



Thank you for the opportunity to comment on the *Draft Pyrmont Peninsula sub-precinct masterplans*. Aboriginal Affairs (AANSW) appreciates the extensive work that has already been undertaken in preparing the masterplans and welcomes further opportunities for AANSW to work closely with the Department of Planning and Environment (DPE) and the City of Sydney to ensure we can achieve the best possible outcomes for Aboriginal communities.

AANSW provides the below comment to ensure the interests of Aboriginal people are included, particularly where these masterplans provide opportunities for improved relationships and connection to Country that will enable all Australians to move towards a shared future. This is particularly poignant in an area such as Pyrmont which is known for its original connections to Aboriginal life and cultural practice.

AANSW's community focused plan for Aboriginal Affairs in NSW is *OCHRE*. *OCHRE* commits the NSW Government to a different way of working with, and in support of, Aboriginal communities by building strong working partnerships that have at their heart respect for local Aboriginal culture, leadership and decision making. This submission advocates that the principled approach of *OCHRE* be factored into the development and implementation of the Pyrmont Peninsula masterplans.

Legislative reforms on Aboriginal Cultural Heritage (ACH)

Through AANSW, the Department of Premier and Cabinet is currently progressing legislative reform to the way ACH is managed in NSW. This entails removing the sections of the *National Parks and Wildlife Act 1974* that pertain to ACH and establishing a new stand-alone ACH Act. The forthcoming ACH Act proposes:

- a consistent respectful approach to Aboriginal cultural heritage, both archaeological and as a living culture, that enables conservation of cultural items and cultural practices relating to land; and
- a state-wide ACH Council and a network of Local ACH Panels, which will be instrumental in considering impacts and opportunities for ACH on development and planning proposal sites.

Acknowledging that this reform is still progressing and will be implemented over a number of years after the draft Bill passes through Parliament, once established, the reforms will provide improved avenues for engagement with Aboriginal communities for both DPE and local government councils.

When these new structures are in place, the Local ACH Panels will become the official voice on ACH aspects in the local area. The Local Panel composition will be determined by the ACH Council to include relevant people that can speak for that specific Country. This will stream-line the notification and engagement process conducted by state government and local government councils; however, until those Panels are established it is important for government to cast a wide net and engage with existing groups including Local Aboriginal Councils (LALC), Native Title holders through NTSCORP and their Prescribed Bodies Corporate, and other groups/individuals that sit outside the LALC and NTSCORP networks.

In the short term, AANSW recommends further engagement with Aboriginal people and communities to ensure Aboriginal voices are heard in the further development of the Pyrmont Peninsula.

Exhibited documentation

The following exhibited documents have been considered in this submission:

- Pyrmont Peninsula Place Strategy Implementation Exhibition discussion paper and incorporated

Explanation of Intended Effects

- Pyrmont Peninsula Place Strategy Urban Design Report Vol. 3 Sub-precinct Master Planning
- Sub-precinct master plans for the Pyrmont Peninsula
- Draft Pyrmont Peninsula Design Guidelines for sites at
 - Star Casino
 - University of Technology accommodation for Indigenous students
 - Metro Site East
 - Metro Site West
- Various technical studies
- Various masterplanning documents for
 - Star Casino
 - University of Technology accommodation for Indigenous students

We understand that the exhibited masterplans follow the priorities set out in the 20 year *Pyrmont Peninsula Place Strategy* with its *Indigenous Cultural Heritage Report* prepared by Kelleher Nightingale Consultants. This report stated the “Pyrmont Peninsula is of both archaeological and cultural significance to the contemporary Aboriginal community” and “many Aboriginal community members expressed that they hold cultural knowledge of the area”.

We note the comments submitted by Heritage NSW (HNSW) to the exhibition of the *Pyrmont Peninsula Place Strategy* which indicated:

- requirements for a further detailed Aboriginal cultural heritage assessment for any future development proposed;
- preparation of a full Aboriginal Cultural Heritage Assessment Report (ACHAR) to identify and describe the Aboriginal cultural heritage values that exist across the Peninsula; and
- development of an Aboriginal Heritage Interpretation Strategy to acknowledge and celebrate the Peninsula’s Aboriginal cultural heritage values.

