ABORIGINAL TEXT EXCAVATION REPORT

President Private Hospital Lot 1 DP 841502, Lot 23 & 24a DP 26995, Lot 53 & 54 DP 29493 369 – 381, President Ave, 61 -65 Hotham Rd & 2-4 Bidurgal Ave Kirrawee, NSW (Sutherland Shire LGA)



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> For Macquarie Health Corporation





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Cover Image Photograph of study area facing northwest. AMAC 2020 [DSCN3937]

CONTENTS

PAGE

TABLE	OF FIGURES	3
LIST O	FTABLES	3
EXECU	JTIVE SUMMARY	4
CONTA	ACT DETAILS	6
1.4		7 7 8 8 8
2.0 2.1 2.2	2.2.1 National Parks and Wildlife Act 19742.2.2 Environmental Planning & Assessment Act 1979	99999999999999999999999999999999999999
2.3 2.4 2.5 2.6	 2.2.4 The Native Title Act 1993 2.2.5 New South Wales Heritage Register and Inventory 1999 2.2.6 Register of Declared Aboriginal Places 1999 LOCAL PLANNING INSTRUMENTS 2.3.1 Sutherland Shire Council Local Environmental Plan (2015) DUE DILIGENCE CODE OF PRACTICE FOR THE PROTECTION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES CODE OF PRACTICE FOR ARCHAEOLOGICAL INVESTIGATION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES 	12 12 12 13 13 13 14 15
3.0 3.1	DESCRIPTION OF STUDY AREA REGISTERED ARCHAEOLOGICAL SITES WITHIN THE STUDY AREA	16
4.1		19 19 19
5.0 5.1 5.2 5.3 5.4	TOPOGRAPHY GEOLOGY AND SOILS WATERCOURSES	35 36 40 40
6.0 6.1 6.2 6.3 6.4 6.5	ARCHAEOLOGICAL CONTEXT ABORIGINAL LAND USE AND RESOURCES PREVIOUS ARCHAEOLOGICAL STUDIES NEAR THE STUDY AREA AHIMS SEARCH RESULTS	44 45 45 48 50

6.6	GEOTECHNICAL INVESTIGATION SUMMARY	51	
7.0	TEST EXCAVATION	60	
7.2 7.3	TEST EXCAVATION UNDER THE CODE OF PRACTICE TESTING METHODOLOGY	60 61	
1.0	7.3.1 Sieving	62	
	7.3.2 Recording7.3.3 Care and Control Agreement	62 62	
7.4	TEST PIT LOCATION	63	
7.5	RESULTS	65	
	7.5.1 Test Trench Photographs7.5.2 Stratigraphic Analysis	70 75	
7.6	DISCUSSION	79	
7.7	RESEARCH CONTEXT 7.7.1 Response to research questions	79 79	
8.0	SIGNIFICANCE ASSESSMENT	80	
8.1	ARCHAEOLOGICAL SIGNIFICANCE	80	
	8.1.1 Educational Significance8.1.2 Scientific Significance	80 80	
	8.1.3 Representative Significance	81	
8.2	SOCIAL AND CULTURAL SIGNIFICANCE	81	
	8.2.1 Historic Significance8.2.2 Scientific Significance	81 81	
	8.2.3 Aesthetic Significance	82	
9.0	IMPACT ASSESSMENT	83	
9.1	POTENTIAL HARM TO ABORIGINAL OBJECTS AND CULTURAL HERIT 83	AGE	
9.2	ASSESSING HARM	83	
9.3 9.4	AVOIDING AND MINIMISING HARM TO ABORIGINAL OBJECTS JUSTIFICATION OF HARM TO ABORIGINAL OBJECTS	83 83	
10.0	MANAGEMENT AND MITIGATION	84	
10.1	RECOMMENDATIONS	84	
GLOS	SARY	86	
REFEF	RENCES	89	
APPE	APPENDICES		
APPE	APPENDIX 1 – AHIMS SEARCH		
APPENDIX 2 -DIGITISED SITE RECORDING FORMS 9			

TABLE OF FIGURES

Figure 3-1	Aerial of study area.	17
Figure 3-2	Topographic map with site location.	18
Figure 4-1	Title Sheet – Location Map, Massing View Existing, Massing View	~ ~
-	Proposed	
Figure 4-2	Construction Phasing.	
Figure 4-3	Existing Site Plan.	22
Figure 4-4	Proposed Site Context Plan.	
Figure 4-5	Site Set Out Plan	24
Figure 4-6	Existing Ground Floor Plan	
Figure 4-7	Basement Plan LVL 3 & 4.	
Figure 4-8	Basement Plan LVL 1 & 2.	
Figure 4-9	Ground Floor General Arrangement Plan.	
Figure 4-10	First Floor General Arrangement Plan	
Figure 4-11	Second Floor General Arrangement Plan.	30
Figure 4-12	South & East Elevations	
Figure 4-13	North & West Elevations.	
Figure 4-14	East & West Sections	33
Figure 4-15	North & South Sections	34
Figure 5-1	Study area on soil map	35
Figure 5-2	Contour map of study area.	
Figure 5-3	Geological map of region with study area indicated in red outline	38
Figure 5-4	Cross Section of soil landscape illustrating relationships between	
	landscape features and dominant soil materials	39
Figure 5-5	Parish Map 1969 with study area indicated in purple circle	41
Figure 5-6	1955 aerial of study area with minor tributary running through site	41
Figure 5-7	Historical Sutherland Parish Map (date unknown) with approximate locati	on
-	of study area indicated in red, illustrating surrounding watercourses	42
Figure 5-8	Topography map indicating watercourses in blue	43
Figure 6-1	AHIMS Search Results	49
Figure 6-2	Sutherland Shire Archaeological Sensitivity Map	50
Figure 6-3	Geotechnical Bore Log BH1, 1-3	52
Figure 6-4	Geotechnical Bore Log BH1, 2-3	53
Figure 6-5	Geotechnical Bore Log BH1, 3-3	54
Figure 6-6	Geotechnical Bore Log BH1 - Rock Core Photograph	55
Figure 6-7	Geotechnical Bore Log BH2, 1-3.	56
Figure 6-8	Geotechnical Bore Log BH2, 2-3	57
Figure 6-9	Geotechnical Bore Log BH2, 3-3	
Figure 6-10	Geotechnical Bore Log BH2 - Rock Core Photograph	
Figure 7-1	Site plan with Aboriginal test trenches (not to scale)	
Figure 7-2	South-west corner of Hotham House, looking west.	
Figure 7-3	North-west point of Hotham House lot, looking south-west	
Figure 7-4	South-east corner of lot 23, looking north-west	
Figure 7-5	Southern extent of site, looking west.	

LIST OF TABLES

Table 5-1	Description of dominant soil material	36
Table 5-2	Expected Gymea soil profile depth based on landform	. 36
Table 6-1	AHIMS Search Results	48
Table 7-1	Test Trench Summary	. 68

EXECUTIVE SUMMARY

Study Area

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) was commissioned by Macquarie Health Corporation in March 2020, to prepare an Aboriginal Cultural Heritage Assessment Report for the proposed redevelopment at Lot 1 DP 841502, Lot 23 & 24a DP 26995, Lot 53 & 54 DP 29493, at the combined street address 369-381 President Avenue, Kirrawee, NSW.

This Aboriginal Cultural Heritage Assessment has been prepared in response to requirement 8 of the Secretary's Environmental Assessment Requirements (SEARs) for State Significant Development (SSD-10320).

Requirement 8:

- Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.
- Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).
- Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.
- Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.
- The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

This report is to accompany the Aboriginal Cultural Heritage Assessment for submission and outline the archaeological investigations including analysis and results.

Aboriginal Consultation

Consultation for this report has been undertaken in accordance with the Part 6: National Parks and Wildlife Act 1974: *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010) and is in Stage 4. Archaeological Test excavation has been completed in accordance with *Code of Practice for the Investigation of Aboriginal Objects in NSW* (DECCW,2010).

Physical Evidence

Test excavation was undertaken in two phases, with phase one performed over 2 days 21/4/21 - 22/4/21 and phase two performed over one day 06/07/21. The programme was conducted under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales and consisted of the excavation of 11 test trenches (50cm x 50cm).

The proposed development will impact the entire study area. In review of the test excavation results, of which little intact soils were found to be present, the study area was found to be absent of any Aboriginal objects and/or deposits or features of cultural and archaeological significance. Therefore, further investigation is not warranted and further works are not necessary and works may proceed with caution.

Significance

The site is found to be of low - nil archaeological significance as the test excavation resulted in no Aboriginal objects and/or deposits of cultural or archaeological significance being located. The A horizon (artefact bearing deposit) was largely absent, due to high disturbance from agricultural and urban land use.

Recommendations

The following recommendations have been formulated after consultation with the proponent and Heritage NSW (HNSW):

- It is recommended that an Aboriginal Cultural Heritage Management Plan (ACHMP) be in place as part of the status of the proposed development as a State Significant Development (SSD-10320). This is to manage and mitigate any unexpected Aboriginal archaeological and cultural constraints that may arise
- Full consultation with the registered Aboriginal stakeholders should continue. Stakeholders have been given the opportunity to comment on the recommendations of this report and these comments are included in this report
- Archaeological test excavation in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010) revealed <u>no Aboriginal</u> <u>archaeological objects or deposits</u>: the development as shown (Figures 4.1-4.15) should be allowed to 'proceed with caution'
- After this and before any ground disturbance takes place all development staff, contractors and workers should be briefed prior to works commencing on site as to their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.

If any Aboriginal archaeological deposits and/or objects are located during the development, then the following should take place:

- > All work is to cease in the immediate vicinity of the deposits and/or objects
- > The area is to be demarcated
- > Heritage NSW, a qualified archaeologist and the participating RAPs are to be notified.

Should any human remains be located during the following development:

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately
- > The NSW police and Heritage NSW's Enviroline be informed as soon as possible
- Once it has been established that the human remains are Aboriginal ancestral remains, Heritage NSW and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

CONTACT DETAILS

The contact details for the following archaeologist, NSW Police, Heritage NSW, and Registered Aboriginal Parties are as follows:

Organisation	Contact	Contact Details
NSW Environment Line		131 555
NSW Sutherland Shire Police Area Centre		PAC Office: 111-115 Flora Street Sutherland NSW 2232 Ph: (02) 9542 0899 Fax: (02) 9542 0708
Archaeological Management & Consulting Group	Mr. Benjamin Streat or Mr. Martin Carney	122c-d Percival Road Stanmore NSW 2048 Ph:(02) 9568 6093 Fax:(02) 9568 6093 Mob: 0405 455 869 Mob: 0411 727 395 benjaminstreat@archaeological.com.au
Heritage NSW	Archaeologist – Head Office	PO Box A290 Sydney South NSW 1232 Ph: (02) 9995 5000 info@environment.nsw.gov.au
La Perouse LALC	Heritage Officer	1 Elaroo Avenue Phillip Bay NSW 2036 (02) 9311 4282 admin@laperouse.org.au
Didge Ngunawal Clan	Lilly Carroll & Paul Boyd	didgengunawalclan@yahoo.com.au
Clive Freeman		<u>clive.galamban@icloud.com</u>
Tocomwall	Scott Franks	scott@tocomwall.com.au

1.0 INTRODUCTION

1.1 BACKGROUND

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) was commissioned by Macquarie Health Corporation in March 2020, to prepare an Aboriginal Cultural Heritage Assessment Report for the proposed redevelopment at Lot 1 DP 841502, Lot 23 & 24a DP 26995, Lot 53 & 54 DP 29493, at the combined street address 369-381 President Avenue, Kirrawee, NSW.

This Aboriginal Cultural Heritage Assessment has been prepared in response to requirement 8 of the Secretary's Environmental Assessment Requirements (SEARs) for State Significant Development (SSD-10320).

Requirement 8:

- Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.
- Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).
- Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.
- Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.
- The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

This report conforms to the reporting process, conditions and requirements of *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) and Part 6; National Parks and Wildlife Act *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010)

1.2 STUDY AREA

The study site is that piece of land described as Lot 1 of the Land and Property Information, Deposited Plan 841502, Lot 23 & 24a DP 26995 and Lot 53 & 54 DP 29493 forming the following street addresses 369 - 381, President Ave, 61 - 65 Hotham Rd and 2-4 Bidurgal Ave Kirrawee in the Parish of Sutherland, County of Cumberland (Figures 3.1 - 3.2).

Lot	Deposited Plan
1	841502
23	26995
24a	26995
53	29493
54	29493

1.3 SCOPE

This report forms the results of the programme of test excavation that was conducted, including the synthesis and analysis of information of which may contribute to our understanding of the site characteristics and local and/or regional prehistory. The results of the test excavation will aid in the formalisation of appropriate management recommendations and conservation goals for the proposed development and any archaeological material recovered.

This assessment is intended for submission in conjunction with an Aboriginal Cultural Heritage Assessment Report (AMAC 2021).

1.4 ABORIGINAL CONSULTATION AND PARTICIPATION SUMMARY

Consultation for this report has been undertaken in accordance with the Office of Environment and Heritage and National Parks and Wildlife Act 1974: Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), as part of the Aboriginal Cultural Heritage Assessment and programme of test excavation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010).

There is a mandatory 28-day period for the Aboriginal stakeholders to comment on this document. A final Aboriginal stakeholder approved version of this report shall be issued at the close of this period (should any changes be required as a result of the exhibition process or Aboriginal stakeholder comment they will be included at this stage).

1.5 AUTHOR IDENTIFICATION

The analysis of the archaeological background and the reporting were undertaken by Mr. Benjamin Streat (BA, Grad Dip Arch Her, Grad Dip App Sc), archaeologist and Director of Streat Archaeological Services Pty Ltd in association with archaeologists Ms. Sarah Hannan, under the guidance of Mr. Martin Carney archaeologist and Managing Director of AMAC Group.

1.6 ACKNOWLEDGEMENTS

The author would like to thank the following for advice and/or input into this assessment:

- David Wenkart of Macquarie Health Corporation
- John Simpson of CDP Services
- Stephen Phillips of Imagescape Design Studios
- Makayla Horwood and Richard Silva of La Perouse LALC
- Paul Boyd of Didge Ngunawal Clan
- Clive Freeman
- Scott Franks of Tocomwall

2.0 LEGISLATIVE CONTEXT AND STATUTORY CONTROLS

This section of the report provides a brief outline of the relevant legislation and statutory instruments that protect Aboriginal archaeological and cultural heritage sites within the state of New South Wales. Some of the legislation and statutory instruments operate at a federal or local level and as such are applicable to Aboriginal archaeological and cultural heritage sites in New South Wales. This material is not legal advice and is based purely on the author's understanding of the legislation and statutory instruments. This document seeks to meet the requirements of the legislation and statutory instruments set out within this section of the report.

2.1 COMMONWEALTH HERITAGE LEGISLATION AND LISTS

One piece of legislation and two statutory lists and one non-statutory list are maintained and were consulted as part of this report: The Environmental Protection and Biodiversity Conservation Act; The National Heritage List; the Commonwealth Heritage List and the Register of the National Estate.

2.1.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) offers provisions to protect matters of national environmental significance. This act establishes the National Heritage List and the Commonwealth Heritage List which can include natural, Indigenous and historic places of value to the nation. This Act helps ensure that the natural, Aboriginal and historic heritage values of places under Commonwealth ownership or control are identified, protected and managed (Australian Government 1999).

2.1.2 National Heritage List

The National Heritage List is a list which contains places, items and areas of outstanding heritage value to Australia; this can include places, items and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government's EPBC Act.

2.1.3 Commonwealth Heritage List

The Commonwealth Heritage List can include natural, Indigenous and historic places of value to the nation. Items on this list are under Commonwealth ownership or control and as such are identified, protected and managed by the Federal Government.

2.1.4 Register of the National Estate

The Register of the National Estate is a list of natural, Indigenous and heritage places throughout Australia. It was originally established under the *Australian Heritage Commission Act 1975(AHC Act)*. This has now been replaced by the Environment Protection and Biodiversity Conservation Act 1999. The register will continue to operate until February 2012 when it will be completely replaced by The Commonwealth Heritage List.

2.2 NEW SOUTH WALES STATE HERITAGE LEGISLATION AND LISTS

The State (NSW) based legislation that is of relevance to this assessment comes in the form of the acts which are outlined below.

2.2.1 National Parks and Wildlife Act 1974

The NSW National Parks and Wildlife Act 1974 (as amended) defines Aboriginal objects and provides protection to any and all material remains which may be evidence of the Aboriginal occupation of lands continued within the state of New South Wales. The relevant sections of the Act are sections 84, 86, 87 and 90.

An Aboriginal object, formerly known as a relic, is defined as:

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains" (NSW Government, 1974).

It is an offence to harm or desecrate an Aboriginal object or places under Part 6, Section 86 of the NPW Act:

Part 6, Division 1, Section 86: Harming or desecrating Aboriginal objects and Aboriginal places:

(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object.

Maximum penalty:

- (a) in the case of an individual—2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or
- (b) in the case of a corporation—10,000 penalty units.
- (2) A person must not harm an Aboriginal object.

Maximum penalty:

- (a) in the case of an individual—500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or
- (b) in the case of a corporation—2,000 penalty units.
- (3) For the purposes of this section, circumstances of aggravation are:
 - (a) that the offence was committed in the course of carrying out a commercial activity, or
 - (b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.

(4) A person must not harm or desecrate an Aboriginal place.

Maximum penalty:

- (a) in the case of an individual—5,000 penalty units or imprisonment for 2 years, or both, or
- (b) in the case of a corporation—10,000 penalty units.

- The offences under subsections (2) and (4) are offences of strict liability and (5) the defence of honest and reasonable mistake of fact applies.
- Subsections (1) and (2) do not apply with respect to an Aboriginal object that (6) is dealt with in accordance with section 85A.
- (7) A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.
- (8) If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).

2.2.2 **Environmental Planning & Assessment Act 1979**

The Environmental Planning and Assessment Act 1979 (EP&A Act) states that environmental impacts of proposed developments must be considered in land use planning procedures. Four parts of this act relate to Aboriginal cultural heritage.

- Part 3, divisions 3 and 4 refer to Regional strategic plans and both Local Environmental Plans (LEP) and Development Control Plans (DCP), which are environmental planning instruments and call for the assessment of Aboriginal heritage among other requirements.
- Part 4 determines what developments require consent and what developments do not require consent. Section 4.15 calls for the evaluation of

The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality (NSW Government 1979).

This part of the legislation also addresses State Significant Developments as mentioned in Division 4.7 with Section 4.38 outlining the consent for State Significant Development in relation to the environmental planning instruments.

Part 5 of this Act requires that impacts on a locality which may have an impact on the aesthetic, anthropological, architectural, cultural, historic, scientific, recreational or scenic value are considered as part of the development application process (NSW Government, 1979).

2.2.3 The Aboriginal Land Rights Act 1983

The NSW Aboriginal Land Rights Act 1983 (ALR Act), administered by the NSW Department of Aboriginal Affairs, established the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The ALR Act requires these bodies to:

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

These requirements recognise and acknowledge the statutory role and responsibilities of New South Wales Aboriginal Land Council and Local Aboriginal Land Councils.

The ALR Act also establishes the Office of the Registrar whose functions include but are not limited to, maintaining the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.

Under the ALR Act the Office of the Registrar is to give priority to the entry in the Register of the names of Aboriginal persons who have a cultural association with:

- Iands listed in Schedule 14 to the NPW Act;
- Iands to which section 36A of the ALR Act applies (NSW Government, 1974 & DECCW 2010).

2.2.4 The Native Title Act 1993

The Native Title Act 1993 (NTA) provides the legislative framework to:

- recognise and protect native title;
- establish ways in which future dealings affecting native title may proceed, and to set standards for those dealings, including providing certain procedural rights for registered native title claimants and native title holders in relation to acts which affect native title;
- establish a mechanism for determining claims to native title;
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The National Native Title Tribunal has a number of functions under the NTA including maintaining the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements and mediating native title claims (NSW Government, 1974 & DECCW 2010).

2.2.5 New South Wales Heritage Register and Inventory 1999

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1,500 items, in both private and public ownership. Places can be nominated by any person to be considered to be listed on the Heritage register. To be placed an item must be significant for the whole of NSW. The State Heritage Inventory lists items that are listed in local council's local environmental plan (LEP) or in a regional environmental plan (REP) and are of local significance. These places are protected by the NSW Heritage Act 1977.

