

Aboriginal Cultural Heritage Assessment Report

211 Pacific Highway

St Leonards

Willoughby LGA



August 2019

Report prepared for Stanton Dahl Architects

Project Summary

Coast History & Heritage [Coast] have prepared this Aboriginal Cultural Heritage Assessment report as part of a State Significant Development Application for the adaptation of office facilities currently under construction at 211 Pacific Highway, St Leonards for use as an International Chinese School. This will not involve any additional construction works for the school itself, however some landscape works are proposed, along with a new one-way vehicular access point for drop off and pick up of students, entering and exiting from an existing council carpark to the east. Our Aboriginal Cultural Heritage Assessment contains an Aboriginal archaeological assessment in accordance with the Office of Environment & Heritage (OEH) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010; 'the Code'), and documents Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009* ('the Regulation').

The study area is small and already highly impacted by the construction and use of the existing and previous facilities within Lot 101 in DP791327, and no further subsurface impacts are proposed in this area. The area proposed for a new drop off and pick up is currently a partly paved road corridor (Lot 1 in DP1191604) and landscaped lawn adjacent to a recently constructed carpark (Lot 7083 in DP93642). These areas have been historically impacted and do not retain any potential to contain intact or extensive Aboriginal archaeological remains, and we do not believe that any further Aboriginal heritage investigations are necessary in relation to the proposal. However as there remains a possibility for stone artefacts to be present in disturbed contexts within this area, we have provided an 'unexpected finds protocol' as a precaution during construction, and have recommended that there is archaeological monitoring of the initial earthworks for the creation of the new drop off and pick up area to ensure that any stone artefacts or other Aboriginal archaeological material can be collected.

Table of Contents

1	Introduction to the Project	5
1.1	What the report contains	5
1.2	Who contributed to the report	6
1.3	What we are assessing	6
1.4	What we have considered	8
2	Assessing Aboriginal cultural values	11
2.1	Who we spoke with	11
2.2	What we were told	14
3	Information we have considered	17
3.1	Environmental context	17
3.2	Historical context	18
3.3	Heritage registers and sites	19
3.4	Previous archaeological investigations	21
4	What we have observed	23
4.1	Survey methods	23
4.2	Survey observations	24
4.3	Survey coverage	26
5	Our assessment	27
5.1	What is (or may be) present within the study area	27
5.2	The significance of Aboriginal heritage in the study area	27
6	How Aboriginal heritage could be managed	29
6.1	What impacts are possible to Aboriginal heritage from this proposal?	29
6.2	Can those impacts be avoided or minimised?	29
6.3	What management strategies will be in place to protect Aboriginal heritage?	30
7	Our recommendations	33
8	References	34
	Appendix 1A: Public and Direct Notice Examples	
	Appendix 1B: Agency Responses to Direct Notices	
	Appendix 1C: Registrations of Interest	
	Appendix 1D: Information and Methodology Document	

Appendix 1E: Responses to Information and Methodology

Appendix 1F: Responses to Draft Report

Appendix 2: OEH Aboriginal Heritage Information Management System Records

Tables

Table 1. Direct Agency Notices sent on 14 and 15 May 2019.	12
Table 2. Direct Notices and responses.	12
Table 3. Registered Aboriginal Parties for this project.	14
Table 4. Summary of information provided by Registered Aboriginal Parties.	15
Table 5. Comments received on the draft report.	15
Table 6. Summary table of site types within the search area.	20
Table 7: Summary table of effective archaeological survey coverage.	26
Table 8: Landform summary - sampled areas.	26
Table 9. Impact assessment table	29

Figures

Figure 1. The study area (blue outline) in its topographic context.	7
Figure 2. The study area (blue outline) in its local context.	7
Figure 3. Current site plan for the proposed new building and 'kiss and drop' area for parents and students (plan view).	8
Figure 4. Aerial view of the study area in 1943.	18
Figure 5. View north-west along 'The Avenue' in 1900.	19
Figure 6. View south-west showing existing building	24
Figure 7. Side of the existing building, looking south to the Pacific Highway.	25
Figure 8. View north-west along The Avenue.	25
Figure 9. View east in council carpark towards Gore Hill Park.	25
Figure 10. Area proposed for archaeological monitoring of initial earthworks (red shading).	30

1 Introduction to the Project

Coast History & Heritage [Coast] have prepared this Aboriginal Cultural Heritage Assessment report to inform a development application for the adaptation of office facilities current under construction, for use as an International Chinese School. The main study area is known as Lot 101 DP 791327 and is the site of an office building and basement carpark which is being constructed within the footprint of a previous building constructed in 1985. We are also assessing small areas of Lot 1 in DP1191604 and Gore Hill Park Lot 7083 in DP93642 which are proposed as vehicular drop off and pick up access to the school. The proposal is to be assessed as a State Significant Development (SSD-10260) under Part 4 (Division 4.1) of the *Environmental Planning & Assessment Act* (1979). The Department of Planning and Environment has released its Secretary's Environmental Assessment Requirements (SEARs) for the project and these require an Aboriginal Cultural Heritage Assessment report to be prepared in accordance with current guidelines¹ and which meets Aboriginal community consultation requirements.² To meet these requirements, Stanton Dahl Architects have engaged us to complete these investigations.

Our Aboriginal Cultural Heritage Assessment contains an Aboriginal archaeological assessment in accordance with the Office of Environment & Heritage (OEH) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010; 'the Code'), and documents Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation* 2009 ('the Regulation'). It details known and potential Aboriginal heritage ('objects') within the study area and contains Aboriginal heritage management recommendations in relation to the proposal.

1.1 What the report contains

This report contains:

- a description of the study area, the proposal and the background to our study (**Section 1**);
- an assessment of Aboriginal cultural values (**Section 2** and **Appendix 1**);
- an overview of the environmental, archaeological and historical information we considered (**Section 3** and **Appendix 2**);
- a description of the field inspection we completed (**Section 4**);
- our assessment of the study area and possible impacts from the proposal (**Section 5**);
- an Aboriginal heritage management strategy for the project (**Section 6** and **Appendix 3**);
- our recommendations (**Section 7**); and
- the references used in our report (**Section 8**).

¹ SEARs 18/4/2019; Office of Environment & Heritage (OEH) 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

² *National Parks and Wildlife Regulation 2009* (s80C), as detailed in OEH 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974*.

1.2 Who contributed to the report

Authorship and acknowledgements

The report was written by Paul Irish (Director, Archaeologist and Historian) and Rebecca Bryant (Archaeologist). Information contributed by Registered Aboriginal Parties is acknowledged with thanks.

1.3 What we are assessing

The property and proposal

The area we are assessing is located at 211 Pacific Highway, St Leonards and is within Lot 101 in DP 791327. We are also assessing small areas within Lot1 in DP1191604 and Lot 7083 in DP93642 (Gore Hill Park) (**Figure 1**). It is around 7 kilometres north of the Sydney CBD and approximately 500 meters south-west of St Leonards railway station, and is situated within the Willoughby Local Government Area, Parish of Willoughby, County of Cumberland and the Office of Environment and Heritage Metropolitan Sydney Region. Our study area is around 2,800m² in size and includes the existing building that is currently under construction, its immediate surrounds, the pedestrian walkway to the east known as 'The Avenue' and a section within the Willoughby local council carpark to the east of 'The Avenue' (**Figure 2**). The building currently under construction is within the footprint of a previous building constructed in 1984. The current construction does not involve new excavation as it will use the existing footings, concrete slabs and underground carpark.

The International Chinese School are proposing to re-purpose the building currently being constructed for use as a school, including classrooms, bathrooms, a library, new teaching spaces and storerooms. The proposal also includes the construction of a 'kiss and drop' area for parents and students on the eastern side of The Avenue, currently used as a pedestrian pathway. This will involve shallow excavation and paving of two sections in an existing landscaped area within the adjacent council carpark on the eastern side of The Avenue (**Figure 3**). The impacts from the installation of the 'kiss and drop' area could be expected to disturb any Aboriginal artefacts or other Aboriginal archaeological remains within that area.



Figure 1. The study area (blue outline) in its topographic context.



Figure 2. The study area (blue outline) in its local context.

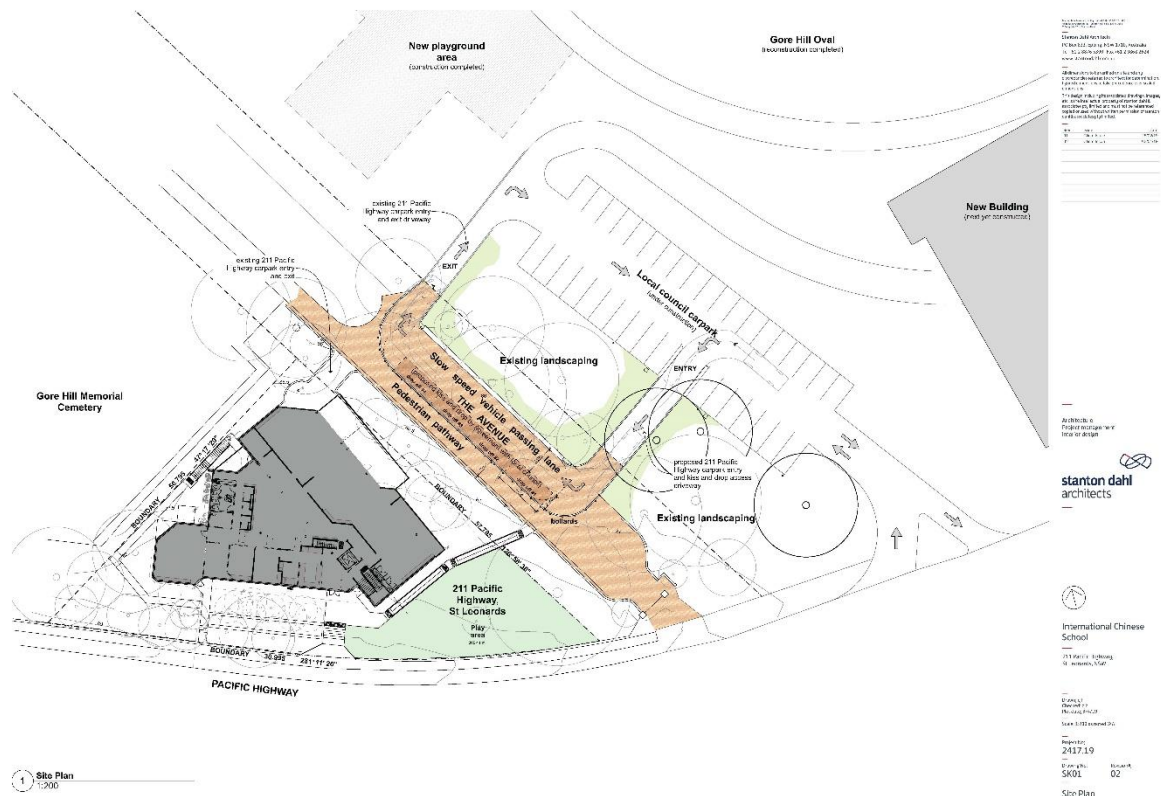


Figure 3. Current site plan for the proposed new building and ‘kiss and drop’ area for parents and students (plan view).

1.4 What we have considered

Legislative and policy requirements

This report has been prepared to meet the Secretary’s Environmental Assessment Requirements (SEARs) for the proposal in relation to Aboriginal heritage.³ This required us to assess the potential Aboriginal heritage impacts of the proposal in consultation with Registered Aboriginal Parties in accordance with the OEH 2011 *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, the OEH 2010 *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the ‘Code of Practice’), and the OEH 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974*. We have met these requirements by producing an Aboriginal Cultural Heritage Assessment report which also documents Aboriginal community consultation in accordance with Section 80C of the *National Parks & Wildlife Regulation 2009* (‘the Regulation’).

In preparing this report and its recommendations, we are guided by the legal protections provided to Aboriginal heritage under the *National Parks & Wildlife Act* (1974) (the ‘NPW Act’). The NPW Act

³ SEARs issued 18/4/2019 (SSD-10260).

is administered by the Office of Environment & Heritage (OEH) and gives statutory protection to all Aboriginal 'objects' and 'places' in New South Wales. The NPW Act defines 'objects' 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'* and defines Aboriginal places as those which *'in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture.'*⁴ Aboriginal objects are also commonly referred to as Aboriginal sites (e.g. campsites, scarred trees, rock engravings). There are no Aboriginal places registered within or near the current study area, so the protections given to these are not further considered.

Under the NPW Act there are offences for 'harm' to Aboriginal objects either knowingly (s86(1)) or unknowingly (s86(2)). *Harm* is defined in s5(1) of the NPW Act to mean any act or omission that:

- (a) destroys, defaces or damages the object or place, or*
- (b) in relation to an object—moves the object from the land on which it had been situated, or*
- (c) is specified by the regulations, or*
- (d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c);*

but does not include any act or omission that:

- (e) desecrates the object or place, or*
- (f) is trivial or negligible, or*
- (g) is excluded from this definition by the regulations.*

There are defences and exemptions to the offence of 'harm', which include damage caused by 'low impact activities' (s87(4)) such as routine farm maintenance. It is also a defence to unknowingly harm if you undertook a Due Diligence assessment that meets OEH standards and concluded that the proposed activity would not result in harm.⁵ It is also not an offence to investigate Aboriginal objects through archaeological test excavations, but only if the methods used are strictly in accordance with the Code of Practice.

