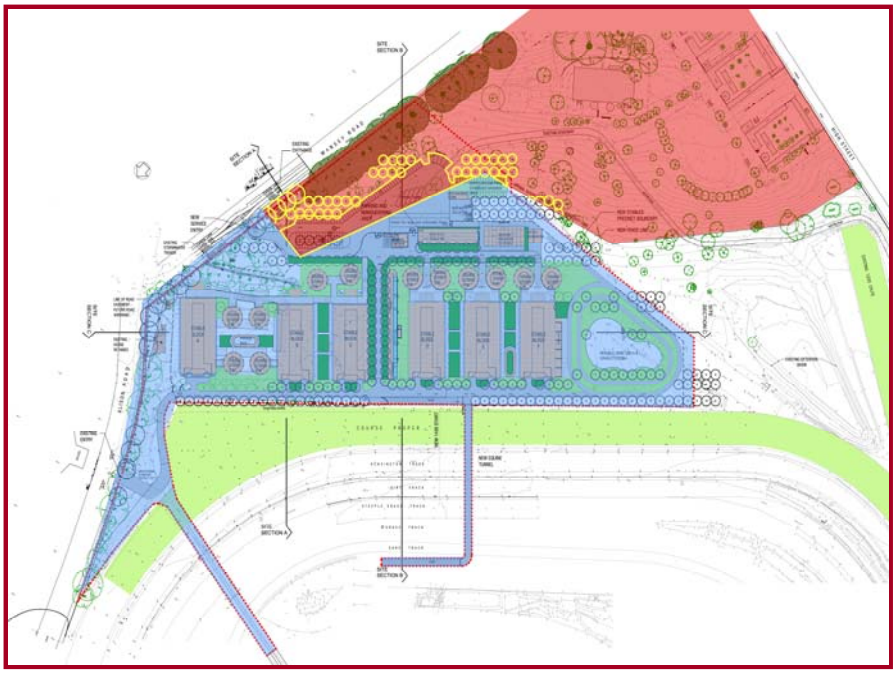
ROYAL RANDWICK RACECOURSE: PROPOSED STABLES PRECINCT REDEVELOPMENT

ABORIGINAL HERITAGE IMPACT ASSESSMENT

FOR

AUSTRALIAN JOCKEY CLUB/URBIS



Map of areas of high (red) and low (blue) archaeological sensitivity, and potential project impacts (yellow).

Final Draft Report

28 September 2010

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GLOSSARY

Aboriginal Heritage Impact Assessment	A document developed to assess the archaeological and cultural values of an area, generally required as part of an Environmental Assessment (EA).
Aboriginal Heritage Impact Permit (AHIP)	The statutory instrument that the Director General of DECCW issues under Section 87 and/or 90 of the *National Parks and Wildlife Act 1974* to allow the impact and/or destruction of Aboriginal objects. AHIPs are not required for a project seeking approval under Part 3A of the *Environmental Planning and Assessment Act 1979.*
Aboriginal object	A statutory term defined under the *National Parks and Wildlife Act 1974* meaning, 'any deposit, object or material evidence (not being handicraft made for sale) relating to Aboriginal habitation of the area comprising NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.
Concept Plan Approval	A type of approval sought and granted under Part 3A of the *Environmental Planning and Assessment Act 1979*. A Concept Plan Approval indicates a general consent for a project and provides certainty to a Proponent to proceed with further approvals. It does not, however, allow for a project to be implemented without further approvals being obtained.
Department of Environment, Climate Change and Water (DECCW)	A State government agency that manages and regulates Aboriginal heritage under Part 5 and 6 of the *Environment Planning and Assessment Act 1979.* It is also involved in providing technical support to the Department of Planning for projects considered under Part 3A of the *Environmental Planning and Assessment Act 1979.*
Department of Planning (DoP)	The Consent Authority for Environmental Assessments (EA) considered under applications made in accordance with Part 3A of the *Environment Planning and Assessment Act 1979.*
Environmental Assessment (EA)	A document developed to assess the impacts of a development to the environment. The document is a

	requirement of any development requiring approval from DoP under Part 3A of the *Environmental Planning and Assessment Act 1979.*
Environmental Planning and Assessment Act 1979	Statutory instrument that provides planning controls and requirements for environmental assessment in the development approval process. The Act is administered by DoP.
National Parks and Wildlife Act 1974	The primary piece of legislation for the protection of Aboriginal cultural heritage in NSW. Part 6 of this Act outlines the protection afforded to and offences relating to disturbance of Aboriginal objects. The Act is administered by DECCW.
Potential Archaeological Deposit (PAD)	An area assessed as having the potential to contain Aboriginal objects. PAD are commonly identified on the basis of landform types, surface expressions of Aboriginal objects, surrounding archaeological material, disturbance, and a range of other factors. While not defined in the *National Parks and Wildlife Act 1974*, PADs are generally considered to retain Aboriginal objects and are therefore protected and managed in accordance with that Act.
Proponent	A corporate entity, Government agency or an individual in the private sector which proposes to undertake a development project. The proponent for this project is Australian Jockey Club.
Project Approval	A type of approval sought and granted under Part 3A of the Environmental Planning and Assessment Act 1979. In contrast to a Concept Plan Approval, a Project Approval allows for a development to proceed in accordance with its Statement of Commitments (which outline environmental impact mitigation measures to be implemented during and after development).

ABBREVIATIONS

AHIA	Aboriginal Heritage Impact Assessment
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AHMS	Archaeological and Heritage Management Solutions Pty Ltd
DECCW	Department of Environment, Climate Change and Water
DGR	Director-General's Requirements
DoP	Department of Planning
EA	Environmental Assessment
GIS	Geographical Information System
LALC	Local Aboriginal Land Council
LGA	Local Government Area
PAD	Potential Archaeological Deposit
RRR	Royal Randwick Racecourse

EXECUTIVE SUMMARY

AHMS was contracted by Urbis on behalf of the Australian Jockey Club (AJC) to undertake an Aboriginal Heritage Impact Assessment (AHIA) of a portion of the Randwick Racecourse site known as the Stables Precinct. The assessment was undertaken by Vanessa Hardy (Cultural Heritage Connections Pty Ltd) for AHMS and in conjunction with the La Perouse Local Aboriginal Land Council and Dharawal Elders.

The assessment is required as part of the Environmental Assessment for a redevelopment plan for the site. The development aims to enhance the racing related facilities and function of the site as well as enabling the site's long-term development potential to be realised and the area to be better integrated with surrounding uses. The development has been designated a Major Project under Part 3A of the NSW *Environmental Planning & Assessment Act 1979*.

The Stables Precinct portion of the proposed development includes an area of the racecourse site to the northeast, fronting Alison and Wansey Roads and including areas which currently contain a dwelling, stalls, farriers' workshop and various track elements.

A background assessment was undertaken which included examination of the environmental and historical background to the study area. Of particular relevance was the presence of a site approximately 500 metres to the southeast of the racecourse where an Aboriginal hearth was excavated at the Prince of Wales Hospital site. This site provides evidence of the presence of intact archaeological deposit within the same landform as that of the study area and with a similar level of prior disturbance. In addition, a previous archaeological assessment of the entire racecourse site had designated a portion of the Stables Precinct as an area of high Aboriginal archaeological sensitivity while the remaining area was assessed as having low Aboriginal archaeological potential.

The site was inspected by Vanessa Hardy, archaeologist and a representative of the La Perouse LALC and Dharawal Elders on 3rd September 2010. No Aboriginal objects or other evidence of past Aboriginal occupation were observed during the survey. It was assessed as unlikely that any evidence would remain on the surface due to the previous and ongoing impacts. However, potential for sub-surface archaeological potential was identified. The findings of the previous study were confirmed and the identification of the area of high Aboriginal archaeological sensitivity supported by the current assessment.

The proposed development includes some 600 stables within 6 two-storey stable buildings, generally accommodating 100 stables per block. A new tie-up stalls building is also proposed for visiting horses, with 50 stalls and two wash-bays.

The majority of the proposed development footprint identified in this report is with the area of low archaeological potential and requires no further archaeological investigation. Within the area of high sensitivity, it is proposed to construct parking for cars and floats and to conduct clean-up and minor landscaping works.

The assessment concluded that these works have some potential to disturb any archaeological evidence that may remain in the area of high sensitivity. As such it is recommended that archaeological testing be undertaken to accurately determine the nature and extent of any archaeological deposit remaining within the sensitive zone.