2.2.6 Register of Declared Aboriginal Places 1999

The NPW Act protects areas of land that have recognised values of significance to Aboriginal people. These areas may or may not contain Aboriginal objects (i.e. any physical evidence of Aboriginal occupation or use). Places can be nominated by any person to be considered for Aboriginal Place gazettal. Once nominated, a recommendation can be made to EPA/DPIE for consideration by the Minister. The Minister declares an area to be an 'Aboriginal place' if the Minister believes that the place is or was of special significance to Aboriginal culture. An area can have spiritual, natural resource usage, historical, social, educational or other type of significance.

Under Section 86 of the NPW Act it is an offence to harm or desecrate a declared Aboriginal place. Harm includes destroying, defacing or damaging an Aboriginal place. The potential impacts of the development on an Aboriginal place must be assessed if the development will be in the vicinity of an Aboriginal place (DECCW 2010).

2.3 LOCAL PLANNING INSTRUMENTS

2.3.1 Sutherland Shire Council Local Environmental Plan (2015)

The Sutherland Shire Council Local Environment Plan was endorsed in 2015. Heritage Conservation is discussed in Part 5; Clause 5.10. The following section highlights the archaeological considerations of a site in relation to developments:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Sutherland Shire,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area

2.4 DUE DILIGENCE CODE OF PRACTICE FOR THE PROTECTION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES

This assessment conforms to the parameters set out in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010).

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales states that if;

a desktop assessment and visual inspection confirm that there are Aboriginal objects, therefore further archaeological investigation and impact assessment is necessary.

2.5 CODE OF PRACTICE FOR ARCHAEOLOGICAL INVESTIGATION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES

This assessment conforms to the parameters set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974 (DECCW 2010).

2.6 GUIDELINES

This report has been carried out in consultation with the following documents which advocate best practice in New South Wales:

- Aboriginal Archaeological Survey, Guidelines for Archaeological Survey Reporting (NSW NPWS 1998);
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Part 6 National Parks and Wildlife Act 1974 (OEH 2011)
- > Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1998);
- Australia ICOMOS 'Burra' Charter for the conservation of culturally significant places (Australia ICOMOS 1999);
- Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010);
- Protecting Local Heritage Places: A Guide for Communities (Australian Heritage Commission 1999).

3.0 DESCRIPTION OF STUDY AREA

The study site is that piece of land described as Lot 1 of the Land and Property Information, Deposited Plan 841502, Lot 23 & 24a DP 26995 and Lot 53 & 54 DP 29493 forming the following street addresses 369 - 381, President Ave, 61 - 65 Hotham Rd and 2 - 4 Bidurgal Ave Kirrawee in the Parish of Sutherland, County of Cumberland (Figures 3.1-3.2).

Address	Lot	Deposited Plan
369-391 President Ave, Kirrawee	1	841502
61 Hotham Rd, Kirrawee	23	26995
65 Hotham Rd, Kirrawee	24A	26995
2 Bidurgal Ave, Kirrawee	53	29493
4 Bidurgal Ave, Kirrawee	54	29493

3.1 REGISTERED ARCHAEOLOGICAL SITES WITHIN THE STUDY AREA

There are no registered sites within the study area that the author of this report is aware of.



Figure 3-1Aerial of study area.
Study area in red. Six Maps, LPI Online (accessed 6/05/21).

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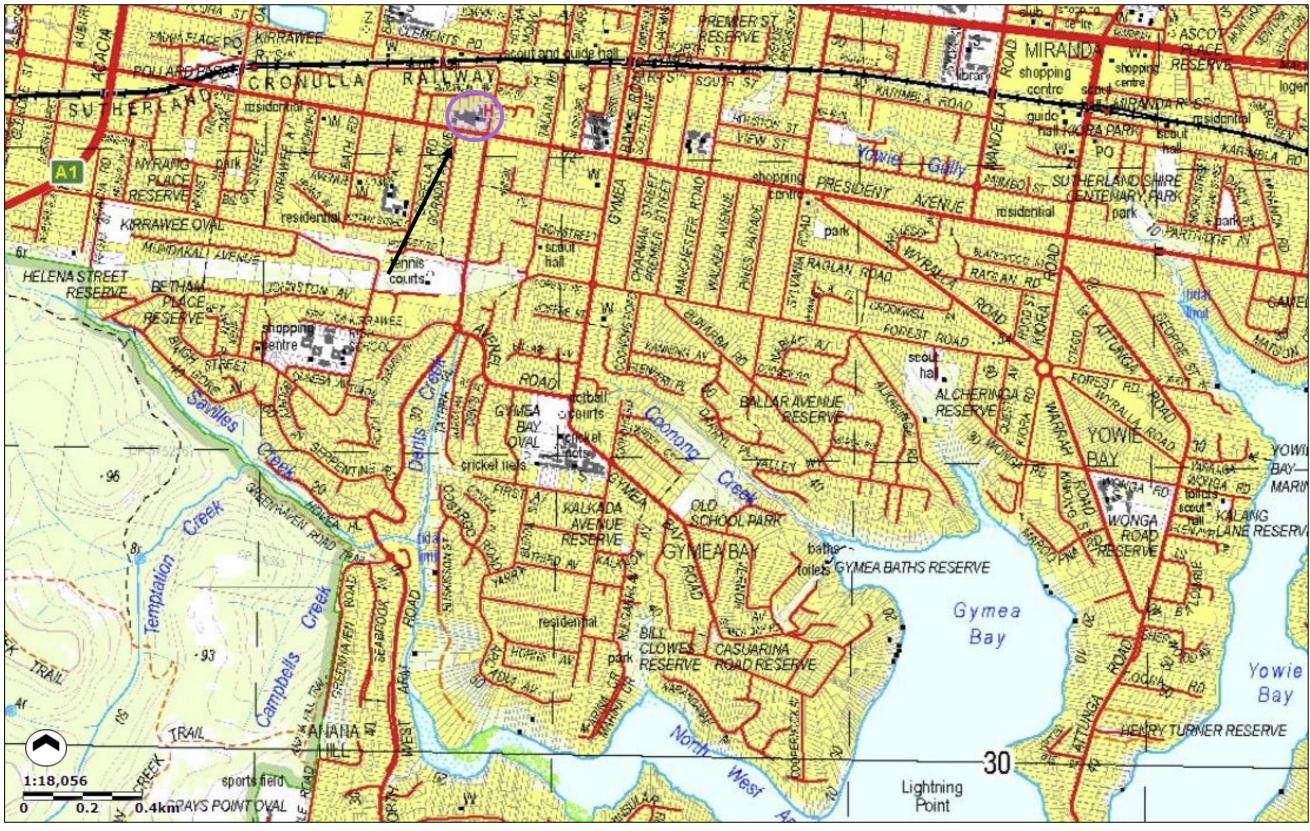


Figure 3-2Topographic map with site location.Study area indicated in purple with black arrow. Six Maps, LPI Online (accessed 6/05/21).

4.0 PROPOSED DEVELOPMENT

4.1 DESCRIPTION OF PROPOSED ACTIVITY

The proposed redevelopment of the President Private Hospital (Figures 4.1–4.15) will incorporate the demolition of structures on properties; 2-4 Bidurgal Ave, Hotham House at 65 Hotham Road and the building south of the Wellness centre. The operating theatres, west wing as well as west carpark will remain with the rest of the grounds subject to redevelopment. The new design will include a basement carpark and redevelopment of the rehabilitation facilities as well as a new two storey north wing and east wing containing recreation areas and services.

The proposed basement carpark is confined to the eastern and northern end of the study area with lifts and ramps allowing access to the ground and upper floors. Due to the slope on site, the western extent is higher than the eastern site extent fronting Hotham Road by approximately 3m.

As basements have been proposed this will have a high impact and harm on any potential objects and/or deposits of Aboriginal and/or archaeological significance that may be present within this area.

There is a low-moderate potential for Aboriginal artefacts and/or deposits of archaeological and cultural significance to be present.

No formal areas of exclusion have been identified in the current plans.

4.2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND INTERGENERATIONAL EQUITY

The ability of any development to be completely ecologically sustainable will be limited by definition. However, the proponents of this development appear to have made significant efforts to meet the needs of the current generation without compromising the ability of future generations to meet their own needs. This has been accomplished by proposing a plan on a manageable and affordable scale while still protecting and conserving the archaeological resources. This is being accomplished by a program of subsurface test excavation with the possibility of further salvage excavation if needed as well as extensive consultation with the relevant Aboriginal community.

Inter- generational equity refers to the equitable sharing of resources between current and future generations. The planet's current generation should ensure that future generations have the same opportunities and resources available. This idea is being accomplished by designing a building with as little disturbance to the ground surface as possible and as such any archaeological or cultural material that may be present in these areas either identified of unidentified will be left intact and persevered for future generations.



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INPATIENT ACCOMODATION

Combined total	47	180				
Total beds	47	108	72			
Second Floor		29	36			
First Floor		49	36			
Ground Floor		30				
Levels	Existing	Proposed: General	Proposed: Mental Health Unit (IPU)			

EXISTING

Existing: Street address	Site m ²	Floor m ²	Zone
369-381 President Ave. Kirrawee NSW 2232 DP# 841502, Lot 10	5904.47	2061.61	SP1
63-65 Hotham Road Kirrawee NSW 2232 DP# 26995, Lot 24A	1615.34	321.41	SP1
61 Hotham Road Gymea NSW 2227 DP# 26995, Lot 23	644.45	134.71	SP1
2-4 Bidurgal Ave Kirrawee NSW 2232 DP# 29493, Lot 53	1355.60	213.92	R2
Total m ²	9519.86	2731.65	

PROPOSED

Proposed levels	Site m ²	Floor m ²
Basement		21.20
Ground Floor		4132.84
First Floor		3958.55
Second Floor		3336.34
Total m ²	9499.27	11448.93

PROPOSED PARKING

Proposed levels	Car Spaces
Basement 3&4	56
Basement 1&2	97
Ground Floor	13
First Floor	17
Total Parking	183

levels	Site m ²	Floor m ²
ent		21.20
loor		4132.84
or		3958.55
oor		3336.34

Perspective President Ave Perspective Hotham Rd Perspective- Wellness Cent Site Analysis A 006 A 008 Site Analysis Diagrams 1 Site Analysis Diagrams 2 Transport Connection Concrete Foot Paths Site Wayfinding Services Layout for Ground and First Floor Unnamed Construction Phasing Shadow Analysis-Winter Solstice 9 AM Shadow Analysis-Winter Solstice 12 PM Shadow Analysis-Winter Solstice 3PM Unnamed Existing Site Plan Proposed Site Context Plan Site Set out Plan Existing Hospital Floor Plan Basement Plan LVL 3 & 4 Basement Plan LVL 1 & 2 Ground Floor General Arrangement Plan First Floor General Arrangement Plan First Floor General Arrange A 106 Unnamed Second Floor General Arragement Plan Roof Plan General Arrangement Plan Ground floor fire strategy plan First floor fire strategy plan Second floor fire strategy plan South & East Elevations North & West Elevations A 300 East/West Sections North/South Sections

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SSDA Architectural Drawings

Sheet Name

	Civil Engineering Drawings						
Sheet Number	Sheet Name	(R					

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	Landscape Drawings	
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L101	Landscape Concept Plan	
L 101	Unnamed	
L 102	Unnamed	

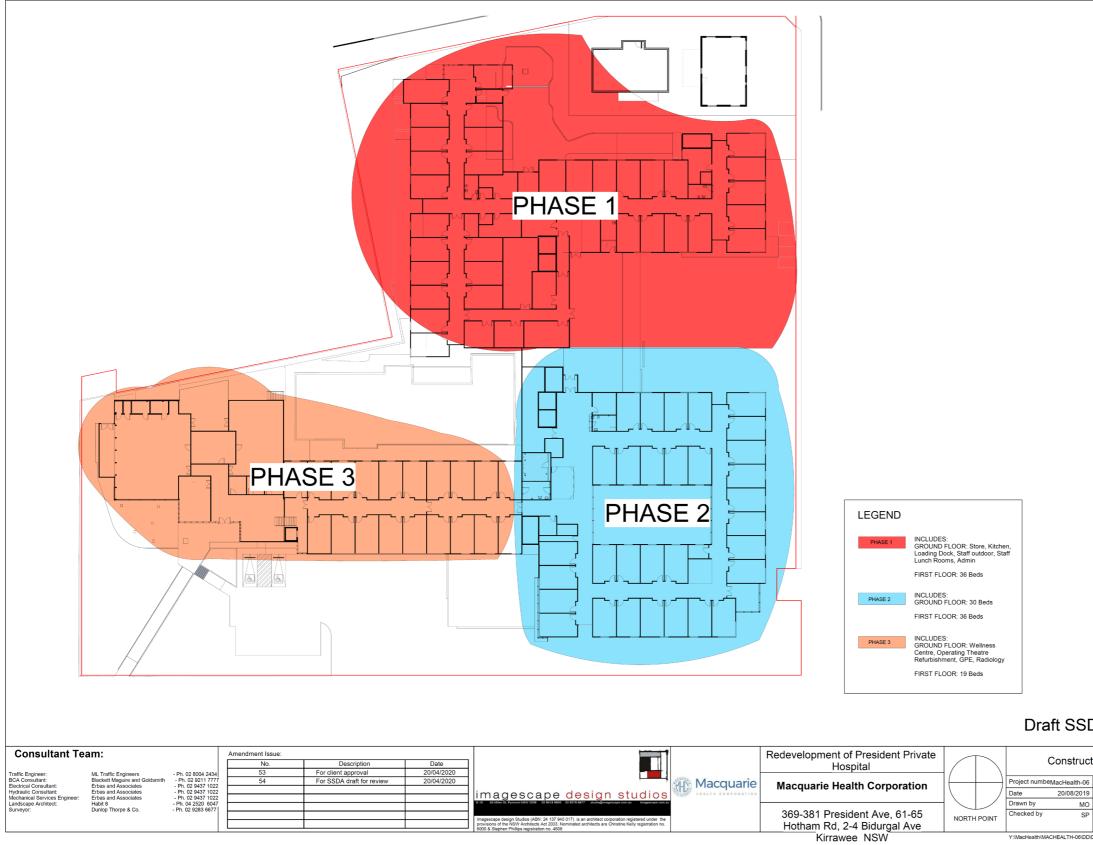
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	BCA Consultant:	Blackett Maguire and Goldsmith	- Ph. 02 9211 7777 - Ph. 02 9437 1022		Updated Dwg	17/12/2019	⊢ ——-,	Min Macquarie	Macquarie Health Corporation	$\parallel = \parallel$		Project numbeMa	acHealth-06	
	Electrical Consultant: Hydraulic Consultant:	Erbas and Associates Erbas and Associates	- Ph. 02 9437 1022 - Ph. 02 9437 1022		For client approval	20/04/2020	im a gas a second design studies		Macquarie Realth Corporation	()	/	Date	20/08/2019	
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Title Sheet – Location Map, Massing View Existing, Massing View Proposed. Imagescape Design Studios (Jun. 2020), Drawing No. A 001. Figure 4-1

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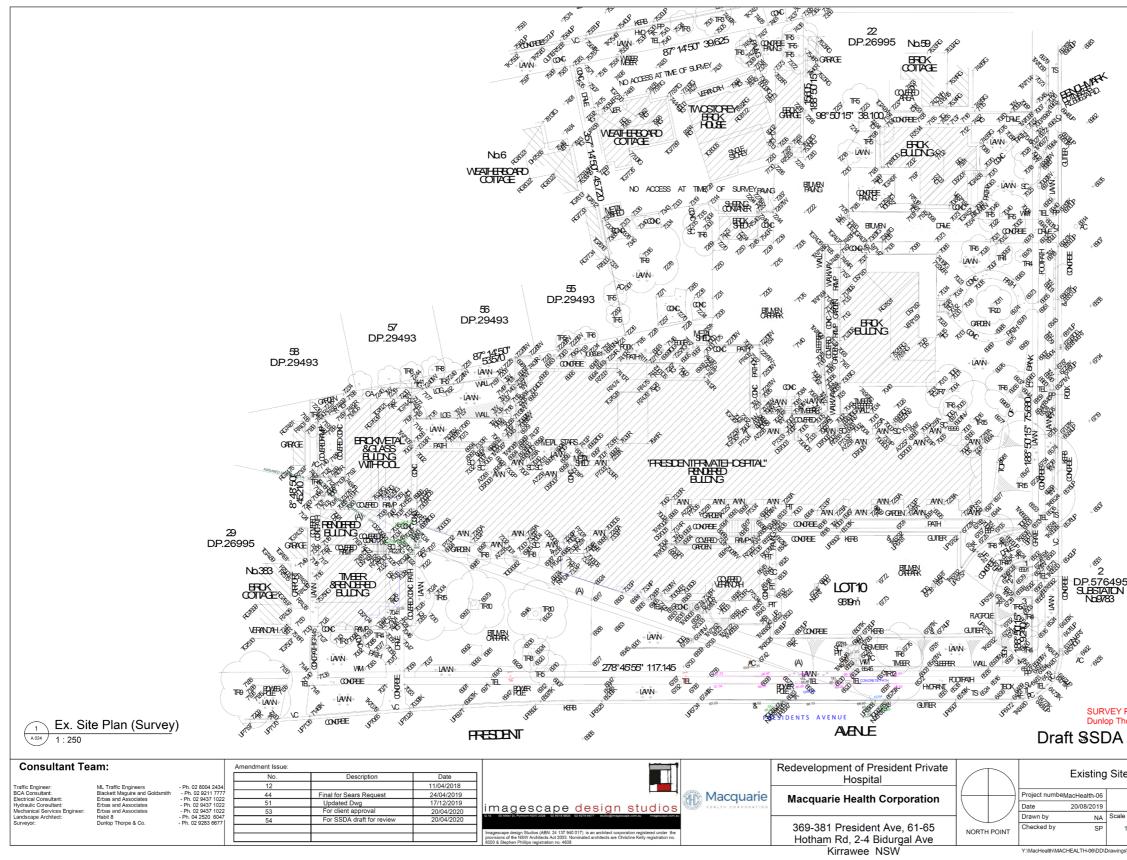


Figure 4-3 Existing Site Plan.

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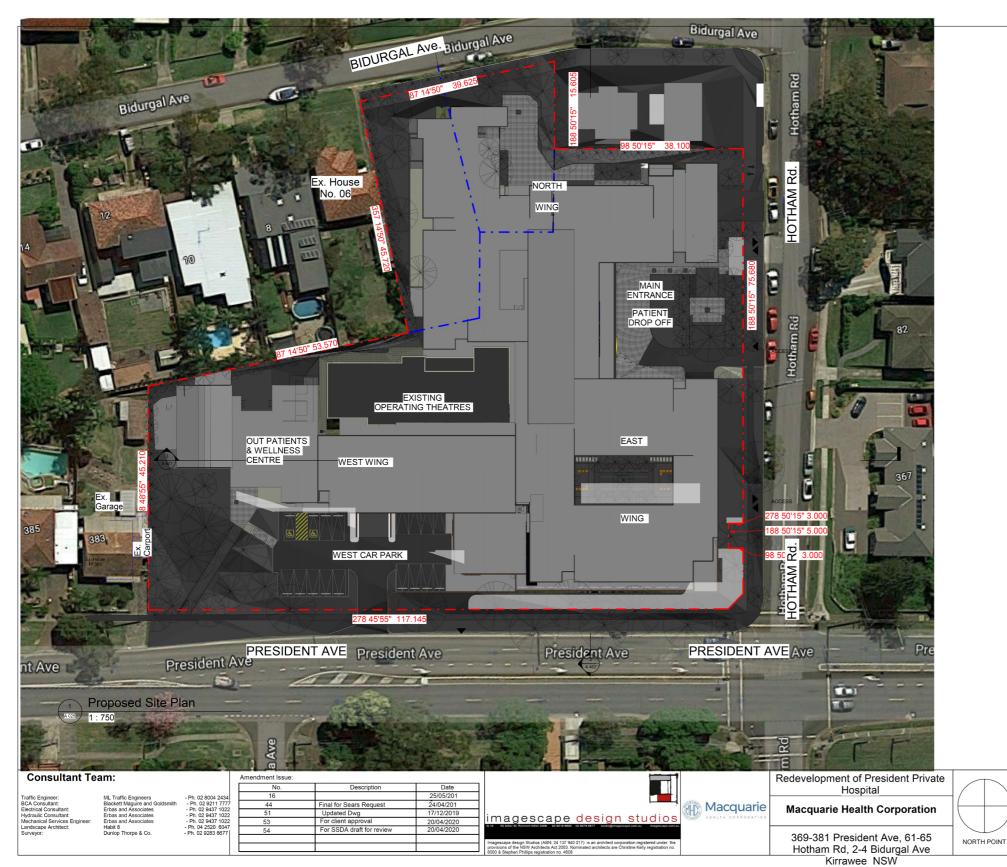
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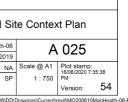


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Figure 4-4 Proposed Site Context Plan.

