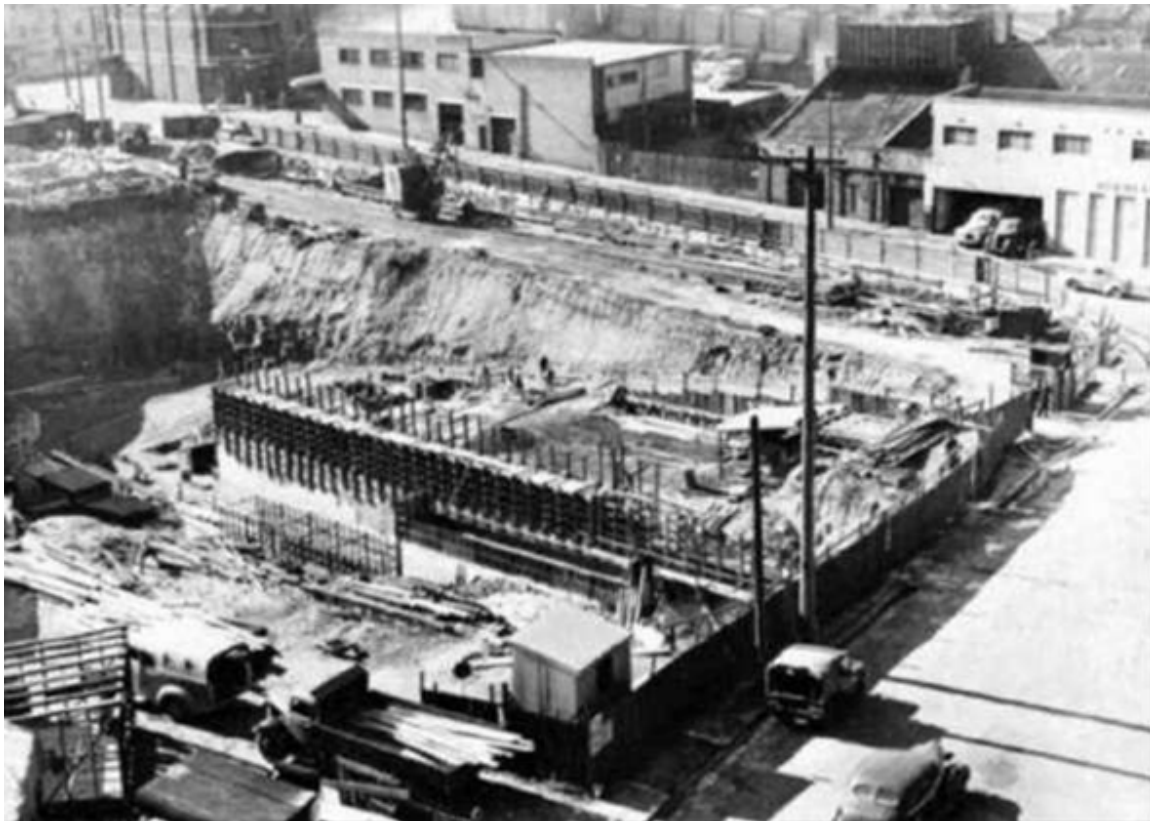


Figure 15-3 Historic photo showing excavation associated with the Eastern Suburbs Railway. The photo is looking north-east from the bend in the road on Marian Street and Gibbon Street is the road along the length of the photo. The road at the bottom right of the image is Marian Street

15.3.3 Other listings

The World Heritage list is a database administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It lists sites which have special cultural or physical significance. Likewise, the National Heritage List is Australia's list of natural, historic and Indigenous places of outstanding significance to the nation.

A search of the both databases was undertaken on 14 October 2019 for the Project area. No natural, historic or Indigenous places are currently listed on either database.

A search of the National Native Title Register and Register of Native Title Claims administered by the National Native Title Tribunal was undertaken for the relevant LGA (City of Sydney), inclusive of land within and surrounding the Project area. No current Native Title listings or claims were identified.