The following recommendations were developed in light of the findings of the assessment, the likely impacts and the Aboriginal community views to manage the archaeological and cultural heritage values of the study area in light of the proposed development:

1. Consultation with the Aboriginal community should continue and they should be given the opportunity for continued involvement in the project;
2. No further archaeological assessment or action is required in the portion of the Stable Precinct study area designated low archaeological sensitivity in **Figure 8**;
3. Prior to any direct or indirect disturbance in the area of high Aboriginal archaeological sensitivity (**Figure 8**), archaeological testing should take place to determine the nature and extent of the archaeological resource within the area. The subsequent approvals and requirements to undertake testing and/or salvage of the archaeological resource will be dependent upon the approval process proposed for the project. These are discussed in **Section 7**. However, in all cases, testing/salvage of the archaeological resource should ensure that a suitably qualified archaeologist is engaged to prepare a methodology, research design and undertake the archaeological excavations, in consultation with the Aboriginal communities, DoP and/or DECCW;
4. Depending on the findings of (3) and the identification of archaeological materials within areas of high Aboriginal archaeological sensitivity. Areas not subject to impact by the proposed development should be preserved. If these areas prove not to retain Aboriginal objects/sites, this recommendation should be reviewed and/or removed; and
5. In the event that previously undiscovered Aboriginal objects, sites or places (or potential Aboriginal objects, sites or places) are discovered during construction regardless of location, all works in the vicinity of the find should cease and AJC/Urbis should determine the subsequent course of action in consultation with a heritage professional, relevant registered

Aboriginal stakeholders and/or the relevant State government agency as appropriate;

6. Should suspected Aboriginal skeletal material be identified, all works should cease and the NSW Police and the NSW Coroner's office contacted. Should the burial prove to be archaeological, consultation with a heritage professional, relevant registered Aboriginal stakeholders and/or the relevant State government agency should be undertaken; and
7. Consideration should be given to developing interpretive and educational material relating to the Aboriginal associations with the area for public display. This should be developed in conjunction with the Aboriginal community.

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1.0 INTRODUCTION

1.1 Background

Cultural Heritage Connections Pty Ltd was commissioned by Archaeological and Heritage Management Solutions Pty Ltd (AHMS) on behalf of Urbis and the Australian Jockey Club (AJC) to undertake an Aboriginal Archaeological Heritage Impact Assessment (AHIA) for the proposed construction of a new stable facility at Royal Randwick Racecourse (RRR), Alison Road Randwick (**Figure 1**).

The Royal Randwick Racecourse site is a substantial land holding located in the heart of Sydney's Eastern Suburbs. At the same time as enhancing the racing related facilities and function of the site, redevelopment of the various precincts within the RRR site will enable more efficient utilisation of the RRR land, enabling the site's long-term development potential to be realised and the area to be better integrated with surrounding uses.

The Stable Precinct development will be assessed under Part 3A of the NSW *Environmental Planning and Assessment Act 1979* (MP 10_008). The Director General's Requirements (DGRs) for the Project Application require that potential impacts to Aboriginal heritage be considered as part of the Environmental Assessment (EA). The EA is required to consider potential impacts of the proposed development on any items, areas of places of Aboriginal archaeological significance.

1.2 Scope & Objectives of the Assessment

The main objective of the study is to undertake an AHIA for the proposed development in partnership with the Aboriginal community representatives. The report has been designed to form part of the EA for the project. The study will aim to assess the potential impact of the proposed development on known Aboriginal objects or sites as well as on soil profiles with further potential to contain Aboriginal archaeological deposits and objects. It also aims to make recommendations for the ongoing management of Aboriginal cultural heritage values in collaboration with the La Perouse Local Aboriginal Land Council (LALC). The LALC also acts on behalf of the Dharawal Elders, a traditional owner group for the area.

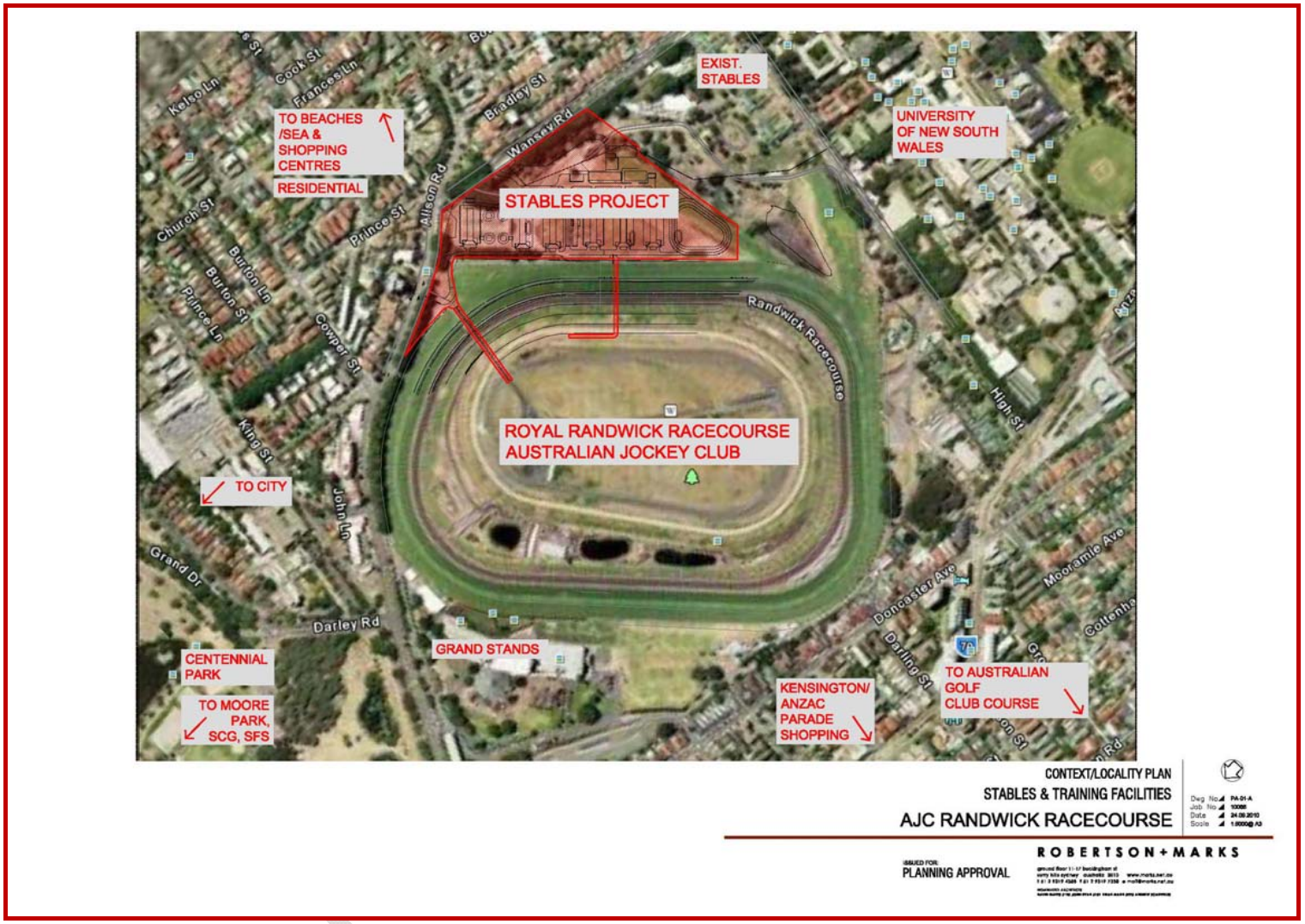

Figure 1. Map showing the study area.

1.3 Study Area

The Stables Precinct (the study area), is located along the eastern boundary of the RRR site fronting Wansey Road. It currently includes a variety of structures including house and workshop buildings, stalls as well as track elements, training track, stewards' towers and the 1400 metre chute.

1.4 Report Structure

The remainder of this report is set out as follows:

- Section 2.0 – legislative framework protecting Aboriginal heritage in NSW;
- Section 0 – existing environment, including environmental background, and historical and archaeological background;
- Section 4.0 – results of the site inspection;
- Section 5.0 – significance assessment;
- Section 0 – potential impacts associated with the proposed development; and
- Section 7.0 – conclusions and recommendations.

1.5 Authorship & Acknowledgements

The archaeological background, site inspection and reporting for the assessment were undertaken by Vanessa Hardy (BA Hons), archaeologist and Director of Cultural Heritage Connections Pty Ltd. Mapping was completed by Laura Matarese and review and quality control undertaken by Alan Williams and Lisa Newell.

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

- Jonathan Seward & Mark Flanagan, AJC
- Shane Ingrey & Dave Ingrey, La Perouse LALC

1.6 Aboriginal Consultation & Participation

Due to the timeframes of the project, formal Aboriginal consultation in accordance with the DECCW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)* could not be undertaken. I*nformal* Aboriginal

consultation, however, was undertaken with a small number of Aboriginal stakeholders known to be interested in the area.

The assessment was undertaken in conjunction with the La Perouse LALC and Dharawal Elders, the latter generally being represented by the former. The archaeologist discussed the site and development plans with Dave and Shane Ingrey, both of whom are familiar with the study site locality and other cultural heritage sites in the vicinity. Site plans and plans of the proposed development were provided at the time of the site inspection.

Shane Ingrey, Sites Officer La Perouse LALC, participated in the site inspection and a copy of this report in draft form has been provided to the La Perouse LALC for comment. Comments will provided as **Appendix 1** when they are received.