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Aboriginal Test Excavation Report President Private Hospital – 369-381 President Ave, 61-65 Hotham Rd & 2-4 Bidurgal Ave, Kirrawee

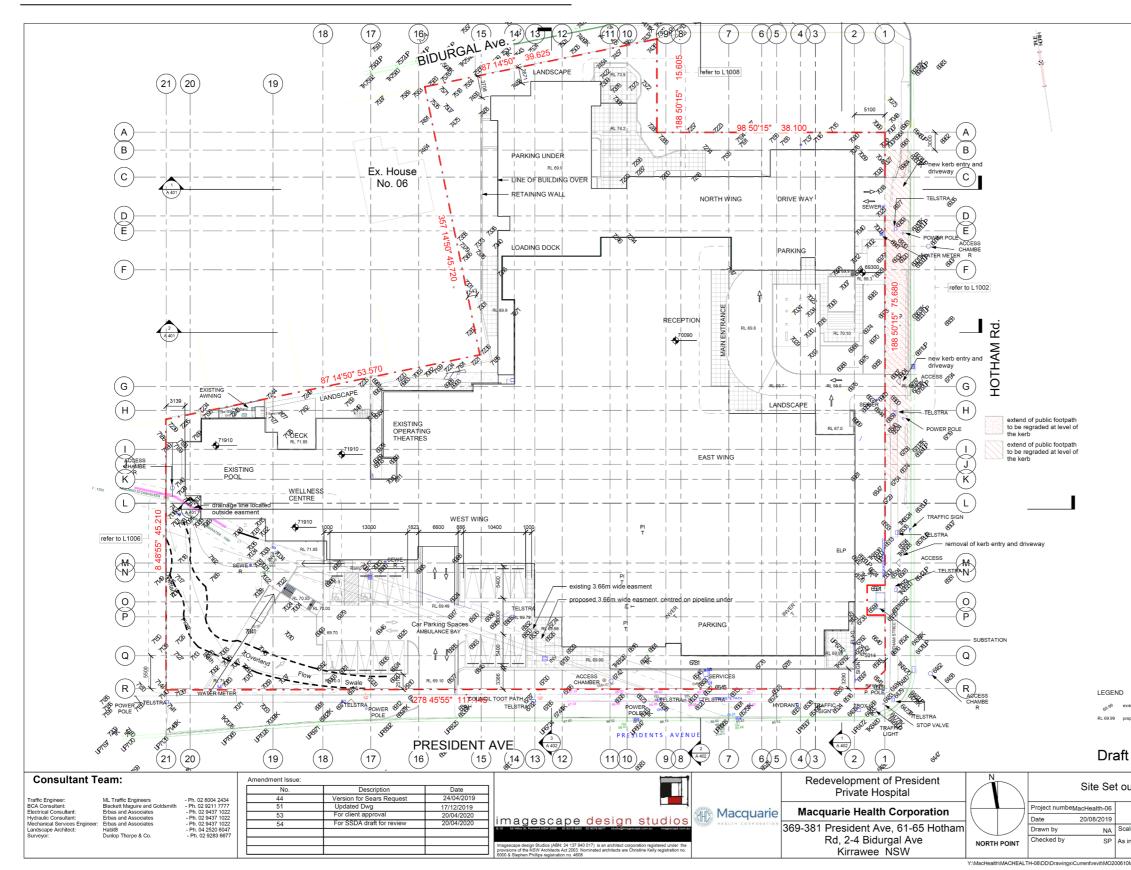
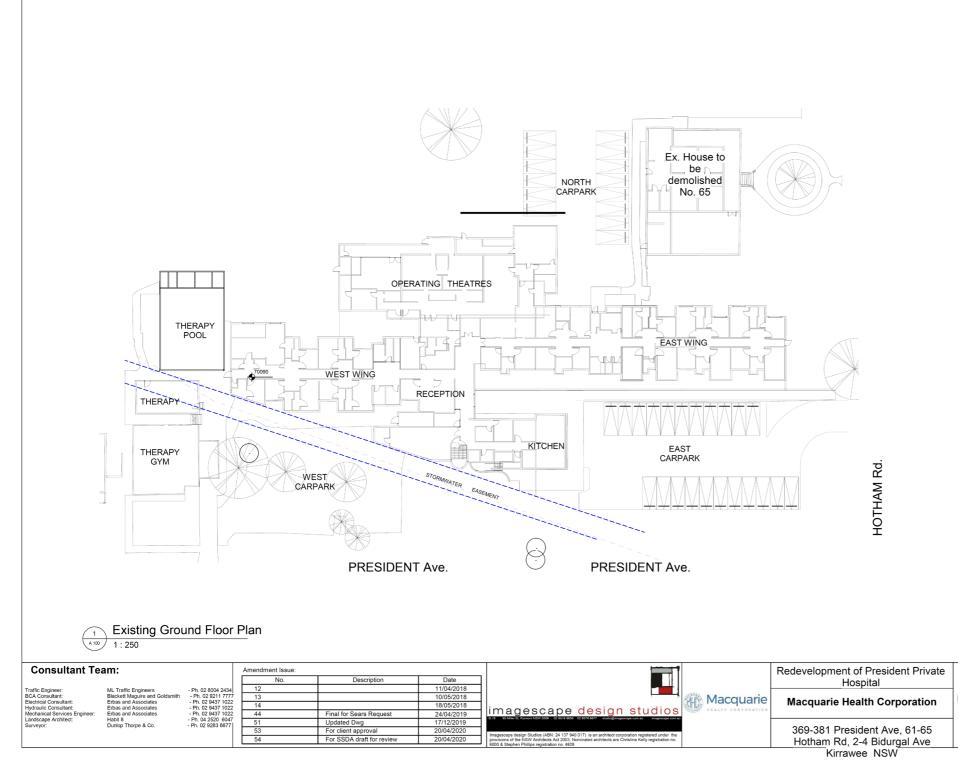


Figure 4-5 Site Set Out Plan.

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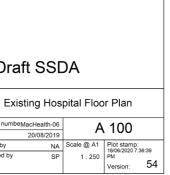
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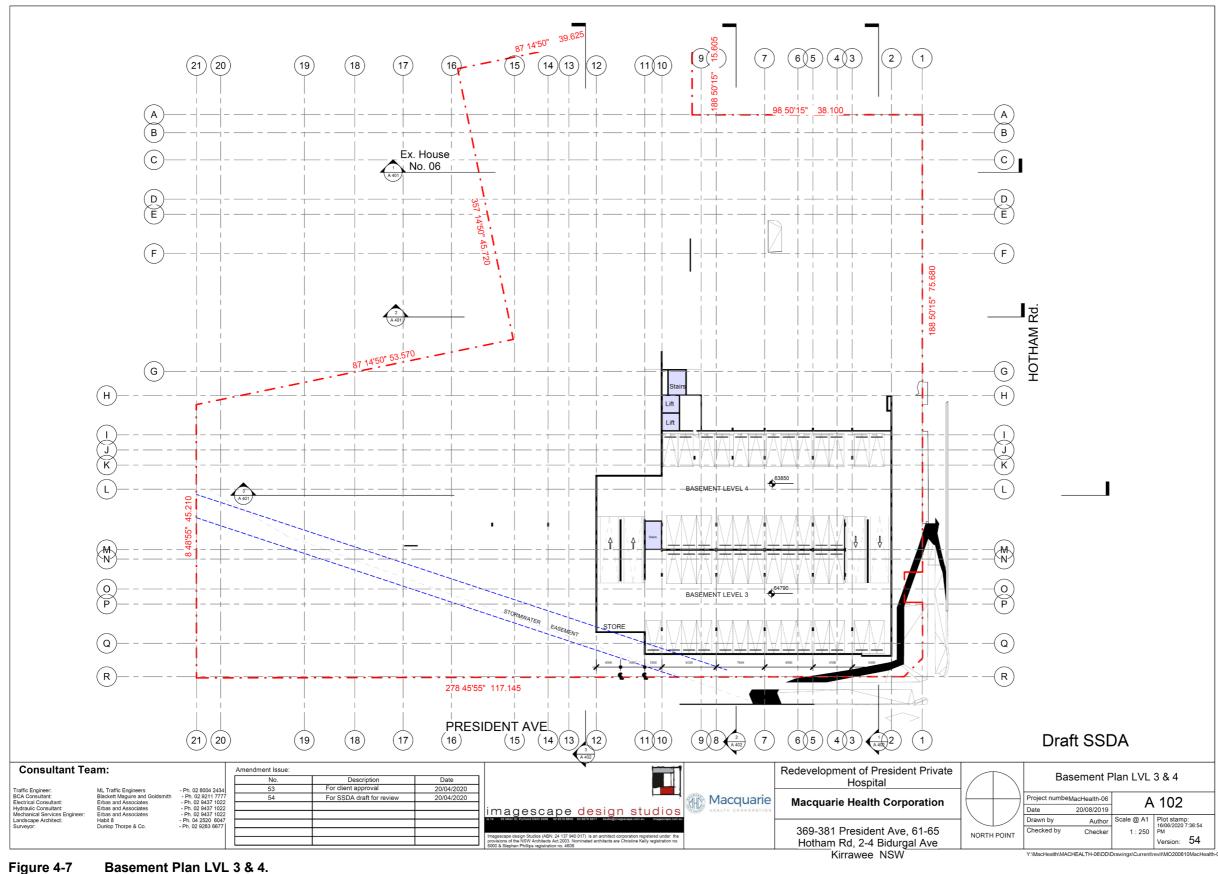
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Figure 4-6 Existing Ground Floor Plan.

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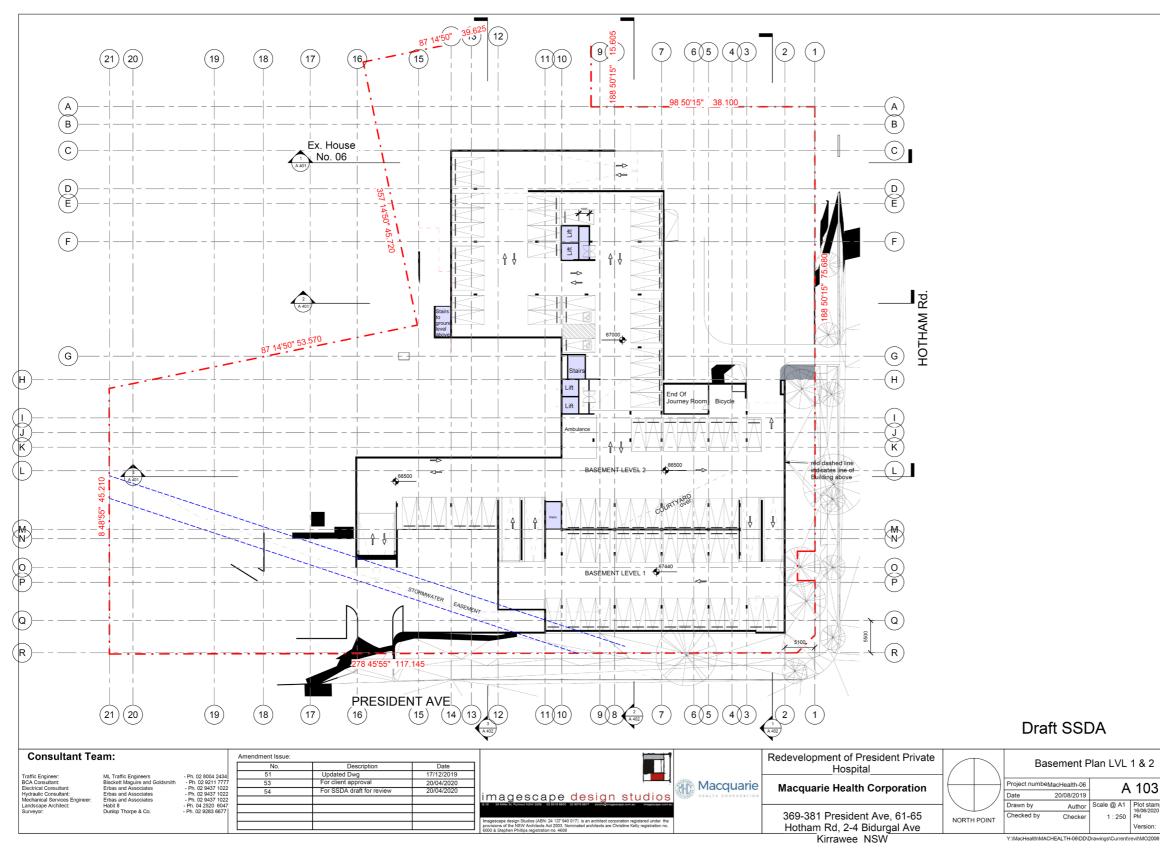
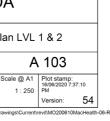
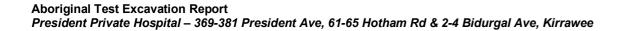


Figure 4-8 Basement Plan LVL 1 & 2. Imagescape Design Studios (Jun. 2020), Drawing No. A 103.





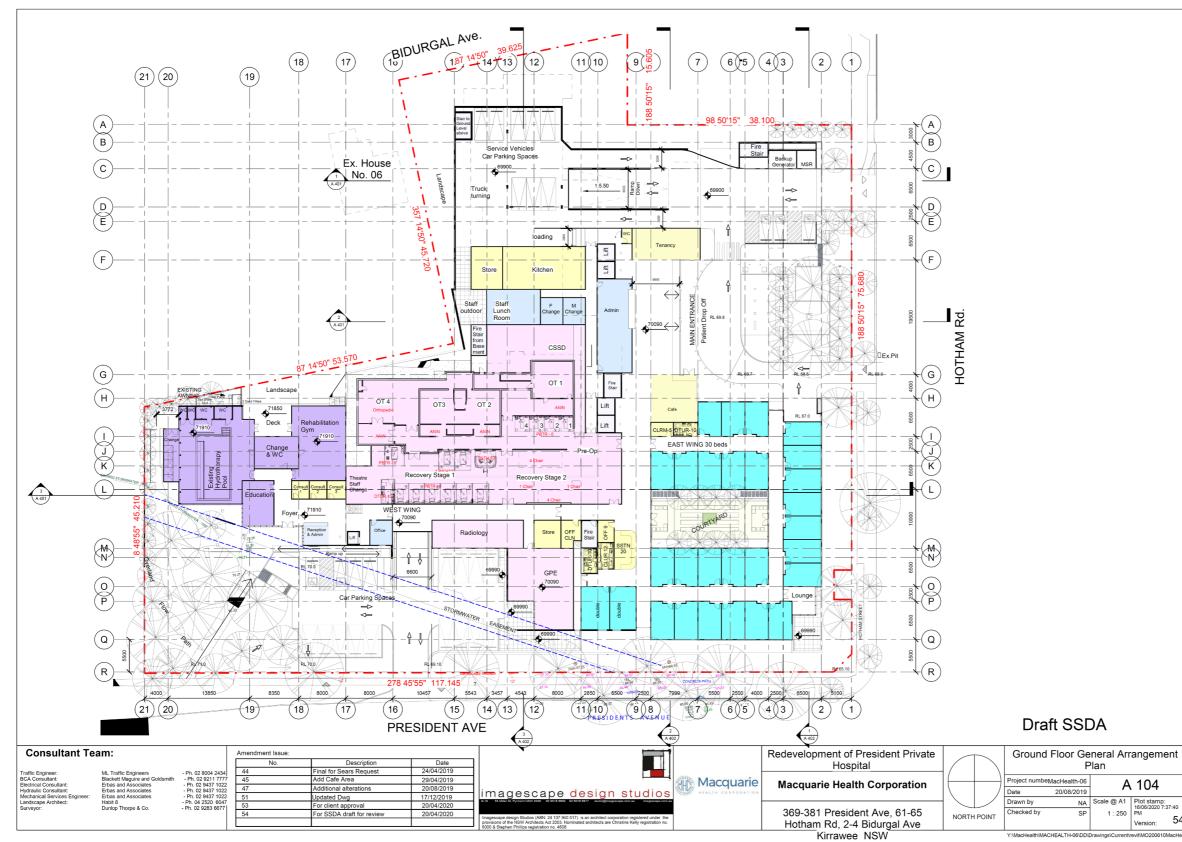
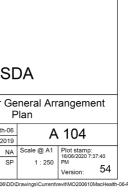
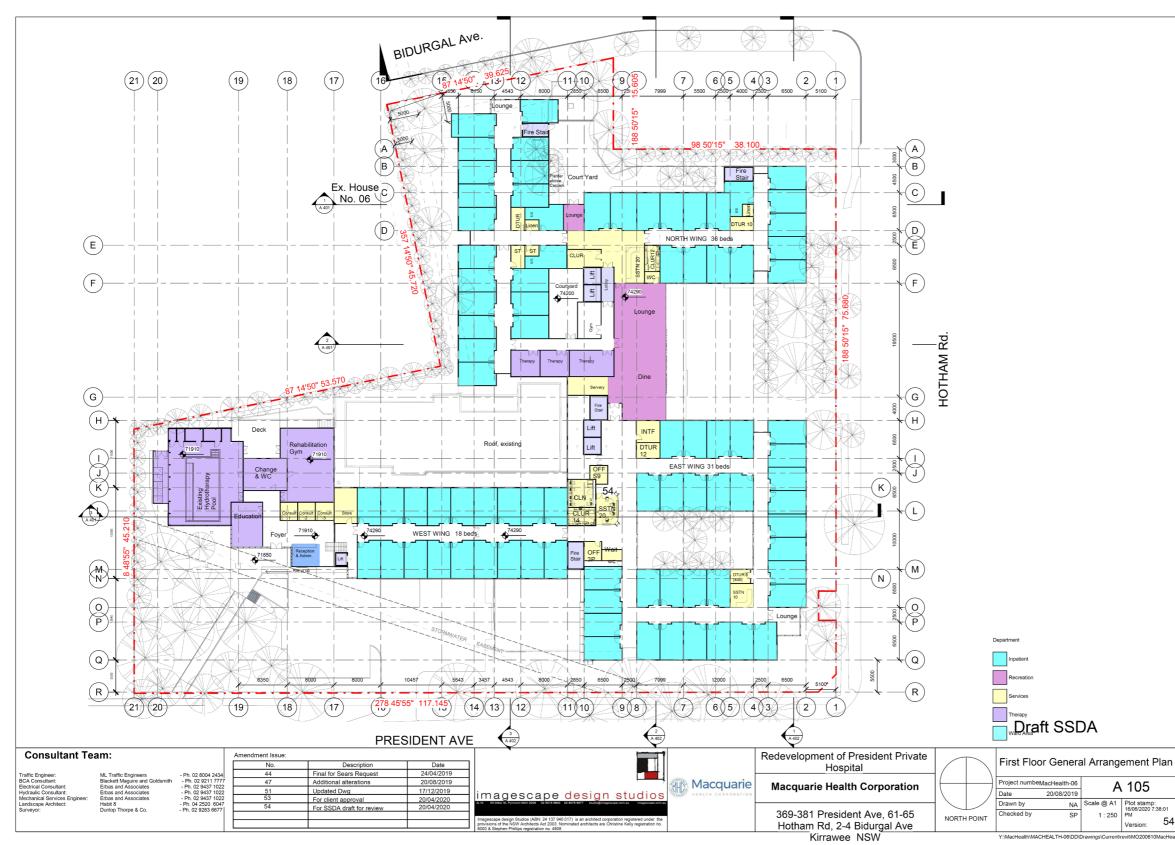


Figure 4-9 Ground Floor General Arrangement Plan.

