



Aboriginal Archaeological Due Diligence Assessment

Bays Port Shore Power Project – White Bay Cruise Terminal

Port Authority of New South Wales

29 August 2024

311012-01011





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PROJECT 311012-01011: Aboriginal Archaeological Due Diligence Assessment

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Executive Summary

Worley Consulting has been engaged by Port Authority of New South Wales (Port Authority) to prepare an Aboriginal Archaeological Due Diligence Assessment (AADDA) to accompany the Review of Environmental Factors (REF) for the development of a landside electricity supply for cruise ships at White Bay Cruise Terminal (WBCT), as part of the Bays Port Shore Power Project (the Project) at the Bays Port Precinct (the Precinct), New South Wales (NSW).

The purpose of the AADDA is to address potential impacts to Aboriginal objects arising from the proposal and to provide Port Authority with appropriate management advice. The contents of this AADDA have been prepared according to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change and Water, 2010) (Code of Practice).

A basic Aboriginal Heritage Information Management System (AHIMS) search was undertaken on 9 August 2024 for the site and surrounding area (Appendix A). None of the Aboriginal sites lie within 100 metres of the proposal site, therefore an extensive AHIMS search was not required. The closest recorded site is AHIMS ID No. 45-6-3826 which is a Potential Archaeological Deposit (PAD), located near the White Bay Power Station.

The key findings of this due diligence assessment are as follows:

- The proposed activity does not fall under the definition of a low impact activity under Section 58 of the National Parks and Wildlife Regulation 2019.
- The proposed activities would disturb the ground surface of areas that have been previously disturbed.
- There are no relevant confirmed site records or other associated landscape feature information in AHIMS in the immediate vicinity of the site.
- The proposed activities would take place in the vicinity of landscape features that are likely to indicate a presence of Aboriginal objects, under the definitions of the Code of Practice, however these do not occur in conjunction with land that is previously undisturbed.
- The desktop assessment and visual inspection of the site on 6 September 2023 confirmed that while there is a possibility of the presence of Aboriginal objects in the vicinity of the site, it is highly unlikely that previously undisturbed Aboriginal artefacts, items or burials are present below the ground surface within the site due to the disturbed nature of the land in which work would take place upon.

An Aboriginal Heritage Impact Permit (AHIP) is not considered to be necessary for the proposal, provided that recommendations in Section 8 are followed.

Acronyms and Abbreviations

Acronym/abbreviation	Definition
AADDA	Aboriginal Archaeological Due Diligence Assessment
AHIMS	Aboriginal Heritage Inventory Management System
AHIP	Aboriginal Heritage Impact Permit
Code of Practice	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010
DCCEEW	Department of Climate Change, Energy, the Environment and Water (NSW)
HVC	High voltage connection
ILUAs	Indigenous Land Use Agreements
LGA	Local government area
NPW Act	<i>National Parks and Wildlife Act 1974</i> (NSW)
NPW Regulation	National Parks and Wildlife Regulation 2019 (NSW)
NSW	New South Wales
NT Act	<i>Native Title Act 1993</i> (Cth)
OPS	Onshore Power Supply
PAD	Potential Archaeological Deposit
Port Authority	Port Authority of New South Wales
(the) Precinct	The Bays Port Precinct
Project	Bays Port Shore Power Project, including Stages 1 & 2
proposal	The proposed works assessed in this AADDA, being Stage 1 Work packages 2 & 3 at White Bay Cruise Terminal (WBCT)
RAPs	Registered Aboriginal Parties
REF	Review of Environmental Factors
WBCT	White Bay Cruise Terminal

1 Background and Context

1.1 Brief

Worley Consulting has been engaged by Port Authority of New South Wales (Port Authority) to prepare an Aboriginal Archaeological Due Diligence Assessment (AADDA) to accompany the Review of Environmental Factors (REF), for the development of a landside electricity supply for cruise ships at White Bay Cruise Terminal (WBCT), as part of the Bays Port Shore Power Project (the Project) at the Bays Port Precinct (the Precinct), New South Wales (NSW).

The Project is to be delivered in two (2) stages:

- Stage 1: White Bay Shore Power - WBCT connection, consisting of the following Work Packages:
 - *Work Package 1: Power supply provision from the Rozelle Ausgrid substation to the Precinct, to support all stages of the Project, including installation of high voltage connection kiosk (to be undertaken by Ausgrid and Ausgrid's Accredited Service Providers).*
 - Work Package 2: Shore power equipment supply and installation for WBCT berth (including design of internal electrical distribution network).
 - Work Package 3: Internal network civil works to support Stage 1 infrastructure.
- *Stage 2: Glebe Island Shore Power - Glebe Island 1, 2, 7 and 8 connections (to be undertaken in multiple phases and is not part of this proposal; scope and phasing to be assessed and delivered at a later stage).*

The scope of works for the REF (the proposal) relates to Stage 1: WBCT Shore Power, Work Packages 2 and 3 only.

Stage 1: White Bay Cruise Terminal (WBCT) Shore Power, Work Package 1, is excluded from the REF (the proposal) as the scope relates to the new power supply and distribution of electricity to the Bays Port precinct and is governed by the Electricity Supply Act 1995 (NSW) where Ausgrid is the Determining Authority. Planning approval associated with Work Package 1 scope and timeline will be conducted separately in accordance with Ausgrid's Environment Assessment Guidelines (NS174B) and Part 5 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) which generally applies to works for the purpose of an electricity transmission or distribution network.

The purpose of the AADDA is to address potential impacts to Aboriginal objects arising from the proposal and to provide Port Authority with appropriate management advice.