1.7 Limitations

The AHIA has been based on existing and publically available environmental and archaeological information and reports about the assessment areas and the survey of the areas subject to development. It did not include any independent verification of the results and interpretations of externally sourced existing reports (except where survey indicated inconsistencies).

The AHIA includes some predictions about the probability of subsurface archaeological materials occurring in certain landforms/landscapes of the assessment areas. The predictions have been based on surface indications noted during the field assessment and environmental contexts. It is acknowledged, however, that sub-surface materials may survive in landform/landscape contexts despite surface and environmental indicators that may suggest that they do not. The converse also applies.

Additionally, while DECCW Aboriginal Heritage Information Management System (AHIMS) information was utilised for the assessment, the scope and the quality of the AHIMS data provided (for example, grid references) can be inaccurate. Inacuracies ahve been addressed where apparent but may some may remain.

This assessment is limited to the potential Aboriginal archaeological impacts of the proposed Stables Precinct development as shown in **Figure 2.** Impacts to historic or other heritage items and other parts of the site have not formed part of this assessment.

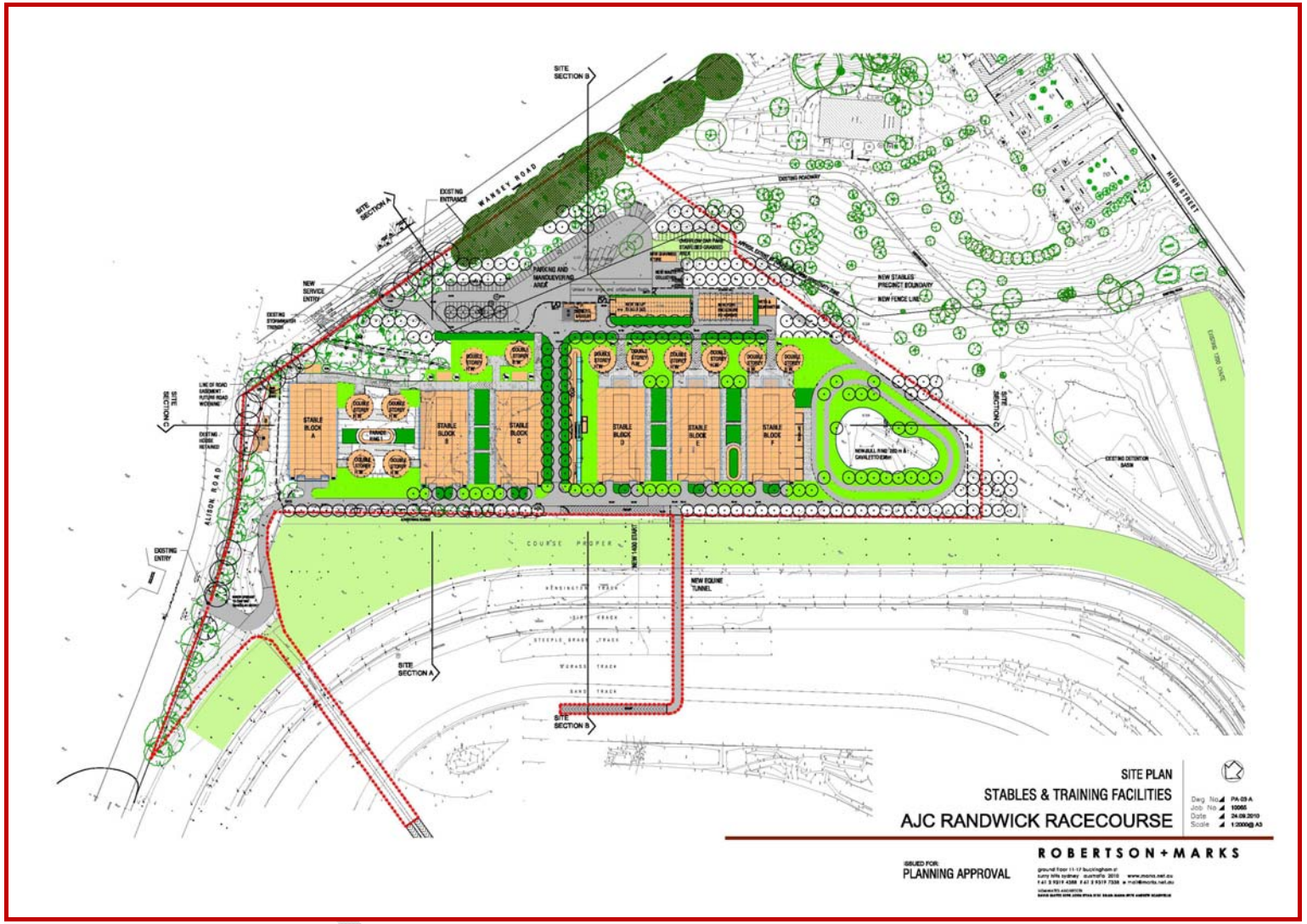

Figure 2. Map showing the Stable Precinct investigated as part of this AHIA.

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2.0 LEGISLATIVE CONTEXT

This section outlines the legislative framework protecting archaeological heritage sites in NSW, and the study area. It does not purport to be legal advice. It presents an interpretation of the implications for the management of archaeological sites within NSW and the study area as understood by the consultants.

2.1 Commonwealth Heritage Legislation & Lists

2.1.1 Aboriginal and Torres Strait Islander Heritage Protection Act (1984)

The *Aboriginal and Torres Strait Islander Heritage Protection Act (1984)* was enacted at a Federal level to preserve and protect areas (particularly sacred sites) and objects of particular significance to Aboriginal Australians from damage or desecration. Steps necessary for the protection of a threatened place are outlined in a gazetted *Ministerial Declaration* (*Sections 9* and *10*). This can include the prevention of development.

As well as providing protection to areas, it can also protect objects by *Declaration*, in particular Aboriginal skeletal remains (*Section 12*). Although this is a Federal Act, it can be invoked on a State level if the State is unwilling or unable to provide protection for such sites or objects.

No Aboriginal sites or places within the study area are currently subject to a Declaration.

2.1.2 Environment Protection & Biodiversity Conservation Act (1999) (Commonwealth)

The *Environment Protection & Biodiversity Conservation Act (1999)* (Commonwealth) provides protection of natural and cultural heritage places at a Federal level. The Act established three heritage registers; World heritage, Commonwealth heritage and National heritage. World heritage items are those listed for outstanding international heritage values. National heritage items are assessed as having natural or cultural significance at a national level. The World and National lists may include items on private or state crown land. The Commonwealth list only includes items on land owned by the Commonwealth.

Items on the registers described above are protected under the terms of the *EPBC Act*. The Act requires approval before any action takes place which has, will have,

or is likely to have, a significant impact on the heritage values of a listed place. Proposals for actions which could affect such values are rigorously assessed.

No places within the study area are currently included on the National, Commonwealth or World Heritage Lists pursuant to the *EPBC Act*.

2.2 NSW State Heritage Legislation

2.2.1 Environmental Planning & Assessment Act, 1979 (NSW) (EP&A Act)

The *EP&A Act* establishes the statutory framework for plan making and planning approvals in NSW. The assessment and determination of the Development Application for the proposed development is to occur pursuant to Part 3A of the Act which was established to provide a streamlined development assessment and approval process for major and critical developments for the State.

Part 3A provides for *Concept Approvals* and *Project Approvals*. Otherwise applicable State and local heritage legislation is not affected in Concept Approval contexts alone, but they are suspended in Project Approvals contexts. This means that separate approvals, normally required under certain pieces of NSW heritage legislation (including the *National Parks & wildlife Act 1974* and *Heritage Act 1977*), are not required in addition to a Part 3A *Project Approval*. However, if only a Concept Approval is obtained, subsequent stages of the development may still require approvals under these pieces of legislation.

Aboriginal community consultation is still required under the Part 3A process as outlined in *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Environment and Conservation, 2005). The guidelines refer to the DECCW's (2004) *Interim Community Consultation Requirements for Applicants* (which have now been superseded by DECCW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*).

2.2.2 National Parks & Wildlife Act, 1974 (NPW Act)

Unless otherwise suspended or constrained (such as in Part 3A *Project Approval* contexts), the NP&W Act 1974 provides blanket protection for Aboriginal objects (material evidence of Indigenous occupation) and Aboriginal places (areas of cultural significance to the Aboriginal community). While the application of the Project Approval provisions of Part 3A of the EP&A Act suspends the application of the heritage provisions of the NPW Act, the following summary of key NPW Act permit and processes is provided in the event that:

- Aboriginal objects or sites are located and require investigation in which case a similar process of archaeological investigation/salvage/analysis/etc as proscribed by the NPW Act can be outlined in the Statement of Commitments for the project; and/or
- The Minister determines now, or in the future, that the project, in whole or part, or the site in whole or part, is no longer subject to the *Project Approval* provisions of Part 3A of the EP&A Act.