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First Floor General Arrangement Plan. Figure 4-10

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Second Floor General Arrangement Plan. Figure 4-11

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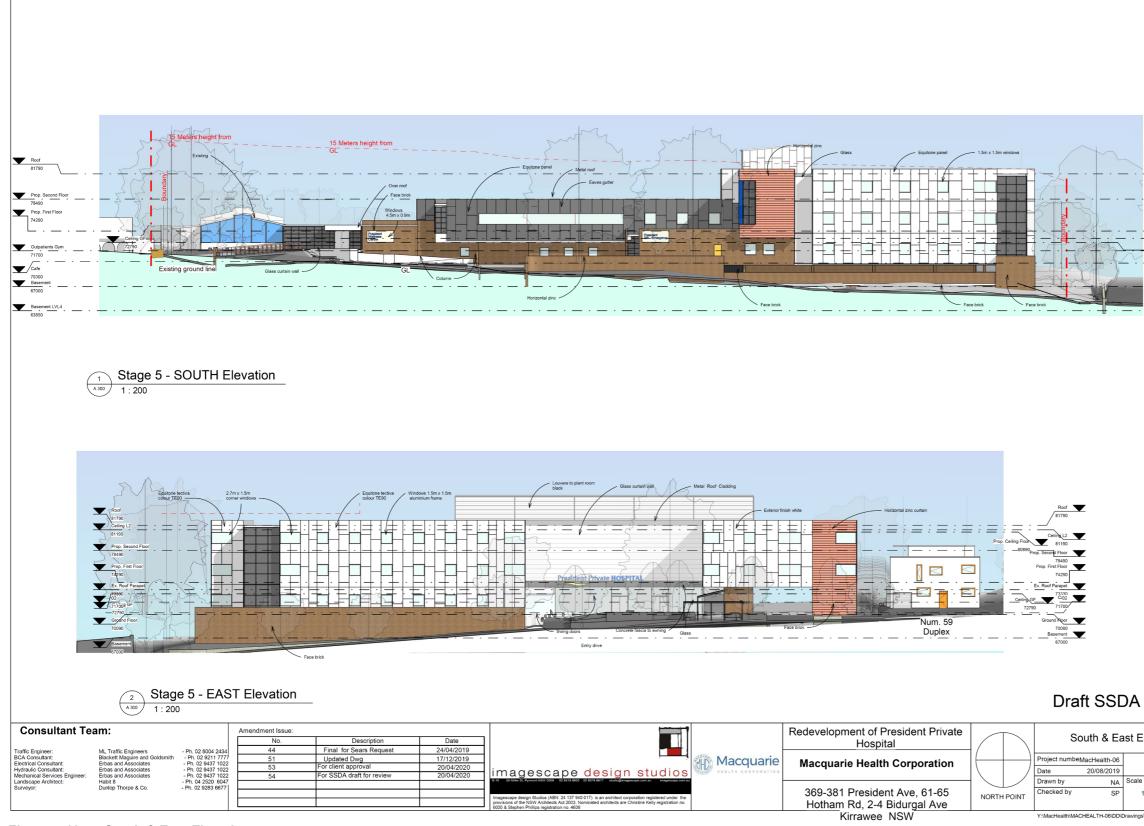


Figure 4-12 South & East Elevations.

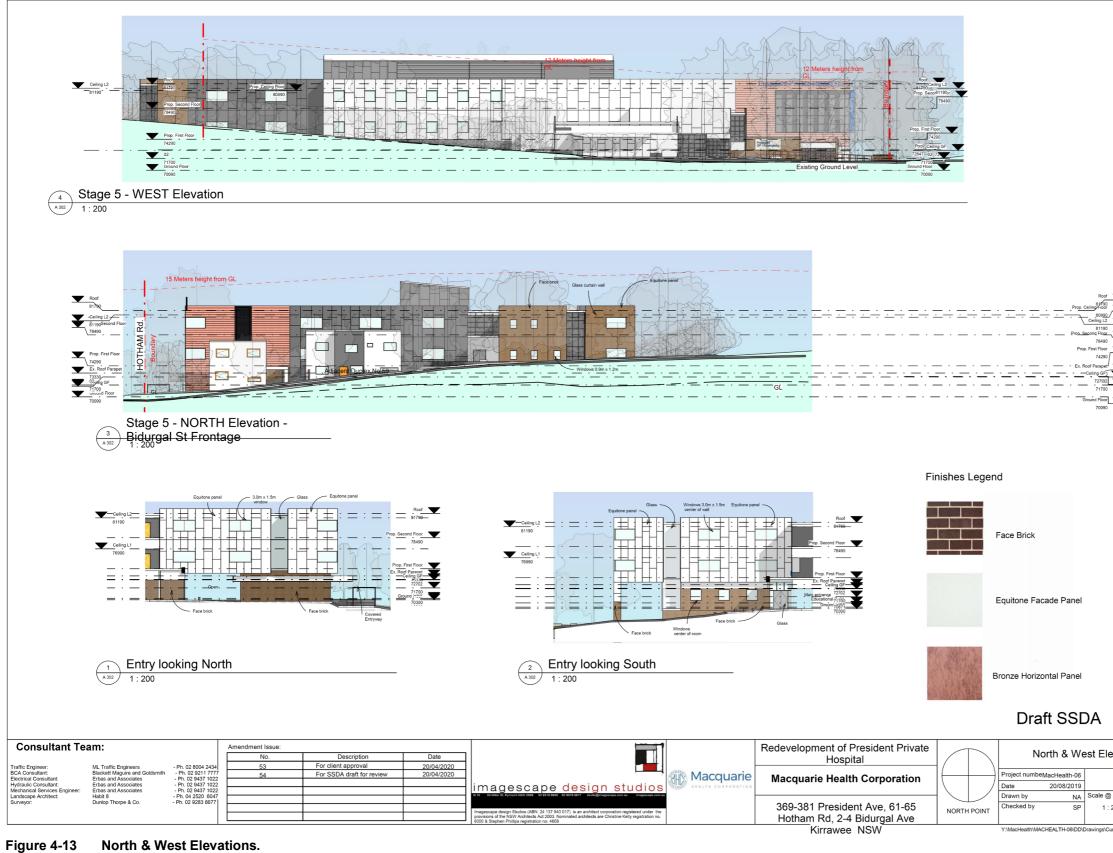
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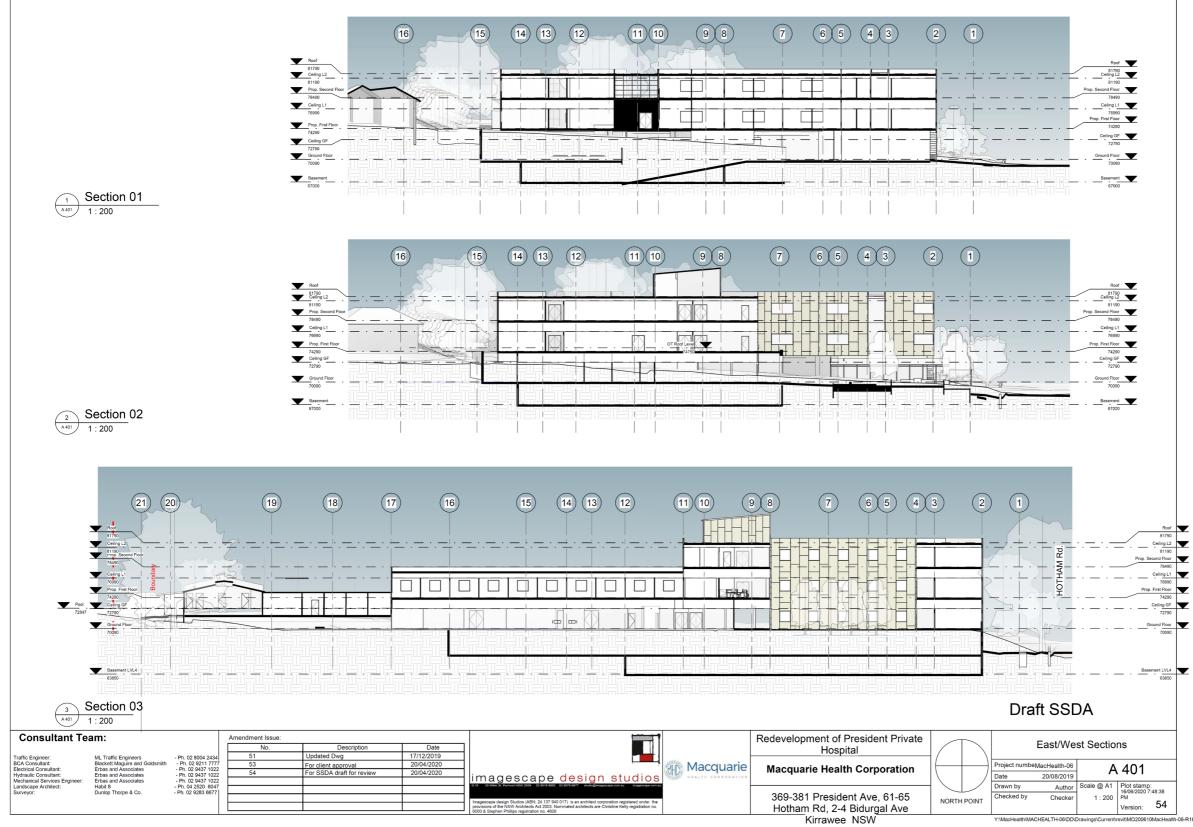
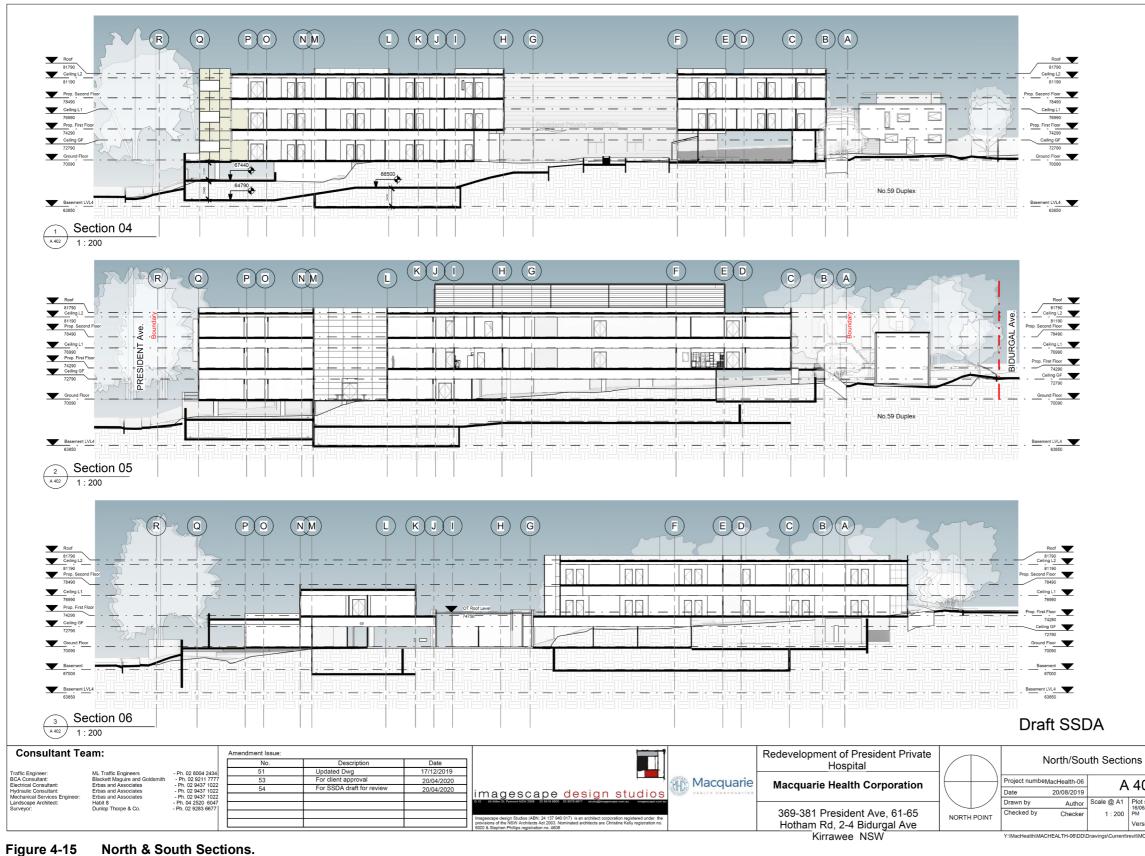
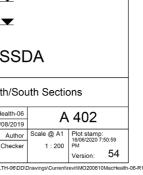


Figure 4-14 East & West Sections.

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5.0 ENVIRONMENTAL CONTEXT

To adequately understand and assess the potential Aboriginal archaeological resource that may be present within the study area it is vital to understand the environment in which the Aboriginal inhabitants of the study area carried out their activities. The environment that Aboriginal inhabitants lived in is a dominant factor in shaping their activity and therefore the archaeological evidence created by this activity. Not only will the resources available to the Aboriginal population have an influence on the evidence created but the survival of said evidence will also be influenced by the environment.

5.1 TOPOGRAPHY

The study area is located within the Port Hacking topographic zone. The site lies on the Hornsby Plateau on Hawkesbury Sandstone and consists of undulating to rolling low hills (slopes 5-25%). The topography also contains in areas very steep hills.

The local relief varies from 40m – 200m. In these areas, slopes can have a moderate incline to precipitous. Crests and ridges are convex and narrow at 300m wide. Rock outcrops occur as horizontal benches and broken scarps are present. Nearby valleys are likely to be narrow and incised. This topographic zone is associated with the Gymea (gy) soil landscape. The study area is located along a slope and drainage line.



Figure 5-1

Study area on soil map. Study area in red. Soil Landscapes of the Wollongong – Port Hacking 1:100 000 Sheet Report. (Hazelton & Tille 1990).

5.2 GEOLOGY AND SOILS

The geology of the study area consists of Hawkesbury Sandstone – a quartz sandstone with minor shale and laminate lenses. These are the dominant geological formations of the Sydney Basin. As part of this geological unit, it is situated within a shale lens of claystone and siltstone. (Figure 5.4).

The Gymea soil profile is known to be shallow to moderately deep (30-100m) consisting of yellow earths and earthy sands as well as siliceous sands along drainage lines. The soil ranges between strongly acidic pH levels to slightly. This is common within sands. The soil materials are found to have low erodibilities due to effective drainage as well as being held together by high organic matter. Therefore, surface movement is found to be stable amongst the sandy soils, while being slightly reactive with depth.

The study area is located on a lower slope/side slope with a low relief (Figure 5.2).

Table 5-1 Description of dominant soil material.

Dominant Soil Material	Soil Horizon	Description
gy1	A1 Horizon	Loose, coarse sandy loam ranging from a brownish black – when organic matter is present to a dull yellow – orange, often becoming lighter with depth. It generally contains small sandstone and ironstone fragments, as well as charcoal and roots.
gy2	B Horizon	Earthy, yellowish – brown clayey sand. This often overlays a sandstone bedrock. When exposed the soil can become hardsetting. The soil becomes a light sandy clay loam with depth along with orange mottles occurring. Less charcoal and root inclusions, however, weathered sandstone and ironstone fragments remain present.
gy3	B/C Horizon	Earthy, yellowish – brown sandy clay loam to sandy clay. The soil increases to a sandy clay with depth along with orange mottles occurring with depth. Weathered sandstone fragments remain common.

Table 5-2 Expected Gymea soil profile depth based on landform.

Crest

- > >30cm of loose sandy guartz loam (gy1) overlying,
- > <30cm of yellowish- brown clayey sand (gy2) overlaying (sometimes),
- > >30cm of yellow earthy sandy clay loam (gy3) overlaying,
- Sandstone bedrock.

N.B The total soil profile consists of <50 cm. The boundaries between the soil horizons is gradual.

gy2 and gy3 can often be hardsetting deposits where exposure and erosion has occurred.

Side Slopes

- > 20cm of loose sandy quartz loam (gy1) overlying,
- Bedrock (Outside of benches and areas close to sandstone outcrops)

Alternatively, side-slopes located within the inside of benches can consist of the following:

- 30cm of loose sandy quartz loam (gy1) overlying,
- 10-30cm of yellowish- brown clayey sand (gy2) overlaying,
- 30cm of yellow earthy sandy clay loam (gy3)

N.B The total soil profile consists of 30-70 cm. The boundaries between the soil horizons are gradual.

Drainage Lines

- 100cm of loose sandy quartz loam (gy1);
- Overlies bedrock and leached sands.



Figure 5-2 Contour map of study area. Study area in red (maps.ssc.nsw.gov.au/ShireMaps accessed 10/03/20).

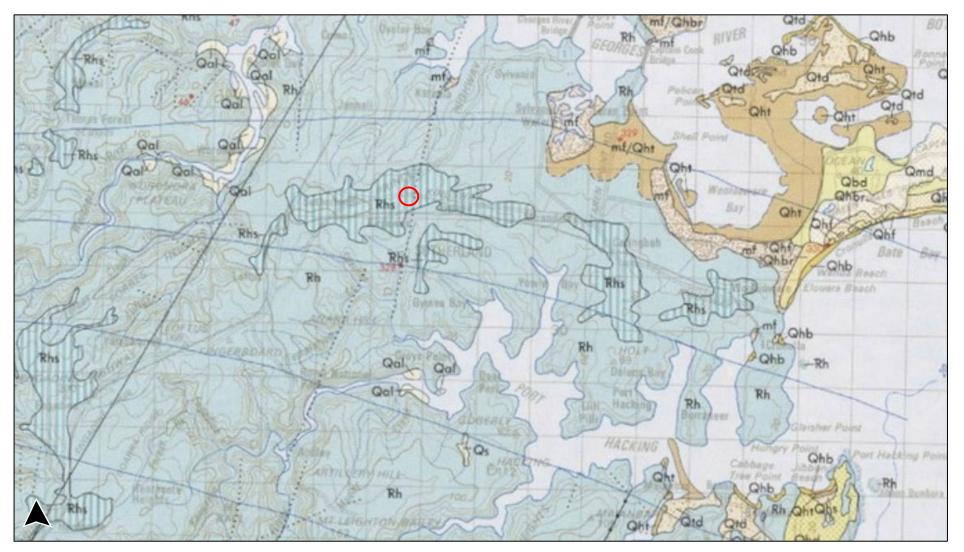


Figure 5-3 Geological map of region with study area indicated in red outline. Wollongong – Port Hacking 9029 -9129 (Department of Mineral Resources, Sydney).

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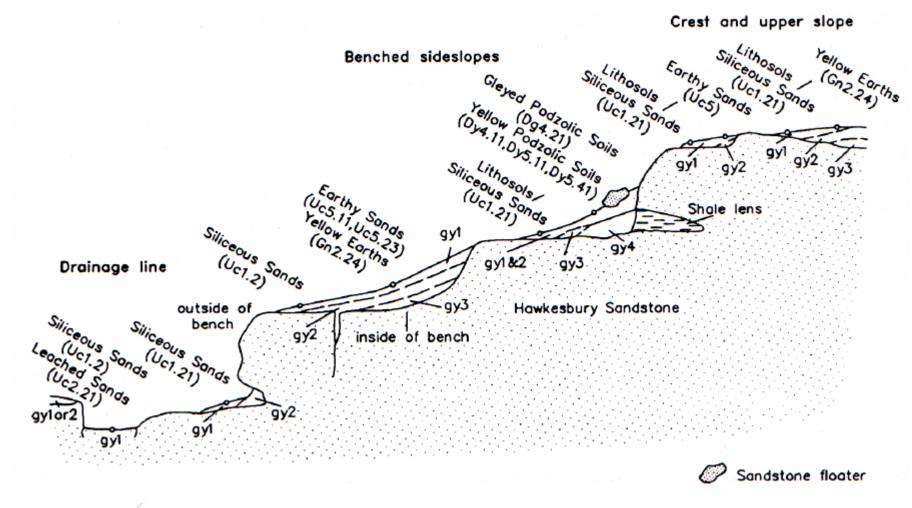


Figure 5-4 Cross Section of soil landscape illustrating relationships between landscape features and dominant soil materials. Soil Landscapes of the Soil Landscapes of the Wollongong – Port Hacking 1:100 000 Sheet Report. (Hazelton & Tille 1990).