The most common way that harm to Aboriginal objects takes place is under the legal sanction of an Aboriginal Heritage Impact Permit ('AHIP') under s90 of the NPW Act. AHIPs can also be issued to enable archaeological test excavations that cannot be undertaken under the Code of Practice. AHIPs are issued by the Director-General of the OEH based on a valid application and an accompanying *Aboriginal Cultural Heritage Assessment Report*. Because the current proposal is being assessed as a State Significant Development, AHIPs are not required to enable investigation or harm to Aboriginal objects. However all of the same investigations and considerations that would be undertaken in

⁴ NPW Act Section 5(1) and Section 84 respectively,

⁵ OEH 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* or an equivalent standard.

relation to an AHIP must be undertaken, including preparation of the same kind of Aboriginal Cultural Heritage Assessment report.

The Aboriginal Cultural Heritage Assessment report prepared for both State Significant Development proposals and AHIP applications must document Aboriginal community consultation in accordance with The Regulation. This involves seeking registrations of interest in the project from Aboriginal people who hold cultural knowledge relevant to the application through public notices and by contacting people identified through notices to Local Aboriginal Land Councils and government agencies who deal with Aboriginal communities in the area. People or organisations can register as 'Registered Aboriginal Parties' which provides them with a right to review and comment on project information and draft reporting, and to provide advice on Aboriginal cultural and historical significance.

The *Environmental Planning & Assessment Act 1979* (the 'EP&A Act') sets out the way the NPW Act protections for Aboriginal heritage are considered in relation to proposed developments. There are three main parts of the EP&A Act which outline how Aboriginal cultural heritage is to be considered. Part 3 governs the preparation of planning instruments such as Local Environmental Plans, Part 4 relates to development proposals assessed by local government authorities and state planning authorities and Part 5 considers activity approvals by governing (determining) authorities. Part 4 is of most relevance to this project because it concerns the process of obtaining development consent and the documentation required to support development applications. Under Part 4 Division 4.1, projects can be deemed to be of State Significance. In these cases, the Department of Planning & Environment takes over the role of the determining authority from a local Council.

There are also other state and federal laws which sometimes apply to Aboriginal heritage assessment, but they do not apply to this study and are not considered here.

2 Assessing Aboriginal cultural values

Aboriginal cultural assessment

In this section we outline the Aboriginal community consultation that has taken place in order to assess the Aboriginal cultural significance of the study area and Aboriginal objects within it. This has been undertaken in accordance with s80C of the *National Parks and Wildlife Regulation* 2009 (s80C) [‘the Regulation’]. Each step in the consultation is described in order, starting with determining Registered Aboriginal Parties, and the information provided to, and received from, them.

2.1 *Who we spoke with*

Aboriginal community consultation

Public and direct notices were placed in order to identify ‘Registered Aboriginal Parties’ to the project as required by the Regulation (s80C(2a-c)). In addition we recognise the statutory responsibilities of Local Aboriginal Land Councils ‘to promote the protection of Aboriginal culture and the heritage of Aboriginal persons’ within their boundaries,⁶ as well as those of Registered Native Title Claimants and Registered Aboriginal Owners.⁷ For this reason the Metropolitan Local Aboriginal Land Council was informed that they would automatically be listed as a Registered Aboriginal Party unless they chose to opt out.

2.1.1 **Who we notified**

We placed a public notice in the North Shore Times on 16 May 2019 calling for registrations of interest from Aboriginal people with cultural knowledge relevant to the project (see **Appendix 1A**). A deadline of 31 May 2019 was provided for responses. Several organisations responded to this notice as shown in **Table 3** and **Appendix 1C**. We also sent direct notifications about the project on 14 May 2019 to the agencies listed in **Table 1** and asked them to provide us with the contact details of any Aboriginal people they were aware of who may hold cultural knowledge relevant to the study area and any Aboriginal objects or places within it by 31 May 2019 (see **Appendix 1A**). Their responses are shown in **Appendix 1B** and summarised in **Table 1**, and we then sent notices to all of the Aboriginal people and organisations identified by those agencies. The list of who was sent these notices, and who responded their responses are shown in **Table 2**, and the responses are also in **Appendix 1C**.

⁶ Aboriginal Land Rights Act 1983, s52(1)(m).

⁷ Aboriginal Land Rights Act 1983, Division 3.

Table 1. Direct Agency Notices sent on 14 and 15 May 2019.

Agency Contacted	Response and Who They Asked Us To Contact
Greater Sydney Local Land Services	Responded on 16/5/19 referring us to the Office of Environmental & Heritage for contact lists that may be relevant to the project.
National Native Title Tribunal	Responded on 21/5/19 in relation to Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements within the entire Willoughby and North Sydney Local Government Area (LGA). There are currently no native title claims or land use agreements registered
Office of Environment & Heritage	Responded on 20/5/19 providing a list of 'Aboriginal stakeholders known to OEH...who may hold cultural knowledge relevant to a proposal in a region'. Those stakeholders with an expressed interest in the Willoughby Local Government Area are: <i>Metropolitan Local Aboriginal Land Council, A1 Indigenous Services, Amanda Hickey Cultural Services, Ralph and Nola Hampton from B.H. Heritage Consultants, Badu, Bilinga, Darug Aboriginal Cultural Heritage Assessments, Darug Boorooberongal Elders Aboriginal Corporation, Darug Land Observations, DJMD Consultancy, Eric Keidge, Goobah Developments, Goodradigbee Cultural & Heritage Aboriginal Corporation, Jerringong, Munyunga, Mura Indigenous Corporation, Murrumbul, Ngamba Cultural Connections, Nundagurri, Pemulwuy CHTS, Thoorga Nura, Walbunja, Wingikara, Yerramurra, Walgalu, Thauaira, Dharug, Bilinga Cultural Heritage Technical Services, Gunyuu, Gunyuu Cultural Heritage Technical Services, Munyunga Cultural Heritage Technical Services, Murrumbul Cultural Heritage Technical Services, Wingikara Cultural Heritage Technical Services, Gulaga, Biamanga, Callendulla Murramarang, Butucarbin Aboriginal Corporation, Didge Ngunuwal Clan, Ginninderra Aboriginal Corporation, Nerrigundah, Wailwan Aboriginal Digging Group, Barking Owl Aboriginal Corporation, Darug, Tocomwall, Minnamunnung.</i>
Registrar of Aboriginal Owners	Responded on 27/5/19 to inform that there are no Registered Aboriginal Owners under the <i>Aboriginal Land Rights Act 1983</i> relevant to the project and suggesting contact with the Metropolitan LALC.
Willoughby City Council	Responded on 7/6/19 and advised us that Council does not keep a database of Aboriginal people in the Willoughby area and to contact the Aboriginal Heritage Office.
Aboriginal Heritage Office	Responded on the 17/5/19 and advised contacting Metropolitan Local Aboriginal Land Council.
NTS Corp	No response received
Metropolitan LALC	No response received

Table 2. Direct Notices and responses.

Person/Organisation Contacted	Date Contacted	Response Deadline	Response Received?	Seeking Registration?
A1 Indigenous Services	21/05/19	06/06/19	30/05/19	Yes
Didge Ngunuwal Clan	21/05/19	06/06/19	21/05/19	Yes
Darug land Observations	21/05/19	06/06/19	22/05/19	Yes
Metropolitan local Aboriginal Land Council	21/05/19	06/06/19	No	
Dharug	21/05/19	06/06/19	No	

Person/Organisation Contacted	Date Contacted	Response Deadline	Response Received?	Seeking Registration?
Bilinga Cultural Heritage Technical Services	21/05/19	06/06/19	No	
Gunyu Cultural Heritage Technical Services	21/05/19	06/06/19	No	
Munyunga Cultural Heritage Technical Services	21/05/19	06/06/19	No	
Murrumbul Cultural Heritage Technical Services	21/05/19	06/06/19	No	
Wingikara Cultural Heritage Technical Services	21/05/19	06/06/19	No	
Gulaga	21/05/19	06/06/19	No	
Biamanga	21/05/19	06/06/19	No	
Callendulla	21/05/19	06/06/19	No	
Murramarang	21/05/19	06/06/19	No	
Butucarbin Aboriginal Corporation	21/05/19	06/06/19	No	
Bilinga	21/05/19	06/06/19	No	
Ginninderra Aboriginal Corporation	21/05/19	06/06/19	No	
Nerrigundah	21/05/19	06/06/19	No	
Wailwan Aboriginal Digging Group	21/05/19	06/06/19	No	
Barking Owl Aboriginal Corporation	21/05/19	06/06/19	No	
Thoorga Nura	21/05/19	06/06/19	No	
Darug Aboriginal Cultural Heritage Assessments	21/05/19	06/06/19	No	
Darug Boorooberongal Elders Aboriginal Corporation	21/05/19	06/06/19	No	
B.H. Heritage Consultants (Nola Hampton)	21/05/19	06/06/19	No	
B.H. Heritage Consultants (Ralph Hampton)	21/05/19	06/06/19	No	
Amanda Hickey Cultural Services	21/05/19	06/06/19	No	
Badu	21/05/19	06/06/19	No	
Eric Keidge	21/05/19	06/06/19	No	
DJMD Consultancy	21/05/19	06/06/19	No	
Goobah Developments	21/05/19	06/06/19	No	
Goodradigbee Cultural & Heritage Aboriginal Corporation	21/05/19	06/06/19	No	
Gunyu Cultural Heritage Technical Services	21/05/19	06/06/19	No	
Jerringong	21/05/19	06/06/19	No	
Minnamunnung	21/05/19	06/06/19	No	
Munyunga	21/05/19	06/06/19	No	
Mura Indigenous corporation	21/05/19	06/06/19	No	
Murrumbul	21/05/19	06/06/19	No	
Nerrigundah	21/05/19	06/06/19	No	
Ngambaa Cultural Connections	21/05/19	06/06/19	No	

Person/Organisation Contacted	Date Contacted	Response Deadline	Response Received?	Seeking Registration?
Nundagurri	21/05/19	06/06/19	No	
Pemulwuy CHTS	21/05/19	06/06/19	No	
Thauaira	21/05/19	06/06/19	No	
Tocomwall	21/05/19	06/06/19	No	
Walbunja	21/05/19	06/06/19	No	
Walgalu	21/05/19	06/06/19	No	
Wingikara	21/05/19	06/06/19	No	
Yerramurra	21/05/19	06/06/19	No	

2.1.2 Who registered an interest

Registered Aboriginal Parties

Only the organisations listed in **Table 2** registered (see **Appendix 1C**). A total of 4 Registered Aboriginal Parties were registered for the project, as summarised in **Table 3**. The names and contact details of all Registered Aboriginal Parties was provided to the OEH and the Metropolitan LALC on the 11 June 2019 as per the Regulation.

Table 3. Registered Aboriginal Parties for this project.

Registered Aboriginal Party
Metropolitan Local Aboriginal Land Council
A1 Indigenous Services
Didge Ngunuwal Clan
Darug Land Observations

2.2 What we were told

Comments from Registered Aboriginal Parties

So far, no Registered Aboriginal Parties have provided any information about cultural or other values relating to the current project.

2.2.1 Responses to the project information and proposed methodology

We sent a document containing project information and our proposed assessment methodology to all Registered Aboriginal Parties on 7 June 2019 with a deadline of 8 July 2019 for responses (see **Appendix 1D**). We invited all Registered Aboriginal Parties to provide us with information or views about:

- any places or objects of cultural value to Aboriginal people which may be relevant to the current proposal;
- appropriate management for any Aboriginal objects that may be collected/retrieved from the study area should the proposal be approved; and
- any other Aboriginal cultural or historical knowledge which is relevant to the Aboriginal cultural assessment of the study area in relation to the current proposal.

All Registered Aboriginal Parties were also asked to identify any information that may be of a sensitive nature so that appropriate protocols could be developed for assessing and discussing it, however no information provided was identified as sensitive in this way.

The full responses we received are contained in **Appendix 1E** and are summarised in **Table 4**. We have also discussed them more generally in **Section 2.2.3**.

Table 4. Summary of information provided by Registered Aboriginal Parties.

Registered Aboriginal Party	Summary
Metropolitan Local Aboriginal Land Council	No response received
Darug Land Observations	No response received
Didge Ngunawal Clan	Supported the assessment methodology and provided no additional information.
A1 Indigenous Services	Supported the assessment methodology and provided no additional information.

2.2.2 Comments on the draft report

This draft report was sent out to all Registered Aboriginal Parties on 11 July 2019. We asked for any comments or information to be provided to us by 9 August 2019 so that it could be considered in the final report. The comments received are summarised in **Table 5** below and concur with the conclusions of this report. The comments of the Metropolitan LALC are discussed further in **Section 6** and **Section 7**.

Table 5. Comments received on the draft report.

Registered Aboriginal Party	Summary
Metropolitan Local Aboriginal Land Council	The MLALC supported the findings and recommendations of the draft report, and expressed a desire for native vegetation to be incorporated in landscaping, and Aboriginal language and names to be used in any onsite interpretation and/or the naming of streets or buildings.
A1 Indigenous Services	Supported the findings of the draft report
Darug Land Observations	No response received
Didge Ngunawal Clan	No response received

2.2.3 Aboriginal cultural values in relation to this project

So far we have asked Registered Aboriginal Parties to provide any information which they believe is relevant to determined Aboriginal cultural values relevant to this study. No one has yet identified any specific Aboriginal cultural connections or significance relating to the study area. The area is likely to retain some significance as part of broader landscapes with which Aboriginal people identify, however sites of enduring significance such as the engravings and rockshelter sites found along the sandstone-lined waterways to the north and south of the study area are not present in and immediately around the study area.