The site is the area of works concerning the proposal and is based on the REF scope as shown in Figure 1-1.

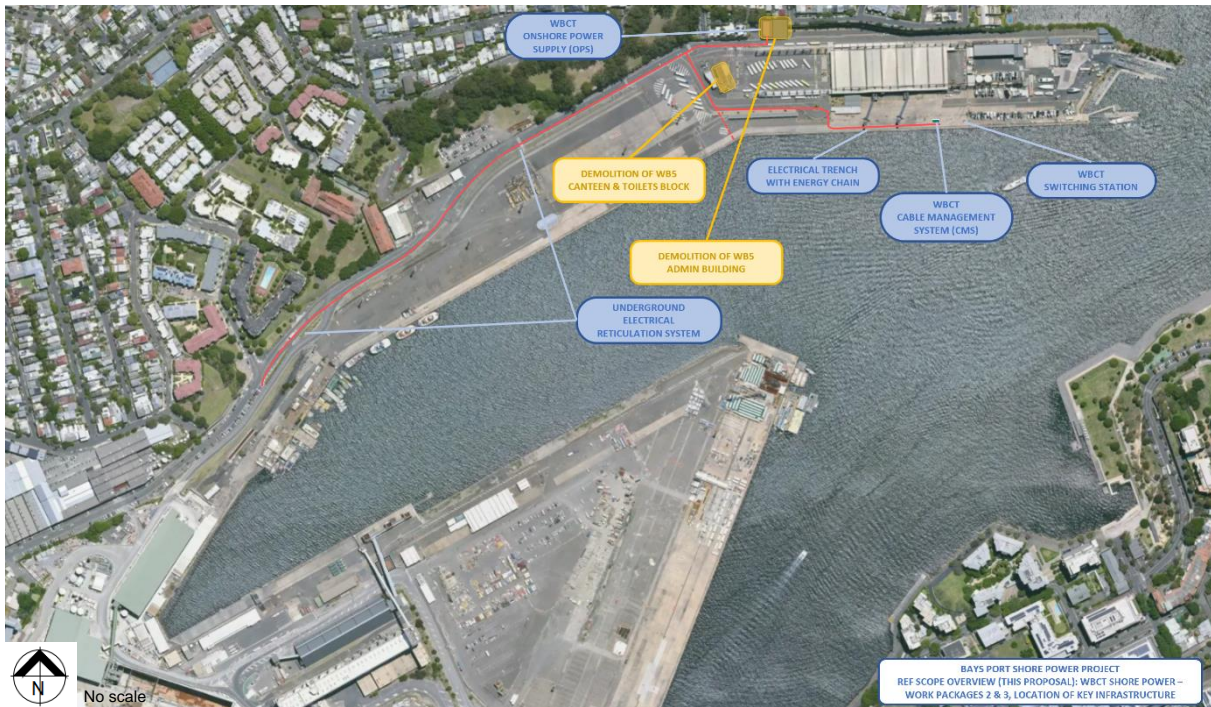


Figure 1-1 REF scope (Stage 1, Work Packages 2 and 3, only) (Source: Port Authority, 2024)

1.2 Methodology

The contents of this AADD have been prepared according to the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (NSW Department of Environment, Climate Change and Water, 2010) (Code of Practice). The Code of Practice has been developed to assist proponents in exercising due diligence when carrying out activities that may harm Aboriginal objects.

This report has been informed by the following data sources:

- A review of the landscape context of the proposal area and surrounds on 6 September 2023.
- A review of existing Aboriginal Heritage Information Management System (AHIMS) data for land within and surrounding the proposal area, obtained on 9 August 2024.
- A review of relevant environmental planning instruments and previous Aboriginal cultural heritage investigations and assessments.
- Identification and assessment of potential impacts, if any, on Aboriginal objects and identification of mitigation measures.

1.3 The Proposal

The proposal involves the installation of landside electricity supply for cruise ships at WBCT. A breakdown of the scope of work for the construction of Stage 1, Work Packages 2 and 3, is outlined below and is illustrated in Figure 1-1.

Stage 1, Work Package 2:

Installation of Shore Power equipment at WBCT:



- Installation of Onshore Power Supply (OPS) units and switchgear units.
- Installation of mobile Cable Management System (CMS) unit at WBCT.
- Installation of energy chain in a trench along WBCT berth for a mobile CMS.
(Note: Coordination with Work Package 3 contractor is required).
- Installation of switching station at WBCT.
- Installation of water-cooling system for WBCT OPS (Note: Coordination with Work Package 3 contractor is required for the water supply to the system).
- Construction of façade or visual treatment such as perimeter or green walls at WBCT OPS building (to be determined during detailed design stage).

Stage 1, Work Package 3:

Internal network civil works at White Bay, including demolition and construction.

- Demolition:
 - Demolition of decommissioned Administration Building and Canteen and toilet block, at White Bay berth 5.
- Construction:
 - Construction of concrete foundation for high voltage connection (HVC) kiosk, WBCT OPS and switchgear units and WBCT switching station.
 - Construction of a shed for WBCT CMS unit. Location of CMS enclosure to be determined during detailed design stage.
 - Installation of piping system for the water-cooling system at WBCT (in collaboration with Work Package 2 scope).
 - Installation of electrical trenches and conduits, at a depth of 1.1-1.3m (approximate), and pits for power, control and communication cables at the following locations:
 - HVC kiosk at Port Authority's boundary (Note: the HVC kiosk will be installed by Work Package 1 Contractor and not part of this proposal).
 - White Bay berth 3 and 4, along the Port Access Road/services corridor.
 - WBCT, including along the berth for the energy chain installation.
 - Installation of cable conduits, power and control cables for the internal electrical reticulation network.

