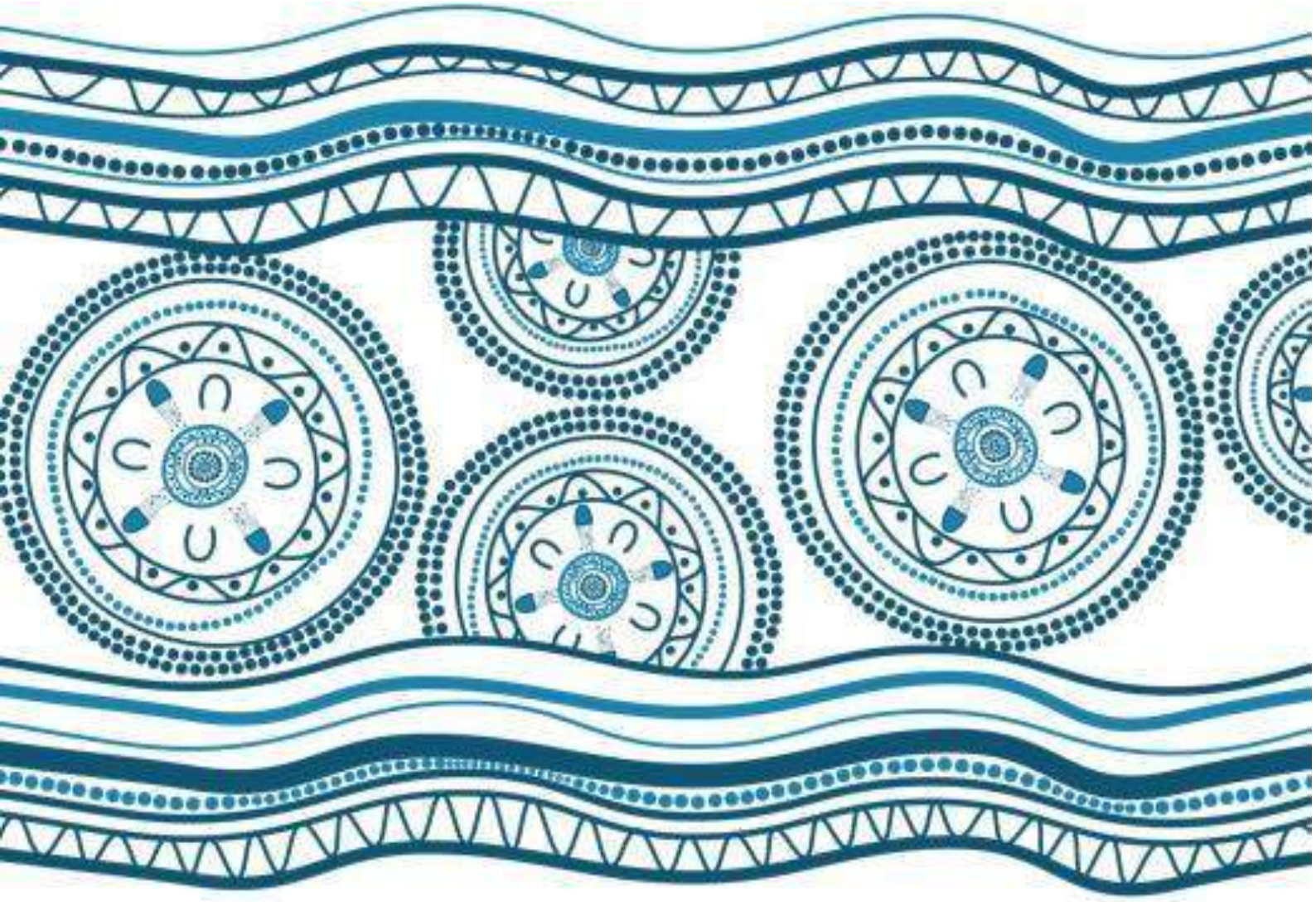
Appendix E

Aboriginal Cultural Heritage Assessment Report



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Kamay Ferry Wharves Project

PACHCI Stage 3

Aboriginal Cultural Heritage Assessment Report

Report to Arup on behalf of Transport for NSW

Local Government Area: Sutherlands Shire and City of Randwick

June 2021

artefact

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EXECUTIVE SUMMARY

Transport for New South Wales (Transport for NSW) is seeking approval to reinstate the ferry wharves at La Perouse and Kurnell in Kamay Botany Bay (the project) under Division 5.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as State Significant Infrastructure (SSI). The project would allow for an alternative connection between La Perouse and Kurnell rather than by road. The primary purpose of this infrastructure would be to operate a public ferry service to service visitors to the area and by the local community for cultural and recreational purposes The associated wharf infrastructure would also provide for supplementary uses potentially including commercial vessels and recreational boating.

The project provides opportunities for significant cultural and economic benefits to the local Aboriginal community by providing improved access to culturally significant sites. It is also expected to deliver benefits and opportunities to wider communities on either side of Kamay Botany Bay such as investment opportunities in a ferry service and other new visitor/tourist experiences.

In accordance with the recommendations of the PACHCI Stage 2 archaeological survey report and non-Aboriginal heritage assessment for the Preliminary Environmental Investigation (PEI), a TEM was prepared by Artefact Heritage in October 2020. A program of Aboriginal and non-Aboriginal archaeological test excavation was then undertaken at Kurnell and La Perouse between 2 November and 24 November 2020. On 1 July 2020 the Kamay Ferry Wharves Project was declared SSI and will be assessed under the EP&A Act. Under Section 5.23 of the EP&A Act, approvals for the test excavation program under *the National Parks and Wildlife Act 1974* (NPW Act) and the *Heritage Act 1977* (Heritage Act) were not required. The Planning Secretary's Environmental Assessment Requirements (SEARs) application no. SSI-10049 have been issued for the project. The Aboriginal and non-Aboriginal archaeological test excavations were conducted under the project SEARs. An Archaeological Test Excavation Report (ATER) was completed in December 2020.

Artefact has prepared this ACHAR in accordance with *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (Office of Environment and Heritage [OEH] 2001) (Heritage Guidelines), the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010b) (the Consultation Requirements), and the results of the PACHCI Stage 2 archaeological survey report and PACHCI Stage 3 test excavation program.

Findings

In the La Perouse construction boundary, it was found that:

- PACHCI Stage 2 archaeological survey identified eight previously recorded AHIMS sites, of which, only two were relocated. It was determined the remaining sites were not identified due to erosion, the presence of a concrete footpath, and rock shelters being filled-in since initial recording. The assessment also identified a Low Potential PAD across the area. Archaeological testing was recommended
- PACHCI Stage 3 testing program identified fill overlying natural sterile deposits. Only a portion of the testing program was completed due to the identification of contaminated material and non-Aboriginal archaeological resources (Old Wharf Road). Where test pits were completed, no archaeological material was identified and as such, the Low Potential PAD was revised. Further

archaeological management as recommended where testing could not be completed within the revised portion of Low Potential PAD

- The revised Low Potential PAD would be impacted by the proposed works
- Site 1, La Perouse (AHIMS ID 45-6-0648) is outside of the construction boundary and will not be impacted by the proposed works
- Three AHIMS registered sites are within the La Perouse construction boundary including Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), and Site 6, La Perouse (AHIMS ID 45-6-0653). These sites will not be impacted by the proposed works where archaeological mitigation measures are implemented
- Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), and Site 6, La Perouse (AHIMS ID 45-6-0653) are considered to have moderate to high significance.

In the Kurnell construction boundary, it was found that:

- One AHIP application is pending submission as part of the Kurnell Master Precinct plan. This proposed AHIP area intersects the Kurnell construction boundary
- PACHCI Stage 2 archaeological survey identified one AHIMS registered site (Foreshore Midden - Captain Cook's Landing Place ([AHIMS ID 52-3-0219]) within the Kurnell construction boundary. In addition, an area of PAD (Foreshore Midden PAD) and a revised extent of K PAD 1 was identified within the Kurnell construction boundary. Archaeological testing was recommended
- PACHCI Stage 3 testing program identified fill deposits overlying natural marine and aeolian sands. The program did not identify any significant archaeological resources within the revised extent of K PAD 1. Two isolated artefacts (KMT ISO 01 [AHIMS ID 52-3-2080] and KMT ISO 02 [AHIMS ID 52-3-2081]) were identified within the Foreshore Midden PAD however these were determined to be of low archaeological and cultural heritage significance. As such, K PAD 1 and Foreshore Midden PAD were refined and are no longer within the Kurnell construction boundary. No archaeological material was identified within the southern portion of Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) Previous investigations indicate that the upper 400mm stratigraphy in the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is comprised of fill and unlikely to contain significant archaeological deposit
- Three AHIMS registered sites would be impacted by the proposed woks including Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219), KMT ISO 01 (AHIMS ID 52-3-2080) and KMT ISO 02 AHIMS ID 52-3-2081)
- Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is considered to have high archaeological and cultural heritage significance
- KMT ISO 01 (AHIMS ID 52-3-2080) and KMT ISO 02 AHIMS ID 52-3-2081) are considered to have low scientific and cultural heritage significance.

Recommendations

General recommendations:

- La Perouse LALC should provide a cultural heritage induction to all workers on-site prior to the commencement of any construction works
- A heritage management plan will be prepared and either incorporated into the project CEMP or a standalone CHMP
- If post-contact archaeological sites are identified, e.g., Aboriginal glass artefacts, these should be managed in accordance with both the Aboriginal and non-Aboriginal management measures (refer to non-Aboriginal Technical Paper)
- The Transport for NSW Unexpected Heritage Items Procedure and NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office 1998) should be adhered to if unforeseen Aboriginal objects or human skeletal remains are uncovered during development. In the first instance this includes stopping work, protecting the archaeological find or skeletal material, and informing the Transport for NSW manager and an Archaeologist or Physical Anthropologist
- If human remains are positively identified during the construction program, a Human Remains Management Plan should be developed in accordance with the NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office 1998)
- Following completion of the archaeological excavation and the subsequent analysis and reporting, further consultation will be undertaken to determine the long-term repository for any retrieved Aboriginal objects
- Any changes to the project that may impact Aboriginal sites not assessed during the current study may warrant further investigation
- To keep consultation current, the registered Aboriginal parties should be sent an update on the project every six months
- Ongoing consultation will determine the long-term management of the retrieved artefacts
- A Heritage Interpretation Strategy (HIS) should be prepared for the project to guide the incorporation of heritage interpretation, such as displays and panels, into the project design
- The archaeological excavation methodology that would be developed for the project would be applied to any archaeological deposit or resources that are identified during the course of the construction program.

Recommendations for the La Perouse construction Boundary:

- No further archaeological works are required in the location of the construction compound/facilities however due to its proximity to the potential rock engraving sites (Site 3, La Perouse [AHIMS ID 45-6-0650] and Site 4, La Perouse [AHIMS ID 45-6-0651]), a visual inspection should be conducted prior the construction of the compound. In addition, geotextile fabric (or similar) should be laid on the ground surface within the location of the registered AHIMS sites prior to construction the temporary compound

- Archaeological supervision should be undertaken during ground penetrating works within the potential location of rock engraving Site 6, La Perouse (AHIMS ID 45-6-0653). If the engraving is identified, works must cease, the site protected and the construction methodology be reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts
- The sandstone should not be impacted within the potential subsurface site location of Site 6, La Perouse (AHIMS ID 45-6-0653) as this would compromise the integrity of the sandstone and may indirectly impact the site (refer to Figure 62)
- During construction works, monitoring of vibration impacts within the location of Site 6, La Perouse (AHIMS ID 45-6-0653) would be undertaken by geotechnical engineers, structural engineers or vibration specialist. If vibration monitors are affixed to sandstone within the location of Site 6, La Perouse (AHIMS ID 45-6-0653), non-invasive adhesive methods (e.g. beeswax) should be considered. If it is identified that levels of vibration would result in damage to the area likely to contain Site 6, La Perouse (AHIMS ID 45-6-0653), works must cease and the construction methodology be reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts
- A staged salvage archaeological excavation program should be completed prior to any subsurface impacts within the Low Potential PAD. This may be undertaken during the construction phase due to the requirement to manage identified contamination on site. This includes the jetty tie-in where utilities, wharf piles and the landscaping works have been proposed. A staged salvage methodology would be developed prior to the archaeological excavation program

Recommendations for the Kurnell construction boundary:

- Archaeological supervision should be undertaken within the location of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) where excavation exceeds 400mm depth. If archaeological material is identified during the works program, further archaeological investigations may be required following review and assessment of the archaeological resources identified. An excavation methodology would be prepared if further investigations are required
- No further archaeological management is required the proposed works within the Kurnell construction boundary outside of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219). All works in this location should adhere to the Transport for NSW Unexpected Heritage Item Procedure.

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GLOSSARY OF TERMS

Abbreviation	Definition
AFG	Aboriginal Focus Group
AHC	Australian Heritage Council
AHC ACT	*Australian Heritage Council Act 2003*
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ALR Act	*Aboriginal Land Rights Act 1983*
Artefact Heritage	Artefact Heritage Services Pty Ltd
CHL	Commonwealth Heritage List
DCP	Development Control Plan
DECCW	Department of Climate Change and Water
EIS	Environmental Impact Statement
EPA Act	*Environmental Planning and Assessment Act 1979*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
ESD	Ecological Sustainable Development
GPR	Ground Penetrating Radar
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
NHL	National Heritage List
NPW Act	*National Parks and Wildlife Act 1979*
PACHCI	Procedure for Aboriginal Cultural Heritage Consultation and Investigation
PAD	Potential Archaeological Deposit
PEI	Preliminary Environmental Investigation
RAP	Registered Aboriginal Party
SEARs	Secretary's Environmental Assessment Requirements
SHR	State Heritage Register
SSI	State Significant Infrastructure
TEM	Test Excavation Methodology

Transport for NSW	Transport for New South Wales
WHL	World Heritage List

1.0 INTRODUCTION

1.1 Project overview and context

Transport for New South Wales (Transport for NSW) is seeking approval to reinstate the ferry wharves at La Perouse and Kurnell in Kamay Botany Bay (the project) under Division 5.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as State Significant Infrastructure (SSI). The project would allow for an alternative connection between La Perouse and Kurnell rather than by road. The primary purpose of this infrastructure would be to operate a public ferry service to service visitors to the area and by the local community for cultural and recreational purposes The associated wharf infrastructure would also provide for supplementary uses potentially including commercial vessels and recreational boating.

The project provides opportunities for significant cultural and economic benefits to the local Aboriginal community by providing improved access to culturally significant sites. It is also expected to deliver benefits and opportunities to wider communities on either side of Kamay Botany Bay such as investment opportunities in a ferry service and other new visitor/tourist experiences.

A concept design has been developed for the project, which forms the basis of this assessment. This Aboriginal Cultural Heritage Assessment Report (ACHAR) is the Aboriginal Heritage Technical Paper which supports the Environmental Impact Statement (EIS) that has been prepared for the project.

In May 2020, Artefact Heritage completed an Aboriginal archaeological survey and heritage assessment for the Kamay Ferry Wharves Project in accordance with Stage 2 of the Procedure for Aboriginal Cultural Heritage Consultation and Investigation guidelines (PACHCI) (Roads and Maritime 2011) and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment Climate Change and Water [DECCW] 2010a).The PACHCI Stage 2 assessment identified 11 recorded Aboriginal sites within the mapped extent of the Kamay Ferry Wharves construction boundaries.

- Site 1, La Perouse (Aboriginal Heritage Information Management Systems [AHIMS] ID 45-6-0648)
- Site 2, La Perouse (AHIMS ID 45-6-0649)
- Site 3, La Perouse (AHIMS ID 45-6-0650)
- Site 4, La Perouse (AHIMS ID 45-6-0651)
- Site 5, La Perouse (AHIMS ID 45-6-0652)
- Site 6, La Perouse (AHIMS ID 45-6-0653)
- La Perouse (AHIMS ID 45-6-1144)
- La Perouse (AHIMS ID 45-6-1403)
- La Perouse Midden 19-01 (AHIMS ID Pending)
- Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)
- Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366).

The PACHCI Stage 2 archaeological survey report recommended that a test excavation methodology (TEM) be developed for further investigations at La Perouse Midden 19-01 (AHIMS ID Pending), Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366) and Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and for test excavations to be completed under the approval of an Aboriginal Heritage Impact Permit (AHIP) or under the EP&A Act for SSI.

In accordance with the recommendations of the PACHCI Stage 2 archaeological survey report and non-Aboriginal heritage assessment for the Preliminary Environmental Investigation (PEI), a TEM was prepared by Artefact Heritage in October 2020. A program of Aboriginal and non-Aboriginal archaeological test excavation was then undertaken at Kurnell and La Perouse between 2 November and 24 November 2020. On 1 July 2020 the Kamay Ferry Wharves Project was declared SSI and will be assessed under the EP&A Act. Under Section 5.23 of the EP&A Act, approvals for the test excavation program under *the National Parks and Wildlife Act 1974* (NPW Act) and the *Heritage Act 1977* (Heritage Act) were not required. The Planning Secretary's Environmental Assessment Requirements (SEARs) application no. SSI-10049 have been issued for the project. The Aboriginal and non-Aboriginal archaeological test excavations were conducted under the project SEARs. An Archaeological Test Excavation Report (ATER) was completed in December 2020.

Artefact has prepared this ACHAR in accordance with *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (Office of Environment and Heritage [OEH] 2001) (Heritage Guidelines), the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010b) (the Consultation Requirements), and the results of the PACHCI Stage 2 archaeological survey report and PACHCI Stage 3 test excavation program.

1.2 Key project features

The project includes the reinstatement of two public ferry wharves and associated infrastructure to allow a ferry service to operate between La Perouse and Kurnell in Kamay Botany Bay.

- Two new wharves, one at La Perouse and one at Kurnell
- Landscaping
- Reconfiguration of existing car parking
- Reconfiguration of footpaths around the new car parking area at La Perouse
- Installation of utilities to service the wharves.

1.3 Project location

The project is located in Kamay Botany Bay at either side of the ocean entrance to the Bay (Figure 1). The project area has been divided into two areas, consisting of the La Perouse construction boundary and the Kurnell construction boundary. The La Perouse construction boundary is located approximately 14 kilometres (km) south of the Sydney Central Business District (CBD) and the Kurnell construction boundary is located approximately 16km south of the Sydney CBD. The scope of this Technical Paper includes both the La Perouse and Kurnell construction boundaries.

The La Perouse construction boundary is located on the La Perouse headland, which is located next to a residential area and commercial area of Port Botany (Figure 2). Within the headland, La Perouse includes a museum and access to La Perouse park and beaches. The New South Wales Golf Club is located approximately 900 metres (m) to the east. The La Perouse headland is located within the City of Randwick Local Government Area (LGA), being within the Parish of Botany and the County of Cumberland.

The Kurnell construction boundary is located along the north-west side of the Kamay Botany Bay National Park and to the east of Silver Beach (Figure 3). It includes the area along the north side of Captain Cook Drive next to a residential area and follows Monument Track along the foreshore to the extant wharf about 60m north-east of Captain Cook's Landing Place. The Kurnell portion of the project area is located within the Sutherland Shire LGA, being within the Parish of Sutherland and County of Cumberland.

The project area falls within the boundaries of the La Perouse Local Aboriginal Land Council (La Perouse LALC).

1.4 Purpose and scope of Technical Paper

The objectives of this ACHAR are to:

- To satisfy Transport for NSW requirements for community consultation and Aboriginal heritage assessment in accordance with PACHCI Stage 3
- Assess the Aboriginal cultural heritage values of the project area, including archaeological and community cultural values, and the significance of identified values
- Identify Aboriginal cultural heritage values that may be impacted by the works and measures to avoid significant impacts
- Ensure appropriate Aboriginal community consultation in the assessment process
- Identify and describe any recommended further investigations, mitigation, and management measures required.

This report includes:

- A description of the scope of the project and the extent of the project area
- A description of the Aboriginal community involvement and consultation with the Registered Aboriginal Parties (RAPs)
- A significance assessment of the project area, including a description of identified cultural and archaeological values
- A description of the statutory requirements for the protection of Aboriginal heritage

- An impact assessment for recorded Aboriginal sites and areas of archaeological potential
- Provision of measures to avoid, minimise, and if necessary, offset the predicted impacts on Aboriginal heritage values
- A description of the proposed extent and recommended mitigation measures.

1.5 Secretary's Environmental Assessment Requirements

The SEARs were issued for the project on 1 July 2020. The requirements specific to Aboriginal heritage, and where these are addressed in this Technical Paper, are outlined in Table 1.

Table 1: Relevant Aboriginal SEARs

Requirements	Where discussed in this report
1. Aboriginal Heritage	
1. Direct and/or indirect impacts (including cumulative impacts) to the significance of: (a) Aboriginal places, objects and cultural heritage values, as defined under the National Parks and Wildlife Act 1974 and in accordance with the principles and methods of assessment identified in the current guidelines; (b) Aboriginal places of heritage significance, as defined in the Standard Instrument – Principal Local Environmental Plan; and (c) potential for unknown Aboriginal cultural heritage in the form of submerged terrestrial sites.	1 (a) & 1 (b): Section 8.0 provides a significance assessment of the archaeological remains identified during the testing program. Section 6.0 provides an analysis of the archaeological results. Section 5.0 provides a review of previously identified Aboriginal sites and an impact assessment of new sites identified during the testing program. Section 9.0 assesses the impacts (including cumulative impacts) of the proposed works 1 (c): The potential for submerged terrestrial sites is not discussed as part of the scope of this report. Refer to the PACHCI Stage 2 Archaeological Survey Report (Artefact Heritage 2020) and the Underwater Cultural Heritage Environmental Impact Assessment (Cosmos Archaeology 2020).
2. Where archaeological investigations of Aboriginal objects are proposed these must be conducted by a suitably qualified archaeologist, in accordance with section 1.6 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010).	Section1.6 provides the details of the team that undertook the archaeological investigations.
3. Where impacts to Aboriginal objects and/or places are proposed, consultation must be undertaken with Aboriginal people in accordance with the current guidelines and an Aboriginal Cultural Heritage Assessment Report (ACHAR).	Section 3.0 outlines the consultation with Registered Aboriginal Parties undertaken during the course of the project.

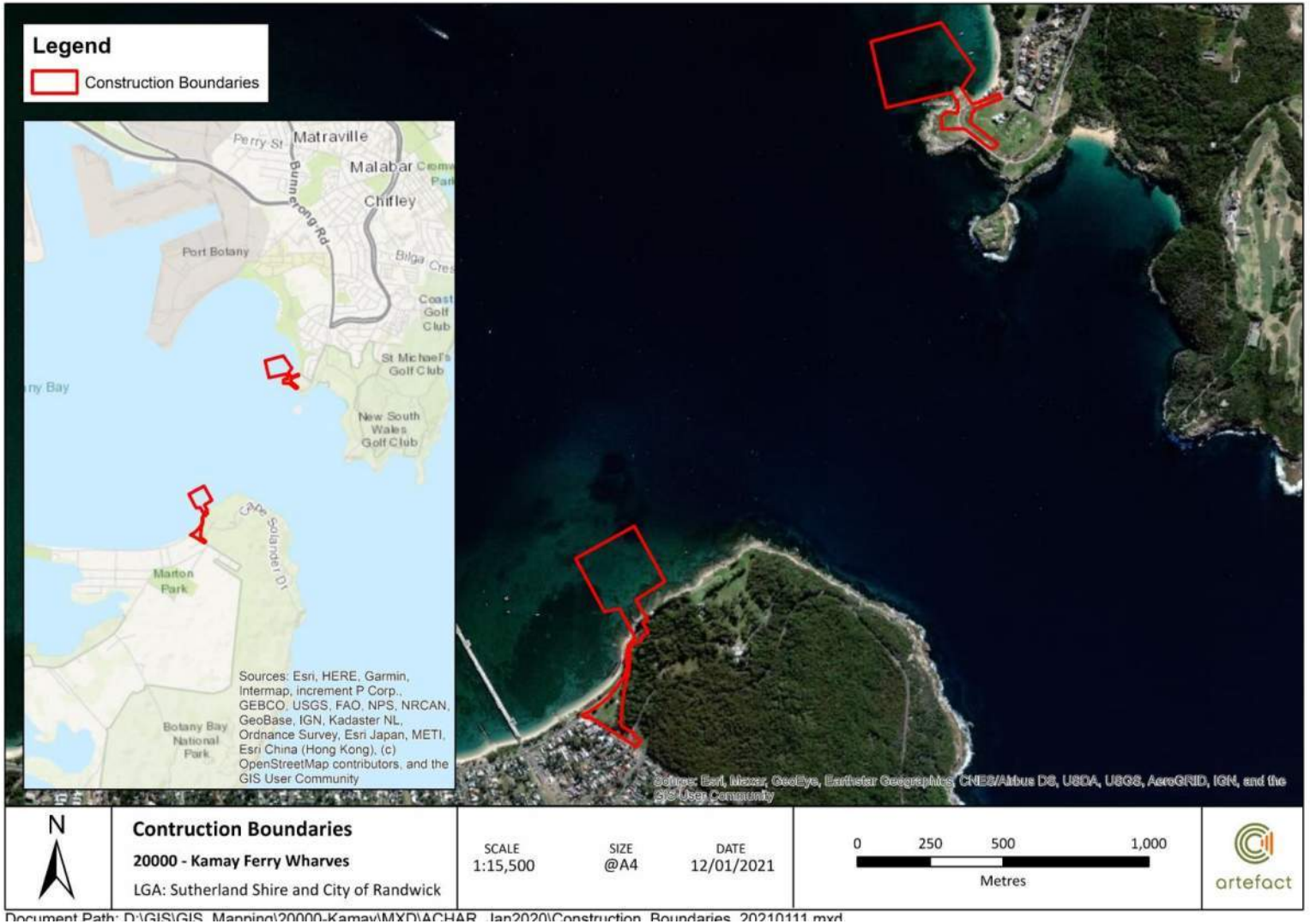

Figure 1: The construction boundaries

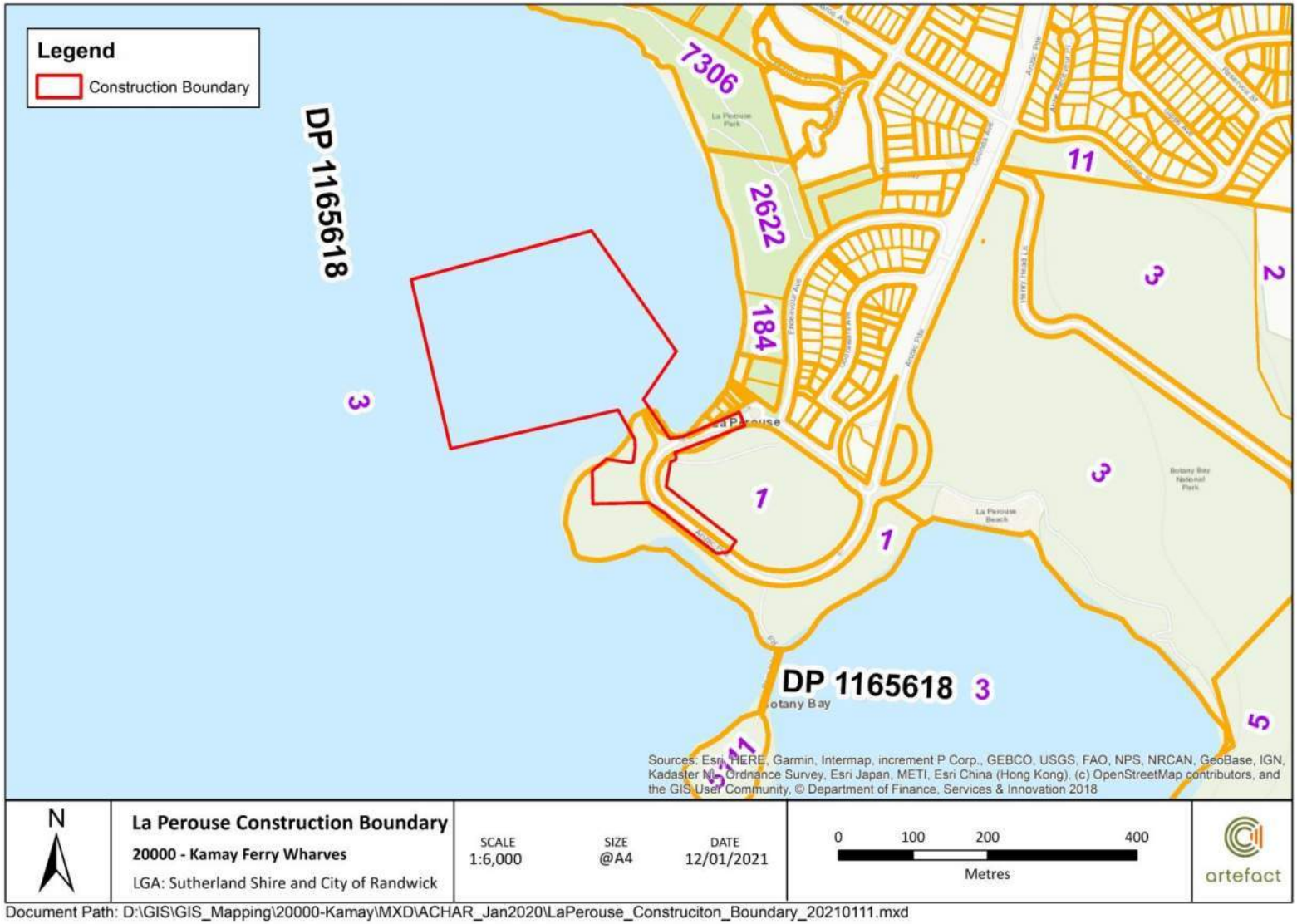

Figure 2: Topographic map of La Perouse construction boundary

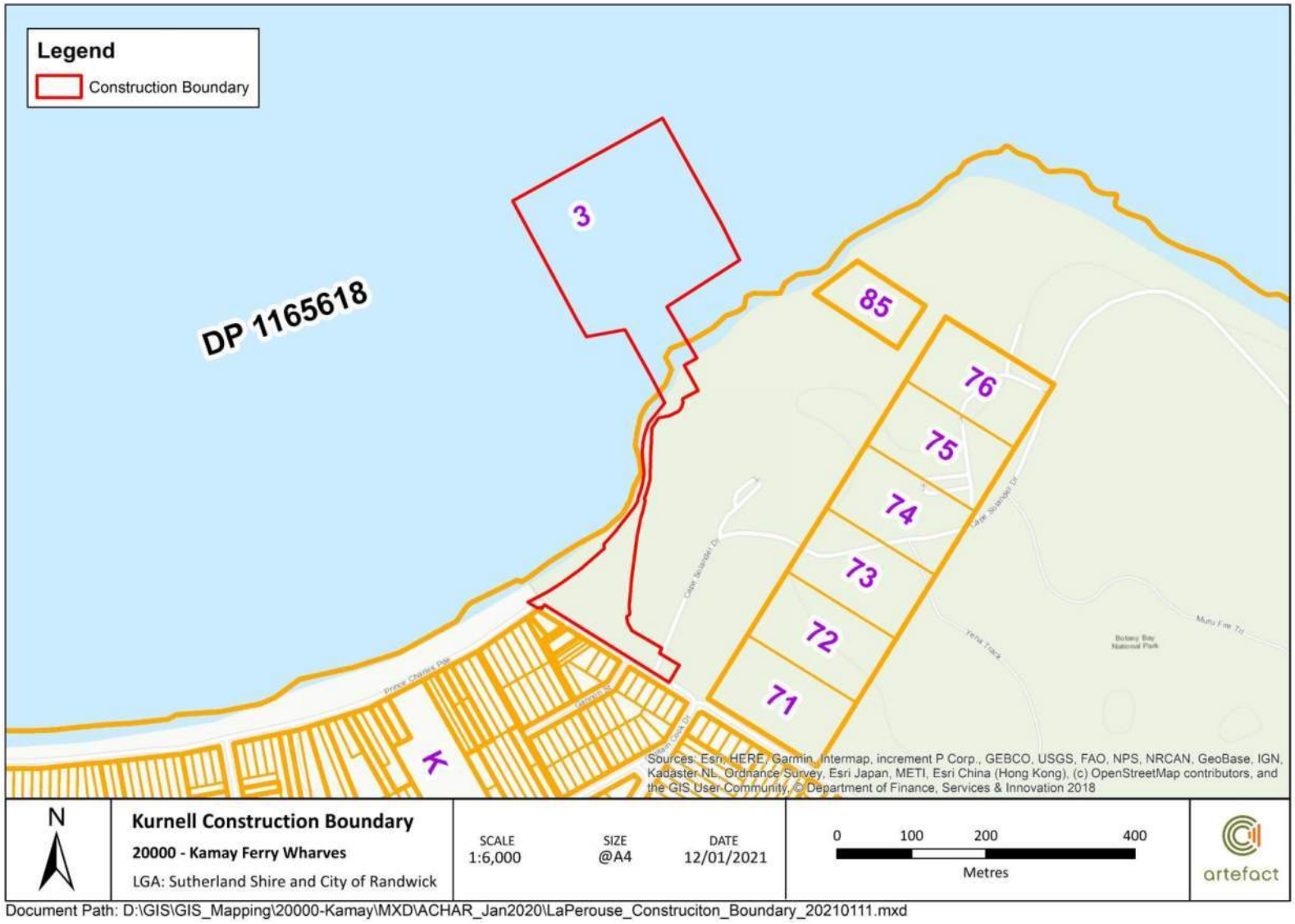

Figure 3: Topographic map of Kurnell construction boundary

1.6 Authorship and acknowledgements

This report was prepared by Isabel Wheeler (Heritage Consultant, Artefact) and Julia McLachlan (Senior Heritage Consultant, Artefact) with management input and review from Josh Symons.

The excavation was supervised by Julia McLachlan and Jayden Van Beek (Senior Heritage Consultant, Artefact). Excavation was undertaken by Isabel Wheeler (Heritage Consultant, Artefact), Brye Marshall (Graduate Heritage Consultant, Artefact), John Sokalik, Riley Finnerty, Samantha Eardley, Alexis Schlegel, Owen Barrett (Subconsultants, Artefact), and representatives from the RAPs. Artefact analysis was undertaken by Julia McLachlan.

The qualifications of the archaeologists involved in the production of this report are included in Table 2.

Table 2: Qualifications

Name	Qualification	Years' Experience
Josh Symons	Bachelor of Arts, Major: Archaeology(Hons 1)	18 years
Julia McLachlan	Bachelor of Arts, Major: Archaeology (Hons 1)	5 years
Isabel Wheeler	Bachelor of Archaeology (Hons 1)	1 year

2.0 LEGISLATIVE AND POLICY CONTEXT

There are several items of State and Commonwealth legislation that are relevant to the project. A summary of this legislation and potential implications is provided in this section.

2.1 Commonwealth legislation and policy

2.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legislative framework for the protection and management of matters of national environmental significance, that is, flora, fauna, ecological communities and heritage places of national and international importance. Heritage items are protected through their inscription on the World Heritage List (WHL), National Heritage List (NHL) or the Commonwealth Heritage List (CHL).

The *Environment and Heritage Legislation Amendment Act (No.1) 2003* amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to include 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The *Australian Heritage Council Act 2003* (AHC Act) establishes a heritage advisory body - the Australian Heritage Council (AHC), to the Minister for the Environment and Heritage and retains the Register of the National Estate (RNE).

The *Australian Heritage Council (Consequential and Transitional Provisions) Act* 2003 repeals the *Australian Heritage Commission Act* 1975, amends various Acts as a consequence of this repeal and allows the transition to the current heritage system.

Together, the above three Acts provide protection for Australia's natural, Indigenous and non-Indigenous heritage. The features include:

- An NHL of places of national heritage significance
- A CHL of heritage places owned or managed by the Commonwealth
- The creation of the AHC, an independent expert body to advise the Minster on the listing and protection of heritage places
- Continued management of the RNE

The EPBC Act stipulates that a person who has proposed an action that will or is likely to have a significant impact on a World, National or Commonwealth Heritage site must refer the action to the Minister for the Environment (hereafter the Minister). The Minister would then determine if the action requires approval under the EPBC Act. If approval is required, an environmental assessment would need to be prepared. The Minister would approve or decline the action based on this assessment.

A preliminary heritage impact assessment was prepared by Artefact Heritage in May 2020 to provide input into a referral under the EPBC Act. The preliminary heritage impact assessment found that the Kamay Ferry Wharves Project may result in significant impacts to the National heritage values, setting, or fabric of the Kurnell Peninsula Headland NHL items, primarily through potential impacts to archaeological resources.

In accordance with this input into the EPBC referral was prepared by Artefact Heritage prior to the preparation of this report, with the referral being placed on public exhibition 10 December 2020

(EPBC no. 2020/8825). This input by Artefact Heritage was comprised of a preliminary heritage impact assessment to identify whether the proposed action was likely to result in a significant impact on the National Heritage values of the two items listed on the NHL.

The conclusion of that assessment was that:

- The proposed action is expected to result in a significant impact to the National heritage values, setting, and/or fabric of the Kurnell Peninsula Headland NHL items. The proposed action may result in impacts to archaeological resources
- Due to potential impacts to physical evidence of Aboriginal occupation and biodiversity, the proposed action may be considered to be a 'controlled action' under the EPBC Act with respect to potential heritage impacts
- Further detailed assessment of Aboriginal and non-Aboriginal heritage values will take place throughout preparation of the EIS.

The report also contained a list of potential mitigation recommendations for the work. This report represents further assessment into impacts on non-Aboriginal heritage values and the ways that impacts to these values can be managed and mitigated.

National Heritage List

The NHL is a list of places with outstanding heritage value to the nation, including places which have Indigenous heritage values. The heritage values of these places are so important that they are protected under the EPBC Act. This means that a person cannot take an action that has, will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Australian Government Minister for the Environment and Energy. It is a criminal offence not to comply with this law and there are significant penalties.

There are two places listed on the NHL within the project area with Aboriginal heritage values:

- Kurnell Peninsula Headland (NHL 105812)
- Kamay Botany Bay: Botanical Collection Sites (NHL 106162).

Commonwealth Heritage List

The CHL is a list of places managed or owned by the Australian Government. There are no places listed on the CHL within the project area.

Register of the National Estate

The RNE is an evolving record of Australia's natural, cultural and Aboriginal heritage places that are worth keeping for the future. The AHC compiles and maintains the RNE under the *Australian Heritage Council Act* 2003. Places on the RNE that are in Commonwealth areas, or subject to actions by the Australian Government, are protected under the EPBC Act by the same provisions that protect Commonwealth heritage places (see above).

Following amendments to the *Australian Heritage Council Act* 2003*,* the RNE was frozen on 19 February 2007, meaning no new places can be added, or removed. From 2012 all references to the RNE were removed from the EPBC Act and the AHC Act. The RNE is now maintained on a non-statutory basis as a publicly available archive.

There are three places listed on the RNE within the project area. However, only one site (Kurnell Peninsula Towra Point Area, Captain Cook Dr, Kurnell, NSW, Australia [RNE 3337]) has listed Aboriginal heritage values.

2.1.2 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), deals with Aboriginal cultural property (intangible heritage) in a wider sense. Such intangible heritage includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. These values are not currently protected under the NPW Act.

There is no cut-off date and the ATSIHP Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The ATSIHP Act takes precedence over state cultural heritage legislation where there is conflict. The Commonwealth Minister who is responsible for administering the ATSIHP Act can make declarations to protect these areas and objects from specific threats of injury or desecration. The responsible Minister may make a declaration under Section 10 of the Commonwealth Act in situations where state or territory laws do not provide adequate protection of intangible heritage.

Where an Aboriginal individual or organisation is concerned that intangible values within the proposal are not being adequately protected, they can apply to the Minister for a declaration over a place. No intangible places were identified during the survey.

2.2 State legislation and policy

2.2.1 National Parks and Wildlife Act (1974) (NPW Act)

The NPW Act provides statutory protection to all Aboriginal places and objects. An Aboriginal object is defined under Section 5 of the NPW Act 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.*

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

2.2.2 Aboriginal Lands Right Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) established Aboriginal Land Councils (at State and Local levels) and these bodies have a statutory obligation under the ALR Act to:

(a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and

(b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The project area falls within the boundaries of the La Perouse Local Aboriginal Land Council (La Perouse LALC).

2.2.3 Environmental Planning & Assessment Act (1979)

The EP&A Act establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act also requires that local governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required. The current project area falls within the boundaries of the Randwick LGA and Sutherland Shire LGA.

Division 5.2 of the EP&A Act specifies that any State environmental policy may declare any development to be SSI as can the Minister, by a Ministerial planning order.

Under Section 5.23 the following authorisations are not required for SSI that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

> *1c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977*
>
> *1d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974*
>
> *2) Division 8 of Part 6 of the Heritage Act 1977 does not apply to prevent or interfere with the carrying out of State significant development that is authorized by a development consent granted after the commencement of this Division.*

Under Part 5, Division 5.1 (environmental impact assessment) the determining authority cannot carry out an activity or grant approval for an activity that is likely to significantly affect the environment unless an EIS is prepared.

Transport for NSW has advised that Section 5.23 of the EP&A Act applies to archaeological test excavation under the SEARs phase of the SSI assessment process, meaning that approvals under the NPW Act are not required.

3.0 ABORIGINAL COMMUNITY CONSULTATION

3.1 Aboriginal consultation

A PACHCI Stage 2 (Artefact Heritage 2020) was prepared for the project area in accordance with the Code of Practice (DECCW 2010a). The PACHCI Stage 2 did not include comprehensive Aboriginal stakeholder consultation and an assessment of cultural heritage values as outlined in Clause 60 of the *National Parks and Wildlife Regulation 2019*. Representatives of the La Perouse LALC provided input into the assessment and took part in the archaeological survey. A draft report was prepared and sent for review to La Perouse LALC.

As the survey identified there was a potential for impacts on Aboriginal heritage, Transport for NSW commenced consultation requirements in accordance with PACHCI Stage 3 and the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (the Consultation Requirements) [Department of Environment, Climate Change and Water – now Heritage NSW].

Records of the consultation process supplied by Transport for NSW will be included in the EIS Aboriginal Heritage Technical Paper.

3.2 Identification of stakeholders and registrations of interest

PACHCI Stage 3 – Action 1 – In accordance with Stage 4.1.2 of the Consultation Requirements, Transport for NSW contacted relevant organisations on 27 May 2020 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the project site. The following organisations were contacted:

- La Perouse LALC
- NSW Aboriginal Land Council
- Heritage NSW
- Native Title Services Corporation
- National Native Title Tribunal
- Greater Sydney Local Land Services
- Office of the Registrar Aboriginal Lands Right Act 1983
- Sutherland Shire Council
- Randwick City Council.

PACHCI Stage 3 – Action 2 – In accordance with Stage 4.1.3 of the Consultation Requirements, letters were sent by Transport for NSW on 9 August 2020 to all parties identified during PACHCI Stage 3 Action 1.

PACHCI Stage 3 – Action 3 – In accordance with Stage 4.1.3 of the Consultation Requirements, newspaper advertisements were placed by Transport for NSW inviting participation of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and places within the local area. The newspapers and dates in which the advertisements were placed are as follows:

- Koori Mail (3 June 2020)
- St George and Sutherland Shire Leader (3 June 2020)

- National Indigenous Times (3 June 2020).

PACHCI Stage 3 – Action 5 – Following consultation and newspaper advertisements, a total of 18 RAPs were registered for the project including four individuals, 13 groups, and La Perouse LALC. Note, La Perouse LALC was automatically registered to consult on the project. Transport for NSW then prepared a register of Aboriginal parties (Table 3) and responded to their registration. A list of all RAPs was sent to Heritage NSW and La Perouse LALC following the end of the registration period.

Table 3: RAPs for the project site

Contact name	Group represented
[redacted]	La Perouse LALC
[redacted]	*Individual*
[redacted]	Gweagal – Bidjigal Sovereign Tribal Elders Council
[redacted]	*Individual*
[redacted]	*Individual*
[redacted]	Wurrumay
[redacted]	A1 Indigenous Services
[redacted] and [redacted]	Kamilaroi Yankuntjatjara Working Group
[redacted] and [redacted]	Didge Ngunawal Clan
[redacted]	B.H. Heritage Consultants
[redacted]	Sutherland Shire Council Aboriginal Advisory Sub-Committee
[redacted]	Barraby Cultural Services
[redacted]	Yurrandaali Pty Ltd
[redacted] and [redacted]	*Individuals*
[redacted]	Gujaga Foundation
[redacted]	Gulaga
[redacted]	Wailwan Aboriginal group
[redacted]	Warrigal Cultural Services

3.3 Review of assessment methodology and test excavation methodology

3.3.1 Test excavation

PACHCI Stage 3 – Action 6 – An invitation to attend an Aboriginal Focus Group (AFG) meeting on the 31 August 2020 was sent on 20 August 2020. On 26 August 2020 a copy of the TEM was sent to all RAPs requesting comment to be submitted by 23 September 2020. At the end of the review period, [redacted] provided comment on the draft TEM. See Table 4, below for summary of comments and responses.

Table 4: Summary of comments and responses

Comment	Response
There is no commercial area on La Perouse side, apart from some cafes	The cafes are what the methodology is referring to.
There is no La Perouse Park at La Perouse	The grassed area encompassed by Anzac Parade is known as the La Perouse Park (https://www.nationalparks.nsw.gov.au/visit-a-park/parks/la-perouse-area/visitor-info).
I'm not sure this is entirely correct – would it be the "Southern side of the bay"	This is referring to the location within the Kamay Botany Bay National Park, specifically, which is on the southern side of the Bay.
Local Aboriginal people should be given the opportunity to be consulted with before going to the wider Sydney/ NSW groups that don't live or are affiliated with the areas	As per the Consultation Requirements, Transport for NSW will consult with all RAPs.
Who will monitor the recreational boats utilising the wharves, La Perouse has many boats that beach on Frenchmans for people visiting and purchasing food from the outlets – this will cause congestion for any ferry usage. Does this mean the residents will hear the boat horn all the time.	This comment is not relevant to the methodology. Transport for NSW will respond.
This should be more specific – stating there is 1 wharf at La Perouse consisting of xxxxx and 1 at Kurnell consisting of xxxx – I read this thinking there are now going to be 2 wharves at each location	Updated to 'A wharf at La Perouse and a wharf at Kurnell'.
Will this cause noise banging wharves together – the residents already have enough noise to contend with and don't need more added to it	This comment is not relevant to the methodology. Transport for NSW will respond.
How big will this structure be – will it take away from the beauty and open space by closing it off and putting a shelter	This comment is not relevant to the methodology. Transport for NSW will respond.
Does this mean more buildings obstructing views from the surrounding area. Museum, museum grounds.	This comment is not relevant to the methodology. Transport for NSW will respond.
What times will wharves be locked up and by whom.	This comment is not relevant to the methodology. Transport for NSW will respond.
Does this include the reestablishment or beautification of Timbery Reserve	This comment is not relevant to the methodology. Transport for NSW will respond.
Is this the only plan for additional car spaces is there another phase where additional green space is taken up as per other plans for the Ferry Wharves	This comment is not relevant to the methodology. Transport for NSW will respond. .

Comment	Response
Will there be RAPS on site for all Boreholes? Aboriginal and non-Aboriginal	Site officers will be present for test excavations at all borehole locations proposed. Requirements for non-Aboriginal investigations will be determined based on the results of the Aboriginal excavation program. It is anticipated that the RAPs will be on-site during the recording of any non-Aboriginal material identified during the test excavation program.
Do you have an unexpected finds protocol in place and stop works	Transport for NSW have the Unexpected Heritage Items Procedure which orders 'stop works' when Aboriginal cultural heritage items and/or human remains are identified during construction or investigation activities. If human remains are identified, Artefact Heritage would stop work and follow implement the appropriate steps. Further detail has been provided in section 6.6.
On the La Perouse side there is a local historian who knows all non-Aboriginal heritage as well as some Aboriginal heritage who can help you with any of the impact area history – Charles Abela.	Noted, and to be determined during the completion of the non-Aboriginal heritage assessment.
Do you have a minimum number of RAP's on site?	The number of site officers will be confirmed when the methodology is finalised. The test excavation program may be shortened due to shallower test pits in some areas. Artefact has provided a recommendation for the size of the excavation team, but it is recommended that the team size is not specified in the document to limit logistical constraints.
Is this outlined and any further steps in an unexpected finds protocol? I see below you have information on human remains, the process should also be inserted here.	The Unexpected Heritage Items procedure can be provided to RAPs if requested. Artefact to comment on placement of more information here. Maybe the 3 dot points included in the Human Remains section can be added.
La Perouse has loads of heavy clay deposits	No response needed
Is this the La Perouse side of Kamay or the Kurnell, La Perouse has restrictions on heavy and long vehicles	Text has been updated to be Kurnell.
Who keeps the excavations records?	Artefact Heritage keeps the records and is available to all RAPs. Records will be collated into the final report.
Would you be putting a metal plate over any open test pits in high pedestrian traffic areas, I see this has the potential to be a safety risk due to the number of people and animals in the area	Plywood sheets may be used where required, to be determined during preparation of management plan.

Comment	Response
Is there a time frame on this report	The report will be developed by Artefact, then reviewed by Transport for NSW before being finalised. The report and the ACHAR is valid until another ACHAR supersedes it with further investigations. The ACHAR would adhere to the project timeframes required by Transport for NSW.
Would recovered non-Aboriginal artefacts items be returned or given to the La Perouse Museum for protection	Any non-Aboriginal artefacts recovered would be of low historic and archaeological significance and unlikely to meet the requirements for accession to the La Perouse museum. Transport for NSW would be responsible for the long-term management of any artefacts recovered.
Is there a time frame to the non-Aboriginal findings Report? If there are any findings on the La Perouse side would there be scope to provide a report to the La Perouse Museum and Historic Society	The timeframe for the non-Aboriginal report would be subject to the timing of the EIS and the nature of the results. The non-Aboriginal report would be included in the EIS submission package and enter public domain.
Will RAPs and LALC be informed of any changes to the excavation program	Yes, RAPs and LALC will be consulted.

PACHCI Stage 3 – Action 7 – An AFG was held on 31 August 2020 to present the proposal and to discuss the details of the archaeological assessment (PACHCI Stage 2 archaeological survey report) and the TEM. [redacted] and [redacted] attended the AFG and indicated that they had no comment on the proposed approach.

PACHCI Stage 3 – Action 8 – A copy of the AFG PowerPoint presentation and minutes were issued to all RAPs.

PACHCI Stage 3 – Action 9 – 5 RAP groups (Including La Perouse LALC) expressed interest in participating in the test excavation program and submitted site officer applications. Table 5 lists the RAPs who participated in the test excavation.

Table 5: RAP groups involved in Kamay test excavation

Name	Organisation
[redacted]	La Perouse LALC
[redacted]	La Perouse LALC
[redacted]	La Perouse LALC
[redacted]	Wailwan Aboriginal group

Name	Organisation
[redacted]	Yurrandaali Pty Ltd
[redacted]	Barraby Cultural Services

3.3.2 Review of draft Aboriginal Cultural Heritage Report

PACHCI Stage 3 – Action 10 An invitation to attend an Aboriginal Focus Group (AFG) meeting on 15 February 2021 was sent on 1 February 2021 along with a copy of the draft ATER and the draft ACHAR which were sent to RAPs for a 28 day review period. Three responses were received from RAPs on the ATER and ACHAR including from Barraby Cultural Services and Yurrandaali Pty Ltd ([redacted]) and Kamilaroi Yankuntjatjara Working Group ([redacted]). The responses noted that the reports were received and no further comment.

Questions and responses discussed during the AFG on 15 February 2021 are summarised in Table 6.

Table 6: Summary of comments and responses

Comment	Response
How do you work without disturbing archaeological material?	Depending on the type of work on sire and locations, archaeological supervision, vibration monitoring and management plans will be applied.
Are environmental matters being undertaken in consideration, especially along the proposed wharves?	Three seagrass surveys were undertaken in 2020. A marine biologists works on evaluating the impacts of vessel movements, piling and future operations. She is developing an offset strategy and working in close collaboration with DPI- Fisheries.
Is there an option for a display case at the visitors centre to house the artefact collection for the project	Possibly can be looked at in the future but this will require discussion with National Parks and Wildlife and the artefact management for the other works for the Meeting Place Precinct renewal
[redacted] advised he was impressed by the comprehensive and respectful way the reports were done. He is confident all remains have been considered.	Thanked and noted
[redacted] shared the same comment and asked for the future developers to use caution and protect the area. He also expressed the wish for the rock engravings (outside of construction boundary at La Perouse) to be preserved or conserved by NPWS or Randwick Land Council.	Thanked and noted

4.0 HISTORICAL BACKGROUND

[WARNING: Please note that the following historical background section may include images, illustrations, and names of deceased Aboriginal and Torres Strait Islander persons.

This section of the Technical Paper outlines the historical background of the project area. The historical background has been separated into two portions: an overall thematic history of the development of Kamay Botany Bay, followed by summaries of the historical land uses and development phases within each construction boundary.

4.1 Thematic history

4.1.1 Pre-colonial Aboriginal histories

During the late Pleistocene period (129,000 to 11,700 years ago) rising sea levels transformed the area now known as Kamay. The area was a marshy, sandy plain, surrounded by taller sandstone hills and cliffs, however the rising sea levels and winds deposited marine sands across the sandstone landscape, creating coastal sand dunes. Over thousands of years the dunes altered the flow of former rivers and the sea level stabilised, resulting in the creation of the Georges and Cooks Rivers as they appear today(Attenbrow 2019, 39). This land formed part of Eora country, with two distinct language groups living on the northern and southern sides of the Bay. The southern Kurnell side has been associated with the Dharawal language group and with the Gweagal people. The northern side of Kamay, at La Perouse, formed part of the country of the Dharug (Darug) people. Within these broader language groups were smaller groups of Aboriginal people.

The rivers and bay became significant to the Aboriginal people of Kamay, as did the associated marine and terrestrial wildlife and vegetation throughout the area. At the time that the first Europeans sailed along the east coast of Australia, the area surrounding Kamay was abundant with resources, including extensive botanical species and various fish and shellfish. Additional wildlife likely included small macropods such as kangaroos and wallabies, which may have been hunted throughout the dunes and swamps (Tuck 2008, 37). The area was also densely forested with an array of species, including eucalyptus, hibiscus, palms, and understorey plants such as ferns. The natural vegetation had several uses, ranging from bark and timber used for canoes, shields and weapons, bark fibres used for nets, twine, and ropes, and with fruits and nectars used as food, drinks, and medications. Bark and timber were also used in the construction of dwellings.

The marine environment was culturally significant not only in terms of the mythologies surrounding the bay, ocean, and rivers, but for its association with fishing at a ‘social, spiritual, and economic’ level (Tuck 2008, 25) (Figure 4). After they established a permanent presence in 1788, early European colonists wrote extensively about the importance of fishing to coastal Aboriginal groups throughout Sydney, stating that fishing occupied much of the day and appeared to be the primary food consumed (Tench 1789-1793, 25). Colonial writers also stated that fishing and canoeing was primarily the territory of women and methods included line fishing, spear fishing, and large nets (Worgan 1788 & Tuck 2008, 28). Through many thousands of years of observation, seasonal fish types and quantities could be predicted through a hybrid of scientific observation and mythologies, including the migration patterns and quantities of various bird species (Tuck 2008, 35). Similarly, the blossoming of particular plants and flowers became associated with presence of fish species in the Bay, with golden wattle blooms signifying the presence of bream, for example (State Library of NSW, 2020). Several well-known Aboriginal names were associated with types of fish, leading Governor Phillip to hypothesise that children may have been named after the first fish they caught, or that fish species had totemic values (Tuck 2008, 36). Accounts of Aboriginal cultural practices by Europeans however may not be entirely accurate descriptions or explanations however.

Figure 4. Aboriginal people in bark canoes at Kamay Botany Bay, illustrated by Tupaia, a Polynesian priest and navigator who accompanied Cook on the *Endeavour*, 1770. Source: British Library

Further emphasising the significance of the waters of Kamay to Aboriginal peoples, ancient Aboriginal places within Kamay are primarily concentrated along the coast on rocky headlands, along the foreshores of Kamay's beaches, and sheltered in bays and inlets (Tuck 2008, 44). These features are reminders of thousands of years of Aboriginal connection with and in Kamay and include grinding grooves, rock shelters, shell middens, campsites, and burials, such as those recorded by early geologists, anthropologists and archaeologists (Figure 5). Art, including engravings and painting within shelters, is extensive within the Kamay area, and common motifs include whales with calves, fish, sharks, and kangaroo. These rock engravings are largely found on exposed and expansive sandstone plateaus throughout Kamay, which contextually have open vistas across much of Kamay, including to the headlands at the east and through to the Cooks and Georges Rivers in the west. The presence of whales and their calves in these well preserved and significant rock engravings is tied to Dreaming legends, in which the mishaps of a pod of whales resulted in the formation of many of the topographic features around La Perouse (Tuck 2008, 44). In this legend, Bare Island is believed to represent some mischievous calves, while the mainland is their mothers. This legend may be linked to the significant whale migrations along the east coast, where today La Perouse and Cape Solander at Kurnell remain a perfect spot to witness humpbacks, particularly in the winter months where they migrate north in shallower waters closer to the coastline. Whales were highly significant within Gweagal culture, and this link and reverence remains prominent today. To mark the 250th anniversary of Cooks Landing at Kurnell, sculptures have been established at Kurnell, one which represents a humpback whale (Figure 6), and the second which can be simultaneously interpreted as the ribs of a whale or ship hull.

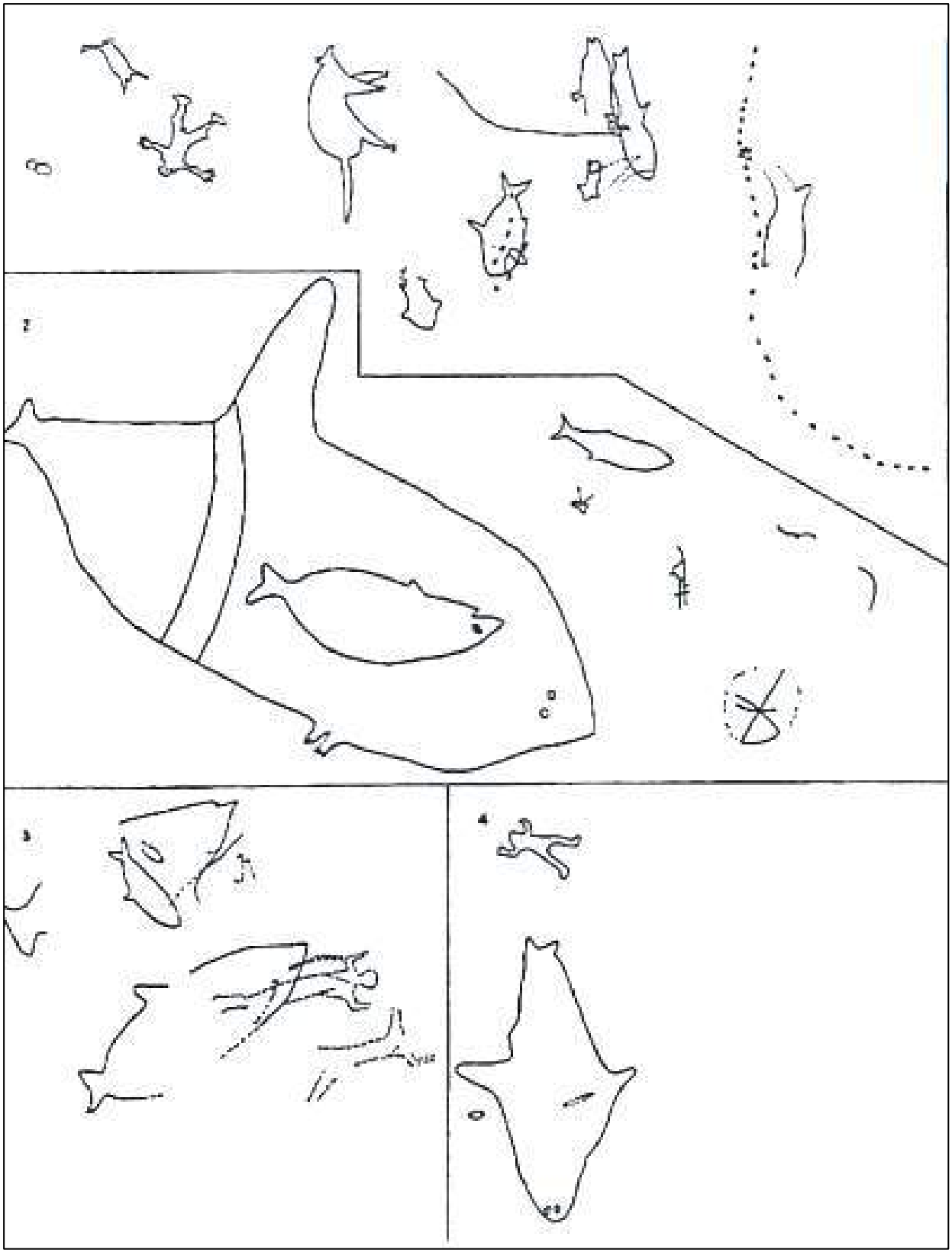

Figure 5. Sketches of Aboriginal rock engravings of whales and other marine life at La Perouse, recorded by English geologist William Dugald Campbell, 1898

Figure 6. Wi-Yanga and Gurung The Whales, sculpture by Theresa Ardler and Julie Squires, 2020. Source: NPWS

4.1.2 Early European exploration

In the early months of 1770, the British crew on board His Majesty's Bark *Endeavour* travelled north along the East coast of Australia, first encountering the continent in northern Victoria. As the ship passed the coast south of Kurnell, around Bulli, naturalist Joseph Banks recorded views of groups of ten people around campfires on the shore in his journal (Banks 1770). Simultaneously, Aboriginal groups witnessed the *Endeavour* from the southern coast of New South Wales, with the presence of the ships passed up the coastline between various language groups through the use of message sticks, smoke and other means of communication (Williams 2020). On April 29th 1770 the *Endeavour* landed at Kamay Botany Bay under the command of Lieutenant James Cook. The crew had embarked on a scientific voyage to the Pacific in 1768 and after observing the transit of Venus from Tahiti, Cook was ordered to attempt to find the hypothetical southern continent *Terra Australis* (National Archives of Australia 2020).