3 Information we have considered

Environmental, archaeological and historical context

3.1 Environmental context

Geology, soils and hydrology

If we want to understand how Aboriginal people may have used the local area in the past, and what traces of that use might still physically remain on and below the ground surface, we need to understand the local environment and how it has changed over time.

The study area slopes down gently from north-west to south-west and is situated in the south-east section of the heritage-listed Gore Hill Cemetery on top of a south-tending spur which forms part of a broad ridge between the Lane Cove River valley and Middle Harbour valley. The study area is located on the crest and slopes of this rounded spur, which is bordered by the Gore Creek and Berry Creek valleys running into the Lane Cove and Parramatta Rivers respectively.

The forest surrounding these watercourses would have consisted of tall trees like Blue Gums and Grey Iron Bark extending up and along the ridge lines. There would also have been Smooth-barked Apple and Sydney Peppermint trees, along with native blackberries, on the lower slopes.⁸ The forest and the watercourses would have provided habitat and water for animals such as wallabies, possums, reptiles, fish and shellfish which would have offered Aboriginal people a range of food. Wood, bark and plants would also be a valuable resource for fire, tools, food, medicine and weapons.

The study area is underlain by the Wianamatta Shale Bedrock, which has decomposed into a capping layer of clay. Soils in the study area are formed from the weathering of this clay and are known as the Glenorie soil landscape.⁹ The soil landscape is typically associated with gently undulating landforms consisting of narrow ridges, hillcrests and valleys. In contexts like the current study area intact soil profiles can consist of up to 15cm of friable dark brown loam A1 (topsoil) horizon and 10-30cm of brown loam A2 horizon, on clay subsoil. This is important because we know from similar contexts around Sydney that archaeological remains of past Aboriginal use are likely to be restricted to the original A1 topsoil horizon (and A2 horizon by downward movement). These soils are also vulnerable to erosion and historical impact.

Although sandstone outcrops extensively within the valleys that lay to the north and south of the study area it is unlikely that exposed sandstone outcrops would occur extensively at the site.

⁸ Benson & Howell 1995:114.

⁹ Geological Survey of N.S.W Department of Mineral Resources. 1983; Chapman & Murphy 1989.

3.2 Historical context

Non-Aboriginal land use and impacts

In this section we consider the non-Aboriginal uses of the study area and their potential impacts on Aboriginal archaeological remains. As can be seen in an historical aerial photograph of the study area in 1943, the study area had already been heavily impacted by the construction of the cemetery, the Pacific Highway and Gore Hill Park (**Figure 4**).

The study area is within the state-heritage registered Gore Hill Cemetery that was established in 1867. The first burial was in 1877 and the cemetery continued to be used for burials until 1974. A caretaker's cottage and shed was constructed within the current study area in 1886, and in 1887 the trustees received a treasury grant to undertake improvements of the cemetery grounds that including planting of trees, provision of seats and gates, trenching and asphaltting. These works would have required excavation into the shallow soils, levelling off the ground and redistribution of the soil.¹⁰

In 1898 and 1900 the horse carriageway, now known as The Avenue and used as a pedestrian walkway, was regraded and guttered. It was then subsequently resurfaced with blue metal sometime between 1900 and 1910 (**Figure 5**). The iron gates with stone piers that are still at the main entrance on Pacific Highway were erected in 1902. Gore Hill Park which is on Crown land Reserve was dedicated to public recreation in 1869 and by 1928 both cricket and football were being played on a levelled playing field with a concrete cricket pitch.¹¹

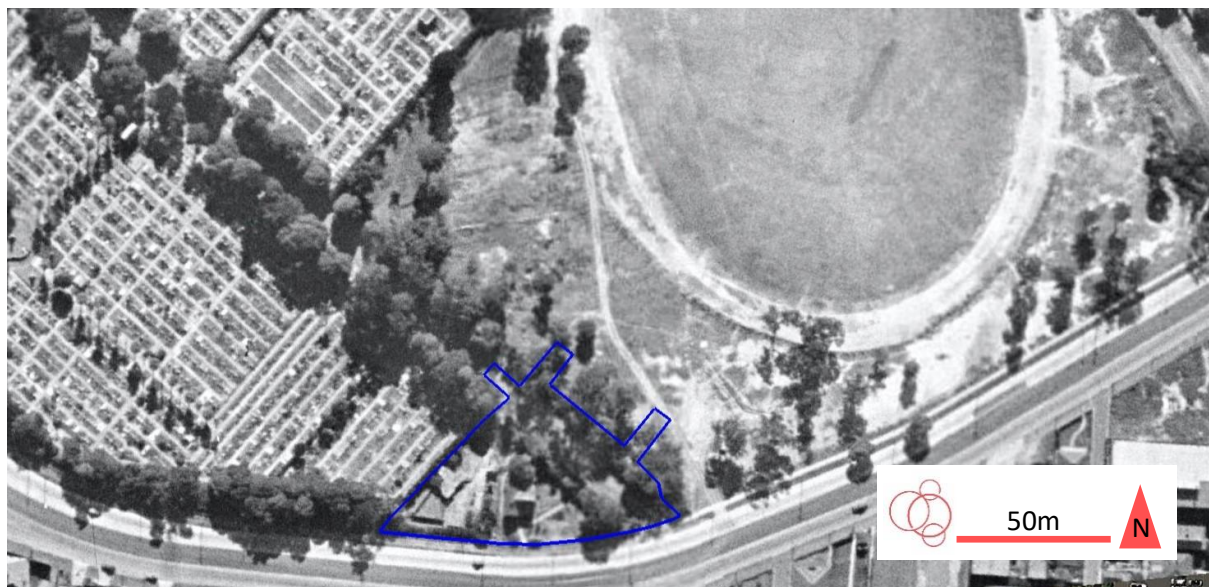


Figure 4. Aerial view of the study area in 1943.

[Source: Six Maps NSW Government Spatial Services accessed 28/5/2019].

¹⁰ NBRS and Partners 2014:13-20.

¹¹<http://www.willoughby.nsw.gov.au/your-neighbourhood/parks-and-playgrounds/gore-hill-park/> (accessed 15 May 2019).

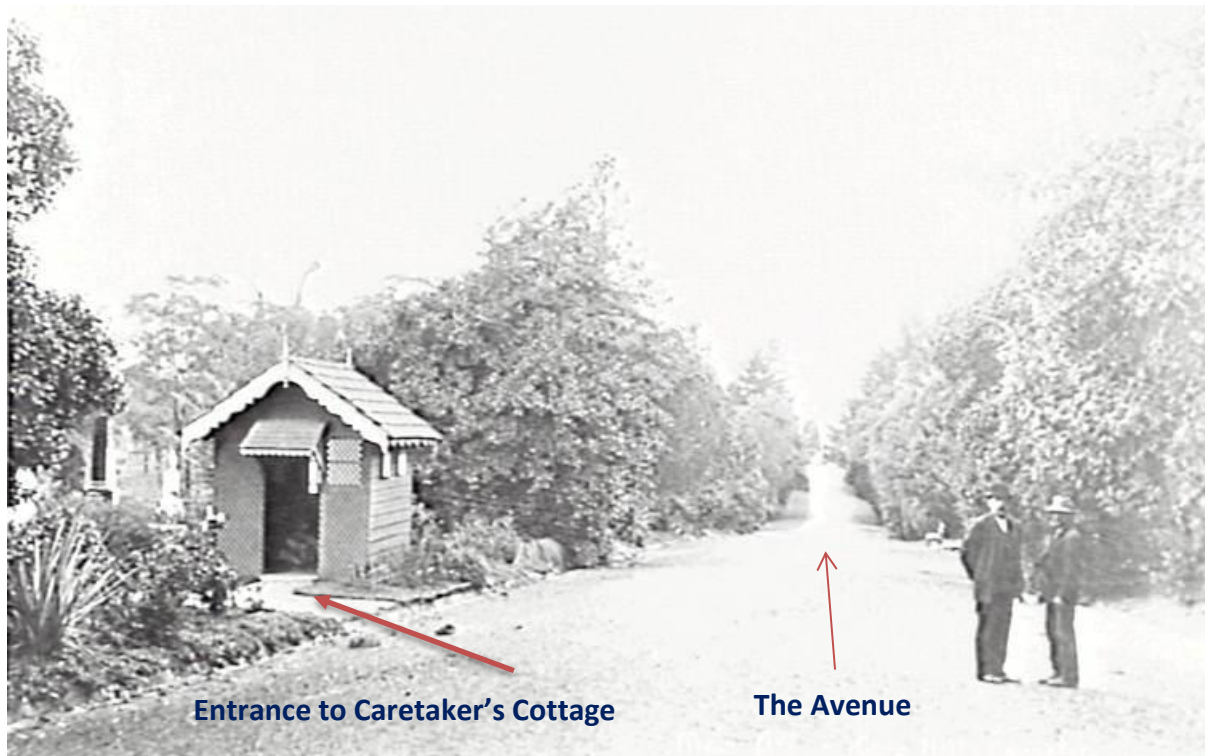


Figure 5. View north-west along 'The Avenue' in 1900.

[The caretaker's cottage is out of view but is to the left of the shed-like structure. Source: Willoughby City Council Digital Library].

3.3 Heritage registers and sites

For this assessment we checked the main Aboriginal heritage database for New South Wales, the Office of Environment and Heritage ('OEH') Aboriginal Heritage Information Management System ('the AHIMS Register'). We searched the AHIMS Register over a 4km x 4km area centred on the study area. While there are no registered sites within the study area there are 98 registered Aboriginal sites within the search area. Only two of the sites are registered as being within 700 meters of the study: AHIMS #45-6-2938 is to the north and listed as an open site with artefacts and AHIMS # Site 45-6-3341 is to the south and listed as a closed site having art.

However according to the map, street addresses and descriptions listed on the original site card submitted in 1997, AHIMS# 45-6-2938 should be a further 200m north of the study area. This error was probably made during the conversion from one mapping system to another. The Australian Geodetic Datum (AGD) that had been used since 1966 changed to the Geocentric Datum of Australia (GDA) in 1990s and the conversion difference was approximately 200m. The other site AHIMS# 45-6-3341 was noted on the site card to have 'ochre and charcoal' in the overhang but it was difficult 'to tell if Aboriginal origin' as 'most appears modern'.¹²

¹² AHIMS Extensive Search on 13/05/2019 of GDA in Zone 56 E330400-334400, N6253800-6257800. AHIMS Search

All other sites were over one kilometre away and overwhelmingly comprised of sandstone rock shelters with midden and open shell middens along the lower-lying foreshores of the Lane Cove/Parramatta Rivers to the south. There are also five sites located in open areas to the north. One was the stone artefact scatter find discussed above (AHIMS#45-6-2938), two did not contain artefactual evidence but considered to have potential archaeological deposit and one was an axe-grinding groove in a low-lying area on exposed sandstone.

The abundance of sites to the south reflects not only areas previously surveyed for Aboriginal archaeology, but the extent of which sandstone was used by Aboriginal people in past. Sandstone provided shelter in the forms of overhangs for habitation or visitation and an ideal abrasive surface to grind the edges of rocks and cobbles into edge-ground axe heads used for chopping wood and cutting footholds into trees to collect food such as native honey and possums. The rough but relatively soft sandstone also provided a medium for art, whether it be ochre painted on to it in various colours, or engravings pecked into the rock by a harder stone tool.

Shell middens are also prevalent in the shelter and open area sites concentrated to the south of the study area. Shell middens often contain remnants of a variety of shells and animal bones from meals consumed along with stones and shells used as tools. They provide valuable information on how Aboriginal people used resources for food and tools in the area and surrounds. Shell middens can also reflect cultural practices such as burials that have also been found within shell middens. A summary of the sites within the search area is listed in the table below.

Table 6. Summary table of site types within the search area.

Site Type	Number of Sites	Percentage of Total
Rock shelter with shell midden (6 also with art)	44	45%
Shell midden in open area	28	29%
Rock shelter with art	3	3%
Axe grinding grooves	2	2%
Open artefact scatters	7	7%
Rock engraving in open area	5	5%
Potential archaeological deposits (PAD)	5	5%
Aboriginal Burials	3	3%
Not a valid site	1	1%
Total	98	100%

As well as the AHIMS Register, we also searched other heritage registers to see if any sites or places of Aboriginal cultural or historical significance had been recorded that might be relevant to our assessment. The NSW State Heritage Inventory (incorporating the NSW State Heritage Register) and the Australian Heritage Database (incorporating the Register of the National Estate) were both

searched on 15/5/2019 for the local government council areas of Willoughby and North Sydney. Neither register contains any places in or near the study area that are listed for their Aboriginal associations, including the State Heritage Register listed Gore Hill Memorial Cemetery.

3.4 Previous archaeological investigations

The study area is in a landscape that has been subjected to extensive historical building works and is on top of a ridge with underlying soils that would have been susceptible to heavy erosion. As the entire St Leonards suburb is already built-up with residential and commercial properties there has been limited Aboriginal cultural and archaeological investigations undertaken within the area, and none have been carried out in our study area. However it is important to understand what has been found in previous investigations in the surrounding area to help us predict where Aboriginal archaeological remains might have survived.

2016 Sydney Metro Chatswood to Sydenham¹³

The Sydney Metro Chatswood to Sydenham project involves the construction and operation of a metro line to be mainly located underground. An Aboriginal heritage and archaeological assessment, including a pedestrian survey, was carried out by Artefact Heritage in 2016 to determine which areas will be impacted by the proposed works and might require further archaeological investigation. Although it does not include the study area or anywhere immediately adjacent, one section investigated, the 'Chatswood dive site', lies in a similar landscape.