15.3.4 Previous Aboriginal heritage investigations

Existing AHIMS data indicates that a significant number of Aboriginal archaeological investigations have been carried out in the Greater Sydney region (inclusive of the Project area) over the past 40 years. The majority of these have occurred within the Cumberland Plain, located in the western portion of the Greater Sydney region. Key observations drawn from a review of the local and regional cultural heritage and archaeological context of the Project area include:

- no targeted historical or archaeological research has been undertaken for Aboriginal occupation of the Project area. Notwithstanding, the Redfern area holds great significance for the Aboriginal people and other communities who identify with its political symbolism and recent history (refer to **Section 15.3.1** and **Chapter 11** of the EIS)
- an archaeological and heritage assessment undertaken for the North Eveleigh Railway Carriage Workshops by Archaeological & Heritage Management Solutions Pty Ltd (2008) identified two areas of Aboriginal archaeological potential along Wilson Street, one of which bounds the Project area. The assessment identified that garden beds surrounding the Chief Mechanical Engineer's office had not been historically subject to bulk excavation during the railway period or later occupation of the area, suggesting that soils with potential to contain Aboriginal objects could potentially survive there. It was recommended that an Aboriginal heritage impact assessment for the small area of land adjacent to Wilson Street be undertaken should any project impacts be anticipated in the area. The current assessment identified that these garden beds lie outside the boundary of the Project area and would not be impacted (**Figure 15-4**). No other analogous undisturbed areas or areas of Aboriginal archaeological sensitivity were observed within the Project area
- available radiometric dates indicate that Aboriginal people have occupied the greater Sydney area for at least 36,000 years
- areas of PAD are the most common site types within the region. Artefact scatters and isolated artefacts, collectively referred to as open artefact sites, are the second most common site type in the area. Recorded stone artefact assemblages consist principally of flake and non-flake debitage (i.e. flakes (complete and broken), flake shatter fragments and flaked pieces), with cores, retouched tools and groundstone implements comparatively poorly represented
- Aboriginal site distribution within the Greater Sydney region has been linked to a variety of environmental factors, with proximity to water, stream order, landform and geology variously highlighted as key determinants
- most surface sites will occur on landform elements within 200 metres of watercourses, with larger, more complex artefact assemblages associated with higher order streams
- existing AHIMS data for the area surrounding the Project area suggest that areas of PAD and open artefact sites (i.e. artefact scatters and isolated artefacts) are the dominant site types for this area
- local stone artefact assemblages attest to an emphasis on the procurement and reduction of silcrete. Other, less commonly exploited raw materials include chert, tuff, quartz, quartzite, petrified wood and igneous materials.

15.3.5 Visual inspection

A visual inspection of the Project area was undertaken by AECOM Senior Heritage Specialist Luke Wolfe on 7 October 2019. The primary aim of the inspection was to identify and record any existing surface evidence of past Aboriginal occupation within the Project area. The following key observations were made during the visual inspection (refer **Figure 15-5** to **Figure 15-10**):

- ground surface visibility was variable, owing to the landscape conditions within the Project area. Generally, ground surface visibility was poor, attributed to localised ground disturbance and areas of hardstand
- ground integrity was generally assessed as low, owing to the instances of bulk earthworks and construction activities (rail) within the Project area
- stone suitable for the manufacture of tools was not observed within the Project area
- no new Aboriginal sites were identified within the Project area during the visual inspection. The existing Aboriginal site 'Wynyard St Midden' (AHIMS ID #45-6-2597) was inspected to identify the nature and current condition of the site. No surface evidence of Aboriginal occupation, as described on the site card, was noted during the inspection. The area appeared landscaped and was generally grass-covered with poor ground surface exposure
- Aboriginal archaeological sensitivity of the majority of the Project area was generally assessed as negligible within the inspected areas.