Of particular relevance should the above occur, are the following sections:

- Section 84 makes provision for protection of 'Aboriginal Places' or locations of special significance to Aboriginal culture;
- Section 86 and 87 state that it is an offence to collect or disturb objects or excavate, or in any way disturb land for the purpose of discovering objects without a permit authorised by the Director-General DECCW;
- Section 89 permits the Director-General DECCW to give ownership of certain Aboriginal objects to individuals/organisations/etc. Such ownership is currently permitted through the development and endorsement of a 'Care and Control Agreement';
- Section 90 states that it is an offence to destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place; and
- Section 91 states that anyone who discovers an Aboriginal object is obliged to report the discovery to the DECCW.

In practical terms, the provisions of the Act require archaeological assessment of any land where there is potential for Aboriginal objects to be disturbed by development. The *NPWS Guidelines for Archaeological Survey and Reporting (*DECCW, 1997*)* define the format of Aboriginal archaeological assessments. These guidelines require full consultation with Aboriginal communities and relevant representative bodies such as Local Aboriginal Land Councils (LALC) and Traditional Owner's groups. Aboriginal community participation in all archaeological survey and excavation work, and consideration of the Aboriginal cultural significance of sites and places is also required.

In 2010, DECCW released new *Aboriginal Cultural Heritage Consultation Requirements for Proponents* that require a series of formal Aboriginal community consultation and notification procedures for assessments and sites that require applications under *Section 87* or *Section 90* of the NP & W Act 1974.

2.3 Assessment Guidelines

A number of best practice guidelines for heritage assessment are available for the assessment and reporting for Aboriginal sites. This assessment has been undertaken with reference to the following:

- *Ask First: A Guide to Respecting Indigenous Heritage Places and Values* (Australian Heritage Commission 2002);
- *Aboriginal Cultural Heritage Standards and Guidelines Kit* (NSW NPWS 1997);
- *Draft Guidelines for Aboriginal Heritage Impact Assessment* (NSW NPWS 2005); and
- Australia ICOMOS *'Burra' Charter* for the conservation of culturally significant places (Australia ICOMOS 1999).

3.0 EXISTING ENVIRONMENT

Archaeological assessment reports include information about the environmental context of study areas because of the important role environmental characteristics played in influencing the types of archaeological sites in any given area. Physical environments influenced both the type and availability of natural resources and the types of cultural activities that were carried out in the past. As a result, this also influences the types of archaeological sites that may be found in the present. In addition, environmental processes influence the preservation of sites. Heavy erosion or acidic soils are likely to destroy or damage certain types of evidence, reducing the likelihood of locating evidence of past occupation.

A determination of the former environmental context is essential for developing accurate models of cultural activity, site distribution patterns and the archaeological potential of any given area. The environmental context of the study area is discussed below.

3.1 Geology, Soils, Landscape & Hydrology

The study area is within the Botany Lowlands physiographic region, in an area of extensive deep dunes also known as the Botany Sands. The region is underlain by Hawkesbury Sandstone, which is described as a medium to coarse-grained quartz sandstone that contains minor lenses of shale and laminate (Chapman & Murphy 1989). Soil landscapes are an environmental grouping relating to landforms, soils and vegetation. The soils of the study area are part of the Tuggerah soil landscape (Chapman et al. 1989) and consist of Quaternary aeolian, fine to medium grained, well sorted marine quartz sand. Shell fragments are generally absent and the sand is characteristically finer than beach sands or those found on foredunes (Chapman & Murphy 1989).

It is important to remember that much of the characterisation of the local landscape is based on current information or information relating to the environment around the time of European settlement and as such may not be representative of the landscape's character throughout the period of Aboriginal use and occupation. We know from dating of the Prince of Wales site, a few hundred metres away, that Aboriginal occupation of the area extends back around 8,000 years at least. Watercourses and dune formations may have changed considerably over this time. The extent of change to the topography of the dunes is not certain (MDCA 2008).

It has been suggested that the Botany Sands began to be laid down around 10, 000 years ago and that by 6-7,000 years ago the area would have been an undulating

landscape with an irregular hummocky surface containing closed depressions and seasonal swamps (Austral/Godden Mackay Logan 1997a:7).

The typical soil profile as described during the excavations at the Prince of Wales Project excavations (a few hundred metres to the southeast of the study area) were as follows. A humic layer of decaying surface organic matter contributing to a dark topsoil of varied depth (A0-A1 soil horizon) becoming paler down the profile as organic material and minerals were leached out and the unit became an A2 horizon of bleached white, loose fine sand. The sands are highly permeable and the leached material would accumulate at the water table level, drying to form a dark compacted layer known generally as 'coffee rock' or in the local area as 'Waterloo rock' (Austral/Godden Mackay Logan 1997a). Under this, the B horizon comprises an upper (B1) unit of thin, hard, dark brown to black organic pan and beneath this a brown to red-brown iron pan grading into a yellow-brown unit becoming softer at depth. The underlying B2 is a massive yellow sand directly overlying the Hawkesbury sandstone (Austral/Godden Mackay Logan 1997a). This sand is characteristically more than 200 cm deep with the total soil profile exceeding 300 cm (Chapman & Murphy 1989).

The majority of the RRR site is low-lying ground, formerly swamps and ponds that would have formed part of the Lachlan swamp system. The dominant topographic feature is a portion of a high dune in the southeastern corner of the racecourse site. A portion of the northern slope and toe of this dune lies within the Stables Precinct study area along the Wansey Road frontage. The ground then slopes away toward the track and the majority of the study area falls within the lower lying level ground at the base of the dune.

Along the Alison Road frontage near the corner with Wansey Road there is a slope and the study area land is considerable lower than the roadway above. This looks as though the area has been partially excavated and there is a retaining wall. Parts of the site have been terraced and there is a degree of disturbance across the entire study area (discussed further in Section 3.4).

An aquifer feeds the racecourse and a large amount of water is stored on site (Jonathan Seward pers. comm.). Historic plans show that a major drainage line flowing from the Lachlan Swamps (Centennial Park) to Botany Bay ran alongside the western boundary of the racecourse land (Benson & Howell 1990).

3.2 Flora and Fauna

Prior to European settlement of the area Eastern Suburbs Banksia scrub would have dominated the landscape with paperbark and swamp species in the wet areas (Austral/Godden Mackay Logan 1997a).

Eastern Suburbs Banksia Scrub a collection of richly varied heath, scrub and low forest vegetation including *Xanthorrhoea resinosa* known to have been used by Aboriginal people for resin and spear shafts. It was also used for its nectar along with other species such as the flower spikes of *Banksia* species and *Lambertia* (Mountain Devil or Honey Flower). Other edible fruits would have included Native Cherry (*Exocarpus cupessiformis*), Native Currant (*Leptomeria acidia*), *Cassytha*, *Persoonia* and others. The extensive swamps in dune swales or along major drainage lines of the nearby Lachlan Swamps would have contained freshwater sedge swamp species (Benson & Howell 1990:90-97). A variety of edible tubers would also have been available through the dunes (Austral/Godden Mackay Logan 1997b:6). A plentiful supply of fauna would also have been available to the Aboriginal inhabitants of the area including freshwater fish, mussel and eel within the swamps as well as birds.

3.3 Archaeological & Historical Context

Aboriginal people have occupied Australia for many thousands of years. Occupation patterns would have changed through this time. For the purposes of determining settlement and site location patterns, archaeologists examine regional and local trends in the distribution of known sites in relation to environment and topography. This provides evidence about economic and social systems in the past and also assists archaeologists in predicting likely site types, site locations and the nature of the archaeological resource in any given area.

3.3.1 Aboriginal Historical Context

It is likely that the RRR site was part of the traditional lands of the Gadigal (also Cadigal and other spellings) people. Such groupings are often difficult to reconstruct now and it is acknowledged that much of our knowledge of the pre-contact social organisation of Aboriginal people comes from early historical records and is, therefore, subject to the historical and cultural biases of the recorders. It is also the case that at the time many of the observations were made, the lifestyles of Aboriginal communities may have already been altered by the presence of non-indigenous settlement. European recorders often confused the 'level' of affiliations between small family based groups, larger affiliated groups and language groupings (see also Attenbrow (2002: 57-61)) for an extensive discussion of the social organisation of Sydney's Aboriginal groups).

The Gadigal people, being close to the new European settlement, quickly suffered from the introduction of diseases and non-indigenous land acquisition. By the middle of the 19th Century it appears that only small numbers of Gadigal remained in the area. From around the 1870s onwards Aboriginal people began to

congregate in Sydney's eastern suburbs after the establishment of an 'illegal camp' at La Perouse. A mission was established in 1894 and in 1895 the camp was granted official status as an Aboriginal reserve. Aboriginal people from various areas came to live at La Perouse and the reserve grew. In 1931 it was replaced by a new 'recreation reserve' set back from the coast (DSCA 2006).