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5.3 WATERCOURSES

The study area is located on a peninsula bounded by the South Pacific Ocean. The ocean has been a drainage outlet creating a number of bays and inlets forming the peninsula. The following major water bodies have been identified along with their distance from the study area; Gymea Bay (SE, 2km), North West Arm (S, 2km), Woolooware Bay (NE, 4.9km), Oyster Bay (N, 2.9km) and Woronora River (W, 3.2km). Other minor watercourses have been identified including; Savilles Creek (SW, 1.2km), Temptation Creek (SW, 1.8km), Campbells Creek (S, 1.4km), Dents Creek (S, 700m), Coonong Creek (SE 1.1km) and Yowie Gully (E, 1.2km).

These surrounding watercourses would have made this a resource rich area with both estuarine as well as fresh and saltwater bodies. The boundary of the aforementioned water bodies would have extended further in the past such as Dents Creek extending further north prior to development within the area (Figure 5.4). Past aerials indicate an unknown minor tributary running southwest to southeast through the study area (Figure 5.5).

5.4 VEGETATION

The vegetation found in the study area is no longer in a native state and is comprised of a variety of introduced and noxious types of vegetation. This movement away from the natural vegetation is a result of previous land clearing for farming and development.

The natural vegetation would have been woodland and open dry sclerophyll forests. Areas closer to ridges and upper slopes would have been low open woodlands. The common plant communities within these areas would have consisted of red bloodwood, yellow bloodwood, scribbly gum, grey gum and old man banksia. Sheltered areas would have contained silvertop ash, Sydney peppermint and smooth-barked apple with an understorey of christmas bush, forest oak and she-oak and grass trees.

Smaller species would have included broad-leaf geebung and red spider-flower with flannel flowers on free draining benches.

For the most part this indigenous vegetation has been cleared for grazing, urban residential and light industry land use throughout the Cumberland Plain (Walker 1975, p. 11 - 13).

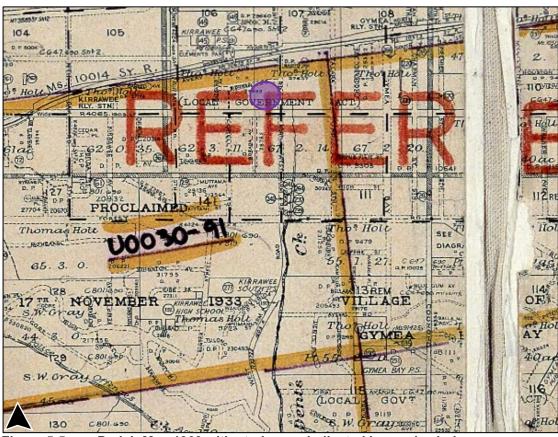


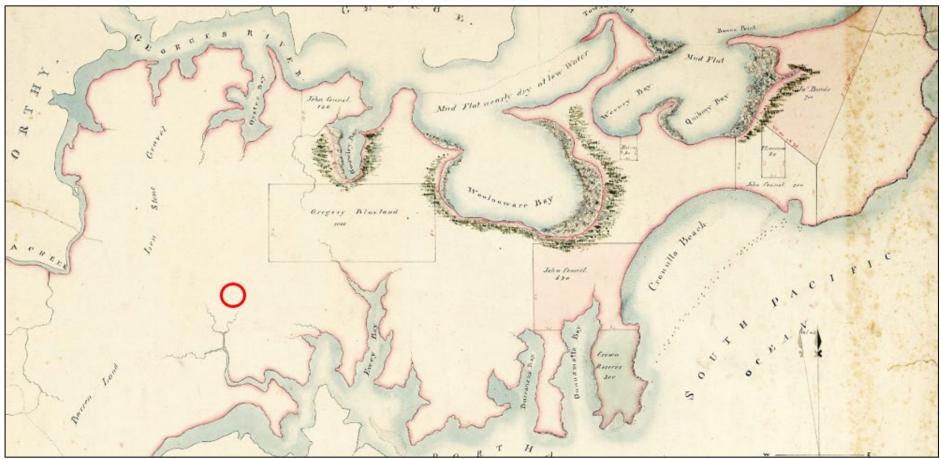
Figure 5-5Parish Map 1969 with study area indicated in purple circle.NSW LRS HLRV (accessed 11/03/20).



Figure 5-6

1955 aerial of study area with minor tributary running through site. Study area indicated by red outline. (ShireMaps accessed 13/03/20).

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Historical Sutherland Parish Map (date unknown) with approximate location of study area indicated in red, illustrating surrounding Figure 5-7 watercourses.

NSW LRS HLRV, A.O Map number 289 (accessed 11/03/20).

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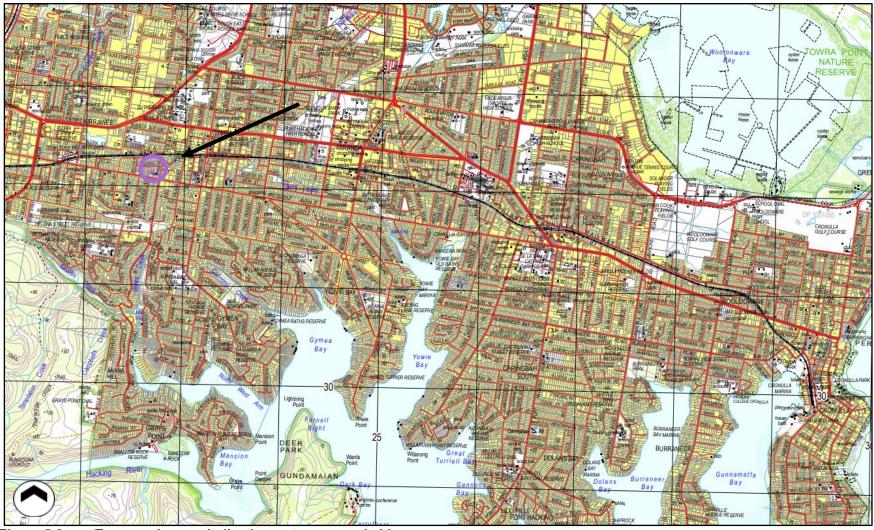


Figure 5-8Topography map indicating watercourses in blue.
Study site indicated in purple with black arrow. Port Hacking 9129 – 4n 1:25 000 Topographic map, 2017.

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6.0 BACKGROUND INFORMATION

Pre-field work research consisted of an analysis and synthesis of the background data to determine the nature of the potential archaeological and cultural heritage resource in the region.

A search of the Heritage NSW AHIMS was undertaken and the results examined. The site card for each site within 1000m in all directions from the centre of the study area was inspected (where available) and an assessment made of the likelihood of any of the sites being impacted by the proposed development.

The Heritage NSW library of archaeological reports (Hurstville) was searched and all relevant reports were examined. Searches were undertaken on the relevant databases outlined in Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010); Further to this the following sources were examined:

- Heritage NSW archaeological assessment and excavation reports and cultural heritage assessments;
- Heritage NSW Library;
- State Library of NSW including the Mitchell Library;
- Local libraries and historical associations;
- National Library of Australia.
- The National Heritage List;
- The Commonwealth Heritage List;
- The NSW State Heritage Inventory;
- The National Native Title Register;
- The Register of Declared Aboriginal Places;
- Prevailing local and regional environmental plans;
- > Environmental background material for the study area.

6.1 ARCHAEOLOGICAL CONTEXT

It is generally accepted that Aboriginal occupation of Australia dates back at least 40,000 years (Attenbrow 2002, p.20-21 & Kohen et al 1983). The result of this extensive and continued occupation has left a vast amount of accumulated depositional evidence, and the Cumberland Lowlands are no exception. The oldest date generally considered to be reliable for the earliest occupation around the region comes from excavations at Parramatta which contain objects or features which have been dated to $30,735 \pm 407$ BP (McDonald et al 2005).

The majority of reliably dated archaeological sites within the region are less than 5,000 years old which places them in the mid to late Holocene period. A combination of reasons has been suggested for this collection of relatively recent dates. There is an argument that an increase in population or 'intensification' of resource use across much of the continent took place around this time leading to a great deal more evidence being deposited compared to the sparser prior occupation period. It is also the case

that many archaeological sites along the past coastline may have been submerged as the seas rose to approximately their current level around 6,000 years ago. This would have had the effect of covering evidence of previous coastal occupation. In addition, it is also true that the acidic soils which are predominate around the Sydney region do not allow for longer-term survival of sites (Hiscock 2008 p.106).

Different landscape units not only influence the preservation of sites but can determine where certain site types will be located. Across the whole of the Sydney Basin, the most common Aboriginal archaeological site type is occupation evidence within Rock Shelters. However, the most common Aboriginal archaeological site type in the Cumberland Lowlands is Open Artefact Scatters or Open Campsites, which are locations where two or more pieces of stone show evidence of human modification. These sites can sometimes be very large, with up to thousands of artefacts and include other habitation remains such as animal bone, shell or fireplaces [known as *hearths]* (Attenbrow 2002 p.75–76). Many hundreds of artefact sites have been recorded within the Cumberland Lowlands. This is despite the fact that at least 50% of the Cumberland Lowlands has already been developed to such an extent that any archaeological evidence which may have once been present has been destroyed.

6.2 ABORIGINAL LAND USE AND RESOURCES

The Georges River provided a rich dietary intake for the local inhabitants. These coastal tribes depended heavily on marine resources such as fish and shellfish but were not limited to such diets, as cabbage palms and bracken fern roots were also included (Dyall 1971). Farming practices were also utilised in the form of land clearing. This was conducted through the burning of grasslands in order to encourage new growth which attracted local game. Based on the predominance of rock shelters found within the Hawkesbury sandstone landscape, it is also evident that natural rock overhangs were utilised as an alternate place of temporary and/or repeated occupation.

The procurement of specific resources for ceremonial or domestic purposes would rely on the accessibility and availability of these resources. There are readily mapped resources within the region that may have been exploited by Aboriginal occupants, with more being present before the land was cleared and settled.

Sites containing fresh water and sedentary food sources, coupled with the presence of other resources which may have been exploited or available on a seasonal basis, would suggest that Aboriginal land use of the study area was regular and repeated, with this reflected in the archaeological record. These areas will possess a high archaeological potential (Goodwin 1999).

6.3 PREVIOUS ARCHAEOLOGICAL STUDIES NEAR THE STUDY AREA

As part of the research process of this report the library of archaeological assessments, test excavation and open area salvage excavation reports which is located at the offices of DECCW at Hurstville was consulted. Presented below are summaries of indigenous archaeological survey assessments, test excavations and salvage excavations in the vicinity of the study area, which have all been carried out. This list is by no means exhaustive and is merely a representative sample of archaeological activity within the vicinity of the study area.

J. Megaw, Department of Archaeology, University of Sydney NSW 1966– Rock Shelter Excavation - Gymea Bay

In 1962, the discovery of an Aboriginal skeleton led to further archaeological investigations of a rock shelter located at Gymea Bay. The rock shelter was situated under a sandstone overhang with a second shelter located nearby. A large area of midden was also recorded and would have extended further but evidence of levelling and disturbance was noted. At the base of the excavated midden was a second skeleton suggesting a potential initial occupation phase of the shelter and midden. Test excavation resulted in an additional 121 artefacts being located within the shelter as well as ochre, hammerstones and ground stone implements. The cultural material was found in-situ and indicated repeated occupation of the surrounding area and shelter, with smoke stains found marking the roof. Radiocarbon dating placed the shelter at 1,000 BP.

S. McIntyre 1984 – Aboriginal archaeological survey - Towra Point Nature Reserve

McIntyre conducted an Aboriginal archaeological survey within the estuarine wetland at Towra Point. The site has been subject to human activity and erosion, with the survey area having low visibility. The survey resulted in the location of two sites, an artefact scatter consisting of two flaked bottle glass artefacts as well as a midden. Both sites where within 100m of freshwater area with further investigation of the midden site being recommendation in order to salvage the site form the effects of tidal erosion within the area and both areas being marked as areas of Aboriginal cultural sensitivity.

Rich, E., Heap, P. & L. Smith 1989 – Aboriginal sites management study - Kurnell Peninsula

A management study was compiled by Rich *et al* in 1989 for the National Parks and Wildlife Services. Eleven registered sites were reviewed within the Kurnell Peninsula. These sites were found to range from extensive complex midden sites to open artefact scatters as well as burials and ceremonial. These sites were found to be situated along the transgressive dune field dating to both Pleistocene and mid-Holocene periods. Kurnell Peninsula has been subject to varying levels of disturbance and land clearance as a results of post colonisation human activity. Artefacts and significant deposits of cultural heritage were still located within these disturbed environments.

Dallas, M. 1996 – Archaeological Study – Cronulla Sewage treatment plant upgrade

An archaeological survey was conducted by M. Dallas in 1996 as part of the archaeological study for the Cronulla sewage treatment plant upgrade. Resulted in no finds due to the low visibility and exposure. Although the site is considered disturbed in areas, archaeological monitoring was recommended during trenching in case subsurface deposits and artefacts were located, as a result, of these impacts.

Heritage Search 1998 – Aboriginal site survey – Robvic Avenue, Sylvania

This site survey was conducted by Heritage Search in 1998 and consisted of 10,000m2 area along the foreshore down from Robvic Avenue, Sylvania. The study area was identified as having moderate potential for objects and/or deposits of Aboriginal cultural significance. The survey resulted in the identification of a rock shelter along the eastern boundary of the study area as well as sandstone shelving with the potential to bear rock engraving – however visibility and exposure were poor on account to the heavily vegetation nature of the landscape. However, no objects and/or deposits were located within the study area, therefore the study area was deemed as low potential and works **Archaeological Management and Consulting Group**

& Streat Archaeological Services Pty Ltd July 2021 continued with additional management plans to be in place for the adjacent rock shelter due to the potential impact of the construction activity.

Jo McDonald CHM Pty Ltd 2000 – Archaeological assessment – Corea Street, Sylvania

Jo McDonald conducted a survey in 2000 for a residential development at Corea Street, Sylvania. The survey resulted in the identification of a rock shelter towards the northern slopes of the study area approximately 15m in elevation above the tide mark and falls within the foreshore setback. Within the rock shelter were pigment art on the walls as well as a midden deposit. The site had been identified as being disturbed on account of the sewerage construction by Sydney Water, indicating that soils were disturbed and not completely intact. However, subsurface objects of Aboriginal cultural heritage are believed to be present and further investigation is required if any works are proposed that directly impact the rock shelter site 'Sylvania 2'.

Kayandel 2000–Cultural Heritage Desktop Assessment – Georges River Estuary

Kayandel undertook a desktop study in 2000, compiling all the registered Aboriginal sites within the Georges River Estuary including around Botany Bay, Woolooware Bay, Kogarah Bay, etc. A total of 112 registered sites were recovered, however, a large number of these sites require reassessment and inspection based on the date on registration being more than 20 years ago of which some of the registered sites are now below the high tide line or errors found with the grid references. The most common site type found were middens and rock shelters followed by artefact scatters and isolated finds and being an elevation of <10m.

AMBS 2017–Heritage Assessment – Captain Cook Drive, Kurnell

AMBS undertook a heritage assessment in 2017 for the construction of a distribution centre. The assessment involved an AHIMS search resulting in site #52-3-0212 being located within 150m form the study area, consisting of a moderately disturbed midden. A site inspection resulted in no identified Aboriginal objects and/or features. It was recommended that further investigation in the form of test excavation should be undertaken prior to the development taking place, in order to assess the nature and extent of any subsurface potential deposits.

Coast History and Heritage 2019 – Aboriginal Archaeological Assessment – 59 Matson Crescent, Miranda

Coast History and Heritage assessed #52-3-1402, a collapsed rock shelter located at 59 Matson Crescent. This lies c2.7kms to the east of the current study area, and two similar sites at 55 and 57 Matson Crescent (#52-3-1400 & #52-3-1401) were identified. As no archaeological material was identified, an AHMP was recommended for the management of the demolition and construction of new residential and associated structures.

The practical ramifications of the results of the archaeological assessments and excavation is that there is a low - moderate potential for Aboriginal archaeological objects to be present. These past studies have also identified objects and deposits of Aboriginal cultural and archaeological significance within disturbed contexts.

6.4 AHIMS SEARCH RESULTS

The Archaeological Heritage and Information Management System Database (AHIMS) is located at the Heritage NSW Offices at Hurstville in New South Wales. This database comprises information about all the previously recorded Aboriginal archaeological sites registered with Heritage NSW. Further to the site card information that is present about each recorded site, the assessments and excavation reports that are associated with the location of many of these sites are present in the library of reports.

The location of these sites must be viewed as purely indicative as errors in the recording of the locations of sites often occurs due to the disparate nature of the recording process, the varying level of experience of those locating the sites and the errors that can occur when transferring data. If possible, sites that appear to be located near a study area should be relocated.

An AHIMS extensive 1km search was conducted on the 6/05/21 (ID 588 752). As this replicated the results from previous search conducted on the 10/03/20 (ID 490045), this earlier map is presented in Figure 6.1. This search resulted in 1 registered site within 1000 m of the study area. The following table is comprised of the results listed from the extensive search.

Table 6-1AHIMS Search Results

Site ID	Site name	Site status	Site features
52-3-0051	Dents Creek; Loftus	Valid	Shell, Artefact

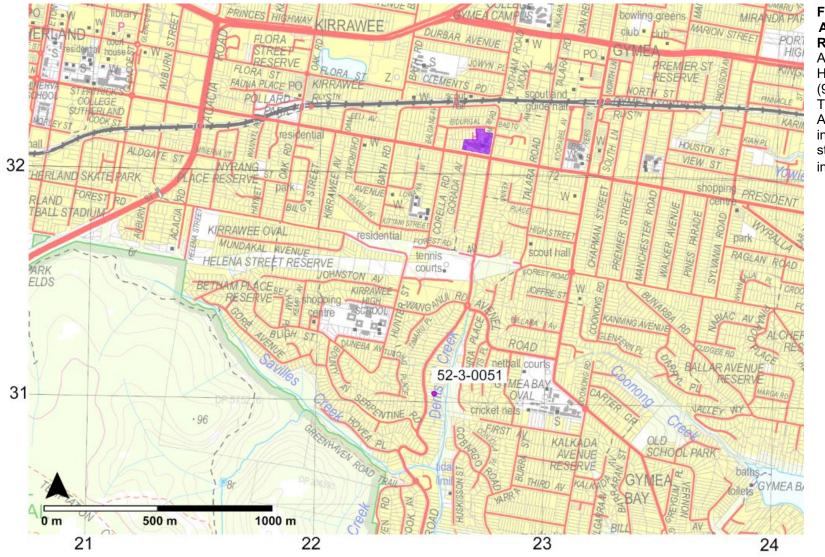


Figure 6-1 AHIMS Search Results. AHIMS (2020), Port Hacking 1:25 000 (9129 -4n)

Hacking 1:25 000 (9129 -4n) Topographic map. AHIMS site indicated in pink, study area indicated in purple.

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6.5 OTHER SEARCH RESULTS

Results for other statutory databases searched are given below;

Heritage Listings/ Register/ Other	Result
National Heritage List	N/a
Commonwealth Heritage List	N/a
NSW State Heritage Register	N/a
Register of Declared Aboriginal Places	N/a
National Native Title Register	N/a
LEP/DCP Mapping -Archaeological Sensitivity Map	Low Sensitivity

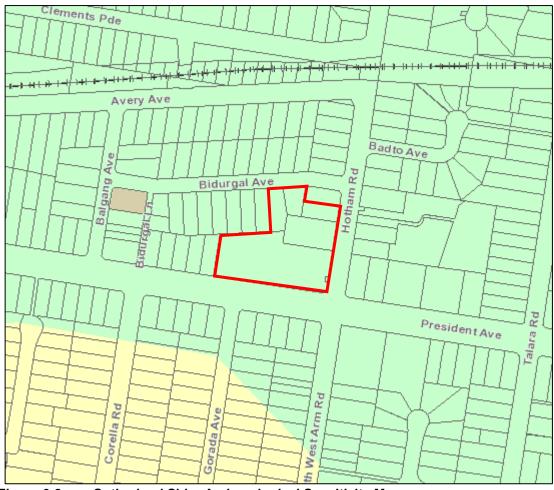


Figure 6-2Sutherland Shire Archaeological Sensitivity Map.Study area indicated in red, (maps.ssc.nsw.gov.au/ShireMaps, accessed 10/03/20).