1.4 Site History

Extensive historical research has been undertaken previously around the Port for Aboriginal and non-Aboriginal heritage. Port Authority (2023a) includes a summary historical timeline of the White Bay area on its website with information included in Table 1-1, along with more recent historical activity. Historical images are provided in Figure 1-2 to Figure 1-7.



Table 1-1 Historical timeline

Date	Historical Activity
Pre-1788	Prior to European settlement, the areas of White Bay and Glebe Island were inhabited by the Gadigal and Wangal people. Wangal territory began at Memel (Goat Island) and covered the Balmain Peninsula and continued west along the Parramatta River.
1790	The land of Glebe Island was originally granted to Reverend Richard Johnson, chaplain of the First Fleet. Land given to the Church of England was known as a 'glebe.'
1850-54	Glebe Abattoir approved and constructed, including buildings designed by Edmund Blacket, Government Architect, as the colonial authorities sought to relocate slaughterhouses away from the city. Works included excavation to level the site, and structures including a wharf, roads, a causeway, and livestock slaughterhouses.
1855	Glebe Island was connected to the mainland by a new road, accessed by a cable punt.
1860	Glebe Island Abattoir was officially opened. Wharves were built to service the meat canning and export trade.
1862	The first bridge connecting Glebe Island to Pyrmont, and the city, was built, called Blackbutts Bridge made from Tasmanian blackbutt timber.
1895	British soap manufacturer William Level of Lever Brothers established a production site and reclaimed some of the White Bay shoreline during this period.
1899	Blackbutts Bridge collapsed, reportedly due to an unsecured ballast.
1903	A new four-lane swing bridge opened, which was amongst the first electrically operated opening bridge in the world.
1912	The New South Wales Railway Commissioners commenced construction of the White Bay Power Station, to power the local rail network. The White Bay site allowed for rail and dock facilities for coal delivery and had unlimited access to circulating water. The power station is now over 100 years old and remains historically significant as the only existing power station with machinery and equipment to demonstrate how electricity was produced prior to the 1950s.
1912-1916	Further land reclamation and wharf construction undertaken for future wheat and coal handling, at the behest of City Rail Commissioners for a good railway scheme.
1916	Glebe Island Abattoir ceases operation.
1917	Fire in the disused abattoir buildings renders them unusable and many are demolished. Quarrying for new silo construction begins.



Date	Historical Activity
1918-1921	<p>New bulk handling silos were built as part of a statewide program of public grain silo construction. Up to 143 cylindrical silo bins, power station, conveyor systems and associated buildings, plant and equipment. These silos assisted with processing grain, handling bagged and bulk wheat; these silos were demolished in 2000.</p> <p>Reclamation and wharf works, begun 1913-16, continues, using spoil from construction excavation.</p>
1922	<p>Build grain shipments commenced at Glebe Island (main grain handling still undertaken at Darling Island).</p> <p>Wharves were extended.</p>
1924-25	<p>With the NSW grain elevator network substantially completed, Glebe Island's capacity was further improved in anticipation of increased export trade, including western and eastern wharfage/berths.</p>
1926-1927	<p>Wharf works completed along eastern frontage.</p> <p>Grain bagging facilities installed, including sheds, conveyor systems, and rail access; substation and control house also completed.</p> <p>Wharves along eastern frontage extended, providing 1000 feet of berthage in this area.</p> <p>Grain handling system operating at the site considered an exemplar system of its type, worldwide.</p>
1928	<p>Tow loading towers installed; electrification between Glebe Island and the railway network at Rozelle achieved, supported with increased track access.</p> <p>Timber yards with wharfage access developed on southern side of Glebe Island.</p>
1929	<p>Further additions increased wharfage on White Bay frontage to 2680 feet, eastern frontage to Johnstons Bay increased to a total 1720 feet. Rail access improved with the construction of a seawall and improved rail network facilities.</p> <p>Systems in place demonstrated a cohesive approach for the management of bagged and bulk wheat storage and export. Glebe Island was considered a valued shipping centre.</p>
1930	<p>Original Glebe Island Bridge replaced with a steel swing bridge.</p>
1935-1936	<p>Construction of a new grain annexe to meet increased bulk grain shipments.</p>
1938-1940	<p>Road improvements and additional sheds built.</p>
1941-1945	<p>Glebe Island commandeered under National Security Regulations and operated as a key armament depot and supply depot for American military forces. Significant numbers of US military service personnel embarked into Sydney via Glebe Island.</p>
1946	<p>Glebe Island acted as the embarkation point for Australian military service personnel and supplies, leaving for Japan as part of the British Commonwealth Occupation Forces.</p>



Date	Historical Activity
	The Maritime Services Board purchased building, structures and equipment vacated after wartime use.
1966	The Maritime Services Board developed a ten-year plan for the development of new container berths.
1969	White Bay Container Terminal opened.
1973	Glebe Island Container Terminal officially opened, resulting in White Bay becoming the focus of container shipping operations in the Port of Sydney until 1980s.
1974	An additional 30 grain silos were officially opened.
1975	Decommissioning of the White Bay Power Station began and was completed in 1982.
1982	Some lots of land from the original John Booth's Steam Saw Mill were transformed into White Bay Park by the Leichhardt Council. The park opened in 1982 but was later renamed as Birrung Park, acknowledging the original owners of the land.
1984	Glebe Island Container Terminal ceased operations; facility relocated to Port Botany.
1994	Part modification of current silos (1974) for sugar and cement imports, storage and handling.
1995	The old Glebe Island bridge was replaced by Anzac Bridge, a new cable-stayed structure.
2000	Original 1921 grain silos demolished.
2003	Approval obtained for the construction and operation of a gypsum import and handling facility adjacent to the 1974 silos.
2008	Processing of car imports at Glebe Island was relocated to Port Kembla in 2008.
2013	White Bay Cruise Terminal opened. The terminal is also used on non-ship days for functions, exhibitions, filming and other events.
2021	Bay West Place Strategy, including Glebe Island Silos, adopted.
2022	Construction of station box for Sydney Metro West begins, close to the western boundary of Glebe Island Silos.
2022	The Bays West Stage 1 master planning and rezoning completed ((White Bay Power Station (and Metro) Sub-Precinct), adjacent to the Glebe Island Silos). The rezoning outlines planning controls to guide the development of a new centre for Bays West around the future Bays Metro station and White Bay Power Station.