The Chatswood dive site is located adjacent to the T1 North Shore Line approximately 2km to the north of our study area. It would involve extensive excavation work where the rail track will continue underground and will impact approximately 24,000 square metres. The proposed site, like our study area, sits across a ridge top that has the same underlying soil profile prone to erosion with no immediate watercourse close by. No archaeological sites were found during the survey and the area was assessed as having low archaeological potential due to the underlying geology, historical disturbance and distance from a watercourse. No further archaeological investigation was recommended.

2006 Royal North Shore Hospital, St Leonards¹⁴

Royal North Shore Hospital is located approximately 200 meters to the north and east of our study area. It sits at the top of the same broad ridge as the study area between the Lane Cove river and Middle Harbour valley. In 2006 Dominic Steele Consulting Archaeology undertook an Aboriginal heritage impact assessment including a site survey to determine if there were any Aboriginal sites within the area for proposed upgrade works, or if any other area warranted further aboriginal archaeological investigation. The survey did not find any items of Aboriginal cultural heritage or any area of Aboriginal archaeological potential within the hospital site. The report concluded that it is

¹³ Artefact 2016.

¹⁴ DSCA 2006.

unlikely that any such heritage would have survived in the highly impacted area of the hospital grounds. They concluded that there were no Aboriginal archaeological constraints to the proposed works or on any future works within the current boundaries of the hospital complex.

Having considered past archaeological recordings, Aboriginal community knowledge, and the natural environment and historical use of the study area, we can make some predictions about what kinds of Aboriginal heritage sites may be present within the study area. The high level of disturbance to the study area during construction of the Gore Hill Cemetery, the pedestrian walkway, the caretakers cottage, Gore Hill Park and the Pacific Highway is likely to have removed the original A1 topsoil horizon. It is unlikely that any physical remains of past Aboriginal use will have survived intact. However, it is possible that the disturbed remains of past Aboriginal use, most likely in the form of stone artefacts, may be present in areas not subject to total impact from historical activities.

4 What we have observed

Site Survey

An archaeological inspection of the study area was undertaken on 16 May 2019 by Coast Director Dr Paul Irish and Archaeologist Rebecca Bryant, and Selina Timothy from the Metropolitan Local Aboriginal Land Council.

4.1 Survey methods

As the study area is small and largely filled by the existing building, survey units, sampling or regular transects were not considered to have any investigative value. Instead the survey focussed on assessing impacts to the broader landform around the building, the area either side of the paved pedestrian area and the landscaped area within the local council carpark. We used this information to assess the archaeological potential of the study area, and also to determine the estimated effective survey coverage of our inspection, so that this could be tabulated as required by the Code of Practice (see **Section 4.3**).

Survey observations were recorded using a combination of written notes and photographs, linked to GDA coordinates obtained using a Garmin GPSMAP 60CSX handheld GPS. We also recorded GPS track logs of where we went. All mature trees within and adjacent to the study area were inspected to determine whether any may have scars of Aboriginal cultural origin. Determining whether scars have a cultural or natural origin can be difficult but is evaluated based on attribute guides and knowledge of the specific land use history of the area in question.¹⁵

Stone artefacts can represent the remains of former Aboriginal living spaces, or the casual or accidental discard of individual artefacts. Though arbitrary, it is common practice to define 'open campsites' as being two or more artefacts within 50m of one another, unless they are obviously not related. Single artefacts more than 50m from other artefacts are typically recorded as 'isolated finds', unless we can see that they are somehow related to artefacts further away than this.

This information is recorded about any artefacts we find on our inspections:

- How big the artefact is – its maximum length, width and thickness.
- What it was made from - raw materials such as silcrete, quartzite and quartz.
- The type of artefact - flakes, blades, cores, flaked pieces etc.
- Any other information about its context or perhaps evidence of use such as retouching etc.

As well as recording the archaeological evidence we can see, we also think about whether there is any potential for evidence to survive beneath the surface. This can be determined by thinking about the type of landform, what we know of how Aboriginal people used these types of landforms, the archaeological evidence we can see, and the level of disturbance that is either observed during the

¹⁵ Irish 2004, Long 2005.

inspection or known from historical records. If we think an area might have subsurface archaeological evidence, it is identified as an area of Potential Archaeological Deposit. These areas may not be associated with any surface evidence such as stone artefacts.

4.2 Survey observations

The entire study area has been impacted by the initial construction of the caretaker's cottage and more recent structures, building of the pedestrian walkway, drainage corridors and the establishment of Gore Hill Park in the late 1800s (**Figure 5**). It has also been extensively landscaped with trees and shrubs planted around the foundations of the existing building, along the pedestrian way and around the oval.

The current building is being constructed on the foundations of the previous building, which includes a previously installed underground carpark. This would have involved substantial excavation extending into bedrock (**Figure 6**). The areas around the building have also been heavily landscaped and the southern boundary that runs parallel to the Pacific highway sits substantially lower than the road indicating the area had been terraced prior to construction of the existing building (**Figure 7**). All areas around the building were inspected for stone artefacts and outcropping sandstone but none were found.

The northeast section area of the study area includes the paved pedestrian walkway and sections of the council carpark. The pedestrian walkway has a brick drainage channel running along the western side and historically planted trees along the east. There are sections of grass cover within the paved area, however as seen in the historical photo from the 1800s, these were once part of the original dirt and gravel carriageway for horses (**Figure 8**). The area in the council carpark that will be impacted by the 'kiss and drop' construction works is also paved and landscaped (**Figure 9**). All exposed areas within pedestrian walkway and council carpark were inspected for stone artefacts and outcropping sandstone but none were found.



Figure 6. View south-west showing existing building

[Entrance to basement carpark visible at centre right].



Figure 7. Side of the existing building, looking south to the Pacific Highway.

[The highway runs parallel to southern boundary of study area].



Figure 8. View north-west along The Avenue.

[Shows brick paving and historically planted trees. The grassed area is where the proposed 'kiss and drop' zone for students will be].



Figure 9. View east in council carpark towards Gore Hill Park.

[This area will be impacted by the 'kiss and drop' construction works].

4.3 Survey coverage

It is a requirement of the Code of Practice to assess the effective survey coverage according to the formula shown in **Table 7** and **Table 8**. These tables are based on summaries of ground visibility and archaeological sampling observed during the survey. As you can see, overall there is no visibility and therefore no 'effective survey coverage' across the study area, which might suggest that we do not have sufficient information to extrapolate and assess archaeological potential. However these calculations place undue emphasis on the current observable 'surface' as an indicator of archaeological potential, and overlooks the value of observations of erosional processes, soil type and nature, and historical disturbance. In this study in particular, these are essential factors, as all of the observed land has been highly impacted by the construction of the building, and yet as we will see, may still contain archaeological remains below that level.

Table 7: Summary table of effective archaeological survey coverage.

Area (m ²)	Visibility	Exposure	Effective Coverage Area (m ²)	Effective Coverage %
2,800	5%	50%	70m ²	2.5%

Table 8: Landform summary - sampled areas.

Landform	Landform Area (m ²)	Visibility	Exposure	Area effectively surveyed (m ²) (= effective coverage of area)	% of landform effectively surveyed (= area effectively surveyed/ landform area x 100)	Number of sites	Number of artefacts or features
Gentle slope/ridgeline	2,800	5.0%	50%	70m ²	2.5%	0	0

5 Our assessment

5.1 *What is (or may be) present within the study area*

Based on our background research and field survey, we are able to assess the likelihood for archaeological remains to be present. In this case, the study area sits on a ridge within a soil landscape that is highly susceptible to weathering and has been subjected to extensive historical impacts since the 1800s. During the survey, we found no evidence of exposed undisturbed natural ground and no stone artefacts or other Aboriginal cultural materials were observed. There are no trees within the study area of sufficient age to contain scars of potential Aboriginal cultural origin.

The area of the existing building has undergone deep excavation and levelling and there is no surviving original topsoil (A horizon). The pedestrian walkway and council car park have also been impacted by levelling to accommodate paving and planting of trees and any surviving remnant original topsoil that may be present is unlikely to be undisturbed. This means that there is no likelihood for any intact or extensive archaeological evidence to have survived. However, in the area proposed for the drop off and pick up area, there is some possibility for isolated or low densities of stone artefacts to be present in partially or totally disturbed contexts.

5.2 *The significance of Aboriginal heritage in the study area*

Significance assessment

When we talk about the ‘significance’ of Aboriginal cultural heritage in assessments like this, it has a particular meaning. Of course any trace of the Aboriginal past is valuable and significant to some degree, but we need a way of comparing and assessing different types of archaeological evidence and the cultural values of these and other places of importance to Aboriginal people. The fundamental principle of managing any item of heritage is to base any decision on an understanding of its significance. This is outlined in what is called The Australia ICOMOS *Burra Charter* 1999.¹⁶ The Burra Charter sets out how to assess the different ways in which heritage can be significant. Aboriginal artefacts, sites and other cultural or historical places can be important to:

- the Aboriginal community for cultural reasons and historical associations.
- the scientific community for their potential research value.
- the general public for their educational and broader heritage value.

With respect to Aboriginal community significance, we have asked all Registered Aboriginal Parties to let us know of any items or areas of Aboriginal heritage significance within the study area, or other cultural or historical knowledge which they felt was relevant to the assessment of the proposal. As we have discussed in **Section 2.2.3**, no one has yet identified any specific Aboriginal cultural connections or significance relating to the study area except as part of a broader area with

¹⁶ Marquis-Kyle & Walker 2004.

which they identify historically or culturally. However we know from other projects along the waterways to the south of the area that any traces of past Aboriginal use have the potential to be both ancient and highly significant.

Because we are yet to find any Aboriginal archaeological remains within the study area, it is not possible to assess scientific and public significance. If they are present, they are likely to be in a disturbed context and have low scientific significance.

6 How Aboriginal heritage could be managed

6.1 What impacts are possible to Aboriginal heritage from this proposal?

This assessment concerns the adaptation of a building currently being constructed for use as a school, along with some landscaping and the installation of a drop off and pick up area (see **Figure 3**). The entirety of Lot 101 in DP791327 which contains the proposed school building and its surrounds is comprehensively impacted by historical activities and contains no Aboriginal archaeological potential. The proposed activities in this area will therefore have no impact on any known or potential Aboriginal archaeological remains.

The levelling and paving for the proposed 'kiss and drop' zone will impact a grassed section within the current pedestrian walkway and within two landscaped areas between there and the council carpark for Gore Hill Park. These works would be expected to impact any remaining Aboriginal archaeological that may remain present. But given the extensive historical disturbance within this area it is unlikely that there would be any intact archaeological remains present. If stone artefacts were to be found, they would most likely be in low frequencies and in a disturbed context. Despite thorough investigation none have yet been found.

Table 9. Impact assessment table

Site	Type of Proposed Harm	Degree of Proposed Harm	Consequence of Proposed Harm
No site recorded	Direct	Total (in specific areas of impact)	Partial Loss of Value (collection of any identified archaeological remains proposed)

6.2 Can those impacts be avoided or minimised?

No Aboriginal archaeological remains have been documented within the study area and it is highly unlikely that anything intact or extensive has survived. If any archaeological remains have survived, they are likely to be isolated or low densities of stone artefacts in partially or completely disturbed contexts. Any scientific value they may retain would not be strongly tied to their current context, and could largely be retained through collection, as outlined below. On this basis, there are no archaeological grounds for the proposal not to proceed, and no further archaeological investigations are considered warranted prior to development approval.

6.3 What management strategies will be in place to protect Aboriginal heritage?

6.3.1 Archaeological monitoring

The initial earthworks associated with the installation of the proposed pick up and drop off area as shown in **Figure 10** should be subject to archaeological monitoring by a representative of Coast in conjunction with a representative of the Metropolitan Local Aboriginal Land Council. The archaeological monitoring will ensure that any Aboriginal archaeological remains (most likely stone artefacts) that are exposed can be identified, recorded and collected.

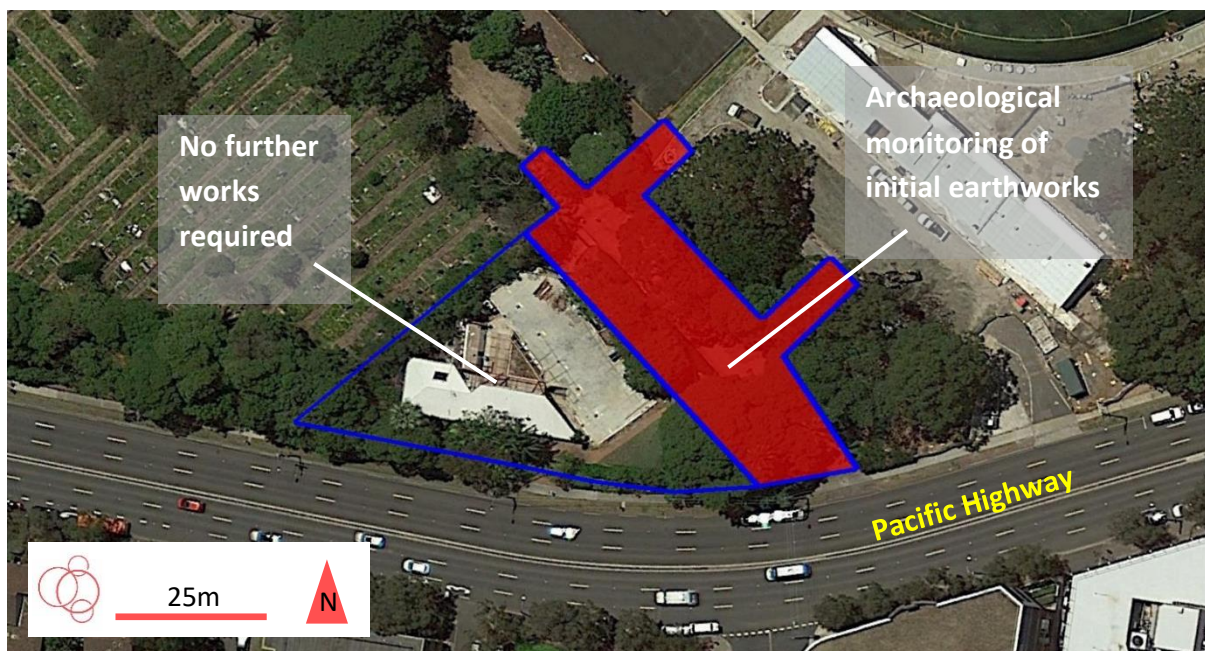


Figure 10. Area proposed for archaeological monitoring of initial earthworks (red shading).