It is of concern that the current exhibition head document, *Pyrmont Peninsula Place Strategy Implementation Exhibition discussion paper and incorporated Explanation of Intended Effects*, and other exhibited documents and masterplans do not appear to have implemented the recommendations in the Kelleher Nightingale report, nor acted upon the advice of HNSW for further work to inform future proposals.

It is noted that no meetings (online to overcome limitations imposed by covid) nor investigations in the Aboriginal space appear to have been completed, and hence Aboriginal interests have not informed any of the masterplans. The exception is the UTS masterplan which, by its nature providing accommodation for indigenous students, has applied the strategies of GANSW’s *Designing with Country* in its design consideration - this is supported.

Masterplanning of large land parcels, particularly in Pyrmont where there is recognised ancestral connection for Aboriginal people, provides a prime opportunity for Aboriginal people to re-establish connection to country, and navigate towards a future identity of land that is meaningful for all Australians.

The *Pyrmont Peninsula Place Strategy* (urban design report) stipulates the following *Actions* which it is understood should be demonstrated in any masterplanning of Pyrmont:

- Action 2 - Acknowledge and celebrate Aboriginal cultural heritage by including the Pyrmont Peninsula harbour foreshore in the City of Sydney’s Eora Journey, Harbour Walk project.
- Action 15 - Undertake further Aboriginal cultural assessment to provide a comprehensive understanding of the broader Aboriginal cultural landscape in the Pyrmont Peninsula



These *Actions* present an opportunity to develop a matrix of connections across the Peninsula through even minor acknowledgements on urban sites that speak to the ancestry of the land and its connection to the Aboriginal people who belong to those lands. It is recommended that the exhibited masterplans consider not only any archaeological Aboriginal cultural heritage that may be discovered on the sites, but also the treatment of ACH as a living culture.

Living culture can be expressed through Aboriginal people having access for cultural practices associated with that land, and also through elements such as public art, interpretive signage, use of language and totems, performance spaces. These types of elements, developed through the Aboriginal people that speak for this particular Country, would enable wider acknowledgement of the Aboriginal people that belong to that land. This approach would be in keeping with the reference made to “showcase the area’s character in any enhancements to public areas, infrastructure or new connections, including Aboriginal cultural heritage interpretation opportunities”.

In addition, it is important that the economic self-determination of Aboriginal people be promoted through the masterplanning and implementation process, particularly where Aboriginal aspects are a draw-card bringing monetary benefit into the area through education, tourism or other means.

AANSW recommends engagement with Create NSW, which has expertise in delivery infrastructure for contemporary cultural requirements that recognise and promote ACH beyond archaeological sites, acknowledges ACH as a living culture and makes provision for those cultural practises and expression.

Delivery against these *Actions* across regions would align with AANSW’s *OCHRE* as well as other Aboriginal focused strategies such as *Closing the Gap* principles, DPE’s *Aboriginal Outcomes* and GANSW’s *Designing with Country*. In combination, these strategies can achieve the following outcomes:

- educate on and integrate the deep history of the land into modern land development;
- deliver a more holistic concept design that equitably expresses the value of the site both physical and cultural to both Aboriginal and non-Aboriginal people with interests in the land;
- develop a better appreciation of Aboriginal cultural heritage in non-Aboriginal and Aboriginal communities; and
- healing and truth telling around connection to Country through individual sites/masterplans that contribute to *Close the Gap* initiatives.

Creating new and strengthening existing expressions of connection with Country through development proposals presents a powerful mechanism to bridge the gap between Aboriginal and non-Aboriginal people and enables alignment with *OCHRE*. This approach can be harmonised with planning processes to enrich the outcomes of land development.

Thank you for the opportunity to provide feedback on the *Draft Pyrmont Peninsula sub-precinct masterplans*. If you have any further questions, please feel free to contact me on the below details.

With regards,

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