6.6 GEOTECHNICAL INVESTIGATION SUMMARY

Geotechnical investigations were undertaken on the 29th of May 2020 by Soilsrock Engineering Pty Ltd. This investigation involved the drilling of two boreholes (BH1/BH2). Boreholes were drilled by the BG RIG 3 – HANJIN and BG RIG 8 – HANJIN drilling rigs to depths of 2.6m to 11.60m (BH1) and 2.8m to 8.46m (BH2) and terminating to high strength sandstone bedrock with soil samples collected at regular depth intervals.

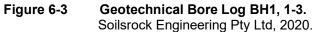
Each borehole was found to comprise of the following soil profile (Soilsrock Engineering Pty Ltd 2020):

Soil title	Description
Asphalt/Topsoil	Asphalt (BH1) and Topsoil (BH2) were present on the ground surfaces to depths of 0.10 m in both boreholes.
Sand/Silty Sand	Brown silty sands and White/Reddish fine grained sands to a depth of 2.6m were present in BH1 and Light Brown/Grey silty sand, fine grained in BH2 to a depth of 1.0m
Clay	Seams of clay were present at varying intervals in the boreholes. Two Reddish Brown to Dark Grey clay seams were located in BH1 at depths of 3.3m-3.4m and at 9.0m. Three medium-high plasticity Light Grey/Dark Grey narrow clay seams were located at depths of 3.45m, 3.56m, and 4.59 in BH2.
Sandstone	Sandstone was located from depths of 1.0m (BH2) – 2.6m (BH1) to borehole termination at both locations. White/Pink to Light Brown/Light Grey sandstone, medium strength in BH2 was located to a depth of 3.5m. A Light Grey/Light Brown highly weathered, high strength sandstone was present in BH1 to depth of 3.3m. Strength typically increased with depth from medium to high strength and ranging from slightly to highly weathered.

In review of the borehole logs (Figures 6.3 - 6.10), there is an indication that intact natural soils are present within the study area. Natural sand/clayey sand soil have been identified within the soil profile of both BH1 and BH2. The depth of the sand/clayey sand soil deposits range between 1.0m - 2.6m. This deposit could be interpreted as an A2 horizon of the Gymea soil profile with the potential for there to be a remnant A horizon (known to be an artefact bearing horizon).

The proposed development activity for the accommodation of basements is to exceed the depth of these soil profiles. It is likely that intact soils with the potential to contain Aboriginal objects and/or features may be impacted as result of this activity.

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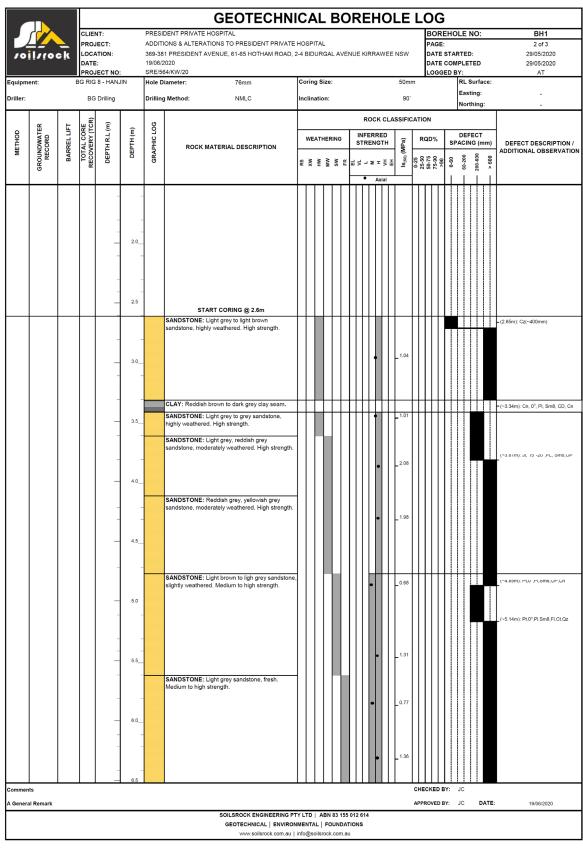


Figure 6-4Geotechnical Bore Log BH1, 2-3.Soilsrock Engineering Pty Ltd, 2020.

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Figure 6-5Geotechnical Bore Log BH1, 3-3.Soilsrock Engineering Pty Ltd, 2020.

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Figure 6-6Geotechnical Bore Log BH1 - Rock Core Photograph.
Soilsrock Engineering Pty Ltd, 2020.

Aboriginal Test Excavation Report President Private Hospital – 369-381 President Ave, 61-65 Hotham Rd & 2-4 Bidurgal Ave, Kirrawee

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Figure 6-7Geotechnical Bore Log BH2, 1-3.
Soilsrock Engineering Pty Ltd, 2020.

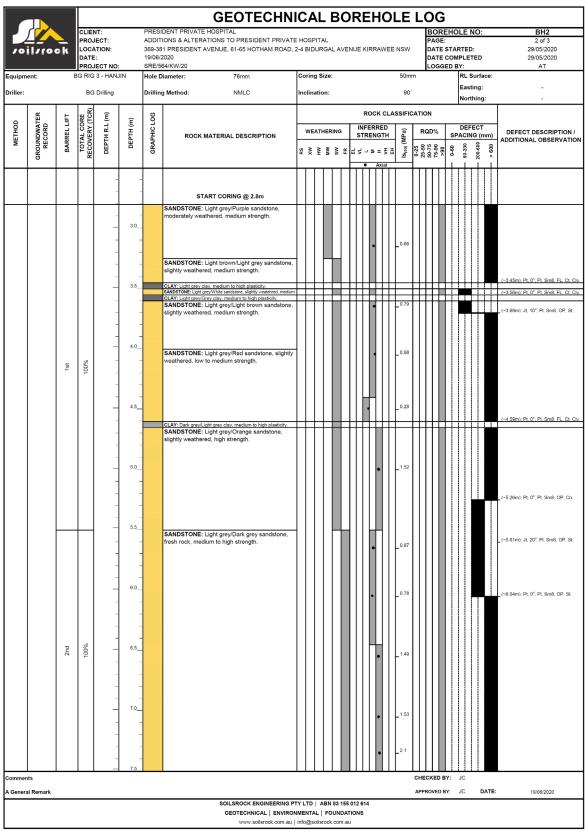


Figure 6-8Geotechnical Bore Log BH2, 2-3.Soilsrock Engineering Pty Ltd, 2020.

Aboriginal Test Excavation Report President Private Hospital – 369-381 President Ave, 61-65 Hotham Rd & 2-4 Bidurgal Ave, Kirrawee

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Figure 6-9Geotechnical Bore Log BH2, 3-3.Soilsrock Engineering Pty Ltd, 2020.

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	www.soilsrock.com.au info@soilsrock.cor	n.au	

Figure 6-10Geotechnical Bore Log BH2 - Rock Core Photograph.
Soilsrock Engineering Pty Ltd, 2020.

7.0 TEST EXCAVATION

Test excavation was undertaken by AMAC Group in response to the proposed redevelopment and its impact on potential intact Aboriginal archaeological and cultural deposits and/or objects. The study area was considered to have low to moderate potential in containing Aboriginal objects.

Previous reports have identified the area as a resource rich zone due to the site's proximity to reliable estuarine and fresh water including the Woronora River, Gymea Bay, North West Arm and Oyster Bay, which are known to contain concentrated densities of Aboriginal objects and features of archaeological and cultural heritage. It is likely that Aboriginal movement and land use would be channelled to this location and therefore the site may hold information regarding cultural activities of the area.

Phase one test excavation was carried out by Benjamin Streat as director of Indigenous archaeology and archaeologist Sarah Hannan, as well as representatives from the following Registered Aboriginal Parties:

Organisation	Representative
Freeman and Marx Pty Ltd	Peter Markovic
Tocomwall	John Phillips
Didge Ngunawal Clan	Joeleen Smith

Phase two test excavation was carried out by senior archaeologist Steven Vasilakis and archaeologist Paul Guzman.

Phase one test excavation was undertaken over two days 21/04/21 - 22/04/21 and phase two excavation was undertaken over one day 06/07/21. The programme was conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of eleven test trenches (50cm x 50cm).

Introduced fill replaced the A horizon across the site. B and C horizons were identified within some test pits. The soil profile was generally shallow, with bedrock reached in two test pits. This program of test excavation resulted in no Aboriginal objects and/or features of archaeological and cultural significance being identified.

7.2 TEST EXCAVATION UNDER THE CODE OF PRACTICE

As detailed in the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW 2010). The purpose for test excavation;

"...is to collect information about the nature and extent of sub-surface Aboriginal objects, based on a sample derived from sub-surface investigations. Test excavations contribute to the understanding of site characteristics and local and regional prehistory and they can be used to inform conservation goals and harm mitigation measures for the proposed activity".

As the proposed test excavation is not being carried out in the following areas;

- in or within 50 m of an area where burial sites are known or are likely to exist
- in or within 50 m of a declared Aboriginal place
- in or within 50 m of a rock shelter, shell midden or earth mound

- in areas known or suspected to be Aboriginal missions or previous Aboriginal reserves or institutes
- in areas known or suspected to be conflict or contact sites.

It is therefore excluded from the definition of harm and as such will not require an Aboriginal Heritage Impact Permit and can be completed under the Code of Practice (DECCW 2010).

As set out in the Code of Conduct for the Investigation of Archaeological Objects in NSW:

"The test excavation should be sufficiently comprehensive to allow characterisation of the Aboriginal objects present without having a significant impact on the archaeological value of the subject area" (DECCW 2010).

Any test excavation carried out under this requirement must cease when:

- suspected human remains are encountered;
- enough information has been recovered to adequately characterise the objects present, with regard to their nature and significance.

The Code of Conduct for the Investigation of Archaeological Objects in NSW 'enough information' means that the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance, and may include things like:

- Iocally or regionally high object density
- > presence of rare or representative objects
- presence of archaeological features or locally or regionally significant deposits, stratified or not.

Decisions regarding the nature and significance of the site and choices about discontinuing the test excavation program shall be made by the excavation director in consultation with the registered Aboriginal stakeholders and Heritage NSW if required. Information will be reviewed on a daily basis and the excavation director reserves the right to cease all excavation if he/she believes the nature and extent of the site is understood in accordance with the Code of Conduct for the Investigation of Archaeological Objects in NSW.

7.3 TESTING METHODOLOGY

The following measures will be taken to establish the nature and extent of any such material discovered during test excavations under the Code of Practice (DECCW 2010).

The proposed development does have the potential to disturb any Aboriginal archaeological deposits and/or objects which are or may be present. Therefore, in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW 2010), it is recommended a programme of test excavation be conducted before the development can proceed.

The first priority in test excavations, and recording Aboriginal objects during test excavations, must always be to avoid or minimise, as far as practicable, the risk of harm to the objects under investigation. This means due care must be taken when excavating and collecting objects.

In compliance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010) the following test excavation methodology will be conducted;

Test excavation units will be placed on a systematic grid appropriate to the scale of the area – either PAD or site – being investigated e.g. 10 m intervals, 20 m intervals, or other justifiable and regular spacing.

- > Any test excavation point will be separated by at least 5 m.
- > Test excavations units will be excavated using hand tools only.
- Test excavations will be excavated in 50 cm x 50 cm units.
- Test excavations units may be combined and excavated as necessary to understand the site characteristics, however: the maximum continuous surface area of a combination of test excavation units at any single excavation point conducted in accordance with point (above) will be no greater than 3 m2. The maximum surface area of all test excavation units will be no greater than 0.5% of the area either PAD or site being investigated.
- The first excavation unit will be excavated and documented in 5 cm spits at each area either PAD or site being investigated. Based on the evidence of the first excavation unit, 10 cm spits or sediment profile/stratigraphic excavation (whichever is smaller) will then be implemented.
- Test excavation units will be excavated to at least the base of the identified Aboriginal object-bearing units and will continue to confirm the soils below are culturally sterile.
- Photographic and scale-drawn records of the stratigraphy/soil profile, features and informative Aboriginal objects will be made for each single excavation point.
- > Test excavations units will be backfilled as soon as practicable.
- Following test excavation, an Aboriginal Site Impact Recording form will be completed and submitted to the AHIMS Registrar as soon as practicable.

7.3.1 Sieving

The excavated soil from each spit is to be placed in buckets of uniform size (9-10kg limit); these buckets will be counted, and all material excavated from the test excavation units will be sieved using a 5 mm aperture wire-mesh sieve. All archaeological material that is recovered from sieving will be placed in a zip lock bag and labelled with the site number, date, trench and spit. All of the bags will then be placed in a larger zip lock bag for processing.

7.3.2 Recording

A photographic record will be kept of the progress of each test trench as well as photographic and scale-drawn records of the stratigraphy/soil profile and features will be made for each single excavation point.

Details pertaining to individual spits will be recorded through the completion of site forms. The details on the form include site name, pit number, location and landform, area, spit number, spit depth, soil horizon, artefacts, stratigraphic profile as well as additional notes relating to the soil deposits encountered.

Personal records are also to be noted in the director's field journal. Any artefacts recovered shall be recorded under the parameters set out in the Code of Conduct for the investigation of Archaeological objects in NSW and will be stored as outlined in the care and control agreement.

7.3.3 Care and Control Agreement

Any archaeological material recovered shall be subject to a care and control agreement established after the nature and significance of the archaeological or cultural material is understood as per requirement 26 of the Code of Conduct for the investigation of Archaeological objects in NSW. Any artefacts recovered shall be subject to an as yet unestablished care and control agreement. A secure temporary storage location in accordance with requirement 26 of the Code of Conduct for the investigation of Archaeological objects in NSW, shall be established (AMAC Offices) pending any agreement being reached as to the long-term management of the salvaged Aboriginal objects. The excavation director is responsible for ensuring that procedures are put in place so that Aboriginal objects are not harmed. The location of the secure temporary storage location will be submitted to AHIMS with a site update record card for the site(s) in question.

If long term management of any objects recovered has not been decided in a timely fashion, the objects will be lodged with the Australian Museum.

7.4 TEST PIT LOCATION

Test trench locations were placed with reference to known or suspected locations of Aboriginal archaeological deposits, the location of development excavation and areas of known disturbance as well as services.

The order of excavation was established on site as logistics and site access were factors that needed to be considered, as well as ensuring the investigation of all landforms were performed accordingly in order to maximise the results.

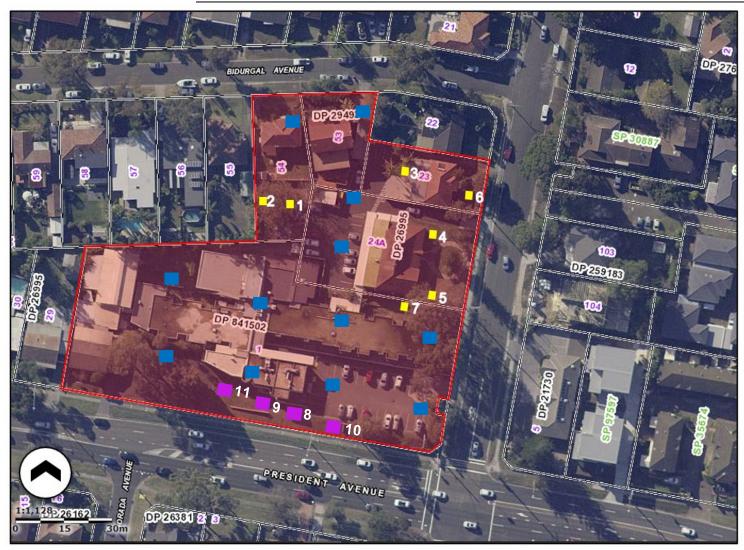


Figure 7-1 Site plan with Aboriginal test trenches (not to scale). Site boundary indicated in red with phase one trenches indicated in yellow and phase two trenches indicated in purple. Test trenches in blue could not be excavated as intended due to the presence of significant structures and previous bulk excavation (AMAC, 2021).

7.5 RESULTS

The testing programme involved two phases of excavation as shown in Figure 7.1. Phase one consisted of seven test trenches and phase two consisted of four test trenches (50cm x 50cm). Trenches were proposed evenly across the study area, however, this was not possible due to significant ground covering structures and previous bulk excavation.

The soil profile encountered was generally consistent with the disturbed Gymea soil landscape, of which shallow to moderately deep yellow earthy sands were observed. There were, however, variations due to past land use of the site. This was apparent with the absence of the A horizon, with introduced fill in its expected location and significant disturbance of the B and C horizons.

Test excavation indicated a high level of disturbance across the study area. At least 5-10cms of introduced fill was present in all test trenches (1-11), with a mixture of fill and B horizon continuing as deep as 45cms. ATT4 was abandoned due to the present of a water pipe and bedrock was reached by 15cms and 22cms respectively in ATT5 and ATT7. This shallow profile may have been due to earlier post settlement land use, with variation in ground level visible in Figures 7.1-7.5. The variation in ground level is a result of significant removal of varying amounts of the pre-settlement soil horizon. This is clearly evident across the southern half (carpark) and eastern extremity of the site where current ground levels are up to three metres below the level of B and C horizons and bedrock encountered in testing.

No Aboriginal archaeological and cultural material/ deposits were located as a result of the programme of test excavation. Further investigation is not warranted and works may proceed with caution.



Figure 7-2South-west corner of Hotham House, looking west.Evidence of variations in ground level (IMG20210422_111719989).



Figure 7-3 North-west point of Hotham House lot, looking south-west. Evidence of variations in ground level (IMG20210422_112114962).



Figure 7-4South-east corner of lot 23, looking north-west.
Evidence of variations in ground level (IMG20210422_112156047).



Figure 7-5Southern extent of site, looking west.
Evidence of variations in ground level (IMG20210422_112005192).

Table 7-1 Test Trench Summary

Test Trench No.	No. Spits	Final depth	Description	No. Artefacts
1	4	35cm	15cms of dark brown/ black fill, overlay 10cms of dull yellow-brown (introduced fill/ B horizon), overlay 10cms of yellow/ orange brown (B horizon).	0
2	4	35cm	15cms of mid brown loose fill, overlay 10cms of yellow brown sandy loam with oxide and charcoal inclusions (introduced fill/ B horizon), overlay 10cms of light-yellow brown silty sand (B horizon).	0
3	5	45cm	Highly disturbed profile; 5cms of mid brown fill, overlay 20cms of mid brown iron pan with yellow and orange sand inclusions (fill/ B horizon), overlay lighter yellow brown pan (B horizon), overlay dense orange clay with brown mottling (B/C horizon). Metal pipe with concrete foundation present in all spits, and cement with sand foundations visible in Spit 5.	0
4	3	25cm	5-10cms of dark brown fill, overlay 10-15cms of light yellowy sands with grey-brown mottling (introduced fill/ B horizon). Excavation stopped due to presence of water pipe.	0
5	3	22cm	5cms of dark brown to black introduced fill, overlay 13- 17cms of orange and grey mottled sands (fill/ B horizon), overlay sandstone bedrock.	0
6	6	55cm	25cms of dark brown fill, overlay 20cms of mid to dark grey-brown loam (fill/ B horizon), overlay 10cms of mid grey-brown clay loam with mottled orange, yellow and grey inclusions (B/C horizon). Two sand lenses were identified at 13cms and 38cms.	0
7	2	15cm	5cms of loose, dark fill overlay 10cms of mottled grey, brown sandy loam (fill/ B horizon). Sandstone bedrock visible underneath this.	0

68

Aboriginal Test Excavation Report 69 President Private Hospital – 369-381 President Ave, 61-65 Hotham Rd & 2-4 Bidurgal Ave, Kirrawee

8	4	35cm	3-5cms of dark brown fill, overlay 10cms of light yellow-brown sandy fill (introduced fill/ B horizon), overlay 20cms of yellow-brown sandy clay (B horizon). Charcoal inclusions, grey and orange mottling and sandstone and ironstone inclusions present below 15cms.	0
9	4	35cm	5cms of moist loamy dark brown fill, overlay 30cms of mixed mid-brown clayey loam and yellow- brown sandy loam (introduced fill/ B horizon). Sandstone and ironstone present below 5cms and charcoal increasing with depth.	0
10	4	35cm	5cms of dark brown fill, overlay 10cms of light yellow-brown loamy sand (introduced fill/ B horizon), overlay 20cms of yellow brown sandy clay (B horizon). Sandstone and charcoal inclusions present below 15cms and grey mottling increasing with depth.	0
11	4	35cm	5cms of moist dark brown fill, overlay 10cms of mid brown loamy sand (introduced fill/ B horizon), overlay 20cms of mid brown- yellow sand which increased in clay component with depth (B horizon). charcoal, sandstone, brick, metal, plastic and ironstone fragments present below dark brown fill.	0

7.5.1 Test Trench Photographs



ATT1: Final Shot. Facing North [DSCN_4605].