Figure 1-2 Map of Balmain area in circa 1834 (Source: Department of Lands and Property Information)



Figure 1-3 Quarrying at Glebe Island for Wheat Silos, undated (Source: State Library of New South Wales)



Figure 1-4 Aerial view of the White Bay Power Station circa 1930 (Source: City of Sydney archives, Graeme Andrews collection)

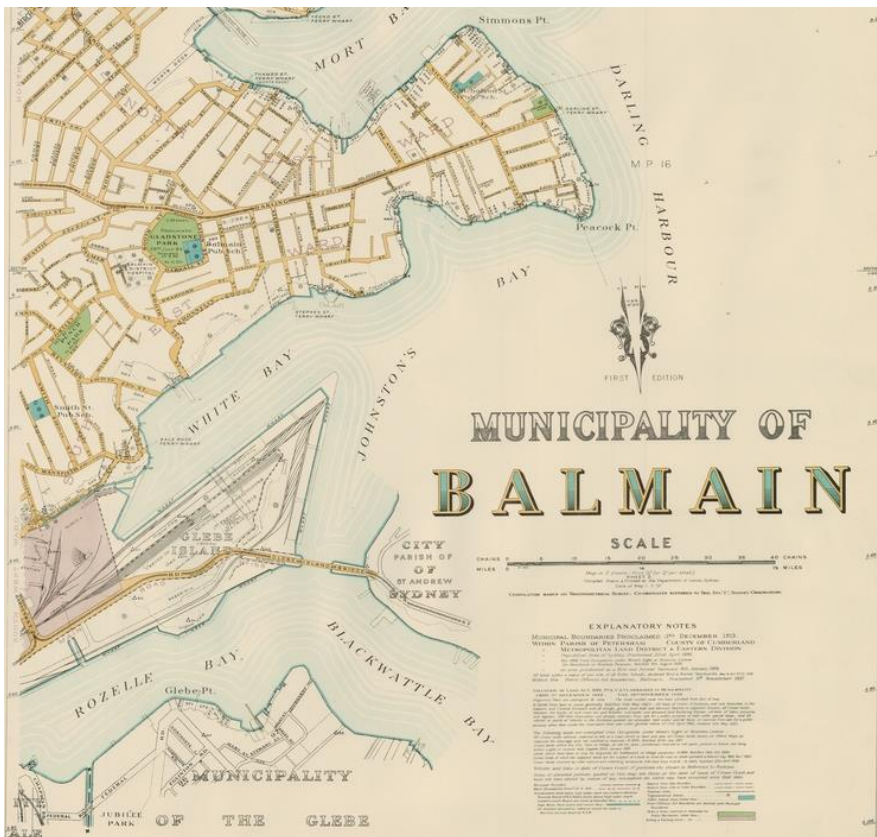


Figure 1-5 Map of part of the Municipality of Balmain, dated 1 November 1937 (Source: State Library of New South Wales)



Figure 1-6 1943 aerial view of the site (Source: SIX Maps, 2023)



Figure 1-7 Former railways at White Bay, circa 1990s (Source: City of Sydney archives, Graeme Andrews collection)

2 Statutory Context

2.1 Native Title Act 1993 (Commonwealth)

The *Native Title Act 1993* (NT Act) provides for the recognition and protection of native title for Aboriginal peoples and Torres Strait Islanders. The NT Act recognises native title for land over which native title has not been extinguished and where persons can prove continuous use, occupation or other classes of behavior and actions consistent with the traditional cultural possession of those lands. It also makes provision for Indigenous Land Use Agreements (ILUAs) to be formed as a framework for notification of Native Title Stakeholders for certain future acts on land where native title has not been extinguished.

Searches of the online National Native Title Register, Register of Native Title Claims and Register of ILUAs were undertaken on 22 September 2023 for the Inner West local government area (LGA). These searches returned no relevant Native Title determinations, claims or ILUAs that relate to the site.

2.2 National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974* (NPW Act) is the primary legislation for the protection of Aboriginal cultural heritage in NSW. The NPW Act gives the Chief Executive responsibility for the proper care, preservation and protection of 'Aboriginal objects' and 'Aboriginal places', defined under the NPW Act as follows:

- an 'Aboriginal object' is any deposit, object or material evidence (that is not handicraft made for sale) relating to the Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).
- an 'Aboriginal place' is a place declared so by the Minister administering the NPW Act because the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them and includes a 'strict liability offence' for such harm. A 'strict liability offence' does not require someone to know that it is an Aboriginal object or place they are causing harm to in order to be prosecuted. Defences against the 'strict liability of offence' in the NPW Act include the carrying out of certain 'Low Impact Activities', prescribed in Section 58 of the National Parks and Wildlife Regulation 2019 (NPW Regulation), and the demonstration of due diligence.