The British had attempted to make landfall several times since coming in sight of the east coast on April 19th, albeit unsuccessfully. Upon entering Kamay and reaching the southern shore, Cook, Banks, and fellow naturalist Dr Daniel Solander left the *Endeavour* in a yawl and attempted to reach the shore (State Library of NSW 2020). The boat was met by two Aboriginal warriors armed with spears (Karskens 2010, 35) (Figure 7). Cook and his crew made contact with the Gweagal people during this time, however after failure to successfully communicate, Cook's men entered the Gweagal camp by force (National Museum of Australia 20014). Warning shots were fired from the British muskets, rocks were thrown by the Eora/Gweagal warriors, and a final musket shot was fired, wounding one of the Aboriginal men (Kasrkens 2010, 35). The British arrived ashore as the warriors retreated, leaving behind a shield which is currently held by the British Museum in London. Subsequent attempts to engage with the Aboriginal people, including gift-giving, were rebuffed (State Library of NSW, 2020).

Over the next week, Cook and his crew made several land expeditions, collecting wood and fresh water, and documenting the lives of the Aboriginal people they encountered. Cook originally named the area Stingray Bay, but after his companion Joseph Banks, the well-known botanist, 'discovered' considerable numbers of plant species previously unknown to the Europeans, the area was renamed 'Botany Bay' (Encyclopaedia Britannica, 2017). The British prepared cartographic maps of the Bay during their expedition (Figure 8). During this time, Banks collected over 30,000 plant specimens for scientific research, and 1000 animal specimens (State Library of NSW, 2020). The British investigated land across the southern and northern shores of Kamay Botany Bay to collect plant specimens, however, did not perceive the land to have been managed or shaped by the Aboriginal people of the area in a way recognisable to Europeans. The agrarian concept of land management was a major factor in the British colonisation process, creating a presumption that a territory without signs of permanent occupancy and agriculture was 'empty' and could be claimed without providing compensation to any Indigenous peoples (Karskens 2010, 35).

Recent research, notably led by Bruce Pascoe and Bill Gammage (Pascoe 2014 &^ Gammage 2012), has acknowledged the ways in which Aboriginal peoples throughout Australia had shaped the environment through complex land management and agricultural practices deeply linked to country. Banks and Solander were fascinated by the ecological systems and new species they were encountering at Kamay Botany Bay and noted that Cabbage Tree Palms (*Livistona australis)* had been cultivated and the undergrowth cleared. Despite Banks' recognition of some cultivation practices, overall, the Europeans did not interpret these actions as representing land ownership (State Library of NSW, 2020. This worldview and interpretation of the landscape largely influenced Cook's decision to claim the continent as British territory under the controversial and continuously harmful concept of *terra nullius.* While Cook and his crew were only in Kamay for a week, the repercussions of this historical event have resulted in a contentious history surrounding Kamay. The interpretation of Cook's Landing and the significance of Kamay Botany Bay has progressively

expanded from the traditional colonial view, and in many ways has come to be multivocal, encompassing, increasingly guided by Aboriginal perspectives of the event. Continuing Aboriginal activism, through politics, art, and other media, has challenged the traditional view of Cook as a respected explorer and Captain. This transformation is perhaps seen best in the juxtaposition of E. Phillips Fox's heroic portrayal of Cook's Landing, painted in 1902, with Kudjla/Gangalu artist Daniel Boyd's 2006 reimagining or appropriation, *We Call them Pirates Out Here*, which seeks to dismantle the mythology surrounding the colonisation of Australia (Teffer 2020) (Figure 9 and Figure 10).

Figure 7. 'Captain Cook's landing at Botany, A.D. 1770.' 1872. Source: National Library of Australia

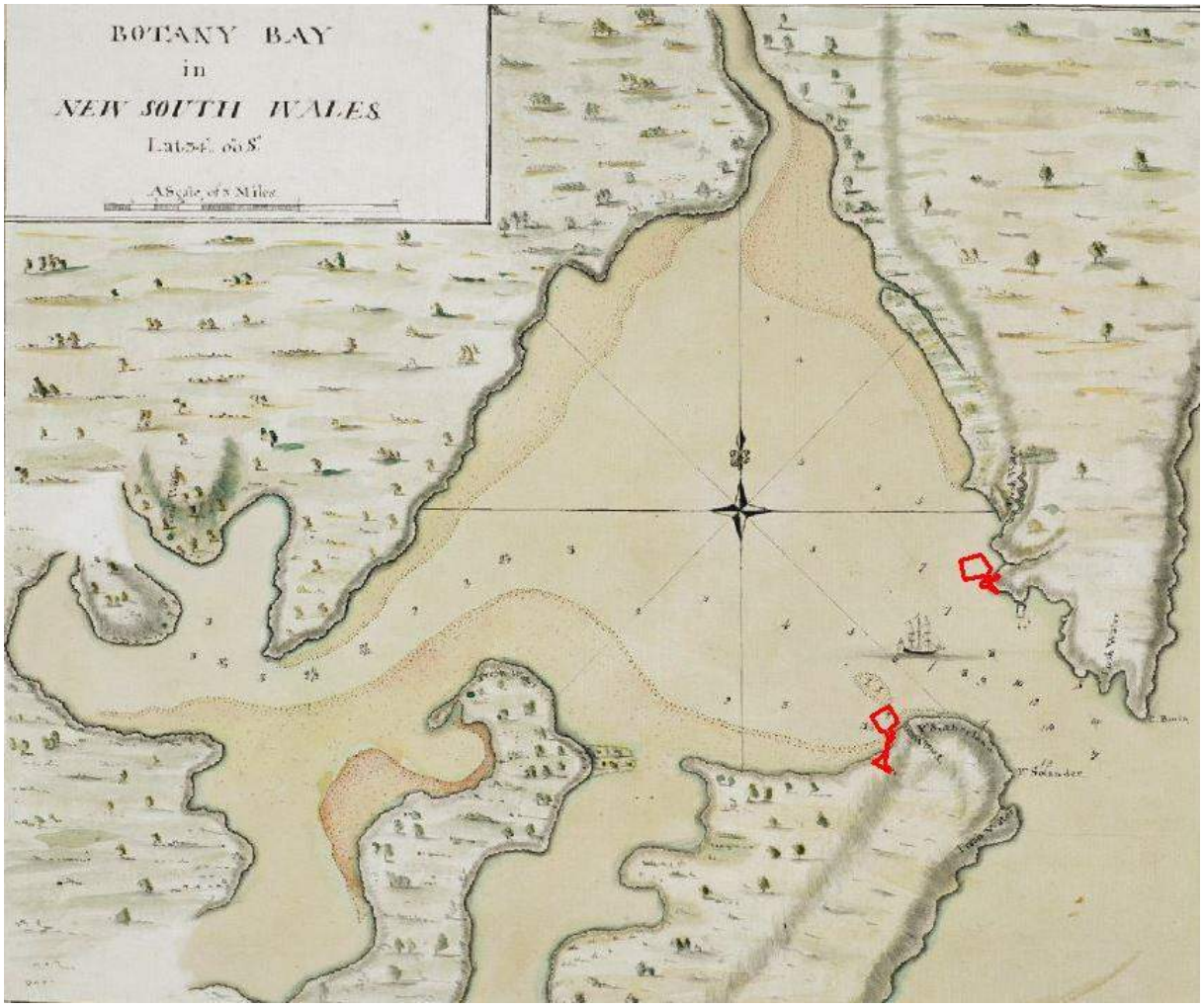

Figure 8. Map of Botany Bay created by James Cook, 1770. Note the importance of fresh water sources, as well as Cook's early imposition of European names onto the landscape. Source: British Library

Figure 9. Landing of Captain Cook at Kamay Botany Bay, 1770 by E. Phillips Fox, 1902. Source: National Gallery of Victoria

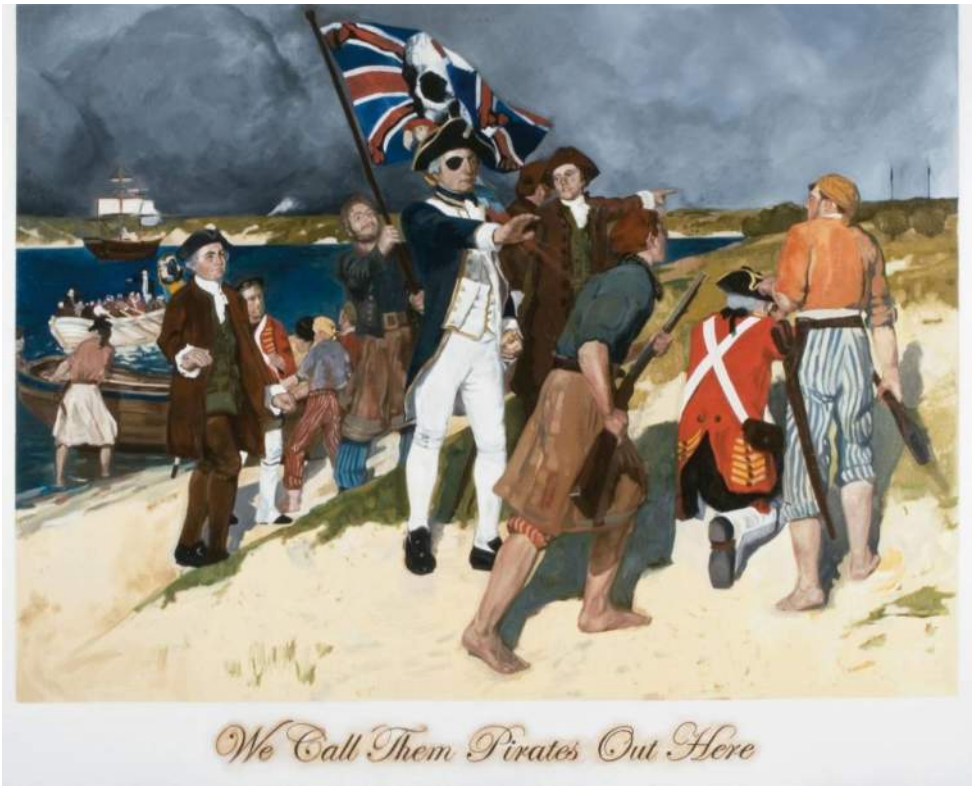

Figure 10. We Call Them Pirates Out Here. Daniel Boyd, 2006. Source: Museum of Contemporary Art

4.1.3 The First Fleet

In 1786 plans were officially established by the British Government to found an agrarian-based penal colony on *Terra Australis* (Karskens 2010, 1). The strategy was partially influenced by the loss of the American colonies in the War of Independence from 1776–83, requiring a new location for the transportation of British convicts (Gascoigne 2020). Joseph Banks and James Matra, both of whom had visited Kamay Botany Bay as part of Cook's crew on the *Endeavour,* argued for its use as the new colony, with Banks believing it was suitable due to the 'fertility of the soil, the timid disposition of the inhabitants and the climate being so analogous to that of Europe' (Carter 1910).

On May 13 1787 Arthur Phillip – the designated Governor of the colony - assembled the eleven ships that would form the First Fleet at Portsmouth in South England, and they embarked for *Terra Australis* (Hise 2020). The convoy included approximately 1500 people, half of which were convicts (State Library NSW, 2020). The fleet included two Royal Navy ships, six convict ships, and three store ships (State Library of NSW, 2020). Phillip had been trained for a maritime career throughout much of his life, serving as an apprentice on whaling ships in his youth, in the Royal Navy in a war against France in 1755, and in the Portuguese Navy in naval wars throughout South America (Hise 2020). His naval experience saw that he was well suited to the task of leading the Fleet. The Fleet travelled from England to Tenerife in Spain, Rio de Janeiro, the Cape of Good Hope at the southern point of South Africa, and then travelled south of Australia and north up the east coast.

The Fleet arrived at Kamay Botany Bay on 18 January 1788 (Figure **11**). Phillip deemed the Bay too shallow for a harbour and unsuitable for habitation on account of poor fresh water supply (Dictionary of Sydney). Phillip had arrived on the *HMAS Supply*, one of the Royal Navy convoy ships, and waited at Kamay Botany Bay for two additional days while waiting for the remaining ships of the First Fleet to arrive. The Fleet anchored in the shelter of Bare Island, on the northern side of Kamay Botany Bay. Shortly after arrival, Phillip and his crew doubted the suitability of the land, reliability of water, and noted that the numbers of Aboriginal people in the area were much larger than the *Endeavour* crew had suggested (Tuck 2008, 58).

The First Fleet engaged with the Aboriginal people in the area and attempted to establish friendly relations through exchanging gifts (Tuck 2008, 52). The personalities and activities of the local Aboriginal peoples around Kamay were recorded in several journals belonging to members of the crew (Tuck 2008, 59). Within six days of anchoring in Kamay Botany Bay the First Fleet sailed north, arriving at Warrane – later named Sydney Cove– on January 26th.

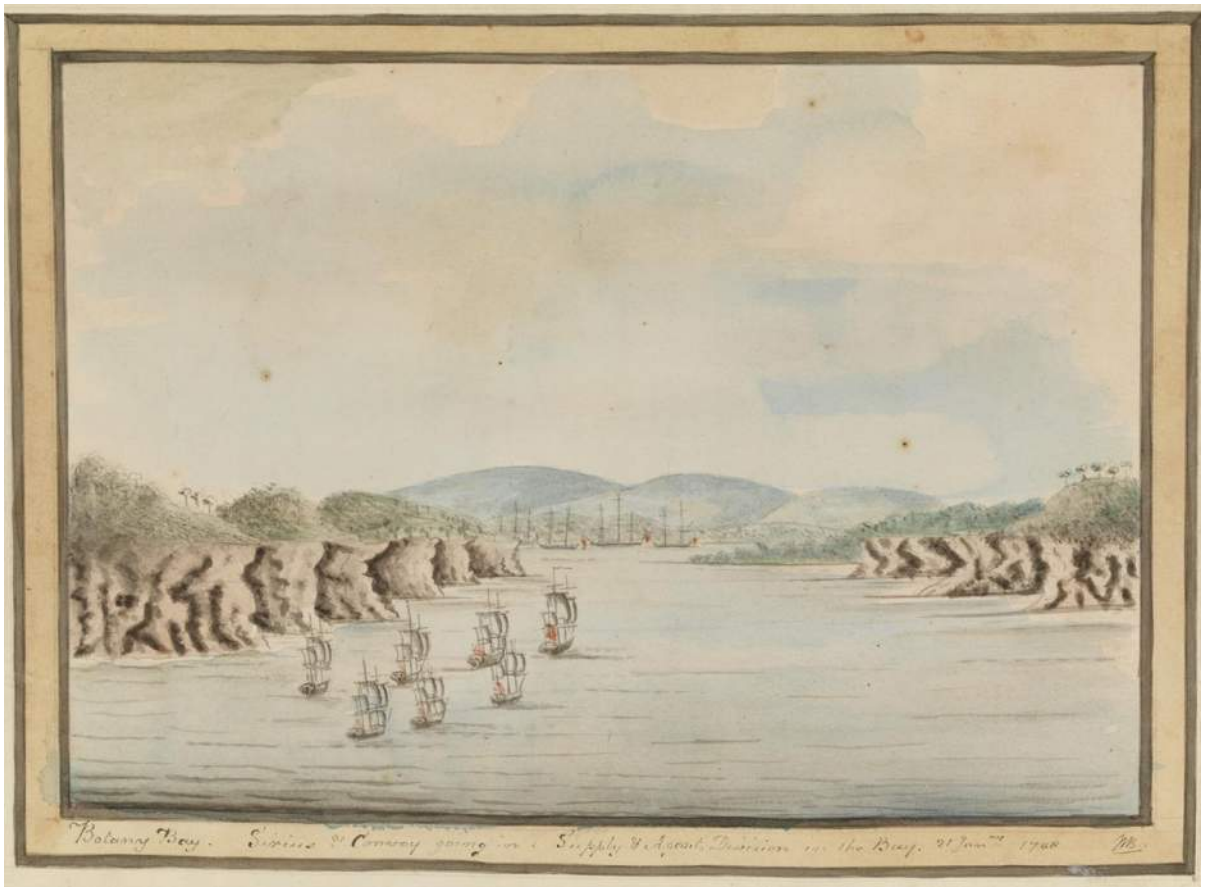

Figure 11. Sirius and convoy entering Botany Bay by William Bradley, 21 January 1788. Source: State Library of New South WalesThe French and La Perouse

4.1.3.1 *The Astrolabe and Boussole expedition*

Sponsored by the French King Louis XVI, Jean-François de Galaup, comte de Lapérouse led a scientific expedition across much of the globe, planning to explore the Pacific, including North and South America, Asia, and the Australasia region, including Kamay Botany Bay (State Library of NSW, 2020). In January 1788 the French sailed to Kamay Botany Bay to replenish supplies and crew in the midst of the scientific expedition. While entering the bay the two French ships, the *Astrolabe* and the *Boussole*, encountered Captain Arthur Phillip leaving Kamay Botany Bay with the First Fleet. La Perouse landed at Frenchman's Beach, located on the western coves of the La Perouse headland, and remained for six weeks. The expedition included eleven naval officers, seventeen scientists, and 153 additional personnel, with slightly fewer men landing at Kamay Botany Bay. Prior to sailing for *Terra Australis,* the French crew had been at Samoa, where the interactions had quickly become hostile, resulting in the deaths of several French and Samoan peoples (Kensy 2008). This scenario may have resulted in a more cautious and tentative approach regarding La Perouse's interactions with the Aboriginal peoples at Kamay Botany Bay (Tuck 2008, 62).

Upon arriving at Kamay Botany Bay, the French were welcomed by Captain John Hunter on the *Sirius,* as Phillip had already departed. The first formal visit to the French was made by Lieutenants King and Dawes on February 2nd on behalf of Governor Phillip (Tuck 2008, 62). By this time the French had established a garden, observatory, and created a stockade with small gun emplacements (Selkirk 1918, 339). There appears to have been some early disagreements between the French and the local Aboriginal people of La Perouse, resulting in a focus on establishing temporary fortifications (Tuck 2008, 161). Two long boats were under construction and La Perouse noted that the stockade was required to defend against the Aboriginal people in the area, further reflecting the French anxieties from Samoa (Tuck 2008, 62-63).

The French remained in Kamay Botany Bay for six weeks, with five visits between the British and French. In addition to the construction of the stockade, the French established a garden on the La Perouse headland, under the supervision of the expedition's gardener Jean Nicholas Collignon (Barko 2012). Collignon had been encouraged to plant 'European seeds' wherever the voyage made landfall, although the motivation for this was unknown. It is also unknown whether they hoped to benefit from the garden during their stay of six weeks (Barko 2012). Later accounts from the 1820s suggest that the garden was intended to provide remedies for illnesses amongst the crew, however the reliability of this statement is unverified (Lesson 1838-1839). Philip Gidley King's account of the French camp noted that in addition to the stockade and camp, an observatory tent had been established, reflecting the general mission of the overall voyage for scientific and astronomical purposes.

On 10th of March the French ships left the Australian continent after six weeks, and this was the last time La Perouse and much of his crew was seen alive. In 1827 the shipwrecks of the *Astrolabe* and *Boussole* were found at Vanikoro in the Solomon Islands (Tuck 2008, 161). It is believed that the ships were wrecked on the reef around the island during a severe storm (Hitchcock 2017). The Vanikoro locals recorded that several survivors from the French expedition constructed a two-masted schooner with salvaged timber and sailed from the island. The crew never made it back to France however, and the fate of the crew has continued to be a mystery (Hitchcock 20147).

4.1.3.2 *The French memorial*

There are no recorded maps or plans that show the location and layout of the French camp at Kamay Botany Bay, prepared either by the British or French. Any cartographic or artistic representations of the French camp would have unfortunately been lost and destroyed in the wrecking of the *Astrolabe* and *Boussole.* The only extant non-archaeological element indicating the presence of the French camp is the tomb of Père Receveur, a Priest and naturalist on La Perouse's voyage. Receveur died at La Perouse of unknown causes, with a tomb established by the French on the La Perouse Headland. Historic records note that the French crew had been somewhat plagued with scurvy throughout their voyage, however there is no record that the illness had afflicted Receveur (Barko 2012, 9-10). The tomb was originally relatively informal, with modest commemorative markings, however subsequent visitors to La Perouse formalised the tomb and established a memorial. Documentation suggests that under Governor Phillip's orders, a copper plate had been hung on a tree near Receveur's resting place, engraved 'one day a more lasting monument will be raised' (Selkirk 1918 cited in Tuck 2008, 191). It is likely that the remaining features of the temporary settlement were located surrounding Receveur's tomb, as the headland appeared to be the most strategic and defensive location.

As early as 1819, potentially earlier, additional French ships in the Pacific would visit the site of the French Garden and Père Receveur's Tomb at La Perouse. This activity became a pilgrimage for French sailors, and accounts suggest that remnants of the garden were still present at this time (Tuck 2008, 161). Guards at the Macquarie Watchtower are recorded to have toured the visiting French crews. In March of 1824, the crew of the *Coquille* are recorded as inscribed a tree with the text 'near this tree rests the remains of Père Receveur, visited in March 1824' (Selkirk 1918, 350). At the time of the *Coquille* voyage the French garden was still partially visible, with dying fruit trees and vegetable crops enclosed by a hedge (Barko 2012, 9-10). The garden was partially demolished or tampered with by the local Aboriginal people of the area once the French left Kamay Botany Bay, yet there is no known evidence suggesting that the French garden was used by the Aboriginal people (Tuck 2008, 73). However, historical evidence suggests that the garden was used by the government troops within the Macquarie Watchtower (Tuck 2008, 73).

The French camp was later visited by Baron de Bougainville on the *Thetis* and *Esperance*, who declared the resting place of Receveur to be neglected. This prompted the construction of an official monument, with Governor Thomas Brisbane providing two land allotments for the memorial. While Bougainville laid the foundation of the monuments, construction of the official monuments did not

begin until 1828 under the guidance of the Colonial Architect (Tuck 2008, 162). The monuments have continued to be an important pilgrimage site for French people and have been continuously maintained by the French Government (Tuck 2008, 163).

By the early Victorian period, the La Perouse Monument had become not only a tourist attraction and pilgrimage location, but a popular subject for painters within the Sydney region. The picturesque surroundings of the headland, bay, and bushland provided an idyllic landscape that allowed and encourage/inspired artists to illustrate the monument from a variety of viewpoints, providing an understanding of the setting of the headland and how the landscape changed over time. Several illustrations show the monument from different views and provide varied interpretations of the monument and landscape despite being painted within years of each other, seen in the comparison between John Austin and Louis Bichebois's interpretations in Figure 12 and Figure 13, respectively. By approximately 1848 the barrier around the monument had become more formalised, moving from the earlier picket fence seen in Figure 13 to a low sandstone wall, as seen in Figure 14. The continuous maintenance and upgrading of the monument reflects the importance of the place to both the French and New South Wales governments. The amicable relations between Lieutenants King and Hunter with La Perouse, and the willingness of British colonial governors to formalise and maintain the La Perouse Monument and Père Receveur's tomb, is somewhat remarkable considering the geopolitical context of the time. Despite the signing of new treaties, Anglo-Franco relations remained somewhat tense following the Anglo-French War and American War for Independence, both of which ended in 1783, only five years before the French and British met at La Perouse. The upkeep continued throughout the 1800s, even during the 1810s while the devastating Napoleonic Wars. Over time the monuments and La Perouse headland has become an important symbol of Franco-Australian relations and has seemingly remained immune from the Franco-Anglo rivalry and bitterness throughout Europe in the early colonial period. The very endurance of the name La Perouse reflects the complexities of colonial encounters between two maritime empires on the coastal edge of Eora Country.

Figure 12. The La Perouse Monument by John Gardiner Austin, 1836. Source: State Library of NSW

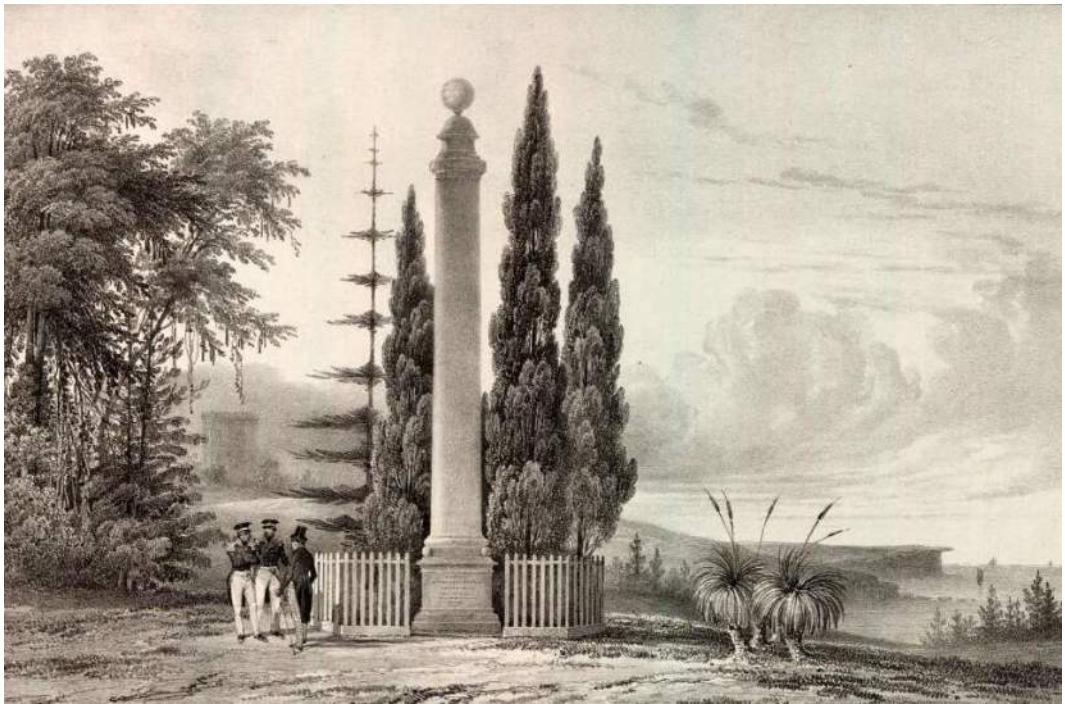

Figure 13**. Louis Phillipe Alphonse Bichebois's Monument eleve a la memoire de la Perouse, illustrated in 1837. Source: National Library of Australia**

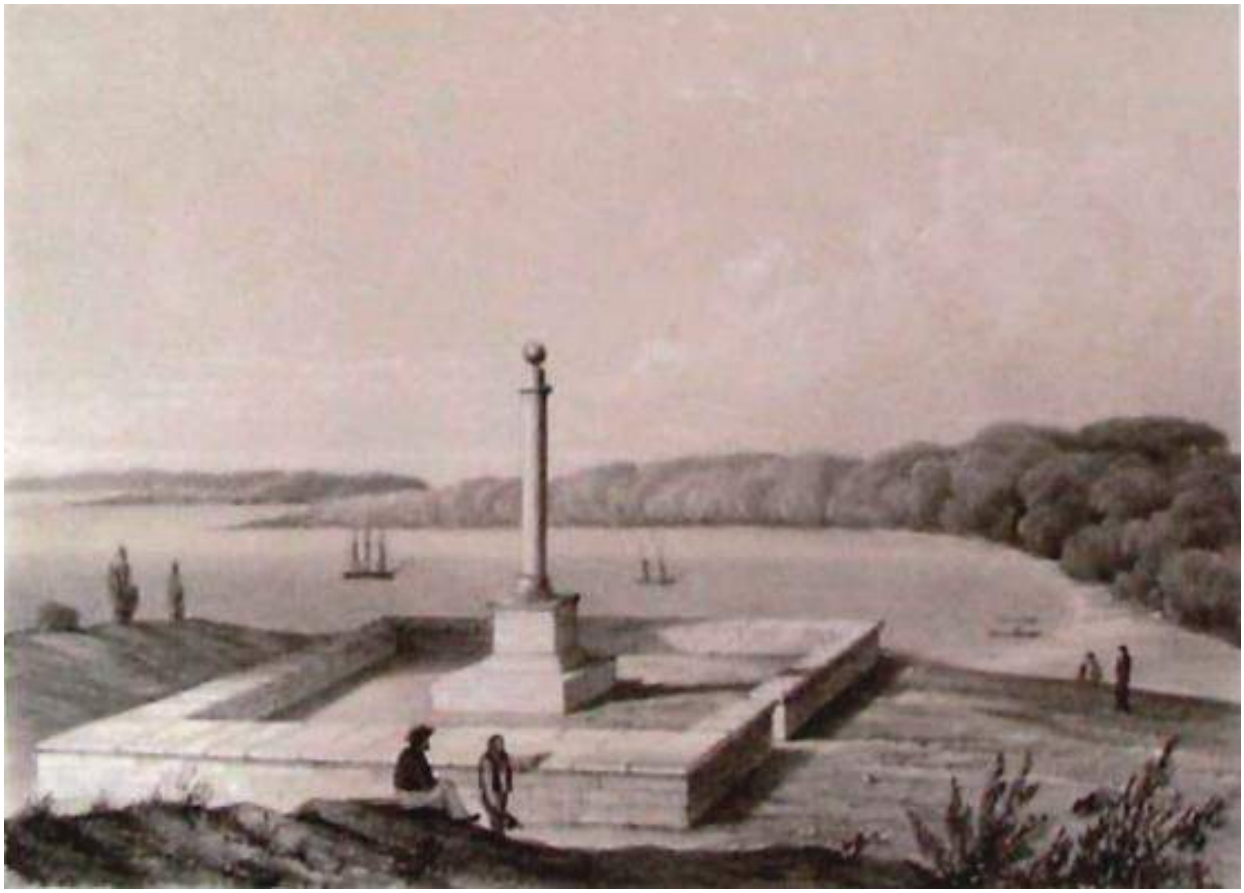

Figure 14. ***Monument to Monr. De Le Perouse and his companions, at Botany Bay*****, c. 1848. Source: State Library of Victoria**

4.1.3.3 *Remembering Cook's Landing*

Across the Bay from the monuments at La Perouse, a similar phenomenon was occurring at Kurnell. The landing site of the *Endeavour*, including an excavated well, was still clearly visible in the late 1700s and early 1800s, well known to be near a stream running into Kamay Botany Bay from descriptions from Cook's and Banks's journals. These features associated with Cook's Landing, such as the streams, had high symbolism and significance attributed to them by early settlers hoping to connect with the past and the explorers upon the *Endeavour.* The area, which remained isolated from the growing town of Sydney and still retained much of its natural bushland environment, was surrounded by an aura of mystique and reverence amongst the early colonists (AMBS 2013, 37). In 1822, contemporaneous with the developments over the water at La Perouse, a plaque with an inscription was attached to the cliff face at Point Solander, and was dedicated to Cook and Joseph Banks. In 1870, a sandstone obelisk was erected at the site, commemorating the centenary of the *Endeavour* landing (Figure 15).

As the 1800s progressed and the possibility of Federation became increasingly realistic, the *Endeavour* landing site and the symbolism of Cook himself, were attributed with increasing significance tied to Australian foundation and nationhood (AMBS 2013, 37). In 1899 250-acres of land at Kurnell was resumed by the NSW Government to be established as the Captain Cook Landing Place Reserve (AMBS 2013, 37). The mythology surrounding the location grew and was reflected in royal visits, national discourse which framed Cook as the discoverer of the continent, and in events such as re-enactments of the *Endeavour* landing, celebrations of anniversaries and royal visits (Tennant 1948). The site of Cook's Landing was visited by Prince George and Prince Edward in 1881, who were escorted by the landholder Thomas Holt and planted Norfolk Island Pines at the site (Tennant 1948) (Figure 16 and Figure 17).

Notably the bicentenary of Cook's arrival in 1970 was attended by Queen Elizabeth II, her husband the Duke of Edinburgh, and their daughter Princess Anne. Footage of the celebrations show Kamay Botany Bay glistening with large numbers of boats in the Bay. The royal party arrived by boat at the Kurnell wharf (disembarking from the Royal Yacht *Britannia)* where they were met by the Premier of NSW, Sir Robert Askin. The shores at Kurnell are filled with up to 50,000 onlookers and a podium was established in front of the Captain Cook Memorial obelisk, seating the Royal party, Sir Robert Askin, and other guests of honour. A re-enactment of Cook's Landing (Figure 18) accompanied the celebrations and featured Aboriginal Australians, who wore traditional dress, animal cloaks, and body paints, and engaged in spear fishing in the Bay. Speeches were made by the Queen and by Askin, who suggested the day was to "commemorate a great man, a great voyage, and a great moment in Australian history."

From the late 1700s, stories of Cook's Landing and the colonisation had spread amongst Aboriginal communities across the nation. The Kurnell area gained a contentious reputation and came to symbolise the dispossession of Aboriginal peoples from Country. This contentious history culminated in protests at the 1970 bicentenary celebration, in which Aboriginal people from various groups across Australia gathered at La Perouse to protest the re-enactment of the *Endeavour* landing from across the Bay. The official footage of the re-enactment and Royal Visit, complete with a grandiose soundtrack and narration, omits footage or mention of protests across the water at La Perouse and of Sydney University students who protested at Kurnell and interrupted the official re-enactment with a fake Captain Cook, who claimed the territory for the University.

Wreaths were cast into the water of the bay and a silent vigil was held the preceding evening (Figure 19). As described in *The Sydney Morning Herald* of the day, "wreaths thrown into the water by Aboriginal leaders were carried out by the tide, and drifted sadly across the bay towards the landing site". The Aboriginal poet Kath Walker (Oodgeroo Noonuccal) wrote of the bicentenary:

> *"Today, at the enactment of Cook's landing,*
>
> *We, who are the strangers now,*
>
> *Come with sorrow in our hearts."*

The re-enactment – and protest – was witnessed by Queen Elizabeth II during a royal tour. In the words of Trudy Longbottom, a community leader, 'I could have been at Kurnell to shake hands with the Queen, but I chose to be on this side of the bay with my people, to mourn this sad day' (Longbottom 1970). The 1970 protest was noted by *The Sydney Morning Herald* to have been the largest Aboriginal protest in history and has been credited as bringing Aboriginal rights and perspectives into mainstream media and discourse The Sydney Morning Herald, 30 April 1970).

Similar protests occurred at the 1988 colonisation bicentenary, in which protestors gathered at Kurnell. By the next decade, the commemoration and symbolism surrounding Kurnell appears to have become more balanced, acknowledging the significance of the place to Aboriginal peoples as the beginning of 250 years of dispossession and intergenerational traumas, while also being historically significant for its association with the foundation of modern colonial Australia. On the first National Sorry Day in 1998, Aboriginal elders commemorated the Stolen Generations of children at Cook's Landing site with a smoking ceremony that sought to clear the negativity surrounding the place (AMBS 2013, 39). The management of the place has increasingly included Aboriginal peoples and their perspective. This recognition is also reflected in the commonly used names for the place, including the ancient name Kamay, and the Meeting Place Precinct.

Protests continue today, with 29th April marking a Day of Mourning. Similarly, Australia Day or Invasion Day protests have become increasingly well attended among Australians of all backgrounds. The history and meaning of Kamay and Cook's Landing remains a persistent topic within public discourse in the media, politics, academia, schooling, and in homes across Australia.

Figure 15. Captain Cook's Monument by Thomas George Glover, 1878. Source: National Library of Australia

Figure 16. The royal visitors at Captain Cooks Well, 1881. Source: State Library of Victoria

Figure 17. Captain Cook Monument at Kurnell, c.1890–1920. The photo has been mislabelled as the La Perouse Monument. Source: Museum of Applied Arts and Sciences

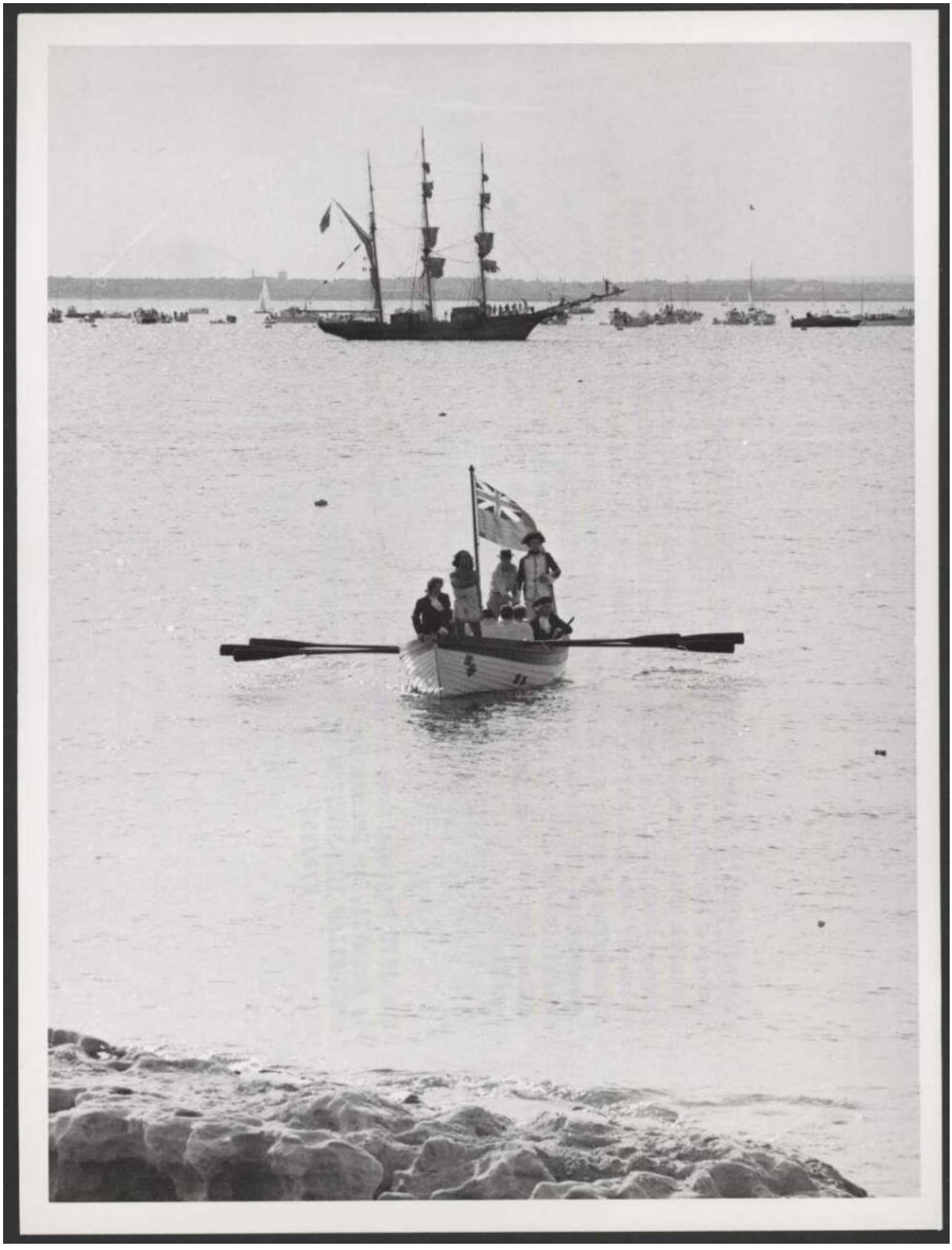

Figure 18. The longboat coming ashore with the fake *'Endeavour'* in background during 1970 Cooks Landing re-enactment. Boat includes actors representing Cook, Isaac Smith, Banks, Tupaia and others. Source: National Library of Australia

Figure 19. Memorial wreaths cast into the waters of Kamay during protests, 1970. Source: State Library of NSW

5.0 ARCHAEOLOGICAL ASSESSMENT

5.1 Environmental context

5.1.1 Soils and geology

The project area is located at the opening of Kamay Botany Bay to the Tasman Sea. The geology of this area consists of Triassic Hawkesbury Sandstone partially overlaid with Quaternary marine sand and sand dune formations (Herbert 1983, Stroud 1985).

During the late Pleistocene, the Kamay Botany Bay area was a swampy sand plain surrounded by higher sandstone hills. With the rise in sea levels at the end of the Pleistocene, marine sands were deposited onto the advancing shoreline. These beach sands were then wind-blown onto the surrounding sandstone outcrops, forming into coastal barrier sand dunes. When the sea level stabilised during the early Holocene approximately 7,000 years ago, these barrier dunes had altered the flow of local rivers to the present courses of the Cooks and Georges Rivers (Attenbrow 2010, 39).

The Georges River rises in the Illawarra Plateau and travels 96 km before it flows into Kamay Botany Bay from the southwest. The Cooks River flows into Kamay Botany Bay from the northwest. It is partially canalled and operates as the primary stormwater runoff for residential suburbs in south Sydney. Kamay Botany Bay is a relatively shallow sand-floored inlet, with most of the bay floor being ten metres or less in depth. The tidal accumulation of sand and riverine deposition of silt on the bay floor requires frequent dredging to ensure safe navigation for shipping.

The natural soil landscapes on both the Kurnell and La Perouse peninsulas are mostly associated with the marine-and wind-deposited sand at lower elevations, with sand dune formations stabilised against erosion with natural and re-planted vegetation. Marine-deposited siliceous and calcareous sands fringe the foreshore of Kamay Botany Bay. Hawkesbury Sandstone predominates on the higher elevations in the project area, with thin layers of coarse sand and loam in areas resistant to erosional effects from vegetation cover. In the south-western part of the project area, estuarine soil landscapes have accumulated from the low energy silt discharge of the George's River on the tidal sandbanks of the southern floor of Kamay Botany Bay (AMBS 2013, 21-22 and Sheppard 2009,11-14).

These soil landscapes have been disturbed by European agricultural and industrial activities. Vegetation clearance in some parts of the project area has exacerbated sand dune erosion. Dredging of the entrance to Kamay Botany Bay and foreshore stabilisation for navigation has altered the original shape of the headlands. Industrial facilities in the project area have also significantly disturbed the soil profile with deep ground excavation and the introduction of modern fill.

5.1.2 Vegetation

The vegetation surrounding Kamay Botany Bay prior to European arrival was significantly forested. Sclerophyll vegetation such as eucalypts, angophoras and banksias were fundamental in limiting dune expansion and erosion throughout the Kurnell and Brighton-Le-Sands area. An increase in Aboriginal permanent occupation and fire-stick farming practices, facilitated the increase in salt-tolerant vegetation such as *Leptospermum laevigatum* and *Monotoca elliptica* (Benson & Eldershaw 2007).

5.1.3 Hydrology

The Georges River rises in the Illawarra Plateau and travels 96 km before flowing into Kamay Botany Bay from the southwest. The Cooks River flows into Kamay Botany Bay from the northwest. It is partially canalled and operates as the primary stormwater runoff for residential suburbs in south Sydney. Kamay Botany Bay is a relatively shallow drowned river valley, with most of the bay floor being ten metres or less in depth. The tidal accumulation of sand and riverine deposition of silt on the bay floor requires frequent dredging to ensure safe navigation for shipping.

Local hydrology at Kurnell includes an unnamed first order creek that originates in the slightly higher elevation sand dune terrain 600 metres to the southeast and flows into Kamay Botany Bay approximately 180 metres northeast of the extant jetty. This creek is shown on a number of maps of the area, including a 1770 map prepared by James Cook (Figure 20). This creek was mentioned in Captain Cook's Journal as a source of fresh water (Journal of HMS Endeavour 1768-1771: April 29 1770):

> *'I sent a party of men a shore in the morning to the place where we first landed to dig holes in the sand by which means and a small stream they found fresh water sufficient to water the ship'*

The current topographic maps for Kurnell do not show any watercourses within or in close proximity to the construction boundary. Local topography indicates that an ephemeral watercourse to the east of Anzac Parade and south of Henry Head Lane drains run-off into Kamay Botany Bay. Although no watercourses are shown on the current topographic maps, James Cook map of Kamay Botany Bay from 1770 indicates the presence of two watercourses, one marked as 'fresh water', at Frenchmans Beach, north of the project area.

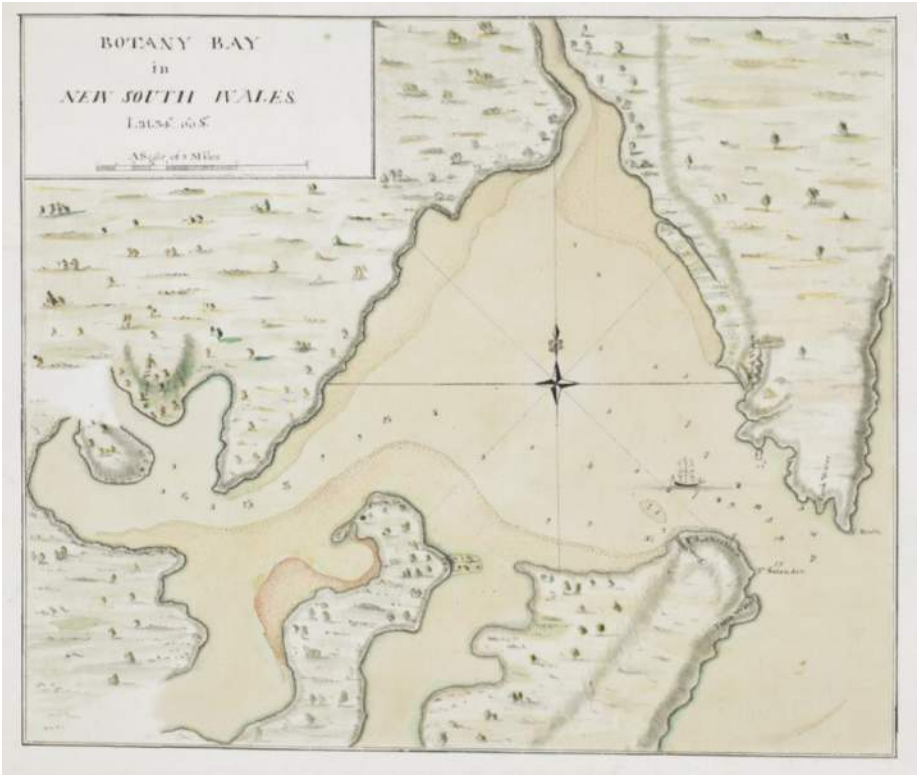

Figure 20: 1760-1780 James Cook's chartered map of Botany Bay

5.1.4 Ethnohistoric context

Aboriginal people have been living in the Sydney Basin and surrounding areas for at a minimum of 36,000 years, based upon evidence from archaeological sites located on the Parramatta and Nepean Rivers (JMCHM 2005 and AHMS 2013). Before the sea reached its present level around 7,000 years ago, the Kamay Botany Bay area would have been freshwater valleys and swamplands (Attenbrow, 2012, 1-2), with Aboriginal people subsisting on a diet of land animals and plants, supplemented with freshwater fish resources (Attenbrow 2010,70-79).

Following the inundation of the coastline, Aboriginal people in the Kamay Botany Bay area primarily utilised marine foods of sea fish and shellfish for their subsistence needs (Attenbrow 2010, 70-79). The majority of archaeological evidence in the Sydney Basin has been dated as occurring within the last 3,000 to 5,000 years, possibly reflecting the increased use of the foreshore areas by Aboriginal people who occupied areas around the modern coastline. Older occupation sites are likely to exist along the now submerged coastline, consistent with a pattern of higher intensity utilisation of marine resources in supporting Aboriginal populations (AMBS 2013, 25).

Ethnographic accounts written by European explorers and settlers in the late 18th century emphasise the maritime way of life of the Aboriginal people around Kamay Botany Bay. Small groups of Aboriginal people were recorded to camp near freshwater sources, often residing in rock shelters or utilising bark huts. Bark canoes were regularly used for line fishing and spear fishing in Kamay Botany Bay. Collecting shellfish on the tidal banks of the bay was also recorded by Europeans (AMBS 2013, 25).

An entry in Lieutenant James Cook's diary entry on 3rd May 1788 describes the cooking fires of the Aboriginal people during the 8-day exploration at Kamay Botany Bay:

> *There were Six Canoes and Six small fires near the shore, and Muscles roasting upon thim and a few Oysters laying near…*

These accounts of Aboriginal diets have been corroborated by archaeological evidence from the numerous midden sites which are located on the foreshores of Sydney Harbour and Kamay Botany Bay. The shell midden site at Captain Cook's Landing Place in Kurnell, on the south-eastern foreshore of Kamay Botany Bay, was excavated between 1968 and 1971. Deposits at this site have been dated and show that they have been accumulating for at least 1,200 years. Based upon the large extent of materials recovered, it is likely that this shell midden site, and other nearby rock art and burial sites, extends for much of the Kurnell foreshore on [redacted] (Attenbrow 2010, 172 and Irish 2007, 11-18).

Large quantities of Aboriginal artefacts, including shellfish-hooks (Figure 21 and Figure 22), retouched stone artefact flakes, ground stone hatchets and bone points (Figure 22) were recovered. Fish bones and shell comprise the majority of food resource remains, including snapper, bream, mud oyster and Sydney cockle. Lesser quantities of land and sea animal bones, including dingo, seal, whale, dolphin, wallabies and mutton birds are also present in the midden site (Attenbrow 2010, 172-173).

Aboriginal people were also recorded as burying their dead in coastal sandy environments, in middens and in rock shelters. Archaeological evidence in the project area further substantiates this practice, with a number of Aboriginal burials along the Kamay Botany Bay foreshore having been identified. One rock shelter near [redacted] on the Kurnell Peninsula has revealed up to 18 complete or partial sets of human remains, all of which have been reburied at the site at the request of the local Aboriginal community. Grave goods of stone artefacts and bone points were present in many of these burials, as well as midden deposits of discarded fish and animal bones (Irish 2007, 19).

Aboriginal people often utilised the exposed Hawkesbury sandstone rock faces around Sydney Harbour and Kamay Botany Bay to engrave and draw art. These sites are well-recorded and comprise 40% of all Aboriginal sites in the Sydney Basin (Attenbrow 2010, 146-147). Several rock art sites have been recorded on the exposed sandstone faces and caves at La Perouse near Bare Island, as well as on the Kurnell foreshore. Motifs on rock art in the area show frequent engravings of footprints and fish (Irish 2007, 20).

The landscape at Kamay Botany Bay prior to the arrival of Europeans in the 18th century was significantly more forested than it is today. Sclerophyll woodland vegetation, consisting of eucalypts, angophoras and banksias, were pivotal in securing the barrier dunes of the Kurnell and Brighton-Le-Sands area from erosion. It is possible that the increase in the proportion of salt-tolerant shrubs such as *Leptospermum laevigatum* and *Monotoca elliptica* was the result of more intense Aboriginal settlement and human initiated fire-regimes around the shores of Kamay Botany Bay from around 2,000 years ago (Benson & Eldershaw 2007, 114).

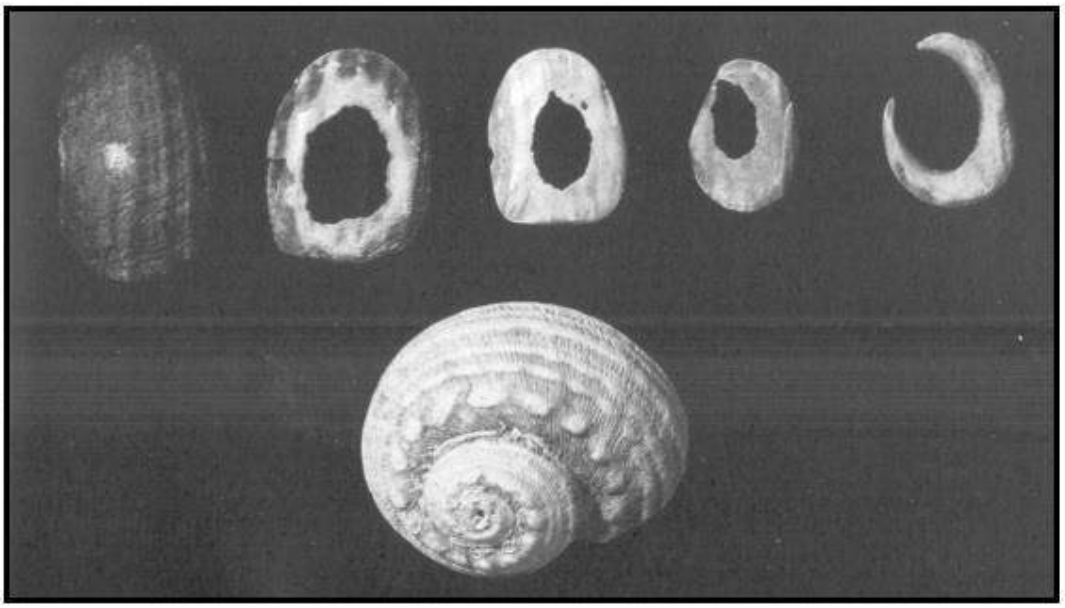

Figure 21: Shell fish-hooks recovered from Captain Cook's Landing Place Midden site. Image reproduced from Irish, 2007 p 16

Figure 22: Bone points recovered from Captain Cook's Landing Place Midden site. Image reproduced from Irish, 2007, p 17

5.1.5 European land use history

Kamay Botany Bay was first explored by Europeans in 1770 when Lieutenant James Cook landed at Kurnell on the south side of Kamay Botany Bay with his crew in the *Endeavour* on 29 April. On the first day he made contact with the Gweagal Aboriginal community of the Dhawaral nation at a place now commemorated in Kurnell as 'Captain Cook's Landing Place' in the Kamay Botany Bay National Park. Kamay Botany Bay was not explored again by Europeans for another 18 years, when Captain Arthur Phillip arrived in Kamay Botany Bay with the First Fleet, anchoring around Bare Island (Tuck 2008, 58).

After the British colony at Sydney Cove was established in 1788, the headlands around Kamay Botany Bay were slow to be settled by Europeans. The local environment was deemed unsuitable for settlement and in 1812 Governor Macquarie closed the northern headland for settlement and established a government reserve at Kurnell. In 1815 a grant was made to James Birnie, a ship owner and merchant, of 700 acres of land along with 160 acres of saltwater marsh, on the western side of the Kurnell peninsular. In 1821 this estate was acquired by John Connell, another early pioneer, who added it to his large land holdings in the area (Figure 23).

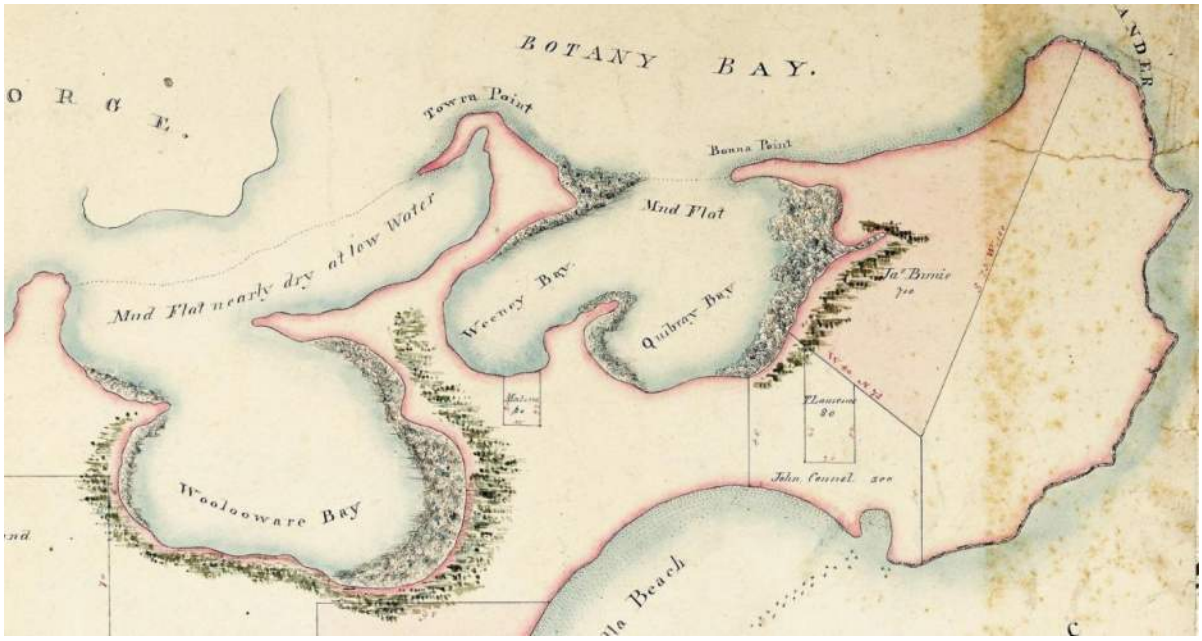

Figure 23: Sutherland parish map, 1830s, showing James Birnie's land grand. Area to the east of the Birnie land grant is a later government reserve. Source: LPI

Early agricultural efforts on the Kurnell peninsula were not overly successful. The most profitable enterprise up until the mid-19th century was timber-getting, which largely cleared the peninsula of its native vegetation. This forest clearing increased the rate of Aeolian erosion and resulted in the previously stable sand dunes migrating across the area (Nugent 2005, 55-56).

Due to the low level of European settlement in the region, Aboriginal people continued to live around the Kamay Botany Bay foreshores. While their population had been drastically reduced from introduced diseases and violent encounters with the new settlers, numerous accounts of Aboriginal camps and communities were recorded by Europeans during the 19th century (Nugent 2005, 55-56).

Due to the relative abundance of open land in the Kamay Botany Bay area combined with its relative proximity to Sydney Harbour, the early twentieth century saw the introduction of noxious and polluting industries on the Kurnell peninsula. The extensive sand dunes around the Kurnell peninsula resulted in the establishment of sand mining enterprises from the 1930s onward, which heavily altered the natural landscape of the region (AMBS 2013, 47).

Following the Second World War, significant industrial development around Kamay Botany Bay continued to change the landscape and character of the area. In 1956 the Kurnell Oil Refinery was built, while the Port Botany Terminal was established in 1960. Other heavy industries, notably chemical and petroleum plants, were also opened at Kurnell during the 1960s and 1970s. These industrial facilities further increased the level of damage and disturbance to the natural landscape of Kamay Botany Bay (AMBS 2013, 47-48).

Throughout this period of industrialisation however, the headland foreshores of Kamay Botany Bay have largely remained undeveloped. Despite isolated areas of residential construction, most of these headland areas are encapsulated within the Kamay Botany Bay National Park. This area was held as government reserve until it was acquired by National Parks and Wildlife in 1967. Because of this relative lack of development and disturbance, many of the Aboriginal and historic sites are still present.

5.1.6 Archaeological implications of historical activities on the Kurnell foreshore and La Perouse headland

A description of changes to the foreshore morphology at Kurnell resulting from historical activities is discussed below.

5.1.6.1 *La Perouse Headland*

The La Perouse construction boundary is located on the headland and not immediately adjacent to the foreshore area as at Kurnell (see Section 5.1.6.2).

Late 18th century European activities at La Perouse included collection of plant specimens in 1770. No known structures or land clearance apart from sample collection and potentially grass collection for livestock feeding on the ships are associated with this phase. This was followed by British and French arrival in Kamay Botany Bay in January 1788. The French established a garden and stockade on La Perouse headland, and also buried Père Receveur, one of La Perouse's crew. It is assumed that some vegetation clearance and minor landscape modification would have taken place for the establishment of the garden and stockade, although the French were only on site for 5-6 weeks so it is unlikely that these were extensive works.

The 19th – early 20th century period includes a series of military developments throughout the vicinity, and the establishment of the headland as a memorial site for French visitors. Later in the 19th century development across the western portion of La Perouse Headland included sheds or cottages, a permanent Cable Station, including additional outbuildings and the cable tanks in the headland.

By 1894 a roadway was constructed along the northwest boundary of the La Perouse headland, leading to the rocky point adjacent to Frenchmans Beach. This may have provided suitable vehicle access to the customs department buildings. The boathouse was located at the southern end of Frenchmans Beach and slipways were constructed off the road into Frenchmans Bay in the late 1800s and early 1900s to enable safe launching of boats.

In 1905 the formal La Perouse wharf was erected at the west end of the headland. The wharf was a timber construction built off the headland, with timber piles projecting into the bay. Some portions of this timber are still evident in the rockface today. The approach to the wharf extended well onto the headland, ending in close proximity to a temporary shed and cable tanks on the headland.