The recording and collection procedures to be used are as follows:

- The location of any collected stone artefacts should be recorded, and each artefact individually bagged for recording.
- All artefacts collected will be subject to recording and cataloguing by Coast in accordance with **Requirement 26** 'Stone artefact deposition and storage' of the OEH 2010 *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.
- Artefacts would be temporarily stored in Coast office premises (Suite 9 & 10, 136 Marrickville Road, Marrickville) for recording and cataloguing prior to determination of final management.

6.3.2 Unexpected finds protocol

Outside of the area proposed for archaeological monitoring, no further actions are required in relation to Aboriginal heritage. Specifically the area of Lot 101 in DP791327 is comprehensively disturbed and no actions in the current proposal will affect any areas with the potential to contain Aboriginal archaeological remains.

However the following unexpected finds protocol has been provided in the study recommendations which should form part of the approval conditions for all works associated with the current proposal.

If any Aboriginal objects or bones suspected of being human are identified during construction, site workers must:

- a. Not further disturb or move these remains.
- b. Immediately cease all work at the location.
- c. In the case of suspected human remains only, notify NSW Police.
- d. In the case of Aboriginal objects, notify Coast History & Heritage and the Metropolitan Local Aboriginal Land Council to organise recording and collection of the objects in accordance with the procedures outline in **Section 6.3.1**.

6.3.3 Management of Aboriginal archaeological remains

There are no documented Aboriginal archaeological remains within the study area and it is considered unlikely that any will be recovered. The options for the management of collected Aboriginal archaeological remains are:

- a. transferring the objects to the Australian Museum or a local museum with appropriate storage facilities. The Australian Museum is the default repository for Aboriginal archaeological remains but will only take objects which meet a certain threshold of significance; or
- b. transferring the objects to an Aboriginal organisation with appropriate storage facilities under a Care and Control agreement. This should be with the agreement and consent from other Registered Aboriginal Parties, and the OEHL can refuse Care and Control where this cannot be demonstrated; or
- c. objects may be reburied at an appropriate location within the study area or adjacent area with the consent of the owner.

All Registered Aboriginal Parties were asked for their views on these options as outlined in **Section 2.2.1**. So far no responses have been received in relation to this, and it is proposed to determine final management of any collected Aboriginal archaeological remains in consultation with all Registered Aboriginal Parties, should any be discovered. While this is being determined, it is proposed that any Aboriginal archaeological remains retrieved are temporarily stored in Coast office premises (Suite 9 & 10, 136 Marrickville Road, Marrickville).

6.3.4 Landscaping and interpretation

In addition to reviewing the proposed heritage management procedures outlined above, the Metropolitan Local Aboriginal Land Council has provided advice on how Aboriginal culture and history could be commemorated through the proposal. As discussed in their report (see **Appendix 1F**), the Metropolitan LALC has suggested that 'landscapes of native vegetation be planted' and that 'Aboriginal names of the area...[are]...used in any visual interpretations and or buildings and MLALC...notified and made aware of wordings on signage'. It is recommended that consideration be given to this proposal and that it can be discussed further with the Metropolitan LALC.

7 Our recommendations

We have based our recommendations on:

- the research and conclusions of our assessment as outlined in this report;
- the views expressed by the Registered Aboriginal Parties to this project as documented in **Section 2** and **Appendix 1**;
- the legal protections provided to Aboriginal 'objects' and 'places' under s.86 of the *National Parks and Wildlife Act 1974*;
- current policy and regulatory requirements relating to the assessment of Aboriginal heritage, and in particular the OEH 2010 *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and the *National Parks & Wildlife Regulation 2009*;

We recommend that:

1. This report is sufficient to meet the project SEARS requirements and to determine the assessment of the current proposal. Specifically, no further archaeological investigations are considered warranted prior to the determination of the development application.
2. Archaeological monitoring should be undertaken in the area indicated in **Figure 10** and in accordance with the procedures outlined in **Section 6.3**.
3. If any Aboriginal objects or bones suspected of being human are identified during construction, site workers must:
 - a. Not further disturb or move these remains.
 - b. Immediately cease all work at the location.
 - c. In the case of suspected human remains only, notify NSW Police.
 - d. In the case of Aboriginal objects, notify Coast History & Heritage and the Metropolitan Local Aboriginal Land Council to organise recording and collection of the objects.
4. Final management of any Aboriginal archaeological remains recovered under **Recommendations 2 & 3** should be determined in consultation with the Registered Aboriginal Parties to this project.
5. Consideration should be given to the Metropolitan LALC proposal to incorporate native vegetation and Aboriginal naming into the proposal as outlined in **Appendix 1F** and **Section 6.3.4**.
6. A copy of this report should be forwarded to all Registered Aboriginal Parties.
7. A copy of this report should be forwarded to:

The Registrar
Aboriginal Heritage Information Management System
NSW Office of Environment and Heritage
Locked Bag 5020
Parramatta NSW 2220

8 References

- Artefact 2016. *Sydney Metro Chatswood to Sydenham, Environmental Impact Statement Technical Paper 5 Aboriginal Heritage - Archaeological Assessment*.
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- NBRS and Partners 2014. *Statement of Heritage Impact, Additions Sextons Cottage 211 Pacific Highway St Leonards 2065*.
- Office of Environment & Heritage (OEH) 2010. Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974.
- Office of Environment & Heritage (OEH) 2010. Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.
- Office of Environment & Heritage (OEH) 2010. Due Diligence Code of Practice for the Protection of *Aboriginal Objects in NSW* or an equivalent standard.

Appendix 1A

Public and Direct Notice Examples

**Registration of Interest
Aboriginal Cultural Heritage Assessment**
International Chinese School (1 View St Chatswood NSW 2067) are undertaking an Aboriginal Cultural Heritage Assessment for a proposed development at Lot 101 in DP791327, 211 Pacific Highway, St Leonards NSW. The Assessment will inform a State Significant Development application under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* and is required to include Aboriginal community consultation in accordance with the Office of Environment and Heritage 2010 *Aboriginal cultural heritage consultation requirements for proponents*. Registrations of interest are sought from Aboriginal people with cultural knowledge relevant to determining the significance of Aboriginal objects at this location. This will assist in the assessment of the proposal by the NSW Department of Planning and Environment. Registrations must be received in writing by 31/05/2019, include a postal address and contact details and be sent to project consultants Coast History & Heritage at P.O. Box A74, Arncliffe NSW 2205, admin@coasthistory.com.au or fax (02) 8311 1478. For enquiries call 1800 450 995. Details of Registered Aboriginal Parties will be forwarded to OEH and the Metropolitan Local Aboriginal Land Council unless explicitly requested.

General Notices

Public Notice

Proposed termination of Strata Scheme No 48529 being property situated at 415 Penshurst Street Chatswood NSW 2067 and 22 Ashley Street Chatswood NSW 2067. Notice is given of an intention to apply to the Registrar General for an order terminating the above Strata Scheme and the consequent winding up of the Owners Corporation, pursuant to section 142 of the Strata Schemes Development Act 2015 (NSW). Any person having any claim against the Owners Corporation of the above Strata Scheme or any estate or interest in or claim against any of the lots comprised in the Strata Scheme is required, on or before (a date not less than 14 days after publication of the advertisement), to send particulars of the estate, interest or claim to Jef Ma, 22 Ashley Street, Chatswood, NSW 2067.

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14 May 2019

ATTN: Planning Greater Sydney Region
Office of Environment and Heritage
P.O. Box 644
PARRAMATTA NSW 2124

Dear Sir/Madam,

**RE: Notification of Aboriginal People in relation to an Aboriginal Cultural Heritage Assessment
at Lot 101 DP791327, 211 Pacific Highway, St Leonards NSW 2065**

Proponent: International Chinese School [1 View St, Chatswood NSW 2067]

Stanton Dahl Architects, on behalf of International Chinese School, have engaged Coast History & Heritage to undertake an Aboriginal Cultural Heritage Assessment for the proposed development of an International Chinese School in Lot 101 DP 791327, 211 Pacific Highway, St Leonards. The Assessment will inform a State Significant Development application under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979*. Coast History & Heritage have been engaged to undertake Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*.

We are seeking registrations of interest from Aboriginal people with cultural knowledge relevant to determining the significance of Aboriginal objects at this location. This will assist us in preparing the Aboriginal Cultural Heritage Assessment. It will also assist in the assessment of the proposal by the NSW Department of Planning and Environment.

We are contacting you, as per S80C(2) of the *National Parks and Wildlife Regulation 2009*, to seek the names and current contact details of any Aboriginal people of whom you are aware may hold cultural knowledge relevant to determining the significance of Aboriginal objects at this location, so that we can notify them directly about the proposal. Please forward us the details of any such Aboriginal people in writing before 31 May 2019 to:

(Post) PO Box A74 Arncliffe NSW 2205
(Fax) 02 8311 1478
(Email) admin@coasthistory.com.au

Please ensure that you provide us with current postal addresses and contact names. Any enquiries should be directed to Paul Irish on 0418 450 490 or our office on 1800 450 995.

Yours sincerely,



Dr Paul Irish
Director

E: paul@coasthistory.com.au
W: www.coasthistory.com.au

Appendix 1B

Agency Responses to Direct Notices



Office of
Environment
& Heritage

Our reference: Doc19/403887

Dr Paul Irish
Director
Coast, History & Heritage
7 Mitchell Street
Arncliffe NSW 2205

Dear Paul,

Thank you for your letter dated 14th May 2019 to the Office of Environment and Heritage (OEH) regarding obtaining a list of the Aboriginal stakeholders that may have an interest in the proposed development for an International Chinese School in Lot 101, DP: 791327, 211 Pacific Highway, Chatswood NSW 2067.

Please find attached the list of Aboriginal stakeholders known to OEH that may have an interest in the project.

As the Department of Planning and Environment is the approval authority for this project, the consultation process should be in accordance with the relevant guidelines as stipulated by the Department of Planning and Environment.

If you wish to discuss any of the above matter further please email gs.ach@environment.nsw.gov.au.

Yours sincerely,

S. Harrison 20/05/19

Susan Harrison
Senior Team Leader Planning
Greater Sydney Branch
Communities and Greater Sydney Division

Doc 19/403887



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7 Mitchell St, Arncliffe NSW 2205
PO Box A74, Arncliffe NSW 2205

ACN: 625442480

14 May 2019

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P.O. Box 644
PARRAMATTA NSW 2124

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Stanton Dahl Architects, on behalf of International Chinese School, have engaged Coast History & Heritage to undertake an Aboriginal Cultural Heritage Assessment for the proposed development of an International Chinese School in Lot 101 DP 791327, 211 Pacific Highway, St Leonards. The Assessment will inform a State Significant Development application under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979*. Coast History & Heritage have been engaged to undertake Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009*.

We are seeking registrations of interest from Aboriginal people with cultural knowledge relevant to determining the significance of Aboriginal objects at this location. This will assist us in preparing the Aboriginal Cultural Heritage Assessment. It will also assist in the assessment of the proposal by the NSW Department of Planning and Environment.

We are contacting you, as per S80C(2) of the *National Parks and Wildlife Regulation 2009*, to seek the names and current contact details of any Aboriginal people of whom you are aware may hold cultural knowledge relevant to determining the significance of Aboriginal objects at this location, so that we can notify them directly about the proposal. Please forward us the details of any such Aboriginal people in writing before 31 May 2019 to:

(Post) PO Box A74 Arncliffe NSW 2205
(Fax) 02 8311 1478
(Email) admin@coasthistory.com.au

Please ensure that you provide us with current postal addresses and contact names. Any enquiries should be directed to Paul Irish on 0418 450 490 or our office on 1800 450 995.

Yours sincerely,

Dr Paul Irish
Director

E: paul@coasthistory.com.au
W: www.coasthistory.com.au

LIST OF ABORIGINAL STAKEHOLDERS FOR THE GREATER SYDNEY BRANCH HELD BY OEH FOR THE PURPOSES OF THE ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

These lists are provided to proponents in accordance with section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the "Consultation Requirements") which commenced on 12 April 2010.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

A copy of the Consultation Requirements can be found on the OEH website at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>.

Under the Consultation Requirements: a proponent is required to provide Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:

- *continue to maintain a deep respect for their ancestral belief system, traditional lore and custom*
- *recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country*
- *have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.*

Please note: the placement of an organisation's name on any OEH Aboriginal stakeholder list for the Consultation Requirements does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 80C of the *National Parks and Wildlife Regulation 2009*.