An Aboriginal Heritage Impact Permit (AHIP) issued under Section 90 of the NPW Act is required if impacts to Aboriginal objects and/or places cannot be avoided. An AHIP is a defence to prosecution for harming Aboriginal objects and places if the harm was authorised by the AHIP and the conditions of that AHIP were not contravened. Applications for an AHIP must be accompanied by assessment reports compiled in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW. Applications must also provide evidence of consultation with Registered Aboriginal Parties (RAPs). Consultation is required under Section 60 of the NPW Regulation and is to be conducted in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents.

AHIPs may be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons. Section 89A of the NPW Act requires notification of the location of Aboriginal sites within a reasonable



time, with penalties for non-notification. Section 89A is binding in all instances. An AHIP is only required if impacts would occur to Aboriginal objects and/or places.

2.3 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

The site is subject to the planning provisions of Chapter 4 City West of the *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*. Section 4.8 outlines Planning principles of regional significance for City West, including the following principle for heritage: *"The items and areas of heritage significance in City West are to be conserved and enhanced. New development is to respect the character of heritage items and conservation areas. The re-use of heritage buildings through adaptation and modification is to be encouraged"*.

3 Aboriginal Heritage Information Management System Database

The AHIMS database contains records of all Aboriginal objects reported to the Secretary of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) in accordance with Section 89A of the NPW Act. It also 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 basic AHIMS search was undertaken on 9 August 2024 for the site and surrounding area (Appendix A). The search returned five (5) site entries (Figure 3-1). None of the Aboriginal sites lie within 100 metres of the proposal site, therefore an extensive AHIMS search was not required. The closest recorded site is AHIMS ID No. 45-6-3826 which is a Potential Archaeological Deposit (PAD) located near the White Bay Power Station. The PAD was recorded by Artefact (2020) as part of the archaeological investigations for the Sydney Metro West Stage 1 with the extent of the PAD shown in Figure 3-2.



Figure 3-1 AHIMS Aboriginal sites (Source: Heritage NSW, 2024)

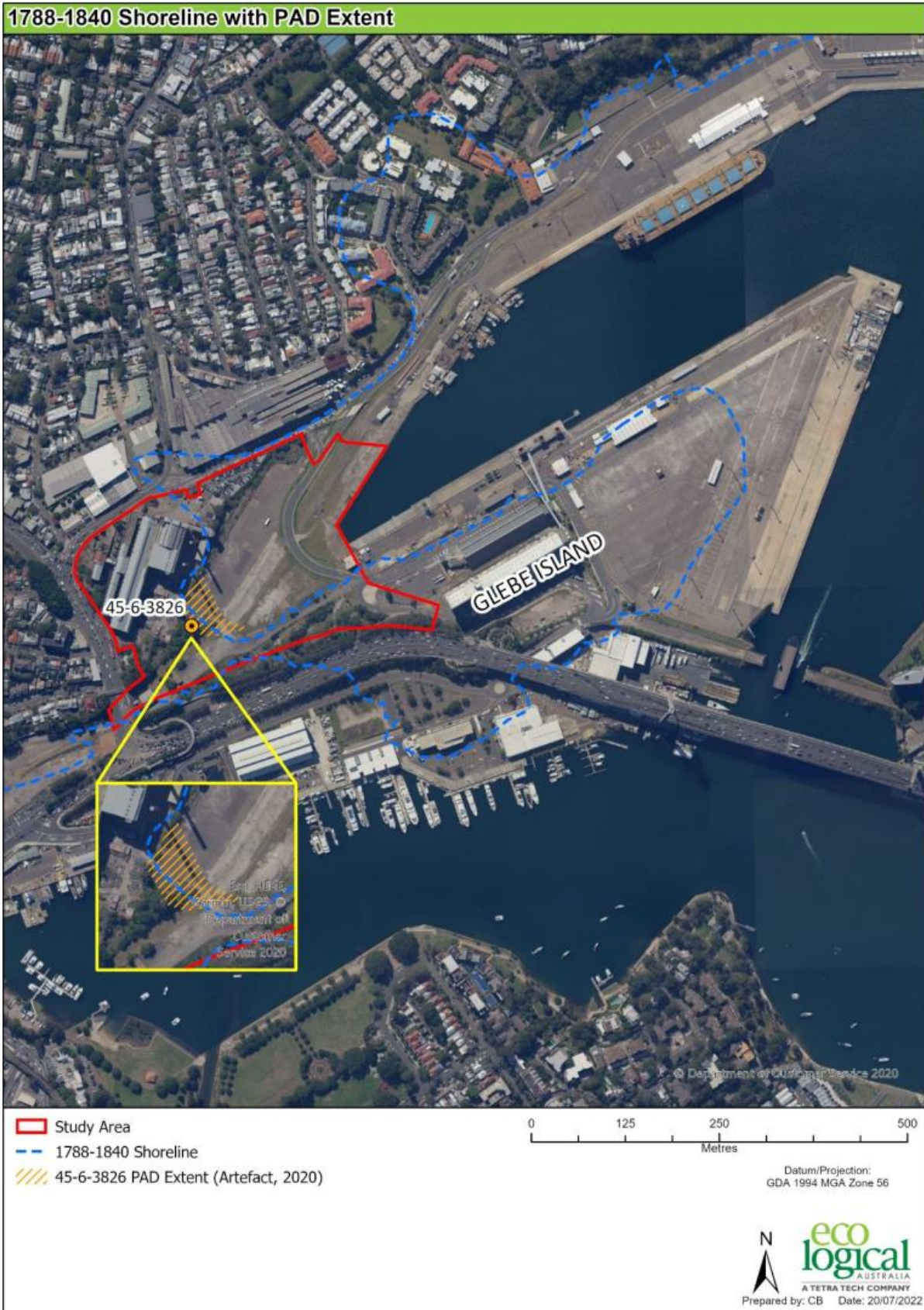


Figure 3-2 AHIMS ID 45-6-3826 PAD Extent and approximate shoreline from 1788 to 1840 (Source: Eco Logical Australia, 2022)

4 Previous Aboriginal Heritage Investigations

Aboriginal cultural heritage investigations and assessments have been undertaken around the area for other projects. A summary of four recent reports is provided below.