The 1917 survey plan shows that Anzac Parade was extended to the southwest to meet the ferry wharf established in 1905 and an approach road was constructed from the wharf to meet the road surface. The 1917 plan also shows a tennis court established in the northeast quadrant of the headland, however the surface of this court and how formalised it was is uncertain as there is no photographic evidence of the court. The court would have potentially been grass surface with an enclosed fence.

Throughout the mid-twentieth century, several of the ancillary structures associated with the cable station, Macquarie Watchtower and wharf infrastructure were demolished as they become redundant. With the removal of the tram line, wharf, and ancillary structures in the mid- and late-twentieth century, the La Perouse headland largely became a tourist destination which retained its primary historic structures.

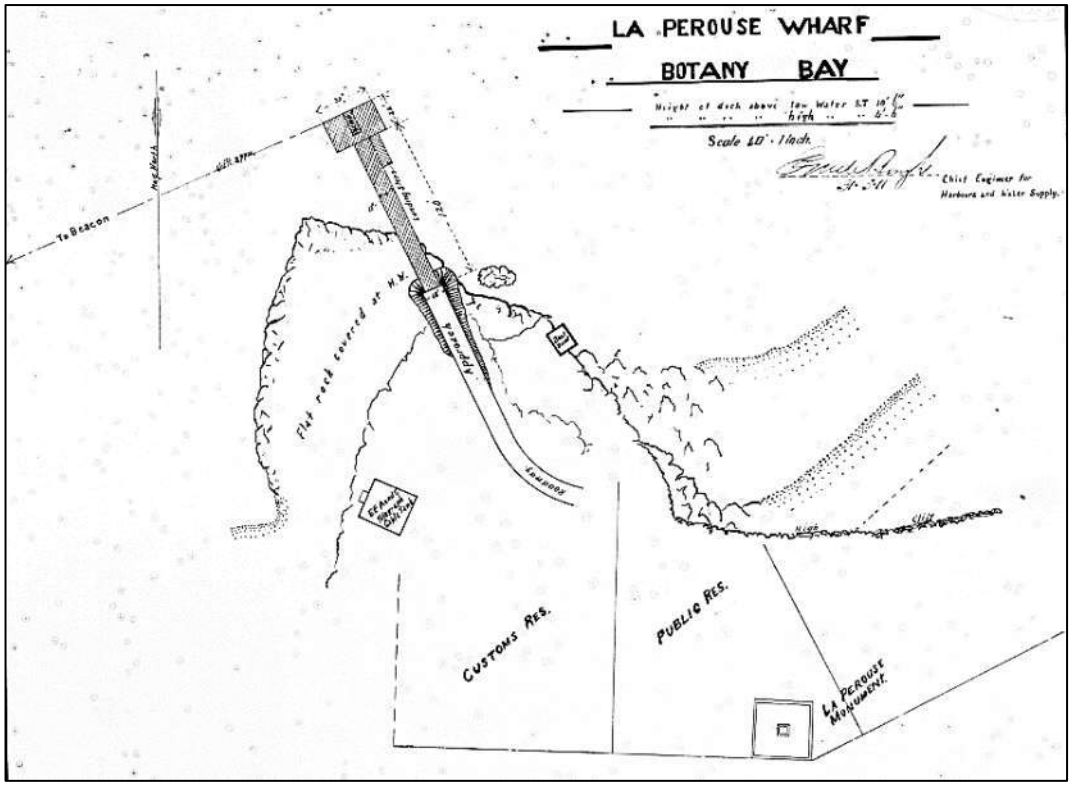

Figure 24. 1925 arrangements of the wharf at La Perouse, showing cable tanks and boat shed. Source: State Archives & Records NSW[1]

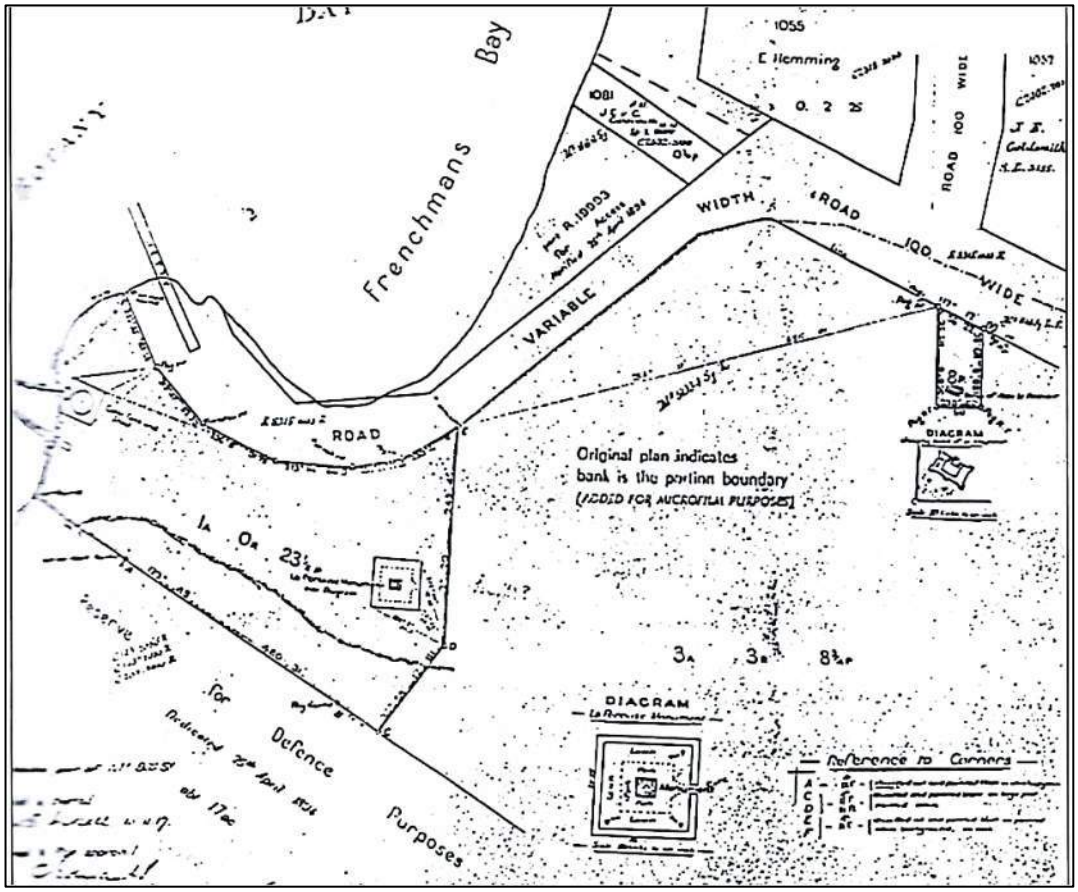

Figure 25. Structures on the west side of the La Perouse headland, 1917. Source: NSW Department of Lands[2]

Aerial photography from the 1960s to the 21st century shows development of infrastructure at La Perouse headland to accommodate access facilities as a tourist destination (see Figure 26Figure 30).

An aerial photograph from 1961 (Figure 26) shows road layout similar to the layout from 1925 (Figure 24), with the wharf road alignment and car parking. A number of significant changes are made to the headland between the 1961 photograph and 1965. This includes completion of the 'loop' section of Anzac Parade that is still extant, as well as visible earthworks around the road alignment to flatten out some of the undulating terrain visible in the 1961 photograph.

The landscape modifications between 1961 and 1965 included widening Anzac Parade adjacent to Frenchmans Beach. This widening includes further changes in the subsequent decades to include a fenced footpath, now a shared path, and rock across the underlying embankment face for stabilisation. The road widening extent can be seen in Figure 28, with the 1961 aerial photograph overlaid on a more recent aerial photograph.

Figure 26: 1961 aerial photograph of La Perouse headland

[1] *La Perouse Wharf Botany Bay*. State Archives & Records NSW. NRS-21554-1-3-PLAN14-9604.
[2] NSW Department of Lands, 1917. *Structures on the west side of the La Perouse Headland*. NSW Department of Lands Plan Room Ms. 5034 Sy.

Figure 27: 1965 aerial photograph of La Perouse headland

Figure 28: 1961 aerial photograph overlaid on a more recent aerial photograph, showing the extent of road widening in the late 20th century

The former road access to La Perouse wharf off Anzac Parade was covered over/ removed between 2007 and 2012 when further refinements to the layout and facilities on La Perouse Headland to the extant layout within the footprint occurred. This included construction of a shared path around the

outside permitter of the Anzac Parade ‘loop’ road and covering over/ removing a portion of the access road to La Perouse wharf (see Figure 29 to Figure 30).

Figure 29: 2007 aerial photograph of La Perouse Headland (Google Earth)

Figure 30: 2012 aerial photograph of La Perouse Headland (Google Earth)

Summary

In summary, the La Perouse headland has undergone some modification mostly relating to the military developments of the 19th – early 20th century and for the tourism industry and the 21st century. These developments have likely resulted in movement of soils and introduction of fills across the site.

Subsequent landscaping and the construction of the 'loop' road resulted in changes to the headland landscape namely through the introduction of fills and burying of existing sandstone outcrops. It is likely that some of the recorded AHIMS sites that have not been located in recent years (e.g. Site 6, La Perouse [AHIMS ID 45-6-0653]) are buried beneath the ground surface.

5.1.6.2 *Kurnell foreshore morphology*

The foreshore morphology at Kurnell has changed since the 19th century, partly as a result of the following:

- Vegetation clearance
- Construction of jetties and associated modification of the foreshore, affecting sediment movement along the foreshore
- Construction of sea walls and repairs to the sea wall over time
- Natural cycles of change to foreshore areas over time

Vegetation changes at Kurnell are directly related to vegetation clearance and pastoral activities. The vegetation within the project area at the time of Cook's landing in April 1770 would most likely have consisted of scrub along the immediate foreshore area, with coastal scrub and swamp forest across the gently undulating terrain to the south. Benson and Eldershaw (2007) have produced a map showing the likely distribution of vegetation types in 1770 overlaid onto an aerial photograph from the 21st century (Figure 31).

Figure 31: Benson and Eldershaw (2007: Figure 8b) map showing the likely extent of plant communities in 1770. The foreshore area is marked as 'foreshore scrub on sand'

The presence of grasses in the foreshore area or in swampy areas beyond the foreshore is supported by Joseph Bank's description of 'grass cutters' and 'hay cutters' being dispatched from the HMS Endeavour (Banks, April 29 1770: p. 251-252), as well as further descriptions of extensive grass areas associated with swamps in Banks' journal entry from May 4 1770 (p.252-253).

Changes to foreshore vegetation are shown in Figure 32 through Figure 37. The oldest representation of Cook's monument in this series of figures is Figure 32, which provides a representation of the foreshore area in 1875. The foreshore area is depicted with various vegetation types, including Banksia scrub, *Xanthorrhoea*, and possibly depictions of Casuarina (also described by Joseph Banks in his journal entries) in the background. Benson and Eldershaw describe the area as showing 'the dominance of *Banksia integrifolia* in the vegetation surrounding the moment', though when it's redrawn in 1896, presumably after revisiting the site, the understorey is more open and grassy and the *Xanthorrhoea* has gone.

Unless replaced by another vegetation community, removal of foreshore scrub would likely have resulted in changes to the foreshore dune and beach area due to exposure of underlying sands to wave and wind actions. Vegetation acts to help stabilise exposed marine sands.

Figure 32: Cook's monument in 1875, as drawn by William Henry Raworth. Benson and Eldershaw (2007: Figure 3)

With increased visitation to Kurnell in the late 19th century and early 20th century, as well as use of the area for livestock grazing, the foreshore area was largely cleared of vegetation except for planted pines and other trees on the gently undulating terrain to the south. This reduction in vegetation is demonstrated in a sequence of photos from the late 19th to early 20th centuries, shown in Figure 33 through Figure 37.

Figure 33is a panoramic photo taken from the Trust wharf looking south towards the project area. the immediate foreshore area is exposed sandstone and marine sands, with the gently undulating terrain to the south consisting of dense grass cover with dispersed trees. Figure 35, taken in 1910, shows the cleared ground in the immediate vicinity of Cook's monument.

Figure 33: Part of a panoramic photo from the Trust period jetty showing the project area between 1890-1910. Note the sparse vegetation and grass covering a lot of the landscape, and exposed sandstone and sand foreshore zone in front of Cook's monument (Benson and Eldershaw 2007: Figure 4a)

Figure 34: Photo of Cook's monument, taken around 1912. View west. Grass covered ground surface, small vegetation around Cook's monument, sandstone outcropping at front of Cook's monument[3]

[3]https://localhistory.sutherlandshire.nsw.gov.au/nodes/view/4868?keywords=kurnell&type=all&highlights=WyJrdXJuZWxsIl0=)

A sea wall was constructed by the Trust in the early twentieth century, presumably to help stabilise the foreshore from erosion due both to natural processes and potentially also due to destabilisation of the foreshore area from vegetation clearance. Construction of the sea wall would have involved introduction of fill, possibly from the local area, to in-fill the area behind the sea wall. A series of photos showing the foreshore area in front of Cook's monument are included as Figure 36 and Figure 37 below.

Figure 35: Photo of Cook's monument, taken between 1900 and 1910. Photo shows sandstone in front of Cook's monument in the approximate location of the current shared path on Monument Track[4]

[4]https://localhistory.sutherlandshire.nsw.gov.au/nodes/view/1852?keywords=cook%20monument&highlights=WyJjb29rIiwibW9udW1lbnQiXQ==

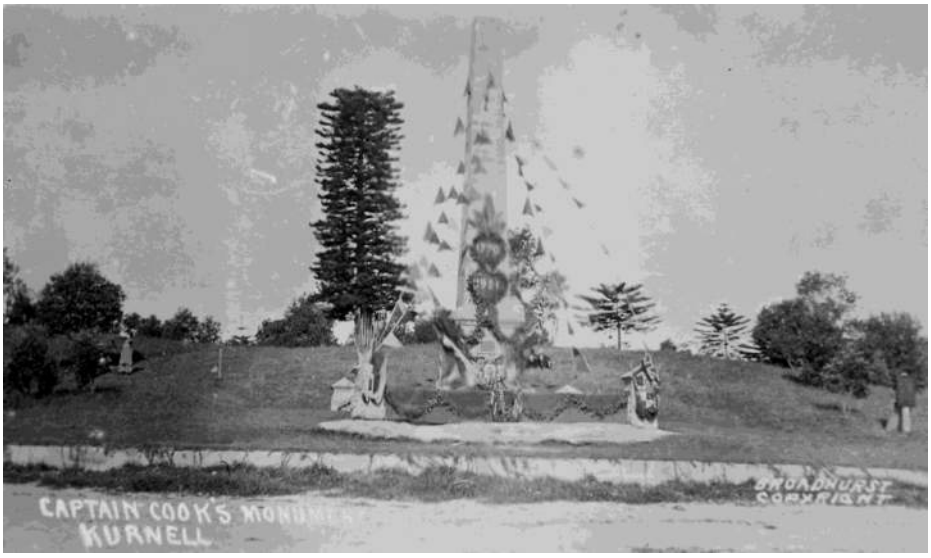

Figure 36: Photo of Cook's monument, taken in 1921. Sea wall visible, sandstone outcrop in front of Cook's monument visible[5]

Figure 37: Photo of Cook's monument, taken in 1927. The sea wall is not visible in this photo (see Figure 36), likely to be covered by marine sands[6]

[5]https://localhistory.sutherlandshire.nsw.gov.au/nodes/view/420?keywords=cook%20monument&highlights=WyJjb29rIiwibW9udW1lbnQiXQ==
[6]https://localhistory.sutherlandshire.nsw.gov.au/nodes/view/1622?keywords=cook%20monument&highlights=WyJjb29rIiwibW9udW1lbnQiXQ==

Construction of the sea wall was associated with construction of the Trust Wharf in 1912. The Trust Wharf included construction of a large, tipped stone wall extending out into Kamay Botany Bay, from which the timber jetty extended into deeper water. Construction of the jetty and associated stone wall, as well as subsequent stabilisation works to that area, have resulted in changes to coastal morphology in this area.

A series of aerial photographs (Figure 44 through Figure 39) show the changes to the morphology of this location over the late 20th century.

An 1899 plan of the area, prepared before the Trust Jetty was constructed, shows the foreshore as broadly similar to the extant foreshore, with one exception being the area around the extant jetty landing (delineated by red arrow in Figure 38).

Figure 38: detailed plan of Kurnell foreshore produced in 1899 overlaid on current aerial photograph (1899 plan sourced from State Library of NSW.[7]

The series of aerial photographs shown in Figure 39 through Figure 44 shows a build-up of sand on the northern side of the jetty landing (shown by blue arrow in Figure 39 through Figure 44), and exposed bedrock and marine sand on the southern side of the jetty landing (shown by yellow arrow in Figure 39 through Figure 44). In 1970 (Figure 42), it appears that the build-up of marine sand on the northern side of the jetty landing has been removed (shown by green arrow in Figure 42).

Marine sand has since built-up on the southern side of the jetty landing and has stabilised under grass cover (shown by orange arrow in Figure 44).

[7]http://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=IE10406950&_ga=2.34788961.1393472140.1609196310-21586183.1581933350

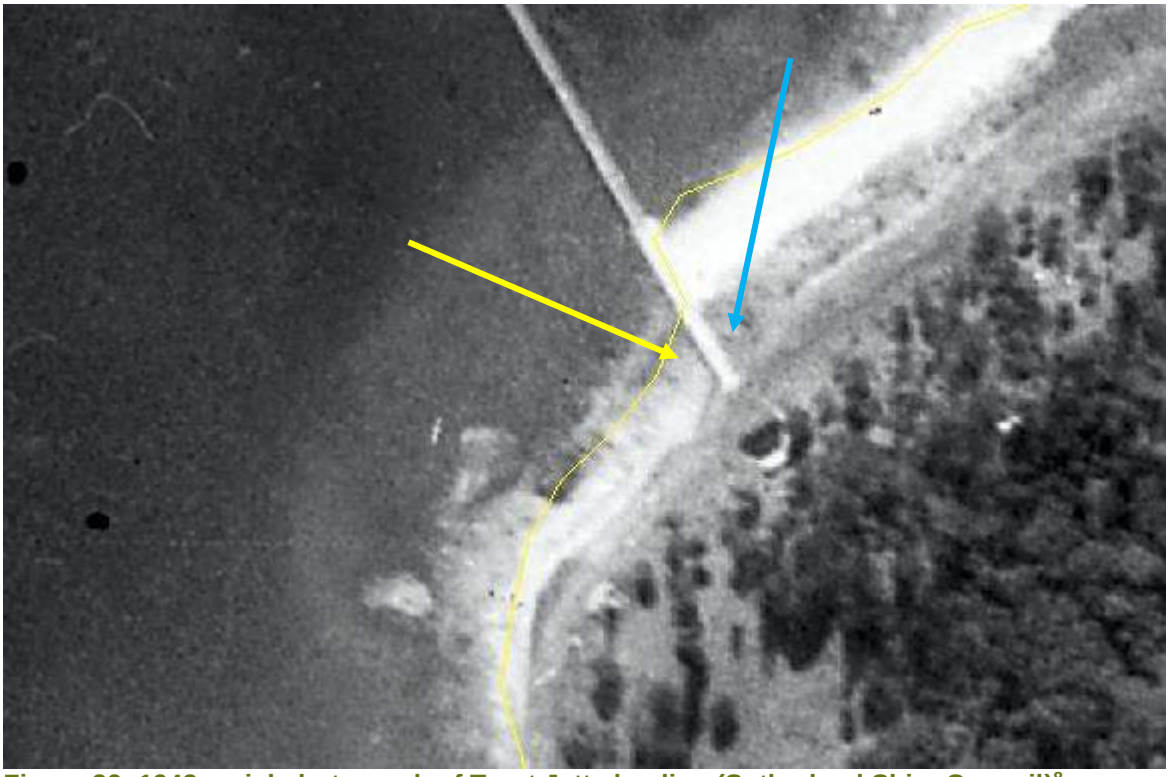

Figure 39: 1943 aerial photograph of Trust Jetty landing (Sutherland Shire Council)[8]

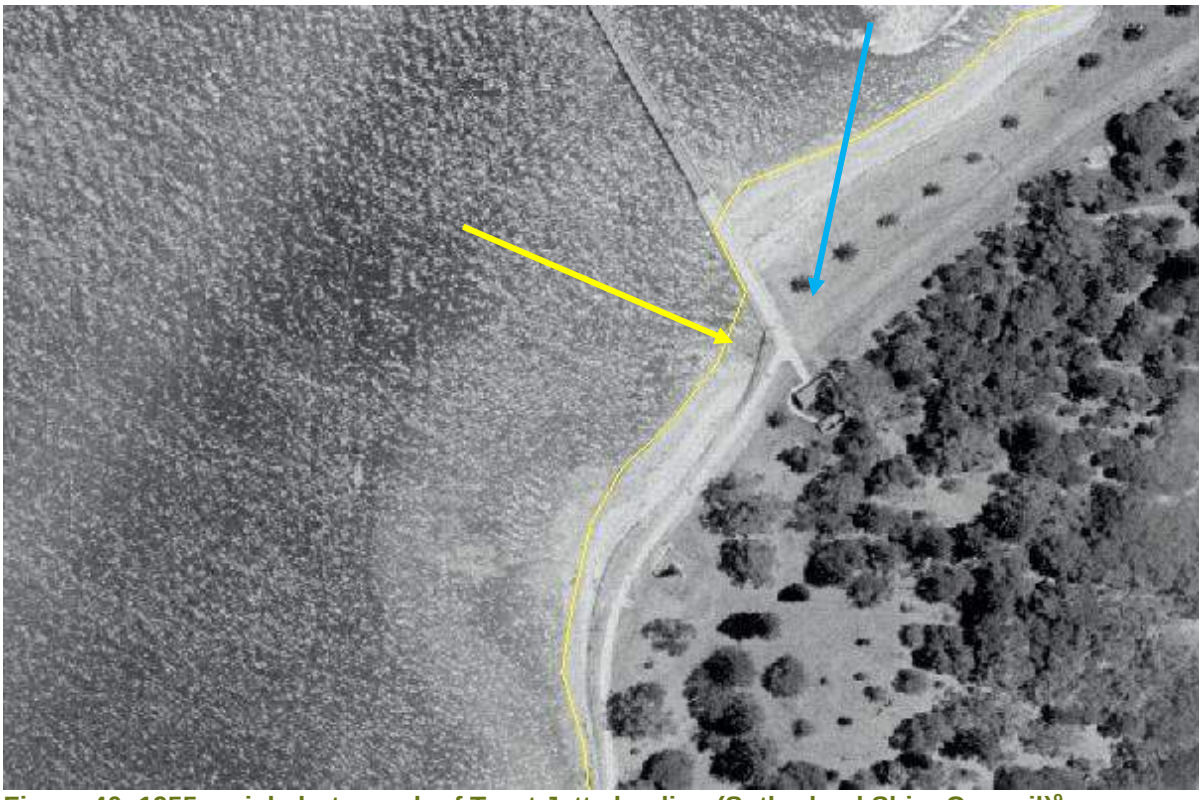

Figure 40: 1955 aerial photograph of Trust Jetty landing (Sutherland Shire Council)[9]

[8] https://maps.ssc.nsw.gov.au/ShireMaps
[9] ibid

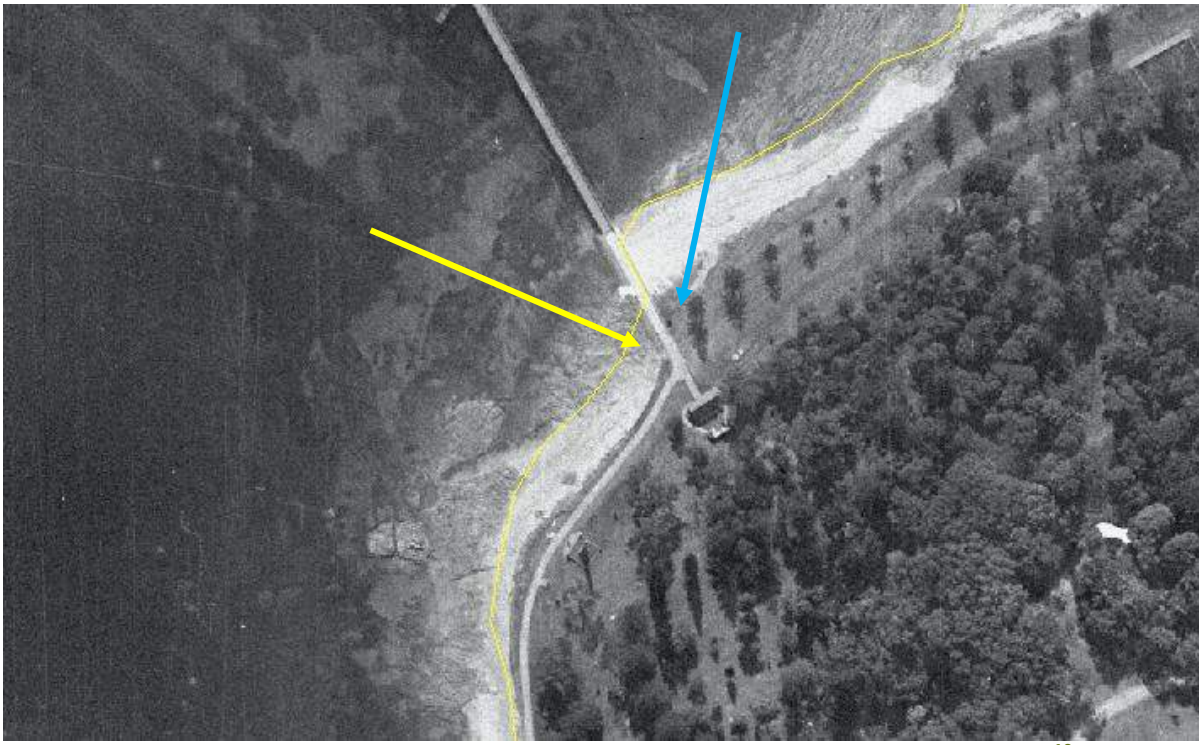

Figure 41: 1961 aerial photograph of Trust Jetty landing (Sutherland Shire Council)[10]

Figure 42: 1970 aerial photograph of Trust Jetty landing (Sutherland Shire Council)[11]
https://maps.ssc.nsw.gov.au/ShireMaps/)

[10] ibid
[11] ibid

Figure 43: 1978 aerial photograph of Trust Jetty landing (Sutherland Shire Council[12]

Figure 44: 2016 aerial photograph of Trust Jetty landing (Sutherland Shire Council)[13]

Figure 43 through Figure 44 demonstrate that a section of the extant grass-covered sand on the southern side of the Trust Jetty landing is likely to post-date 1970. Sand on the northern side of the Trust Jetty landing is possibly an accumulation of marine sands during the early 20th century following construction of the Trust Jetty. It appears that a section of grass covered sand on the

[12] ibid
[13] Ibid

northern side of the Trust Jetty landing was removed in c.1970 either through storm damage or for works in that area.

Summary
In summary, vegetation clearance in the 19th and early 20th centuries is likely to have resulted in some destabilisation of the immediate foreshore area at Kurnell, potentially resulting in the movement or removal of former foreshore dune contexts.

Construction of a sea wall in the late 19th/early 20th centuries included introduction of fill, potentially sourced from the local area, to raise and create a level ground surface behind the sea wall. It is likely that former marine sand foreshore dune contexts would be buried beneath the introduced fill.

Construction of the Trust Jetty appears to have altered the deposition of marine sediments in that area, principally a build-up of marine sediment on the northern side of the jetty landing in the early 20th century, followed by a build-up of sand across a portion of the southern side of the jetty landing post-1970. An event in c.1978 appears to have removed/impacted the marine sands on the northern side of the jetty landing.

5.2 Registered Aboriginal sites

Note: The locations and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information, including the AHIMS data and GIS imagery, is removed from this report if it is to enter the public domain.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 12 January 2021 (Client ID: 560562).

An area of approximately 8 km (east-west) by 7.6 km (north-south) was searched to gain information on the archaeological context of the project area, and to ascertain whether any previously recorded Aboriginal sites are located within the project area. The details of the AHIMS search parameters are as follows:

GDA 1994 MGA 56	[redacted]
Buffer	0 m
Number of sites	75
AHIMS Search ID	560562

A total of 75 sites were identified within the extensive AHIMS search area. AHIMS lists 20 standard site features that can be used to describe a site registered with AHIMS, and more than one feature can be used for each site. For the 75 sites within the search area, 12 site features were recorded. The majority of recorded sites are Shell, Artefacts (n=29, 38.67%) followed by Art (Pigment or Engraved) (n=15, 20.00%). The frequency and distribution of recorded sites within the AHIMS search area is shown in Table 7.

Three restricted sites are also listed in the AHIMS search results. The location and details of restricted sites are not publicly available. Restricted sites are generally of high cultural significance. AHIMS was contacted on 2 March 2020 to confirm if the three restricted sites are located within the project area or are within close enough proximity that they may be impacted by the proposal. On 5 March 2020, AHIMS confirmed that the three restricted sites would not be impacted by works within the project area.

The nature and location of the registered sites reflects the past Aboriginal occupation from which they derive, but is also influenced by historical land-use, and the nature and extent of previous archaeological investigations. Although Aboriginal occupation covered the whole of the landscape, the availability of fresh water, and associated resources, was a significant factor in repeated and long-term occupation of specific areas within the landscape. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation, while others, such as stone artefacts, are more resilient.

Table 7: Frequency of site types from AHIMS data

Site Feature	Frequency	Percentage (%)
Aboriginal Resource and Gathering, Shell	1	1.33
Art (Pigment or Engraved)	15	20.00
Artefact	8	10.67
Artefact, Shell, Aboriginal Ceremony and Dreaming	1	1.33
Artefact, Potential Archaeological Deposit (PAD), Shell	2	2.67
[redacted]	3	4.00
[redacted]	1	1.33
[redacted]	2	2.67
Grinding Groove	1	1.33
Ochre Quarry	1	1.33
Potential Archaeological Deposit (PAD)	7	9.33
Restricted	*3*	4.00
Shell	1	1.33
Shell, Artefact	29	38.67
Total	**75**	**100.00**

Seven AHIMS registered sites are located within the project area and an additional 10 are located within 250 m of the project area (Table 8).

Table 8: AHIMS registered sites within the project area or within close proximity

AHIMS ID	Site name	Site type	Distance from consturction boundary
52-3-1366	Kurnell Potential Archaeological Deposit 1 (K PAD 1)	Potential Archaeological Deposit (PAD)	[redacted]
45-6-0653	Site 6, La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-0650	Site 3, La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-1403	La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-1144	La Perouse	Shell, Artefact	[redacted]
45-6-0649	Site 2, La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-0651	Site 4, La Perouse	Art (Pigment or Engraved)	[redacted]
[redacted]			
52-3-0221	Kurnell Engraving - Captain Cook's Landing Place	Art (Pigment or Engraved)	[redacted]
[redacted]			
45-5-2587	Frenchmans Bay Foredune	Shell, Artefact	[redacted]
45-6-0652	Site 5, La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-1145	La Perouse	Shell, Artefact	[redacted]
45-6-0648	Site 1, La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-1146	Congwong Cave, La Perouse	Art (Pigment or Engraved)	[redacted]
45-6-0561	Congwong Beach	Shell, Artefact	[redacted]
45-6-1762	Congwong Beach	Shell, Artefact	[redacted]

*based on geographical information for each site on the AHIMS site register

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Figure 45: Extensive AHIMS search

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Figure 46: AHIMS within the vicinity of the La Perouse construction boundary

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Figure 47: AHIMS within the vicinity of the Kurnell construction boundary

5.3 Previous archaeological investigations

There have been many archaeological investigations in the region and across the project area. The results of available studies are summarised below.

5.3.1 La Perouse

5.3.1.1 *Botany Bay 132kV Electricity Cable Project: Cultural Heritage Assessment – Navin Officer 2006*

In 2006, Navin Officer completed a Cultural Heritage Assessment within portions of land within both the Kurnell and La Perouse construction boundaries. The assessment included an Aboriginal and non-Aboriginal archaeological survey. The assessment resulted in the identification of Kurnell Potential Archaeological Deposit 1 (K PAD 1 - AHIMS ID 52-3-1366) along the Kurnell foreshore. The site cards of all AHIMS sites within 1km of the Botany Bay 132kV Electricity Cable Project were reviewed by Navin Officer. This included the site location on the La Perouse headland. A revised map was produced (Figure 48). The revised locations the AHIMS sites were not ground-truthed by the survey and as a result the AHIMS database was not updated with the revised site locations.

5.3.1.2 *La Perouse Headland, Botany Bay National Park, Conservation Management Plan: Stage 2 – Jill Sheppard Heritage Consultants 2009*

In 2009 Jill Sheppard Heritage Consultants completed a field survey of the La Perouse side of the current La Perouse construction boundary. As part of the assessment, previously recorded AHIMS site were revisited and a revised AHIMS map was produced (Figure 49). However, the AHIMS database was not updated with the revised site co-ordinates.

The assessment found that the engravings located on the La Perouse Headland are deteriorating at a rate faster than other engravings in the Sydney area. The assessment identified that the community had expressed interest in having the engravings recut. However, Jill Sheppard Heritage Consultants recommended that an AHIP would be required to recut the engravings and proposed that the engravings should be recreated on suitable, adjacent sandstone platforms or outcrops using traditional techniques.

Shepperd identified remnants of AHIMS ID 45-6-1144 on the outcropping sandstone [redacted] overlooking Frenchmans Bay. Sheppard's photo of the site indicate a truncated and disturbed shell midden material on rock outcrops spatially separated from the land immediately to the south. Original site recording from 1979 document the site as 'much disturbed', with Sheppard also mentioning that Haglund reported the site had largely been destroyed by road works. PACHCI Stage 2 archaeological survey did not identify any shell material at the recorded location of AHIMS ID 45-6-1144. Sheppard suggests that midden material [redacted], which is associated with 'Low Potential PAD' (see Section 6.1.3.1) and will be subject to further archaeological investigation.

5.3.1.3 *Aboriginal Glass Artefact of the Sydney Region, Tamika Goward Honours Thesis 2011*

In 2011 Tamika Goward's completed a thesis on the identification of Aboriginal glass artefacts. The thesis aimed to address the ambiguity surrounding the identification of glass artefacts in urban environments within the Sydney region as well as providing a synthesis of historical accounts of glass use in Sydney. The report identified that Benjamin Bowen Carter observed glass utilised by Aboriginal people in the La Perouse area. This account is based on Carter's interaction with Aboriginal Elder, Maroot, in 1798. Carter observed that broken glass fragments were adhered to spears of iron wood by means of gum. Goward's study notes that the identification of Aboriginal glass artefacts in urban sites is often neglected due to the lack of understanding of differing reduction sequences utilised in

glass tool manufacturing. The thesis presents a new approach to the identification of Aboriginal glass artefacts which may better illustrate the post contact period cross-cultural interactions.

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Figure 48: Navin (2006) revised location of AHIMS sites (note: this map only reflects sites assessed by Navin and not all AHIMS sites located in the La Perouse construction boundary)

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Figure 49: Jill Sheppard Heritage Consultations (2009) revised location of AHIMS sites (note: this map only reflects sites assessed by Jill Sheppard Heritage Consultants and not all AHIMS sites located within the La Perouse construction boundary)

5.3.2 Kurnell

5.3.2.1 *Early recording prior to archaeological investigations*

In 1899, human remains were identified at Kurnell during excavations completed for the installation of a flagpole. The remains were found 0.9m below the ground surface and are likely to be the remains of an Aboriginal person (Coast History and Heritage 2019). In 1936 a human skull was recovered from a location between the [redacted] and the [redacted] which were located in front of [redacted]. The current location of the human remains recovered in 1899 and 1936 is unknown. In 1947, ten stone artefacts were retrieved from excavations completed for the foundations of the Banks Monument. The assemblage was comprised of eight Bondi points and two flakes. In 1961, two skeletons were identified during an excavation for electrical cabling along the foreshore. The human remains are likely to be the remains of Aboriginal people and were reburied in an unspecified location.

5.3.2.2 *Vincent Megaw, archaeological investigations*

Archaeological Study – Vincent Megaw 1968

In 1968 Vincent Megaw conducted an archaeological investigation of the area [redacted] after human remains of two Aboriginal people (an elderly man and a child) were uncovered during an excavation to install an inspection vault for electrical cabling that had been laid along the foreshore. A series of auger cores were taken at the beginning of the investigation. It was demonstrated that shell midden was scattered throughout the area, with a substantial midden (greater than 1.8m depth in sections) identified in the vicinity of the stream. Artefacts recovered from the midden included fish bones, bone points, stone artefacts including four fishhook files, and some early historical artefacts (including a bone button, bottle glass, and handmade iron nail). These indicate that the midden continued to be in use after the first European contact in Sydney. The shell species included rock-platform species as well as species found in mudflats to the west, including mud oyster, hairy mussel, and edible mussel.

Archaeological Study – Vincent Megaw 1970-1971

More extensive archaeological investigations were undertaken in 1970 and 1971 to the east of Cook's Stream. The main feature was a large midden, of which more than 35m^2 was removed through archaeological excavation. The excavations located Aboriginal human remains along with faunal remains, a hearth, bone points, stone artefacts, and approximately 200 fishhooks and fishhook 'blanks'; the largest number of fishhooks yet found at any site in Australia. Charcoal taken from the trenches was initially dated to between 2,000-1,415 years ago, however recent reanalysis using charcoal retained from the original excavations has dated the midden as up to 2,000 years old; 500 years more than previously thought.

5.3.2.3 *Master Plan works (Meeting Place Precinct)*

Archaeological investigations were undertaken as part of a broader Aboriginal Cultural Heritage Assessment in relation to the formulation of a master plan (described as the 'Meeting Place Precinct') between 2004 and 2008. A map of the areas investigated as part of these assessments is included in Figure 50 and

Figure 51 below.

Aboriginal Cultural Heritage Assessment for Master Plan – McIntyre-Tamwoy 2004

The first test excavations occurred in 2004, overseen by Sue McIntyre-Tamwoy. Seven pits to the east of the Kurnell construction boundary were cut, however all pits contained fill or windblown sand and no Aboriginal archaeological remains were found.

Aboriginal Cultural Heritage Assessment for Master Plan – Paul Irish, La Perouse Aboriginal Land Council, and NPWS Towra Team 2007

In 2007, further excavations were conducted to inform the proposed master plan works to upgrade visitor facilities within the ‘’Meeting Place Precinct”. It was determined that proposed works should avoid impact to any *in situ* archaeological remains, due to their high degree of significance. Test excavations were conducted with the La Perouse LALC and ‘Towra Team’ of NPWS Aboriginal workers to provide more information about the location and depth of Aboriginal archaeological remains within the Meeting Place Precinct. A total of 115 small shovel pits (approximately 200 x 500mm) were excavated to the depth of proposed works only, in order to minimise risk of impact on archaeological material (maximum depth of 400mm).

The presence of an upper layer of fill in the vicinity of Monument Track and Cape Solander Drive was documented to a depth of 400mm. No artefacts were identified on the southwest portion of Monument Track and the southern portion of Cape Solander Drive. Midden, stone artefacts, and loose shells were encountered in several pits north of the Kurnell construction boundary. An attempt was also made to uncover rock engravings recorded in 1968 (AHIMS ID 52-3-0221), but they were not found. It is likely the sandstone outcrop where they were originally recorded has been since covered by vegetation.

Salvage excavations – Paul Irish, La Perouse Aboriginal Land Council, and NPWS Towra Team, 2008

Salvage excavations of the Cook’s Stream were undertaken in 2008 for it to be reopened to the public. The 2007 test excavations had shown there to be midden present in the stream; however, it was deemed to be fill from the surrounding creek bank as a result of dam construction in the early 20th century and not *in situ*. The stream was mechanically excavated until archaeological remains were uncovered, and then manually excavated in 2m x 2m squares. Shell material, gravel, glass, and some human bone was found. The bone was determined to be most likely Aboriginal, but an exact age or origin could not be determined.

Approximately 300kg of midden was excavated from the stream and sieved. It contained 78 stone artefacts, 4.3kg of fish and mammal bone, 26 bone point tools, 14 broken or complete fishhooks, and other shell artefacts. Microscopic analysis of some of these tools showed that some of the stone artefacts had been used for cutting shell, and bone points were used for piercing skin or hides. Most of the archaeological material collected during this excavation and the 2007 test excavations was reburied by the stream in 2019.

Archaeological Monitoring – Paul Irish 2008-2010

The Master Plan Works were monitored under an AHIP in locations where it had been determined by the 2007 test excavations that Aboriginal remains were likely to occur. This permit allowed for archaeological material, excluding human remains, that was uncovered from previously disturbed contexts to be recorded and collected. In most cases it was possible to protect the material by raising the impact above the level the material was observed. In these cases, the material was covered by geofabric and the location recorded. If the material could not be protected it was collected, including some shell, animal bone fragments, and stone.

Coast History and Heritage (2019) – Aboriginal Cultural Heritage Assessment Report Stage 1 Master Plan Works at Kamay Botany Bay National Park, Kurnell NSW, Sutherland LGA

Coast History and Heritage (2019) completed an Aboriginal Cultural Heritage Assessment Report for a portion of land which overlaps the current Kurnell construction boundary area on behalf of NSW NPWS. The assessment was completed as a continuation of the Master Plan Works. As part of the assessment, it was found that AHIMS ID 52-3-0221 is likely to be located [redacted] of the location

recorded on the AHIMS database. The report recommended that NSW NPWS should apply for an AHIP to authorise proposed earthworks within the current Kurnell construction boundary (

Figure 51). The proposed AHIP will include a 'no harm' area which encompasses the adjusted location of AHIMS ID 52-3-0221.

A search of the AHIP public register was completed on 7 January 2021, and it was found that the AHIP application has not been submitted to Heritage NSW.

5.3.2.4 *Summary*

The project area has been subject to several archaeological investigations from 1968 until present. The outcome of these previous assessments has resulted in the currently known extent of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) (

Figure 51). During the course of previous investigations and works human remains have been identified at multiple locations on the Kurnell Peninsula to the [redacted] of the Kurnell construction boundary. Only the locations marked in

Figure 51 are known to contain human remains. It is possible that further burials may be located within the project area that have not been identified by previous assessments.

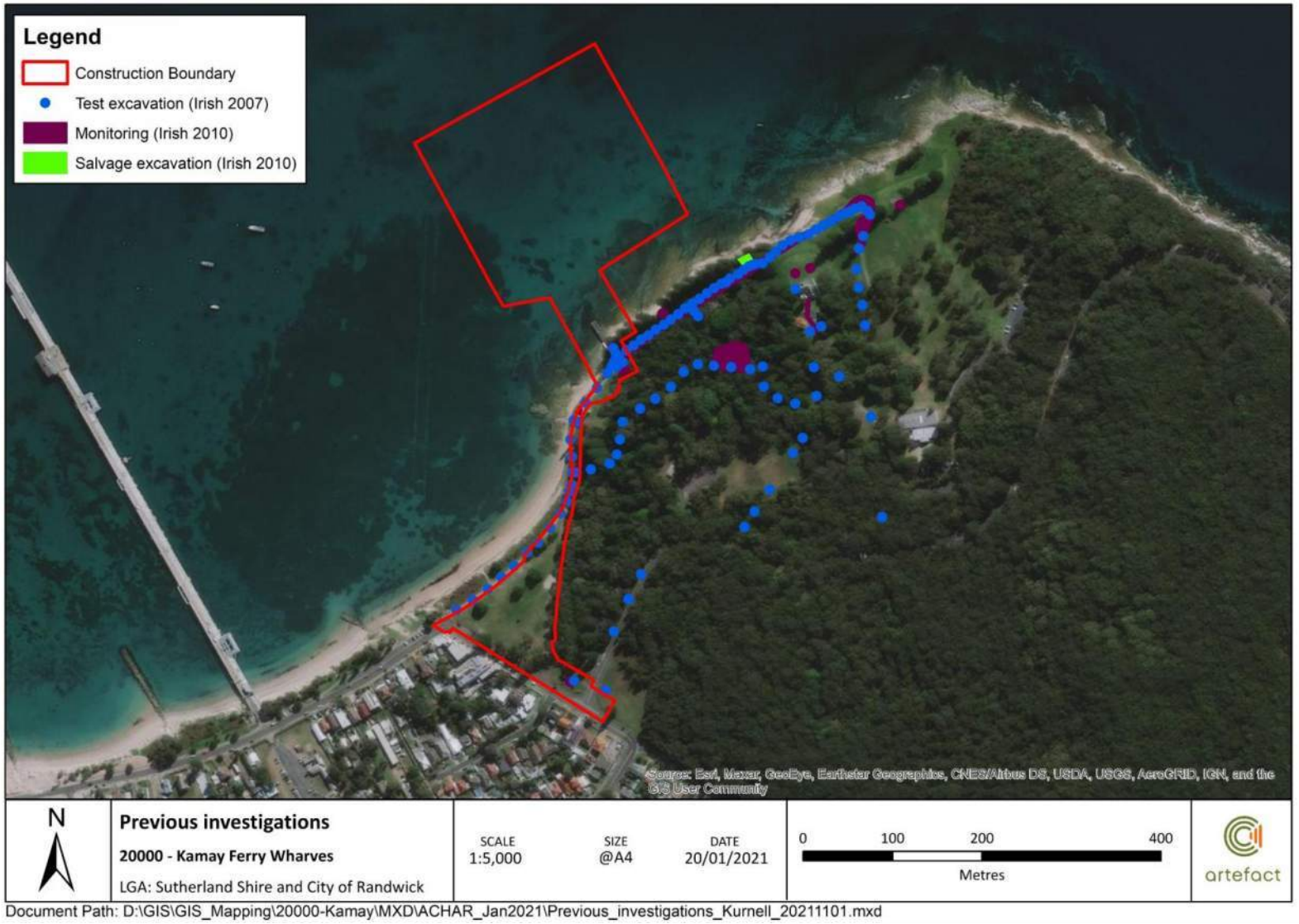

Figure 50: Location of test and salvage excavations (2004-2008) and archaeological monitoring (2008-2010)

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Figure 51: AHIP area proposed by Coast History and Heritage 2019

6.0 RESULTS

6.1 Results of archaeological survey

The following section outlines the results of the PACHCI Stage 2 archaeological survey report (Artefact Heritage 2020). At the time of the assessment, the designs were in preliminary stages and therefore the survey was conducted over a general study area which would be refined at a later date.

6.1.1 Timing and personnel

An archaeological survey was conducted in accordance with the Code of Practice and PACHCI stage 2 on 30-31 January 2020. Personnel involved in the survey is detailed in Table 9.

Table 9: Timing and personnel for archaeological survey

Participant	Organisation	Role	Dates of participation
Ryan Taddeucci	Artefact Heritage	Senior Heritage Consultant	30-31 January 2020
Cosmos Coroneos	Cosmos Archaeology	Maritime archaeologist	30-31 January 2020
Chris Williams	Transport for NSW	Environment Officer	30-31 January 2020
[redacted]	La Perouse LALC	Aboriginal Cultural Heritage Officer	30 January 2020
Anna Darby	Artefact Heritage	Heritage Consultant	31 January 2020
[redacted]	La Perouse LALC	Aboriginal Cultural Heritage Officer	31 January 2020
Adele McCaul	Transport for NSW	Environmental Cadet	31 January 2020
Ben Khan	NSW National Parks & Wildlife Service	Manager of Kamay National Park	31 January 2020

6.1.2 Survey strategy and methodology

Archaeological survey of the area was conducted on foot, in accordance with the Code of Practice and PACHCI stage 2. All ground exposures were inspected for Aboriginal objects while sandstone outcrops were examined for possible rock art and engravings.

The project area was divided into seven survey units, defined by property boundary and landform. Full coverage survey of each survey unit was not practicable due to dense, impenetrable vegetation, commercial structures, vertical cliffs, steep slopes, and littoral zones. Each survey unit was subject to sample survey, which included as much intensive investigation as was practicable given the access limitations. Survey units can be seen in Figure 52 and Figure 53 below.

Figure 52: PACHCI Stage 2 assessment location of survey units on the La Perouse side (PACHCI Stage 2)

Figure 53: PACHCI Stage 2 assessment location of survey units on the Kurnell side (PACHCI Stage 2)

6.1.3 Survey results

In general, ground surface visibility was generally low with much of the ground surface covered by dense vegetation, grass, road pavements, or commercial buildings. A summary of the survey findings for each survey unit is provided in Table 10.

6.1.3.1 *La Perouse*

The survey resulted in the identification of one newly recorded site in the La Perouse study area, La Perouse Midden 19-01 (AHIMS ID pending). It consists of a shell midden located directly above a rock shelter overlooking Kamay Botany Bay, approximately 13 m above sea level. The shell material was found to be eroding out of the bottom of a humic layer of sediment and had dispersed across the top of the cliff, collecting in natural grooves. The area was considered to have a high likelihood of subsurface deposits and therefore was determined to be an extended area of PAD.

The survey also attempted to re-identify eight previously recorded AHIMS sites. Two engravings, Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649) were reidentified, but have been subject to heavy erosion which has compromised the legibility of the engravings. The other six sites were unable to be re-identified due to erosion, the presence of a [redacted] and rock shelters being filled-in since initial recording.

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Figure 54: Revised location of Aboriginal sites within the La Perouse study area (PACHCI Stage 2)

Table 10: Summary details of archaeological survey units

Survey units	Site inspection results	Aboriginal sites
1	A flat plateau cleared of vegetation, with manicured grass and sandstone outcrops. One rock shelter with artificial fill.	• AHIMS ID 45-6-1403 (engraving): unable to be reidentified • AHIMS ID 45-6-1144 (midden): unable to be reidentified
2	An intertidal zone comprised of a quartz sand beach. A commercial building is present in the eastern portion. A partially filled rock shelter with an artificial drainage system is present in the western portion.	• None recorded, however, a possibility that AHIMS ID 45-6-0653 is located within the buried portion of the rock shelter
3	The northern section of the Anzac Parade loop and portions of several commercial structures. Extensive ground disturbance through previous works.	• None recorded
4	A plateau landform, containing manicured grass, the southern portion of Anzac Parade, and a footpath leading south. Several sandstone outcrops were inspected.	• AHIMS ID 45-6-0649 (engraving): reidentified • AHIMS ID 45-5-0650 (engraving): unable to be reidentified • AHIMS ID 45-5-0651 (engraving): unable to be reidentified • AHIMS ID 45-6-0648 (engraving): identified • AHIMS ID 45-6-0652 (engraving): unable to be reidentified • One newly registered site, La Perouse Midden 19-01 (AHIMS ID pending)
5	A small portion of the plateau landform which slopes down towards exposed bedrock and cliff faces located within the intertidal zone. Iron tracks and wooden pylons present as the only remains of a previous wharf.	• AHIMS ID 45-6-0653 (engraving): unable to be reidentified
6	A flat plain which has been subjected to vegetation clearance and landform modification. Covered in manicured grass and included an area of dense, inaccessible vegetation to the east. Three sandstone outcrops inspected.	• AHIMS ID 52-3-0221 (engraving), recorded as being [redacted] of this survey unit: unable to be reidentified

Survey units	Site inspection results	Aboriginal sites
7	On the Kurnell side, bordering the littoral zone to the northwest. Much of the survey unit covered by dense inaccessible vegetation on a steep slope, the remainder covered in manicured grass with patches of erosion. Included three monuments and a utilities vault, indicating previous subsurface groundworks. Retaining walls along the western edge of survey unit indicate that the terrestrial portions of the survey unit are the result of reclamation works.	• AHIMS ID 52-3-0219 (midden): not able to be reidentified. Subsurface deposits likely. • AHIMS ID 52-3-1366 (PAD): Aboriginal objects not identified on ground surface, subsurface deposits likely.

6.1.3.2 *Kurnell*

The survey confirmed the presence of K PAD 1 (AHIMS ID 52-3-1366), previously identified by Navin Officer (2006). It extended the area of PAD to include the extent of previously identified Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219). No Aboriginal objects were identified during survey; however, it was determined likely in the Foreshore Midden area for subsurface deposits of Aboriginal objects to be present below the depth of previous investigations.

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Figure 55: Revised location of Aboriginal sites within the Kurnell study area (PACHCI Stage 2)

6.2 Results of archaeological test excavation

In accordance with the recommendations of the PACHCI Stage 2, archaeological test excavations were conducted. At the time of the assessment, the study area as shown in section 6.1 was refined to include only those portions that would be impacted by the proposed works known as the La Perouse construction boundary and the Kurnell construction boundary.

6.2.1 Timing and personnel

Test excavations were conducted in accordance with the Code of Practice and PACHCI Stage 3 between 2 and 14 November 2020. The test excavation program was managed by Excavation Director Jenny Winnett (Artefact) and Site Director Jayden van Beek (Artefact). Personnel involved in the survey is detailed Table 11.

Table 11: Timing and personnel for archaeological test excavation program

Name	Organisation	Role	Dates of participation
Jayden van Beek	Artefact Heritage	Excavation supervisor/ Site Director	2, 12, 24 November 2020
Julia McLachlan	Artefact Heritage	Excavation supervisor	2-4, 6, 9-11 November 2020
Brye Marshall	Artefact Heritage	Field archaeologist	2, 4, 6, 9-12, 24 November 2020
Isabel Wheeler	Artefact Heritage	Field archaeologist	2, 3, 6, 24 November 2020
Riley Finnerty	Artefact Heritage	Field archaeologist	2-4, 6, 9-12 November 2020
John Sokalik	Artefact Heritage	Field archaeologist	2-4, 6, 9-12 November 2020
Alexis Schlegel	Artefact Heritage	Field archaeologist	3, 4, 6, 9-12, 24 November 2020
Samantha Eardly	Artefact Heritage	Field archaeologist	4, 6, 9-12, 24 November 2020
Owen Barrett	Artefact Heritage	Field archaeologist	6 November 2020
[redacted]	Wailwan Aboriginal Group	Site Officer	2-4, 6, 9-12, 24 November 2020
[redacted]	Yurrandali Pty Tld	Site Officer	2-4, 6, 9-12, 24 November 2020
[redacted]	Barraby Cultural Services	Site Officer	2-4, 6, 9-12, 24 November 2020
[redacted]	La Perouse LALC	Site Officer	2-4, 6, 9-12, 24 November 2020

[redacted]	La Perouse LALC	Site Officer	2-4, 6, 9-12, 24 November 2020
[redacted]	La Perouse LALC	Site Officer	2-4, 6, 9-12, 24 November 2020

6.2.2 Test excavation strategy and methodology

Archaeological test excavations targeting the proposed boreholes, geotechnical and contamination sampling, carpark upgrades, and the proposed utility lines. A comprehensive description of test excavation program is provided in the ATER.

A Ground Penetrating Radar (GPR) survey was conducted at the test pit locations prior to the excavation at both Kurnell and La Perouse. GPR survey was conducted by Dr Sam Player on 21-22 October and 28 October 2020. The purpose of the GPR survey was to provide a non-invasive method of identifying potential burials associated with the Foreshore Midden – Captain Cooks Landing Place (AHIMS ID 52-3-0219) – a recorded shell midden with burials, or within the remainder of the testing area. The GPR survey did not conclusively identify any results that would indicate a burial at the surveyed test pit locations. The results of the GPR survey are discussed in section 6.2.3.1)

The test excavation involved hand excavation of 1m x 1m at each borehole and geotechnical and contamination sampling location, whilst along the proposed utility alignments tests pits were spaced approximately 20m apart. The discovery of a shallow concrete slab obstructed some of the test pits on the Kurnell side, and additionally the discovery of asbestos on both the Kurnell and La Perouse sides forced abandonment of further excavations in a number of test pits. A total of 22 test pits were excavated within the Kurnell construction boundary with six of these abandoned due to constraints, and a total of nine test pits were excavated within the La Perouse construction boundary with six of these abandoned due to constraints.

6.2.3 Test excavation results

6.2.3.1 *GPR survey*

GPR survey was conducted at the test pit locations prior to archaeological excavation at both Kurnell and La Perouse. GPR survey was conducted by Dr Sam Player on 21-22 October and 28 October 2020. The purpose of the GPR survey was to provide a non-invasive method of identifying potential burials associated with [redacted] – a recorded shell midden with burials, or within the remainder of the testing area. The GPR identified the presence of subsurface boundaries however no features could be conclusively associated with an Aboriginal burial. As a result, the test excavation program proceeded, with caution, in the location of the proposed test pits.

The GPR report is appended to this report in Appendix 7: Specialist Report: Ground Penetrating Radar Report

6.2.3.2 *La Perouse*

The portion of Low Potential PAD, identified during the PACHCI Stage 2 assessment, was tested in the location of the proposed works at La Perouse. Nine test pits were excavated as part of the La Perouse testing program however only three test pits were completed (LP-TP01, LP-TP02, LP-TP03). Four test pits (LP-TP04, LP-TP07, LP-TP010, LP-BH01) were not completed due to the identification of contaminated material between 0-300mm. The contaminated material was identified within a fill deposit. The remaining two test pits (LP-TP05 and LP-TP06) were not completed as a result of the identification of the Old Wharf Road between 100-300mm below the ground surface. At the time of the test excavation program, this archaeological resource could not be impacted and therefore no

further work could be conducted in these locations. Due to these constraints, the test excavation program could not be completed in location of the jetty tie-in. Figure 56 shows the location of the test pits within the La Perouse construction boundary.

The three completed test pits (LP-TP01, LP-TP02, LP-TP03) were in the location of the proposed car park. The results of the excavation in LP-TP02 and LP-TP03 identified an upper fill deposits comprised of general refuse, gravel, and sandstone rubble overlying natural sandstone bedrock. LP-TP01 comprised of a fill deposit similar to that found in LP-TP02 and LP-TP03, approximately 500mm deep however it overlayed a sterile natural sand overlying sandstone bedrock at 1200mm depth. The sandstone rubble within the fill deposits are likely to have derived from the local landscape, being redeposited in its current location. Across the three test pits, the sandstone bedrock was identified between 800-1200mm below the ground surface at which point the test pits were considered complete. Sandstone outcrops are visible in the surrounding La Perouse headland, the closest of which is approximately 25m from the test pit locations. Visual inspection of the surrounding landscape in combination with the results of the test excavation indicate the undulating nature of the La Perouse Headland landscape.

In general, the testing program identified a fill deposit overlying a sterile natural deposit. As a result, the areas identified as a Low Potential PAD in the PACHCI Stage 2 assessment were refined (Figure 56).

No Aboriginal objects were identified during the excavation program at La Perouse.

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Figure 56: La Perouse test excavation results (Artefact Heritage 2020)

6.2.3.3 *Kurnell*

The portion of the revised K PAD 1 and Foreshore Midden PAD, identified during the PACHCI Stage 2 assessment, were tested in the location of the proposed works. A total of 22 units were excavated as part of the testing program at Kurnell (Figure 57), 16 of which were carried through to completion.

Three of the five test pits within the location of the proposed utilities trench in the southern portion of the site could not be completed due to identification of contaminated material within a fill deposit between 0-400mm below the ground surface. This included KU-TP04, KU-TP-TP05 and KU-TP06. The adjacent test pits (KU-TP02 and KU-TP07) identified fill overlying natural sands with no archaeological material present. KU-TP18 was inundated with water at approximately 600mm depth and therefore excavation could not reach the required depth. A concrete feature, identified as a former footpath, was exposed in KU-TP19, KU-TP20, KU-TP21, KU-TP21a and KU-TP22. The concrete was saw cut and hand excavation continued in KU-TP20, KU-TP20 and KU-TP21a.

Soils were comprised of a shallow topsoil overlying redeposited material comprised of sand mixed with rubble and inorganic material. The fill directly overlayed natural sands which comprised of a coarse medium grained yellow sand with well sorted shell in varying degrees of intactness. The depth of natural sand varied between 350-1100mm below the ground surface. This is indicative of both the undulating nature of the natural sands and also the extent of levelling events. The upper fill showed evidence of multiple fill events indicating the landscape has been continuously modified. The majority of the test pits had fill overlying coarse yellow marine sands with the exception of KU-TP07 which comprised of fine grey aeolian sand. This indicated that the construction boundary is located on the transition between the foreshore marine sand and the aeolian dune deposits.

Fragments of bone were identified in several of the test pits (KU-BH01, KU-TP20, KU-TP16, KU-TP14) which were found in both fill and intact deposits. All bone fragments were analysed by Dr. Denise Donlon (Forensic Anthropologist) and none were determined to be human.

Two stone artefacts were identified during the excavation program at Kurnell. These were identified in KU-TP16 and KU-TP23 (Figure 57). KMT ISO 01 (AHIMS ID 52-3-2080), comprised of one silcrete proximal flake fragment, was identified within natural marine sands approximately 500-600mm below the current ground surface in KU-TP16. KMT ISO 02 (AHIMS ID 52-3-2081) comprised of one complete chert flake, was identified within natural marine sands approximately 700-800mm below the current ground surface in KU-TP 23.