How to use this list

1. Determine which Local Government Area/s (LGA/s) your project area falls into
2. Identify which organisations and individuals on the list have an interest in the LGA/s relevant to your project – identified in column 6 of the list
3. Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project

Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.

PLEASE NOTE: THE STAKEHOLDER LIST HAS NOT BEEN UPDATED TO INCLUDE THE RECENT COUNCIL MERGERS AND NAME CHANGES. PLEASE CONSIDER THE PRE-MERGER COUNCIL BOUNDARIES WHEN DETERMINING WHO SHOULD BE INVITED TO REGISTER FOR YOUR PROJECT.

Last update is 14th May 2019

Stage 1

Notification of
project proposal and
registration of interest

Proponents must compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places from reasonable sources of information, which include writing to:

- the relevant DECCW EPRG regional office
- the relevant Local Aboriginal Land Council(s) (LALC)
- the Registrar, *Aboriginal Land Rights Act*
- the National Native Title Tribunal
- Native Title Services Corporation (NTSCorp)
- relevant local council(s)
- relevant catchment management authorities.

Proponent writes to the Aboriginal people whose names were provided by organisations a to g and LALC(s) to notify them of the proposed project and opportunity to be involved in consultation and places notification in the local newspaper.

The notification by letter and in the newspaper must include:

- the name and contact details of the proponent
- a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project
- a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in preparing an application for an AHIP and to assist the Director General of DECCW in his or her consideration and determination of the application
- an invitation for Aboriginal people who hold knowledge relevant to determining the cultural significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity
- a closing date for the registration of interests.

Proponent records names of Aboriginal people who have registered an interest in being involved in consultation – the 'registered Aboriginal parties'.

Aboriginal people have a minimum of 14 days after the letter was sent or the notice was published in the newspaper to register an interest.

Stage 2

Presentation of
information about the
proposed project

Proponent presents and/or provides proposed project information to registered Aboriginal parties.

Proponent provides a copy of the notification and record of the registered Aboriginal parties to DECCW and relevant LALC within 28 days of the closing date for registering an interest.

Proponent may create an opportunity for registered Aboriginal parties to visit the proposed project site.

Proponent should provide a copy of this record or documentation to registered Aboriginal parties.

Stage 3

Gathering information
about cultural
significance

Proponent presents and/or provides the proposed methodology(s) for the cultural heritage assessment to the registered Aboriginal parties for comment.

Proponent considers input provided by registered Aboriginal parties and finalises methodology for implementation. Proponent documents how the input has been considered.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the methodology(s) to provide written or oral comment.

Proponent seeks information from registered Aboriginal parties to identify:

- whether there are any Aboriginal objects of cultural value
- whether there are places of cultural value (whether or not they are Aboriginal places declared under Section 84 of the NPW Act).

Proponent seeks input from registered Aboriginal parties on potential management options.

Stage 4

Review of draft cultural
heritage assessment
report

Proponent prepares draft cultural heritage assessment report and provides it to the registered Aboriginal parties for review and comment.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the draft report to review and provide written or oral comment.

Proponent provides/makes available the final cultural heritage assessment report and AHIP application to the registered Aboriginal parties and relevant LALCs within 14 days of an AHIP application being made to DECCW.

Proponent finalises cultural heritage assessment report. The final report is submitted to DECCW for consideration with the proponent's AHIP application.

Rebecca Bryant

From: Lucinda Varley <Lucinda.Varley@northsydney.nsw.gov.au>
Sent: Wednesday, 15 May 2019 12:18 PM
To: Paul Irish; Rebecca Bryant
Subject: Aboriginal Contacts in North Sydney Council Area

Hi Rebecca and Paul

Unfortunately as the heritage officer I am unable to assist with providing you with Aboriginal contact information. I recommend that you contact David Watts of the Aboriginal Heritage Office on 9976 1682 or info@aboriginalheritage.org

Kind regards

Lucinda Varley
Conservation Planner / Heritage Officer

P 9936 8100

E council@northsydney.nsw.gov.au



www.northsydney.nsw.gov.au





Overlap Analysis

Disclaimer
This information product has been created to assist in understanding the spatial characteristics and relationships of this native title matter and is intended as a guide only. Spatial data used has been sourced from the relevant custodians in each jurisdiction, and/or the Tribunal, and is referenced to the GDA94 datum.

While the National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the NNTT, the Registrar nor the Commonwealth of Australia is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used.
The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date.
The NNTT and Registrar expressly disclaim any liability arising from the use of this information.
This information should not be relied upon in relation to any matters associated with cultural heritage.

- Please note:**
- Calculated areas may not be the same as the legal area of a parcel.
 - Where shown, NNTT Tenure Class for a non freehold parcel refers to a tenure grouping derived for the purposes of the Tribunal, and does not necessarily represent the jurisdictional tenure type.
 - Overlap results are returned only for the currently active jurisdiction.
 - Where shown, overlap results are returned for 'current' future act notices. These are notices within six months of the notification date, notices subject to a current future act application or state deed and those notices where the right to negotiate applies and are within five years of the notification date.
 - Where shown, overlap results are returned for Future Act Objections that are currently active, or that have been subject to an NNTT determination.

Selected Feature from Local Government Area

Name	Willoughby
Full Name	Willoughby City Council
Selection Area (sq km)	22.173

Selected Feature



Reporting overlapping features in New South Wales

Schedule of Native Title Determination Applications

No overlap found

Register of Native Title Claims

No overlap found

Native Title Determinations

No overlap found

Native Title Determination Outcomes

No overlap found

* Note: Outcomes identified as "Native title extinguished" are generally outside the determination area. Refer to the determination document for more information.

Indigenous Land Use Agreements

No overlap found

RATSIB Areas

Name	Organisation	Area (sq km)	Overlap Area (sq km)	% Region Overlapped
New South Wales	NTSCORP Limited	1,719,932.3173	22.1733	100.00%

Local Government Areas

Name	Full Name	Area (sq km)	Overlap Area (sq km)	% Region Overlapped
Willoughby	Willoughby City Council	22.1733	22.1733	100.00%

Rebecca Bryant

From: Margaret Bottrell <margaret.bottrell@lls.nsw.gov.au>
Sent: Thursday, 16 May 2019 12:16 PM
To: Rebecca Bryant
Subject: Notification of Aboriginal People in relation to an Aboriginal Cultural Heritage Assessment at Lot 101 DP791327, 211 Pacific Highway, St Leonards NSW 2065

To Rebecca Bryant,

RE: Notification of Aboriginal People in relation to an Aboriginal Cultural Heritage Assessment at Lot 101 DP791327, 211 Pacific Highway, St Leonards NSW 2065

Thank you for your letter dated 14 May 2019, requesting assistance with identifying Aboriginal stakeholder groups or persons who may have an interest in your project area.

Greater Sydney Local Land Services (GS LLS) acknowledges that Local Land Services have been listed in *Section 4.1.2 (g) of the Aboriginal cultural heritage consultation requirements for proponents 2010*, under *Part 6, National Parks and Wildlife Act 1974* as a source of information to obtain the “names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal *objects* and/or *places*”.

GS LLS is a partner with many Aboriginal communities in the region on many natural resource management (NRM) projects. However, GS LLS is not the primary source for contacting or managing contact lists for Aboriginal communities or persons that may inform or provide comment on planning issues. GS LLS considers cultural heritage issues that relate to land-use planning in general and only considers culture and heritage issues in the context of NRM.

We strongly recommend that you make contact with the Office of Environment and Heritage (OEH), Cultural Heritage Division, for all-inclusive contact lists of persons and organisations that may assist with your investigation.

Note: Hawkesbury Nepean Catchment Management Authority (HNCMA) no longer exists. All work previously carried out by HNCMA is now delivered by Greater Sydney Local Land Services (GS LLS).

Regards,

--

Margaret Bottrell Senior Strategic Land Services Officer
(Aboriginal Communities)
Greater Sydney Local Land Service
Level 4, 2-6 Station Street Penrith
PO Box 4515 Penrith Westfields NSW 2750
T: 02 47242111
E: margaret.bottrell@lls.nsw.gov.au
W: <http://www.lls.nsw.gov.au>

27 May 2019

By email: paul@coasthistory.com.au

Dr Paul Irish
Director
Coast History & Heritage
PO Box A74
ARNCLIFFE NSW 2205

Dear Paul,

Request - Search for Registered Aboriginal Owners

We refer to your letter dated 14 May 2019 regarding an Aboriginal Cultural Heritage Assessment for proposed development at 211 Pacific Highway, St Leonards, NSW (Lot 101 DP 791327).

Under Section 170 of the *Aboriginal Land Rights Act 1983* the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are not currently any Registered Aboriginal Owners in the project area.

We suggest you contact Metropolitan Local Aboriginal Land Council on 02 8394 9666 as they may be able to assist you in identifying Aboriginal stakeholders who wish to participate.

Yours sincerely



Elizabeth Loane
Project Officer, Aboriginal Owners
Office of the Registrar, ALRA

Rebecca Bryant

From: David Watts <David.Watts@northernbeaches.nsw.gov.au>
Sent: Friday, 17 May 2019 10:38 AM
To: Rebecca Bryant
Subject: Re: Notification of Aboriginal People - St Leonards
Attachments: image001.png

Hi,
Please contact the OEH for your information you requested.
This is not our role to provide you with this information

Sent from my iPhone

> On 17 May 2019, at 10:30 am, Rebecca Bryant <rebecca@coasthistory.com.au> wrote:
>
> Dear Mr Watts,
>
> Please find attached to this email a letter requesting details of any Aboriginal people who may have cultural knowledge in relation to the St Leonards area in NSW to assist with the preparation of an Aboriginal Cultural Heritage Assessment.
>
> I have also contact Metropolitan Local Aboriginal Land Council and the North Sydney and Willoughby government councils. North Sydney council advised me to contact you.
>
> Kind regards,
>
> Rebecca Bryant
> Archaeologist
> [cid:6309b0f2-0f0d-4fc5-ae8f-78e9dd7f127a]
> P: 1800 450 995 / M: 0405 236 821
> E: rebecca@coasthistory.com.au<mailto:rebecca@coasthistory.com.au>
> W:
> www.coasthistory.com.au<https://aus01.safelinks.protection.outlook.com
> /?url=http%3A%2F%2Fwww.coasthistory.com.au%2F&data=01%7C01%7CDavid.Wat
> ts%40northernbeaches.nsw.gov.au%7C89b911aa9b2947227bc808d6da5e8f35%7C8
> c5136cbd646431c84ae9b550347bc83%7C0&sdata=q65103t47yj16NVBdoK4Pqx5M9OK
> hwAKOUOU9ya8fLo%3D&reserved=0> Suite 9 & 10, 136 Marrickville Rd,
> Marrickville PO Box A74, Arncliffe NSW 2205
>
> <image001.png>
> <St Leonards Direct Notice AHO 17May19.pdf>

Northern Beaches Council

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<<http://www.Northernbeaches.nsw.gov.au>>

Appendix 1C

Registrations of Interest



**DARUG LAND
OBSERVATIONS PTY LTD
ABN 27 602 765 453**

EMAIL: DARUGLANDOBSERVATIONS@GMAIL.COM
PO BOX 173 ULLADULLA NSW 2539
MOBILE: 0413 687 279

22nd May 2019

Paul Irish
Coast History & Heritage
PO Box A74
ARNCLIFFE NSW 2205

Notification and Registration of ALL Aboriginal Interests

RE: PROPOSED DEVELOPMENT OF AN INTERNATIONAL CHINESE SCHOOL -
LOT 101 DP 791327, 211 PACIFIC HIGHWAY ST LEONARDS NSW

Aboriginal Cultural Heritage Assessment

Dear Paul,

Please be advised that Darug Land Observations Pty Ltd is seeking to be involved in any and all consultation meetings and fieldwork.

This office specialises in Aboriginal and community consultations, and has a membership that comprises of Traditional owners from the area in question. Those retain strong story, song lines, oral history and continued contact.

We would also like to state that we do not accept or support any person or organisation that are NOT from the DARUG Nation that comments regarding the said area.

Please also be advised that this Aboriginal organisation does not do volunteer work or attend unpaid meetings. I hope that you advise your client of this so that, 'This Group', will not be discriminated against and refused paid fieldwork. DLO's rate is \$440 half day (less than 4 hours) and \$880 per day (flat rate), including GST.

All correspondence should be emailed to: daruglandobservations@gmail.com, or mailed to: PO Box 173 Ulladulla NSW 2539, and any further consultation during this project can be directed to Anna O'Hara on mobile 0413 687 279.

Yours sincerely,

Jamie Workman
Darug Land Observations Pty Ltd

Uncle Gordon Workman
Darug Elder

Rebecca Bryant

From: Rebecca Bryant
Sent: Wednesday, 22 May 2019 8:23 AM
To: lilly carroll
Cc: Coast History and Heritage
Subject: RE: Notification for Aboriginal heritage project at 211 Pacific Highway, St L

Dear Ms Carroll,

I received your email and thank you for registering your interest in this project. We have listed you as a Registered Aboriginal Party and will be in touch soon with some further information on the project.