ATT2: Final Shot. Facing North [DSCN_4616].



ATT3: Final Shot. Facing North [IMG20210422_090747673].



ATT4: Final Shot. Facing North [IMG20210422_082141069].

Archaeological Management & Consulting Group & Streat Archaeological Services Pty Ltd July 2021



ATT5: Final Shot. Facing North [IMG20210422_104229212].



ATT6: Final Shot. Facing North [IMG20210422_111102157].

Aboriginal Test Excavation Report President Private Hospital – 369-381 President Ave, 61-65 Hotham Rd & 2-4 Bidurgal Ave, Kirrawee



ATT7: Final Shot. Facing North [IMG20210422_103933835].



ATT8: Final Shot. Facing North [IMG1466].

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ATT9: Final Shot. Facing North [IMG1471].



ATT10: Final Shot. Facing North [IMG1479].



ATT11: Final Shot. Facing North [IMG1486].

7.5.2 Stratigraphic Analysis

This section of the report is a summary of the soil profiles encountered. It aims to identify and ascertain the stratigraphic integrity of the site.

The soil profile encountered was generally consistent with the disturbed Gymea soil landscape, of which shallow to moderately deep yellow earthy sands were observed. There were, however, variations due to past land use of the site. This was apparent with the absence of the A horizon, with introduced fill in its expected location and significant disturbance of the B and C horizons.

7.5.2.1 Selected Sections



ATT5: North Section. [IMG20210422_104303076].



ATT6: North Section. [IMG20210422_111134923].



ATT7: North Section. [IMG20210422_104037894].



ATT8: North Section. [IMG1467].



ATT9: North Section. [IMG1475].



ATT10: North Section. [IMG1482].

7.6 DISCUSSION

A background analysis of the environmental and archaeological context revealed that undisturbed parts of the study area may have contained Aboriginal archaeological or cultural material and/ or deposits. However, test excavation revealed no Aboriginal archaeological cultural objects or deposits.

The results of this exercise will form the basis of decisions for ongoing management of the study area. Test excavation revealed a highly disturbed landscape with no completely intact or unaltered soil horizons remaining from pre-European settlement and as such the possibility for Aboriginal archaeological and cultural deposits is very low.

No further action or investigation is warranted; however, caution is necessary and an Aboriginal Cultural Heritage Management Plan with an unexpected finds management procedure should be in place.

As

7.7 **RESEARCH CONTEXT**

The research questions are based on the information that has been gathered from previous excavations within and within the vicinity of the study area as well as making an attempt to place the site in a regional context and offer some explanation for the activities that may have taken place within the study area.

7.7.1 **Response to research questions**

No artefacts were located as a result of the programme of test excavation, therefore the following research questions could not be addressed.

- \geq Are archaeological or cultural materials present in the Holocene Age deposits?
- If so how do these artefact densities compare at a local and regional level? \triangleright
- Are rare or representative archaeological or cultural materials present? \geq
- \triangleright Are locally or regionally significant archaeological or cultural material present in the Holocene age deposits?
- \triangleright Is it possible to assign a temporal framework to any of the excavated material?
- \geq What was the nature and extent of the activity that took place within the study area and how does the study area compare with other sites in the immediate vicinity and similar landforms to the study area?
- \geq What raw materials were chosen for the manufacture of stone implements?
- Is the area suitable to be set aside for preservation of Aboriginal \geq archaeological material?

8.0 SIGNIFICANCE ASSESSMENT

The processes of assessing significance for items of cultural heritage value are set out in *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) formulated in 1979 and based largely on the Venice Charter of International Heritage established in 1966. Archaeological sites may be significant according to four criteria, including scientific or archaeological significance, cultural significance to Aboriginal people, representative significance which is the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to the scientific, cultural, representative or educational criteria and sites are also assessed on whether they exhibit historic or cultural connections.

The criteria for formulating significance values are set out below:

- a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- b) An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the cultural or natural history of a local area).
- c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
- g) An item is important in demonstrating the principal characteristics of a class of NSW's: cultural or natural places; or cultural or natural environments (or a class of the local areas' cultural or natural places; or cultural or natural environments).

8.1 ARCHAEOLOGICAL SIGNIFICANCE

8.1.1 Educational Significance

The educational value of any given location will depend on the importance of any archaeological material located, on its rarity, quality and the contribution this material can have on any educational process (Australia ICOMOS, 1999 p. 11).

No specific educational significance can be assigned to the study area, due to the absence of intact artefact bearing deposits.

8.1.2 Scientific Significance

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located, on its rarity, quality

and on the degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

No specific scientific significance can be assigned to the study area, due to the absence of intact artefact bearing deposits.

8.1.3 Representative Significance

The representative value of any given location will depend on rarity and quality of any archaeological material located and on the degree to which this representativeness may contribute further substantial information to an educational or scientific research process. (Australia ICOMOS, 1999 p.11).

No specific representative significance can be assigned to the study area, due to the absence of intact artefact bearing deposits.

SOCIAL AND CULTURAL SIGNIFICANCE 8.2

As defined in the 'Burra Charter' (ICOMOS, 1999) cultural significance is broken into three parts: aesthetic, historic and scientific value for past, present or future generations. Cultural significance is a concept which assists in estimating the value of any given place. Places that are likely to be of significance are those which can contain information which may assist with the understanding of the past or enrich the present, and which will be of value to future generations. The meaning of these terms in the context of cultural significance is outlined below. It should be noted that they are not mutually exclusive, (Australia ICOMOS, 1999 p.12).

8.2.1 Historic Significance

A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. (Australia ICOMOS, 1999 p.11).

No archaeological material and/or deposits were located to suggest this and no historical significance has been assigned to the study area by any participating Aboriginal Stakeholders.

Scientific Significance 8.2.2

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located, on its rarity, quality and on the degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

No archaeological material and/or deposits were located to suggest this and no scientific significance has been assigned to the study area by any participating Aboriginal Stakeholders.

8.2.3 Aesthetic Significance

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use. (Australia ICOMOS, 1999 p.11).

No archaeological material and/or deposits were located to suggest this and no aesthetic significance has been assigned to the study area by any participating Aboriginal Stakeholders.

9.0 IMPACT ASSESSMENT

This section aims to evaluate and discuss the potential archaeological impact of the proposed development.

No Aboriginal objects and/or features of cultural and archaeological significance were located during the programme of test excavation. The A horizon (artefact bearing deposit) was largely absent due to a high level of disturbance and there is a nil-low possibility of their being artefacts present. As such works may proceed with caution.

9.1 POTENTIAL HARM TO ABORIGINAL OBJECTS AND CULTURAL HERITAGE

No Aboriginal objects and/or features of cultural and archaeological significance were located during the programme of test excavation. The A horizon (artefact bearing deposit) was largely absent due to a high level of disturbance and there is a nil-low possibility of their being artefacts present. As such works may proceed with caution.

ASSESSING HARM 9.2

No Aboriginal objects and/or features of cultural and archaeological significance were located during the programme of test excavation. The A horizon (artefact bearing deposit) was largely absent due to a high level of disturbance and there is a nil-low possibility of their being artefacts present. As such works may proceed with caution.

AVOIDING AND MINIMISING HARM TO ABORIGINAL 9.3 **OBJECTS**

No Aboriginal objects and/or features of cultural and archaeological significance were located during the programme of test excavation. The A horizon (artefact bearing deposit) was largely absent due to a high level of disturbance and there is a nil-low possibility of their being artefacts present. As such works may proceed with caution.

9.4 JUSTIFICATION OF HARM TO ABORIGINAL OBJECTS

No Aboriginal objects and/or features of cultural and archaeological significance were located during the programme of test excavation. The A horizon (artefact bearing deposit) was largely absent due to a high level of disturbance and there is a nil-low possibility of their being artefacts present. As such works may proceed with caution.

10.0 **MANAGEMENT AND MITIGATION**

The management recommendations presented in the following section of the report take into account the following:

- > Legislation outlined in this report which protects Aboriginal cultural and archaeological objects and places in New South Wales;
- Research and assessment carried out by the author/s of this report;
- > Results of previous archaeological assessment and excavation in the vicinity of the study area;
- The concerns and views of the Aboriginal stakeholders listed in this report;
- The impact of the proposed development on any Aboriginal archaeological material that may be present;
- The requirements of the consent authority (Sutherland Shire City Council).

10.1 RECOMMENDATIONS

The recommendations have been formulated after consultation with RAPs, the proponent and the Heritage NSW:

- It is recommended that an Aboriginal Cultural Heritage Management Plan (ACHMP) should be in place as part of the status of the proposed development as a State Significant Development (SSD-10320). This is to manage and mitigate any unexpected Aboriginal archaeological and cultural constraints that may arise
- > Full consultation with the registered Aboriginal stakeholders should continue. Stakeholders have been given the opportunity to comment on the recommendations of this report and these comments are included in this report
- Archaeological test excavation in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010) revealed no Aboriginal archaeological objects or deposits: the development as shown (Figures 4.1-4.15) should be allowed to 'proceed with caution'
- > After this and before any ground disturbance takes place all development staff, contractors and workers should be briefed prior to works commencing on site as to their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.

If any Aboriginal archaeological deposits and/or objects are located during the development, then the following should take place:

- All work is to cease in the immediate vicinity of the deposits and/or objects
- The area is to be demarcated

Heritage NSW, a qualified archaeologist and the participating RAPs are to be notified.

Should any human remains be located during the following development:

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately
- > The NSW police and Heritage NSW's Enviroline be informed as soon as possible
- Once it has been established that the human remains are Aboriginal ancestral remains, Heritage NSW and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

GLOSSARY

Term	Definition
Aboriginal/	These terms apply to indigenous Australians throughout time.
Aborigine	
Aboriginal Object	A term now used (formerly 'relic') within the NSW National Parks and Wildlife Act, 1974 to refer to "any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non- Aboriginal extraction, and includes Aboriginal remains."
AHIP	Aboriginal Heritage Impact Permit, issued under Part 6 of the National Parks and Wildlife Act 1974 , where harm to an Aboriginal object or Aboriginal place cannot be avoided.
Alluvial	Describes material deposited by, or in transit in flowering water.
AMAC	Archaeological Management and Consulting Group.
Artefact	Any object, usually portable, that has been made or shaped by human hand.
Assemblage	A collection of artefacts found in close proximity with one another often excavated together.
Axe grinding Grooves	Areas on a stone surface where other items such as stone tools, wood or bones have been sharpened.
Basalt	A dark coloured, basic volcanic rock.
Bioturbation	Reworking of sediments through the action of ground dwelling life forms. This can also include soil cracking and root activity.
Broken Flake	A flake fragment which displays only part of the diagnostic features of a complete flake.
BP	Before present (AD1950).
Burial	Sites containing the physical remains of deceased Aboriginal people.
Ceremonial Sites	Places or objects of ceremonial, religious or ritual significance to Aboriginal people.
Chert	A herd siliceous rock suitable for flaking into tools.
DCP	Development Control Plan.
DP	Deposited Plan.
Erosion	Process where particles are detached from rock or soil and transported away principally via water, wind and ice.
Flake	A piece of stone, detached by striking a core with another stone.
Flaking/Knapping	The process of making stone tools by detaching flakes from a piece of stone.
Friable	Easily crumbled or cultivated.
Hard setting	Soil which is compact and hard. It appears to have a pedal structure when dried out.
Heritage Division	Formerly known as the Heritage Branch
Holocene	The period of time since the last retreat of the polar icecaps, commencing approximately 10,000 – 110,000
Intensification	Increased social and economic complexity.
Landscape Unit	An area of land where topography and soils have distinct characteristics, are recognisable, describable by concise statements and capable of being represented on a map.

Laminite	A thinly bedded, fine grained sedimentary rock.
LEP	Local Environment Plan.
LGA	Local Government Area.
Lithics	A term used to describe stone and stone artefacts.
Loam	A medium textured soil of approximate composition of 10-25% clay, 25-50% silt and 2% sand.
Loose	A soil which is not cohesive.
Matrix	Finer grained fraction, typically a cementing agent within soil or rock in which larger particles are embedded.
Midden	Aboriginal occupation site consisting chiefly of shells, which can also include bone, stone artefacts and other debris.
NPW Act	National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly known as the DECCW)
Open Campsite	A surface accumulation of stone artefacts and/ or other artefacts exposed on the ground surface.
Potential Archaeological Deposit (PAD)	An area where no surface archaeological remains are visible but where it has been assessed that there is some potential for sub-surface archaeological remains to be present.
Ped	An individual, natural soil aggregate.
Pedal	Describes a soil in which some or all of the soil material occurs in the form of peds in a moist state.
Plastic	Describes soil material which is in a condition which allows it to undergo permanent deformation without appreciable volume change or elastic rebound and without rupture.
Pleistocene	The epoch of geological time starting 1.8 million years ago.
Quartz	Common mineral with naturally sharp edges and poor fracturing properties. Colour ranging from clear, to milky white and pink.
Quartzite	Homogenous medium to coarse grained metamorphosed sandstone.
Rock Painting	Encompassing drawing, paintings or stencils that have been placed on a rock surface usually within a rock shelter.
Rock Engraving	Pictures which have been carved, pecked or abraded into a rock surface, usually sandstone and predominantly open, flat surfaces.
Sandstone	A detrital sedimentary rock with predominantly sand sized particles.
Scarred/ Carved Tree	A tree from which bark has been deliberately removed.
Sclerophyll	Denoting the presence of hard stiff leaves, typically used to classify forest and indicative of drier conditions.
Sedimentation	Deposition of sediment typically by water.
Silcrete	A sedimentary rock comprising of quartz grains in a matrix of fine grained – amorphous silica.
Silt	Fine soil particles in size ranges of 0.02 – 0.002mm.
Slope	A landform element inclined from the horizontal at an angle measured in degrees or as a percentage.
SHI	State Heritage Inventory
SHR	State Heritage Register
Subsoil	Subsurface material comprising the B and C horizons of soils with distinct profiles.
Stone Resource Site	A geological feature in the landscape from which raw material for the manufacture of stone tools was obtained.

Texture	The coarseness or fineness of a soil as measured by the behaviour of a moist ball of soil when pressed between the thumb and forefinger.
Topsoil	A part of the soil profile, typically the A1 Horizon, containing material which is usually darker, more fertile and better structured than the underlying layers.
Weathering	The physical and chemical disintegration, alteration and decomposition of rocks and minerals at or near the earth's surface by atmospheric and biological agents.

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APPENDICES

APPENDIX 1 – AHIMS SEARCH

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : President Private Client Service ID : 588752

Benjamin Streat 122c Percival Road Stanmore New South Wales 2048 Attention: Benjamin Streat

Email: benjaminstreat@archaeological.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP841502 with a Buffer of 1000 meters, conducted by Benjamin Streat on 06 May 2021.

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.



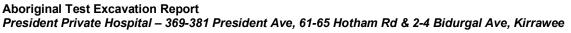
A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

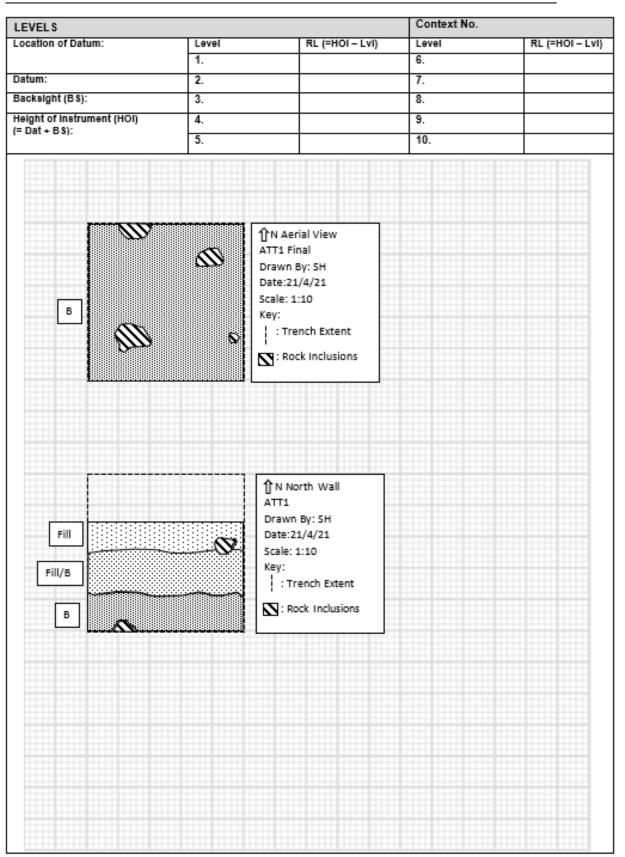
1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Date: 06 May 2021

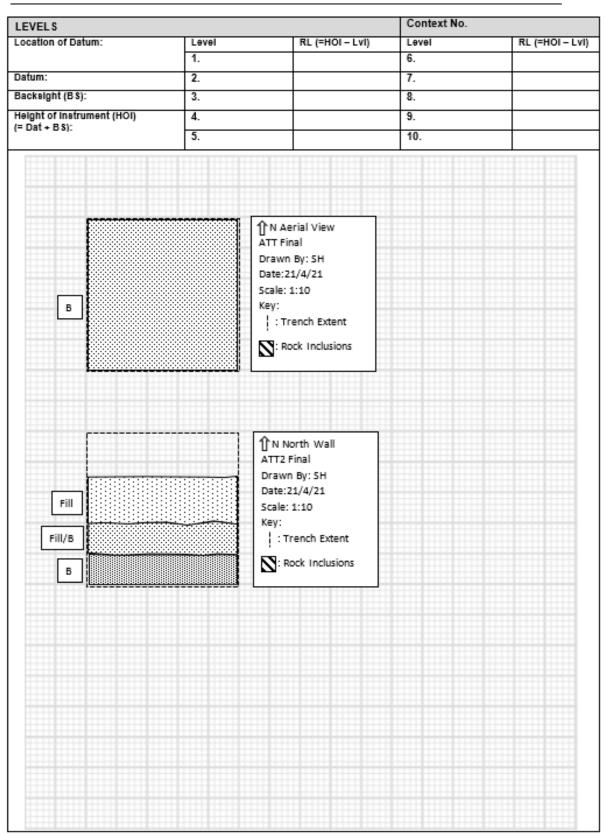
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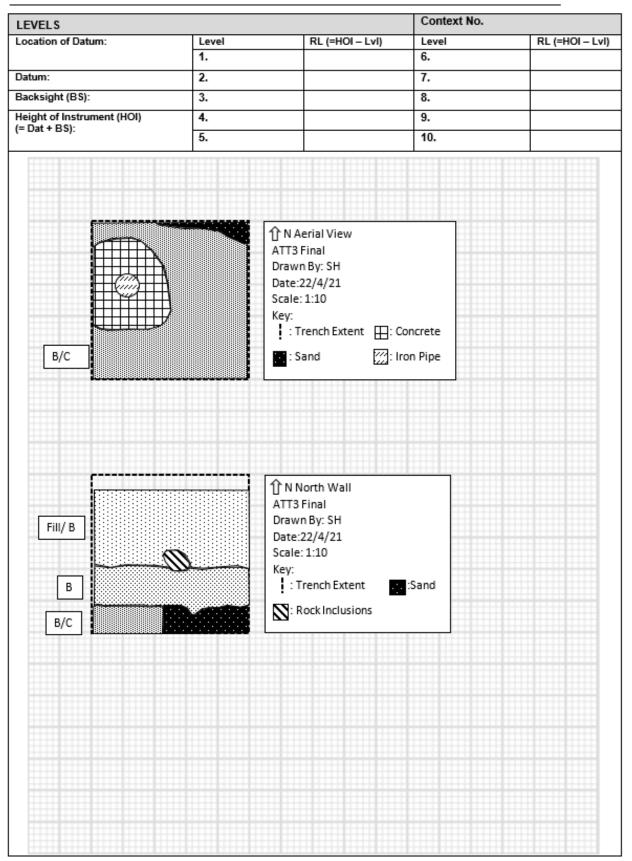