In general, the testing program identified fill material overlying natural sands. With the exception of the two isolated artefacts, no Aboriginal objects were identified during the excavation programme at Kurnell. As a result, the areas of PAD (K PAD 1 [revised] and Foreshore Midden PAD) identified in the PACHCI Stage 2 assessment were revised.

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Figure 57: Kurnell test excavation results (Artefact Heritage 2020)

7.0 DISCUSSION

7.1 Summary of background information

The archaeological understanding of the early Aboriginal settlement of the Sydney Basin and surrounds is constantly expanding and developing. At present, the earliest dated evidence for occupation in the Sydney area is associated with deposits on the Parramatta and Nepean Rivers, which were dated to c.25-30,000 years before present (JMCHM 2005) and 36,000 years before present (AHMS 2015). The archaeological material record provides evidence of this long occupation, but also provides evidence of a dynamic culture that has changed through time.

The project area is considered an historical place where contact between the Aboriginal people and the British first took place. Contact between Aboriginal people and Europeans are shown in historical accounts of the British and French and demonstrates the importance of the project area for contact period history.

The existing archaeological record is limited to certain materials and objects that were able to withstand degradation and decay. As a result, the most common type of Aboriginal objects remaining in the archaeological record are stone artefacts, followed by bone and shell. Previous investigations within the project area have identified burials, shell middens, stone tools, and rock engravings. The ubiquitous nature of these sites, particularly with reference to the burial sites, highlight the importance of this area to Aboriginal people.

Following European occupation of the area, development has altered the pre-contact landscape both in the terrestrial and marine settings. This is evident in the land clearing and the development of urban and industrial areas within the Kamay area. Such activities have modified the landscape evident in the historic aerials and the archaeological record.

8.0 SIGNIFICANCE ASSESSMENT

8.1 Significance assessment criteria

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. Heritage NSW provides guidelines for heritage assessment with reference to the Burra Charter (Australia ICOMOS 2013) and the Heritage Guidelines. The assessment is made in relation to four values or criteria (Table 12). In relation to each of the criteria, the significance of the subject area should be ranked as high, moderate, or low.

In addition to the four criteria, Heritage NSW requires consideration of the following:

- Research potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
- Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- Rarity: is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function, or design no longer practised? Is it in danger of being lost or of exceptional interest?
- Education potential: does the subject area contain teaching sites or sites that might have teaching potential?

It is important to note that heritage significance is a dynamic value.

Table 12: Heritage significance criteria

Criterion	Description
Social	The spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Does the subject area have strong or special association with the Aboriginal community for social, cultural or spiritual reasons?
Historic	Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Is the subject area important to the cultural or natural history of the local area and/or region and/or state?
Scientific	This refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific values will be gathered through any archaeological investigation undertaken. Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state?

Criterion	Description
Aesthetic	This refers to the sensory, scenic, architectural and creative aspects of the place. It is often linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use. Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state?

8.2 Significance assessment

8.2.1 La Perouse

8.2.1.1 *Site 1, La Perouse (AHIMS 45-6-0648)*

As part of the PACHCI Stage 2 archaeological survey between 30-31 January 2020, Site 1, La Perouse (AHIMS ID 45-6-0648) was relocated and inspected at the recorded site located on the south side of the headland. Observations during the survey indicated that the engraving site had been heavily eroded. An NSW Survey marker was observed within the recorded engraving extent. The recorded site location is consistent with Jill Shepherd's relocation of the site as shown in the figure below and documented in the 2009 CMP (Sheppard 2009, 28).

On 12 February 2021, [redacted] (individual RAP) met with Transport for NSW and Artefact Heritage Staff at the location of Site 1, La Perouse (AHIMS ID 45-6-0648). The purpose of the meeting was to discuss the location of the whale engraving associated with Site 1, La Perouse. [redacted] indicated that the recorded site location, as identified in the PACHCI Stage 2 and CMP, is potentially only a portion of the site and that the remainder of the site extends east which is presently buried beneath the ground surface. [redacted] noted that the engraving was last seen in the 1980s-1990s when National Parks and Wildlife considered putting the engraving on public display. [redacted] noted that at the time only the tail was visible. [redacted] also noted that the engraving included an adult whale and calf facing NE with the adult whale's tail approximately 4m long.

Note, both the recorded site extent as identified in the PACHCI Stage 2 and CMP, as well as the site extent as identified by [redacted], are outside the areas of proposed works for the project as show in the figure below.

REDACTED FOR PUBLIC DISPLAY

Figure 58: Approximate location of AHIMS ID 45-6-0648 as described by [redacted]

Site 1, La Perouse (AHIMS ID 45-6-0648) is considered to be of high research and education al potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which included nearby engravings at La Perouse sites 2-6 which are representative of the local land use patterns. Together the sites have the potential to contribute to greater understanding of art history.

Site 1, La Perouse (AHIMS ID 45-6-0648) is and Art (Pigment or Engraved) site, which is uncommon within the regional context, accounting for only 20.83% of sites within the regional context. However, the whale and calf engraving are considered to be an especially rare motif in the regions as only a small number of whale depictions have been identified along the Sydney coastline (Jill Shepherd Heritage Consultants 2009). As results, the site is considered to be of high rarity and representative value.

8.2.1.2 *Site 3, La Perouse (AHIMS ID 45-6-0650)*

Site 3, La Perouse (AHIMS ID 45-6-0650) was not relocated during the PACHCI Stage 2 site survey (Artefact Heritage 2020). It was determined that the site is likely to be severely eroded and not visible upon ground inspection. The PACHCI Stage 2 site survey identified an area likely to contain the engraving associated with Site 3, La Perouse (AHIMS ID 45-6-0650) (see Figure 54).

Site 3, La Perouse (AHIMS ID 45-6-0650) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 3, La Perouse (AHIMS ID 45-6-0650) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.1.3 *Site 4, La Perouse (AHIMS ID 45-6-0651)*

Site 4, La Perouse (AHIMS ID 45-6-0651) was not relocated during the PACHCI Stage 2 site survey (Artefact Heritage 2020). It was determined that the site is likely to be severely eroded and not visible upon ground inspection. The PACHCI Stage 2 archaeological survey report identified an area likely to contain the engraving associated with Site 4, La Perouse (AHIMS ID 45-6-0651) (see Figure 54).

Site 4, La Perouse (AHIMS ID 45-6-0651) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 4, La Perouse (AHIMS ID 45-6-0651) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.1.4 *Site 6, La Perouse (AHIMS ID 45-6-0653)*

Site 6, La Perouse (AHIMS ID 45-6-0653) was not relocated during the PACHCI Stage 2 survey (Artefact Heritage 2020). The site is likely to be buried in the vicinity of the existing [redacted].

Site 6, La Perouse (AHIMS ID 45-6-0653) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 6, La Perouse (AHIMS ID 45-6-0653) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.1.5 *Low Potential PAD*

At this stage, the revised area of the Low Potential PAD has not been archaeologically excavated. A significance assessment will be forthcoming following the results of further archaeological investigations.

Table 13: Significance assessment – La Perouse AHIMS sites

Site name	AHIMS ID	Research value	Scientific value	Representative value	Rarity	Overall archaeological significance
Site 1, La Perouse	45-6-0648	High	High	High	High	High
Site 3, La Perouse	45-6-0650	High	High	Moderate	Moderate	Moderate-high
Site 4, La Perouse	45-6-0651	High	High	Moderate	Moderate	Moderate-high
Site 6, La Perouse	45-6-0653	High	High	Moderate	Moderate	Moderate-high

Site name	AHIMS ID	Research value	Scientific value	Representative value	Rarity	Overall archaeological significance
Low Potential PAD	-	Unknown	Unknown	Unknown	Unknown	Unknown

8.2.2 Kurnell

8.2.2.1 *KMT ISO 01 (AHIMS ID 52-3-2080)*

Site KMT ISO 01 (AHIMS ID 52-3-2080) is comprised of an isolated artefact, a silcrete proximal flake fragment. KMT ISO 01 has limited research potential. As an isolated flake fragment, the artefact is considered to be a common example of the artefact type in the region and therefore exhibits low rarity values. The site KMT ISO 01 (AHIMS ID 52-3-2080) is therefore considered to have low representative values and education potential.

8.2.2.2 *KMT ISO 02 (AHIMS ID 52-3-2081)*

Sites KMT ISO 02 (AHIMS ID 52-3-2081) is comprised of an isolated artefact, a complete chert flake. KMT ISO 02 has limited research potential. As an isolated flake, the artefact is considered to be a common example of the artefact type in the region and therefore exhibit low rarity values. The site KMT ISO 02 (AHIMS ID 52-3-2081) are therefore considered to have low representative values and education potential.

8.2.2.3 *Foreshore Midden – Captain Cook's Landing Place (AHIMS ID 52-3-0219)*

The Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is considered to be of high scientific significance due to the range and quantity of shell, stone and bone artefacts (including the largest documented number of shellfish hooks in Australia). The site also provides evidence of continued Aboriginal occupation of an area post-European contact. Archaeological research at the site has the potential to answer questions about the rapid change to Aboriginal lifestyles from pre-contact to post-contact. Therefore, the site is considered to be of high research potential. The outcomes of this research and the site itself, as a tangible expression of Aboriginal history, has high education potential.

Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is a [redacted] Shell, Artefact site, which is uncommon within the regional context. As these sites only account for only 2.78% of sites within the regional context, the site is considered to be of high rarity and representative value.

Table 14: Significance assessment – Kurnell AHIMS sites

Site name	AHIMS ID	Research value	Scientific value	Representative value	Rarity	Overall archaeological significance
KMT ISO 01	52-3-2080	Low	Low	Low	Low	Low
KMT ISO 01	52-3-2081	Low	Low	Low	Low	Low
Foreshore Midden - Captain Cook's Landing Place	52-3-0219	High	High	High	High	High

8.3 Significance assessment

8.3.1 Social and cultural value

The Heritage Guidelines specifies that the social or cultural value of a place must be identified through consultation with Aboriginal people.

During the AFG on 15 February 2021, [redacted] (Sutherland Shire Council Aboriginal Advisory Sub-Committee) noted that the engraving of the whale (Site 1, La Perouse AHIMS ID 45-6-0648) is a highly significant site and should be protected. It was noted at the time that the site would not be impacted by the proposed works. [redacted] also noted that at the Kurnell site location, the works are within an area of exceptional significant both before and after 1770.

[redacted] (Kamilaroi Yankuntjatjara Working Group) who also attended the AFG on 15 February 2021, noted that both the La Perouse and Kurnell site locations are highly sensitive area, in particular Kurnell where there are known Aboriginal burial sites ([redacted] of the Kurnell construction boundary). [redacted] also noted the importance of the retrieved artefacts and the benefit of keeping all artefacts retrieved from the local area in one place. [redacted] suggested consolidating artefacts retrieved from the Kurnell headland and having them in a display case at the NPWS information centre to promote and educate on the cultural heritage values of the local area.

In general, it was made clear that the area contained significance as part of the wider expression of sites across the landscape which as a whole is culturally significant to Aboriginal people.

8.3.2 Historic value

Historic values refer to the association of the place with aspects of Aboriginal history. Historic values are not necessarily reflected in physical objects, but may be intangible and relate to memories, stories, or experiences.

The project area is known to be a significant site for Aboriginal people prior to European occupation. In addition, as the site of the arrival of the European colonisers and the location of significant interactions between Aboriginal people and the British, the project area holds strong historical significance regarding Aboriginal history post colonisation. Whilst the disturbed nature of the site resulted in a lack of Aboriginal objects that can be definitively linked with a long history of Aboriginal occupation, the intangible values associated with the experiences of Aboriginal people at the site render the project area as highly significant.

Overall, the project area is considered to contain high historic value.

8.3.3 Aesthetic value

Aesthetic values refer to the sensory, scenic, architectural, and creative aspects of the place. These values may be related to the landscape and are often closely associated with social/cultural values. The project area may have retained aesthetic value associated with the views over Kamay Botany Bay, an important marine resource in the precontact landscape including portions of preserved endemic vegetation. Development in the area has disturbed portions of the pre-colonial landscape which have partially compromised the aesthetic value.

Overall, the project area is considered to contain moderate-high aesthetic value.

8.3.4 Scientific value

Assessment of the scientific significance of the artefact site locations considers the isolated occurrences within the project area, namely the Kurnell construction boundary. With respect to the rock engravings within the vicinity of the La Perouse construction boundary, these are of high archaeological and scientific significance due to their rarity in preservation within an area of encroaching development.

Overall, the project area is considered to have moderate-high scientific value.

8.3.5 Statement of significance

The project area is considered to have high historic value due to its association with Aboriginal history and European history and the intersection of cultures. As the first place of historic contact between the British and Aboriginal people on the eastern coast of Australia, it holds significant historical cultural heritage values. The landscape, while somewhat altered following development has retained some of its pre-colonial vegetation which is aesthetically significant in capturing the pre contact landscape. In combination with the marine landscape the project area is considered to have moderate-high aesthetic value. Rock engravings in the area also attest to the significant value of the surrounding marine and terrestrial landscape and are considered of moderate-high scientific value. While known burials are not located within the project area, their presence [redacted] of the Kurnell construction boundary indicate that the landscape holds cultural heritage values associated with burial practices.

Overall, the project area is considered to have moderate-high significance.

9.0 IMPACT ASSESSMENT AND HERITAGE MANAGEMENT

9.1 Description of project

The project includes the reinstatement of two public ferry wharves and associated infrastructure to allow a ferry service to operate between La Perouse and Kurnell in Kamay Botany Bay.

The key features of the project include:

- Demolition of the existing viewing platform at Kurnell.
- Construction of temporary access roads, compound areas and temporary building platforms.
- Construction of two wharves, one at La Perouse and one at Kurnell that would include:
    - A berth for passenger ferries (to cater for ferries between 15m to 40m in length)
    - A multi-user berth for commercial and recreational vessels (to cater for small vessels between 2m and 20m long)
    - Sheltered waiting areas and associated furniture
    - Signage and lighting.
- Landside paving and landscaping at the entrance to the wharves.
- New footpaths connecting the wharves entrance to the existing footpaths.
- Reconfiguration of existing car parking areas at La Perouse to increase the number of spaces, and associated footpath changes to accommodate these additional car parking areas.
- Provision for bicycle racks at La Perouse.
- Installation of utilities to service the wharves.

The area within which all construction activities would be undertaken is called the ‘construction boundary’ and will include the following stages:

- Stage 1: Site establishment
- Stage 2: Main construction
- Stage 3: Site demobilisation.

Construction of the project would take about 13 months beginning in April 2022.

Key elements of the project are described in further detail below.

9.1.1 Wharves

The wharves would provide berthing access for both ferry vessels and commercial and recreational vessels. Each wharf would create new public spaces that service a range of users for differing mobility needs and interests. On approach to the wharves, there would be accessible paths to an open waiting area on landside. Wharf amenities such as signage and information boards would be placed at appropriate locations for clear wayfinding for passengers. Impressions of the wharves are shown in Figure 59 and Figure 60.

The wharves would be supported by localised piles to be installed within the jetty tie-in area. This would be in the location of the proposed landscaping and utilities.

The specific features of the wharves would include:

- Wharf head: a multi-user space with separate berths on each side, one for ferry operations and the other for recreational and commercial boat users. The wharf ramp is fixed in place and has an open mesh flooring made of a fibre reinforced polymer (FRP). The deck is supported by a modular steel frame.
- Waiting area: Both wharf structures contain a waiting area made of timber, concrete and steel. The waiting area includes fixed bench seating and a generous landing area with a roof design that reflects the movement of the water and allows for some sunlight to travel through. This helps to reflect the surrounding environment and improve the sense of place. The waiting area is located as close to the wharf head as possible.
- Wharf approach: The wharf approach allows for people to move in both directions and includes areas for seating, railing and lighting. To protect the wharf against storm events and sea level rise, the deck is located 4m above the low tide level and includes a robust reinforced concrete and steel deck structure.
- Entrance/approach: The entrance/approach to the wharf from the land integrates and grounds the wharf to the National Park context. It includes seating to foster interactions with the public and allows for a moment of pause in the visitor's journey to the ferry and within the National Park.

Figure 59. Impression of La Perouse Wharf. Source: Transport for NSW, 2020

Figure 60. Impression of Kurnell Wharf. Source: Transport for NSW, 2020

9.1.2 Parking

Existing car parking close the proposed wharf a La Perouse would be reconfigured to provide for the end use demand from the wharves and to meet *Disability Discrimination Act 1992* (DDA) requirements. No car parking would be added or reconfigured at Kurnell as part of the project. Additional car parking will be provided within the National Park as part of the wider upgrade work for the Kamay Botany National Park Kurnell Master Plan.

9.1.2.1 *La Perouse*

Six existing car parking spaces on the southern side of Anzac Parade would be reconfigured into three accessible spaces, two kiss and ride spaces and two no-parking bays which are required for accessible spaces.

On the opposite side of Anzac Parade from the proposed accessible spaces, 13 of the existing parallel spaces would be reconfigured into 31 90-degree angle spaces (Figure 61). The existing footpath would be extended and diverted around these proposed spaces.

It is expected that excavations for the car parking at La Perouse would be between 600-1400mm in depth. Excavations within the existing car park and footpath areas would be 600mm deep, but within the raised grass landscape on the north side of Anzac Parade the excavations would reach a depth of up to 1400mm below the ground surface.

Figure 61. Proposed areas of parking modification at La Perouse. Source: Transport for NSW, 2020

9.1.3 Footpaths

At La Perouse, the footpath to the wharf would extend from the existing footpath along Anzac Parade. Access to the Kurnell wharf would be via the existing Monument Track running along the foreshore.

At La Perouse, there is space available to accommodate 10 bicycle rails, providing 20 bicycle spaces at the landside entrance to the wharf. The exact location of these rails would be further developed at detailed design. There are no bicycle rails proposed at Kurnell, as bicycle parking would be explored as part of other Kamay Botany National Park Master Plan upgrades, which are being delivered separately by NPWS.

9.1.4 Utilities

The project would require the installation and extension of electricity, telecommunication, water services and stormwater pits as described in Table 15. New routes would be created for the proposed services to avoid impacting the existing services. This would require trenching activities. At Kurnell the main utility routes would be located underneath Monument Track between Captain Cook Drive and the wharf. The main utility trenching at La Perouse potable water would be to install potable water underneath the footpath alongside Anzac Parade.

Excavations for utility routes are expected to reach depths of between 750-900mm below the ground surface.

Table 15: Summary of the proposed utility works

Service	Purpose	La Perouse	Kurnell
Potable water	The wharves require a connection for drinking fountain and fire hose reel/hydrant	A water connection would be extended from the existing 100mm watermain on Anzac Parade / Endeavour Avenue to the end of the wharf	A connection would be extended from Captain Cook Drive to the end of the wharf
Electricity	The wharves require electricity for berth-side charging facilities and wharf services such as ticket machines, timetables, closed circuit television (CCTV), public address systems (PA) and lighting	A low voltage electricity cable would be installed from the end of the wharf to the wharf tie-in.	A low voltage electricity cable would be extended from Captain Cook Drive to the end of the wharf
Telecommunications	The wharves require a connection for telecommunications	A telecommunications connection would be extended from Anzac Parade to the end of the wharf	A telecommunication cable would be extended from the existing services near Monument Track and Captain Cook's Landing Place to the end of the wharf

9.1.5 Landscaping

Hard landscaping and planting are proposed at the wharf tie-in areas at both La Perouse and Kurnell. This is likely to include:

At Kurnell:

- Low-lying native plantings which respond to the local coastal heath character of Kurnell and celebrate the iconic Norfolk Pines that are situated adjacent to the wharf
- The low-lying vegetation would ensure views towards the surrounding heritage and cultural landmarks are preserved and enhanced where possible
- The wharf entry would include seating orientated to appreciate views towards surrounding monuments, sculptures and the coastline.

At La Perouse:

- Level changes that provide inclusive access and bespoke integrated seating that define a scenic lookout for the headland
- Surface treatment drawing from the existing context, providing a visual connection to the surrounding local features and footpath connections
- Scenic lookout furniture would form part of an integrated suite of architectural and landscape treatments, providing consistency and connection to the local character.
- The existing plaque, which holds local community value, would be incorporated within the landscape design through continued engagement with stakeholders

- Low-lying coastal, native planting palette which responds to the local coastal character of the headland and retains existing views across the bay and environs.

It is expected that excavations for landscaping works would be limited to a shallow depth of up to 300mm.

9.1.6 Construction compound/facilities

To facilitate the construction program temporary construction compounds and site facilities would be established at La Perouse and Kurnell. At La Perouse the construction compound would be located on the western side of the headland and at Kurnell the construction compound would be located adjacent to Captain Cook Drive. Activities associated with the establishment of the construction areas are described below. Following the completion of the works these areas would be returned to their previous condition.

It is expected that the establishment of the construction compound and site facilities would generally be limited to surface works only and would not require any excavations on the land.

9.1.6.1 *Site offices*

Temporary site offices, including toilets, would be established at La Perouse and Kurnell within the designated compound areas. The temporary site offices would occupy an area of around 20m by 20m.

9.1.6.2 *Plant lay down areas*

A plant lay down area would be established at each landside construction site. The La Perouse plant laydown area would be 2250m^2. A crane pad would also be created at the La Perouse wharf tie-in location. The Kurnell plant laydown area would be 1750m^2.

9.1.6.3 *Temporary access*

At La Perouse, a temporary road would be constructed to provide access from Anzac Parade to the wharf tie-in area. The road would be about 5m wide and 45m long and would be constructed of crushed concrete on top of geotextile material.

At Kurnell, a temporary access road would be constructed from Cape Solander Drive to Monument Track and along Monument Track to the proposed wharf. The road would be about 5m wide with a passing bay extending to 8m for a length of 25m and would be constructed of crushed concrete on top of geotextile material.

At the end of construction, these temporary roads would be deconstructed, and materials would be removed for materials recovery or disposal. At La Perouse, the temporary road would be remediated, and the area would form part of the landscaping and footpath area. At Kurnell, the temporary road would be deconstructed, and the Monument Track footpath would be reinstated.

9.1.6.4 *Temporary crane and rig platform (La Perouse)*

A temporary crane platform measuring around 12 x 12m would be constructed at La Perouse to provide access for the piling plant required to install the closest pile bents to the landside. The crane platform would be constructed using concrete bags and granular material infill wrapped with geotextile on top of the existing rock outcrop.

9.1.6.5 *Temporary causeway (Kurnell)*

A temporary causeway would be constructed at Kurnell to provide access for the piling plant which is required to install the inshore shallow water and tidal zone piles. The causeway would extend about 85m in length and be 8-12m wide at the base. The height of the causeway would be about 2.6m AHD.

Construction of the temporary causeway would start from the landside access point and progress outwards with additional materials being placed in front of the leading (or working) edge by an excavator, enabling the continual extension of structure out from land.

A temporary rock platform would be installed at each pile location to enable the equipment to access the actual pile locations. At the end of construction, the causeway would be de-constructed, and the material would be removed from site.

9.1.7 Ground disturbance

Of the construction activities described above it is expected that ground disturbance would be limited to localised excavation and disposal associated with the wharf landside landscaping and paving areas, utilities installation and parking area at La Perouse. In addition to these, localised excavations may be required for geotechnical borehole investigations to depths of 6m into medium strength rock or to depths of 20m, whichever is encountered first.

Table 16 outlines the cut and fill volumes required for the project. The location and extent of the expected ground disturbance areas are shown in Figure 63 and Figure 62.

Table 16: Extent of ground disturbance

Activity	Volume (m^3)	
	La Perouse	Kurnell
Landscaping and paving	1315	875
Car parking	1225	Nil
Utilities installation	1850	1850
Total	4390	2723

9.2 Potential Aboriginal heritage impact

9.2.1 La Perouse

The testing program within the La Perouse construction boundary in the vicinity of the car park did not identify any archaeological material. The testing program in this location identified fill overlying natural sterile deposits.

One PAD will be impacted by the proposed works. No registered AHIMS sites will be impacted by the proposed works within the La Perouse construction boundary. While three registered AHIMS sites are within the La Perouse construction boundary, these will be managed in accordance with section 9.6. These impacts are summarised in Table 17.

9.2.1.1 *Site 1, La Perouse (AHIMS ID 45-6-0648)*

Site 1, La Perouse (AHIMS ID 45-6-0648) is a rock engraving of a large adult whale with a smaller calf within the adult whale. The site was relocated during the PACHCI Stage 2 site survey (Artefact Heritage 2020) however it was noted that only a heavily eroded portion of the engraving is visible. both the recorded site extent as identified in the PACHCI Stage 2 and CMP, as well as the site extent as identified by [redacted], are outside the areas of proposed works for the project (see Section 8.2.1.1).

Site 1, La Perouse (AHIMS ID 45-6-0648) will not be impacted by the proposed.

9.2.1.2 *Site 3, La Perouse (AHIMS ID 45-6-0650)*

Site 3, La Perouse (AHIMS ID 45-6-0650) is a rock engraving comprised of segmented marks on a circular rock. The site could not be relocated during the PACHCI Stage 2 site survey (Artefact Heritage 2020) and it was determined that the engraving is likely to have been significantly eroded and not visible upon ground inspection. The PACHCI Stage 2 survey identified an area likely to contain the engraving associated with Site 3, La Perouse (AHIMS ID 45-6-0650) (Figure 62).

A proposed compound area is located with a small portion of the area identified to contain the engraving associated with Site 3, La Perouse (AHIMS ID 45-6-0650) however the proposed works will not impact the ground surface.

Site 3, La Perouse (AHIMS ID 45-6-0650) will not be impacted by the proposed works however management strategies should be implemented prior to the works (see section 9.6).

9.2.1.3 *Site 4, La Perouse (AHIMS ID 45-6-0651)*

Site 4, La Perouse (AHIMS ID 45-6-0651) is a rock engraving comprised of two deeply cut boomerang like marks, with one reverse curve. The site could not be relocated during the PACHCI Stage 2 site survey (Artefact Heritage 2020) and it was determined that the engraving is likely to have been significantly eroded and not visible upon macroscopic inspection. The PACHCI Stage 2 archaeological survey report identified an area likely to contain the engraving associated with Site 4, La Perouse (AHIMS ID 45-6-0651) (Figure 62).

A proposed compound area is located with a small portion of the area identified to contain the engraving associated with Site 4, La Perouse (AHIMS ID 45-6-0651) however the proposed works will not impact the ground surface.

Site 4, La Perouse (AHIMS ID 45-6-0651) will not be impacted by the proposed works however management strategies should be implemented prior to the works (see section 9.6).

9.2.1.4 *Site 6, La Perouse (AHIMS ID 45-6-0653)*

Site 6, La Perouse (AHIMS ID 45-6-0653) is a rock engraving comprised of a kangaroo and two curved lines. The site card notes that the engraving is located on a vertical rock wall at the back of the beach, but the engravings were buried beneath the extended foundation of a[redacted] The site card states that Site 6, La Perouse (AHIMS ID 45-6-0653) is buried and not destroyed. Additional AHIMS data from November 1967 notes that the engraving is covered by a [redacted] erected by the Department of Main Roads or Council. The exact location of this engraving is unknown however the PACHCI Stage 2 assessment report identified that the engraving is likely to be within the location of the proposed services and utilities. Test excavation could not be completed in this area and therefore impact from the works cannot be excluded.

In addition, vibration from construction works including piling, machine excavation, or any other large plant that would cause significant vibrations may indirectly impact Site 6, La Perouse (AHIMS ID 45-6-0653).

[redacted] **may be impacted by the proposed works therefore management strategies should be implemented prior to the works (see section 9.6).**

9.2.1.5 *Low Potential PAD (identified in PACHCI Stage 2)*

An area of Low Potential PAD was identified during PACHCI Stage 2. It was predicted the Low Potential PAD may contain buried engravings and midden material. The testing program (Artefact Heritage 2020) was completed in a portion of the PAD (car park area) and identified fill overlying natural sterile material onto sandstone. No archaeological material was identified in these completed test pits. Due to the identification of contaminated material and subsurface non-aboriginal archaeological resources (Old Wharf Road), the test excavation program could not be completed in the location of the jetty tie-in and therefore impacts to any potential archaeological resources from the proposed works could not be excluded. As such, the Low Potential PAD has been refined to exclude the portions of the Low Potential PAD that were completed as part of the testing program that did not identify any archaeological resources. .

The revised Low Potential PAD will be impacted by the proposed works therefore management strategies should be implemented prior to the works (see section 9.6).

Table 17: Impact assessment La Perouse construction Boundary

Site name (AHIMS ID)	Type of harm	Degree of harm	Consequence of harm
Site 1, La Perouse (AHIMS ID 45-6-0648)	Nil	Nil	Nil
Site 2, La Perouse (AHIMS ID 45-6-0649)	Nil	Nil	Nil
Site 3, La Perouse (AHIMS ID 45-6-0650)	Nil	Nil	Nil
Site 4, La Perouse (AHIMS ID 45-6-0651)	Nil	Nil	Nil
Site 5, La Perouse (AHIMS ID 45-6-0652)	Nil	Nil	Nil
Site 6, La Perouse (AHIMS ID 45-6-0653)	Nil	Nil	Nil
La Perouse (Art) (AHIMS ID 45-6-1403)	Nil	Nil	Nil
La Perouse midden (AHIMS ID 45-6-1144)	Nil	Nil	Nil
La Perouse midden 19-01 (AHIMS Pending)	Nil	Nil	Nil
Low Potential PAD	Unknown	Unknown	Unknown

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Figure 62: Proposed works within the La Perouse construction boundary

9.2.2 Kurnell

The Kurnell testing program did not identify any archaeological material in the adjacent pits near the in the southern portion of the PAD within the Kurnell construction boundary. In addition, previous archaeological investigations identified the presence of an upper layer of fill in the vicinity of Monument Track and Cape Solander Drive (Irish 2007). Based on the combined results, it is unlikely that archaeological material will be buried beneath the ground surface and therefore no further archaeological investigations would be required in the location of the proposed utilities trench in the southern portion of the site within the Kurnell construction boundary.

Three of the six sites will be impacted by the proposed works within the La Perouse construction boundary. These are summarised in Table 18

Table 18: Impact assessment Kurnell construction boundary

Site name (AHIMS ID)	Type of harm	Degree of harm	Consequence of harm
KMT ISO 01 (AHIMS ID 52-3-2080)	Direct	Total	Total loss of value
KMT ISO 02 (AHIMS ID 52-3-2081)	Direct	Total	Total loss of value
K PAD 1 (AHIMS 52-3-1366)	Nil	Nil	Nil
Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)	Partial	Minor	Partial loss of value
Foreshore midden PAD	Nil	Nil	Nil
Foreshore midden burials	Nil	Nil	Nil

9.2.2.1 *KMT ISO 01 (AHIMS ID 52-3-2080)*

KMT ISO 01 (AHIMS ID 52-3-2080) was identified during the test excavation program (Artefact Heritage 2020). The site comprised of one silcrete proximal flake fragment. The site is located along the north-west side of the Kamay Botany Bay National Park and to the east of Silver Beach The artefact was identified within natural marine sands approximately 500-600mm below the current ground surface. The site is located within the within the proposed services and utilities alignment adjacent to Monument Track. This archaeological resource has been impacted by the testing program.

KMT ISO 01 (AHIMS ID 52-3-2080) will be impacted by the proposed works. No further management strategies are recommended for this site.

9.2.2.2 *KMT ISO 02 (AHIMS ID 52-3-2081)*

KMT ISO 02 (AHIMS ID 52-3-2081) was identified during the test excavation program (Artefact Heritage 2020). The site comprised of one complete chert flake. The site is located along the north-west side of the Kamay Botany Bay National Park and to the east of Silver Beach The artefact was identified within natural marine sands approximately 700-800mm below the current ground surface. The site is located within the within the proposed services and utilities alignment adjacent to Monument Track. This archaeological resource has been impacted by the testing program.

KMT ISO 02 (AHIMS ID 52-3-2081) will be impacted by the proposed works. No further management strategies are recommended for this site.

9.2.2.3 *Foreshore Midden – Captain Cooks Landing Place (AHIMS ID 52-3-0219)*

The Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is a [redacted] Shell, Artefact site. The site is located on the Kurnell foreshore within the northern portion of the Kurnell construction boundary. Previous excavations have resulted in the determination of the site extent and the identification of Aboriginal [redacted] midden material and stone artefacts. One test pit was conducted within the southern portion of the site extent however did not identify any archaeological material. Based on the results of the test pit (Artefact Heritage 2020), it is unlikely significant deposits would be impacted within the southern portion of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219).

The southern portion of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) will be impacted by the proposed works therefore management strategies should be implemented prior to the works commencing (see section 9.6).

9.2.3 Operational impacts

Following completion of the works and at the commencement of the operational stage, there would be opportunities for significant cultural and economic benefits to the local Aboriginal community by providing improved access to culturally significant sites. The project would also deliver benefits through promoting greater engagement with the history and heritage of the site, thus promoting the cultural heritage values.

9.2.3.1 Summary

Three registered sites will be impacted within the Kurnell construction boundary two of which are isolated artefacts and have been determined to have low archaeological and cultural heritage significance (KMT ISO 01 [AHIMS ID 52-3-2080] and KMT ISO 02 [AHIMS ID 52-3-2081]). The third, Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219), will only be partially impacted in a location where testing determined there is unlikely to be significant archaeological deposits. The impact to Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) will require further archaeological management accordance with section 9.6.

One PAD (Low Potential PAD) will be impacted within the La Perouse construction boundary of which the value is yet to be determined through further archaeological investigations. This would be managed in accordance with section 9.6.

In summary, the overall impact of the proposed works is considered to be minor.

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Figure 63: Proposed works within the Kurnell construction boundary

9.3 Assessment of impacts to national heritage values

It has been identified that the project construction boundaries are located within the heritage curtilages of two items that are listed on the NHL: Kurnell Peninsula Headland (ID 105812) and Kamay Botany Bay: botanical collection sites (ID 106162). No Aboriginal heritage values are associated with the Kamay Botany Bay: botanical collection sites (ID 106162) and therefore assessment has been excluded from this report. Kamay Botany Bay: botanical collection sites (ID 106162) is assessed in the Non-Aboriginal Technical Report.

The EPBC referral identified Aboriginal heritage values associated with Kurnell Peninsula Headland (ID 105812) National Heritage item as described below:

> *Attributes specifically associated with its Indigenous values include the watering point and immediate surrounds, and the physical evidence of Aboriginal occupation in the area broadly encompassed by the watering place and the landing stage.*

The stream is located approximately 150 metres northeast of the Kurnell construction boundary and therefore its National Heritage values will not be impacted by the proposed works. The program of archaeological test excavation did not identify substantial evidence of Aboriginal occupation and therefore the proposed impacts are not expected to result in a significant impact to the National Heritage values.

In summary, the project is not expected to result in a significant impact to the Aboriginal heritage values relating to the National heritage item.

9.4 Ecologically Sustainable Development principles

In accordance with the Heritage Guidelines, Ecologically Sustainable Development (ESD) principles have been considered in the preparation of this ACHAR, including options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ESD are detailed in the NSW *Protection of the Environment Administration Act 1991*. ESD principles relevant to the assessment of the project as it relates to Aboriginal cultural heritage are considered below.

9.4.1 The integration principle

Decision-making processes should effectively integrate both long term and short term economic, environmental, social, and equitable considerations (the ‘integration principle’). The ASR, ATER and this ACHAR demonstrate regard for the integration principle by considering Aboriginal heritage values and impacts from the project.

9.4.2 The precautionary principle

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the ‘precautionary principle’).

Areas of PAD were identified during the archaeological survey for this project. In order to ameliorate the uncertainty associated with the area of archaeological potential, archaeological test excavations

have been conducted. The combination of predictive models and the results of the test excavation have been used to assess the probable nature of the archaeological record within the project area.

The test excavation program was largely able to achieve the intended aims of determining if intact sub-surface Aboriginal sites are likely to be impacted by the proposal, however, due to constraints encountered during the testing programme the aims could not be achieved across all areas.

Further archaeological investigation and management will be required within the proposed wharf landing area at La Perouse, and along the footpath leading away from the La Perouse wharf landing, to determine if intact sub-surface Aboriginal sites are present and would be impacted.

9.4.3 The principle of intergenerational equity

The present generation should ensure that the health, diversity, and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'principle of intergenerational equity').

The design of the Kamay Ferry Wharves Project has been developed to minimise impact to the environment by actively engaging with the heritage and other environmental aspects within the project area. Heritage management strategies have been employed to guide design so that the heritage within the project sites can benefit future generations.

9.5 Cumulative impact

The Kamay Ferry Wharves proposed works will impact three known registered Aboriginal sites (KMT ISO 01 and KMT ISO 02) within the Kurnell construction boundary. These sites have been assessed as having low cultural and archaeological significance (see section 8.2.1). In addition, a small portion of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) will be impacted by the proposed works. The archaeological testing program did not identify any archaeological material within the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) however this was limited to one test pit associated with the borehole location. Any further work within Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) would be managed in accordance with section 9.6.

The La Perouse headland includes of a number of AHIMS registered Aboriginal sites however only three have been identified as within the construction boundary, none of which will be impacted through the proposed works. Site 6, La Perouse [AHIMS ID 45-6-0653] is located within the portion of works associated with the utilities. There is some uncertainly of its exact location following the widening of the 'loop' road and subsequent levelling and importation of fills in the 1960s. It is anticipated that this site could be within the La Perouse construction boundary and will be managed in accordance with section 9.6. Two additional sites are partially within the construction boundary (Site 3, La Perouse [AHIMS ID 45-6-0650] and Site 4, La Perouse [AHIMS ID 45-6-0651]). As with Site 6, the exact location for these sites is unknown however management strategies will be implemented in accordance with section 9.6. There will be no impact to the three registered AHIMS sites.

In addition, a portion of the La Perouse proposed works will impact the Low Potential PAD. The archaeological values cannot be determined at this stage and therefore cumulative impact cannot be determined until further archaeological investigations are completed prior to impact to the site in accordance with the management strategies outlined in section 9.6.The nature and extent of the proposed works at both the La Perouse and Kurnell construction boundary with have nil-low cumulative impact on the Aboriginal cultural material.

9.6 Management and mitigation measures

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved.

Where unavoidable impacts occur, measures to mitigate and manage impacts are then proposed. Mitigation measures are employed to preserve the heritage values of sites beyond the physical existence of the site. The most common mitigation measures involve:

- Detailed recording of Aboriginal objects
- Archaeological salvage excavations
- Artefact analysis and, where appropriate
- Reburial of Aboriginal objects in a location determined by the RAPs.

Mitigation measures vary depending on the assessment of archaeological significance of a particular Aboriginal site and are based on its research potential, rarity, representatives, and educational value. In general, the significance of a site would influence the choice of preferred conservation outcomes and appropriate mitigation measures, usually on the following basis:

- Low archaeological significance - Conservation where possible, but usually no mitigation required if impacts are unavoidable
- Moderate archaeological significance - Conservation where possible. If conservation is not practicable, salvage excavations or similar mechanisms determined in consultation with the Aboriginal community may be necessary
- High archaeological significance-conservation as a priority. Only if all practicable alternatives have been exhausted would impacts be considered justified. Comprehensive salvage excavations may be necessary.

9.6.1 Ongoing heritage management strategies

The following management strategies should be implemented prior or during the construction phase.

9.6.1.1 *Archaeological supervision/ visual inspection*

Archaeological supervision is where a qualified archaeologist is in attendance and supervising construction excavation work with potential to expose or impact archaeological remains. Archaeological supervision is generally undertaken where excavation work in the area is within an area of archaeological sensitivity that cannot be confirmed during the testing program (e.g., rock engraving)

A visual inspection may be conducted by the contractor or an archaeologist. The aim is to visually inspect the ground surface prior to the construction excavation work. Visual inspections are generally undertaken where there are immovable archaeological remains (e.g., rock engraving) with low-moderate potential to be present in the area but would not be directly impacted.

At La Perouse, given the uncertainty of the precise location of Site 6, La Perouse (AHIMS ID 45-6-0653), archaeological management in this location should be comprised of archaeological supervision during the trenching for the proposed utilities services. It is possible the engraving is located on the vertical face of the sandstone. Therefore, any sandstone within the area determined to have subsurface engravings associated with Site 6, La Perouse (AHIMS ID 45-6-0653) must not be

impacted as it may compromise the structural integrity of the sandstone and indirectly impact the site (Figure 62). Furthermore, assessment mitigation for vibration should be managed through a visual inspection and vibration monitors (see section 9.6.5). If the engraving is identified during the construction program, efforts should be made to protect the area during construction as well as consideration of reinstatement of the ground cover following the conclusion of the construction program. Prior to reinstating the ground cover, geofabric or similar material that would not affect the rock surface should be placed directly over the identified portions of the engraving with 200mm of clean sand on top prior to reinstatement. Please note archaeological recording must be completed prior to backfilling. Following positive identification and recording of Site 6, La Perouse (AHIMS ID 45-6-0653), the AHIMS site card would be updated.

In addition, the location of the construction compound/ facilities is within the location of two registered sites (Site 3, La Perouse (AHIMS ID 45-6-0650) and Site 4, La Perouse (AHIMS ID 45-6-0651). There would be no ground impacts as part of the construction compound however prior to its installation, a visual inspection should be undertaken within the location of potential surface engraving associated with Site 3, La Perouse (AHIMS ID 45-6-0650) and Site 4, La Perouse (AHIMS ID 45-6-0651) (Figure 62). If engravings are identified, an exclusion zone should be implemented to protect the sites. If they are not visible upon visual inspection, geofabric textile (or equivalent) should be laid down in the location of the potential surface engraving to minimise any indirect impact to significantly eroded engravings that are not visible upon visual inspection.

At Kurnell, the southern portion of the Foreshore Midden – Captain Cook's Landing Place (AHIMS ID 52-3-0219) will be impacted by the proposed works. Proposed works in this location are limited to the wharf tie-in area and landscaping to a depth of 300mm. Previous investigations (Irish 2007) indicate that the area contains approximately 400mm of upper fill. In addition, the Artefact testing program that targeted the borehole location did not identify any archaeological resources within the test pit and therefore determined that the southern portion of the Foreshore Midden – Captain Cook's Landing Place (AHIMS ID 52-3-0219) is unlikely to contain significant archaeological deposits.

As such, it is recommended that any work exceeding the depth of fill (400mm) would require archaeological supervision. If archaeological material is identified during the works program, further archaeological investigations may be required following review and assessment of the archaeological resources identified.

9.6.1.2 *Archaeological excavation*

The testing could not be completed at the location of the jetty tie-in at La Perouse due to the identification of contaminated material. This is within the location of the identified and revised area of Low Potential PAD (Figure 62). It is proposed a staged salvage program is undertaken in this location however this must comply with Work Health and Safety (WHS) given that contaminated material has been identified in the area.

The staged salvage program would aim to sample the area where testing could not be completed as part of the Stage 1 program. Where further archaeological work is required following the Stage 1 program, a Stage 2 program would be triggered. An archaeological excavation methodology should be prepared prior to the commencement of the works. This excavation methodology would be applied to any location within the construction boundary where archaeological evidence is identified.

Table 19 outlines the ongoing archaeological management required. Figure 64 shows the location of the proposed works and the recommended management measures.

Table 19: Ongoing heritage management strategies

Construction Boundary	Management strategy	Location
La Perouse	Archaeological supervision	Site 6, La Perouse (AHIMS ID 45-6-0653)
	Visual inspection	Site 3, La Perouse (AHIMS ID 45-6-0650) and Site 4, La Perouse (AHIMS ID 45-6-0651)
	Staged salvage program	Low Potential PAD where there are ground penetrating impacts from the proposed works
Kurnell	Archaeological supervision	Foreshore Midden – Captain Cook's Landing Place (AHIMS ID 52-3-0219)

9.6.2 Non-Aboriginal archaeology

Non-Aboriginal archaeology has not been assessed as part of this study. Any identified non-Aboriginal archaeological remains should be managed in accordance with the Non-Aboriginal Technical Paper including where post-contact archaeological sites are identified.

9.6.3 Heritage induction

A cultural heritage induction is to be provided by La Perouse LALC to all onsite personnel so that they are aware of their obligations under the NPW Act. The induction is to make any onsite personnel aware that penalties apply for harm to an Aboriginal object, to define that harm can include destruction, defacing, damaging or moving an Aboriginal object and that Aboriginal objects or suspected Aboriginal objects are to be reported to Heritage NSW and penalties apply for non-compliance.

9.6.4 Management plans

A heritage management plan will be prepared and either incorporated into the project construction environmental plan (CEMP) or a standalone construction heritage management plan (CHMP). The heritage management plan will include the following:

- An unexpected finds procedure
- Contact details for the La Perouse LALC and RAPs, should further consultation be required around unexpected finds or interpretation
- All management and mitigation measures as described in this Technical Report.

In addition, if human remains are identified during the construction program are, a Human Remains Management Plan should be prepared.

9.6.5 Vibration monitoring

To mitigate vibrational impacts to Site 6, La Perouse (AHIMS ID 45-6-0653) during construction works, monitoring of vibration impacts within the site location would be undertaken by geotechnical engineers, structural engineers and/or vibration specialist. If vibration monitors are affixed to sandstone within the location of Site 6, La Perouse (AHIMS ID 45-6-0653), non-invasive adhesive methods (e.g. beeswax) should be considered. If it is identified that levels of vibration would result in damage to the area likely to contain Site 6, La Perouse (AHIMS ID 45-6-0653), works must cease and the construction methodology be reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts.

9.6.6 Unexpected Heritage Items Procedure

The Transport for NSW Unexpected Heritage Items Procedure should be adhered to if unforeseen Aboriginal objects or human skeletal remains are uncovered during development (Appendix 9).

In the event that unexpected heritage items are identified, all works must stop in that area, the item should be protected, and Transport for NSW environment staff should be notified. Appendix E of the Transport for NSW Unexpected Heritage Items Procedure specifies the protocols directly related to the identification of bone.

9.6.7 Changes to the project

This ACHAR is based upon the most recent information made available to Artefact as of the date of preparation of this report. Any changes to the project that may impact Aboriginal sites not assessed during the current study may warrant further investigation and result in changes to the recommended management and mitigation measures.

9.6.8 Ongoing consultation with Aboriginal stakeholder groups

Consultation with the RAPs would continue throughout the life of the project, as necessary. Ongoing consultation with the RAPs will take place where required, namely in the event of the identification of any unexpected Aboriginal objects and long-term management of the retrieved artefacts.

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Figure 64: Ongoing archaeological management at La Perouse

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Figure 65: Ongoing archaeological management at Kurnell

10.0 RECOMMENDATIONS

The following recommendations are based on consideration of:

- Statutory requirements under the NPW Act
- The results of the PACHCI Stage 2, ATER, and this ACHAR
- The interests of the Aboriginal stakeholder groups
- The likely impacts of the project.

In the La Perouse construction boundary, it was found that:

- PACHCI Stage 2 archaeological survey identified eight previously recorded AHIMS sites, of which, only two were relocated. It was determined the remaining sites were not identified due to erosion, the presence of a concrete footpath, and rock shelters being filled-in since initial recording. The assessment also identified a Low Potential PAD across the area. Archaeological testing was recommended
- PACHCI Stage 3 testing program identified fill overlying natural sterile deposits. Only a portion of the testing program was completed due to the identification of contaminated material and non-Aboriginal archaeological resources (Old Wharf Road). Where test pits were completed, no archaeological material was identified and as such, the Low Potential PAD was revised. Further archaeological management as recommended where testing could not be completed within the revised portion of Low Potential PAD
- The revised Low Potential PAD would be impacted by the proposed works
- Site 1, La Perouse (AHIMS ID 45-6-0648) is outside of the construction boundary and will not be impacted by the proposed works
- Three AHIMS registered sites are within the La Perouse construction boundary including Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), and Site 6, La Perouse (AHIMS ID 45-6-0653). These sites will not be impacted by the proposed works where archaeological mitigation measures are implemented
- Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), and Site 6, La Perouse (AHIMS ID 45-6-0653) are considered to have moderate to high significance.

In the Kurnell construction boundary, it was found that:

- One AHIP application is pending submission as part of the Kurnell Master Precinct plan. This proposed AHIP area intersects the Kurnell construction boundary
- PACHCI Stage 2 archaeological survey identified one AHIMS registered site (Foreshore Midden - Captain Cook's Landing Place ([AHIMS ID 52-3-0219]) within the Kurnell construction boundary. In addition, an area of PAD (Foreshore Midden PAD) and a revised extent of K PAD 1 was identified within the Kurnell construction boundary. Archaeological testing was recommended
- PACHCI Stage 3 testing program identified fill deposits overlying natural marine and aeolian sands. The program did not identify any significant archaeological resources within the revised extent of K PAD 1. Two isolated artefacts (KMT ISO 01 [AHIMS ID 52-3-2080] and KMT ISO 02

[AHIMS ID 52-3-2081]) were identified within the Foreshore Midden PAD however these were determined to be of low archaeological and cultural heritage significance. As such, K PAD 1 and Foreshore Midden PAD were refined and are no longer within the Kurnell construction boundary. No archaeological material was identified within the southern portion of Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) Previous investigations indicate that the upper 400mm stratigraphy in the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is comprised of fill and unlikely to contain significant archaeological deposits.

- Three AHIMS registered sites would be impacted by the proposed woks including Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219), KMT ISO 01 (AHIMS ID 52-3-2080) and KMT ISO 02 AHIMS ID 52-3-2081)
- Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is considered to have high archaeological and cultural heritage significance
- KMT ISO 01 (AHIMS ID 52-3-2080) and KMT ISO 02 AHIMS ID 52-3-2081) are considered to have low scientific and cultural heritage significance.

General recommendations:

- La Perouse LALC should provide a cultural heritage induction to all workers on-site prior to the commencement of any construction works
- A heritage management plan will be prepared and either incorporated into the project CEMP or a standalone CHMP
- If post-contact archaeological sites are identified, e.g., Aboriginal glass artefacts, these should be managed in accordance with both the Aboriginal and non-Aboriginal management measures (refer to non-Aboriginal Technical Paper)
- The Transport for NSW Unexpected Heritage Items Procedure and NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office 1998) should be adhered to if unforeseen Aboriginal objects or human skeletal remains are uncovered during development. In the first instance this includes stopping work, protecting the archaeological find or skeletal material, and informing the Transport for NSW manager and an Archaeologist or Physical Anthropologist
- If human remains are positively identified during the construction program, a Human Remains Management Plan should be developed
- Following completion of the archaeological excavation and the subsequent analysis and reporting, further consultation will be undertaken to determine the long-term repository for any retrieved Aboriginal objects
- Any changes to the project that may impact Aboriginal sites not assessed during the current study may warrant further investigation
- To keep consultation current, the registered Aboriginal parties should be sent an update on the project every six months

- Ongoing consultation will determine the long-term management of the retrieved artefacts
- A Heritage Interpretation Strategy (HIS) should be prepared for the project to guide the incorporation of heritage interpretation, such as displays and panels, into the project design
- The archaeological excavation methodology that would be developed for the project would be applied to any archaeological deposit or resources that are identified during the course of the construction program.

Recommendations for the La Perouse construction Boundary:

- No further archaeological works are required in the location of the construction compound/facilities however due to its proximity to the potential rock engraving sites (Site 3, La Perouse [AHIMS ID 45-6-0650] and Site 4, La Perouse [AHIMS ID 45-6-0651]), a visual inspection should be conducted prior the construction of the compound. In addition, geotextile fabric (or similar) should be laid on the ground surface within the location of the registered AHIMS sites prior to construction the temporary compound
- Archaeological supervision should be undertaken during ground penetrating works within the potential location of rock engraving Site 6, La Perouse (AHIMS ID 45-6-0653). If the engraving is identified, works must cease, the site protected and the construction methodology be reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts
- The sandstone should not be impacted within the potential subsurface site location of Site 6, La Perouse (AHIMS ID 45-6-0653) as this would compromise the integrity of the sandstone and may indirectly impact the site (refer to Figure 62)
- During construction works, monitoring of vibration impacts within the location of Site 6, La Perouse (AHIMS ID 45-6-0653) would be undertaken by geotechnical engineers, structural engineers and/or vibration specialist. If vibration monitors are affixed to sandstone within the location of Site 6, La Perouse (AHIMS ID 45-6-0653), non-invasive adhesive methods (e.g. beeswax) should be considered. If it is identified that levels of vibration would result in damage to the area likely to contain Site 6, La Perouse (AHIMS ID 45-6-0653), works must cease and the construction methodology be reviewed by project engineers in consultation with a heritage consultant to mitigate further impacts
- A staged salvage archaeological excavation program should be completed prior to any subsurface impacts within the Low Potential PAD. This may be undertaken during the construction phase due to the requirement to manage identified contamination on site. This includes the jetty tie-in where utilities, wharf piles and the landscaping works have been proposed. A staged salvage methodology would be developed prior to the archaeological excavation program.

Recommendations for the Kurnell construction boundary:

- Archaeological supervision should be undertaken within the location of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) where excavation exceeds 400mm depth. If archaeological material is identified during the works program, further archaeological

investigations may be required following review and assessment of the archaeological resources identified. An excavation methodology would be prepared if further investigations are required

- No further archaeological management is required the proposed works within the Kurnell construction boundary outside of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219). All works in this location should adhere to the Transport for NSW Unexpected Heritage Item Procedure.

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12.0 APPENDICES

Appendix 1: Consultation log

Log of Aboriginal Community Consultation
Project: Kamay Ferry Wharves
Consultation Commenced: 26 May 2020

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
26/5/20	Susan Harrison - DPIE, the Registrar ORALRA, National Native Title Tribunal, Native Title Services Corp, NSWALC, Chris Ingrey La Perouse LALC, Greater Sydney Local Land Services, David Ongkili Randwick City Council, Beth Morris Sutherland Shire Council	Margaret Harvey	Email and Registered Post	*PACHCI Stage 3 – Action 1* Agency Letter seeking Aboriginal stakeholders
3/6/20	Advertisement in local paper	Christine Connelly	The Leader (St George and Sutherland Shire), Koori Mail, & National Indigenous Times	*PACHCI Stage 3 – Action 3* Registration of interest
3/6/20	kamayferrywharves@transport.nsw.gov.au		Email	Registration for consultation
6/6/20	Fran Scully DPIE	Fran Scully DPIE	Email	Aboriginal stakeholder list
9/6/20	Lee Davison Transport for NSW	Beth Morris Sutherland Shire Council	Email	Potential Aboriginal stakeholders response
11/6/20	Lee Davison Transport for NSW	Megan Mebberson ORALRA	Email	No Aboriginal Owners within the project area
22/6/20	Lee Davison Transport for NSW	David Ongkili Randwick City Council	Email	Potential Aboriginal stakeholders response
26/6/20	Lee Davison Transport for NSW	National Native Title Tribunal	Email	No Native Title claims overlapping the project area
1/7/2021	Assen Timbery – Individual RAP	Lee Davison Transport for NSW	Verbal	Registration for consultation in person during meeting with Marcia Ella Duncan
1/7/2021	Gweagal Bidjigal Sovereign Tribal Elders Council	Lee Davison Transport for NSW	Verbal	Registration for consultation in person during meeting with Marcia Ella Duncan
2/7/2021	Individual RAP	Lee Davison Transport for NSW	Verbal	Registration for consultation in person during meeting with Marcia Ella Duncan

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
6/8/20	A1 Indigenous Services Aragung Aboriginal Cultural Heritage Site Assessmnets, Murumbal, Yerramurra, Bilinga, Murramarang, Barking Owl Aboriginal Corporation, Waarwaar Awaa,Darug Boorooberongal Elders Aboriginal Corporation, Biamanga, Butucarbin Aboriginal Corporation, Callendulla, Darug Land Observations, Dharug, Didge Ngunawal Clan, Galamaay Cultural Consultants, Garrara Aboriginal Corporation, Thoorga Nura, Ginninderra Aboriginal Corporation, Gooradigbee Cultural Heritage Aboriginal Corperation, Gulaga, Gunyuu, Jerringong, Kamilaroi Yankuntjatjara Working Group, Thuaira, Munyunga, Mura Indigenous Corporation, Ngambaa Cultural Connections, B.H. Heritage Consultants, Nundagurri, Pemulwuy CHTS, Walbunja, Walgalu, Sutherland Shire Council Aboriginal Advisory Sub-Committee, Wingikara, Wurrumay Pty Ltd.	Margaret Harvey emailed on behalf of Lee Davison Transport for NSW	Letter via email	*PACHCI Stage 3 – Action 2* Letter seeking Registration of interest

Log of Aboriginal Community Consultation
Project: Kamay Ferry Wharves
Consultation Commenced: 26 May 2020

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
8/8/20	Tocomwall, Badu Goobah Developments, (La Perouse Botany Bay Corporation), Minnamunnung Wullung	Margaret Harvey	Registered Post	*PACHCI Stage 3 – Action 2* Notification letters/seeking registrations for consultation
10/8/20	Margaret Harvey	[redacted] Wurrumay	Email	Registration for consultation
11/8/20	Lee Davison Transport for NSW	A1 Indigenous Services	Email	Registration for consultation
12/8/20	Margaret Harvey and Lee Davison Transport for NSW	[redacted] Yankunytjatjara Working Group	Email	Registration for consultation
13/8/20	Lee Davison Transport for NSW	[redacted] Clan	Email	Registration for consultation
14/8/20	Lee Davison Transport for NSW	[redacted] Heritage Consultants	Phone	Registration for consultation
15/8/20	Lee Davison Transport for NSW	[redacted] Council Aboriginal Advisory Sub-Committee	Email	Registration for consultation
17/8/20	Bruce Howell	Lee Davison Transport for NSW	Email	Confirmation request due to response from Sutherland Shire Council advising to contact Bruce/seeking registration from Bruce
18/8/20	Lee Davison Transport for NSW	[redacted] Barraby	Email	Registration for consultation
18/8/20	Lee Davison Transport for NSW	[redacted] Yurrandaali	Email	Registration for consultation
19/8/20	Lee Davison Transport for NSW	[redacted]	Email	Registration for consultation
19/8/20	Lee Davison Transport for NSW	Gujaga Foundation	Phone	Registration for consultation
20/8/20	Margaret Harvey	Bruce Howell – Sutherland Shire Council Aboriginal Advisory Sub-Committee	Email	Registration for consultation
20/8/20	Margaret Harvey	[redacted] Gulaga	Email	Registration for consultation
20/8/20	[redacted] Yurrandaali	Margaret Harvey	Letter email	Receipt of Registration

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
20/8/20	[redacted] Sutherland Shire Council Aboriginal Advisory Sub-Committee	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted]	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted] Barraby	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	Didge Ngunawal Clan	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted]	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted]	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted] Wailwan Aboriginal Group	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted] Yankunytjatjara Working Group	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted]	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted]	Margaret Harvey	Letter email	Receipt of Registration
20/8/20	[redacted] Gweagal-Bidjigal Sovereign	Margaret Harvey	Letter email	Receipt of Registration
21/8/20	Lee Davison Transport for NSW	Phil Boney -Wailwan Aboriginal Group	Phone	Registration for consultation
25/8/20	[redacted] Individual	Lee Davison Transport for NSW	Registered Post	*PACHCI Stage 3 – Action 6* AFG1: invitation, TEM and PACHCI Stage 2 report
25/8/20	[redacted]	Lee Davison Transport for NSW	Registered Post	*PACHCI Stage 3 – Action 6* AFG1: invitation, TEM and PACHCI Stage 2 report
26/8/20	Registered Aboriginal Parties	Margaret Harvey	Email	*PACHCI Stage 3 – Action 6* AGF1: Invitation to Aboriginal focus group Meeting including agenda, TEM methodology, site officer application form and invitation letter

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
26/8/20	[redacted] gs.arch@environment.nsw.gov.au	Lee Davison Transport for NSW	Email	*PACHCI Stage 3 - Action 5* Notification to Heritage NSW and Local LALC regarding Advertisements and notification letters to RAPs and register of Aboriginal parties for project consultation
28/8/20	Lee Davison Transport for NSW	Warrigal Cultural Services	Email	Registration for consultation
27/8/20	Margaret Harvey and Lee Davison	[redacted]	Email	Confirmation of AFG attendance
28/8/20	Lee Davison and Estelle Ouari	[redacted]	Email	Registration for consultation
28/8/20	Registered Aboriginal Parties	Estelle Ouari	Email	PACHCI Stage 2 survey report to be reviewed prior to AFG meeting
28/8/20	Margaret Harvey	[redacted]	Email	Confirmation of AFG attendance
31/8/20	Margaret Harvey, Lee Davison, Estelle Ouari	[redacted] Sutherland Shire Council Aboriginal Advisory Committee	Email	Notice of non-attendance at AFG meeting
4/9/20	Chris Ingrey La Perouse LALC	Lee Davison Transport for NSW	Email	AFG1 Meeting minutes, apologies for not sending invite to meeting
14/9/20	Lee Davison	[redacted]	Email	Comments on TEM 26 comments in TEM – comments provided in the ACHAR
1/2/2021	Registered Aboriginal Parties	Lee Davison Transport for NSW	Email	*PACHCI Stage 3 – Action 10* AFG2: Invitation, Meeting Agenda, ATER, ACHAR

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
5/2/21	[redacted]	Lee Davison Transport for NSW	Home visit	Deliver TEM and AFG 1 meeting minutes. Assen has advised that he has no comments
9/2/2021	[redacted]	Lee Davison Transport for NSW	Call	Call to discuss any feedback on AFG1 meeting minutes and TEM. Assen had no further comments.
22/2/2021	Registered Aboriginal Parties	Lee Davison Transport for NSW	Email	AFG2 Minutes issued
5/3/2021	[redacted]	Lee Davison Transport for NSW	Email	AFG2 Minutes issued
8/3/2021	[redacted]	Lee Davison Transport for NSW	Email	AFG2 Minutes issued
16/2/21	Lee Davison Transport for NSW	[redacted]	Email	Hi Lee, Thank you for your report, after yesterday's AFG I agree with your recommendations to move forward with salvage excavations, also the area that have been back filled previously, if any works will be done then the area should be monitored by archaeologists and RAPS as there could be sandstone plateaus with Aboriginal engravings.
6/3/21	[redacted]	Lee Davison Transport for NSW	In person	Discussion on ACHAR. [redacted] most likely to proceed but wanted to discuss with a few family members first.
9/3/2021	[redacted] Gulaga	Lee Davison Transport for NSW	Email	Lee apologised for [redacted] of Gulaga's non-inclusion in the consultation process and explained that he missed her registration email in August 2020.