Kind regards,

Rebecca

From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Tuesday, 21 May 2019 4:00 PM
To: Rebecca Bryant <rebecca@coasthistory.com.au>
Subject: Re: Notification for Aboriginal heritage project at 211 Pacific Highway, St L

Hi Rebecca,

DNC would like to register an interest into
211 Pacific Highway St Leonards,

Kind regards
Paul Boyd & Lilly Carroll
Directors DNC

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, May 21, 2019, 3:43 pm, Rebecca Bryant <rebecca@coasthistory.com.au> wrote:

Dear Ms Carroll and Mr Boyd,

Please find attached to this email a letter requesting details of any Aboriginal people who may have cultural knowledge in relation to the St Leonards NSW area to assist with the preparation of an Aboriginal Cultural Heritage Assessment.

This assessment will be part of a State Significant Development Application for the construction of a new International Chinese School at Lot 101 DP791327, 211 Pacific Highway, St Leonards NSW

Paul Irish

From: Caza X <cazadirect@live.com>
Sent: Thursday, 30 May 2019 11:48 AM
To: Rebecca Bryant; Coast History and Heritage
Subject: Re: Notification for Aboriginal heritage project at 211 Pacific Highway, St Leonards NSW

A1

Indigenous Services

Contact: Carolyn
M: 0411650057
E: Cazadirect@live.com
A: 10 Marie Pitt Place, Glenmore Park, NSW 2745
ABN: 20 616 970 327

Hi,
A1 would like to register for this project.
Thank you
Carolyn Hickey

From: Rebecca Bryant <rebecca@coasthistory.com.au>
Sent: Tuesday, 21 May 2019 3:16 PM
To: Caza X
Cc: Coast History and Heritage
Subject: Notification for Aboriginal heritage project at 211 Pacific Highway, St Leonards NSW

Dear Ms Hickey,

Please find attached to this email a letter requesting details of any Aboriginal people who may have cultural knowledge in relation to the St Leonards NSW area to assist with the preparation of an Aboriginal Cultural Heritage Assessment.

This assessment will be part of a State Significant Development Application for the construction of a new International Chinese School at Lot 101 DP791327, 211 Pacific Highway, St Leonards NSW

Kind regards,

Rebecca Bryant

Archaeologist



P: 1800 450 995 / M: 0405 236 821

E: rebecca@coasthistory.com.au

W: www.coasthistory.com.au

Suite 9 & 10, 136 Marrickville Rd, Marrickville

PO Box A74, Arncliffe NSW 2205

Appendix 1D

Information and Methodology Document

7 June 2019



Dear [REDACTED],

**RE : Aboriginal Cultural Heritage Assessment Information and Methodology
for 211 Pacific Highway, St Leonards, NSW**

Thank you for expressing your interest in this project. We have recorded your organisation as a 'Registered Aboriginal Party' to the project and are now providing you with further information in accordance with section 80C (6) & (7) of the *National Parks and Wildlife Regulation 2009*.

Specifically, this letter contains:

- a description of the proposed development;
- a consideration of the types of potential impacts that this may have on Aboriginal objects and places;
- the methodology we propose to use to complete an Aboriginal cultural heritage assessment of the proposal; and
- potential management options for Aboriginal objects that may be uncovered as part of the proposal.

The letter also invites you to provide any knowledge or information about the cultural significance of Aboriginal objects or places which you believe should be considered in relation to the proposal. We also welcome your comments on the proposed methodology and management options. As outlined in this letter, any comments you provide will be considered in the Aboriginal cultural heritage assessment report for the proposal, and to assist the Department of Planning and Environment in its assessment of the proposal.

If you wish to provide us with any comments, please send them to us in writing (or contact us if this is not possible), by **8 July 2019** at one of the following:

(Email) admin@coasthistory.com.au

(Post) PO Box A74 Arncliffe NSW 2205

(Fax) 02 8311 1478

We note that in accordance with current Office of Environment & Heritage guidelines,¹ any proposal you may wish to submit for engagement in possible future fieldwork is a commercial matter which the proponent will consider separately from the comment and consultation we are currently undertaking.

1 What we are assessing

The property and proposal

The area we are assessing is primarily located within Lot 101 in DP791327 (211 Pacific Highway, St Leonards), immediately south-east of Gore Hill Cemetery, and also includes small portions of an adjacent road corridor (Lot 1 in DP1191604) and carpark (Lot 7083 in DP93642) (**Figure 1**). It is around 7 kilometres north of the Sydney CBD and approximately 500m south-west of St Leonards railway station, and is situated within the Willoughby Local Government Area, Parish of Willoughby, County of Cumberland and the Office of Environment and Heritage Metropolitan Sydney Region. Our study area is around 1,500m² in size and includes an existing building footprint that is currently being rebuilt, its immediate surrounds, the pedestrian walkway to the east known as 'The Avenue' and a section within the Willoughby local council carpark to the east of 'The Avenue' (**Figure 2**).

The International Chinese School² are proposing to relocate their existing primary school in Chatswood to the study area. Currently, an office building with basement carpark is being constructed by at Lot 101 under DA-2014/301 within the footprint of a previous building at the site. The current proposal is to internally adapt this building for use as a primary school. This will not involve any additional construction works for the school itself, however some landscape works are proposed, along with a new one way vehicular access point for drop off and pick up of students, entering and exiting from the existing council carpark to the east (**Figure 3**).

These works are to be assessed as a State Significant Development under Division 4.7 of the *Environmental Planning & Assessment Act 1979*. The Department of Planning and Environment has released its Secretary's Environmental Assessment Requirements (SEARs) for the project and these require an **Aboriginal Cultural Heritage Assessment report** to be prepared in accordance with current guidelines³ and which meets Aboriginal community consultation requirements.⁴ Coast History & Heritage has been engaged by Stanton Dahl Architects on behalf of the International Chinese School to undertake this project to assist the Department of Planning and Environment in their assessment of the proposal.

¹ As outlined in Section 3.4 (page 9) of the 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974* (DECCW).

² 1 View St, Chatswood NSW 2067.

³ SSD-10260 SEARS 18/4/2019; Office of Environment & Heritage (OEH) 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

⁴ *National Parks and Wildlife Regulation 2009* (s80C), as detailed in OEH 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974*.



Figure 1. The study area (blue outline) in its topographic context.



Figure 2. The study area (blue outline) in its local context.

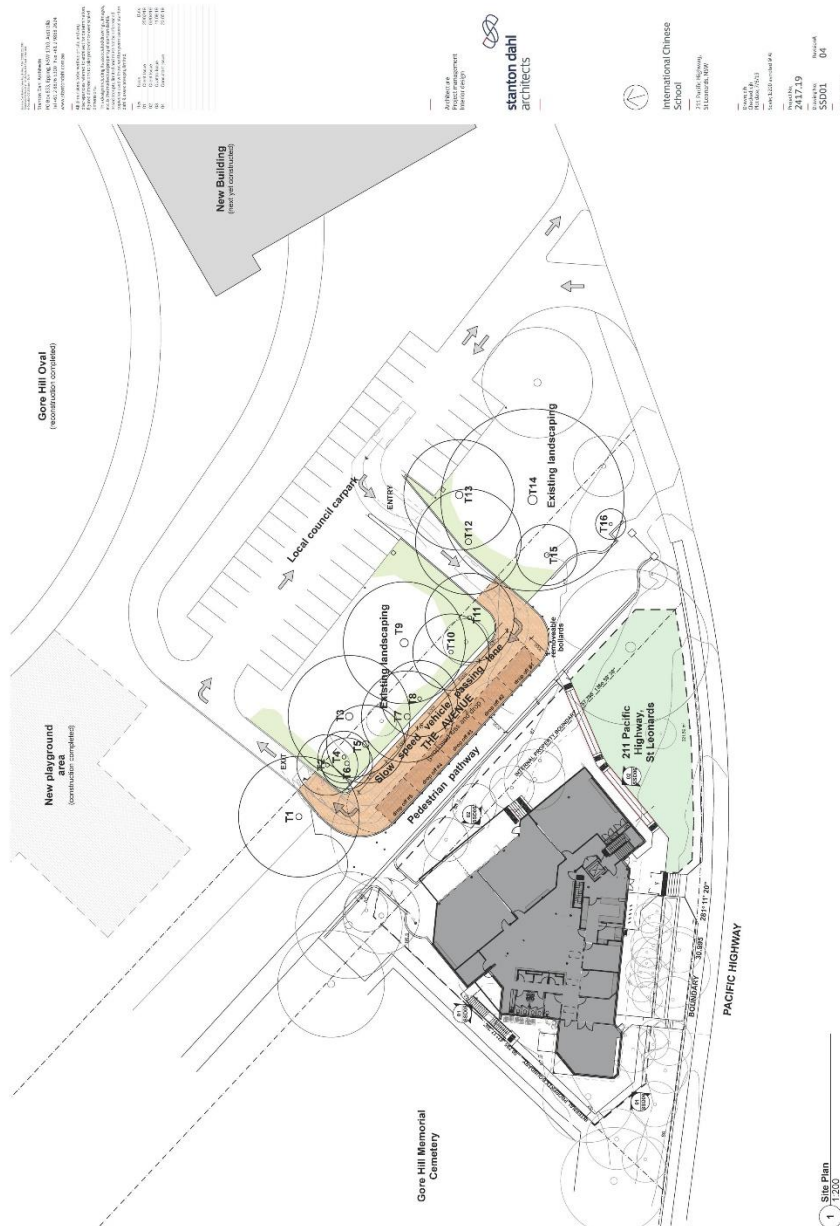


Figure 3. Current site plan for the proposed new building and drop off/pick up area for parents and students (plan view).

The study area is on a ridgeline traced by the Pacific Highway, which divides the Lane Cove and Parramatta River/Sydney Harbour catchments. The area is on shale bedrock, and the soils in the area are prone to erosion. The study area is within the Gore Hill Memorial Cemetery complex, and originally housed a caretaker's cottage (see **Figure 4**). Over the past century or more a number of historical activities have occurred within the study area which will have impacted most if not all of the original ground. There are no registered Aboriginal sites in or within 500m of the study area.

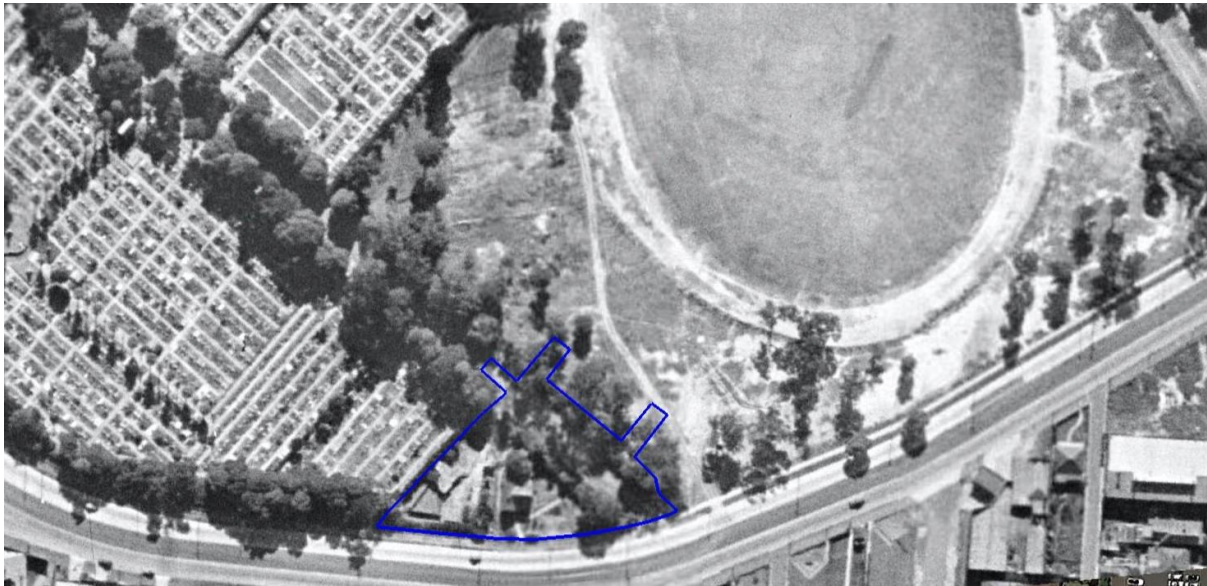


Figure 4. View of the study area in 1943.

This is what the study area looked in 1943. The caretaker's cottage built in 1886 and trees planted in 1887 can be lining The Avenue. The Gore Hill Park oval has been built and the area where the present-day council carpark is has been cleared.

We undertook a field inspection of the study area in conjunction with the Metropolitan Local Aboriginal Land Council. There is little to see on the current surface, but it is clear that most of the school area has been built into or landscaped, and that there have also been impacts outside this area from the construction and reworking of The Avenue and the recent construction of a Council carpark to the east. There is also evidence of subsurface disturbance like large, deep drains (**Figures 5-6**). It is unlikely therefore that any intact or extensive Aboriginal sites may be impacted by the proposal but our assessment will consider this in more detail.



Figure 5. View west over existing building footprint currently being constructed on under the approved office building DA. Existing basement carpark is below the slab.



Figure 6. View north along The Avenue to the east of the proposed school site, showing drop off/pick up area.

2 Project Timing and Opportunities for Comment

The proposal we are assessing is to be submitted to the Department of Planning & Environment for assessment as a State Significant Development under Division 4.7 of the *Environmental Planning & Assessment Act* 1979. The Department of Planning & Environment has required that this include an Aboriginal Cultural Heritage Assessment and Aboriginal community consultation in relation to current Office of Environment & Heritage policy which has been triggered by the relatively minor external works. To meet these requirements, Coast History & Heritage has undertaken public and direct Aboriginal community notification on behalf of the proponent in accordance with Section 80C of the *National Parks and Wildlife Regulation* 2009. As a result, a number of Registered Aboriginal Parties to the project have been identified.