The RRR site itself has a long history of association with Aboriginal people. Aboriginal jockeys are known to have won major races and doubtless numerous other Aboriginal people have associations to the site through the racing industry. Some of these have been documented in the previous archaeological assessment for the site (DSCA 2006). The La Perouse LALC have noted that no particular physical locations within the RRR site are particularly historically significant to Aboriginal people (DSCA 2006: 28). However, the LALC supports further historic research into the involvement of Aboriginal people with the RRR (DSCA 2006: Appendix 1).

3.3.2 Regional Archaeological Context

Archaeological evidence of occupation of the east coast by Aboriginal people dates back to the Pleistocene period. Sites at Burrill Lake, south of Ulladulla, and Bass Point, Shellharbour have been dated to 20,000 and 17,000 years ago respectively.

Sites in the greater Sydney region have also been dated to the Pleistocene. Shelter sites in the foothills of the Blue Mountains have been dated to around 20,000 years before present (BP) and a radiocarbon date of around 30,000 BP [Wk – 17435] was obtained from excavation of a site at Parramatta (Jo McDonald CHM 2005). Although the charcoal sampled at Parramatta was not found in association with artefacts, the site stratigraphy and rarity of charcoal at the depth of the sample led to it being assessed that this date was likely to provide "a solid maximum age range for the cultural material retrieved from … [the] site" (Jo McDonald CHM 2005: 123).

The Prince of Wales (POW) Hospital site (discussed further below) and the Curracurrang rock shelter in the Royal National Park have both been dated to around 7-8,000 years ago. More generally coastal sites in Sydney have been predominantly dated to the mid-Holocene or later (5,000 years or less). There are a number of reasons why this may be the case. Many sites along the coast would 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. There is also a view that an increase in population and 'intensification' of much of the continent took place around this time leaving a great deal more evidence than the sparser prior occupation.

In an attempt to better understand changes in use and occupation during the Holocene period, Val Attenbrow undertook a detailed study of the Upper Mangrove

Creek catchment to the north of Sydney (Attenbrow 1987; 2002). Attenbrow's study found significant changes in site patterning during the Holocene, notably, a gradual increase in habitation sites during the early Holocene followed by a dramatic increase after 2,000 BP. During the study, sites were classified as either base camps or activity locations/transit camps based on comparative millennial artefact accumulation rates. Using these criteria, Attenbrow found that:

- Very few base camps were established during the early Holocene. It was not until the 4th millennium B.P. that more base camps were established; at the same time as ground-edged implements were introduced into the assemblage;
- During the 3rd millennium BP base camps substantially increased with a reversal in the ratio of base camps to activity/transit camps; and
- During the last 2,000 years a dramatic increase in activity/transit camps occurred, but no new base camps were established - suggesting a dramatic increase in residential mobility.

Continually changing distribution patterns indicated a re-organisation of mobility patterns of occupation and use at frequent intervals, particularly during the last 4,000 years. Although more detailed studies are required, particularly in regard to the classification of 'base camps', the Mangrove Creek investigations demonstrate at a broad level that:

- The number of occupation sites increased over time, particularly after 2000 BP; and
- Shifts in site patterning indicate periodic re-organisation of residential mobility.

The archaeology of the Sydney region has been well documented through a large number of academic studies, regional management studies and impact assessment investigations over the past 30 years. More than 4,500 sites have been recorded and registered with the DECCW Aboriginal Heritage Information Management System (AHIMS) for Sydney, reflecting both the wealth of archaeology in the region and the number of archaeological investigations undertaken. Much of this investigation is focused on the Cumberland Plain, away from the coast.

The dominant site types in the Sydney region (in the 15 - 20 % frequency range) are rock shelters with midden deposit, rock shelters with art, rock art engravings and open artefact scatters. Site types in the 5 - 15 % range include rock shelters with artefacts, grinding grooves and open middens (Attenbrow 2002: 49). The distribution, density and size of sites are largely dependent on environmental context. For instance, middens are found in close proximity to marine, estuarine and less often, freshwater bodies. Rock shelters are only found in areas of exposed sandstone escarpment and grinding grooves are found only in areas of exposed flat-bedded sandstone, particularly along creek lines.

3.3.3 Local Archaeological Context

A search of the DECCW Aboriginal Heritage Information Management System (AHIMS) sites database was undertaken on the 9/9/2010 for an area 5 x 5 kilometres centred on the study area (AGD Zone 56 e 334000-339000 n 6243000-6248000).

The AHIMS is a database of recorded Aboriginal sites within NSW. The data is limited to known sites. The majority of sites have been recorded as part of archaeological surveys or investigations, but many are also known as a result of amateur interest groups or local knowledge. New sites are recorded regularly. If an area has not been the subject of archaeological assessment, or is remote, there may be sites present that have not yet been recorded. While the register can give an indication of the types and variety of sites in a region, its value is limited by the amount of investigation carried out in a particular area.

The recorded location information for sites is also subject to variation in recording methods. Coordinates provided are often indicative rather than exact. The accuracy of locations cannot be relied on. Some sites were only ever recorded approximately without detailed map referencing. Other sites recorded prior to the 1980s were recorded using imperial grid references and converted, adding to the inaccuracy of information.

A total of 6 sites have been recorded within the search area. One of these sites is listed as a duplicate, so in effect there are 5 sites. These sites are: 2 rock engravings, one at Centennial Park and one at South Coogee; one shelter with pigment art at Queens Park; an area of potential archaeological deposit (PAD) at Queens Park and the hearth excavated at the POW site discussed further below.

Other searches discussed in the previous assessment for the site (DSCA 2006) cover the entire Randwick Local Government Area (LGA) and a strip of approximately 4 kilometres along the east coast for an area extending roughly from Cape Banks in the south and Dunbar Head at Vaucluse in the north.

In combination these searches show that rock engravings are the most common site in the area particularly along the cost. This is also a result of the fact that engravings are often more highly visible than other site types such as middens and campsites and are more likely to have been preserved in built up areas. Middens and shelter sites are the second and third most frequent site type. Open campsites such as that excavated at POW are comparatively rare. This is partly because sites in areas of exposed sandstone, such as shelters or engravings, are more easily seen, while many campsites would be sub-surface and not visible or have been destroyed due to development.

POW Hospital Excavations

Archaeological investigations at the site of the former Randwick Destitute Children's Asylum Cemetery (POW Hospital) were undertaken in 1995. The site is approximately 500 metres to the southeast of the study area within the same dune formation. The finds included 3 hearths, stone artefacts and manuport stone, all found within a bleached white sandy layer interpreted as the A2 horizon of the sand dune. This finds were located in disturbed truncated soils that had been part of the cemetery. Analysis of one of the hearth stones revealed the presence of fat associated with processing freshwater fish. The area had been variously cut, resulting in removal or truncation of some upper layers, and also filled (Austral/Godden Mackay Logan 1997a; 1997b).

The evidence of Aboriginal occupation was located approximately 40-50 cm below the surface that was present at the time of excavation. Due to the extent of historic activity and potential truncation of the deposit it was not possible to tell what the depth of the white sandy layer may have been prior to European settlement of the area.

One of the Aboriginal hearth sites was radiocarbon dated to 7,860 ± 50 BP [Beta – 87211]. Given the presence of hearths the site contained only limited numbers of stone tools and no evidence of large-scale tool manufacture. The excavators suggested this might be due to the dominance of degradable tools such as bone, wood and shell in the local tool kit. The relatively high acidity of the dune sands would have contributed to the rapid decay of such materials (Austral/Godden Mackay Logan 1997b).

The site provides good evidence for the potential for Aboriginal archaeological evidence to be preserved in the type of landform found within the study area.

Previous Assessments at RRR

A previous Aboriginal archaeological assessment was undertaken for the entire RRR site (DSCA 2006) as part of the CMP (GML 2006a). No Aboriginal sites or objects were located as part of the study. No areas of particular social significance to Aboriginal people were identified although historical associations with RRR were documented. The assessment considered the known history as well as historic plans and photos to determine that very little potential for Aboriginal archaeology remained over most of the site. These documents were consulted as part of the current study. The plans and photos will not be reproduced here and can be found in the DSCA report (2006) as well as additional material in the CMP (Austral/Godden Mackay Logan 1997a; 1997b).

The authors of the Aboriginal archaeological assessment identified one area in the southeastern corner of the RRR site that contained remnant elevated sand dune rising 5-10 metres above the central track area. Although disturbance to the area

was noted it was designated as having 'high Aboriginal archaeological sensitivity'. Part of this area of sensitivity extends into the Stables Precinct study area (**Figure 3**).

3.4 Land Use History

The development of the Stables Precinct and the RRR more generally is well documented in the CMP (GML 2006b). The following summary is largely drawn from that document and focuses on material changes to the area that could have had an impact on the potential for Aboriginal occupation evidence to remain within the study area.

The 'Infield' portion of the study area has "a history of landscaping, excavation and levelling" (GML 2006b: Appendix D vii). For this reason and due to its low-lying swampy terrain, it is unlikely to contain intact sub-surface evidence of previous Aboriginal occupation. This area is outside the area assessed as having Aboriginal archaeological sensitivity.