Log of Aboriginal Community Consultation
Project: Kamay Ferry Wharves
Consultation Commenced: 26 May 2020

DATE	TO	FROM	MEDIUM	BRIEF DESCRIPTION
9/3/2021	[redacted]	Lee Davison Transport for NSW	Email	Lee apologised for [redacted] Indigenous Services' non-inclusion in the consultation process and explained that he missed her registration email in August 2020.
10/3/2021	[redacted]	Lee Davison Transport for NSW	Email	ACHAR and ATER for review
17/3/2021	Lee Davison Transport for NSW	[redacted] A1 [redacted]	Email	[redacted] ACHAR received and that she is in agreement that the consultation proceed/ACHAR is [redacted]
17/3/2021	Lee Davison Transport for NSW	[redacted] Gulaga	Text message	[redacted] consultation. Although noted that the documents didn't come through via email and requested email to be resent.
19/3/2021	[redacted] Gulaga	Julia McLachlan – Artefact Heritage	Email	Sent [redacted] the documents as requested on behalf of TfNSW.

Appendix 2: Consultation documents

CONSULTATION STAGE 4.1.2 – REQUEST FOR AGENCY INFORMATION

26 May 2020

Susan Harrison
Senior Team Leader, Planning
Greater Sydney Branch
Department if Planning, Industry and Environment
PO Box 644
Parramatta NSW 2124

Dear Susan

Transport for NSW (TfNSW) is seeking Aboriginal knowledge holders to assist in preparing a cultural heritage assessment report for the proposed Kamay Ferry Wharves.

TfNSW is seeking the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area for the Kamay Ferry Wharves.

Aboriginal people identified by your agency will be notified of the project and invited to participate in the assessment process as described in OEH's requirements. Please forward the details of relevant Aboriginal people to us by 17 June 2020.

The contact details for this project are:
Lee Davison
Aboriginal Cultural Heritage Officer
lee.davison@transport.nsw.gov.au
0428 683 845
Level 3, 27 Argyle Street, Parramatta NSW 2150

The proposal involves the reinstatement of two ferry wharves, one at La Perouse and one at Kurnell.

Key features of the Proposal include:

- The reconstruction of maritime infrastructure at La Perouse and Kurnell suitable for the berthing of passenger ferries, tourism related commercial vessels and recreational vessels
- The construction of landside amenities which are required to facilitate the safe and efficient operation of the maritime infrastructure. This may include carparks, passenger waiting area/shelter, ticketing facilities, toilet, pathways from car parking and transport connections, and gate/security provisions.

Further information can be obtained at:
https://www.rms.nsw.gov.au/projects/kamay-ferry-wharves/index.html

This letter forms part of the TfNSW's commitment to actively identify relevant Aboriginal people in accordance with section 4.1.2 of the Office of Environment and Heritage (OEH) *Aboriginal cultural heritage consultation requirements for proponents* (2010).

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

26 May 2020

The Registrar General Manager
Office of the Registrar
Aboriginal Lands Right Act 1983
Level 3
2 – 10 Wentworth Street
Parramatta NSW 2124

Dear Sir/Madam

Transport for NSW (TfNSW) is seeking Aboriginal knowledge holders to assist in preparing a cultural heritage assessment report for the proposed Kamay Ferry Wharves.

TfNSW is seeking the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area for the Kamay Ferry Wharves.

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lee.davison@transport.nsw.gov.au
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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

26 May 2020

General Manager
Native Title Tribunal – New South Wales Registry
GPO Box 9973
Sydney NSW 2001

Dear Sir/Madam

Transport for NSW (TfNSW) is seeking Aboriginal knowledge holders to assist in preparing a cultural heritage assessment report for the proposed Kamay Ferry Wharves.

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This letter forms part of the TfNSW's commitment to actively identify relevant Aboriginal people in accordance with section 4.1.2 of the Office of Environment and Heritage (OEH) *Aboriginal cultural heritage consultation requirements for proponents* (2010).

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

26 May 2020

General Manager
Native Title Services Corporation
PO Box 2105
Strawberry Hills NSW 2012

Dear Sir/Madam

Transport for NSW (TfNSW) is seeking Aboriginal knowledge holders to assist in preparing a cultural heritage assessment report for the proposed Kamay Ferry Wharves.

TfNSW is seeking the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area for the Kamay Ferry Wharves.

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This letter forms part of the TfNSW's commitment to actively identify relevant Aboriginal people in accordance with section 4.1.2 of the Office of Environment and Heritage (OEH) *Aboriginal cultural heritage consultation requirements for proponents* (2010).

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

26 May 2020

New South Wales Aboriginal Land Council
PO Box 1125
Parramatta NSW 2124

Dear Sir/Madam

Transport for NSW (TfNSW) is seeking Aboriginal knowledge holders to assist in preparing a cultural heritage assessment report for the proposed Kamay Ferry Wharves.

TfNSW is seeking the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area for the Kamay Ferry Wharves.

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lee.davison@transport.nsw.gov.au
0428 683 845
Level 3, 27 Argyle Street, Parramatta NSW 2150

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This letter forms part of the TfNSW's commitment to actively identify relevant Aboriginal people in accordance with section 4.1.2 of the Office of Environment and Heritage (OEH) *Aboriginal cultural heritage consultation requirements for proponents* (2010).

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

26 May 2020

Chris Ingrey
La Perouse Local Aboriginal Land Council
1 Elaroo Ave
Phillip Bay NSW 2036

Dear Chris

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26 May 2020

Greater Sydney Local Land Service
PO Box 4515
Westfield Penrith NSW 2790

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Aboriginal Cultural Heritage Officer

26 May 2020

Beth Morris
Senior Policy Advisor
Sutherland Shire Council
4 Eton Street
Sutherland NSW 2232

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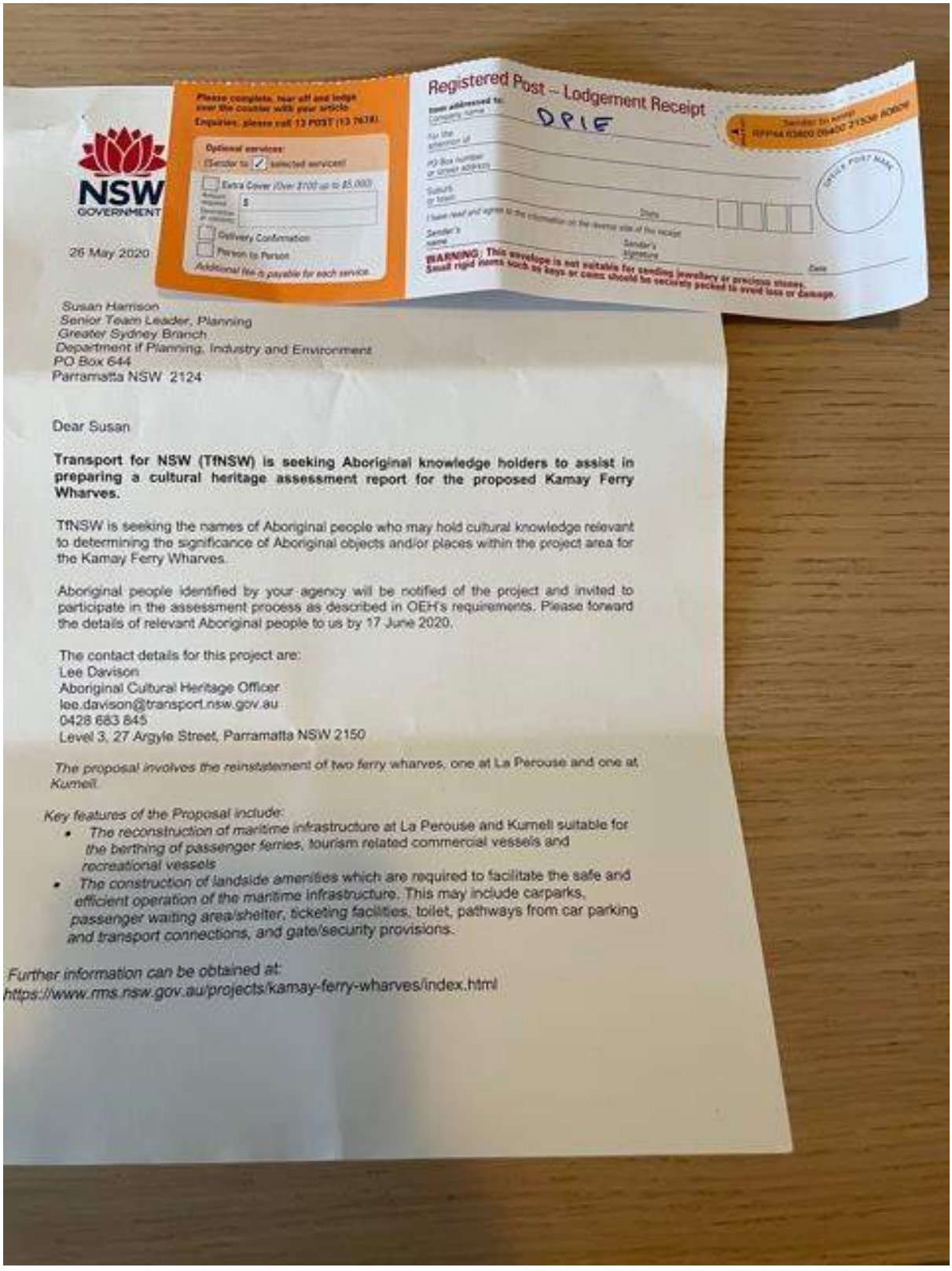

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NSW GOVERNMENT

26 May 2020

Susan Harrison
Senior Team Leader, Planning
Greater Sydney Branch
Department if Planning, Industry and Environment
PO Box 644
Parramatta NSW 2124

Dear Susan

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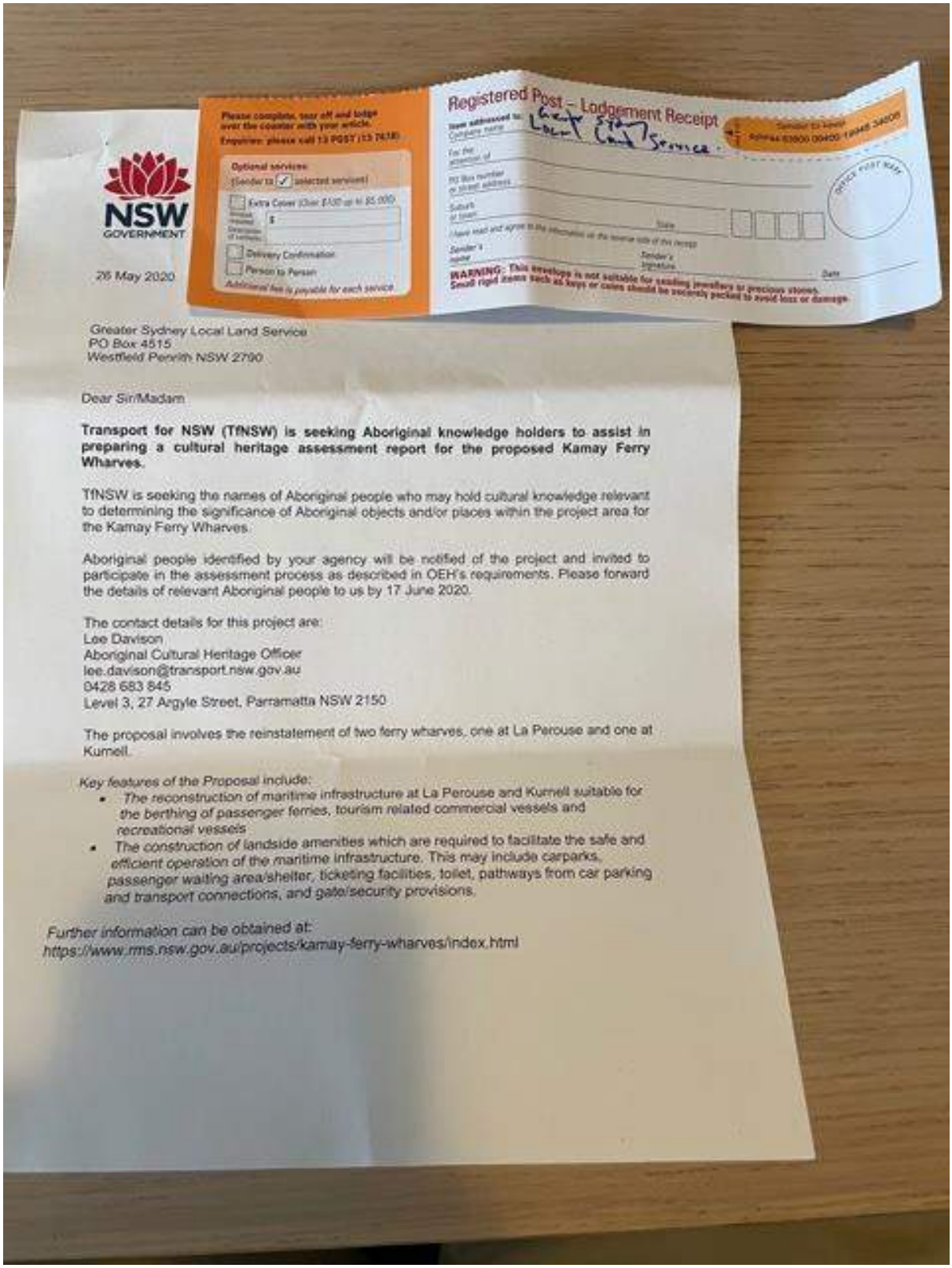

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NSW GOVERNMENT

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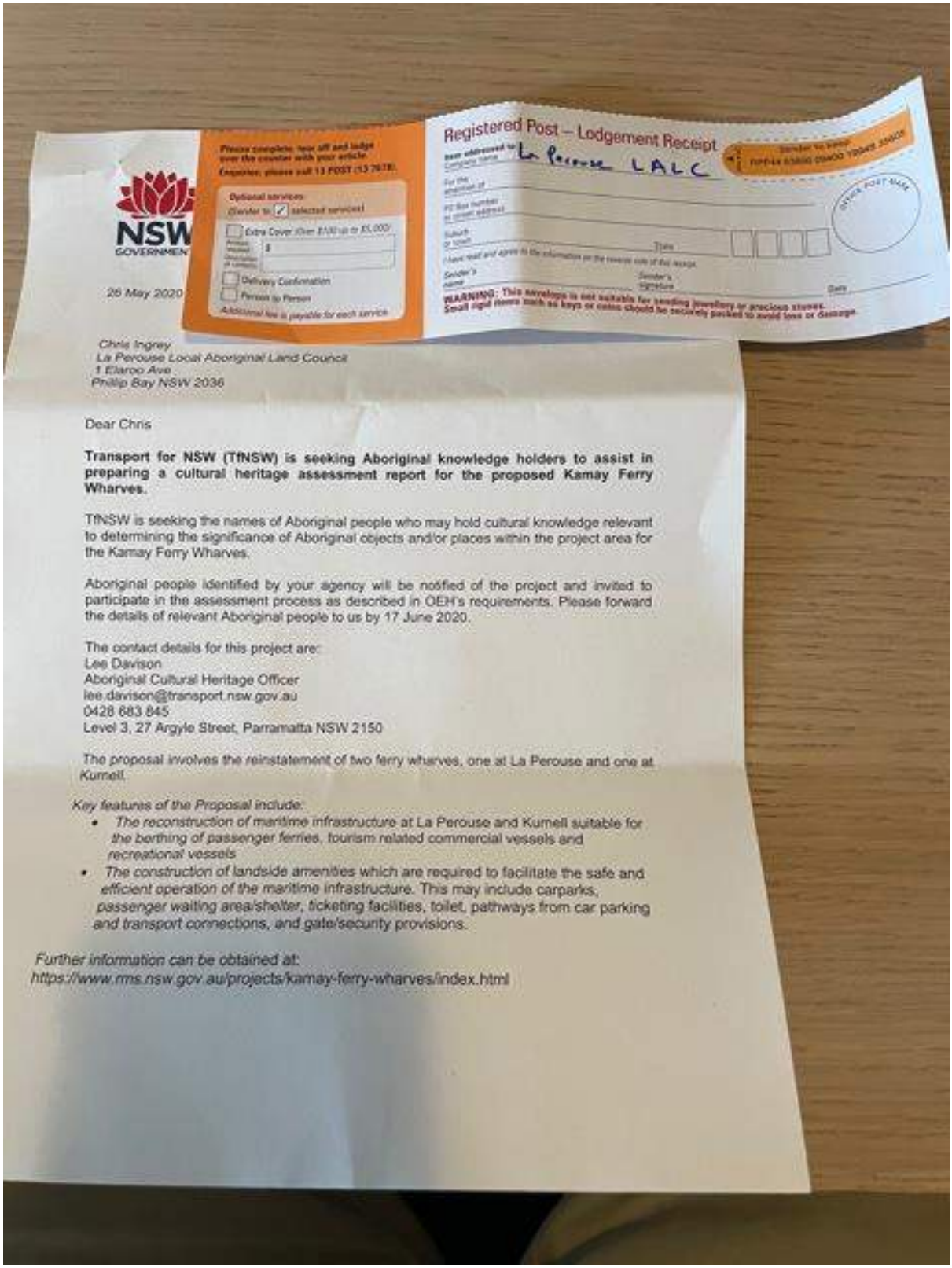

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NSW GOVERNMENT

26 May 2020

Chris Ingrey
La Perouse Local Aboriginal Land Council
1 Elaroo Ave
Philip Bay NSW 2036

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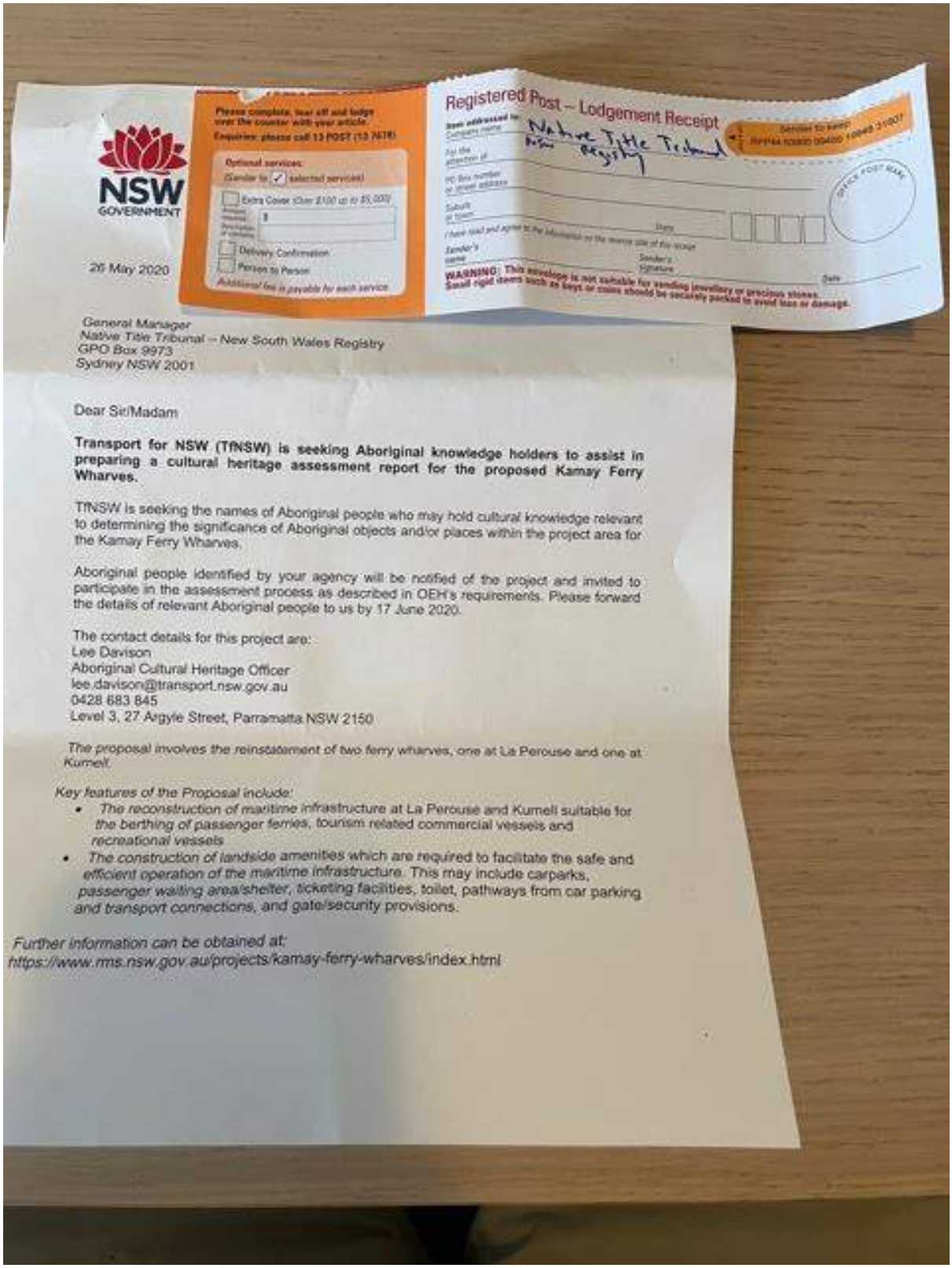

NSW GOVERNMENT

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26 May 2020

General Manager
Native Title Tribunal – New South Wales Registry
GPO Box 9973
Sydney NSW 2001

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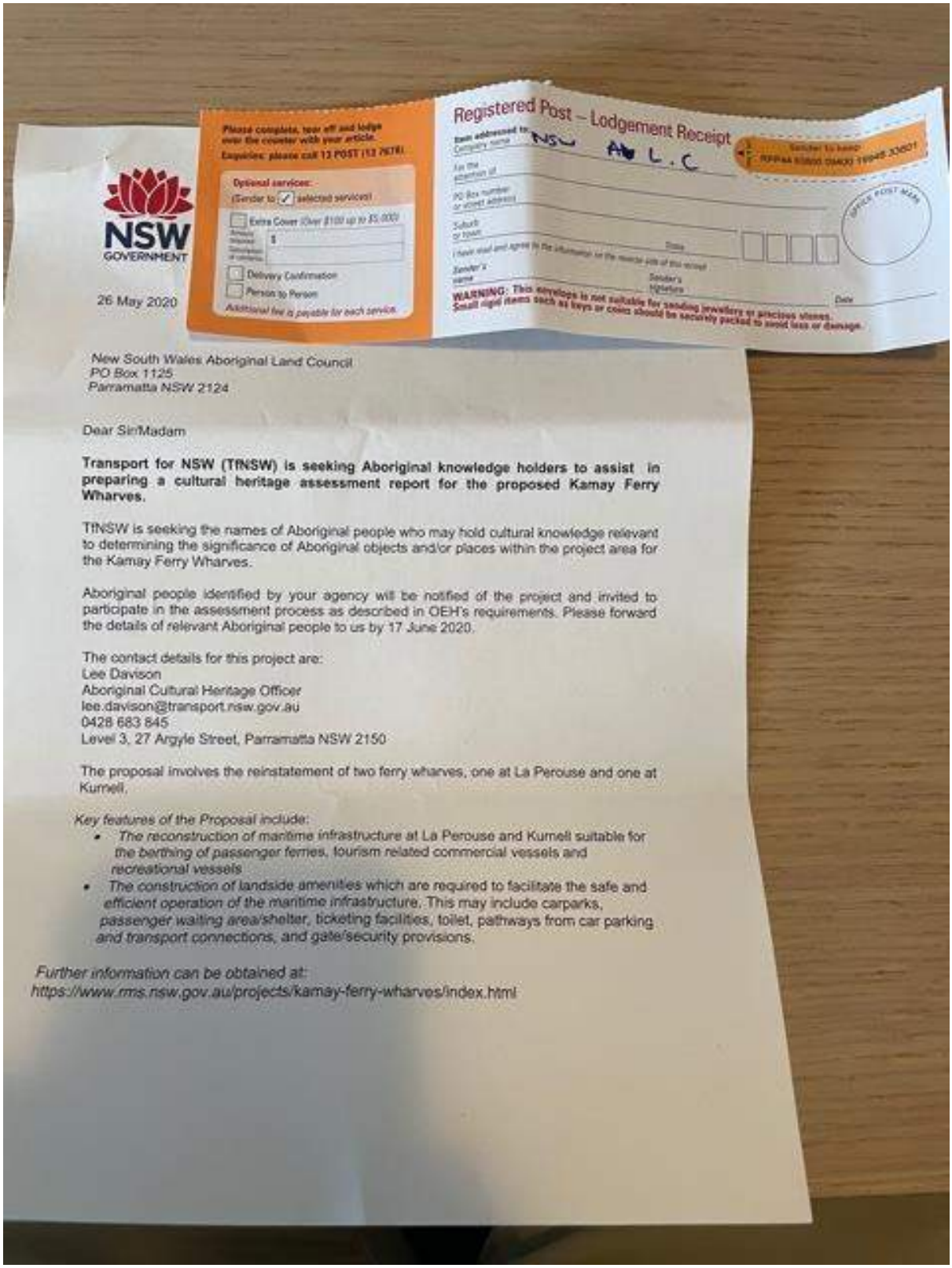

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New South Wales Aboriginal Land Council
PO Box 1125
Parramatta NSW 2124

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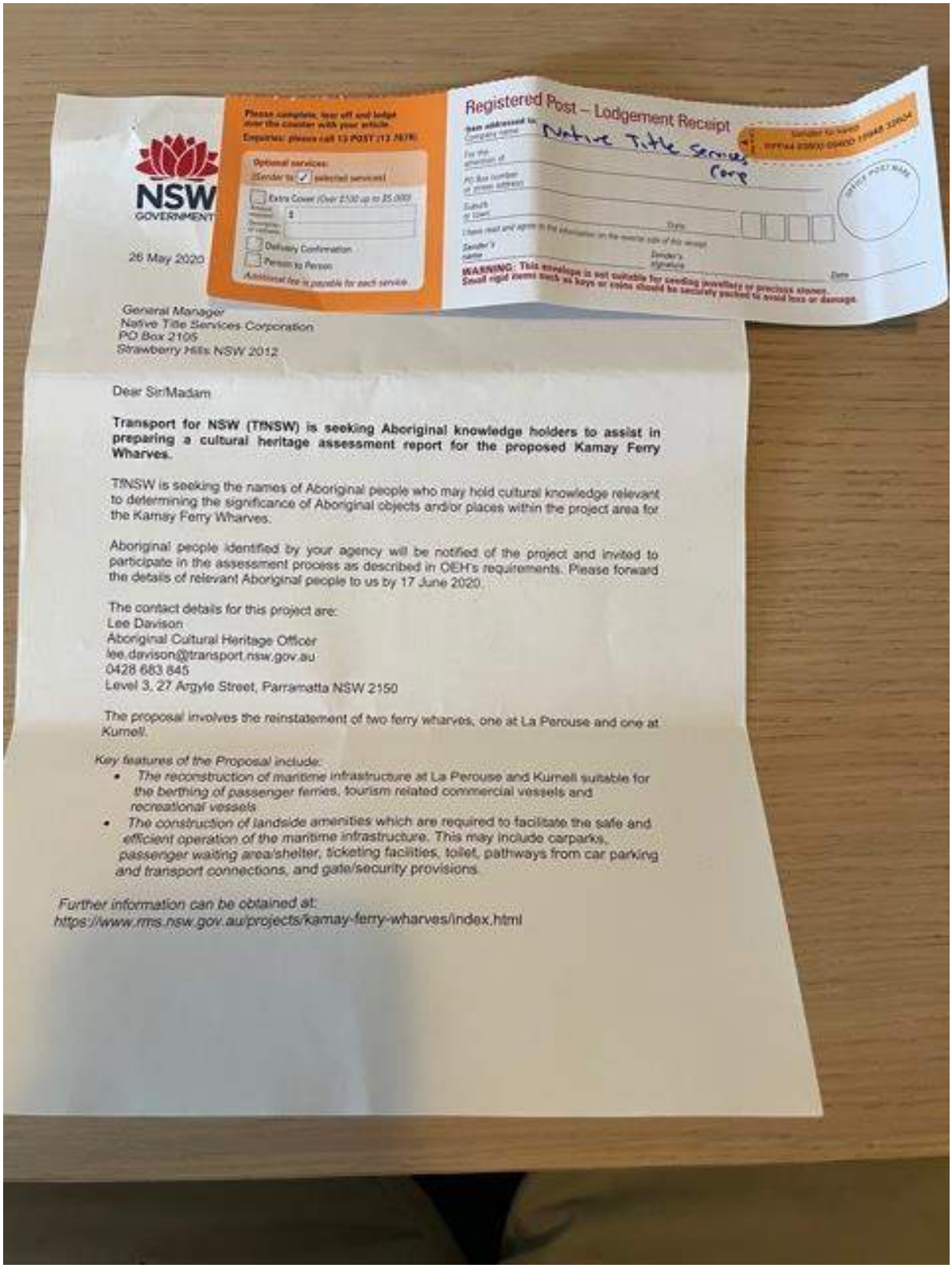

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Native Title Services Corp

26 May 2020

General Manager
Native Title Services Corporation
PO Box 2105
Strawberry Hills NSW 2012

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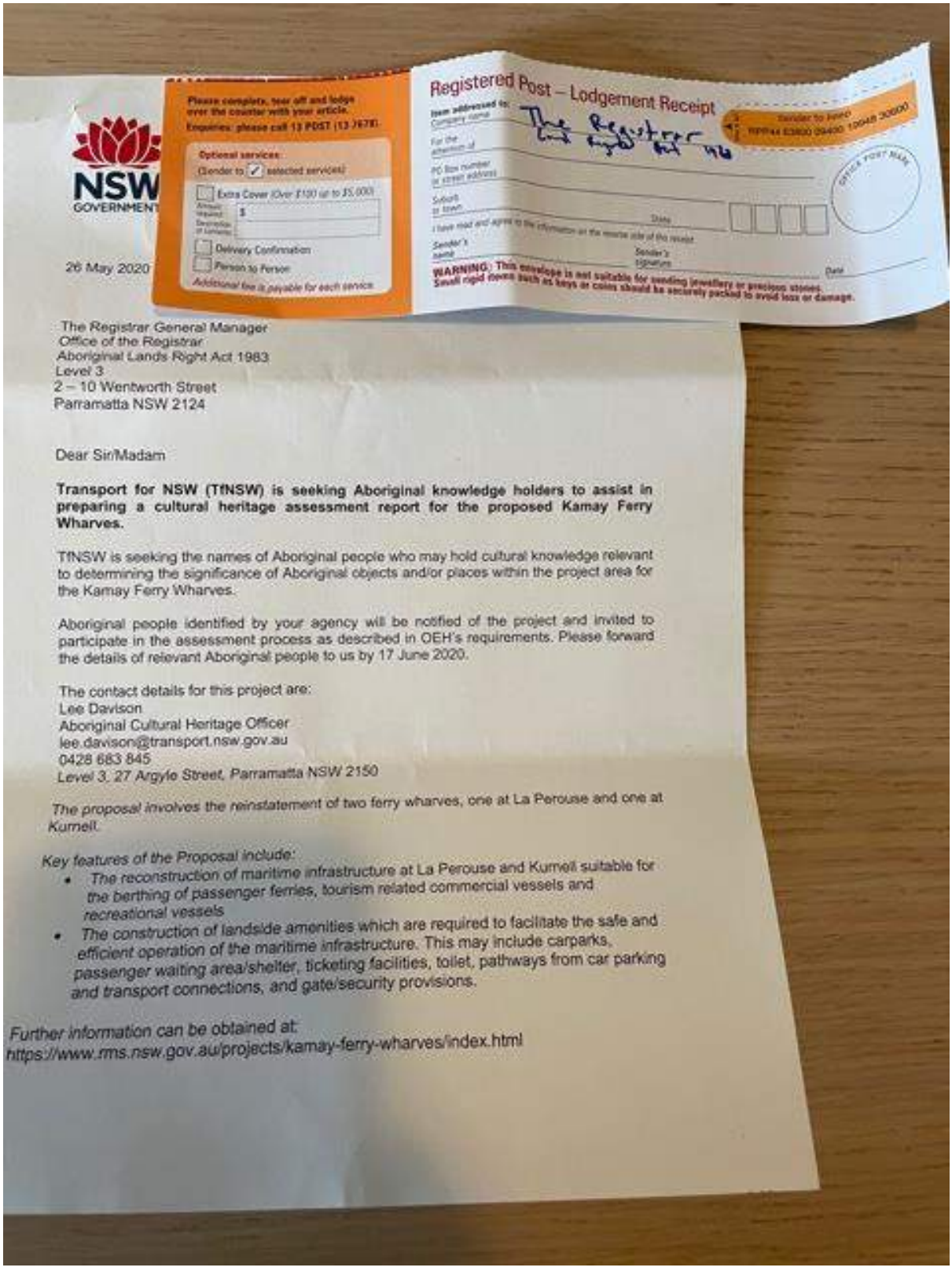

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NSW GOVERNMENT

26 May 2020

The Registrar General Manager
Office of the Registrar
Aboriginal Lands Right Act 1983
Level 3
2 – 10 Wentworth Street
Parramatta NSW 2124

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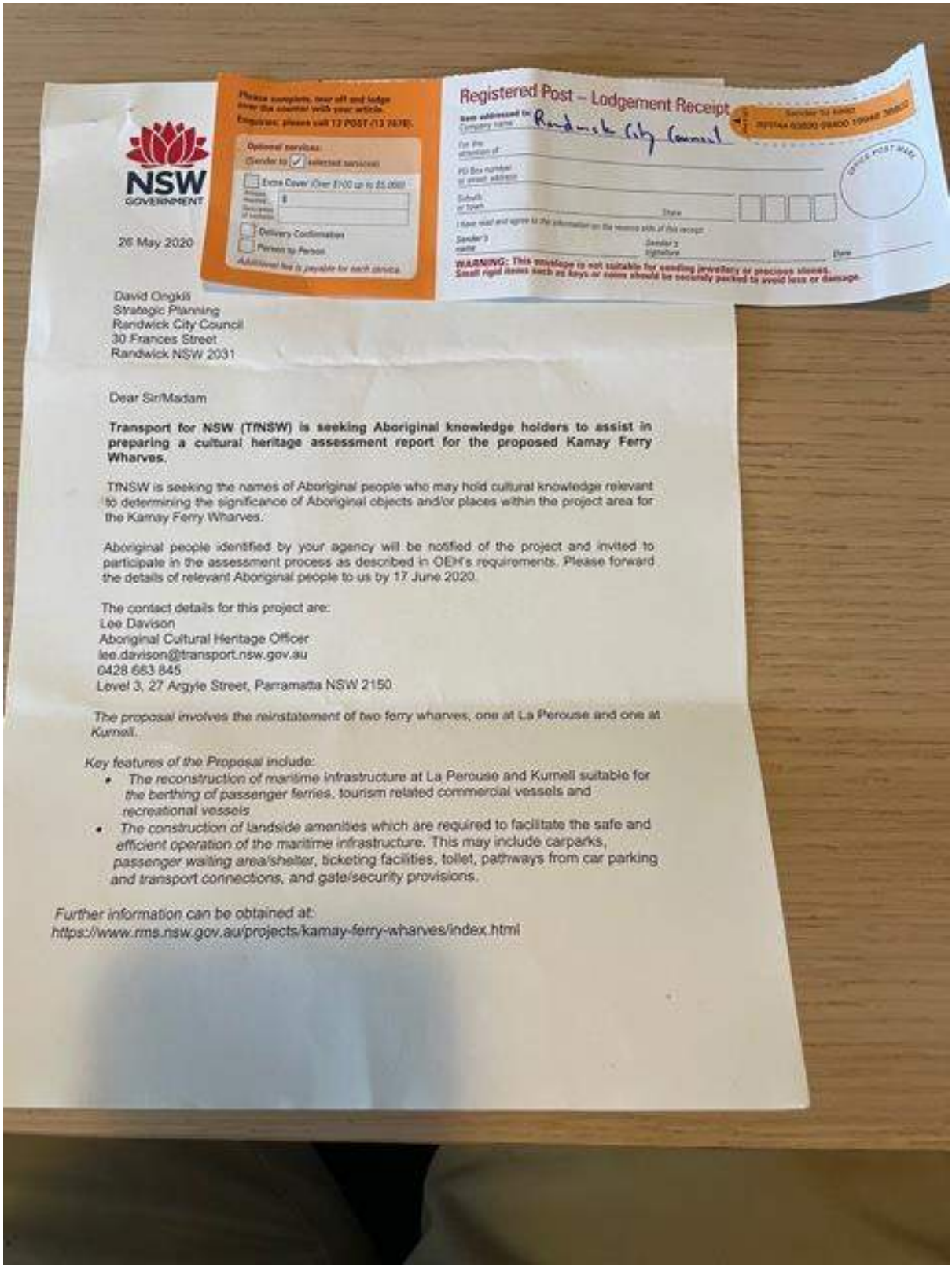

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David Ongkili
Strategic Planning
Randwick City Council
30 Frances Street
Randwick NSW 2031

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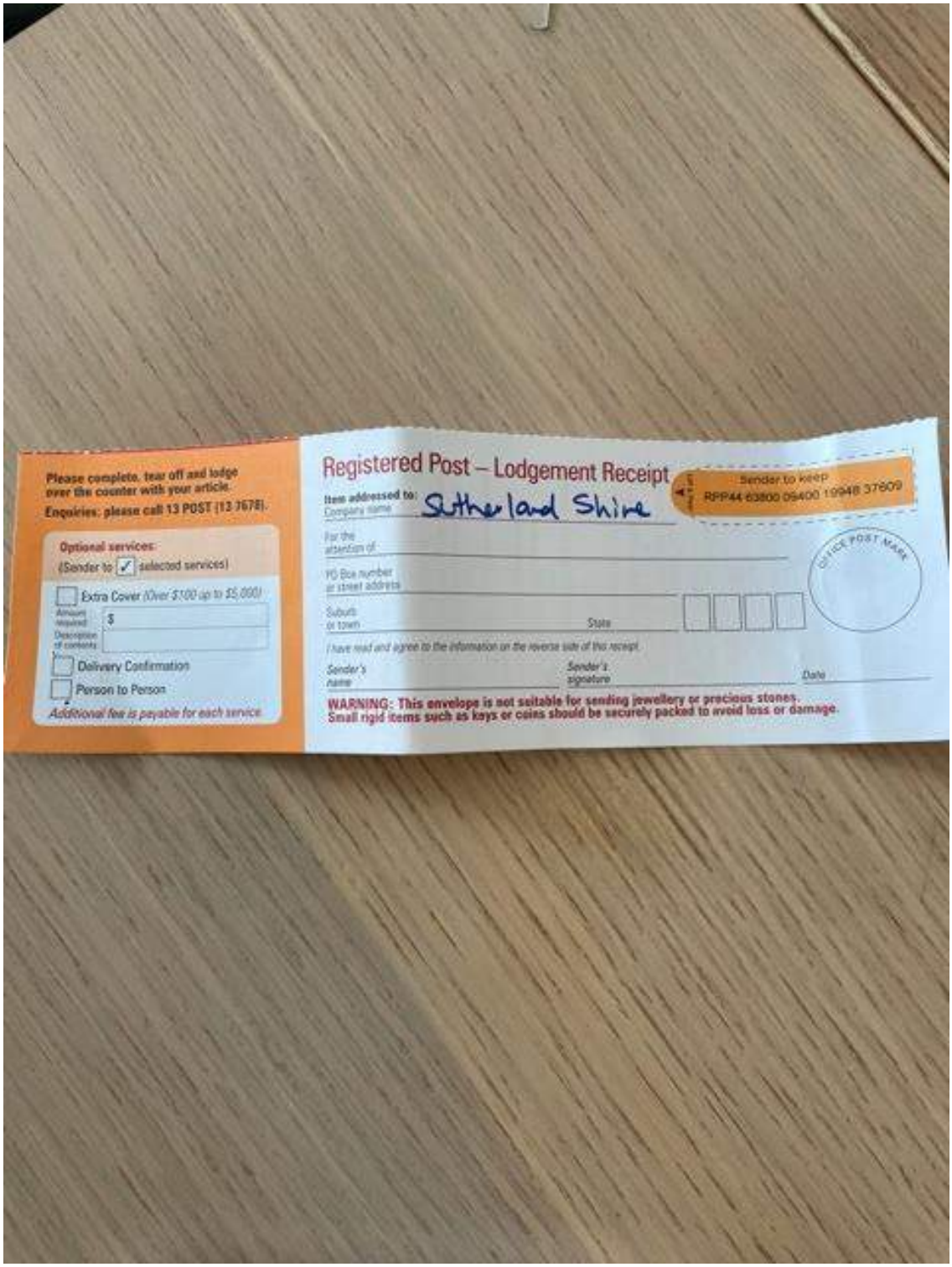

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Enquiries: please call 13 POST (13 7678).

Optional services:
(Sender to ✓ selected services)

☐ Extra Cover (Over $100 up to $5,000)
Amount required: $
Description of contents:
☐ Delivery Confirmation
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Additional fee is payable for each service

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Sender to keep
RPP44 63800 09400 10948 37809

Item addressed to:
Company name: Sutherland Shire
For the attention of:
PO Box number or street address:
Suburb or town: State:

OFFICE POST MARK

I have read and agree to the information on the reverse side of this receipt.
Sender's name: Sender's signature: Date:

WARNING: This envelope is not suitable for sending jewellery or precious stones. Small rigid items such as keys or coins should be securely packed to avoid loss or damage.

CONSULTATION STAGE 4.1.2 – AGENCY RESPONSES

Isabel Wheeler

From: Beth Morris <bmorris@ssc.nsw.gov.au>
Sent: Tuesday, 9 June 2020 4:03 PM
To: Lee Davison
Subject: Aboriginal knowledge holders - Kamay Ferry Wharves

Follow Up Flag: Follow up
Flag Status: Flagged

Lee

I refer to you letter dated 26 May 2020. I understand that TfNSW is seeking the names of Aboriginal people who may assist within the project area for the Kamay Ferry Wharves.

Sutherland Shire Council has an Aboriginal Advisory Sub-Committee. One of the objectives of this sub-committee is "To enhance community awareness of Aboriginal Culture, heritage and socioeconomic issues (eg. health,
the deputy chairperson of this

Alternatively, you could contact the Local Aboriginal Land Council (La Perouse).
https://www.laperouse.org.au/

The OEH also has a register of Aboriginal sites and may be of further assistance:
https://www.environment.nsw.gov.au/topics/aboriginal-cultural-heritage/protect-and-manage/aboriginal-heritage-information-management-system

I hope this assists,
Thanks
Beth

SUTHERLANDSHIRE

Beth Morris
Senior Policy Advisor
Strategic Planning
T 9710 0376 (MTWT)
bmorris@ssc.nsw.gov.au
sutherlandshire.nsw.gov.au

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Isabel Wheeler

From: David Ongkili <David.Ongkili@randwick.nsw.gov.au>
Sent: Monday, 22 June 2020 2:02 PM
To: Lee Davison
Cc: Alan.Bright; Kate Wine
Subject: Kamay Ferry Wharves Project - Aboriginal Knowledge Holders

Importance: High

Dear Lee,
Thank you for your letter dated 26 May 2020 seeking names of Aboriginal knowledge holders to assist in preparing the cultural heritage assessment report for the proposed Kamay Ferry Wharves project.

In response, Council would like to nominate the following persons to be notified of the project and, if required, to be invited to participate in the assessment process for this project.

[redacted]CEO, La Perouse Local Aboriginal Land Council
Contact: [redacted]

[redacted]Chairperson, La Perouse Local Aboriginal Land Council
Contact: [redacted]

Should you have any other questions, please do not hesitate to contact me.

Regards
David

David Ongkili
Coordinator Strategic Planning |Strategic Planning | Randwick City Council
T 02 9093 6793 | M 0405 324 940 | E David.ongkili@randwick.nsw.gov.au | W www.randwick.nsw.gov.au

Randwick City Council

Keep up to date with everything happening in Randwick City through Randwick News, a short weekly email about living in our great city.

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Isabel Wheeler

From: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Sent: Friday, 26 June 2020 6:07 PM
To: Lee Davison
Subject: RE: SR20/604 - Kamay Ferry Wharves - SR20/604

UNCLASSIFIED

Native title search – *NSW Parcels – Multiple*
Your ref: *N/A* - **Our ref:** *SR20/604*

Dear Lee Davison,

Thank you for your search request received on 25 June 2020 in relation to the above area. Based on the records held by the National Native Title Tribunal as at 26 June 2020 it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

Search Results
The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- National Native Title Register
- Register of Indigenous Land Use Agreements
- Notified Indigenous Land Use Agreements

At the time this search was carried out, there were **no relevant entries** in the above databases.

Parcel ID	Feature Area SqKm	NNTT file number	Name	Category	Percent Sele Feature
1//D862586	0.0002	No overlap			0
1081//D752015	0.0003	No overlap			0
3//D232077	0.2551	No overlap			0
5113//D752015	0.0004	No overlap			0
5253//D824002	0.0001	No overlap			0
5254//D824002	0.0002	No overlap			0
5255//D824002	0.0000	No overlap			0
5256//D824002	0.0000	No overlap			0
5257//D824002	0.0003	No overlap			0
7043//D1026891	0.0002	No overlap			0
7044//D1026891	0.0002	No overlap			0
7045//D1026891	0.0004	No overlap			0

7046//D1026891	0.0007	No overlap			
71//D908	0.0173	No overlap			
85//D908	0.0083	No overlap			

Please note: Records held by the National Native Title Tribunal as at 26 June 2020 indicate that the identified parcels listed below appear to be freehold, and freehold tenure extinguishes native title.
The National Native Title Tribunal does not hold data sets for freehold tenure; consequently, we **cannot** conduct searches over freehold. For confirmation of freehold data, please contact the NSW Land and Property Information office or seek independent legal advice.
For further information, please visit our website.

These items not found in NNTT non freehold data:

Parcel ID
1//D915424
1//D934156
1057//D752015
2//D776343
285//D752015
3//D1165618
5086//D752015
1//D776343
SP78989

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The Tribunal accepts no liability for reliance placed on enclosed information
The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

Geospatial Searches
National Native Title Tribunal | Perth
Email: GeospatialSearch@nntt.gov.au | **www.nntt.gov.au**

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Thursday, 25 June 2020 6:03 AM
To: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Subject: SR20/604 - RE: Kamay Ferry Wharves

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

See attached the completed search request form and DP/Lot numbers in relation to the project study area.

Thank you.

Regards,
Lee

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

M 0428 683 845
www.rms.nsw.gov.au
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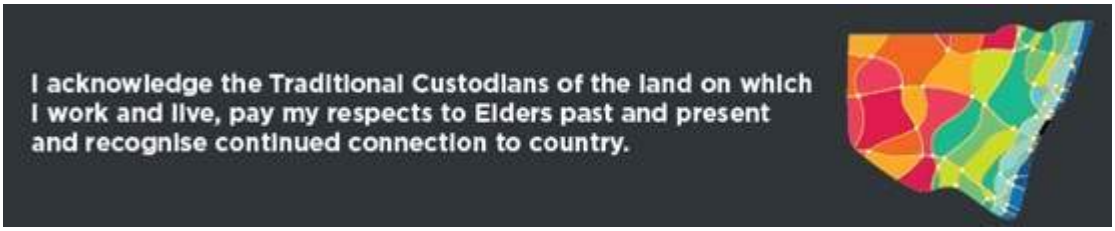
Level 3, 27-31 Argyle Street Parramatta 2150



From: Geospatial Search Requests [mailto:GeospatialSearch@NNTT.gov.au]
Sent: Tuesday, 16 June 2020 4:03 PM
To: Lee Davison
Subject: Kamay Ferry Wharves

UNCLASSIFIED

Native title search – *NSW*
Your ref: *Kamay Ferry Wharves* - **Our ref:** *N/A*

> **E-mail address for Geospatial Searches**
> To ensure your search requests are received and processed in a timely manner, please forward to GeospatialSearch@NNTT.gov.au with a ***completed search request form***. We have attached our current form for your convenience.

Dear Lee Davison,

Thank you for your search request received on 16 June 2020. To enable us to complete the search appropriately and adequately, please fill out the attached search form and return to us via GeospatialSearch@NNTT.gov.au

Cultural Heritage Searches in NSW
The National Native Title Tribunal (the Tribunal) has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas. The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. Information on native title claims, native title determinations and Indigenous Land Use Agreements is available on the Tribunal's website.

Interested parties are invited to use Native Title Vision (NTV) the Tribunal's online mapping system to discover native title matters in their area of interest. Access to NTV is available at http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx
Training and self-help documents are available on the NTV web page under "Training and help documents". For additional assistance or general advice on NTV please contact GeospatialSearch@NNTT.gov.au

Additional information can be extracted from the Registers available at http://www.nntt.gov.au/searchRegApps/Pages/default.aspx

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

Geospatial Searches
National Native Title Tribunal | Perth
Email: GeospatialSearch@nntt.gov.au | **www.nntt.gov.au**

Before printing, please consider the environment

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OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

11 June 2020

By email: lee.davison@transport.nsw.gov.au

Lee Davison
Aboriginal Culture Heritage Officer
Transport for NSW
L3, 27 Argyle Street
Parramatta NSW 2150

Dear Lee,

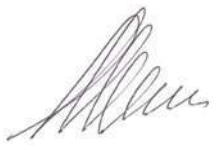
Request - Search for Registered Aboriginal Owners

We refer to your letter dated 26 May 2020 regarding Aboriginal community consultation for the Kamay Ferry Wharves development located in La Perouse in NSW. I apologise for the delay in responding to your request.

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 currently no Registered Aboriginal Owners in the project area.

As you may be aware the Office of the Registrar, *Aboriginal Land Rights Act 1983* is currently undertaking a research project to identify Aboriginal Owners for Kamay/ Botany Bay National Park however at this stage we are not in a position to identify individuals to speak for this group. Ultimately, there will be Aboriginal Owners registered for Kamay/Botany Bay National Park who will become stakeholders in your project. Until then, we suggest you contact La Perouse Local Aboriginal Land Council on 02 9311 4282 as they may be able to assist you in identifying Aboriginal stakeholders who wish to participate.

Yours sincerely,



Megan Mebberson
Senior Manager
Office of the Registrar, *Aboriginal Land Rights Act 1983*

Address: Level 3, 2 – 10 Wentworth Street, PARRAMATTA NSW 2150
Post: P.O Box 5068, PARRAMATTA NSW 2124
Phone: 02 8633 1266

Our reference: Doc20/422504

Lee Davison
RMS
Aboriginal Cultural Heritage Officer
Level 3, 27 Argyle Street
Parramatta 2150

Dear Lee,

Thank you for your letter dated 21 February 2020 to the Department of Planning Industry and Environment (the Department) regarding obtaining a list of the Aboriginal stakeholders that may have an interest in the proposed development for the Kamay Wharfs.

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

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

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

Yours sincerely

6 June 2020

Fran Scully
Senior Team Leader Aboriginal Cultural Heritage Regulation
Greater Sydney Branch
Environment, Energy and Science

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 updated 14 May 2020

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CONSULTATION STAGE 4.1.3 – INVITATION TO REGISTER INTEREST

6 August, 2020

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

You have been identified by the Department of Planning, Industry and Environment as an Aboriginal person or organisation with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, Transport for New South Wales (TfNSW) invites you to participate in community consultation for this project.

To register your interest to be consulted about this project, please contact the following: Lee Davison, Aboriginal Cultural Heritage Officer – TfNSW
lee.davison@transport.nsw.gov.au
0428 683 845
Lvl 3, 27 Argyle Street, Parramatta NSW 2150
To be involved in the consultation process, responses must be received by 19 August, 2020.

TfNSW proposes to implement:

- The reconstruction of maritime infrastructure at La Perouse and Kurnell suitable for the berthing of passenger ferries, tourism related commercial vessels and recreational vessels
- The construction of landside amenities which are required to facilitate the safe and efficient operation of the maritime infrastructure. This may include carparks, passenger waiting area/shelter, ticketing facilities, toilet, pathways from car parking and transport connections, and gate/security provisions.

Further information can be obtained at:
https://www.rms.nsw.gov.au/projects/kamay-ferry-wharves/index.html

This notification is being undertaken in accordance with section 4.1.1 of the Office of Environment and Heritage's *Aboriginal cultural heritage consultation requirements for proponents (2010*).

Community consultation may assist the RMS to (a) prepare an Aboriginal Heritage Impact Permit (AHIP) application for the project, or (b) undertake archaeological testing in accordance with OEH's *Code of practice for archaeological testing in NSW*, or (c) prepare an environmental assessment under Part 4.1 or 5.1 of the *Environmental Planning & Assessment Act 1979.*

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

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Aboriginal Cultural Heritage Officer

6 August, 2020

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6 August, 2020

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Dear Sir/Madam

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Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

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This notification is being undertaken in accordance with section 4.1.1 of the Office of Environment and Heritage's *Aboriginal cultural heritage consultation requirements for proponents (2010*).

Community consultation may assist the RMS to (a) prepare an Aboriginal Heritage Impact Permit (AHIP) application for the project, or (b) undertake archaeological testing in accordance with OEH's *Code of practice for archaeological testing in NSW*, or (c) prepare an environmental assessment under Part 4.1 or 5.1 of the *Environmental Planning & Assessment Act 1979.*

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

[redacted] king Group
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

You have been identified by the Department of Planning, Industry and Environment as an Aboriginal person or organisation with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, Transport for New South Wales (TfNSW) invites you to participate in community consultation for this project.

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lee.davison@transport.nsw.gov.au
0428 683 845
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TfNSW proposes to implement:

- The reconstruction of maritime infrastructure at La Perouse and Kurnell suitable for the berthing of passenger ferries, tourism related commercial vessels and recreational vessels
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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Thauaira
[redacted]

Dear Sir/Madam

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

[redacted]

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Mura Indigenous Corporation
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Ngambaa Cultural Connections
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

B.H. Heritage Consultants
[redacted]

Dear Sir/Madam

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Nundagurri
[redacted]

Dear Sir/Madam

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Pemulwuy CHTS
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

B.H. Heritage Consultants
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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Walbunja
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Walgalu
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

13 August, 2020

[redacted]
Sutherland Shire Council Aboriginal
Advisory Sub-Committee

Dear [redacted],

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

You have been identified by the Sutherland Shire Council as an Aboriginal person or organisation with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, Transport for New South Wales (TfNSW) invites you to participate in community consultation for this project.

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Wingikara
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Wurrumay Pty Ltd
[redacted]

Dear Sir/Madam

Aboriginal community consultation notification for proposed Kamay Ferry Wharves project

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Lee Davison
Aboriginal Cultural Heritage Officer

6 August, 2020

Didge Ngunawal Clan
[redacted]

Dear [redacted]

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Lee Davison
Aboriginal Cultural Heritage Officer

Please complete, tear off and lodge over the counter with your article.
Enquiries: please call 13 POST (13 7678).

Optional services:
(Sender to ✓ selected services)

- Extra Cover (Over $100 up to $5,000)
  - Amount required: $
  - Description of contents:
- Delivery Confirmation
- Person to Person

Additional fee is payable for each service.

Registered Post – Lodgement Receipt

Item addressed to:
Company name:
For the attention:
PO Box no. or street:
Suburb or town:
I have read and agree to the information on the reverse side of this receipt.
Sender's name: JA
Sender's signature: JA
Date: 8/8/20

Sender to keep
RPP44 63800 09400 26242 62600

OFFICE POST MARK

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Optional services:
(Sender to ✓ selected services)
Extra Cover (Over $100 up to $5,000)
Amount required $
Description of contents
Delivery Confirmation
Person to Person
Additional fee is payable for each service.
Registered Post – Lodgement Receipt
Item addressed to:
Company name
Sender to keep
RPP44 63800 09400 26242 67608
OFFICE POST MARK
Sender's name
Sender's signature
JA
Date 8/5/20
WARNING: This envelope is not suitable for sending jewellery or precious stones.
Small rigid items such as keys or coins should be securely packed to avoid loss or damage.
Please complete, tear off and lodge over the counter with your article.
Enquiries: please call 13 POST (13 7678).
Optional services:
(Sender to ✓ selected services)
Extra Cover (Over $100 up to $5,000)
Amount required $
Description of contents
Delivery Confirmation
Person to Person
Additional fee is payable for each service.
Registered Post – Lodgement Receipt
Item addressed to:
Company name
Sender to keep
RPP44 63800 09400 26242 67605
OFFICE POST MARK
Sender's name JA
Sender's signature
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Extra Cover (Over $100 up to $5,000)
Amount required $
Description of contents
Delivery Confirmation
Person to Person
Additional fee is payable for each service.
Registered Post – Lodgement Receipt
Item addressed to:
Company name
Sender to keep
RPP44 63800 09400 26242 67602
OFFICE POST MARK
Sender's name J·A
Sender's signature
Date 8/5/20
WARNING: This envelope is not suitable for sending jewellery or precious stones.
Small rigid items such as keys or coins should be securely packed to avoid loss or damage.
Please complete, tear off and lodge over the counter with your article.
Enquiries: please call 13 POST (13 7678).
Optional services:
(Sender to ✓ selected services)
Extra Cover (Over $100 up to $5,000)
Amount required $
Description of contents
Delivery Confirmation
Person to Person
Additional fee is payable for each service.
Registered Post – Lodgement Receipt
Item addressed to:
Company name
Minna Munning
Sender to keep
RPP44 63800 09400 26242 67609
OFFICE POST MARK
Sender's name J
Sender's signature
Date 8/5/20
WARNING: This envelope is not suitable for sending jewellery or precious stones.
Small rigid items such as keys or coins should be securely packed to avoid loss or damage.

Please complete, tear off and lodge over the counter with your article.

Enquiries: please call 13 POST (13 7678).

Optional services:
(Sender to ✓ selected services)

☐ Extra Cover (Over $100 up to $5,000)
Amount required $
Description of contents

☐ Delivery Confirmation

☐ Person to Person

Additional fee is payable for each service.

Registered Post – Lodgement Receipt

Sender to keep
RPP44 60800 09406 26242 70605

Item addressed to:
Company name William
For the attention of [redacted]
PO Box number or street [redacted]
Suburb or town

OFFICE POST MARK

I have read and agree to the information on the reverse side of this receipt.

Sender's name J
Sender's signature
Date 8/8/20

WARNING: This envelope is not suitable for sending jewellery or precious stones. Small rigid items such as keys or coins should be securely packed to avoid loss or damage.

CONSULTATION STAGE 4.1.3 – ADVERTISEMENT

NSW GOVERNMENT

Transport for NSW

Aboriginal Heritage
Kamay Ferry Wharves

Transport for New South Wales (TfNSW) invites Aboriginal people and Aboriginal groups who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places for the proposed Kamay Ferry Wharves to register to be consulted.

TfNSW are investigating options for the new ferry wharves at La Perouse and Kurnell in Botany Bay.

The study area is at Kurnell at the Kamay National Park and at La Perouse opposite the museum on Anzac Parade. Please email kamayferrywharves@transport.nsw.gov.au or call 1800 228 554 to view a map of the study area.

More information is at https://www.rms.nsw.gov.au/projects/kamay-ferry-wharves/index.html

The proposal may result in the TfNSW:

- Applying for an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the *National Parks and Wildlife Act 1974,* and/or
- Undertaking investigations in accordance with the *Code of practice for archaeological investigations in NSW 2010*, and/or
- Undertaking an environmental impact assessment under the *Environmental Planning & Assessment Act 1979.*

BLZ1 SB1420

To register your interest, please contact:
Lee Davison, Aboriginal Cultural Heritage Officer
Phone: 0428 683 845
Email: kamayferrywharves@transport.nsw.gov.au
Mail: Level 3, 27 Argyle Street, Parramatta NSW 2150

Registrations must be received by phone or in writing by 17 June 2020.