All Registered Aboriginal Parties have two main opportunities to comment on the proposal and the Aboriginal Cultural Heritage Assessment; in relation to this Information and Methodology document, and in relation to the draft Aboriginal Cultural Heritage Assessment report. All Registered Aboriginal Parties have been sent a copy of this document by email or post on 7/6/2019 and provided 28 days to make any comments. We have asked for any comments you may wish to make in relation to the project, its methodology and any Aboriginal cultural information that may be relevant to assessment the potential impacts of the proposal.

These comments will be forwarded to the proponent for their consideration and will be incorporated into the draft Aboriginal Cultural Heritage Assessment report which is to be prepared. This draft report will also be provided to all Registered Aboriginal Parties and 28 days provided to make any comments. Any comments received will be considered and incorporated into the final report, which will be provided to the Department of Planning & Environment to assist in its

assessment of the proposal. A copy of the final Aboriginal Cultural Heritage Assessment report will also be made available to all Registered Aboriginal Parties.

Please note that if any information that you wish to provide to Coast History & Heritage is culturally sensitive, please let us know so that appropriate protocols of access and use can be developed. If you do not inform us, we will assume that the information you provide can be included and discussed in the Aboriginal Cultural Heritage Assessment report.

3 Proposed Assessment Methodology

We propose to use the following methodology to assess the archaeological and Aboriginal cultural values relevant to the project.

Archaeological Assessment

Our archaeological assessment will be undertaken and documented in the draft Aboriginal Cultural Heritage Assessment report, that will be provided to you for comment. It is already clear that the proposal involves only very minor impacts to areas which are likely to have been impacted already to some degree by historical land use. The report will consider relevant background environmental, historical and archaeological context, including the results of the site inspection already undertaken, to determine the most appropriate management recommendations in relation to the current proposal.

Aboriginal Cultural Assessment

The Aboriginal cultural assessment will consider:

1. our knowledge of previously documented Aboriginal cultural and historical associations with the study area; and
2. any information provided by Registered Aboriginal Parties. Specifically, we would like you to provide us with your views on -
 - any places or objects of cultural value to Aboriginal people which may be relevant to the current proposal;
 - appropriate management for any Aboriginal objects that may be retrieved from the study area either as a result of possible archaeological test excavations, or during the construction of the proposal if approved; and
 - any other Aboriginal cultural or historical knowledge which is relevant to the Aboriginal cultural assessment of the study area in relation to the current proposal.

Any information you provide us with will be considered and included in the draft Aboriginal Cultural Heritage Assessment report that will be sent to you for further comment. And as we noted above, appropriate protocols can be developed for sensitive information if you let us know.

4 Potential Management of Aboriginal Objects

At this stage no Aboriginal archaeological remains have been identified within the study area. It is possible that we might find Aboriginal objects (such as stone artefacts) in any relatively undisturbed ground during construction. In order to develop management recommendations for you to consider in the draft Aboriginal Cultural Heritage Assessment report we need to do some further research, hear your comments based on this document, and assess the archaeological and cultural values relevant to this project. Specifically, we would like you to tell us which of the following three options you would prefer for the long-term management of any Aboriginal objects that may be uncovered during the construction of the current proposal:

1. Transferring the objects to the Australian Museum or a local museum with appropriate storage facilities. The Australian Museum is the default repository for Aboriginal archaeological remains but will only take objects which meet a certain threshold of significance; or
2. transferring the objects to an Aboriginal organisation with appropriate storage facilities under a Care and Control agreement. This should be with the agreement and consent from other Registered Aboriginal Parties, and the OEH can refuse Care and Control where this cannot be demonstrated; or
3. objects may be reburied at an appropriate location within the study area or broader surrounding campus area with the consent of the proponent.

Any comments you provide on these three possible options will help us to work out a management strategy for you to consider in the draft Aboriginal Cultural Heritage Assessment report.

5 Conclusions

This letter has provided you with information about the project, our proposed assessment methodology and possible strategies for managing Aboriginal objects that might be found within the study area if the current proposal proceeds. We have sought:

- Your comments on the assessment methodology that we have proposed.
- Any information about Aboriginal objects or places of cultural value to Aboriginal people which may be located within the study area, and any other Aboriginal cultural or historical information that you feel is relevant to the current assessment and proposal and should be considered.
- Your views on the possible long-term management of Aboriginal objects such as stone artefacts that might be located in the study area in the event that the proposal is approved.

As noted above, where requested and appropriate, protocols can be developed for culturally sensitive information provided to Coast History & Heritage. It is however essential that comments and information, preferably in writing, be received by Coast History & Heritage no later than **Monday 8 July 2019** if they are to be considered in the draft Aboriginal Cultural Heritage Assessment report.

If you have any questions or require any additional information, please contact our office on 1800 450 995 or project manager Paul Irish at paul@coasthistory.com.au.

Yours sincerely,



Dr Paul Irish

Director

E: paul@coasthistory.com.au

W: www.coasthistory.com.au

Appendix 1E

Responses to Information and Methodology

Rebecca Bryant

From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Tuesday, 11 June 2019 9:27 PM
To: Rebecca Bryant
Subject: Re: Information and Methodology document – 211 Pacific Highway St Leonards NSW 2065

Hi Rebecca,

DNC is happy with the methodology and hope to work with you soon

Kind regards
Paul Boyd & Lilly Carroll
Directors DNC

[Sent from Yahoo Mail for iPhone](#)

On Friday, June 7, 2019, 3:57 pm, Rebecca Bryant <rebecca@coasthistory.com.au> wrote:

Dear Ms Carroll and Mr Boyd ,

Thank you for registering your interest in the Aboriginal Cultural Heritage Assessment project at the above address. Please find below a link to an information and methodology document for your review and comment.

<https://app.box.com/s/tg29nm18u1acvy0yt0d4uz7vb0dykbfj>

Could you please ensure that you provide any comments to us by **Monday 08 July 2019**, via email, post or fax.

Kind regards,

Rebecca Bryant

Archaeologist



P: [1800 450 995](tel:1800450995) / M: [0405 236 821](tel:0405236821)

E: rebecca@coasthistory.com.au

W: www.coasthistory.com.au

Suite 9 & 10, 136 Marrickville Rd, Marrickville

PO Box A74, Arncliffe NSW 2205

Rebecca Bryant

From: Caza X <cazadirect@live.com>
Sent: Sunday, 30 June 2019 10:55 AM
To: Rebecca Bryant
Subject: Re: Information and Methodology document – 211 Pacific Highway St Leonards NSW 2065

Hi Rebecca,
A1 supports the ACHA methodology.
Thank you
Carolyn Hickey

Get [Outlook for Android](#)

From: Rebecca Bryant <rebecca@coasthistory.com.au>
Sent: Friday, June 7, 2019 3:52:14 PM
To: Caza X
Cc: Coast History and Heritage
Subject: Information and Methodology document – 211 Pacific Highway St Leonards NSW 2065

Dear Ms Hickey,

Thank you for registering your interest in the Aboriginal Cultural Heritage Assessment project at the above address. Please find below a link to an information and methodology document for your review and comment.

<https://app.box.com/s/uv7zml52iekpo5gafalc4v4p38n4qq5e>

Could you please ensure that you provide any comments to us by **Monday 08 July 2019**, via email, post or fax.

Kind regards,

Rebecca Bryant

Archaeologist



P: 1800 450 995 / M: 0405 236 821

E: rebecca@coasthistory.com.au

W: www.coasthistory.com.au

Suite 9 & 10, 136 Marrickville Rd, Marrickville

PO Box A74, Arncliffe NSW 2205

Appendix 1F

Responses to Draft Report



Metropolitan Local Aboriginal Land Council

36-38 George Street Redfern NSW 2016
PO Box 1103 Strawberry Hills NSW 2012
Telephone: (02) 8394 9666 Fax: (02) 8394 9733 Email: bookings@metrolalc.org.au

Thursday 16th May 2019

Dr Paul Irish
Director Historian & Archaeologists
Coast History & Heritage
Suite 9 & 10
136 Marrickville Road
Marrickville NSW 2204

Dear Paul

Re: Site Survey at
International Chinese School at 211 Pacific Highway,
St Leonard,
Sydney NSW 2065

On Thursday 16th May 2019, I Selina Timothy as a representative of Metropolitan Local Aboriginal Land Council participated in a site inspection survey at the above property to determine the purpose of identifying Aboriginal sites and cultural and heritage values. The entire property was assessed with Dr Paul Irish Principal Consultant & Historian and Rebecca Bryant Archaeologist in attendance.

Property/Inspection Description

The study area for the adaptation of an existing building and accompanying site works for a new International Chinese School which slopes down gently from northwest to south west and is situated in the south east section of the heritage listed Gore Hill Cemetery. On top of a south ending spur which forms part of a broad ridge between the Lane Cove River valley and Middle Harbour valley. The study area is located on the crest and slopes of this rounded spur, which is bordered by the Gore Creek and Berry Creek valleys running into the Lane Cove and Parramatta Rivers. The forest surrounding these watercourses would have consisted of tall trees like Blue Gums and Grey Iron Bark extending up and along the ridge lines. There would also have been smooth barked Apple and Sydney Peppermint trees, along with native black berries on the lower slopes, the forest and the watercourses would have provided habitat and water for animals such as wallabies, possums, reptiles fish and shellfish which offered Aboriginal people a

range of food and the wood, bark and plants would also be a valuable resource for fire, tools, food, medicine and weapons.

Aboriginal Heritage

Aboriginal people of the past have used the area as an important source of food and a place of trade whilst travelling through the regions.

The indication of Aboriginal occupations, usage and the significance for Aboriginal people past and present still remains. All parts of Sydney hold significance to the Aboriginal people and the preservation and conservation of such sites is of high importance for our connection to Country and is likely to retain some significance as part of broader landscapes with which Aboriginal people identified, however sites of significance such as the engravings and rock shelter sites found along the sandstone lined waterways to the north and south of the study area are not present in and immediate site being proposed for development.

During the survey, we found no evidence of exposed undisturbed natural ground and no stone artefacts or other Aboriginal cultural materials were observed.

Conclusions and Recommendations

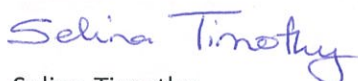
If any cultural materials are unearthed during any stages of the proposed development then all works are to cease and MLALC and Representatives from The Office of Environment and Dr Paul Irish, Principal Consultant & Historian and Rebecca Bryant Archaeologist are to be contacted immediately.

There are no documented Aboriginal archaeological remains within the study area and it is considered unlikely that any will be recovered any Cultural significant objects and the management of collected Aboriginal archaeological remains found during works carried out is to be cared, respected and recorded in the correct way.

After proposed development is finalized, MLALC suggested that landscapes of native vegetation be planted and would also like to suggest Aboriginal names of the area to be used in any visual interpretations and or buildings and MLALC to be notified and made aware of wordings on signage.

If you require further information please do not hesitate in contacting the MLALC Office for assistance.

Regards,



Selina Timothy

Culture and Heritage Officer

Paul Irish

From: Caza X <cazadirect@live.com>
Sent: Sunday, 14 July 2019 12:41 PM
To: Paul Irish
Subject: Re: Draft Aboriginal Cultural Heritage Assessment report - 211 Pacific Highway, St Leonards

A1

Indigenous Services

Contact: Carolyn
M: 0411650057
E: Cazadirect@live.com
A: 10 Marie Pitt Place, Glenmore Park, NSW 2745
ABN: 20 616 970 327
Hi,
A1 Supports the Draft ACHA report.
Thank you
Carolyn Hickey

From: Paul Irish <paul@coasthistory.com.au>
Sent: Thursday, 11 July 2019 9:48 AM
To: Cazadirect@live.com
Cc: Coast History and Heritage
Subject: Draft Aboriginal Cultural Heritage Assessment report - 211 Pacific Highway, St Leonards

Dear Carolyn,
Please see at the link below a copy of the draft Aboriginal Cultural Heritage Assessment report as part of a State Significant Development Application for the adaptation of an existing building and accompanying site works for a new International Chinese School at 211 Pacific Highway, St Leonards. Our draft Aboriginal Cultural Heritage Assessment contains an Aboriginal archaeological assessment in accordance with the Office of Environment & Heritage (OEHS 2010; 'the code'), and documents Aboriginal community consultation in accordance with the *National Parks and Wildlife Regulation 2009* ('the Regulation').

<https://app.box.com/s/f811xstjegtug404pzzny4if8xywxkrc>

As a 'Registered Aboriginal Party' to the project we are providing you with the draft report in accordance with section 80C (8) of the *National Parks and Wildlife Regulation 2009*. If you wish to provide us with any comments, please send them to us in writing (or contact us if this is not possible), by **Friday 9 August 2019** at one of the following:

(Email) admin@coasthistory.com.au
(Post) PO Box A74 Arncliffe NSW 2205
(Fax) 02 8311 1478

If you have any questions or require any additional information, please do not hesitate to contact me.
Kind regards,
Paul Irish

Dr Paul Irish

DIRECTOR / Historian and Archaeologist

Appendix 2

OEH Aboriginal Heritage Information Management System Records

Coast History & Heritage

Date: 13 May 2019

PO BOX A74 7 Mitchell Street
Arncliffe New South Wales 2205

Attention: Rebecca Bryant

Email: rebecca@coasthistory.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 330400 - 334400, Northings : 6253800 - 6257800 with a Buffer of 0 meters, conducted by Rebecca Bryant on 13 May 2019.

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:

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

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

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

Important information about your AHIMS search

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