Sydney Metro West, Stage 1 – Technical Paper 4: Aboriginal Cultural Heritage Assessment Report (Artefact, 2020)

The purpose of the technical paper was to identify and assess the Aboriginal heritage and archaeological impacts of Stage 1 alignment extends from Westmead in the west to The Bays in the east including construction sites and power supply routes.

Artefact's (2020) assessment of archaeological potential for the White Bay area is reproduced below:

"The White Bay area provided a range of subsistence resources that may have been utilised as subsistence resources by Aboriginal people. These resources include valuable marine and plant resources, close to reliable water sources, near ridges and cliffs, and close to raw materials suitable for the construction of stone tools.

Despite these environmental landscape factors that could suggest high potential, the preservation of in situ artefactual deposits associated with Aboriginal occupation is dependent on the degree of ground disturbance in the area since European colonisation. Archaeological research has demonstrated that particular soils, particularly alluvial deposits and sand bodies are more likely to retain archaeological and artefactual deposits when found intact. While there is still potential for Aboriginal archaeological remains to be found out of context in disturbed areas and retain their cultural value, their scientific research potential is diminished.

Extensive historical occupation after European colonisation of Sydney has occurred in The Bays Station construction site. Phases of demolition, construction, and land clearance and modification in the post-colonisation period can have significant impacts for Aboriginal cultural heritage and archaeological remains.

Between 1800 and 1851 some land clearance may have occurred in this area. These land clearance activities may have impacted Aboriginal sites, however much of the foreshore area was tidally influenced and marshy. Whilst marshy wetlands were sources of abundant material resources utilised by Aboriginal people, the foreshore area above the tidal limit is more likely (than a regularly inundated tidal flat) to be the location of Aboriginal sites such as shell midden and/or stone artefacts.

The far western portion of The Bays Station construction site was above the tidal limit and was the site of the original White Bay Hotel constructed in 1860. The White Bay Hotel was constructed prior to known substantial land reclamation in the area and is likely to have been built on natural land. The rear yard structures may have included accommodation, stables, toilets, and wells. While these buildings were demolished during the resumption of White Bay, infill would have been placed on top of these remains, possibly preserving them and the associated foreshore context.

The construction of wells, cisterns and cesspits for the White Bay Hotel occurred on the natural foreshore just beyond the marshy areas. This area itself may have formed an important part of subsistence land-use strategies, as it would have been close to Sydney Harbour and various creeks, the ridge lines and cliff faces of the Balmain Peninsula and Glebe Island, the resource-rich wetland areas of White Bay, and the natural stone resources of the Balmain Peninsula. Certain activities associated with construction of the White Bay Hotel such as excavation required for cisterns, wells, and cesspits are likely to have resulted in discrete areas of impact to any Aboriginal sites in those areas.



However, the infilling phases along the eastern foreshore in the early 20th century are likely to have preserved any intact archaeological deposits or Aboriginal artefacts and could preserve both pre-contact and contact era remains. There is low-moderate archaeological potential for Aboriginal archaeological remains to be preserved in the south-western portion of The Bays Station construction site. The remainder of the Bays Station construction site is considered to contain low archaeological potential”.

Bays West Connecting with Country Framework (Bangawarra, 2021)

Bangawarra (2021) was engaged to develop a Connecting With Country Framework for the Bays West Precinct. The purpose of this document was to create a framework which develops connections with Country to inform the planning, design and delivery of built environment projects in NSW. A site visit was undertaken by Dharawal Knowledge Keeper, Shannon Foster, which noted the presence of “...very old oyster and cockle shells [that] were found within the exposed sandstone patches around the active cement silos and sugar storage facility. These remnants are physical evidence of the Aboriginal stories that are imprinted here” (Bangawarra, 2021) and are located immediately south of the silos.

Bays West Stage 1 Rezoning Proposal – Aboriginal Due Diligence (Eco Logical Australia, 2022)

NSW Department of Planning and Environment engaged Eco Logical Australia to undertake an Aboriginal Heritage Due Diligence Assessment to support the rezoning of land at the White Bay Power Station and Metro sub-precinct consistent with the exhibited Bays West Stage 1 Masterplan. Ecological Australia (2022) concluded the following:

“This desktop assessment has identified a low likelihood for Aboriginal objects to occur within the study area and nil likelihood for intact cultural deposits. Future works will occur on land classified as Disturbed Terrain and meets the definition of disturbed land in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW, 2010). Further assessment will not contribute to the understanding of past land use of the study area by Aboriginal people as evidence is highly unlikely to remain.”

5 Visual Inspection

A visual inspection of the proposal site was undertaken on 6 September 2023 by Worley Consulting personnel. The purpose of this inspection was to establish whether the proposed activities within the site would, or were likely to, harm any Aboriginal objects. Photographs of the site were taken during the inspection and a selection of these are included in Section 5.2 below.