Figure 15-5 Wilson Street car park entrance, adjacent to Chief Engineers Building (visible right of image) (Image source: AECOM, 2019)



Figure 15-6 Wilson Street car park entrance, looking south (Image source: AECOM, 2019)



Figure 15-7 Wilson Street car park entrance, rear of residential buildings, looking east (Image source: AECOM, 2019)



Figure 15-8 Eveleigh Railyard area, view to gravel stockpiles, looking north (Image source: AECOM, 2019)



Figure 15-9 Alternative view of Eveleigh Railyard area, gravel stockpiles on left of image. Redfern Station beyond, right of image. Looking north (Image source: AECOM, 2019)



Figure 15-10 View to train line and Redfern Station beyond, right of image (Image source: AECOM, 2019)

15.4 Impact assessment

15.4.1 Construction

A single Aboriginal site has been identified as being located within the Project area. The assessment (refer to **Section 15.3.2**) has not identified evidence of the presence of this site, and past historical activities have resulted in bulk excavation of the area, resulting in this site likely being invalid. Consultation with MLALC and DPC would be required to amend the status of the site on the AHIMS register. . No additional Aboriginal sites or areas of Aboriginal archaeological sensitivity are located within the Project area, therefore there would be no impacts to Aboriginal sites during construction.

Prior to the commencement of works, all construction personnel will undergo an Aboriginal heritage induction which identifies the general nature of Aboriginal sites and objects, personnel responsibilities, safeguards to be implemented to protect and avoid impacts to Aboriginal sites and the procedure for unexpected finds. Mitigation measures have been identified in **Section 15.5.3** in the unlikely event of an unexpected find.

15.4.2 Operation

As no valid Aboriginal sites or areas of sensitivity are located within the Project area (noting that AHIMS site #45-6-2597 would be managed as described in **Section 15.4.1**), there would be no impacts to Aboriginal sites during operational activities.

15.5 Management and mitigation

15.5.1 Overview

A CEMF (**Appendix D** of the EIS) describes the approach to environmental management, monitoring and reporting during construction. Specifically, it lists the requirements to be addressed by the construction contractor in developing the CEMP, sub-plans, and other supporting documentation for each specific environmental aspect.

A Heritage Management Sub-Plan would be developed for the Project as identified by Section 6.3 of the CEMF.

This chapter includes a compilation of the performance outcomes as well as mitigation measures, including those that would be included in the Heritage Management Sub-Plan.

15.5.2 Performance outcomes

The performance outcome for the Project in relation to Aboriginal heritage is as follows:

- no impacts to Aboriginal sites, objects and places identified in the assessment during construction
- if an unexpected find is encountered during construction, relevant procedures under TfNSW's *Unexpected Heritage Finds Guideline* (Transport for NSW, 2019e) are followed.

As there are no potential impacts to Aboriginal sites or objects during operations, no operation performance outcomes are required.

The Project would be designed, constructed and operated to achieve this performance outcomes.

15.5.3 Mitigation measures

A list of mitigation measures which would be implemented during the construction of the Project are provided in **Table 15-3**.

Table 15-3 Mitigation measures

ID	Mitigation measure	Applicable location (s)
Ab1	Consultation with MLALC and DPC would be undertaken in relation to the status of the Wynyard St Midden' (AHIMS ID #45-6-2597) to amend the status of the site on the AHIMS register.	Recorded site of AHIMS site ID #45-6-2597

ID	Mitigation measure	Applicable location (s)
Ab2	<p>A Heritage Management Sub-Plan for construction of the Project would include the following mitigation measures:</p> <ul style="list-style-type: none"> all relevant contractors and TfNSW personnel should be made aware of the nature and location of previously identified areas of Potential Archaeological Deposits (PADs) located immediately adjacent to the Project area and avoid impact to these areas. Contractors and TfNSW personnel should also be made aware of TfNSW's legal responsibilities under the NPW Act and the <i>Heritage Act 1977</i> and the need to avoid impacts to sites (including heritage interpretation and relevant information in the site induction. in the unlikely event that a site or objects (as defined by the NPW Act) are identified during the Project, the procedure outlined in TfNSW's <i>Unexpected Heritage Finds Guideline</i> (Transport for NSW, 2019e) should be followed. Works should immediately cease at the location and the find should be immediately reported to appropriate TfNSW personnel, and the regulator in accordance with legislation. No work should commence in the vicinity of the find until any required approvals have been issued by the regulator. 	Project area

Following the implementation of the management measures above, there would be no residual impacts from the Project on Aboriginal heritage. Therefore there are no cumulative impacts on Aboriginal heritage expected. Further consideration of cumulative impacts with regard to other environmental aspects of the Project is discussed in **Chapter 23** of the EIS.