Previous developments in the CMP 'Precincts 7 & 8' were limited or negligible and the majority of previous construction which could have disturbed any evidence of Aboriginal occupation is still evident in the current landscape and existing buildings and features (GML 2006b: Appendix D xxvii – xxxi).

The 'Precinct 8' of the CMP is entirely within the current Stables Precinct study area. It includes the area fronting Alison and Wansey Roads and its southern boundary is just south of the northern Wansey Road gate. This area contains a house known as Wansey Cottage, the farrier's workshop, stalls, buildings and sandrolls. The Alison and Wansey Roads corner also includes a retaining wall further suggesting that the natural topography of the area has been significantly modified. All of these would have had some impact on the sub-surface profile and reduced the likely hood of Aboriginal objects remaining on the site.

A portion of the CMP's 'Precinct 7' also falls within the study area. While the majority of the structures in this precinct are to the south of the study area some other impacts are evident in this area and also extend to the north into the CMP 'Precinct 8'. These include the presence of large mature fig trees. Historic photos show that the area was probably completely cleared and began to be replanted in the 1870s. Further clearing seems to have also taken place after the 1930s (GML 2006a:81).

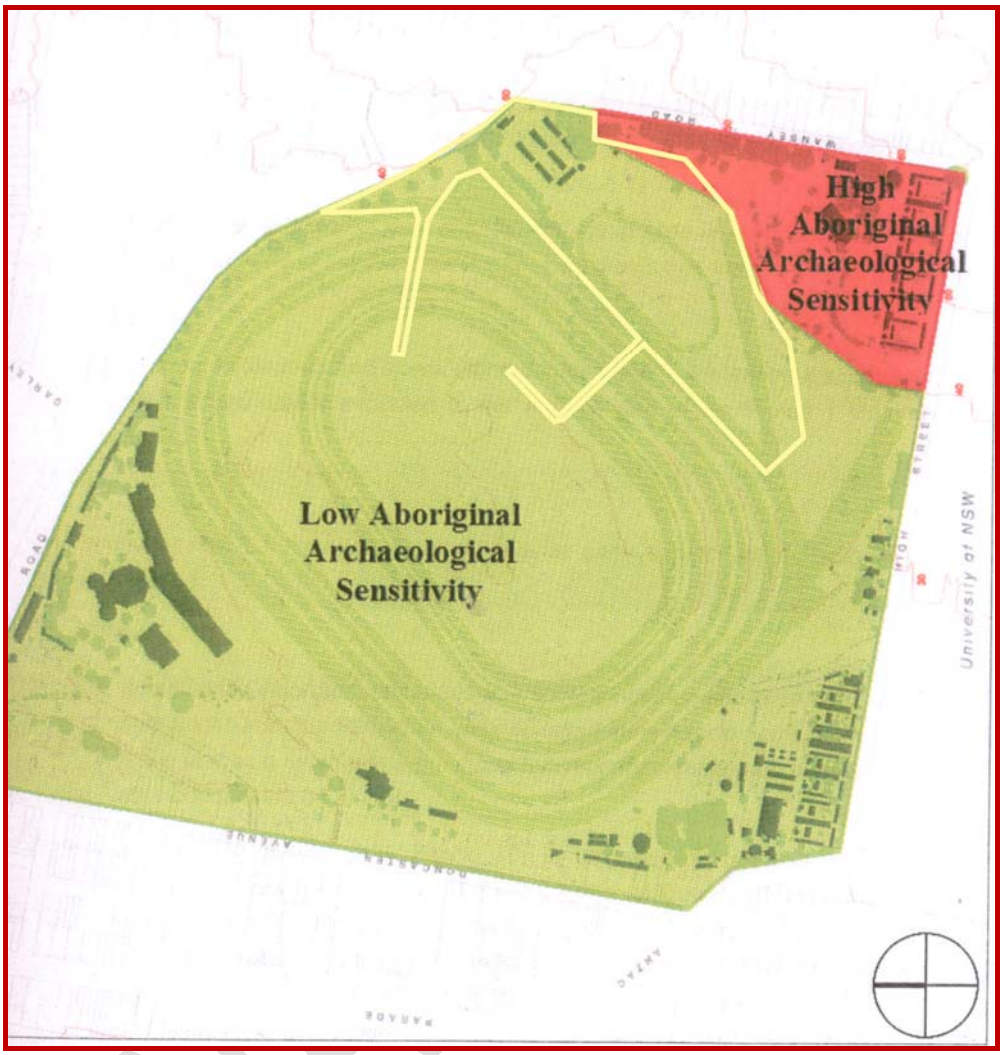

Figure 3. Royal Randwick Racecourse showing previously defined area of high Aboriginal archaeological sensitivity (source: DSCA 2006). Yellow outline shows the approximate location of the Stables Precinct study area.

3.5 Discussion & Site Predictions

The RRR site is part of an area that would have provided abundant resources and been well used by Aboriginal people in the past. Although shelter sites are the most common across the Sydney region, they only occur in areas of suitable sandstone escarpment or overhangs. The study area does not contain any sandstone shelters, overhangs or exposed areas of flat sandstone suitable for engraving. As the original vegetation has been cleared, there will be no trees of sufficient age to show evidence of Aboriginal cultural scarring.

The study area has been subject to disturbance including terracing, repeated vegetation clearing, construction of buildings and roadways as well as cutting and filling of some areas. These disturbances are likely to have removed any surface traces of evidence of Aboriginal occupation that may have existed and reduced the likelihood of sub-surface evidence remaining. Despite intensive development a number of nearby sites are known to have been preserved. The hearth site at the POW Hospital remained intact despite historic cutting and filling of the area in which it was located. There is, therefore, some potential for the presence of sub-surface archaeological evidence within the study area.

Any evidence that may remain is likely to be in the form of open habitation sites. Open sites can be artefact scatters ranging from a few discarded stone pieces (resulting from a one-off use of an area) to large sites which may have been visited by a large number of people and/or been repeatedly used over many years. In these larger sites, distinct areas relating to specific activities can sometimes be located, such as *knapping floors* where individuals would have sat to manufacture stone tools, hearths used for cooking etc. Smaller sites may included limited features. While stone artefacts are not the only cultural material that Aboriginal people would have had used, much of the rest of their possessions would have been made from materials that would be likely to decay in the acidic dune matrix.

As the majority of sites in the coastal region of Sydney are associated with sandstone landforms (shelters, engraving sites etc.) the presence of open sites such as those used for artefact manufacture, camps, cooking etc. are comparatively rare. If such sites were to be located within the study area they would have significant potential to contribute to our understanding of past Aboriginal occupation of the area. Significance of the area is further discussed in **Section 5.0**.

4.0 SITE INSPECTION

An inspection of the site was undertaken on the 3rd September 2010. Present were the archaeologist, Vanessa Hardy; Shane Ingrey representing the La Perouse LALC and Jonathan Seward, Head of Properties, AJC. Conditions were overcast with some light rain. A vehicle inspection was undertaken of the entire RRR site with a foot survey carried out across the Stables Precinct. In addition, the previously identified area of high Aboriginal archaeological sensitivity outside the Stables Precinct was also inspected on foot.

The study area has been subject to much previous disturbance and existing structures and services are still present. A portion of the precinct is covered in bitumen and elsewhere grass cover or leaf litter inhibit visibility. An existing partially paved road runs from the entry near the corner of Wansey Road and High Street (near the high point of the entire RRR site), down the slope to the base of the slope toward the north in the Stables Precinct (**Figure 4**).

The area had evidently been subject to surface impact from a variety of maintenance and use events as well as the building and infrastructure construction. For example, during the site inspection an area of stockpiled soil was being removed. In addition, garden maintenance activities and such like would also have resulted in superficial surface disturbance (**Figure 5**). Parts of the area have been terraced due to the steep nature of the slope (**Figure 6**). It is also probable that parts of the site have been removed to fill areas elsewhere on the racecourse.

No Aboriginal objects or other evidence of past Aboriginal occupation were observed during the survey. It is unlikely that any evidence would remain on the surface due to the previous and ongoing impacts. No areas of outcropping sandstone or trees of sufficient age to retain evidence of cultural scarring of Aboriginal origin were present within the study area or anywhere in the entire RRR.

Figure 4. From base of slope back up toward area of high Aboriginal archaeological sensitivity (treed area).

Figure 5. Ongoing clearing and maintenance of the site.

Figure 6. Roadway with terracing (to the right of picture) on the eastern or Wansey Road side of the study area.

Figure 7. Remnant dune slope at eastern boundary to Wansey Road.

4.1 Archaeological Potential

No archaeological evidence was observed during the site inspection. The history of disturbance at the site suggests there is no potential for surface remains of Aboriginal occupation. No scarred trees or areas with the potential to contain shelter sites or Aboriginal rock art occur within the study area. Despite the level of disturbance, sub-surface archaeological potential cannot be ruled out. Sites have been known to occur within the local area in disturbed contexts.