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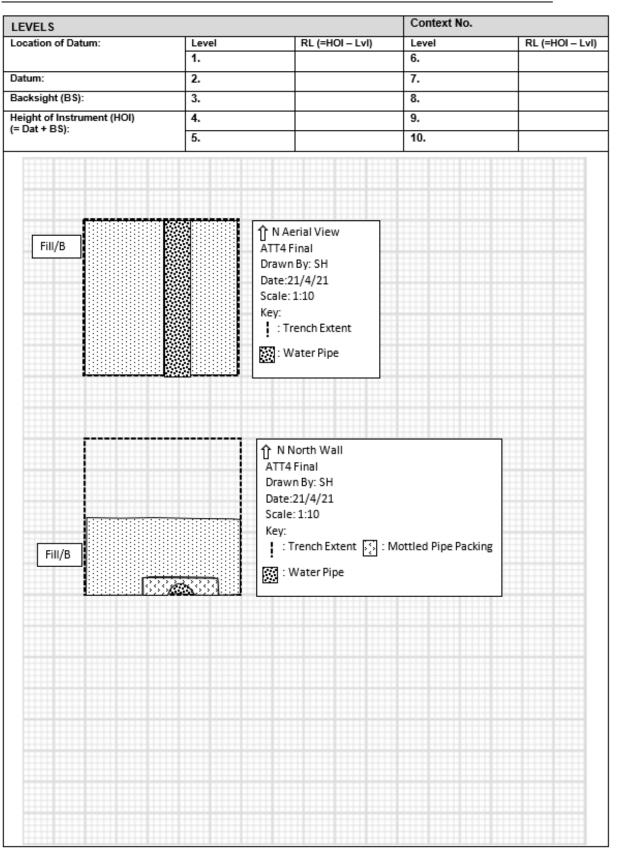
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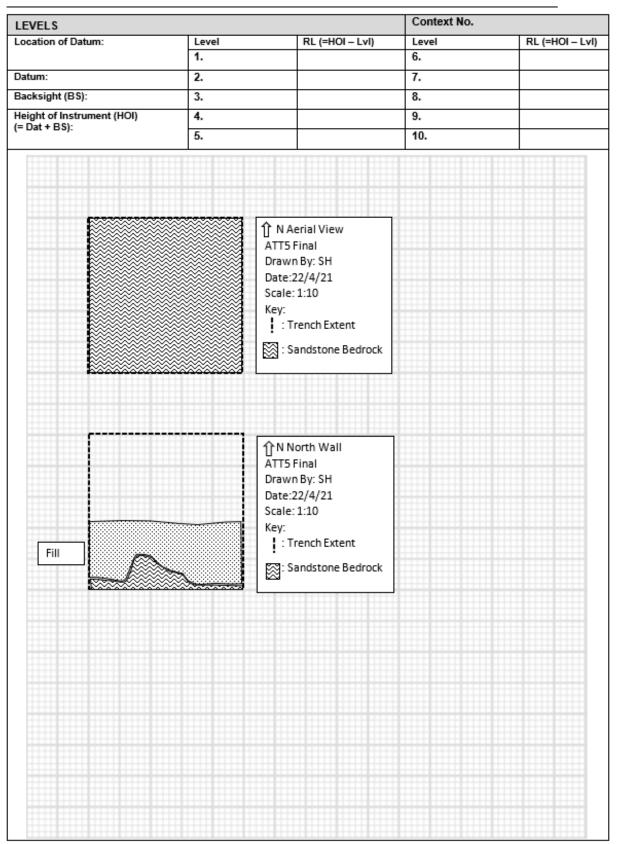
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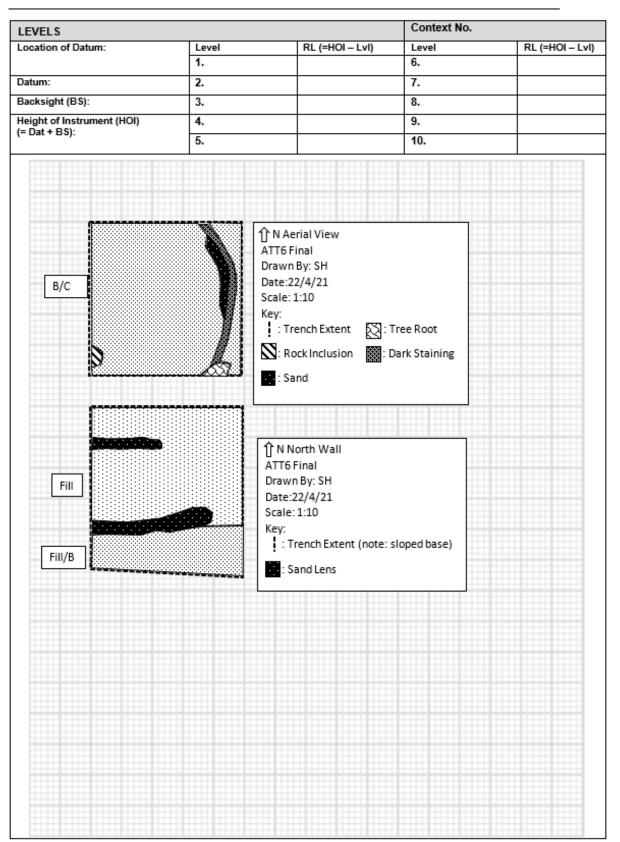


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Aboriginal Test Excavation Report President Private Hospital – 369-381 President Ave, 61-65 Hotham Rd & 2-4 Bidurgal Ave, Kirrawee

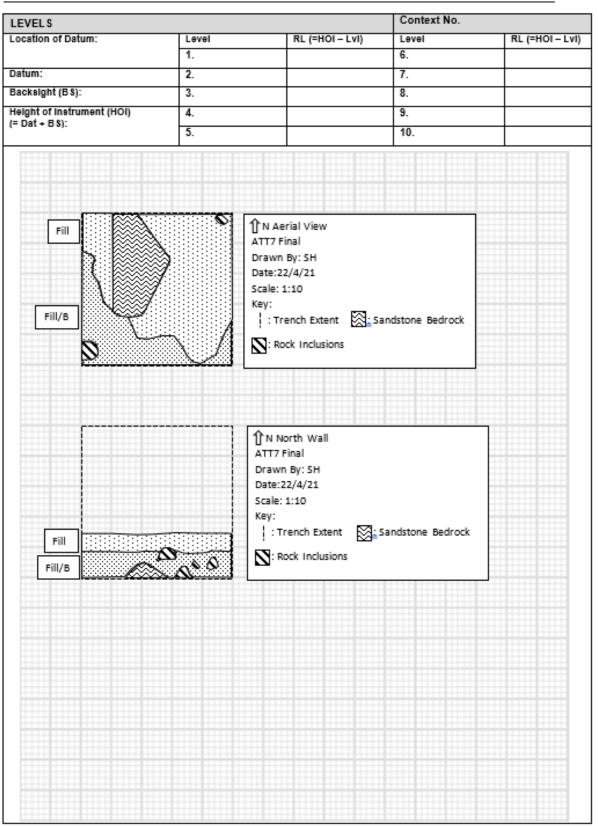


AM	IAC G	roup Aborigir	al Ar	chaeo	logy Re	ecordin	ig Forπ	1 - Ì	Test E	xcavat	ion		PF	H21			
	cavator	r		orded E	,	ate:		Ar	ea				Pit Numbe	er 🛛			
JP			JP/S	н	22	/4/21							ATT6				
	ension		Tran	sect (G	iPS)			on/L	.andfor	m			Pit GPS:				
1m :	m x 0.5r x 1m						Crest										
Des	criptio	n of Pit: (e.g., Hi	storical	Featur	es, Natur	al Featur	es)										
- 14	10-14	As II Lindson	I Mada		atala orde					d				hi4			
ipit Io.	Spit Depth (mm)	Soli Horizon	clear	, textur	latrix, Colo e (grainy, (loose, we	smooth,	plasticine	9, 8p	oongy), N	Aoisture (dry, i	molst),	Artefaots (NPW)	No. of Bucke			
1	50	Introduced Fill	Dark	loose	e brown	silt loar	n. Abur	nda	nt root	s prese	nt.		0	7			
2	150	Introduced Fill			it grey-b idary at			Grey-brown sand lens with				vith	0	4			
3	250	Introduced Fill	jar. \$ Clea	Mid to dark brown silty sand. Historical artefact found - glass jar. Second grey-brown sand lens identified at 28-32cms. Clear boundary.						ms.	0	5					
4	350	Fill /B		storical artefact found – brick.										id to dark brown soil with rock and tree root inclusions. 0 istorical artefact found – brick.		0	5
5	5 450 Fill /B Mid grey-brown sandy loam with some orange-brown mottling. Rock inclusions. Diffuse boundary into clayier loam.											0	4				
6	550	B/C		grey-b	orown cl	ay loan	n with o	ran	ge, yel	low and	l ligt	nt grey	0	2			
		Notes: (e.g., sec)						le Charcoal (C14)			
Dist	turban	ce continued un	til 35cı	ms- bri	ck prese	nt.						Spit: Sampi Spit:	le Soll (TL / (DSL)			
	tograp			D :		1.0.1					_						
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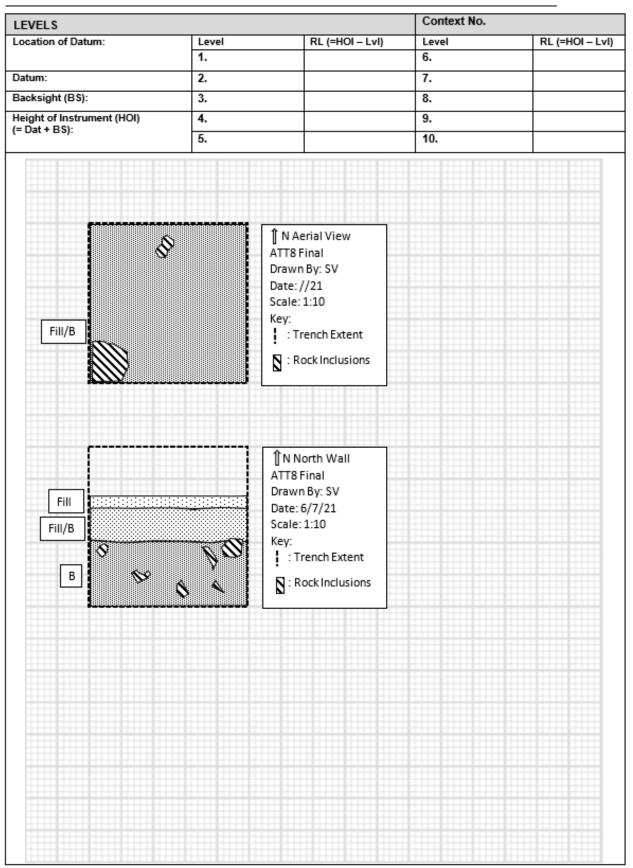
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Exc	cavato	r	Reco	rded E		ite:		Area			Pit Numbe	r
SH			SH		22	/4/21					ATT7	
	ensior		Trans	sect (G	iPS)		Locatio	n/Landfo	rm		Pit GPS:	
	n x 0.5 x 1m	m 🗹					Crest					
		n of Pit: (e.g., His	storical	Featur	es, Natura	al Feature	2S)					
pit	Spit	ŝoli Horizon	Notes	en N	latrix Cold	ur /moffle	ad) Horiz	ontel hour	derv (diff	use, sharp,		No. of
lo.	Depth (mm)		clear)	, textur	e (grainy,	smooth, p	plasticine	, spongy),	Molsture	(dry, molst) (s, charcoal	Artefaoto	
1	50	Introduced Fill		se dar sions	k brown	silty loa	im tops	oil with a	ibundan	t rock	0	2
2	150	Fill/B	Mott	led gr	ey-brow	n sandy	loam v	vith abur	ndant sa	ndstone	0	2
										harcoal		
	 		pres	ent. C)verlayin	g ridge	in sand	stone be	drock.			
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Fxc	avator		Reco	orded E	3v Da	ate:		Δ	rea				Pit Numbe	r
SV	arator		SV	1404 2		7/21			tage Tw	0	_		ATT8	
Dim	ensions	. /	Tran	sect (G	(PS)		Locat	tion/l	Landfor	m			Pit GPS:	
0.5n	n x 0.5m			000110	,, 01		Slope						110101	
	<u>(1m</u>		listeriaal	Eastur	an Matur	al Castur	()							
Mair	nlv reder	of Pit: (e.g., H oosited fill – tur	fed over	reatur	es, Natur	ai reatur	es)							
	.,,													
pit lo.	Spit Depth (mm)	Soil Horizon	clear), textur	latrix, Colo e (grainy, (loose, we	smooth,	plastici	ne, sj	pongy), I	Moist	ire (dr	y, moist),	Artefacts (NPW)	No. of Bucket
1	50	Fill/turf	Lan		er's tops wn sand					'n loa	ım al	bove light	: 0	1
2	100	Fill/ B			w-browr sandsto							nd	0	3
3	100	В			own san ing pres	and	0	3						
4	100	В		Yellow-brown sandy clay. Moist with ironstone, sandstone, grey- orangey mottling and charcoal present.										3
												Spit	le Soil (TL / C	
												Spit		,02,
	tograph									1.				
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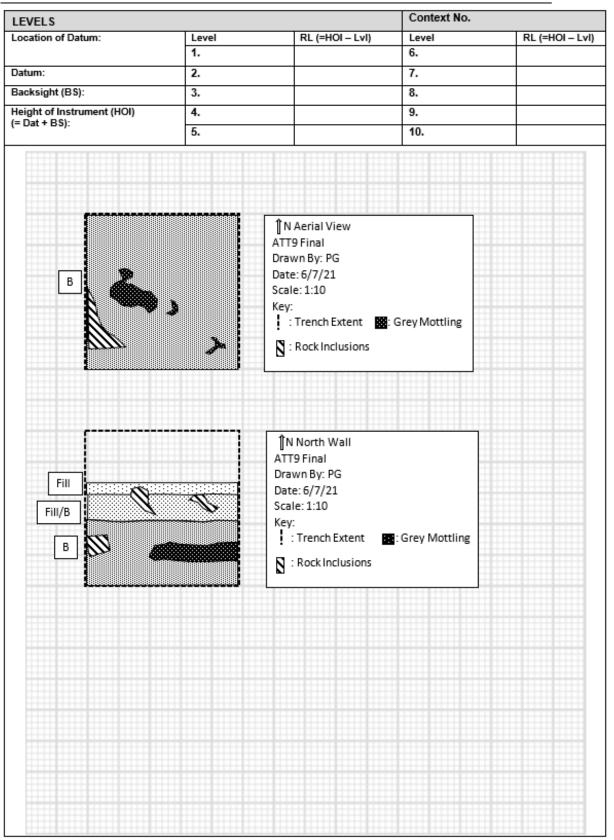
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Exc	avator		Recorded E	Date:	e: Area					Pit Number		
PG			PG		6/7/21		Stage Tw	0		ATT9		
	nensions		Transect (G	Transect (GPS) Location/Landform						Pit GPS:		
0.5m x 0.5m 전 Top gentle slope												
	x 1m	of Pit: (e.g., Hi	istorical Featur	res Nati	ural Featur	res)						
		fill with sandste				00)						
	-		_									
Spit No.	Spit Depth (mm)	Soil Horizon	Notes e.g., N clear), textur Compaction etc)	Artefacts (NPW)	No. of Buckets							
1	50	Fill/ turf		Turf grass- dark brown, moist, loamy topsoil with roots present. Yellow brown sandy fill below.								
2	100	Fill/ B	Trace root	Mixed mid-brown clayey loam and yellow brown sandy soil. Trace roots, loose sandstone fragments and some ironstone fragments present.								
3	100	В	Mid-browr	Mid-brown and yellow sandy loam fill with numerous sandstone fragments and 1% charcoal.								
4	100 B Mottled grey and yellow brown clayey loam fill with sandstone and ironstone fragments present and 5% charcoal.								6	0	4	
									Spit			
Dha									Sampl Spit:	e Soil (TL / C	OSL)	
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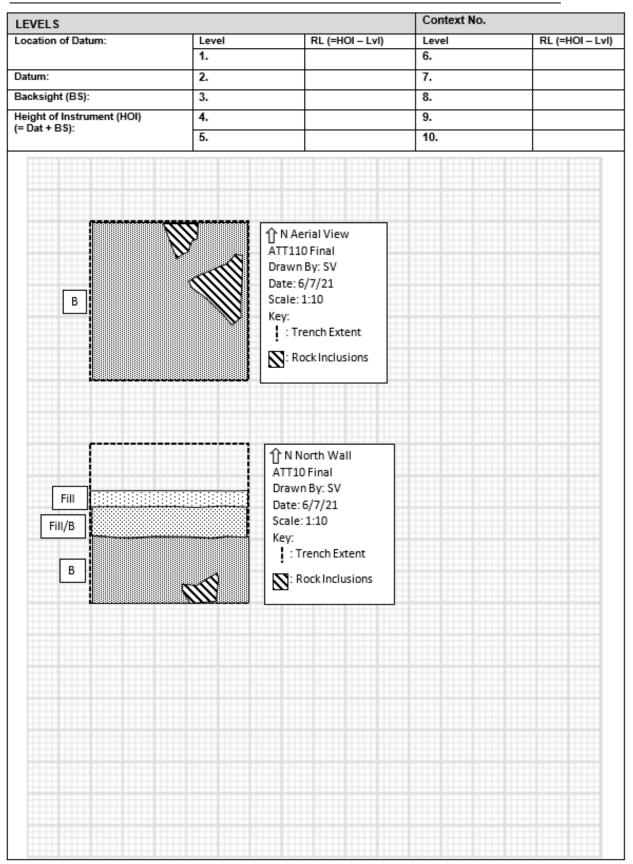
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111



Exc	avator		Recorded By Date: Area					Pit Number				
s٧			sv	6/7/21		Stage Two	D		ATT10			
Dim	ensions	; /	Transect (GPS)	Transect (GPS) Location/Landform					Pit GPS:			
	0.5m x 0.5m 전 Top of Slope											
	x 1m	of Pit: (e.g., Hi	storical Features,	Natural Fe	aturee)							
		osited fill.	storical i catures,	ivaturari c	atures							
	, ,											
Spit No.	Spit Depth (mm)	Soil Horizon	Notes e.g., Matri: clear), texture (g Compaction (loo etc)	Artefacts (NPW)	No. of Buckets							
1	50	Fill/ turf		Landscaper's topsoil- moist and rich dark brown loam lays above light yellow-brown sandy fill. Roots present.								
2	100	Fill/ B		Light yellow-brown loamy sand fill. Moist with roots, sandstone, charcoal, metal and glass present.								
3	100	В		Yellow-brown sandy clay. Moist with sandstone, charcoal and grey mottling present.								
4	100 B Yellow-brown sandy clay. Moist with sandstone, charcoal and abundant grey mottling present.								0	3		
								Spit	<u> </u>			
	Spit.									OSL)		
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Pho	tograph						I I			1		
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Exc	avator		Recorded	By	Date:		Ar	ea			P	it Numbe	r
PG			PG	-			Stage Two					ATT11	
Dim	ensions	3 /	Transect (GPS) Location/Landform							P	it GPS:		
	n x 0.5m	r ۲	Slight Slope										
	x 1m cription	of Pit: (e.g., His	storical Featu	ires Nat	tural Feat	ures)							
200	emption	or 14 (0.g., 14	in the second second			0.007							
Spit No.	Spit Depth (mm)	Soil Horizon	Notes e.g., Matrix, Colour (mottled), Horizontal boundary (diffuse, sharp, clear), texture (grainy, smooth, plasticine, spongy), Moisture (dry, moist), Compaction (loose, weak, firm,), Inclusions (grass roots, rocks, charcoal etc)										No. of Buckets
1	50	Fill/ topsoil	Moist dar numerous	Moist dark brown loamy topsoil and grass turf with numerous root inclusions. Redeposited light brown- yellow sandy fill below.									1
2	100	Fill/ B		Mid-brown loamy sand. Moist with sandstone, brick, ironstone, and plastic inclusions. 2% charcoal present.									3
3	100	В		Mid-brown- yellow sand with brick, sandstone and metal inclusions. 2% charcoal flecks present.								0	2
4	100 B Yellow-brown sandy clay with some grey mottling. 1% charcoal and sandstone fragments present.									0	1		
											_		
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											mple	Soil (TL / C)SL)
Dho	tograph									Sp	it		
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