CONSULTATION STAGE 4.1.3 – STAKEHOLDER REGISTRATIONS OF INTEREST

From: [redacted]
Sent: Tuesday, 18 August 2020 6:38 PM
To: Lee Davison
Subject: Aboriginal Community Consultation for proposed Kamay Ferry Wharves Project

Dear Lee,

Barraby would like to be consulted for the proposed Kamay Ferry Wharves Project.

Many Thanks,

This email is intended only for the addressee and may contain confidential information. If you receive this email in error please delete it and any attachments and notify the sender immediately by reply email. Transport for NSW takes all care to ensure that attachments are free from viruses or other defects. Transport for NSW assume no liability for any loss, damage or other consequences which may arise from opening or using an attachment.

P Consider the environment. Please don't print this e-mail unless really necessary.

From [redacted]
Sent: Tuesday, 18 August 2020 6:38 PM
To: Lee Davison
Subject: Aboriginal Community Consultation for proposed Kamay Ferry Wharves Project

Dear Lee,

Yurrandaali Pty Ltd would like to be consulted for the proposed Kamay Ferry Wharves Project.

Thanks

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From: [redacted]

Sent: Wednesday, 19 August 2020 4:44 PM
To: Lee Davison
Subject: Registration of Interest

Lee

I instruct you to register Matthew Coe and Andrew Coe as persons with cultural and lore knowledge for the Aboriginal community consultation notification for proposed Kamay Ferry Wharves project.

This email is intended only for the addressee and may contain confidential information. If you receive this email in error please delete it and any attachments and notify the sender immediately by reply email. Transport for NSW takes all care to ensure that attachments are free from viruses or other defects. Transport for NSW assume no liability for any loss, damage or other consequences which may arise from opening or using an attachment.

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From: [redacted]
Sent: Thursday, 20 August 2020 5:36 PM
To: 'Margaret Harvie'
Cc: Lee Davison
Subject: RE: Receipt of Registration

Thank you Margaret,

I've read Lee's letter—I'm happy to contribute any way I can.

I don't require confidentiality and I'm happy for my name to be known by any other agencies or participants.

I will now wait for any correspondence from either yourself or Lee.

[redacted]

From: Margaret Harvie [mailto:margaret@plancom.com.au]
Sent: Thursday, 20 August 2020 4:42 PM
To: [redacted]
Cc: Lee Davison
Subject: Receipt of Registration

Greetings

Please find attached a letter from Lee Davison Aboriginal Cultural Heritage Officer, Transport for NSW in response to your recent registration to participate in Aboriginal cultural heritage assessment process for Kamay Ferry Wharves.

Regards

Kamay Ferry Wharves Project Team

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From: [redacted]
Sent: Wednesday, 3 June 2020 12:36 PM
To: Kamay Ferry Wharves <kamayferrywharves@transport.nsw.gov.au>
Subject: registration of Interest- Kamay Ferry Wharves

Good morning,

I would like to register my interest for consultation for the Kamay Ferry Wharves project at La Perouse.

I am an Aboriginal woman from Biripi country and I have lived in La Perouse since 1997 and I am an active contributor and recognised in our La Perouse community. My family members have lived in La Perouse for over 50 years and have contributed to a number of community initiatives over this time including Cann Park, the La Perouse Museum.

I am happy to discuss in further and I am available on [redacted]

Kind regards,

[redacted]

La Perouse Resident

From: [redacted]
Sent: Thursday, 13 August 2020 2:49 PM
To: Lee Davison
Subject: Re: Kamay Ferry Wharves - Consultation

Hi lee

DNC would like to register an interest into kamay ferry wharves

Kind regards DNC

From: [redacted]
Sent: Wednesday, 12 August 2020 12:14 PM
To: Margaret Harvie; Lee Davison
Subject: RE: Kamay Ferry Wharves Project

Hi Margaret & Lee

Thank you for informing us that **Transport NSW** will be involved in an Aboriginal Cultural Heritage Assessment **Kamay Ferry Wharves Project** &, that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

As a senior Aboriginal person for the past 40yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.

I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Should you wish me to provide further information, please do not hesitate to contact me on [redacted] or on [redacted].

Kind Regards

[redacted]

From: Gulaga
Date: Thursday, 20 August 2020 at 8:05 pm
To: Margaret Harvie <margaret@plancom.com.au>
Subject: Re: Kamay Ferry Wharves Project

Hi Margaret

Thank you for the email, Gulaga is most certainly interested in assisting you with this up and coming project. Please see my attached cover letter, could you also please forward this email onto Lee davison as the email account has bounced back when trying to send my interest in the upcoming project.

hope to hear from you soon

Kind Regards

Cultural Heritage Officer

Gulaga

This email may contain privileged information. Privilege is not waived if it has been sent to you in error, or if you are not the intended recipient. Please immediately notify me and delete the email if you have received this in error.

From: [redacted]
Sent: Tuesday, 11 August 2020 10:56 AM
To: Lee Davison
Subject: Kamay Ferry Wharves Project

A1 INDIGENOUS SERVICES PTY LTD

Contact
M: [redacted]
E: [redacted]
A: [redacted]
ACN: [redacted]

Hi Lee,
I would like to register for consultation Meetings and field work, I hold cultural knowledge relevant to determining the cultural significance of any Aboriginal objects and values that exist within the project area.
Kind Regards,
[redacted]

We would like the TFNSW to consider including A1's, Kawalkan youth employees for all future field work.
The Kawalkan Youth Program is a designed program created to employ young indigenous youths between the ages of (18-30) years of age.

OUR MISSION

Building strength in aboriginal families, communities, and services.

It is our mission to commit to an innovative approach to a better future for our indigenous youth.
Giving our youth the opportunity to be employed or gain work experience in a culturally sensitive work environment also giving our youth the opportunity to work on country and continue the tradition of passing down

Cultural knowledge from one generation to the next – continuing the importance of keeping culture.

From [redacted]
Date: Friday, 28 August 2020 at 2:43 pm
To: Margaret Harvie <margaret@plancom.com.au>
Subject: Kamay Ferry Wharves.

Hi Margaret

Warragil cultural services would like to register interest in the above project if you need anything further from me please do not hesitate to contact me cheers.

Kind regards

From: Margaret Harvie [mailto:margaret@plancom.com.au]
Sent: Monday, 10 August 2020 11:30 AM
To: [redacted]
Cc: Lee Davison
Subject: Re: EOI - Kamay Ferry Wharves Project

HI [redacted]

Lee Davidson is the person to ask about this.

Copied to this email.

Regards

From: [redacted]
Date: Monday, 10 August 2020 at 11:20 am
To: Margaret Harvie <margaret@plancom.com.au>
Subject: Re: EOI - Kamay Ferry Wharves Project

Good Morning Margaret

Hope you are well.

Sorry this email was in my Junk file.

Can we still register an interest,

Regards

From: Lee Davison
Sent: Monday, 17 August 2020 10:47 AM
To: [redacted]
Subject: RE: Kamay Ferry Wharves - Consultation

Hi [redacted],

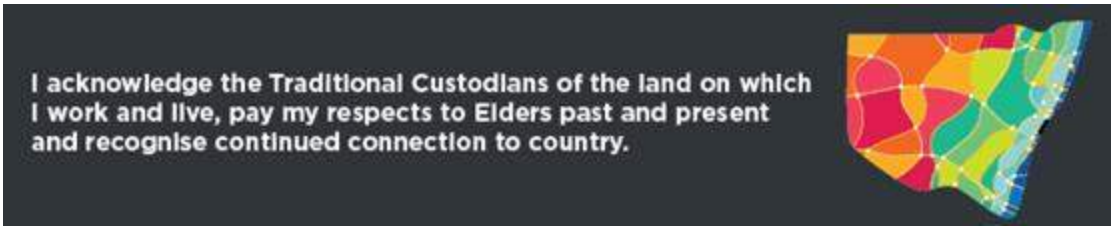
Thanks for your response. I will register the SSCAAC for consultation.

Regards,
Lee

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

M 0428 683 845
www.rms.nsw.gov.au
Every journey matters

Roads and Maritime Services
Level 3, 27-31 Argyle Street Parramatta 2150



From: [redacted]
Sent:
To: Lee Davison
Subject: RE: Kamay Ferry Wharves - Consultation

Hi Lee,
Thank you for contacting me.
I'm sure Sutherland Shire Council Aboriginal Advisory Sub-Committee members will be very pleased to be included in discussions surrounding the planned establishment of the Kamay ferry wharves, and will try to help in whatever way assists you.
So please register our committee for consultation.
Thanks,
[redacted] on behalf of SSCAAC)

From: Lee Davison [mailto:Lee.davison@transport.nsw.gov.au]
Sent: Thursday, 13 August 2020 2:20 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Consultation

Hi Bruce,

As the attached letter states, I was given your contact details by the Sutherland Shire Council. The Sutherland Shire Council Aboriginal Advisory Sub-Committee was identified as a potent Aboriginal stakeholder that may hold cultural knowledge in relation to the Kamay ferry Wharves.
If you would like to register the Sutherland Shire Council Aboriginal Advisory Sub-Committee for consultation please advise me by the 19 August.
Thank you.

Regards,
Lee

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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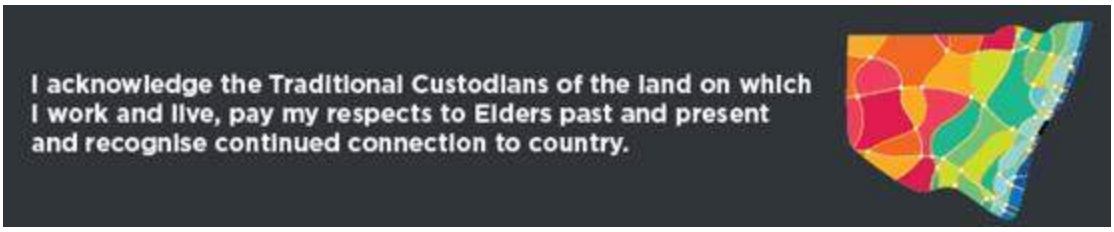

NSW GOVERNMENT | Transport for NSW

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20 August 2020

Yurrandaali Pty Ltd

Dear [redacted]

Receipt of registration to participate in Aboriginal cultural heritage assessment process for Kamay Ferry Wharves.

Thank you for registering your interest with Transport for New South Wales (TfNSW) to be involved in the Aboriginal cultural heritage consultation process for this project.

Shortly, you will receive an invitation to attend an Aboriginal focus group meeting. At this meeting, TfNSW will present an overview of the project; describe the statutory approvals process; outline critical milestones and invite you to discuss or present cultural information relevant to the Aboriginal objects or places that may be affected by the project. If you would like to discuss any aspect of the project or areas of concern for you confidentially, that can be arranged.

We understand that with the current situation with COVID-19, steps should be taken to avoid personal contact and minimise risk of infection. Therefore we will be hosting an online meeting via Microsoft Teams. This includes a phone line available to call in.

You will receive a copy of the draft archaeological methodology which will outline how TfNSW proposes to manage its impact on Aboriginal objects and/or places. You are invited to review this methodology and provide comments.

As part of the consultation process, TfNSW is required to give Department of Planning, Industry and Environment (DPIE) and the La Perouse local Aboriginal land council the names of all parties that have registered**. If you do not want your name to be forwarded, please inform the contact person for this project.**

The contact person for this project is:
Lee Davison, Aboriginal Cultural Heritage Officer – TfNSW
lee.davison@transport.nsw.gov.au
0428 683 845
Lvl 3, 27 Argyle Street, Parramatta NSW 2150

This Aboriginal community consultation will be undertaken in accordance with:

- The Office of Environment and Heritage (OEH) Aboriginal cultural heritage consultation requirements for applicants 2010; and
- The TfNSW *Procedure for Aboriginal cultural heritage consultation and investigation* 2010.

By registering for this project, you will have an opportunity to inform TfNSW about cultural values that are important to you. Please note that your registration does not guarantee you paid work on this project.

I look forward to working with you.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

20 August 2020

[redacted]
Sutherland Shire Council
Aboriginal Advisory Sub-Committee

Dear [redacted]

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I look forward to working with you.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

21 August 2020

[redacted]

Dear [redacted]

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I look forward to working with you.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

20 August 2020

Barraby Cultural Services

Dear [redacted]

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Yours sincerely

Lee Davison
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20 August 2020

Didge Ngunawal Clan

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I look forward to working with you.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

20 August 2020

[redacted]

Dear [redacted]

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

20 August 2020

[redacted]

Dear [redacted]

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The contact person for this project is:
Lee Davison, Aboriginal Cultural Heritage Officer – TfNSW
lee.davison@transport.nsw.gov.au
0428 683 845
Lvl 3, 27 Argyle Street, Parramatta NSW 2150

This Aboriginal community consultation will be undertaken in accordance with:

- The Office of Environment and Heritage (OEH) Aboriginal cultural heritage consultation requirements for applicants 2010; and
- The TfNSW *Procedure for Aboriginal cultural heritage consultation and investigation* 2010.

By registering for this project, you will have an opportunity to inform TfNSW about cultural values that are important to you. Please note that your registration does not guarantee you paid work on this project.

I look forward to working with you.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

20 August 2020

Wailwan Aboriginal Group

Dear [redacted]

Receipt of registration to participate in Aboriginal cultural heritage assessment process for Kamay Ferry Wharves.

Thank you for registering your interest with Transport for New South Wales (TfNSW) to be involved in the Aboriginal cultural heritage consultation process for this project.

Shortly, you will receive an invitation to attend an Aboriginal focus group meeting. At this meeting, TfNSW will present an overview of the project; describe the statutory approvals process; outline critical milestones and invite you to discuss or present cultural information relevant to the Aboriginal objects or places that may be affected by the project. If you would like to discuss any aspect of the project or areas of concern for you confidentially, that can be arranged.

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I look forward to working with you.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

20 August 2020

Kamilaroi Yankuntjatjara
Working Group

Dear [redacted]

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20 August 2020

Gujaga Foundation

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20 August 2020

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Gweagal-Bidjigal Sovereign

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

From: Estelle Ouari
Sent: Friday, 28 August 2020 10:09 AM
To: [redacted]
Cc: Lee Davison; Margaret Harvie
Subject: RE: Workshop invitation

Good Morning,

Please find also enclosed a copy of the Aboriginal Archaeological Survey Report (draft) for your information.

Regards,

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

NSW GOVERNMENT | Transport for NSW

I acknowledge the traditional owners and custodians of the land in which I work and pay my respects to Elders past, present and future.

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From: Estelle Ouari
Sent: Friday, 28 August 2020 10:03 AM
To: [redacted]
Cc: Lee Davison; Margaret Harvie
Subject: RE: Workshop invitation

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CONSULTATION STAGE 4.2.4 – ABORIGINAL FOCUS GROUP AND CONSULTATION STAGE 4.3.1 – DRAFT TEST EXCAVATION METHODOLOGY SENT TO STAKEHOLDERS

Isabel Wheeler

From: Margaret Harvie <margaret@plancom.com.au>
Sent: Wednesday, 26 August 2020 9:02 PM
To: [redacted]
Cc: Lee Davison
Subject: Workshop invitation
Attachments: AFG Agenda - Kamay Ferry Wharves.pdf; TEM-20000-Kamay-Draft_200826 clean.pdf; Site Officer Application Form - Kamay Ferry Wharves - Copy[2].docx; Invitation to Aboriginal focus Group Meeting - Matthew and Andrew Coe.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for registering to participate in Aboriginal cultural heritage assessment process for Kamay Ferry Wharves.

Please find attached an invitation to a workshop to be held Monday 31 August, 2020 at 12 pm.

The meeting is online via Zoom
https://us02web.zoom.us/j/83030762807?pwd=cnFwdURXRk1HVGFpUnVxTjIvZE1HZz09
Meeting ID:[redacted]
Passcode:[redacted]
Dial in number +61 2 8015 6011 (then use the ID and Passcode)

If you are intending to be at the meeting please indicate this to Lee Davison Lee.davison@transport.nsw.gov.au

Also attached is:

1. An agenda for the workshop
2. Site Officer Application that needs to be completed and forwarded to Lee.davison@transport.nsw.gov.au
3. A draft document for your review and comment - **Aboriginal and Non-Aboriginal Test Excavation Methodology**
   You have 28 days from now to review this document so that comments might be incorporated.

Regards

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

From: Margaret Harvie <margaret@plancom.com.au>
Date: Thursday, 20 August 2020 at 4:46 pm
To: [redacted]
Cc: Lee Davison <Lee.davison@transport.nsw.gov.au>
Subject: Receipt of Registration

Greetings

Please find attached a letter from Lee Davison Aboriginal Cultural Heritage Officer, Transport for NSW in response to your recent registration to participate in Aboriginal cultural heritage assessment process for Kamay Ferry Wharves.

Regards

Kamay Ferry Wharves Project Team

25 August, 2020

[redacted]

Yurrandaali Pty Ltd

[redacted]

Dear [redacted]

Invitation to participate in the heritage consultation process and to attend an Aboriginal focus group meeting for the Kamay Ferry Wharves

Transport for New South Wales (TfNSW) proposes to hold an Aboriginal focus group meeting to discuss the management of Aboriginal cultural heritage for this project via Microsoft Team at 12pm – 2pm on Monday 31 August, 2020. An agenda has been enclosed and a meeting request will be sent to your email with a link to join the meeting. A phone number will also be provided for a dial in option. For those without email, you will receive a phone call with more details provided.

TfNSW believes that the project may have an impact on Aboriginal cultural heritage. As a consequence, TfNSW may require approvals under the *National Parks & Wildlife Act 1974* and/or the *Environmental Planning & Assessment Act 1979* for this project.

As part of the consultation process, TfNSW seeks cultural information to identify:

- Whether there are any Aboriginal objects of cultural value to Aboriginal people in the area of the proposed project.
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Also find enclosed a copy of the draft archaeological methodology and archaeological report for your review and comment.

All comments on the cultural values of the study area, the archaeological methodology and/or archaeological report must be received by Friday 18 September, 2020. Comments can be provided in writing, by phone or at the Aboriginal focus group meeting.

Aboriginal site officers may be required to undertake archaeological field work for this project. If you would like to nominate an Aboriginal person (including you) to be considered for a site officer role, please fill in and return the attached Aboriginal Site Officer Application Form.

To register your interest in attending the Aboriginal focus group meeting, you should write, email or phone:
Lee Davison, Aboriginal Cultural Heritage Officer
lee.davison@transport.nsw.gov.au
0428 683 845

We look forward to your participation in the assessment of this project.

Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

25 August, 2020

[redacted]
Sutherland Shire Council
Aboriginal Advisory Sub-Committee
[redacted]

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Lee Davison
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25 August, 2020

Barraby Cultural Services
[redacted]

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Didge Ngunawal Clan
[redacted]

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Yours sincerely

Lee Davison
Aboriginal Cultural Heritage Officer

25 August, 2020

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Dear [redacted]

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Working Group
[redacted]

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La Perouse NSW 2036
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Gweagal-Bidjigal Soveriegn
Tribal Elders Council
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AGENDA

Name of meeting:	Kamay Ferry Wharves Aboriginal heritage assessment focus group
Location of meeting:	Microsoft Teams
Meeting facilitator:	Andrew Dooley, TfNSW Lee Davison, TfNSW Artefact Heritage
Date:	31 August 2020
Time:	12:00pm to 2:00pm

Attendees: Registered Aboriginal Parties, TfNSW, Artefact Heritage, ARUP

1. Welcome to country/acknowledgement

Lee Davison

2. Introductions and apologies

Lee Davison

3. Project proposal and update

Andrew Dooley and David Dack

4. Archaeological assessment

Ryan Taddeucci

We will allow plenty of time here for Aboriginal stakeholders to ask questions and add any relevant comments.

5. Site officer applications

Lee Davison

6. Review of outcomes/actions
Open for general discussion.

All

Meeting End

CONSULTATION STAGE 4.3.1 – DRAFT TEST EXCAVATION METHODOLOGY

From: [redacted]
Sent: Monday, 14 September 2020 11:59 AM
To: Lee Davison
Subject: Report - Kamay Ferry Wharves

Hi Lee.

I have reviewed the draft report and provided my comments and some minor amendments. (apologies in advance - I love to review docs)

Happy to discuss any of my comments further if you need.

Hope you are well brother.

This email is intended only for the addressee and may contain confidential information. If you receive this email in error please delete it and any attachments and notify the sender immediately by reply email. Transport for NSW takes all care to ensure that attachments are free from viruses or other defects. Transport for NSW assume no liability for any loss, damage or other consequences which may arise from opening or using an attachment.

Consider the environment. Please don't print this e-mail unless really necessary.

Kamay Ferry Wharves Project Upgrade

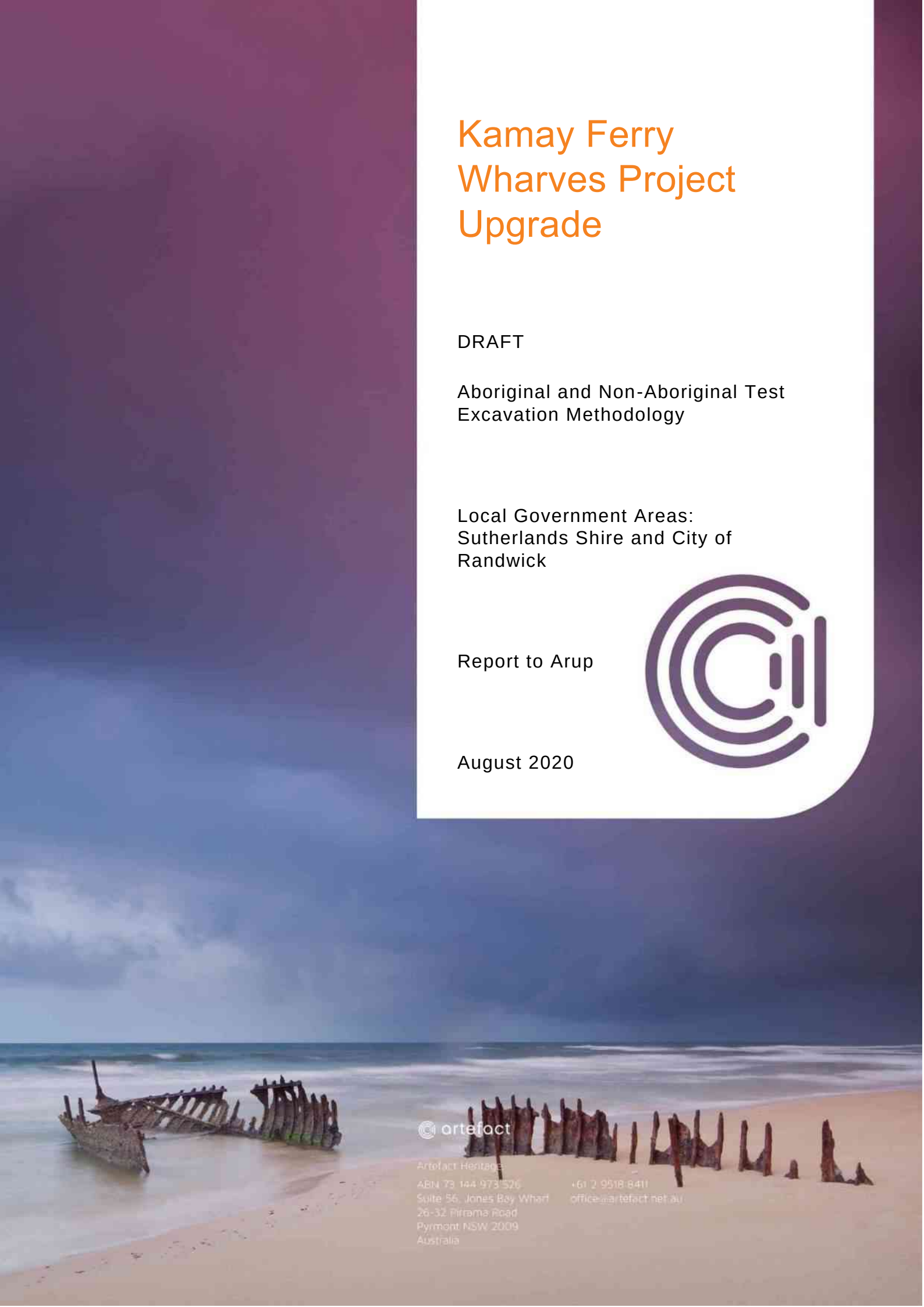
DRAFT

Aboriginal and Non-Aboriginal Test Excavation Methodology

Local Government Areas: Sutherlands Shire and City of Randwick

Report to Arup

August 2020



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Document history and status

Revision	Date issued	Reviewed by	Approved by	Date approved	Review type	Revision type
1	31 July 2020	Josh Symons, Jenny Winnett and Dr Sandra Wallace	Josh Symons, Jenny Winnett and Dr Sandra Wallace	31 July 2020	Quality and compliance	First draft
2	31 July 2020	Arup and TfNSW	Arup and TfNSW	13 August 2020	Client review	Second draft
3	25 August 2020	Josh Symons, Jenny Winnett and Dr Sandra Wallace	Josh Symons, Jenny Winnett and Dr Sandra Wallace	25 August 2020	Quality and compliance	Third draft

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Project manager:	Ryan Taddeucci
Name of organisation:	Artefact Heritage Services Pty Ltd
Name of project:	Kamay Ferry Wharves Project Upgrade
Name of document:	Kamay Ferry Wharves Project Upgrade: Aboriginal and Non-Aboriginal Test Excavation Methodology
Document version:	Draft 4

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1.0 INTRODUCTION

1.1 Project background and scope

In April 2020, Artefact Heritage Services Pty Ltd (Artefact Heritage) completed a non-Aboriginal archaeological Preliminary Environmental Investigation (PEI) as part of the preparation of the environmental topic input for the Kamay Ferry Wharves Project Upgrade. This assessment identified a number of heritage listed archaeological sites, previously identified areas of archaeological potential, and additional areas of archaeological potential within the project area. It was recommended that further investigations could be undertaken within the areas of archaeological potential to inform and support the archaeological assessment to be completed as part of the Environmental Impact Statement (EIS).

In May 2020, Artefact Heritage completed an Aboriginal archaeological survey and heritage assessment for the Kamay Ferry Wharves Project Upgrade in accordance with Stage 2 of the Procedure for Aboriginal Cultural Heritage Consultation and Investigation guidelines (PACHCI) (Roads and Maritime 2011) and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment Climate Change and Water [DECCW] 2010a). The PACHCI Stage 2 assessment identified 11 recorded Aboriginal sites (Figure 2 and Figure 3) within the mapped extent of the Kamay Ferry Wharves project area:

- Site 1, La Perouse (AHIMS ID 45-6-0648)
- Site 2, La Perouse (AHIMS ID 45-6-0649)
- Site 3, La Perouse (AHIMS ID 45-6-0650)
- Site 4, La Perouse (AHIMS ID 45-6-0651)
- Site 5, La Perouse (AHIMS ID 45-6-0652)
- Site 6, La Perouse (AHIMS ID 45-6-0653)
- La Perouse (AHIMS ID 45-6-1144)
- La Perouse (AHIMS ID 45-6-1403)
- La Perouse Midden 19-01 (AHIMS ID Pending)
- Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)
- Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366).

The PACHCI Stage 2 assessment recommended that a test excavation methodology (TEM) was developed for further investigations at La Perouse Midden 19-01 (AHIMS ID Pending), Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366) and Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and test excavations were to be completed under the approval of an Aboriginal Heritage Impact Permit (AHIP) or under the *Environmental Planning and Assessment Act 1979* (EPA Act) for State Significant Infrastructure (SSI) [see Figure 2 and Figure 3].

On 1 July 2020 the Kamay Ferry Wharves Project Upgrade was declared SSI and will be assessed under the EP&A Act. Under Section 5.23 of the EPA Act, approvals for test excavation under the *National Parks and Wildlife Act 1974* (NPW Act) and the *Heritage Act 1977* are not required. The Planning Secretary's Environmental Assessment Requirements (SEARs) application no. SSI-10049 have been issued for the project. The Aboriginal and non-Aboriginal test excavations would be conducted under the project SEARs and Section 5.23 of the EPA Act.

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This Aboriginal and non-Aboriginal test excavation methodology has been prepared to provide information that will inform the EIS Aboriginal and non-Aboriginal Heritage Technical Papers.

1.2 Study area description

The proposal is located in Botany Bay (Kamay) at either side of the ocean entrance to the Bay (Figure 1). Botany Bay (Kamay) is location approximately 14 kilometres south of the Sydney CBD. The scope of this TEM includes both the La Perouse and Kurnell portions of the study area.

The La Perouse portion of the study area is located on the La Perouse headland, which is located next to a residential area and commercial area of Port Botany. Within the headland, La Perouse includes a museum and access to La Perouse park and beaches. The New South Wales Golf Club is located approximately 900 m east. The La Perouse headland is located within the City of Randwick Local Government Area (LGA).

The Kurnell portion of the study area is located along the north-west side of the Kamay Botany Bay National Park and to the east of Silver Beach. It includes the area along the north side of Captain Cook Drive next to a residential area and follows Monument Track along the foreshore to the extant wharf about 60 m north-east of Captain Cook's Landing Place. The Kurnell portion of the study area is located within the Sutherland Shire LGA.

1.3 Project assessment framework

The SEARs relevant to Aboriginal cultural heritage and non-Aboriginal archaeology for the project are summarised in Table 1. This TEM is not aimed at addressing the SEARs and the requirements of the SEARS will be addressed in the EIS Aboriginal and non-Aboriginal Heritage Technical Papers. The purpose of test excavation is to provide information required for both the EIS Aboriginal and non-Aboriginal Heritage Technical Papers to adequately address the SEARS. Table 1 and Table 2 identify where information that is relevant to the SEARs requirements is discussed in this TEM. This information will be used to inform the EIS Aboriginal and non-Aboriginal Heritage Technical Papers.

Table 1:Aboriginal SEARs relevant to this assessment

Requirements	Where discussed in this report
1. Aboriginal Heritage	
1. Direct and/or indirect impacts (including cumulative impacts) to the significance of: (a) Aboriginal places, objects and cultural heritage values, as defined under the National Parks and Wildlife Act 1974 and in accordance with the principles and methods of assessment identified in the current guidelines; (b) Aboriginal places of heritage significance, as defined in the Standard Instrument – Principal Local Environmental Plan; and (c) potential for unknown Aboriginal cultural heritage in the form of submerged terrestrial sites.	1 (a) & 1 (b): Section 4.0 outlines the results of background research to identify any previously identified areas of archaeological potential and Aboriginal sites within the study area. Section 5.0 outlines the proposed methodology for identifying any subsurface Aboriginal objects. Section 6.10 states that an assessment of direct and

Requirements	Where discussed in this report
	indirect impacts will be completed in an ACHAR. 1 (c): The potential for submerged terrestrial sites is not discussed as part of the scope of this report
2. Where archaeological investigations of Aboriginal objects are proposed these must be conducted by a suitably qualified archaeologist, in accordance with section 1.6 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010).	Section 6.5.1 outlines the requirements for personnel completing archaeological investigations for the project.
3. Where impacts to Aboriginal objects and/or places are proposed, consultation must be undertaken with Aboriginal people in accordance with the current guidelines and an Aboriginal Cultural Heritage Assessment Report (ACHAR).	Section 3.0 outlines to consultation with Aboriginal stakeholders undertaken during preparation of this methodology. Section 6.10 states that further details of the consultation of results of the test excavation program will be included in an ACHAR.

Table 2: Non-Aboriginal SEARs relevant to this assessment

Requirements	Where addressed in this report
7. Non-Aboriginal Heritage	
1. Direct and/or indirect impacts to the significance of: (a) environmental heritage, as defined under the *Heritage Act 1977*; (b) items listed on the State, National and World Heritage lists; and (c) heritage items and conservation areas identified in environmental planning instruments applicable to the project area.	1 (a): This TEM does not provide an assessment of impacts to environmental heritage. 1 (b): Section 2.1.1 identifies the heritage items listed on the National Heritage List (NHL) that would be impacted by the project. 1 (c): Section 5.2 identifies the heritage items listed on the Sutherland Shire LEP 2015 that would be impacted by the project and outlines the proposed management methodology.

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Requirements	Where addressed in this report
	Section 6.10 states that an assessment of direct impacts will be included in the test excavation results report and detailed in the EIS Technical Paper.
.2. Where impacts to National, State or locally significant heritage is identified, the assessment must: (a) include a significance assessment, a statement of heritage impact, and an historical archaeological assessment; (b) assess the consistency of the project against conservation policies of any relevant conservation management plan; (c) consider impacts caused by, but not limited to, vibration, demolition, archaeological disturbance, altered historical arrangements and access, visual amenity, landscape and vistas, curtilage, subsidence and architectural noise treatment, drainage infrastructure, contamination remediation and site compounds (as relevant); and (d) be undertaken by a suitably qualified heritage consultant(s) and/or historical archaeologist (note: where archaeological excavations are proposed the relevant consultant must meet the NSW Heritage Council's Excavation Director criteria).	2 (a): Section 4.3 outlines the previously identified archaeological sites/elements identified in the La Perouse CMP and the associated level of significance 2 (b): This TEM does not discuss the consistency of the project against conservation policies 2 (c): Section 5.0 identifies the proposed works which could result in impacts to archaeological remains within the study area 2 (d): Section 6.5.1 outlines the requirements for personnel completing archaeological investigations for the project

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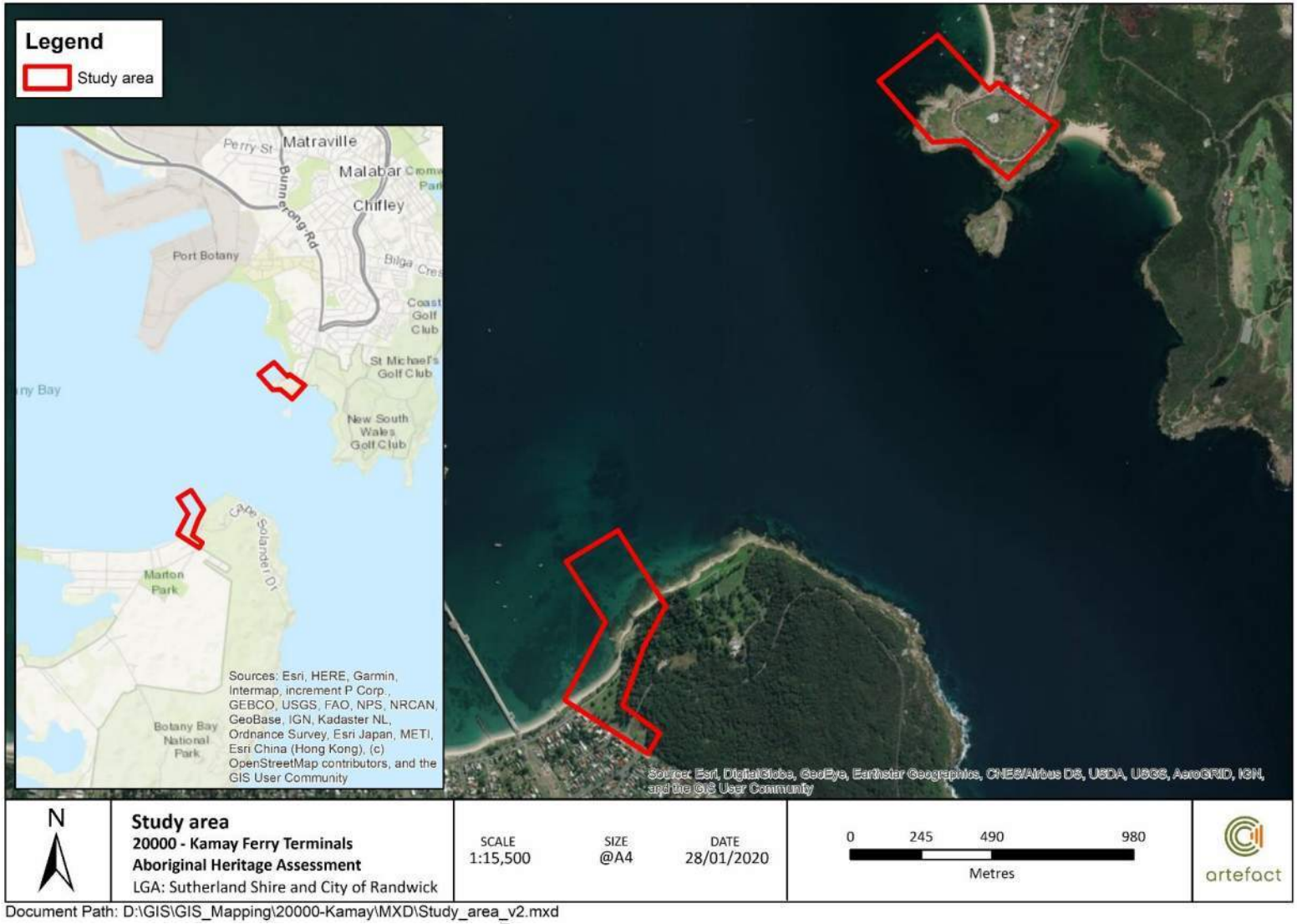

Figure 1: Study area

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Figure 2: Revised location of Aboriginal sites within the Kurnell portion of the study area, identified during the PACHCI Stage 2 assessment

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Figure 3: Revised location of Aboriginal sites within the La Perouse portion of the study area, identified during the PACHCI Stage 2 assessment

2.0 LEGISLATIVE AND POLICY CONTEXT

2.1 Commonwealth Heritage Legislation

2.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) includes 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The PEI identified that the Kamay Ferry Wharves Project Upgrade project area is located within the NHL curtilages of:

- Kamay Botany Bay –botanical collection sites (NHL 106162)
- Kurnell Peninsula Headland (NHL 105812).

A preliminary heritage impact assessment was prepared by Artefact Heritage in May 2020 to provide input into a referral under the EPBC Act. The preliminary heritage impact assessment found that the Kamay Ferry Wharves Project Upgrade project may result in significant impacts to the National heritage values, setting, or fabric of the Kurnell Peninsula Headland NHL items, primarily through potential impacts to archaeological resources. At the time this report was prepared, the EPBC referral had not been completed or submitted.

2.2 State legislation

2.2.1 National Parks and Wildlife Act (1974) (NPW Act)

The *National Parks and Wildlife Act 1974* (NPW Act) provides statutory protection to all Aboriginal places and objects. An Aboriginal object is defined under Section 5 of the NPW Act 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.*

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

A section 90 permit is the only AHIP available under the NPW Act and is granted by Heritage NSW, Department of Premier and Cabinet (Heritage NSW). Various factors are considered by Heritage NSW in the AHIP application process, such as site significance, Aboriginal consultation requirements, Ecological Sustainable Development (ESD) principles, project justification and consideration of alternatives. The penalties and fines for damaging or defacing an Aboriginal object were increased in 2010.

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As this project is being assessed under Part 5 Division 5.2 of the EP&A Act 1979, section 5.23 identifies that permits issued under the NPW Act are not required for impacts approved by Heritage NSW (see Section 2.2.3).

2.2.2 Heritage Act 1977

The NSW Heritage Act provides protection for items of 'environmental heritage' in NSW. 'Environmental heritage' includes places, buildings, works, relics, movable objects or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Items considered to be significant to the State are listed on the State Heritage Register (SHR) and cannot be demolished, altered, moved or damaged, or their significance altered without approval from the Heritage Council of NSW.

The Heritage Act also provides protection for 'relics', which includes archaeological material or deposits. Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under section 140 of the Heritage Act for relics not within SHR curtilages, or under section 60 for significant archaeology within SHR curtilage. An application for an excavation permit must be supported by an Archaeological Research Design (ARD) and Archaeological Assessment prepared in accordance with the NSW Heritage, DPC archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under section 139 (4) or an exemption under section 57 (2) of the Heritage Act.

As this project is being assessed under Part 5 Division 5.2 of the EP&A Act 1979, section 5.23 identifies that permits issued under the Heritage Act are not required for impacts approved by Heritage NSW (see Section 2.2.3).

2.2.3 Environmental Planning & Assessment Act (1979)

Division 5.2 of the EP&A Act specifies that any State environmental policy may declare any development to be SSI as can the Minister, by a Ministerial planning order.

Under Section 5.23 the following authorizations are not required for SSI that is authorized by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

> *1c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977*
>
> *1d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974*
>
> *2) Division 8 of Part 6 of the Heritage Act 1977 does not apply to prevent or interfere with the carrying out of State significant development that is authorized by a development consent granted after the commencement of this Division.*

Under Part 5, Division 5.1 (environmental impact assessment) the determining authority cannot carry out an activity or grant approval for an activity that is likely to significantly affect the environment unless an EIS is prepared.

TfNSW has advised that Section 5.23 of the EPA Act applies to archaeological test excavation under the SEARs phase of the SSI assessment process, meaning that approvals under the NPW Act 1974 and Heritage Act 1977 are not required.

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3.0 CONSULTATION

Representatives of the La Perouse LALC participated in the archaeological survey conducted on 30 and 31 January 2020 and were given the opportunity to provide input on cultural significance of the study area in accordance with PACHCI Stage 2.

As the survey identified there was a potential for impacts on Aboriginal heritage, TfNSW commenced consultation requirements in accordance with PACHCI Stage 3 and the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (the Consultation Requirements) [Department of Environment, Climate Change and Water – now Heritage NSW].

Records of the consultation process supplied by TfNSW will be included in the EIS Aboriginal Heritage Technical Paper.

PACHCI Stage 3 – Action 1 – TfNSW contacted relevant organisations on 27 May 2020 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the project site. The following organisations were contacted:

- La Perouse LALC
- NSW Aboriginal Land Council
- Heritage NSW
- Native Title Services Corporation
- National Native Title Tribunal
- Greater Sydney Local Land Services
- Office of the Registrar Aboriginal Lands Right Act 1983
- Sutherland Shire Council
- Randwick City Council.

PACHCI Stage 3 – Action 2 – letters were sent by TfNSW on 9 August 2020 to all parties identified during PACHCI Stage 3 Action 1.

PACHCI Stage 3 – Action 3 – newspaper advertisements were placed by TfNSW inviting participation of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and places within the local area. The newspapers and dates in which the advertisements were placed are as follows:

- Koori Mail (3 June 2020)
- St George and Sutherland Shire Leader (3 June 2020)
- National Indigenous Times (3 June 2020).

PACHCI Stage 3 – Action 5 – following consultation and newspaper advertisements, five individuals and nine groups registered their interest. TfNSW then prepared a register of Aboriginal parties (Table 3) and responded to their registration.

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Table 3: Registered Aboriginal parties for the project site

Contact name	Group represented
[redacted]	*Individual*
s	Gweagal – Bidjigal Sovereign Tribal Elders Council
	Individual
	Individual
	Wailwan Aboriginal group
	Wurrumay
	Kamilaroi Yankuntjatjara Working Group
	Individual
	Didge Ngunawal Clan
	Sutherland Shire Council Aboriginal Advisory Sub-Committee
	Gujaga Foundation
	Yurrandaali Pty Ltd
	Barraby Cultural Services
	Individual

PACHCI Stage 3 – Action 7 – An invitation to attend an Aboriginal Focus Group (AFG) meeting on the *Placeholder* was sent on *Placeholder*. The invitation was accompanied by a copy of TEM. It was requested that any comments on the salvage methodology be submitted by *Placeholder*.

Placeholder for any comments from the RAPs.

PACHCI Stage 3 – Action 8 – An AFG was held on *Placeholder* to present the proposal, the details of the previously completed archaeological assessment (PACHCI Stage 2 report) and to discuss the TEM. The following RAPs were in attendance:

- *Placeholder*

Placeholder for any comments from the RAPs.

PACHCI Stage 3 – Action 9 – A copy of the AFG PowerPoint presentation and minutes were issued to all RAPs.

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4.0 BACKGROUND

4.1 Environmental context

The study area is located at the opening of Botany Bay (Kamay) to the Tasman Sea, approximately 12 kilometres south of the Sydney CBD. The geology of this area consists of Triassic Hawkesbury sandstone partially overlaid with Quaternary marine sand and sand dune formations (Herbert 1983, Stroud 1985).

During the late Pleistocene, the Botany Bay (Kamay) area was a swampy sand plain surrounded by higher sandstone hills. With the rise in sea levels at the end of the Pleistocene, marine sands were deposited onto the advancing shore line. These beach sands were then wind-blown onto the surrounding sandstone outcrops, forming into coastal barrier sand dunes. When the sea level stabilised during the early Holocene approximately 7,000 years ago, these barrier dunes had altered the flow of local rivers to the present courses of the Cooks and Georges Rivers (Attenbrow 2010, 39).

The Georges River rises in the Illawarra Plateau and travels 96 kilometres before it flows into Botany Bay (Kamay) from the southwest. The Cooks River flows into Botany Bay (Kamay) from the northwest. It is partially canalled and operates as the primary stormwater runoff for residential suburbs in south Sydney. Botany Bay (Kamay) is a relatively shallow sand-floored inlet, with most of the bay floor being ten metres or less in depth. The tidal accumulation of sand and riverine deposition of silt on the bay floor requires frequent dredging to ensure safe navigation for shipping.

The natural soil landscapes on both the Kurnell and La Perouse peninsulas are mostly associated with the marine- and wind-deposited sand deposits at lower elevations, with sand dune formations stabilised against erosion with natural and re-planted vegetation. Marine-deposited siliceous and calcareous sands fringe the foreshore of Botany Bay (Kamay). Hawkesbury sandstone predominates on the higher elevations in the study area, with thin layers of coarse sand and loam in areas resistant to erosional effects from vegetation cover. In the south-western part of the study area, estuarine soil landscapes have accumulated from the low energy silt discharge of the George's River on the tidal sandbanks of the southern floor of Botany Bay (Kamay) (AMBS 2013, 21-22 and Sheppard 2009, 11-14).

These soil landscapes have been disturbed from European agricultural and industrial activities. Vegetation clearance in some parts of the study area has exacerbated sand dune erosion. Dredging of the entrance to Botany Bay (Kamay) and foreshore stabilisation for navigation has altered the original shape of the headlands. Industrial facilities in the study area have also significantly disturbed the soil profile with deep ground excavation and the introduction of modern fill.

4.2 Historical background

4.2.1 Early European exploration

Botany Bay (Kamay) was first explored by Europeans in 1770 when Lieutenant James Cook landed at Kurnell on the south side of Botany Bay (Kamay) with his crew in the *Endeavour* on 29 April. On the first day he made contact with the Gweagal Aboriginal community of the Dhawaral nation at a place now commemorated in Kurnell as 'Captain Cook's Landing Place' in the Kamay Botany Bay National Park. During explorations on land, Cook's crew travelled to the north side of Botany Bay (Kamay) and engaged in a fishing expedition at Frenchmans Bay (Cook 1770). During this expedition his crew collected wood and fresh water, gathered plant specimens, while documenting the activities of the Aboriginal people that they saw. The La Perouse headland was not explored

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again by Europeans for another 18 years, when Captain Arthur Phillip arrived in Botany Bay (Kamay) with the First Fleet, anchoring around Bare Island (Tuck 2008, 58). After the First Fleet relocated to Port Jackson and Sydney Cove, a French crew led by Jean-Francois de Galaup La Perouse entered Botany Bay (Kamay) and anchored in Frenchmans Bay. The French, sailing on the ships *La Boussole* and *Astrolabe,* were undertaking a scientific voyage. The British, who had some ships remaining, interacted with the French and recorded that the French were 'well established' with an observatory, garden, and a stockade with two small guns for defence (Selkirk 1918, 339).

Father Pere Receveur was a priest involved in La Perouse's expedition. He died of unknown causes at La Perouse and was subsequently buried on the headland. The burial of Pere Receveur was originally informal; however, it was formalised with a memorial in 1825 by Baron de Bougainville, the leader of a later French expedition which stopped at Botany Bay (Kamay) (Tuck 2008, 73). In this period the headland was a significant symbolic location for French naval crews, who frequently visited La Perouse to pay their respects to La Perouse and his crew, for whom La Perouse headland was their last known location.

The grave of Receveur and the French garden and stockade were recorded by Watkin Tench to have been partially demolished, with the area reclaimed temporarily, by the local Aboriginal people (Tuck 2008, 73). The guards of the Macquarie Watchtower (see below) acted as informal guides for French visitors. While no available plans show the definitive location of the gardens, stockade, and any associated French dwellings, these features may have been located at the northwest quadrant of the headland, overlooking Frenchmans Beach and with clear views to the north and south. As much of the headland further south likely featured shallow and infertile soils, this area of the point may have been suitable for a garden.

After the British colony at Sydney Cove was established in 1788, the headlands around Botany Bay (Kamay) were slow to be settled by Europeans. The local environment was deemed unsuitable for settlement and in 1812 Governor Macquarie closed the northern headland for settlement and established a government reserve at Kurnell. In 1815 a grant was made to James Birnie, a ship owner and merchant, of 700 acres of land along with 160 acres of saltwater marsh, on the western side of the Kurnell peninsular. In 1821 this estate was acquired by John Connell, another early pioneer, who added it to his large land holdings in the area (Figure 4).

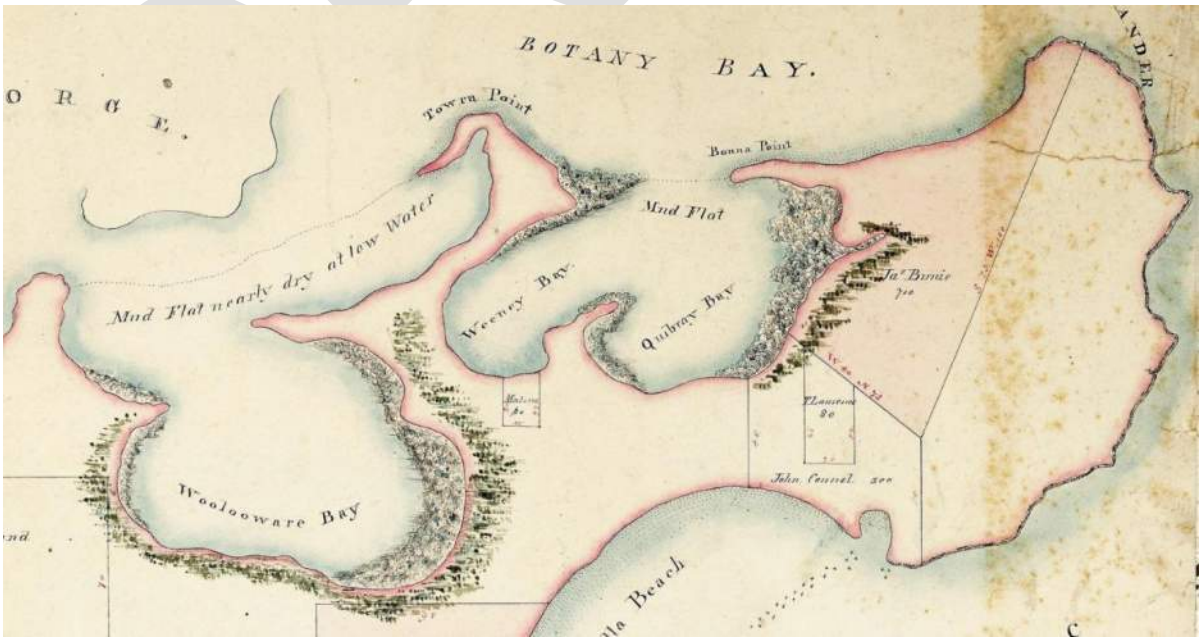

Figure 4: Sutherland parish map, 1830s, showing James Birnie's land grand. Area to the east of the Birnie land grant is a later government reserve. Source: LPI

4.2.2 Aboriginal ethnohistories

While their population had been drastically reduced from introduced diseases and violent encounters with the new settlers, numerous accounts of Aboriginal camps and communities were recorded by Europeans around Botany Bay (Kamay) during the nineteenth century (Nugent 2005, 55-56). Ethnographic accounts written by European explorers and settlers in the late 18th century emphasise the maritime way of life of the Aboriginal people around Botany Bay (Kamay). Small groups of Aboriginal people were recorded to camp near freshwater sources, often residing in rock shelters or utilising bark huts. Bark canoes were regularly used for line fishing and spear fishing in Botany Bay (Kamay). Collecting shellfish on the tidal banks of the bay was also recorded by Europeans (AMBS 2013, 25).

Aboriginal people were also recorded as burying their dead in coastal sandy environments, in middens and in rock shelters. Archaeological evidence in the study area further substantiates this practice, with a number of Aboriginal burials along the Botany Bay (Kamay) foreshore having been identified. One rock shelter near [redacted] on the Kurnell Peninsula has revealed up to 18 complete or partial sets of human remains, all of which have been reburied at the site at the request of the local Aboriginal community. Grave goods of stone artefacts and bone points were present in many of these burials, as well as midden deposits of discarded fish and animal bones (Irish 2007, 19).

4.2.3 The Government Reserve and military activity

During the 1820s 4175 acres of land was dedicated as a Government Reserve, including the La Perouse headland and the eastern Kurnell sandstone headland (Nugent 2005, 55-56). Shortly after, government troops were garrisoned at La Perouse to monitor activity within the Bay and the Pacific Ocean, visible between the north and south headlands. By 1822 the need for permanent troops at La Perouse was important enough to require the construction of the Macquarie Tower, which remains extant and provided a lookout, housing, and a fort for troops. A Parish Map of Botany, dated to c.1867, shows the La Perouse Monument, Pere Receveur's Grave, and the Macquarie Tower and several other structures, including a fence at the end of Frenchman's Road, and potential barricades and stockyard for animals. An 1869 survey plan shows a boat house situated at the eastern end of Frenchmans Beach.

By the mid-1880s several structures were located on the headland and in the study area, including buildings associated with the Cable Station. The Cable Station was constructed in 1882 as part of the Australia to New Zealand Telegraph Cable (JSHC 2009, 17). In 1881 the Bare Island Fort was constructed, adding to the military use of the site. These structures are primarily setback from the edge of the headland, located roughly between Congwong and Frenchmen's Beaches. The existing structures are clearly labelled on an 1889 plan (Figure 5) of the area to include the La Perouse Monument, storage tanks, and several unmarked buildings, likely cottages and sheds, located on the west side of the headland. These cottages are also illustrated in watercolour paintings from the 1870s (Figure 6). Photographs from the 1880s show the northern edge of the headland adjacent to Frenchmans Beach as developed with dwellings, however the southern extent of the headland is relatively undeveloped with the exception of the La Perouse Monument (Figure 7).

By 1894 a roadway was constructed along the northwest boundary of the La Perouse headland, leading to the rocky point adjacent to Frenchmans Beach. This may have provided a suitable roadway for access to the customs department buildings. The boathouse was located at the southern end of Frenchmans Beach and slipways were constructed off the road into Frenchmans Bay in the late 1800s and early 1900s to enable safe launching of boats (Figure 8 and Figure 9).

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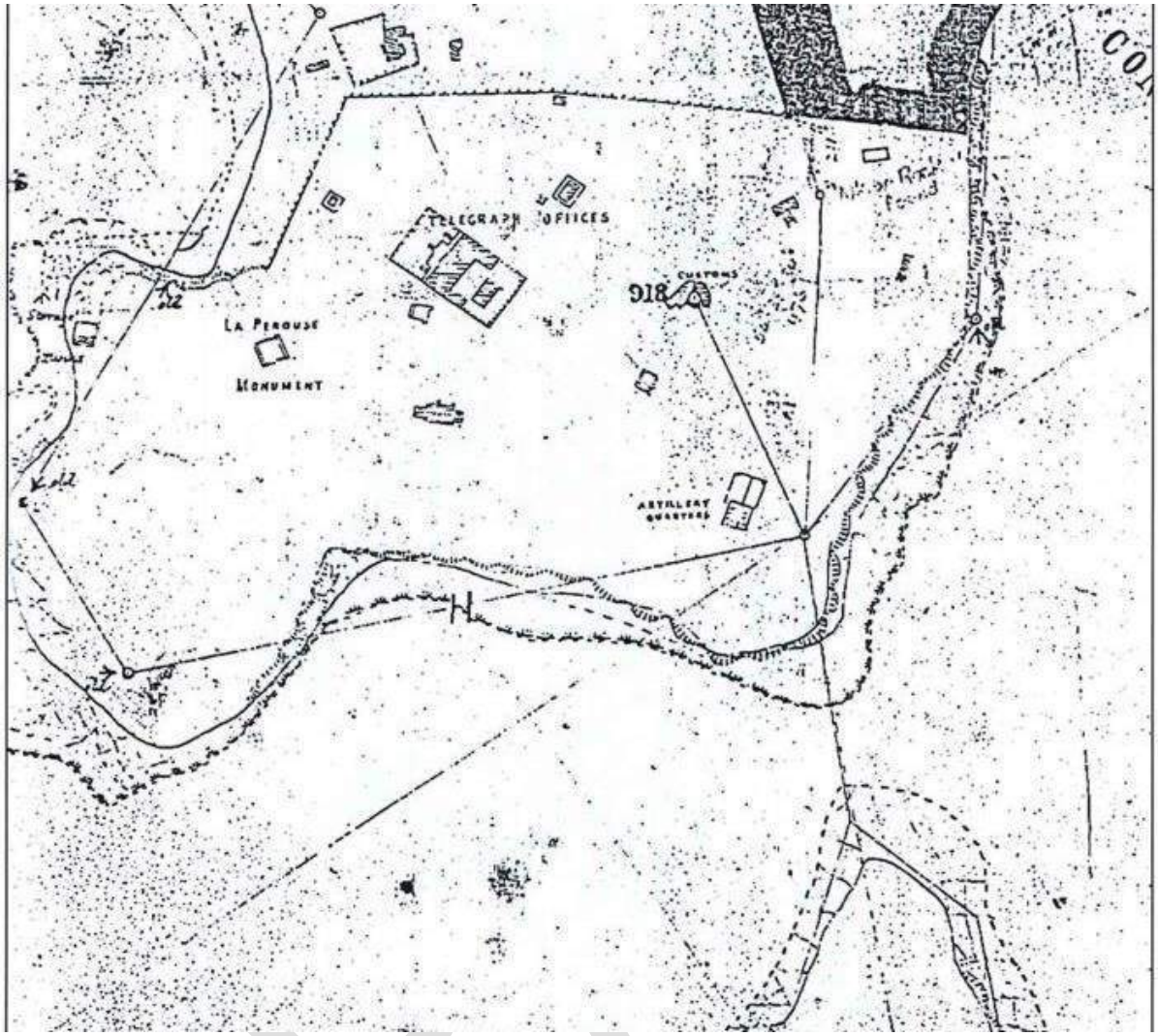

Figure 5: Deering's Plan of La Perouse headland, dated 1889. State Library of NSW, ML ML M4 811.1869/1889/1, cited in Tuck 2008

Figure 6: Thomas George Glover's La Perouse, Botany Bay (Kamay), dated October 1878. Source: National Library of Australia, cited in Tuck 2008

Figure 7: Photograph of La Perouse headland from northern end of Frenchmans Beach, dated c. 1885-194. Source: State Library of NSW ML SPF, presented in Kass 1989 and cited in Tuck 2008

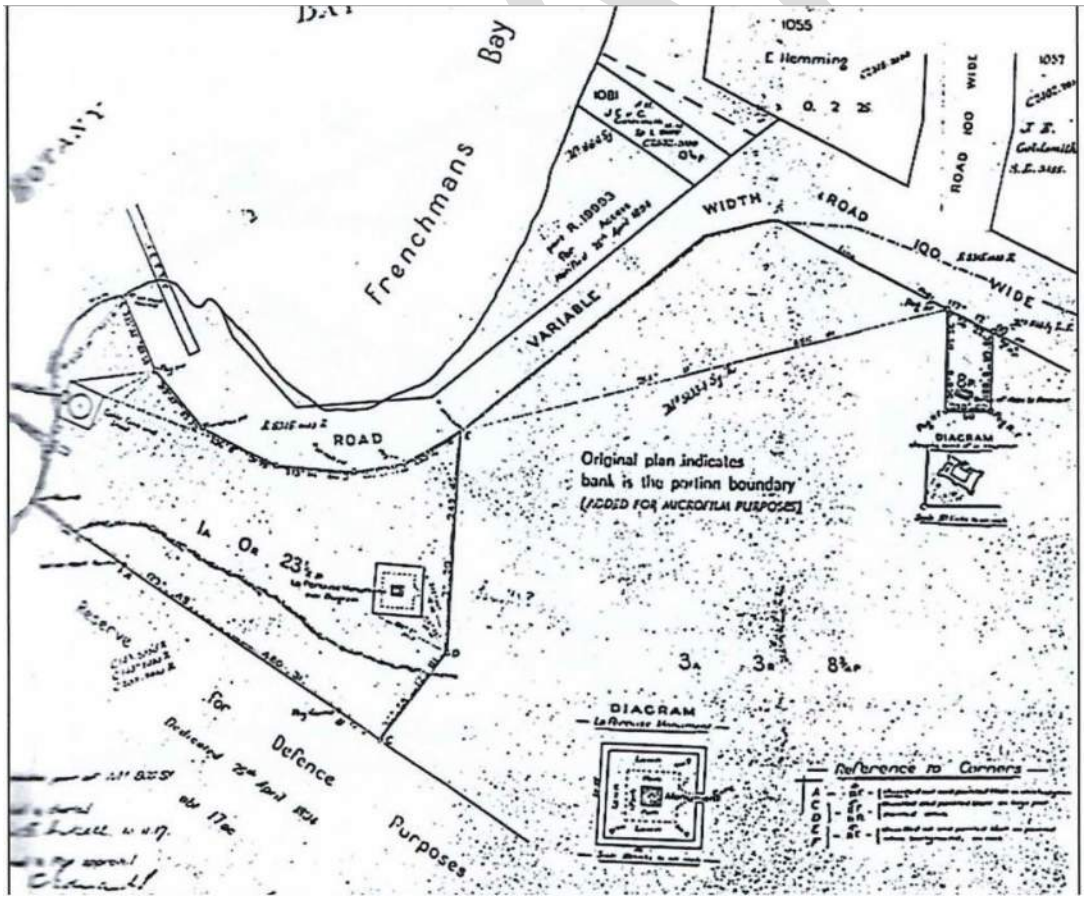

Figure 8: Structures on the west side of La Perouse headland, dated 1917. Source: NSW Department of Lands Plan Room Ms. 5034 Sy, presented in Kass 1989 and cited in Tuck 2008

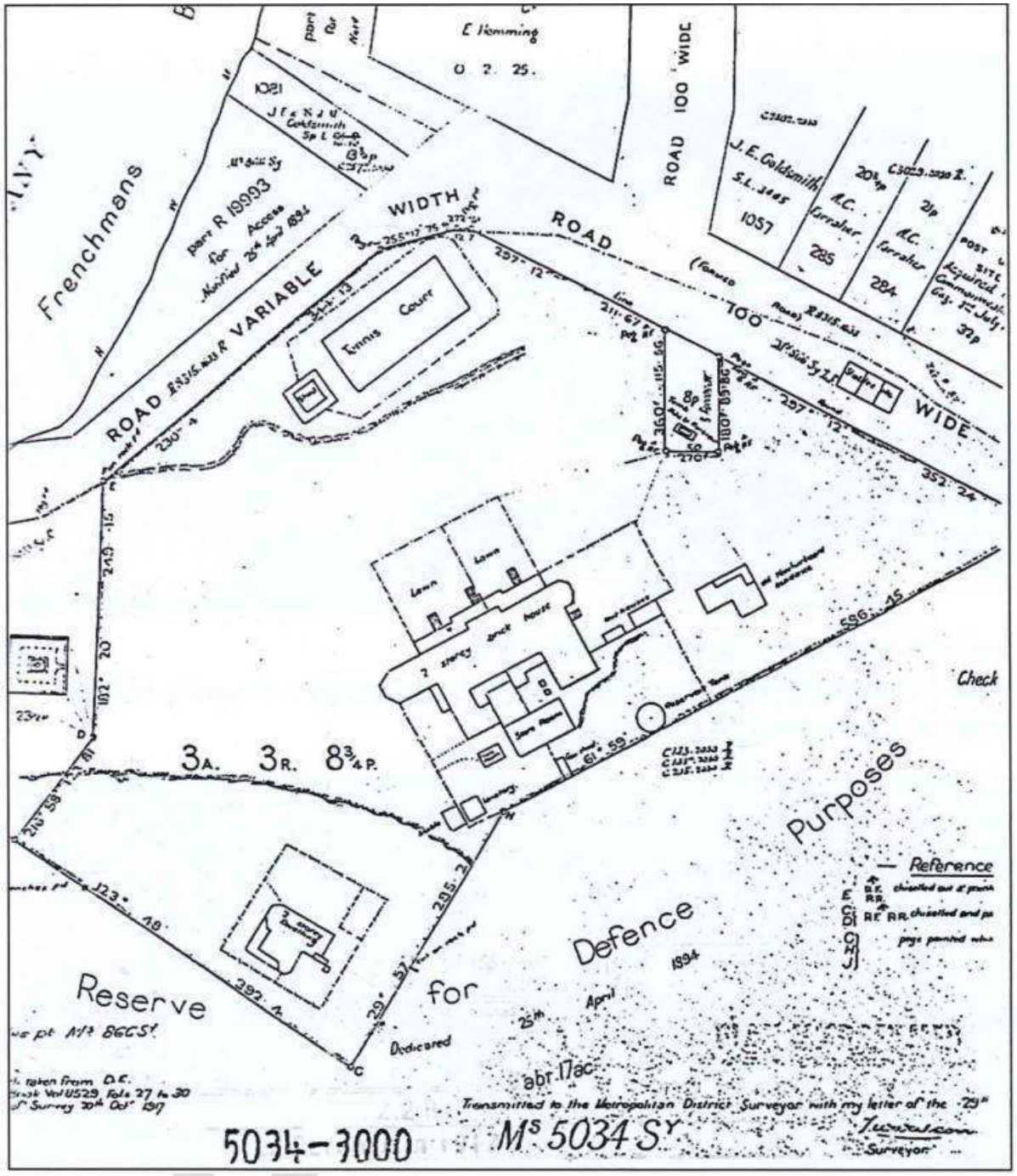

Figure 9: Structures on La Perouse headland, dated 1917. Source: NSW Department of Lands Plan Room Ms. 5034 Sy, presented in Kass 1989 and cited in Tuck 2008

4.3 Archaeological context

A full description of previous studies within the vicinity of the study area was provided in the PACHCI Stage 2 report (Artefact Heritage 2020).