In considering the background site history, historical and environmental context to the study area it is concluded that there is no reason to alter the previous assessment of the area of potential high Aboriginal archaeological sensitivity (**Figure 3**).

While the upper layers of the area of high Aboriginal archaeological sensitivity have undoubtedly been disturbed, there is still potential for sub-surface material to be present. This would be in the form of open artefact sites or other open sites containing occupation evidence buried within the sand dune.

5.0 SIGNIFICANCE ASSESSMENT

5.1 Basis for Assessment

The significance of Aboriginal archaeological sites is assessed using three criteria: Scientific/archaeological (scientific), Cultural (Aboriginal) and Public Significance. These criteria recognise that Aboriginal sites are valuable in a number of ways. Namely:

- to the Aboriginal community as an aspect of their cultural heritage and as part of continuing traditions;
- to the broader community, for educational, historical and cultural enrichment values; and
- to the scientific community for potential research value.

As no sites or Aboriginal objects were located within the study area, the following discussion is preliminary and based on the potential of the area to contain evidence of past occupation. It also draws on the preliminary significance assessment undertaken as part of the previous assessment of the RRR (DCSA 2006).

5.1.1 Cultural Significance

Cultural value concerns the relationship and importance of sites to the Aboriginal community. Aspects of cultural significance include people's traditional and contemporary links with a given site or landscape as well as an overall concern of Aboriginal people for sites and their continued protection. Unmodified natural features in the landscape can also signify sacred sites/places of significance. As such they are archaeologically invisible and can only be identified with the aid of Aboriginal interpretation. If such sites are known, they hold particular cultural significance to contemporary Aboriginal people. Furthermore, sites of significance are not restricted to the period prior to contact with Europeans. Often events related to the Contact-period, and at times to the period since European settlement, may be so important to the local Aboriginal communities that they become significant. If these events relate to a specific place in the landscape, then that place (i.e. the site) may become sacred or highly significant to the local Aboriginal communities.

The previous assessment at the site noted that the RRR site formed part of a larger culturally significant landscape in prehistory and as such continues to retain general significance to the Aboriginal community today.

The perspectives of the Aboriginal community have been sought. All comments received from the Aboriginal community relating to this report will be presented in **Appendix 1** when they are received.

5.1.2 Public Significance

This category of the assessment process concerns using a site or a site's potential to educate people about the past. It also relates to the heritage value of particular sites as being representative examples of past lifestyles. Any Aboriginal objects and sites within the study area would have some public significance as a demonstration of Aboriginal occupation prior to or concurrent with European settlement.

It would appear from the historic research already undertaken (DCSA 2006) that there is an opportunity to develop educational material relating to the involvement of Aboriginal people in the racing industry and at the RRR in particular. Further consultation should occur with the La Perouse LALC regarding this.

If archaeological evidence of past occupation were to remain sub-surface within the study area it is likely it would have considerable educational significance especially considering the relative rarity of such sites in highly developed settings.

5.1.3 Scientific Significance

Scientific value is assessed according to the research potential of a site. Rarity and representativeness are also related concepts taken into account. Research potential or demonstrated research importance is considered according to the contribution that a heritage site can make to present understanding of human society and the human past. Heritage sites, objects or places of high scientific significance are those which provide an uncommon opportunity to inform us about the specific age of human occupation in an area, or provide a rare glimpse of artistic endeavour or provide a rare chronological record of changing life through deep archaeological stratigraphy.

The comparative rarity of a site is a consideration in assessing scientific significance. A certain site type may be 'one of a kind' in one region, but very common in another. Artefacts of a particular type may be common in one region, but outside the known distribution in another.

The integrity of a site is also a consideration in determining scientific significance. While disturbance of a topsoil deposit with artefacts does not entirely diminish research value, it may limit the types of questions that may be addressed. A heavily cultivated paddock may be unsuited to addressing research questions of small-scale site structure, but it may still be suitable for answering more general questions of implement distribution in a region and raw material logistics.

At this point the study area is only assessed as having research *potential* and as such it is not possible to determine its scientific significance. An accurate

assessment of the significance of the study area will require sub-surface investigation.

The majority of known archaeological sites in the local region are shelters and other coastal sites. The presence of open sites within remnant sand dune landform would therefore be able to contribute information that would not be likely to be obtained from other sources. Therefore, if there were to be substantial sub-surface archaeological evidence within the study area it would be likely to have relatively high significance due to its rarity.

6.0 POTENTIAL DEVELOPMENT IMPACTS

6.1 Description of the Proposal

The proposed Stables Precinct development identified in this report will consolidate existing stabling facilities from across the RRR site into a single location as well as bringing together other off-site stabling facilities. The proposed stables development will generally result in a like-for-like volume of stabling facilities, providing approximately 600 stables within 6 two-storey stable buildings and mezzanine level for strapper/stable hand accommodation.

The key facilities which will be accommodated in the Stables Precinct are indicated on the plan prepared by Robertson + Marks Architects, detailed in **Figure 8**.

Some 600 stables are proposed to be accommodated within 6 two-storey stable buildings, generally accommodating 100 stables per block. Each level of the stable block will typically comprise:

- 50 stables for live-in horses.
- Two Sandrolls, utilised by horses prior to washing.
- Four Washbays
- Trainers' Office.
- Feed Store, Storeroom, Tack room and Laundry.
- Stable Hand / Caretakers Accommodation.

The ground floor stables will be at-grade, with access directly from the ground level, while the first floor stables will be accessed from an elevated walkway network coming from the car parking area. A new tie-up stalls building is also proposed for visiting horses, which come for training. The Tie-up stall building will be a single storey building, with 50 stalls and two wash-bays.

The proposed Stable and Tie-up Stall buildings are situated in the northern portion of the Stables Precinct, which is in closest proximity to the racetrack and setback from the residential development along Wansey Road by a topographical change and parking facilities.

A key improvement of the Stable development is the introduction of an Equine Tunnel, which will connect the Stables Precinct to the track. The Equine Tunnel will extend under the track and connect to the infield. The Equine Tunnel will improve safety for both horses and riders, as well as improve efficiencies of the operation of the track, as horses moving across the track will not interfere with users of the track.

The proposal includes the construction of 12 two-storey mechanical Horse Walkers within the Stables Precinct. The machines will improve equestrian safety and operational efficiency. A larger 'Bull Ring' is proposed in the western portion of the Stables Precinct, which provides two horse walking tracks, for exercise and training purposes. Two smaller 'Parade Rings' are proposed, located between the Stable Blocks. These rings will provide facilities for exercising, training and showing horses. An equine pool is also proposed between Stable Blocks C and D for equine exercise and cooling after training.

Rationalisation of the vehicle access to the stable facilities will be provided through consolidating the stable facilities. The existing vehicle access point from Wansey Road will be used to service the new Stable Precinct.

Parking facilities are proposed for:

- 100 passenger vehicles; and
- 15 horse float parking spaces.

The proposal includes a number of other ancillary structures and modifications, including:

- Waste collection facilities building;
- Shaving Store for horse bedding materials;
- Refreshments kiosk for trainers and riders; and
- Works to the existing vehicle access located at Gate 8 on Alison Road, with the aim of improving the functionality of this access road for passenger vehicles.

As part of the project application, and loading as an access point to the central area of the racecourse which is utilised in major events.

6.2 Impacts to the Potential Archaeological Resource

The construction of the buildings and ancillary facilities described above would require some extensive disturbance to the ground surface as well as deeper sub-surface disturbance for building foundations etc.

The majority of the Stables Precinct development area has been demonstrated to be of low Aboriginal archaeological sensitivity. However, the potential for evidence of Aboriginal occupation to occur beneath the surface in part of the area is established by the location of such remains nearby within the same dune complex. The proposed car and float parking construction footprint does include part of this designated area of high Aboriginal archaeological sensitivity (**Figure 8**).

Outside the parking construction, the impacts to the remainder of the area of identified archaeological sensitivity are likely to be minor landscaping and cleaning up works. These works also have some potential to disturb the ground surface. It is likely that at least the top 5-10 centimetres of the ground surface are already highly disturbed and that any further disturbance to the upper 5-10 centimetres of soil profile would require no further archaeological action.

Grading for parking and other minor works have the potential to disturb areas designated as high archaeological sensitivity below 10 centimetres and as such will require mitigation. Recommendations for mitigation are presented in **Section 7.0**.