5.1 Summary of Findings

The visual inspection indicated that the site is disturbed land that has previously been subject to extensive disturbance, including the establishment of reclaimed land with the original shoreline having undergone multiple phases of change due to the site's industrial and port history. The site includes five operational shipping berths at White Bay (2-6) and five berths at Glebe Island (1, 2, 7 and 8), respectively. Other Port-based infrastructure includes the White Bay Cruise Terminal building, silos and storage facilities, administration and amenities buildings, access roads, substations, hardstand and parking areas. Part of the Port land is currently being leased out as ancillary sites and contractor parking for the WestConnex and Sydney Metro West construction projects. Remnants of the former railway lines are found in-situ at the site. There is no vegetation on the site, except for small shrubs growing on the sandstone cliff face along the western boundary.

5.2 Site Inspection Images

Images of the site are presented in Figure 5-1 to Figure 5-4.



Figure 5-1 View looking east of the site from the adjacent Birrung Park (Source: Worley Consulting, 2023)

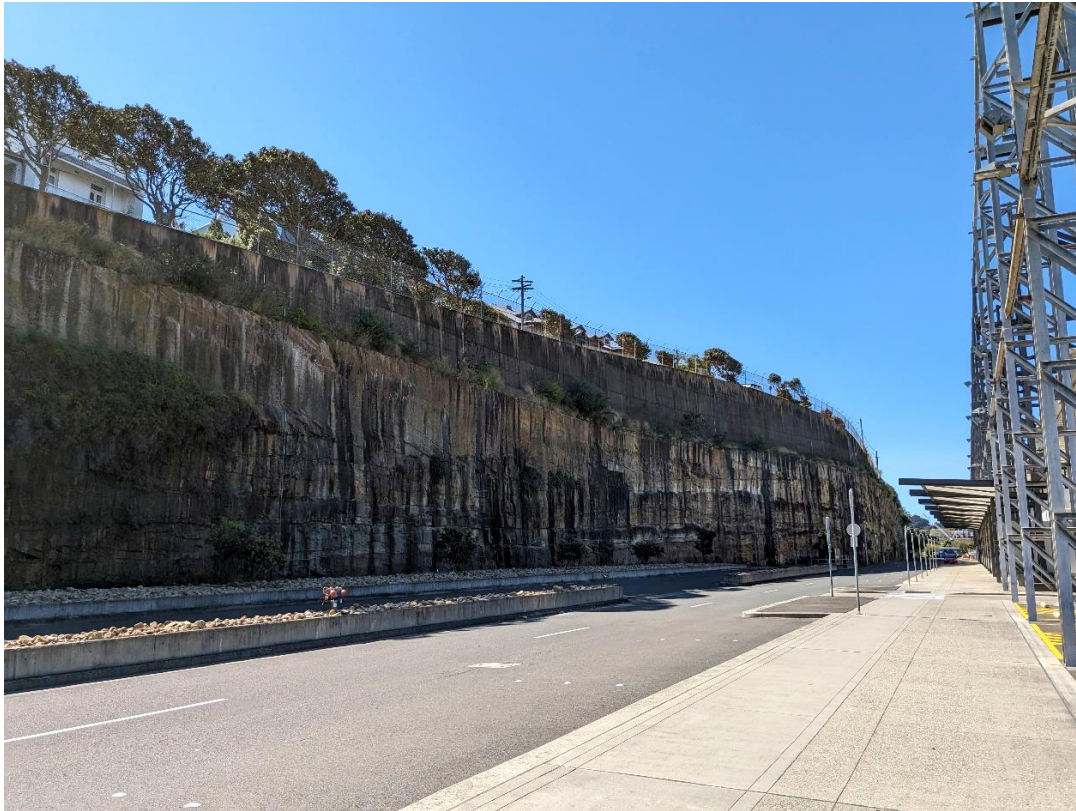


Figure 5-2 View looking east along Robert Street and the sandstone cliff face, near the White Bay Cruise Terminal car park (Source: Worley Consulting, 2023)



Figure 5-3 View looking east from White Bay 3 (Source: Worley Consulting, 2023)



Figure 5-4 View looking west to administration buildings and remnant railway lines near White Bay 3 (Source: Worley Consulting, 2023)



6 Application of the Due Diligence Code of Practice to the Proposal

The Code of Practice provides a series of questions to assist a proponent in determining whether the proposed activities are likely to harm Aboriginal objects, and would therefore require an AHIP application under Section 90 of the NPW Act. The following relevant questions from the Code of Practice are applied to the proposal.

Table 6-1 Code of Practice questions

Code of Practice Question	Response
<p>1. Is the activity a low impact activity for which there is a defence in the NPW Regulation?</p>	<p>No The NPW Regulation removes the need to follow the due diligence process if the proponent is carrying out a specifically defined low impact activity. Low impact activities are listed in Section 58 of the NPW Regulation.</p> <p>A review of Section 58 indicates that the proposal does not comprise low impact activities as defined by the NPW Regulation. Accordingly, the due diligence process has been adhered to herein.</p>
<p>2. Will the activity disturb the ground surface or any culturally modified trees?</p>	<p>Yes Elements of the proposed activities which would require disturbance to the ground surface include demolition, installation of trenches, conduits and cables and construction of substations. However, these works are proposed to be carried out on ground that is already disturbed, as indicated by the site’s industrial and port history described in Section 1.4. Thus, works would be restricted to disturbed terrain with negligible Aboriginal archaeological potential.</p>
<p>3. Are there any relevant confirmed site records or other associated landscape feature information in AHIMS?</p>	<p>No A search of the AHIMS database on 9 August 2024 (Appendix A) returned no relevant site records in the immediate vicinity of the proposal. Refer to Section 3 for further details.</p>
<p>4. Are there any landscape features that are likely to indicate a presence of Aboriginal objects?</p>	<p>Yes Under the definitions given in the Code of Practice, the proposal is within an area that exhibits landscape features that are likely to indicate a presence of Aboriginal objects. The following are criteria used in the code of practice to define a landscape which is likely to indicate a presence of Aboriginal objects, relevant to the proposal:</p> <ul style="list-style-type: none"> – Located within 200m of waters¹, and’ – Located within 200m below or above a cliff face². <p>Although the proposal meets the abovementioned criteria, the Code of Practice states that this must occur in conjunction with the proposal occurring on land that is not disturbed land. As the proposal is within areas of disturbed</p>

¹ ‘Waters’ means the whole or any part of: any river, stream, lake lagoon, swamp, wetlands, natural watercourse, tidal waters (including the sea).