Aboriginal Cultural Heritage Assessment for Master Plan – Paul Irish, La Perouse Aboriginal Land Council, and NPWS Towra Team 2007

In 2007, test excavations were conducted to inform the proposed master plan works to upgrade visitor facilities within the ‘’Meeting Place Precinct”. It was determined that proposed works should avoid impact to any *in situ* archaeological remains, due to their high degree of significance. Test excavations were conducted with the La Perouse LALC and ‘Towra Team’ of NPWS Aboriginal workers to provide more information about the location and depth of Aboriginal archaeological remains within the Meeting Place Precinct. A total of 115 small test pits were excavated to the depth of proposed works only, in order to minimise risk of impact on archaeological material (Dimensions of shovel pits have been summarised in Table 4). The majority of the test pits were excavated to a depth of 400 mm and did not encounter in-situ deposits. However, some test pits encountered in-situ deposits at 100 – 200 mm in depth.

Table 4: Summary of shovel pit dimensions of numbers

Test pit size	Number of test pits
1 m x 1 m	1
500 mm x 500 mm	1
500 mm x 200 mm	46
200 mm x 200 mm	67
Total	**115**

A total of 216 artefacts were retrieved from 29 of 115 test pits, with the highest density of artefacts being located to the northeast of the Kurnell portion of the study area (Figure 10). A total of 20 of the artefact bearing test pits also included midden material. An attempt was also made to uncover rock engravings recorded in 1968 (AHIMS ID 52-3-0221), but they were not found. It is likely the sandstone outcrop where they were originally recorded has since been covered by vegetation.

Overall, the majority of the test pits located within the Kurnell portion of the study area did not yield stone artefacts or midden material. However, these excavations were generally completed to a depth of 400 mm, with only two completed in a depth of 500 mm. It is likely that in-situ, artefact bearing deposits are located at greater depths.

A range of historical archaeological artefacts were also encountered during the test excavations. It was found that the artefactual material dated from the mid-nineteenth century to the present day, with the majority of the artefacts dating to the twentieth century. Most of the artefacts were from disturbed and mixed contexts and were generally small and non-diagnostic. Around the ferry wharf there was evidence that numerous crab burrows had further disturbed the area. Structural remains were primarily limited to a single pit (P6/180) to the north of Cooks Stream, in which sandstone blocks were identified that were interpreted as possibly being post-hole packing for one of a series of flag poles.

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Figure 10: Location of test and salvage excavations (2004-2008) and archaeological monitoring (2008-2010)

La Perouse Headland Botany Bay National Park Conservation Management Plan – Jill Sheppard Heritage Consultants (JSHC) 2009

The La Perouse Headland Conservation Management Plan (CMP) covers much of the La Perouse headland, including Bare Island but excluding the Frenchman's Bay area. The purpose of the CMP is to guide future use and management of the area through the provision of conservation strategies and guidelines. The CMP also provides an extensive discussion of potential archaeological resources within the headland, which was primarily informed by the 1989 report *La Perouse and Bare Island Historic Sites, La Perouse – Conservation Plan – Historical Archaeology*, which was prepared by Edward Higginbotham for the Department of Public Works, NSW. The archaeological excavation methodology in this report is based on the archaeological assessment detailed in the CMP.

Some 85 archaeological sites/elements were identified and mapped by Higginbotham (Table 5 and Figure 11). This included a mix of potential subsurface features and archaeological sites and items that are partially visible on the surface. Of these archaeological sites/elements, 35 sites were identified as being visible and a corresponding assessment of archaeological potential and significance was included in the CMP (Table 6). The majority of the archaeological sites were identified as being of no or low archaeological potential and local significance. This included the archaeological sites of the former slipways, 'wharf and approach road', 'remains of wharf buildings', and 'footings of 2 cable tanks' situated on the west side of the headland.

The CMP also identified the north-west side of the headland as being the possible location of the Former French Stockade and Garden (Figure 12). The CMP identified the area as having high archaeological potential. It was assessed that although archaeological remains associated with the stockade and garden would potentially be of national and international significance (JSHC 2009, 96). It was noted however that the exact location of the stockade and garden is not known, and that until excavations have definitively demonstrated the location of the stockade and garden then all excavations in undisturbed ground has the risk of encountering the significant archaeological sites (JSHC 2009, 38). However, it was assessed that archaeological remains associated with these would likely be ephemeral in nature and would primarily consist of the remains of timbers, possibly garden edging and refuse pits or deposits.

The location of the archaeological sites/elements identified by Higginbotham and included in the La Perouse Headland CMP are identified in Figure 11 and Figure 12, and the details and associated significance assessments of the sites are listed in Table 5 and Table 6.

Table 5: Archaeological sites/elements key for Figure 10. Source: sites identified by Higginbotham 1989 and included in the JSHC 2009 CMP

No.	Name	No.	Name
1	Tram Terminus	44	Boatman's cottages, wood
2	Monument & drinking trough	45	Boatman's cottage, wood
3	Tram shed shelter	46	Garden
4	Cutting	47	Military road
5	Tram terminus	48	Enclosure (Customs?)
6	Snake Pit	49	Boat davits
7	Public conveniences	50	Fisherman's boathouse

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No.	Name	No.	Name
8	Stormwater drain outflow	51	Telegraph testing house, wood
9	Stormwater drain outflow	52	Stables, wood
10	Terraced area	53	Dwelling house & offices, wood
11	Rock-cut steps	54	Kitchens, wood
12	Road to Bare Island	55	Garden, out-building
13	Circuit road	56	Boatman's cottage, wood, garden
14	Levelled area	57	Garden, out-building
15	Remains of slipway	58	Out-building
16	Cable tank footings	59	Out-building
17	Slipway	60	Pond
18	Stormwater drain outflow	61	Out-building
19	Wharf & approach road	62	Out-building
20	Remains of wharf buildings	63	Garden
21	Rock cut drainage trench	64	Enclosure
22	Rock-cut steps, other features	65	Edward hemming
23	Circular sandstone feature	66	Aboriginal Quarters
24	Circular sandstone feature	67	Cottage
25	Circuit road, embankment	68	Artillery quarters
26	Two storey building	69	Old weatherboard residence, 1917
27	La Perouse Monument	70	Building
28	Tomb of Pere Le Receveur	71	Public school site
29	Embankment, boundary	72	Enclosure?
30	Cable Station	73	Enclosure?
31	Cable Station: Battery Room	74	Enclosure?
32	Cable Station: reservoir	75	Stables, E Hemming
33	Sandstone blocks	76	Tennis court
34	Tower	77	Jetty
35	Cistern & well	78	Buildings
36	Bare Island Fort	79	Road reserve to jetty

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No.	Name	No.	Name
37	Garden	80	Top House
38	Stockade	81	Stable
39	Flagstaff	82	Lavatory
40	Footpath	83	Store room
41	Building	84	Cow shed
42	Stables	85	Out-buildings
43	Boatman's cottage		

Table 6: List of visible archaeological sites in the vicinity of the proposed works. Source: sites identified by Higginbotham 1989 and included in the JSHC 2009 CMP

No.	Item recorded by Higginbotham	Archaeological potential	Assessed significance
13	Circuit road raised embankment	None	Detracting
14	Large partially levelled area	Low	Local
15	Remains of slipway	Low	Local
16	Footings of 2 cable tanks	Low	Local
17	Slipway	Low	Local
18	Stormwater drain outflow	None	None
19	Wharf & approach road	Low	Local
20	Remains of wharf buildings	Low	Local
21	Rock cut trench	Low	None
22	Rock cut steps & other features	Low	Local
23	Circular sandstone feature	Low	Local
24	Circular sandstone feature	Low	Local
25	Circuit roadway raised embankment	None	None
26	Two storey building	None	Local
27	La Perouse Monument	Low	State
28	Tomb of Pere Le Receveur	Low	State
29	Raised earthen embankment	Low	Local

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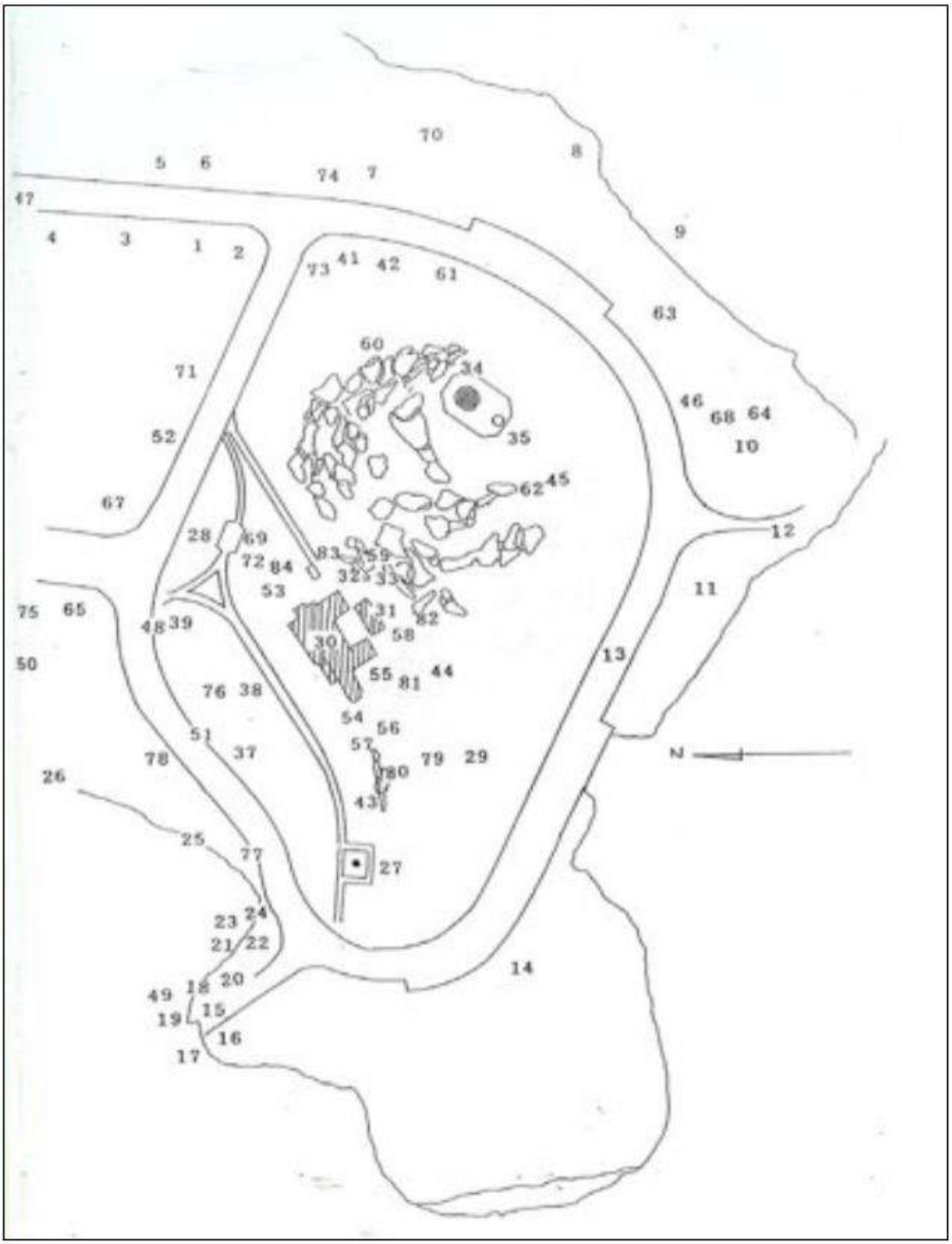

Figure 11: Archaeological sites/elements on the La Perouse headland, identified during the 1989 Higginbotham Conservation Plan for Historical Archaeology Appendix 3., prepared for The Department of Public Works. Source: Higginbotham 1989 and included in the JSHC 2009 CMP

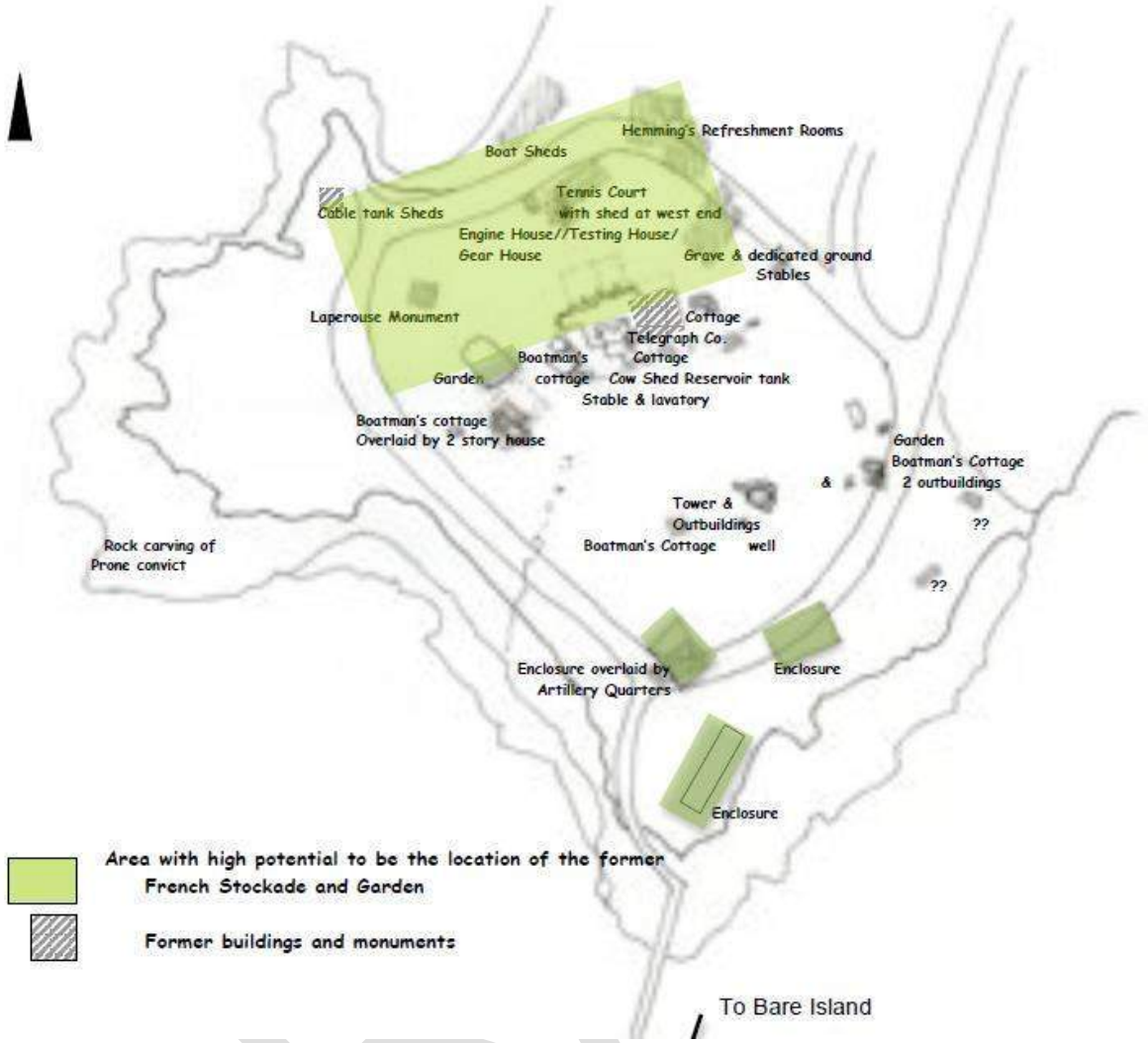

Figure 12: Areas of non-Aboriginal archaeological potential on the La Perouse headland. Source: JSHC 2009

5.0 PROPOSED IMPACTS

5.1 Proposal overview

TfNSW proposes to re-establish public wharves at La Perouse and on the Kurnell Peninsula for a commercial ferry service and recreational boat use. The proposal would provide a service for commuters and tourists to the area.

The proposal includes:

- Two wharves at La Perouse and Kurnell. These will consist of:
    - A wharf head that is utilised for vessel berthing/mooring and passenger transfer
    - A jetty/trestle structure connecting the shoreline to the wharf head
- Provision of additional parking spaces at each wharf
- A passenger waiting area/shelter for each wharf
- A Ticketing area for each wharf
- Toilet amenities for each wharf
- Pathway from car parking and transport connections for each wharf
- Gate/security provisions for each wharf
- Service and utility installations
    - The utility installations would not be collocated with existing services
- Landscaping works.

The new wharves would be required to be designed to meet the relevant legislation and guidance for disability access.

5.2 Kurnell

Within the Kurnell portion of the study area, additional car parking spaces are proposed along Polo Street (immediately southeast of Solander Drive) and on Captain Cook Drive (immediately northwest of Solander Drive). Six geotechnical borehole locations are proposed within the proposed parking area, to a depth of 20 m. Sewer, water and electrical utilities are proposed to run from the new wharf location to the corner of Prince Charles Parade and Captain Cook Drive. Excavations associated with the Kurnell utilities line will extend to a depth of 1.2 m. See Figure 13 for the proposed impacts footprint.

Excavations completed by Irish 2007 within the impact footprint were generally to a depth of 400 mm and a maximum 500 mm. However, it is anticipated the boreholes and utility excavations for the Kamay Ferry Wharf project will extend to a depth greater than 400 mm (minimum 1.2 m). As a result, it is proposed that Aboriginal archaeological test excavations are completed at the proposed borehole locations and along the proposed alignment of the utilities as the depth of these impacts will exceed that investigated by Irish in 2007. One borehole will be placed near the proposed location of the new wharf. However, as this borehole is outside the extent of Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219), no test excavations will occur at this location.

Within the Kurnell portion of the study area there are seven archaeological sites listed on the Sutherland Shire LEP 2015 (Figure 14). These include:

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- Captain Cook's landing site (Sutherland Shire LEP A2511)
- Banks memorial (Sutherland Shire LEP A2512)
- Captain Cook monument (Sutherland Shire LEP A2514)
- Landing place wharf abutment (Sutherland Shire LEP A2516)
- Captain Cook's watering hole (Sutherland Shire LEP A2518)
- Captain Cook watering well (Sutherland Shire LEP A2519)

The PEI also identified additional potential archaeological remains identified in previous assessments and historical overlays, including evidence of a seawall which is partially exposed in places. The proposed utilities would pass through the LEP listed archaeological sites of Captain Cook monument (Sutherland Shire LEP A2514), Landing place wharf abutment (Sutherland Shire LEP A2516) and Captain Cook watering well (Sutherland Shire LEP A2519). The previous test excavations undertaken by Irish 2007, which included excavations within Captain Cook monument (Sutherland Shire LEP A2514) and Captain Cook watering well (Sutherland Shire LEP A2519), did not identify any significant archaeological remains associated with the archaeological sites. As a result, targeted non-Aboriginal archaeological test excavations would not be appropriate and therefore the non-Aboriginal archaeological test excavations would be undertaken in conjunction with the Aboriginal archaeological test excavations.

5.3 La Perouse

Design plans indicate additional spaces are proposed along the southwest part of Anzac Parade within the La Perouse portion of the study area. The proposed car park is also the location of four proposed boreholes. An additional five boreholes are proposed at the location of the new wharf on the La Perouse side. As these boreholes are located within the extent of La Perouse Midden 19-01 (AHIMS ID Pending), it is proposed that test excavations occur at each borehole location. Current design plans indicate that sewer, water and electrical utilities are proposed to run from the new wharf, along Anzac Parade to Endeavour Avenue and that the new structure will be established immediately west of the new La Perouse Wharf. The proposed utilities will extend to a depth of 750 mm and will not run along an existing service route. A sewer pump station access cover is also proposed and will require excavation to a depth of 1.2 m.

The La Perouse CMP and historical overlays indicate that the proposed works would be located in the vicinity of a number of archaeological sites/features (Figure 16 and Figure 17). Most of the potential archaeological sites have been assessed as only being of low archaeological potential. However, at least one borehole would be located within the area identified as having high potential to contain evidence of the former French Stockade and Garden. The CMP also noted that due to the uncertainty of the location of the stockade and garden, any excavations in previously undisturbed grounds on the headland have the potential to encounter and impact evidence of the stockade and garden (JSHC 2009, 38). As a result, non-Aboriginal archaeological test excavations would be undertaken in conjunction with the Aboriginal archaeological test excavations.

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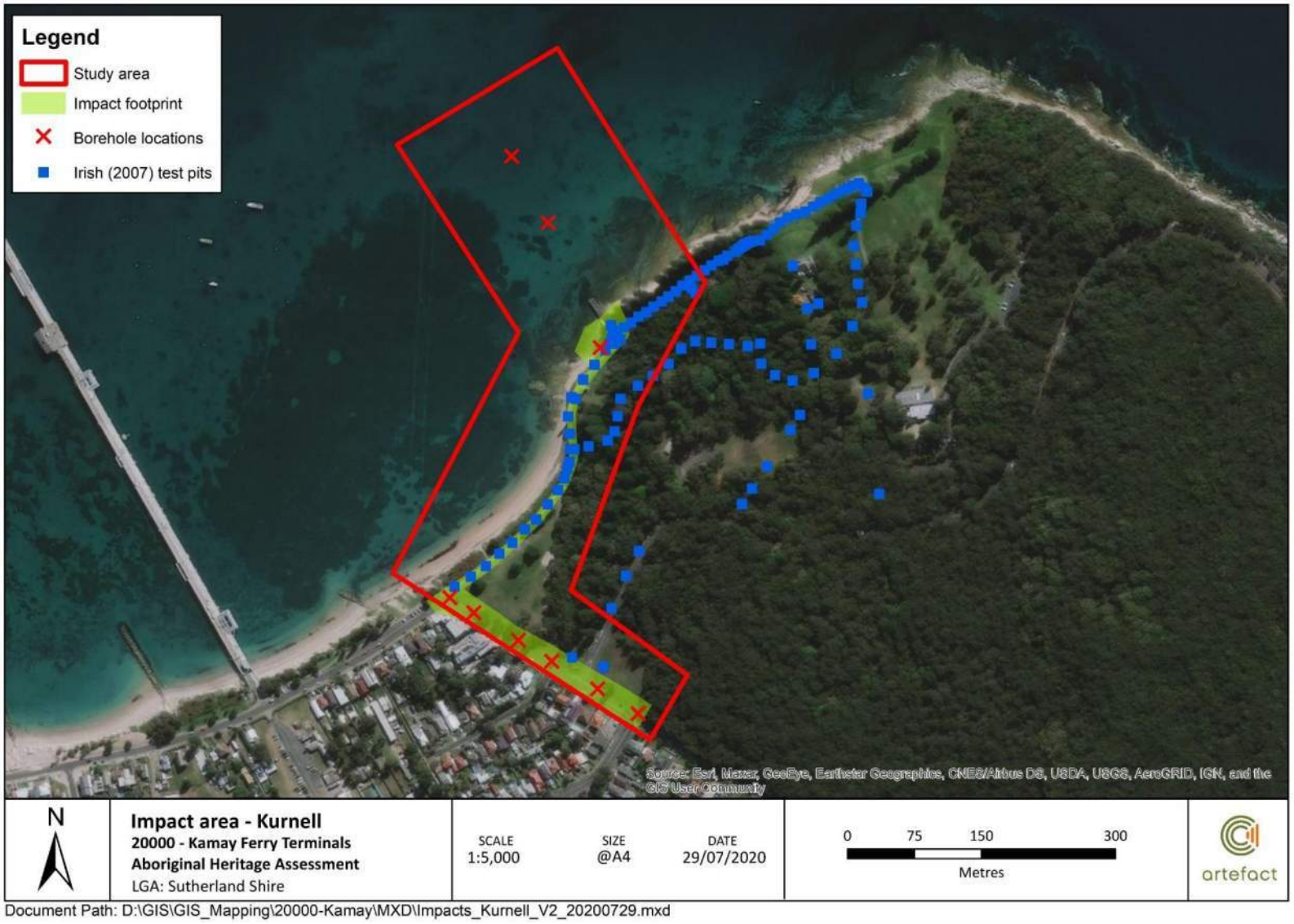

Figure 13: Proposed impacts (Kurnell)

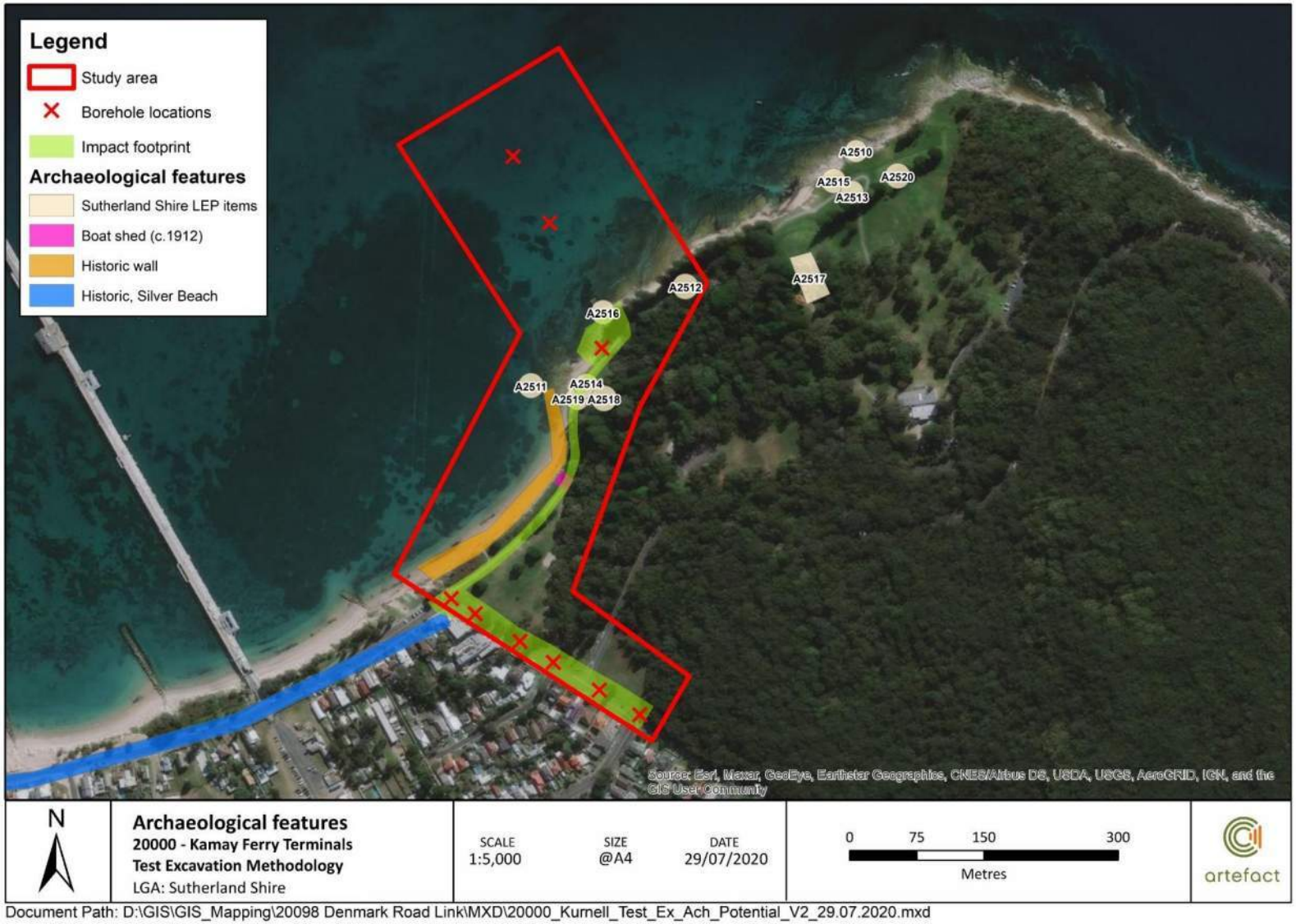

Figure 14: Proposed impacts (Kurnell) in relation to LEP listed archaeological sites and potential non-Aboriginal archaeological features

Figure 15: Proposed impacts (La Perouse)

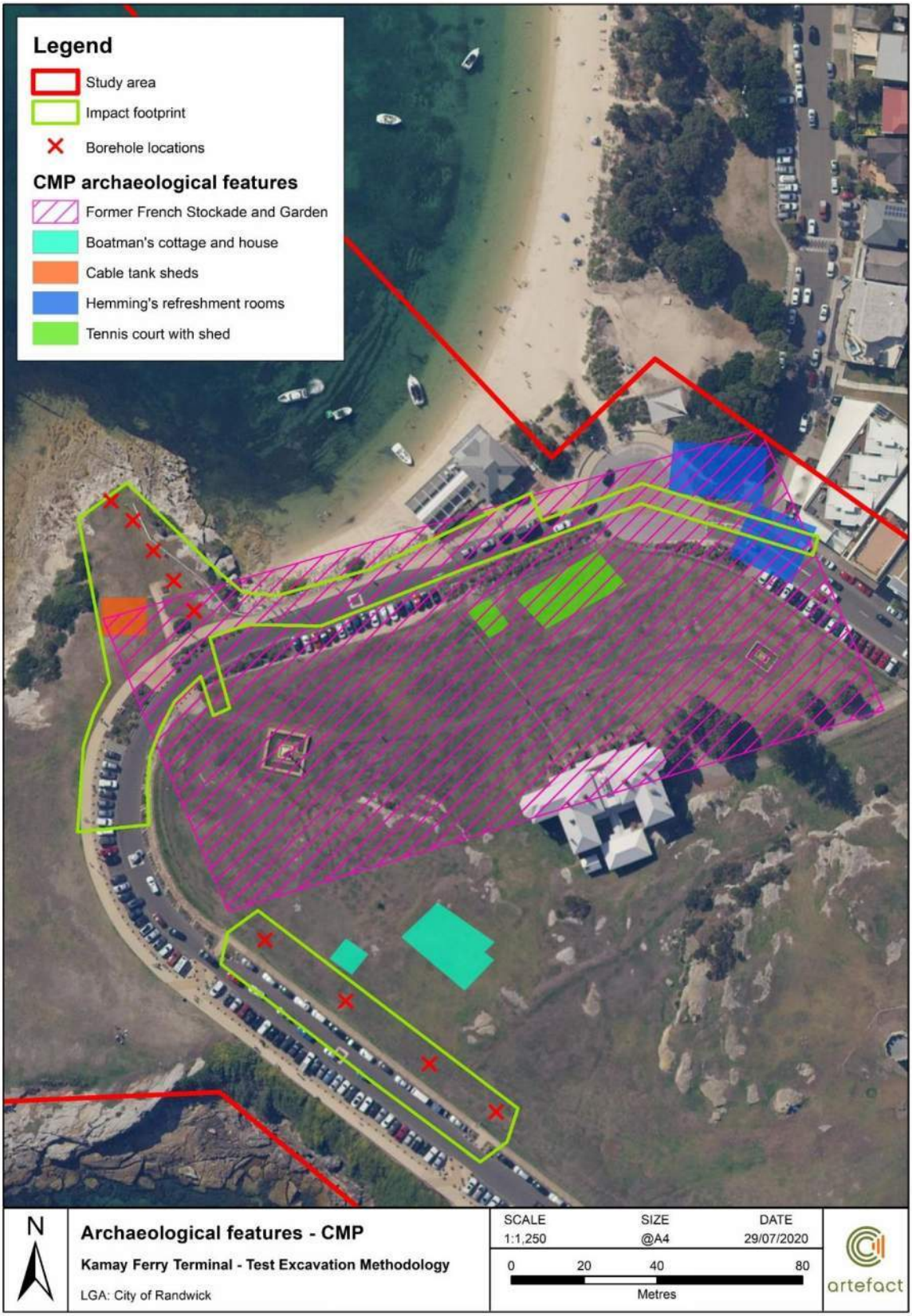

Figure 16: Proposed impacts (La Perouse) in relation to the non-Aboriginal archaeological sites/elements identified in the La Perouse CMP

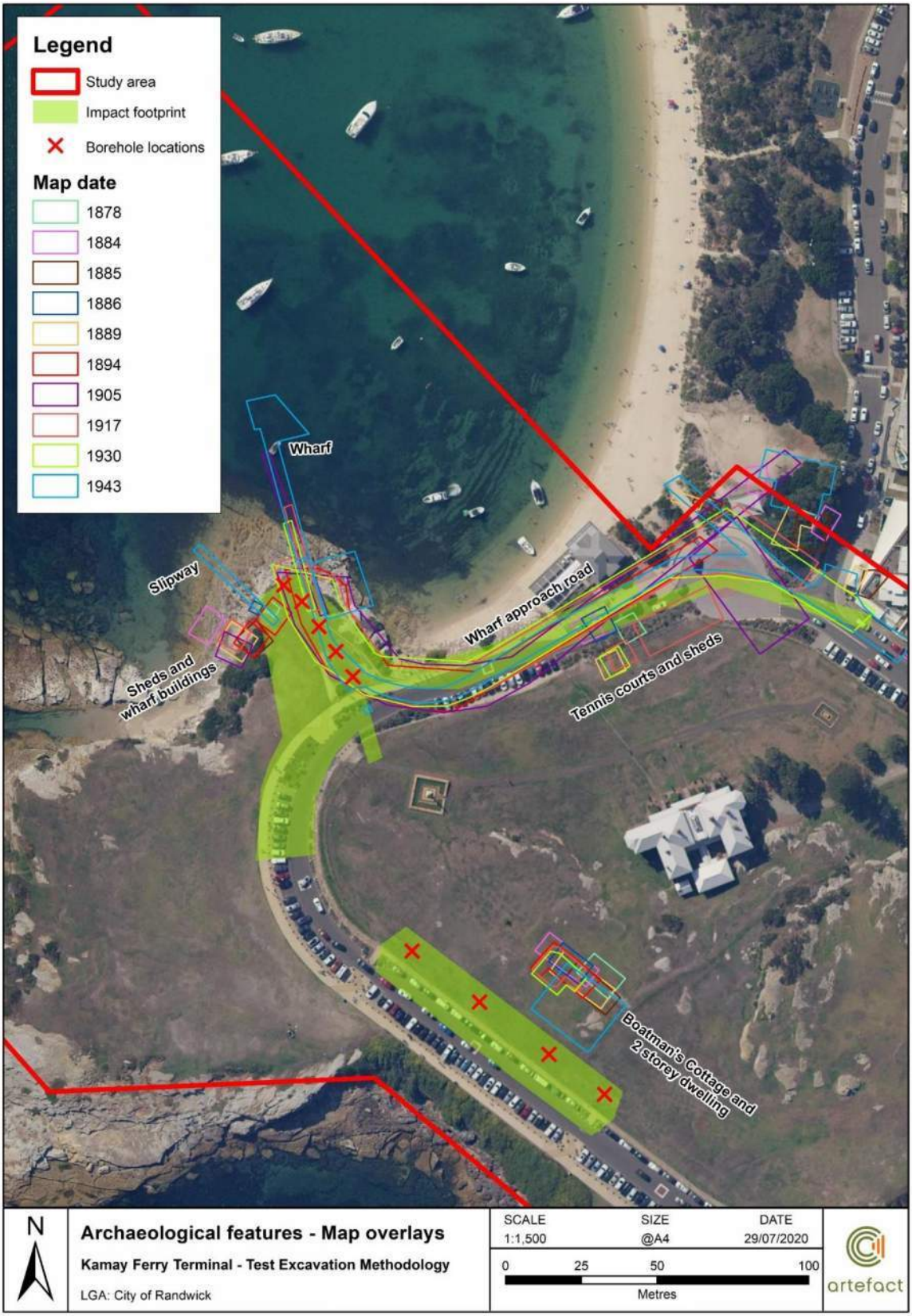

Figure 17: Proposed impacts (La Perouse) in relation to the non-Aboriginal archaeological features identified in overlays of historical plans and maps

6.0 ARCHAEOLOGICAL EXCAVATION METHODOLOGY

6.1 Aims

- Due to the potential for significant archaeological remains within the study area, the aim is to limit archaeological test excavation to the proposed impact footprint only. Test excavation will cease at the proposed impact depth in each location, and a surveyor will ensure that test excavation is kept within the proposed impact footprint
- The primary objective of the archaeological test excavation program is to determine if intact sub-surface Aboriginal sites and non-Aboriginal archaeological remains are likely be impacted by the proposal, and assist in the determination of the nature and significance of any encountered archaeological remains:
    - Previous archaeological test excavation locations at Kamay that overlap with the current project footprint identified a disturbed context to a depth of around 400mm. Proposed impacts for the installation of utilities and for geotechnical boreholes will exceed 400mm depth.
    - No previous archaeological investigations that overlap with the La Perouse footprint have been identified through background research and review of background information
- If sub-surface Aboriginal sites are encountered, to excavate a sample of that site within each test pit to the depth of impact and document the findings to inform significance and impact assessments in the EIS Aboriginal Heritage Technical Paper. *Any human remains encountered during test excavation will not be impacted*
- Determine if rock engravings are buried beneath the ground surface at La Perouse
- If significant non-Aboriginal archaeological remains are encountered, expose and record those remains without impact to inform significance and impact assessments in the EIS non-Aboriginal Heritage Technical Paper

6.2 Scope and limitations

The scope of this archaeological TEM is limited to the proposed impact footprint. This methodology does not provide a management strategy for non-Aboriginal archaeological features which are located outside of the impact areas or are already partially visible on the surface and therefore not subject to test excavation, such as rock cut features identified in the CMP. These sites may require separate management, such as archival recording, if they would be impacted by proposed works such as landscaping. Management of these sites/elements would be detailed in the EIS Technical Paper.

The proposed test excavation locations and pit counts identified in this methodology are indicative and may be subject to change depending on factors such as the ground conditions, presence of unknown services and utilities, and access to the proposed test pit locations. The test excavation depth would also be variable and would be subject to factors such as depths of the water table and bedrock. Significant non-Aboriginal archaeological remains, if encountered, will be recorded and left *in situ*. Archaeological test excavation will cease at any location where human remains are encountered.

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6.3 Justification for proposed methodology

Based on previous archaeological excavations completed within the Kurnell portion of the study area, it is anticipated that additional stone artefacts and midden material will be identified within the defined extent of AHIMS ID 52-3-0219. Coast 2019 predicted that in-situ midden material would not extend further than 70 m from the shoreline. However, [redacted] *may be located within AHIMS ID 52-3-0219 and elsewhere within the study area*.

It is also likely that stone artefacts will be located across the Kurnell portion of the study area. Although Aboriginal archaeological test excavations were previously undertaken in the Kurnell portion of the study area by Irish 2007, the excavations were relatively shallow. As the proposed utility works would result in deeper impacts compared to the excavations undertaken by Irish 2007, further investigation is required.

The La Perouse portion of the study area is likely to contain Aboriginal rock engravings and shell middens. However, it is unlikely that a surface survey will identify these engravings as previous investigations with the La Perouse headland has identified that some art sites were buried by previous works completed in the area. Therefore, it is likely that any surviving engravings will be located below the ground surface or within shelter environments like rock shelters.

Due to the low potential for non-Aboriginal archaeological remains within the study area, a separate targeted non-Aboriginal test excavation program is not recommended for the proposal. Therefore, the Aboriginal heritage test excavation program will be monitored for the presence of significant remains associated with the French Stockade and Gardens.

6.4 Heritage NSW

A copy of this test excavation methodology must be forwarded to Heritage NSW for their review prior to commencement of archaeological test excavation.

6.5 Excavation approach

6.5.1 Personnel

The excavation team will comprise archaeologists experienced in both the identification and excavation of contexts containing Aboriginal and historical objects. The excavation team will include representatives of the RAPs.

As per section 1.6 of the Code of Practice, archaeological investigations in NSW must use the services of people who are skilled and experienced in archaeology. The Code of Practice states that an appropriately skilled person has:

> *a minimum of a bachelor's degree with honours in archaeology or relevant experience in the field of Aboriginal cultural heritage management, and*
>
> *the equivalent of two years' full-time experience in Aboriginal archaeological investigation, including involvement in a project of similar scope, and*
>
> *a demonstrated ability to conduct a project of the scope required through inclusion as an attributed author on a report of similar scope.*

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The test excavation will be managed and supervised by suitably qualified heritage professional whose qualifications meet or exceed the requirements of the Code of Practice.

6.5.1.1 Excavation Director

The Aboriginal heritage Excavation Director would oversee the archaeological test excavations and advise on archaeological issues in consultation with RAP representatives on site. The Primary Excavation Director would provide clearance once archaeological management has been completed in an area. In consultation with RAP representatives on site, the Aboriginal heritage Excavation Director would determine the most suitable archaeological management approach to the investigations based on the available site information and in accordance with this methodology.

The nominated Excavation Director for non-Aboriginal archaeology is Jenny Winnett. She has over 13 years' experience gained from consulting throughout Australia and the UK. She specialises in historic (non-Aboriginal) heritage and is competent at undertaking an array of archaeological work including site assessments, excavation supervision and the authoring of excavation reports, artefact analysis, cataloguing and database management, project management, and client advice. The projects she has worked on for both public and private sector clients include large scale residential subdivisions, targeted urban developments and major infrastructure projects. She is able to apply for permits under the Heritage Act.

The Excavation Director for non-Aboriginal archaeology would be supported by a suitably qualified Site Director. The nominated Site Director for non-Aboriginal heritage is Jayden van Beek. He has 5 years' professional experience in historical archaeology and has been involved with the management of archaeological sites on major infrastructure projects including archaeological test excavations.

6.5.2 Sample strategy

The overall guiding principle for cultural heritage management is that where possible archaeological sites should be conserved. Therefore, it is proposed that test excavations will only occur within the proposed impact footprint, to the maximum depth of impacts or until the location is determined to be archaeologically sterile.

Excavations will target the locations of the proposed boreholes and the proposed utility lines (Figure 18 and Figure 19). One test pit would be located at each borehole, whilst along the proposed utility alignments test pits would be spaced around 20 m apart. Test pits may be spaced up to 30 m apart in certain areas due to the presence of obstructing features such as service pits. Test excavations will initially involve the testing of every second test pit location along the proposed utility alignments to minimise impacts to archaeological resources through test excavations, and excavate the remaining pit locations where further information is required. Archaeological excavations will cease where enough information has been recovered to adequately characterise the objects present with regard to their nature and significance.

In total, an indicative count of 24 test pits are proposed within the Kurnell portion of the study area (Figure 18) and an indicative count of 17 test pits are proposed within the La Perouse portion of the study area (Figure 19). The final number of test pits may be increased or decreased depending on the results of the test excavation program. The locations for proposed test pits shown in Figure 18 and Figure 19 are indicative only.

6.5.2.1 Avoiding impacts to human remains

The project area at Kurnell partially overlaps with [redacted], a recorded shell midden with burials (see Figure 2). Burials may occur anywhere within the mapped extent of [redacted], as well as within the remainder of the project footprint at Kurnell. Non-invasive methods of identifying burials may be utilised prior to test excavation, where appropriate. This may include use

of ground penetrating radar (GPR), which may not necessarily be effective based on depth, nature of sub-surface sediments, and whether human remains are within cuts or mixed with midden material. A GPR specialist will be approached to provide advice where appropriate prior to the commencement of the test excavation program. Where suspected human remains are identified through GPR, the location and number of proposed test pits may be adjusted to avoid impact. An Aboriginal community representative must be present where it is reasonably suspected burials or human remains may be encountered.

6.5.3 Excavation procedure

The test excavations would be undertaken as a combined Aboriginal and non-Aboriginal archaeological test excavation. Test excavation will occur utilising 1 m x 1 m test pits. All excavated test pits would be recorded in detail including photographs, level readings, plans and context sheets. Stratigraphic sections detailing the stratigraphy and features within the excavated deposit would also be drawn.

All test pits would be excavated by arbitrary 100 mm spits, with the exception of where high density midden material is encountered (see Section 6.5.6). Excavation depth will be guided by:

- Depth of proposed impacts:
  - the majority of the proposed utilities footprint will not exceed approximately 900mm depth with some portions of the design (sewage pump station access, for example) planned to a depth of approximately 1.2 metres. Archaeologist test excavation will not exceed proposed impact depths in those portions of the study area
  - borehole locations – archaeological test excavation will need to reach archaeological sterile layer before cessation of excavation. Boreholes would then be placed through the base of the pit
- Archaeological test excavation cannot exceed a safe depth. Maximum depth of excavation without shoring or increasing pit size is 1.5 metres, however, the maximum safe depth in contexts with loose or unstable sediments will be less. This limitation will be particularly relevant in proposed borehole location areas. Where test excavation is required below a safe depth, a revised methodology may be required that includes either shoring and/or increasing the pit size to ‘step down’ the excavation to the required depth, or utilisation of an alternative investigation methodology such as push tubes using a sonic rig
- Water table – hand excavation beneath the water table poses a limitation for both safety and integrity of the excavation program. In sandy contexts section walls are likely to start collapsing once the water table is reached, potentially leading to a larger area of impact and loss of excavation integrity. Where test excavation is required below the water table, a revised methodology may be required that identifies an appropriate methodology for sub-surface investigation in these contexts.
- Encountering human remains – *excavation will cease at any location where human remains are encountered*

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- Significant non-Aboriginal archaeological remains – test excavation will not remove significant non-Aboriginal archaeological remains. Should significant non-Aboriginal archaeological remains be encountered, those remains will be recorded and excavation will cease at that location.

All material retrieved from the excavated pits would be dry sieved, by hand, through 3 mm mesh depending on the consistency and nature of the sediments. Sieving will occur over tarps and sieved material used for backfilling at the end of the excavation. Wet sieving may be utilised where appropriate, particularly where clay deposits are encountered that are difficult to dry sieve. Wet sieving may require removal of retrieved material in buckets to a designated wet sieving location on site. Restrictions of heavy vehicle movements on site, particularly at Kamay, may mean that a wet sieving area is established in the vicinity of Captain Cook Drive.

All recovered stone and historical artefacts would be bagged and labelled with contextual information (test pits ID and spit/context number). These items would then be taken off site to be analysed in detail by relevant specialists in consultation.

Where proposed test pit locations are found to be obstructed or inaccessible due to ground conditions, services, or significant non-Aboriginal archaeological structures, efforts would be made to relocate the test pit within close proximity to the originally planned test pit location. Due to the proposed location of utilities beneath the existing footpath at Kamay, it may be necessary to remove portions of the footpath to undertake test excavation. Relocating pits adjacent to the footpath may result in impacts to areas that would otherwise remain undisturbed by the proposal. Further discussions with Arup and TfNSW would be undertaken to determine requirements for removing sections of footpath to allow for test excavation to take place.

6.5.4 Recording methodology

A record of archaeological investigation would be made. The recording would be undertaken in accordance with best practice and Heritage NSW guidelines. The recording methodology includes the following:

- A site datum would be established
- A standard context recording system would be employed. The locations, dimensions in plan and characteristics of all archaeological features and deposits would be recorded on a sequentially numbered register
- Scaled section drawings where appropriate
- Scaled test pit plans would be drawn showing the location of archaeological deposits revealed by excavation (if any)
- Photographic recording of all phases of the work on site would be undertaken
- Digital photography, in RAW format, using photographic scales and photo boards where appropriate. A photographic record of all phases of the work on site would be undertaken.

6.5.5 Fencing open excavation units

Arrangements for the necessity of fencing off open excavation units overnight will be discussed with the proponent. As the study area is a publicly accessible location, it is recommended that the proponent organise chain-link temporary fencing to establish an exclusion zone around the test excavation areas.

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6.5.6 Midden material

It is likely that midden material will be encountered on both sides of the study area. Where midden material is identified within a deposit that is predominantly comprised of soil, the deposit will be sieved, and shell material bagged separately to stone artefacts. If a high density midden is identified, (deposit primarily comprised of shell) the deposit will be excavated in arbitrary 50 mm spits and bulk sampled for off-site analysis. Shell analysis will involve washing and drying recovered shell then sorting and weighing by species and context.

6.5.7 Non-Aboriginal archaeological requirements

The aim of the non-Aboriginal archaeology component of the testing program is to identify whether the study area contains a significant non-Aboriginal archaeological resource. Significant, non-Aboriginal archaeological remains may include evidence of the French Stockade and Garden. Where evidence of the French Stockade and Garden is encountered, archaeological investigations would cease within that test pit. Soil samples may be taken to confirm the presence of archaeobotanical remains.

If non-Aboriginal archaeological remains are identified during test excavations, works would cease, and the non-Aboriginal heritage Excavation Director and Site Director consultant. If significant non-Aboriginal archaeological remains or artefact bearing deposits are identified these would be subject to detailed recording, retained *in situ*, protected with geofabric and sterile fill and reburied.

Large amounts of fill and disturbed material is common on sites and has previously been identified in disturbed layers in the Kurnell portion of the study area (Irish 2007). Out-of-context artefactual remains from layers of this type would be recorded and a sample of diagnostic artefacts retained if relevant.

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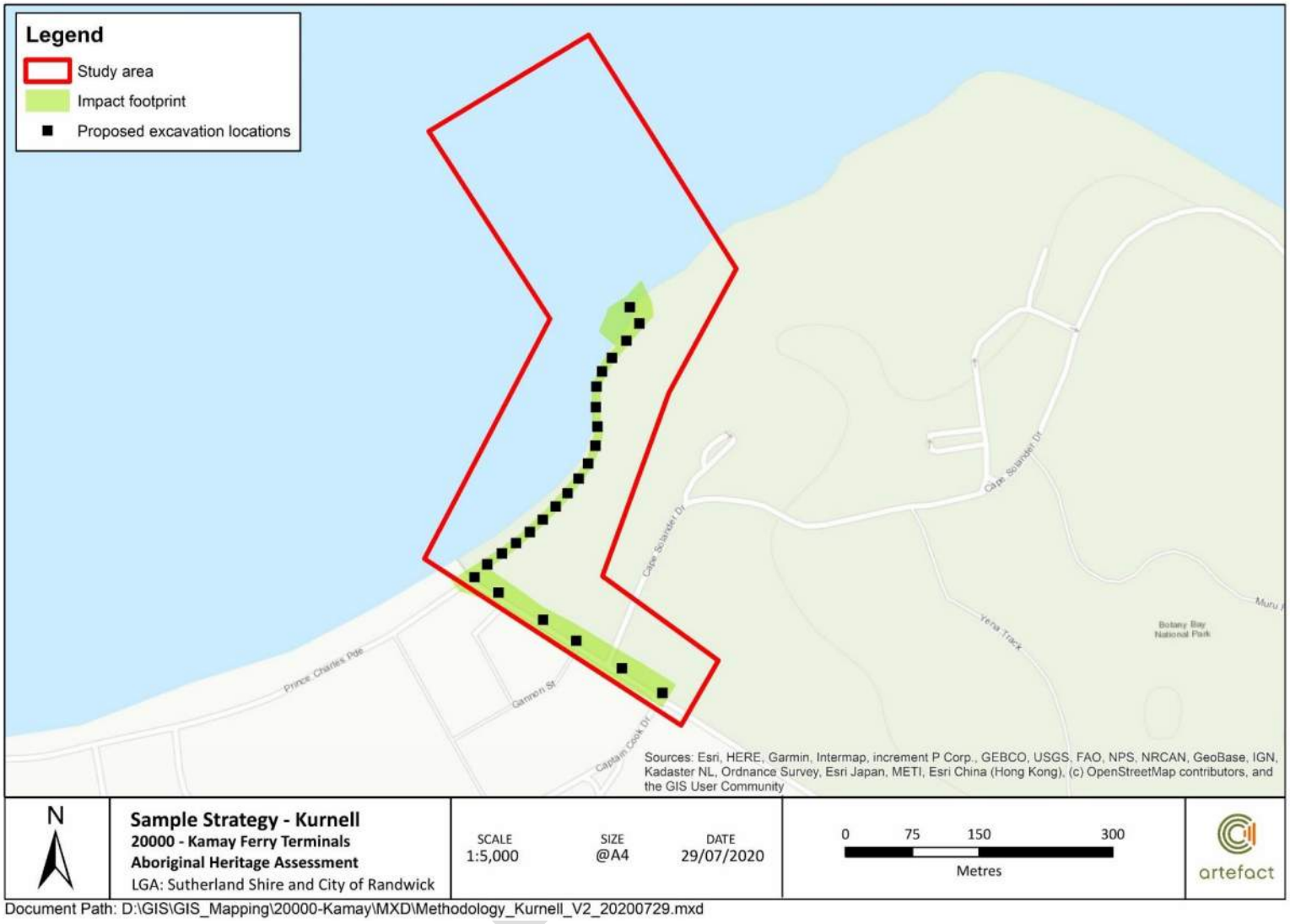

Figure 18: Indicative location of test pits (Kurnell)

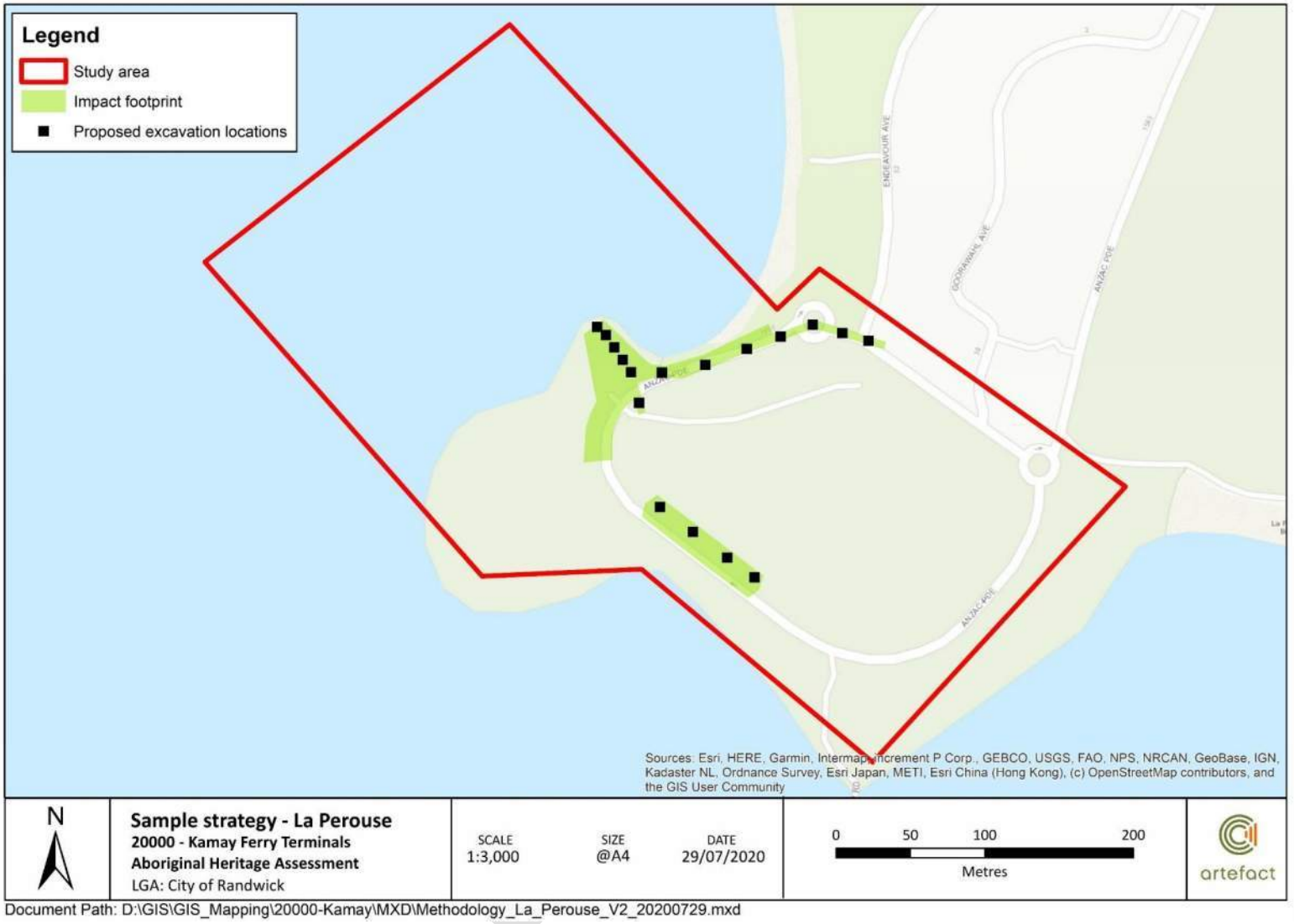

Figure 19: Indicative location of test pits (La Perouse)

6.6 Human remains

If suspected human skeletal remains are uncovered at any time throughout the excavation program, the following procedures outlined in the Unexpected Heritage Items Procedure 2015 (Roads and Maritime 2015) and Requirement 25 of the Code of Practice will be followed:

- Cease all excavation activity
- Do not further disturb or move the remains
- Notify NSW Police.