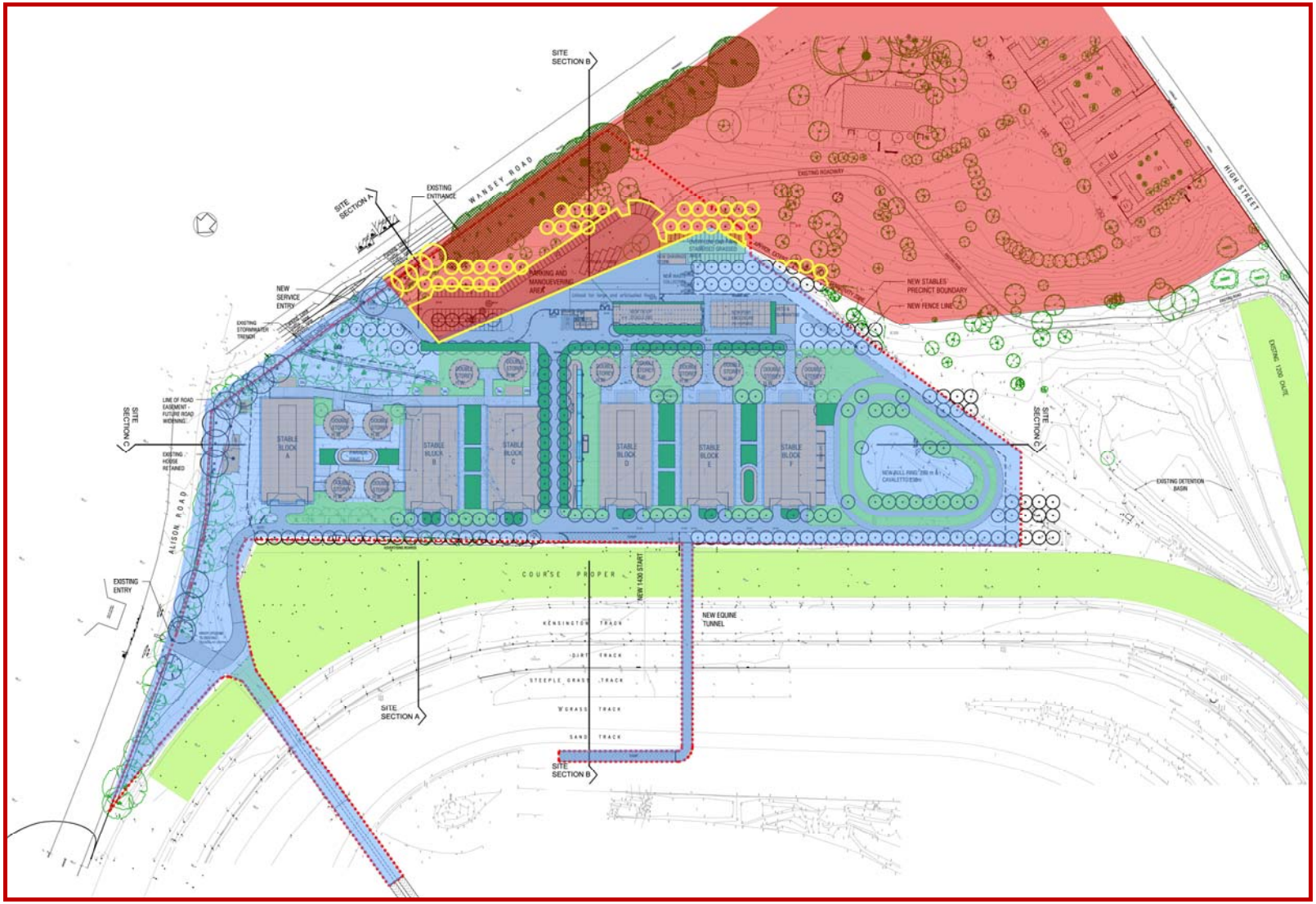

Figure 8. Map showing the location of the proposed development and the areas of high (red) and low (blue) archaeological sensitivity. The areas bordered in yellow indicates where the proposed development may potentially impact areas of high archaeological sensitivity.

7.0 CONCLUSIONS & RECOMMENDATIONS

The following recommendations are based on the legislative context, comments of the Aboriginal stakeholders and the findings of this assessment.

The results of this assessment suggest that a portion of the study area has potential to contain Aboriginal objects and/or other evidence of Aboriginal occupation of the region. The construction of the proposed development will disturb the ground surface in areas where Aboriginal objects and/or other archaeological evidence of occupation may occur (**Figure 8**).

It is therefore recommended that prior to development an archaeological test excavation be undertaken to determine the nature and extent of any archaeological remains within the area of archaeological sensitivity in the Stables Precinct study area. Testing should aim to identify areas of intact archaeological deposits, if any, and provide sufficient information to establish the extent and nature of the archaeological potential of the area in order to make recommendations about the management of any Aboriginal heritage during and after the proposed development.

The testing could be carried out by a combination of mechanical means, to remove any fill or disturbed portions of the site and then hand excavation to ascertain the nature of the natural soil profile and determine whether any evidence of past Aboriginal occupation remains within the area. To enable a broader investigation of the dune landform, ideally the testing would also incorporate any other parts of the area of high sensitivity that may be subject to impact due to concurrent development applications. Undertaking any testing in combination would enable more comprehensive results and a potentially provide a better understanding of the area.

Depending upon the legislative context, such investigation may require additional approvals and/or documentation before proceeding. Specifically:

- If the project is to be assessed and approved under the Project Approval provisions of Part 3A of the *Environment Planning & Assessment Act 1979*, Section 75U(4) of the Act allows for the investigation (for the purpose of characterisation) of the archaeological resource to be undertaken before the EA is lodged with DoP. The provisions, however, do not extend to 'salvage' excavation of the archaeological resource and subsequent excavation, as outlined below, prior to development works occurring, may also be required. Aboriginal consultation would be required in accordance with the *Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage*

Impact Assessment and Community Consultation (Department of Environment and Conservation, 2005);

- If the project is to be assessed and approved under the Project Approval provisions of Part 3A of the *Environment Planning & Assessment Act 1979,* investigation and 'salvage' of the archaeological resource should be included in the project's Statement of Commitments and undertaken following the Project's approval and prior to any development works commencing. Aboriginal Heritage Impact Permits (AHIP) under the *National Parks and Wildlife Act 1974* would not required. Aboriginal consultation would be required in accordance with the *Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Environment and Conservation, 2005); or
- If the project is subject to a Concept Plan Approval, but subsequently reverts to Part 4 or 5 of the *Environment Planning and Assessment Act 1979*, then the investigation of Aboriginal objects/sites would require an Aboriginal Heritage Impact Permit (AHIP) from DECCW. This would also require Aboriginal consultation under the DECCW *Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010),* which has a mandatory 10 week timeframe. It should be noted that AHIPs currently take up to eight weeks to be processed.

It should be further noted that a series of new DECCW guidelines for Aboriginal heritage management will come into effect on 1 October 2010. These guidelines allow for the testing and characterisation of a potential archaeological resource to be undertaken before an AHIP is sought. These guidelines currently only apply to Part 4 or 5 approvals under the *Environment Planning and Assessment Act 1979*.

It is also noted that the project provides and opportunity to further research and present information to the general public relating to the Aboriginal use of the area. This could relate to use in prehistory as well as more recent associations between Aboriginal people and the RRR site. In the past the LALC has supported further historic research into the involvement of Aboriginal people with the RRR and the development of interpretive information (DSCA 2006:Appendix 1).

7.1 Summary Recommendations

The following is recommended to manage the archaeological and cultural heritage values of the study area in light of the proposed development.

1. Consultation with the Aboriginal community should continue and they should be given the opportunity for continued involvement in the project;

2. No further archaeological assessment or action is required in the portion of the Stable Precinct study area designated low archaeological sensitivity in **Figure 8**;
3. Prior to any direct or indirect disturbance in the area of high Aboriginal archaeological sensitivity (**Figure 8**), archaeological testing should take place to determine the nature and extent of the archaeological resource within the area. The subsequent approvals and requirements to undertake testing and/or salvage of the archaeological resource will be dependent upon the approval process proposed for the project. These are discussed in **Section 7**. However, in all cases, testing/salvage of the archaeological resource should ensure a suitably qualified archaeologist is engaged to prepare a methodology, research design and undertake the archaeological excavations, in consultation with the Aboriginal communities, DoP and/or DECCW;
4. Depending on the findings of (3) and the identification of archaeological materials within areas of high Aboriginal archaeological sensitivity. Areas not subject to impact by the proposed development should be preserved. If these areas prove not to retain Aboriginal objects/sites, this recommendation should be reviewed and/or removed;
5. In the event that previously undiscovered Aboriginal objects, sites or places (or potential Aboriginal objects, sites or places) are discovered during construction regardless of location, all works in the vicinity of the find should cease and AJC/Urbis should determine the subsequent course of action in consultation with a heritage professional, relevant registered Aboriginal stakeholders and/or the relevant State government agency as appropriate;
6. Should suspected Aboriginal skeletal material be identified, all works should cease and the NSW Police and the NSW Coroner's office contacted. Should the burial prove to be archaeological, consultation with a heritage professional, relevant registered Aboriginal stakeholders and/or the relevant State government agency should be undertaken; and
7. Consideration should be given to developing interpretive and educational material relating to the Aboriginal associations with the area for public display. This should be developed in conjunction with the Aboriginal community.

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APPENDIX 1: ABORIGINAL STAKEHOLDER COMMENTS

TO BE PROVIDED WHEN RECEIVED