² It is noted that the proposal does not involve any works to the adjacent cliff face. This criteria has been included as a precautionary measure.



Code of Practice Question	Response
	land, the likelihood of the presence of Aboriginal objects within the proposal area is considered to be low.
Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?	<p>No The desktop assessment and visual inspection, which has informed this assessment, indicates that while there is a possibility that Aboriginal objects may be present in areas <i>in the vicinity of</i> the site, it is highly unlikely that previously undisturbed Aboriginal artefacts, items or burials are present below the ground surface <i>within</i> the site due to the disturbed nature of the land in which work would take place upon.</p>



7 Key Findings

The key findings of this due diligence assessment are as follows:

- The proposed activity does not fall under the definition of a low impact activity under Section 58 of the NPW Regulation.
- The proposed activities would disturb the ground surface of areas that have been previously disturbed.
- There are no relevant confirmed site records or other associated landscape feature information in AHIMS in the immediate vicinity of the site.
- The proposed activities would take place in the vicinity of landscape features that are likely to indicate a presence of Aboriginal objects, under the definitions of the Code of Practice, however these do not occur in conjunction with land that is previously undisturbed.
- The desktop assessment and visual inspection of the site on 6 September 2023 confirmed that while there is a possibility of the presence of Aboriginal objects in the vicinity of the site, it is highly unlikely that previously undisturbed Aboriginal artefacts, items or burials are present below the ground surface within the site due to the disturbed nature of the land in which work would take place upon.

An AHIP is not considered to be necessary for the proposal, provided that recommendations in Section 8 are followed.

8 Recommendations

On the basis of the findings of this AADDA, the following recommendations for the management of Aboriginal cultural heritage are made:

Management of previously unrecorded Aboriginal objects or sites

Should a suspected Aboriginal archaeological site be identified at any point during the construction of the proposal, the following standard procedures are to be adopted:

1. All works in the area must cease immediately to prevent any further impacts to the site.
2. Port Authority Project Manager must be notified immediately by the Contractor.
3. A suitably qualified archaeologist is to be engaged immediately by the Contractor to determine the nature, extent and significance of the find and provide the appropriate management advice to Port Authority for review and approval prior to implementation by the Contractor.
4. Archaeologist is to prepare and submit an AHIMS site card for the site.

Human skeletal remains

Should suspected human skeletal remains be identified at any point during the construction of the proposal, the following procedure is to be followed:

1. All works in the vicinity of the find must cease immediately.
2. The location of the find is to be blocked off – work may continue outside of this area if the works do not pose a risk of interference with assessment of the remains.
3. Where it is obvious the remains are human, Contractor is to notify Port Authority Project Manager immediately, who will in turn inform the NSW Police immediately.
4. Where uncertainty over the origin of the remains exists, a forensic anthropologist is to be engaged by the Contractor to inspect the remains in-situ to determine the origin, ancestry (Aboriginal or non-Aboriginal) and antiquity (historic or modern):
 - If remains are confirmed as modern and human, the NSW Police must be notified immediately.
 - If the remains are confirmed as historic Aboriginal in nature, Heritage NSW is to be notified (151 555 – Environment Line).
 - If the remains are identified as historic and non-Aboriginal in nature, Heritage NSW is to be notified.

An Aboriginal community representative must be present where it is reasonably suspected burials or humans remains may be encountered. If humans remains are unexpectedly encountered and they are thought to be Aboriginal, the Aboriginal community must be notified by Port Authority immediately.

Recording of Aboriginal ancestral remains must be undertaken by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person.

Archaeological reporting of Aboriginal ancestral remains must be undertaken by, or reviewed by, a specialist physical anthropologist or other suitably qualified person, with the intent of using respectful and appropriate language and treating the ancestral remains as the remains of Aboriginal people rather than as scientific specimens.



9 References

- Artefact (2020), *Sydney Metro West, Stage 1 – Technical Paper 4: Aboriginal Cultural Heritage Assessment Report*.
- Bangawarra (2021), *Bays West Connecting with Country Framework [Draft]*.
- Eco Logical Australia (2022), *Bays West Stage 1 Rezoning Proposal – Aboriginal Due Diligence*.
- NSW Department of Environment Climate Change and Water (2010), *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*.
- NSW Department of Environment Climate Change and Water (2010), *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Department of Environment, Climate Change and Water.
- NSW Office of Environment & Heritage (2011), *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*. Office of Environment and Heritage.
- Port Authority of New South Wales (2023a), *Discover the Bays Port Local History*. Available at: <https://www.portauthoritynsw.com.au/projects-planning/projects/bays-port/history/>



Appendix A

AHIMS Search



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : WBCT

Client Service ID : 918607

Claire Jones

Date: 09 August 2024

Level 17, 141 Walker Street
North Sydney New South Wales 2060
Attention: Claire Jones

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -33.8733, 151.1691 - Lat, Long To : -33.8554, 151.2, conducted by Claire Jones on 09 August 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

	5 Aboriginal sites are recorded in or near the above location.
	0 Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.