If human remains are unexpectedly encountered and they are thought to be Aboriginal, the Aboriginal community must be immediately notified. Recording of Aboriginal ancestral remains must be undertaken, or reviewed by, a specialist physical anthropologist or other suitable qualified person.

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

6.7 S146 notification

If intact 'relics' are encountered during the test excavation, then Heritage NSW must be notified under s146 of the Heritage Act. This would include:

- The remains would be recorded, retained *in situ*, and an assessment of archaeological significance prepared by the Excavation Director
- A summary statement and a s146 Notification of a 'relic' form would be prepared and submitted to notify Heritage NSW of the find. This would be accompanied by the assessment and recording prepared
- The 'relics' would be protected using geofabric, sterile fill introduced to protect the fine, and the test pit would be backfilled. No further excavation would take place at that location.

6.8 Environmental sampling methodology

As the archaeological investigation has the potential to encounter garden soils associated with the French Stockade and Garden, particular care would be taken in correctly identifying remains of this type. A geomorphologist (Sam Player) would be engaged to assist in identification and interpretation of the nature of soil deposits. On identification of intact early top/garden soils, soil and pollen samples would be collected for analysis.

If soils from the French garden are encountered, samples of those deposits would be sent to a qualified specialist for analysis. Artefact will engage Dr Mike McPhail, a researcher at ANU College of Asia and Pacific with many years palynological experience, if the collection of such samples is found to be warranted. Dr McPhail would also produce the specialist report. It is hoped that pollen samples would provide information regarding earlier species in the area, the types of foods consumed by the French expedition team and the food crops planted.

It is acknowledged that there are considerable methodological problems associated with palynological studies of samples obtained from archaeological sites. The following methodology has

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been developed to ensure, where possible, that the sample is intact. This methodology may be adapted or improved on-site by the Excavation Director.

In order to prevent cross-contamination, the following sample collection and excavation process should be followed:

- The location, quantity and material of samples will be determined by the non-Aboriginal heritage Excavation Director prior to its collection
- Samples would be stored in a safe, secure and climate-controlled location while excavations are in progress. This would be chosen by the non-Aboriginal heritage Excavation Director
- Each collected sample would be given a unique catalogue number and a sample register would be recorded throughout the excavation
- Clean Excavation' procedures would be followed during the sample collection process. This would include:
    - Latex gloves would be worn by individuals excavating soil samples. Gloves would be changed for each sample to prevent cross-contamination
    - Excavation tools/brushes/pipe would be cleaned prior to and after the collection of each sample to prevent cross-contamination
    - All bags containing samples for analysis would be bagged and labelled appropriately to prevent cross contamination and ensure they are handled and stored correctly.

It is noted that due to the small excavation area for the test excavation it may not be feasible to collect a large enough soil sample for analysis. If the significant garden soils are identified though, this will allow for further guidance for environmental sampling to be detailed in the EIS Technical Paper.

Samples may also be taken for optically stimulated luminescence (OSL) and radiocarbon dating, and small amounts of sediment may be removed for geomorphological analysis. OSL samples are generally taken by inserting a small section of PVC pipe into one section wall at varying depths of a test pit. Sediments retrieved for OSL dating would be sealed in the PVC pipe and sent to a laboratory for testing, most likely at the University of Wollongong. Consultation with RAPs will be undertaken before any shell material is used for radiocarbon dating.

6.9 Back-filling

It is intended for sediments retrieved during test excavation to be dry sieved adjacent to the test pit on a tarpaulin or similar protective layer and then re-deposited into the test pit when that test pit is completed.

It may be necessary, particularly if wet sieving is required, for additional back-fill material to be brought to site. Appropriate back-fill material will be discuss with RAPs, TfNSW and NPWS.

6.10 Post-excavation tasks

6.10.1 Aboriginal Heritage

All Aboriginal objects retrieved during the course of excavation would be cleaned following initial microscopic analysis to detect residues if present and placed in re-sealable bags for further analysis

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and recording. The artefact assemblage would be recorded and stored appropriately. This includes recording key attributes of raw material type, artefact type, platform type, and dimensions, as well as photographic record of representative artefacts. All recorded information would be entered into a Microsoft Excel table with detail linked to the provenance of each artefact. Once entered into the Excel table, the data can be readily supplied with the salvage excavation report to the registered Aboriginal parties in both electronic and hard-copy form.

Shell material would be sorted and dried where necessary, with records made of the range of shells present and recoding the rank and order of the species present. Records would be made of the density and species of any animal bone present in the assemblage.

Any recovered Aboriginal objects would be temporarily and securely stored in a secure location by the consultant archaeologist completing the salvage excavations. Aboriginal objects may be temporarily released to archaeological technicians for the completion of specialist analysis.

The long-term care and management of all Aboriginal archaeological material retrieved will need to be discussed with the RAPs.

An Aboriginal archaeological excavation report detailing the results of the archaeological excavation program would be prepared once excavation, artefact recording, and any other analytic activities are concluded. The excavation report would provide details on the established extent and scientific significance of any Aboriginal archaeological material retrieved during the excavation process. The report would also address the research objects proposed in this document.

An Aboriginal site recording form will be completed and submitted to the Aboriginal Heritage Management Systems database register to document any Aboriginal objects found during excavation.

6.10.2 Non-Aboriginal Heritage

If diagnostic, non-Aboriginal artefacts are retrieved from fill layers, of low archaeological integrity, these would be cleaned and stored in an appropriate repository, observing specialist conservation requirements where appropriate. Where more complex conservation strategies are required, a conservation specialist would be engaged. Recovered artefacts would be provenanced according to their archaeological contexts. They would be processed, catalogued, and analysed by an archaeologist experienced in non-Aboriginal artefact assemblages. Artefact analysis would include production of a database in accordance with best practice archaeological data recording. The resulting information would be included in the excavation report to inform a non-Aboriginal archaeological technical paper to support the EIS.

Long-term management of non-Aboriginal artefacts recovered from the archaeological investigations would be the responsibility of TfNSW. Any retrieved non-Aboriginal objects and would be safely and securely stored by TfNSW within a final repository following completion of post-excavation analysis.

A non-Aboriginal archaeological excavation report detailing the results of the archaeological excavation program would be prepared once excavation, artefact recording, and any other analytic activities are concluded. The report would be used to inform the EIS Technical Paper and would provide details on the findings of the test excavation program, provide a significance assessment, identify the extent of potential impacts that would result from the project works, and provide recommendations for further management where required. Where significant non-Aboriginal archaeological remains are identified, the non-Aboriginal archaeological excavation report may recommend a re-design of the project impacts, where feasible, to avoid and minimise impacts to significant heritage.

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6.11 Changes to proposed impact area

Should changes to the proposed impact area be made subsequent to the completion of the archaeological excavation program, further assessment will need to be completed. The necessity for further test excavations will be determined based on the nature of changes to the proposal.

6.12 Site Impact Recording Form

A site impact recording form will be submitted to the Heritage NSW AHIMS site register to document the test excavation results.

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CONSULTATION STAGE 4.2.4 – ABORIGINAL FOCUS GROUP MINUTES

Isabel Wheeler

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: [redacted] 2 September 2020 2:51 PM
To: [redacted]
Subject: FW: Kamay Ferry Wharves Aboriginal Focus Group Meeting Minutes
Attachments: KFWP- AFG_Minutes of Meeting.pdf

Hi [redacted]

Minutes now attached.

Regards,
Lee

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
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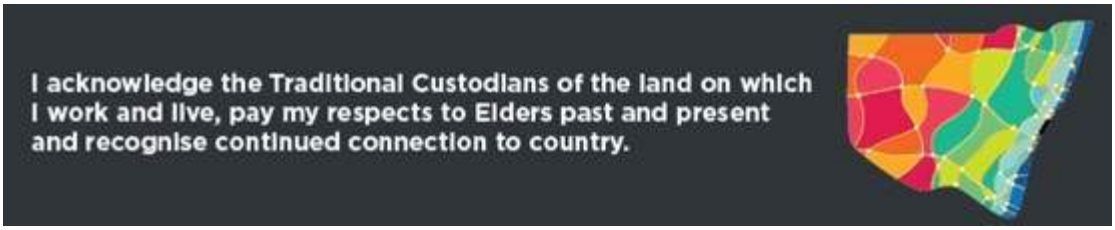

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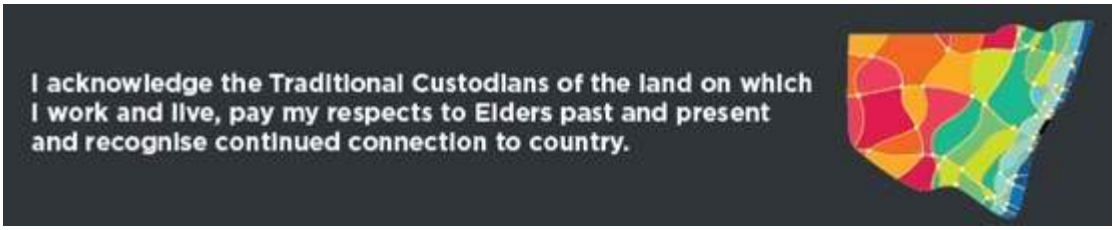

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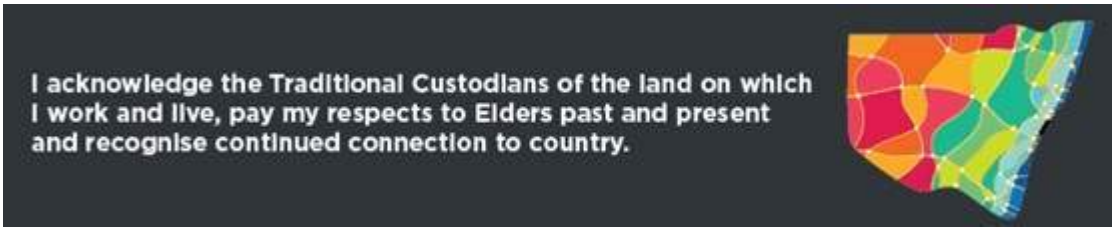

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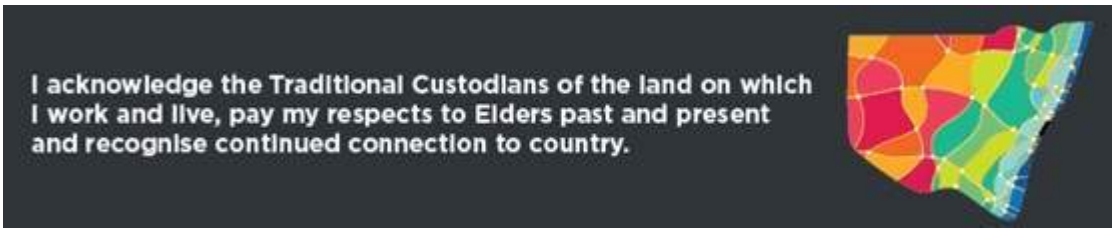

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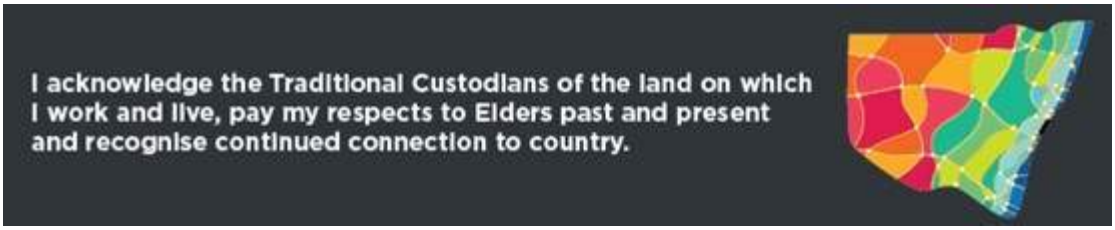

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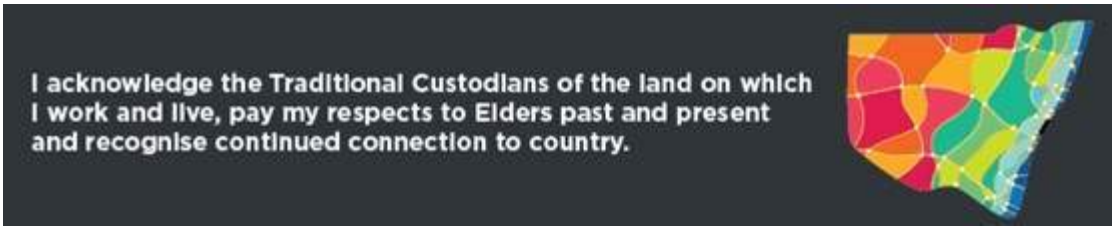

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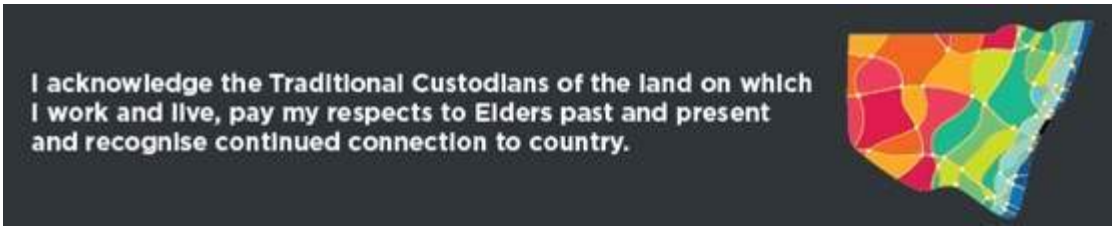

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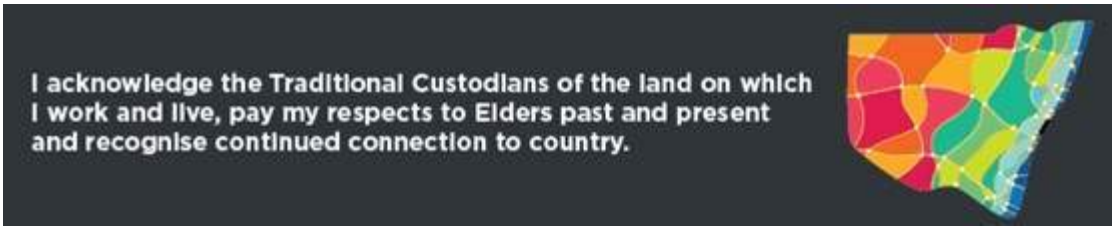

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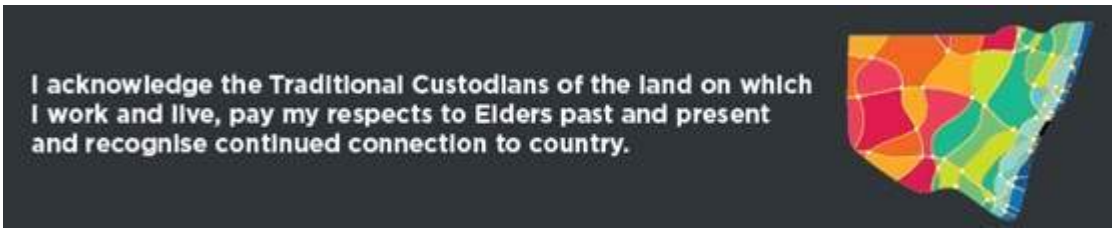

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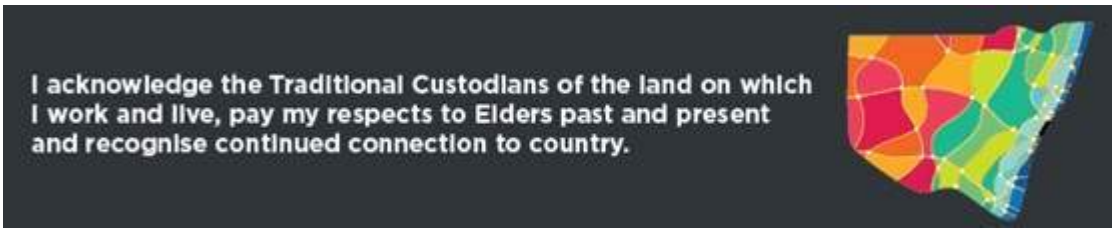

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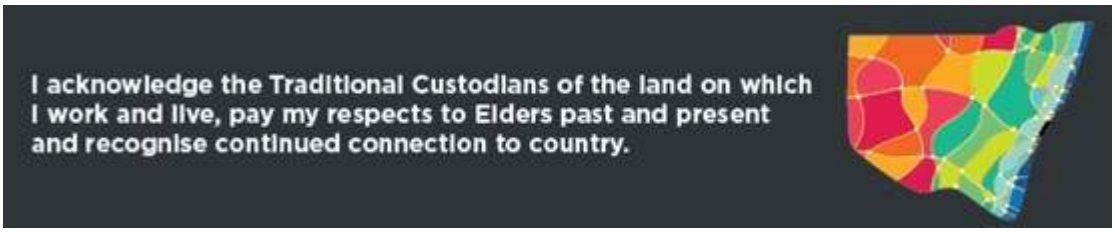

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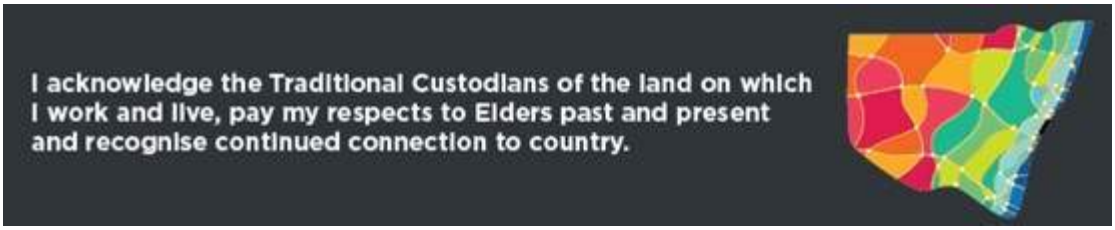

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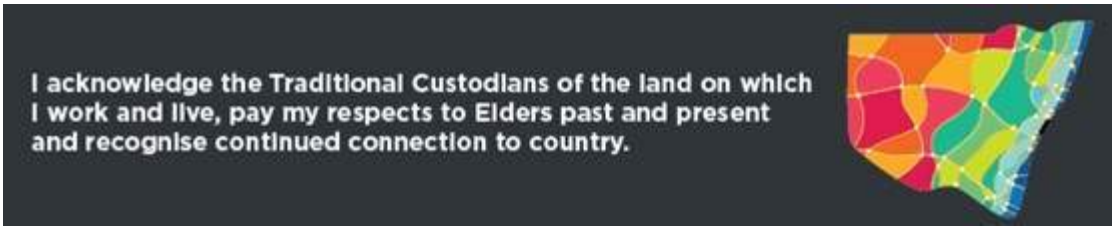

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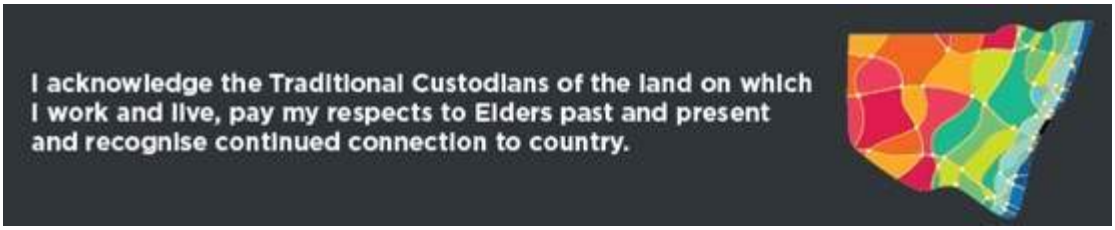

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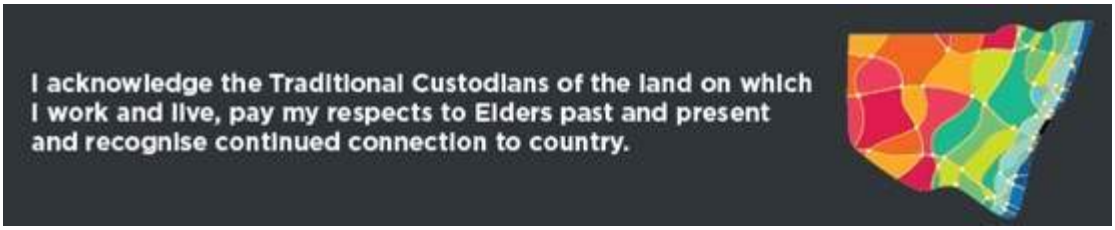

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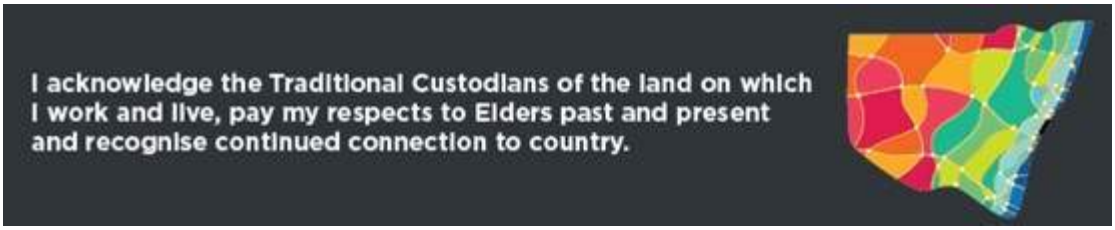

From: Lee Davison
Sent: Wednesday, 2 September 2020 2:32 PM
To: [redacted]
Subject: Kamay FerryWharves Aboriginal Focus Group Meeting Minutes

Hi

Find attached the minutes to Monday's AFG meeting.
As a reminder, if you have any comments on the draft methodology please send them to me by September 23.

Regards,
Lee

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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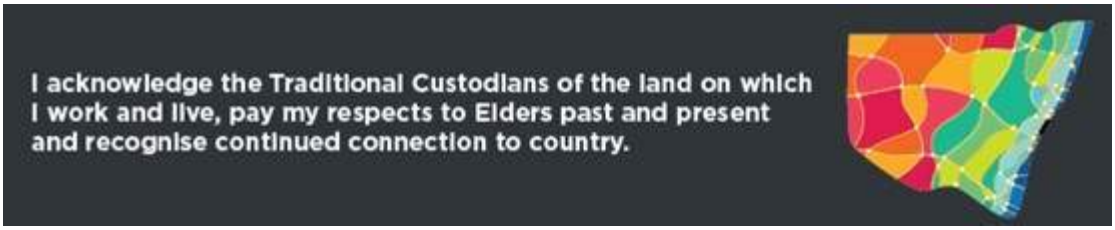

Isabel Wheeler

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Wednesday, 2 September 2020 2:57 PM
To: [redacted]
Subject: Kamay FerryWharves Aboriginal Focus Group Meeting Minutes
Attachments: KFWP- AFG_Minutes of Meeting.pdf

Hi

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Regards,
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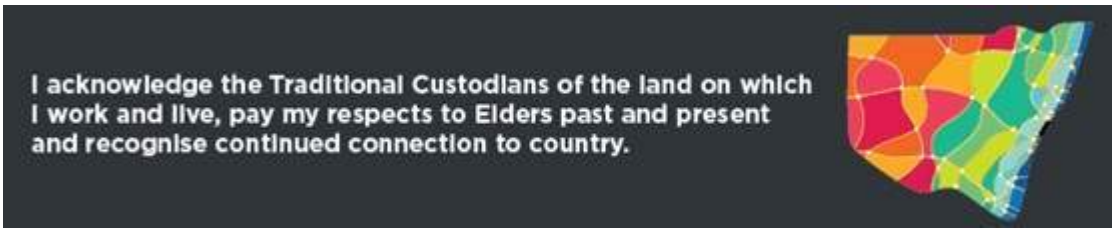

Isabel Wheeler

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Wednesday, 2 September 2020 2:07 PM
To: [redacted]
Subject: KFW AFG Meeting Minutes
Attachments: KFWP- AFG_Minutes of Meeting.pdf

Hi

Find attached the minutes to Monday's AFG meeting.
As a reminder, if you have any comments on the draft methodology please send them to me by September 23.

Regards,
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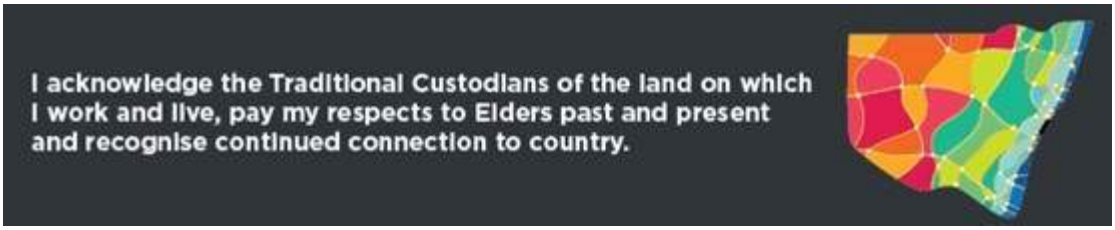

Isabel Wheeler

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: [redacted]20 2:08 PM
To:
Subject: inal Focus Group Meeting Minutes
Attachments: KFWP- AFG_Minutes of Meeting.pdf

Hi

Find attached the minutes to Monday's AFG meeting.
As a reminder, if you have any comments on the draft methodology please send them to me by September 23.

Regards,
Lee

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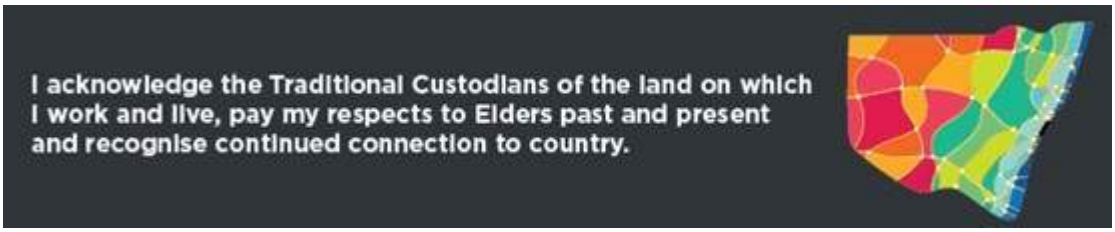

From: Lee Davison
Sent: Friday, 4 September 2020 1:46 PM
To: La Perouse Admin; [redacted]
Cc: Estelle Ouari
Subject: Kamay Ferry Wharves Aboriginal focus group Meeting/Site Officer Applications

Hi [redacted],

We held an online Aboriginal Focus group Meeting on Monday and I've realised that we didn't send you an invitation. My sincerest apologies for this oversite.
The objectives of the meeting were to give a project update and present the archaeological methodology for the test excavation program proposed by Artefact.

Find attached the Draft Methodology for your review and comment. Please provide any comments to me by Wednesday September 23.
Also attached is the site officer application form, please complete a form for each site officer you would like to be engaged and send them to me by Monday September 14.

My apologies once again. I look forward to your comments should you have any.

Regards,
Lee

Lee Davison (I work from home on Tuesdays and at Milsons Point on Thursdays)
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
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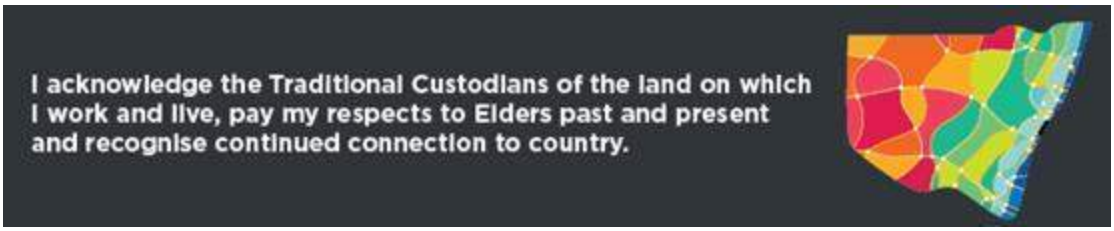

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From: Lee Davison
Sent: Wednesday, 3 February 2021 5:42 PM
To: [redacted]
Sub Wharves - AFG 1 Meeting Minutes

Great, thanks for clarifyin

Hope to see you at the next AFG meeting on the 15th.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
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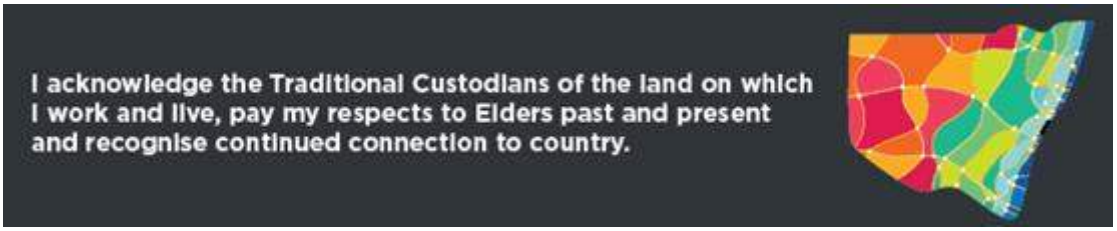

From: [redacted]
Sent: Wednesday, 3 February 2021 3:51 PM
To: Lee Davison
Subject: Re: Kamay Ferry Wharves - AFG 1 Meeting Minutes

Hi lee

No comments from me all is good!

Thanks

Sent from my iPhone

On 3 Feb 2021, at 3:26 pm, Lee Davison <Lee.davison@transport.nsw.gov.au> wrote:

Hi

Thanks for your quick response. Do you have any comments from it to share? Or do you approve of the consultation process to proceed?
Because I didn't provide it to you back in September, I may be required to give you a review and comment period.

Please let me know if you'd need time to review them or if you're ok with them?

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
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<image001.png>

From: [redacted]
Sent: Wednesday, 3 February 2021 3:20 PM
To: Lee Davison
Subject: Re: Kamay Ferry Wharves - AFG 1 Meeting Minutes

Hey

Happy new year! Hope you had a good break!

I was able to view the minutes as you sent them through to , so I was able to have a read of them. Yes I'm able to have a chat tomorrow around 10am? & I also just wanted to confirm Bo & I attendance for the upcoming AFG meeting.

Thanks

Sent from my iPhone

On 3 Feb 2021, at 3:00 pm, Lee Davison <Lee.davison@transport.nsw.gov.au> wrote:

Hi Lee,

Happy new Year! I hope you're well.

I'm writing you because I've noticed that you didn't receive the AFG 1 Meeting minutes for the Kamay Ferry Wharves test excavation methodology.

It’s a consultation requirement for TfNSW to send all RAPs these, so I a[apologies for not getting them to you. Looking back at the emails, I saw that I sent you an email, but didn’t attach the minutes.

Are you free to have a yarn about this tomorrow morning, as I’d really like to discuss this as soon as possible and get any comments you have from the discussion of the meeting.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
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<KFWP- AFG_Minutes of Meeting.pdf>

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TEM and AFG 1 Meeting Minutes –

Friday 5 February 2021 10am-11am

Lee Davison delivered the Test Excavation Methodology and AFG Meeting 1 minutes to [redacted] discussed the process of RAP review and comment, and apologised for not providing the meeting minutes in September 2020.

[redacted] he would review and provide feedback.

Tuesday 9 February 2021 11:28am

Lee Davison called [redacted] o discuss any feedback he had for the methodology and/or meeting minutes. [redacted] didn't have any comments to share and was happy with what was provided.

MINUTES

Kamay Ferry Wharves Project – Aboriginal Focus Group Meeting #1

Date	31 August 2020		
Time	12:00 to 2 PM		
Venue	Teleconference via Zoom		
Chairperson	Lee Davison (TfNSW)	**Minutes by**	Estelle Ouari
Invitees	Andrew Dooley Chris Williams Mark Lester Estelle Ouari Alice Smith David Dack Ryan Taddeucci Jayden van Beek i		TfNSW TfNSW TfNSW TfNSW Arup Arup Artefact Artefact RAP - Individual RAP – Wurrumay ?
Apologies	[redacted]	-	-
Distribution	All attendees + RAP		

MINUTES		**Responsible/ Due Date**
1.	**Acknowledgment of Country**	
	xx	LD
2.	**Project Overview**	
2.1	**Background** TfNSW is working on the reinstatement of the ferry wharves at La Perouse and Kurnell. A regular passenger ferry service excited for around 75 years, until the wharves were destroyed in 1974 by a storm. In 2016, TfNSW completed a feasibility study and in 2018, the then Prime Minister and former Treasurer announced funding towards the Project. TfNSW has established a project team to undertake the planning, design, environmental impact assessment, procurement and delivery of the	AD

MINUTES		Responsible/ Due Date
2.2	reinstatement of the 2 wharves and associated infrastructure. Arup is helping with the delivery of the project. **Benefits** They are multiple expected benefits for that project, such as: • Significant cultural, health and economic benefits to the local Aboriginal population providing a meaningful step towards reconciliation at the location of the first Meeting place. • Creation of active transport alternatives facilitating mode shift away from private vehicle use and consequently a net reduction in carbon emissions • Enabling realisation of the Kamay 2020 Masterplan objectives and benefits through an improved sense of arrival and increased visitation at both sides of the Kamay Botany Bay National Park • Improved access for recreational fishers and public amenity. • Provides the missing link for walking and cycling routes around Botany Bay and along the coastline • Improved access and facilities for recreational vessels • Activation of investment opportunities leading to the creation of jobs and wider economic benefits, in particular to the construction, tourism and hospitality sectors	
3.	**Project Overview**	
3.1	**End Users** Expected End Users are ferry service (100-250 passenger ferry vessel), non-ferry commercial vessel operators, recreational boat users, recreational fishers and general public (visitors, commuters).	DD
3.2	**Requirements** Additional car park, drop-off spaces and bicycle racks will be provided at both locations, along with sheltered passenger waiting areas and lightings on the wharves.	
3.3	**Design** Kurnell wharf will go out a fair bit in deep enough water for the vessels to be able to use the wharf. The Project is currently at the Concept Design phase and will move into the Detailed Design phase in the coming months.	
3.4	**Environmental assessment** The Project is classified as State Significant Infrastructure, which requires preparation of an Environmental Impact Statement. The key environmental considerations are biodiversity, aboriginal and non-Aboriginal heritage and maritime archaeology.	
3.5	**Stakeholder and community engagement** Stakeholder and community engagement is ongoing, using different channels of communication. (Online portal, Project update distributed to	

MINUTES		Responsible/ Due Date
	6000 letterboxes in Kurnell and La Perouse, Online community information sessions). TfNSW values community feedback and is welcoming questions and stories.	
4.	**Archaeological Assessment**	
4.1	**<u>Kurnell</u>** A search of the AHIMS database was completed for both portions of the study area and the results identified one site within the study area and four more in close proximity. Due to the close proximity of the AHIMS sites, additional background research was completed to determine to if any of the identified sites extend in the study area. It was found that only the site extent of AHIMS ID 52-3-0219 (the Foreshore Midden) extends into the study area. The Aboriginal [redacted] were identified outside of the current study area. The majority of the identified Aboriginal objects were also identified outside the extent of the study area. However, the majority of the excavations were only completed to a depth of 300 – 400 mm and did not encounter intact soil deposits. Therefore, it is likely that additional Aboriginal objects, [redacted] and [redacted] remains may be located within the study area. In accordance with the PACHCI, a survey of the study area was completed. No Aboriginal objects were identified during the survey. However, based on landform observations and the results of the background research, it was determined that the KPAD 1 is likely to extend further into the study area and the Foreshore Midden is likely to include an area of PAD. The proposed works with include six geotechnical boreholes and the excavation of a utilities trench. It is understood that the utilities trench will extend to a depth of 1.2 m, and will exceed the depth investigated by Paul Irish in 2007. The boreholes will extend to greater depths, depending on the nature of the deposit (potentially 3 m). As a result, it is proposed that a 1 m x 1 m test pit is placed at the location of each borehole and at 20 m spacing along the length of the utilities corridor. A specialist will be engaged to complete a survey utilising ground penetrating radar, to assist in identify and avoiding any Aboriginal burials.	RT
4.2	**<u>La Perouse</u>** An AHIMS search was also completed for the La Perouse portion of the study area. Several AHIMS registered sites were identified in and around the study area. Some of the sites were registered in the water, and it was considered likely that there were a coordinate's error. The review of background reports found alternate locations of the AHIMS registered sites. However, many of them were unable to be relocated. This is because many of them are rock engravings and have been heavily eroded by natural processes. Some of the sites may have been buried by landscaping and previous works. It was also found that human remains had been previously identified within the La Perouse portion of the study area and a GRP survey will also be completed to avoid impacts. A survey of the La Perouse side was completed. Two previously recorded rock engravings were relocated and one new site was identified. Two rockshelters were identified. Revised site extents were developed based on the results of the survey	

MINUTES		Responsible/ Due Date
	and previously completed assessments. An area of PAD was included as part of the newly recorded midden, to mitigate against the uncertainty of sites that could not be located. A series of boreholes and a utilities corridor are also proposed for the La Perouse portion of the study area. The utilities corridor will extent to a depth of 750. A sewer pump station is also proposed, and likely to extend to a depth of 1.2 m. Nine boreholes are also proposed. As a result, it is proposed that a test excavation program is completed, which will test the location of each borehole and the length of the utilities corridor at intervals of 20 m. The sewer pump station is located adjacent to one of the boreholes and will be encapsulated as part of those investigations. Excavations will be limited to the maximum depth of impacts, to reduce impacts to the sites. Artefact will try to minimize impacts on resources when possible. Number of test pits and boreholes subject to variation. - Review and comments on the test excavation methodology report and any cultural information about Aboriginal objects and places within the project area to be submitted to Lee Davison by latest Wednesday 23rd September 2020.	
5	**Site officers application** - To be submitted to Lee Davison by latest Monday 14th of September 2020. Applications will be assessed by TfNSW and selected site officers will be contacted in due time. - Estimated time on site for testing around 4 weeks. To be confirmed - Number of site officers required to be confirmed.	LD, AD

CONSULTATION STAGE 4.4.2 –REVIEW OF DRAFT ACHAR AND TER, INVITATION TO ABORIGINAL FOCUS GROUP

Julia McLachlan

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Monday, 1 February 2021 9:38 PM
To: [redacted]
Subject: ocument Review and AFG Meeting
Attachments: Invitation to Aboriginal Focus Group Meeting - Kamay Ferry Wharves.pdf; DRAFT_20000 Kamay Ferry Wharves Project Upgrade_ATER_20210129.pdf; AFG Agenda - Kamay Ferry Wharves.pdf; DRAFT 2_Kamay Ferry Wharves Project_Aboriginal Technical Paper_20210129.pdf

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
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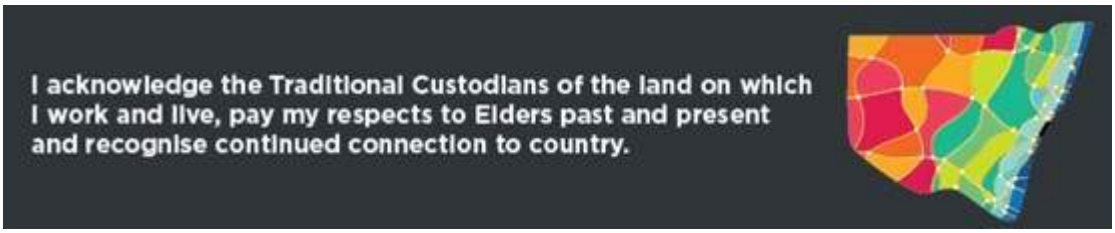

From: Lee Davison
Sent: Monday, 1 February 2021 5:26 PM
To: [redacted]
Subj Wharves - Document Review and AFG Meeting

Hi

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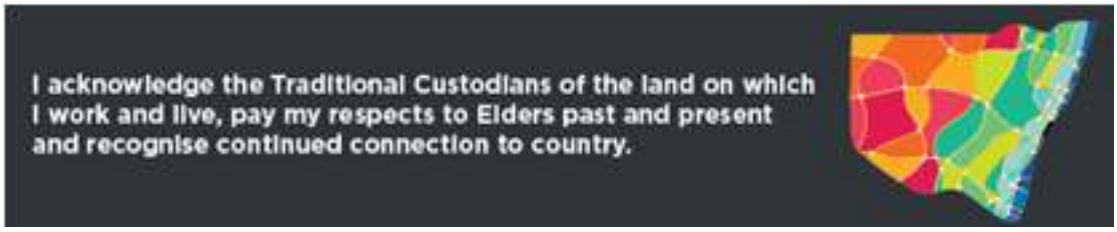

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From: Lee Davison
Sent: Monday, 1 February 2021 5:31 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi [redacted],

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
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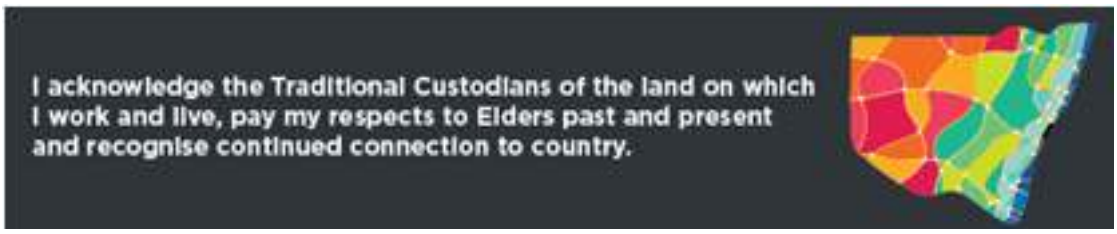

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Consider the environment. Please don't print this e-mail unless really necessary.

From: Lee Davison
Sent: Monday, 1 February 2021 5:33 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

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I hope to hear from you soon.

Regards,
Lee

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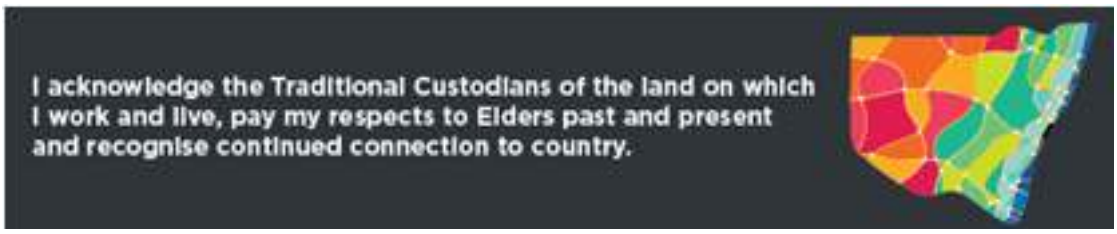

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From: Lee Davison
Sent: Monday, 1 February 2021 5:35 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Dear

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Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

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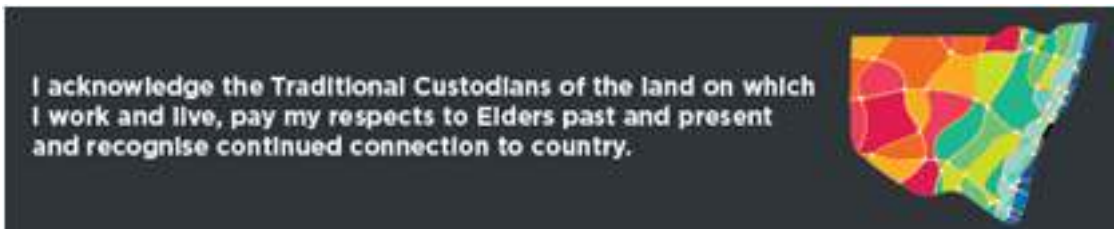

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From: Lee Davison
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To: [redacted]
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I hope to hear from you soon.

Regards,
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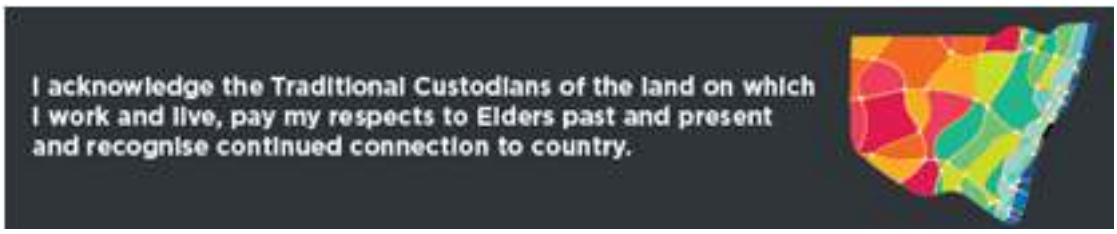

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From: Lee Davison
Sent: Monday, 1 February 2021 8:23 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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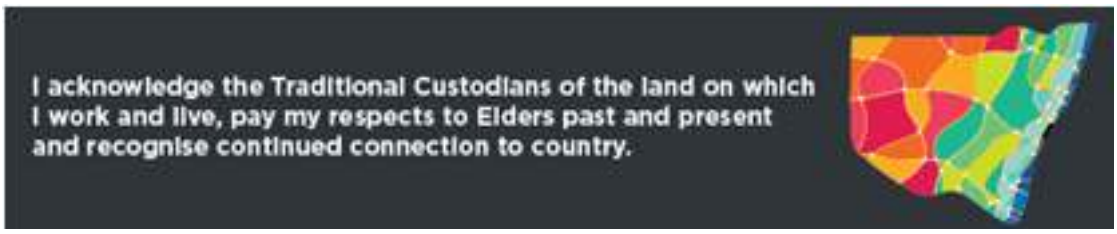

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From: Lee Davison
Sent: Monday, 1 February 2021 8:26 PM
To: [redacted] La Perouse Admin
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi [redacted],

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

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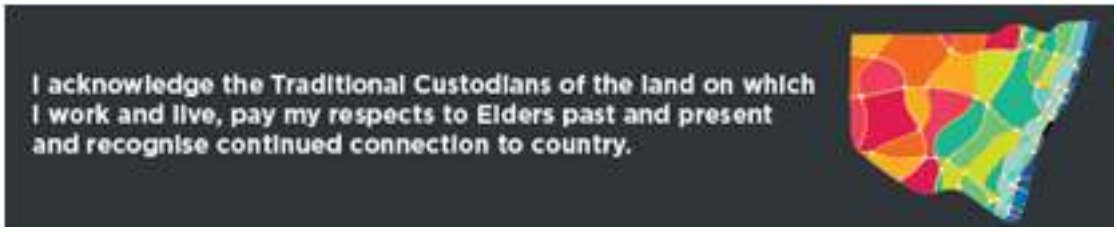

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From: Lee Davison
Sent: Monday, 1 February 2021 8:28 PM
To: [redacted]
Sub y Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

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Regards,
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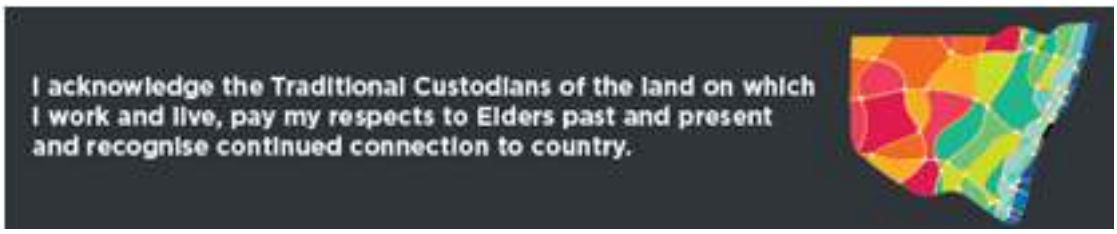

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From: Lee Davison
Sent: Monday, 1 February 2021 8:30 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

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Aboriginal Cultural Heritage Officer - Sydney Region
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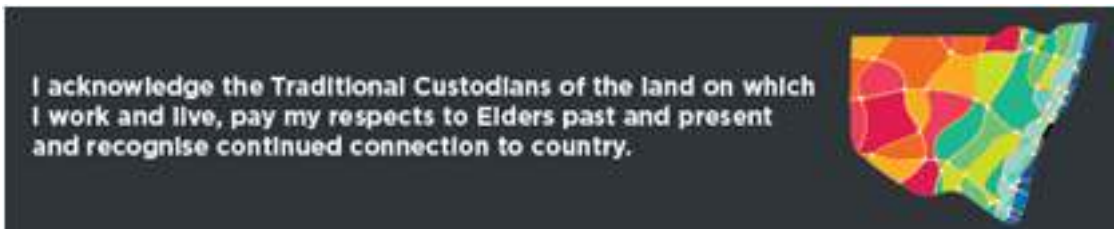

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From: Lee Davison
Sent: Monday, 1 February 2021 9:32 PM
To [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
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Aboriginal Cultural Heritage Officer - Sydney Region
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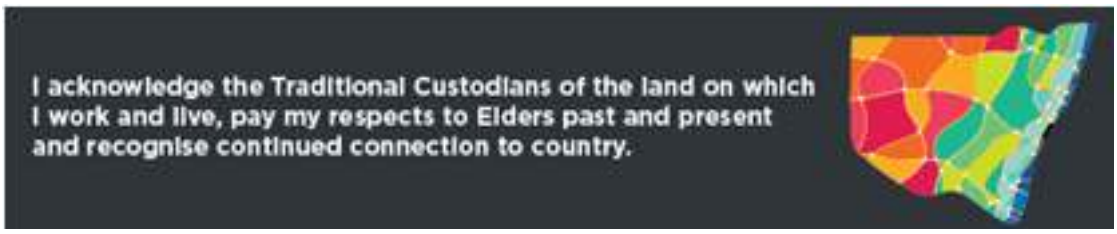

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From: Lee Davison
Sent: Monday, 1 February 2021 9:34 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
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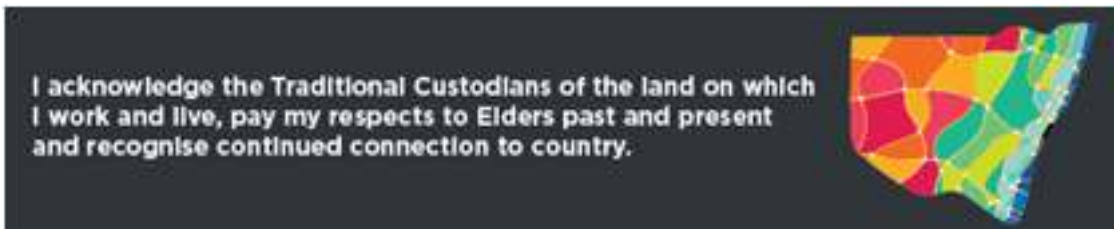

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From: Lee Davison
Sent: Monday, 1 February 2021 9:36 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
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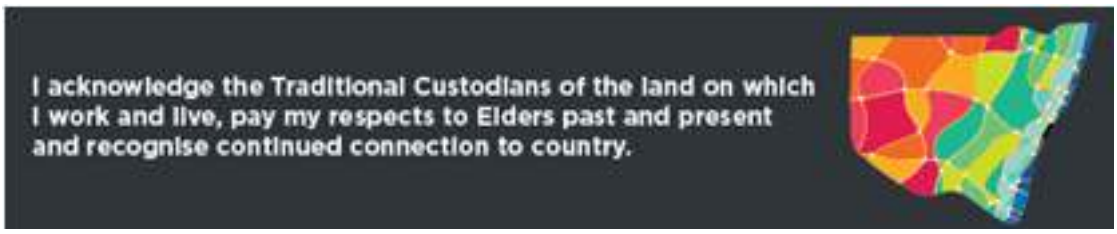

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From: Lee Davison
Sent: Monday, 1 February 2021 9:40 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
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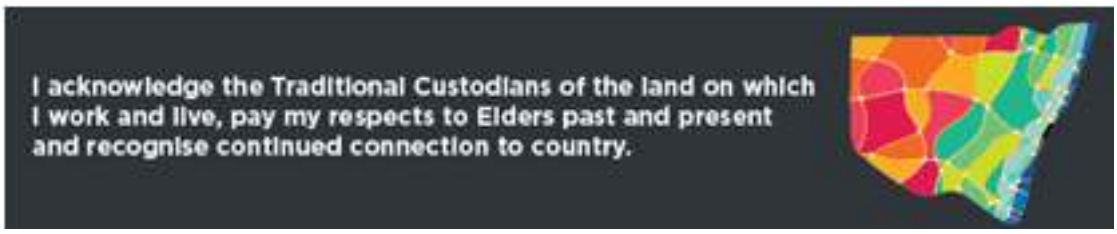

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From: Lee Davison
Se [redacted] bruary 2021 9:42 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

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I hope to hear from you soon.

Regards,
Lee

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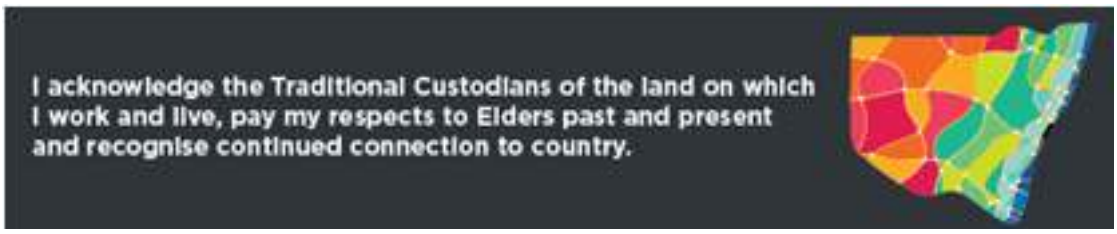

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From: Lee Davison
Sent: Tuesday, 9 March 2021 2:24 PM
To: Gulaga
Cc: Estelle Ouari
Subject: Kamay Ferry Wharves consultation

Hi ,

I am writing to you in regards to your registration for consultation for the Kamay Ferry Wharves project. Unfortunately, I accidently missed your email of registration and have consequently not included your organisation in the consultation process for the project.

TfNSW take our obligations to consult with our Aboriginal stakeholders very seriously to meet our legislative and moral requirements when assessing potential impacts to Aboriginal heritage.
I sincerely apologise for this oversite and will now provide you with an overview of the process to date and the relevant documents for your review. I will also notify Heritage NSW of this incident.

Find attached:

- Timeline of milestones for the Aboriginal cultural heritage assessment in accordance with the Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI)
- Aboriginal Cultural Heritage Assessment Report, this includes the results from the site survey conducted in January 2020 and the test excavation results from November 2020
- Minutes from 2 Aboriginal Focus Group meetings
- Presentation from AFG 2

Again I offer my sincere apology for this mistake, can we please discuss this over the phone or MS Teams talk about your view of the Aboriginal heritage assessment for the project?
I'm also happy to meet in person if that suits you better for this discussion.
Please let me know what the best way for us to discuss this is.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
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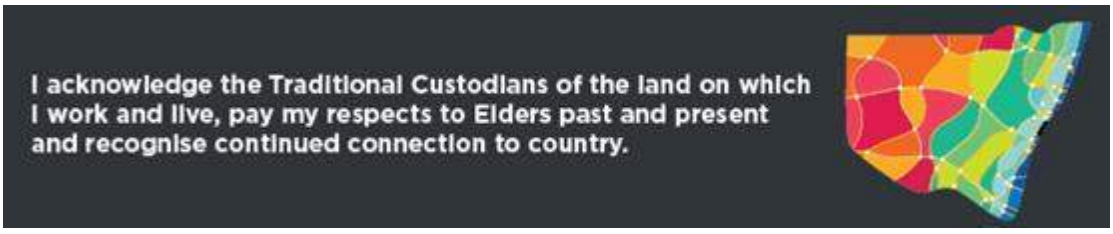

From: Lee Davison
Sent: Tuesday, 9 March 2021 2:19 PM
To: [redacted]
Cc: Estelle Ouari
Subject: Kamay Ferry Wharves Consultation

Hi

I am writing to you in regards to your registration for consultation for the Kamay Ferry Wharves project. Unfortunately, I accidently missed your email of registration and have consequently not included your organisation in the consultation process for the project.

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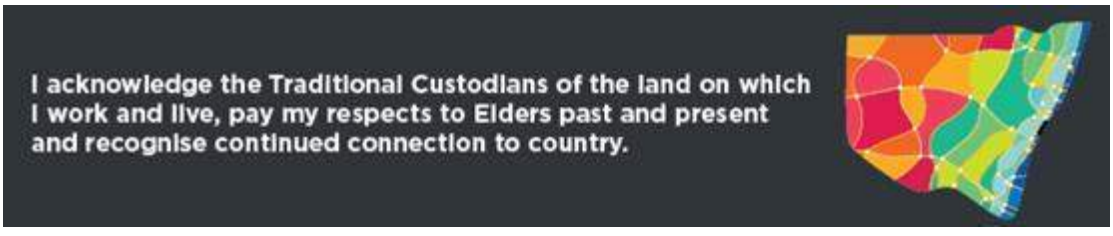

Julia McLachlan

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: [redacted] ch 2021 2:45 PM
To: [redacted]
Cc:
Subject: FW: Kamay Ferry Wharves - Archaeological Test Excavation Report and Aboriginal Cultural Heritage Assessment Report
Attachments: DRAFT 2_Kamay Ferry Wharves Project_Aboriginal Technical Paper_20210129.pdf; DRAFT_20000 Kamay Ferry Wharves Project Upgrade_ATER_20201209.pdf

Hi

It seems as though you didn't receive the Test Excavation Report or the Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Kamay Ferry Wharves project.
I apologies for this and provide them to you now.

You were meant to receive them before the AFG held in January and have 28 days to review and provide any comments you may have.
I've been trying to call you today to have a yarn with you about the 2 reports and hoping to get your feedback as soon as possible as we are consolidating our consultation for the ACHAR.

Can you please let me know if you would like to provide any comments on these reports, as I've said, we would really appreciate you feedback as soon as possible but respect that you are entitled to a 28 day period to provide your comments.

I'll keep trying to call you to discuss this.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
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From: Lee Davison
Sent: Friday, 5 March 2021 1:17 PM
To: [redacted]
Cc: Julia McLachlan; Estelle Ouari
Subject: Kamay Ferry Wharves - Archaeological Test Excavation Report and Aboriginal Cultural Heritage Assessment Report

[redacted]

It seems as though you didn't receive the Test Excavation Report or the Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Kamay Ferry Wharves project.
I apologies for this and provide them to you now.

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Regards,
Lee

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Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
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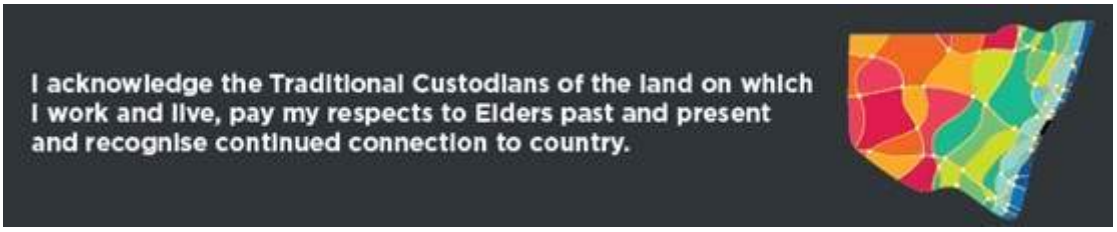

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1 February, 2021

Dear [redacted]

Invitation to attend an Aboriginal focus group meeting for the Kamay Ferry Wharves

Transport for New South Wales (TfNSW) proposes to hold an Aboriginal focus group meeting to discuss the management of Aboriginal cultural heritage for this project via Microsoft Team at 2pm – 3:30pm on Monday 15 February 2021. An agenda has been enclosed and a meeting request will be sent to your email with a link to join the meeting. A phone number will also be provided for a dial in option. For those without email, you will receive a phone call with more details provided.

Following the test excavation program, and as part of the consultation process, TfNSW would like to:

- present the findings of the test excavation program
- discuss future management and mitigation measures recommended
- hear any views or concerns you may have following your review of the documents attached
- briefly discuss findings from the underwater heritage surveys and assessments carried out by Cosmos Archaeology Pty Ltd.

Find enclosed a copy of the draft Test Excavation Report (TER) and Aboriginal Cultural Heritage Assessment Report (ACHAR) for your review and comment.

The attached documents are subject to a 28 day review period in accordance with the TfNSW Procedure for Aboriginal Cultural Heritage, Consultation and Investigation (PACHCI). Therefore, comments must be received by Monday 1 March, 2021. Comments can be provided in writing, by phone or at the Aboriginal focus group meeting.

To register your interest in attending the Aboriginal focus group meeting, you should write, email or phone:
Lee Davison, Aboriginal Cultural Heritage Officer
lee.davison@transport.nsw.gov.au
0428 683 845

We look forward to your attendance at the meeting.

Yours sincerely

Lee Davison

Lee Davison
Aboriginal Cultural Heritage Officer

AGENDA

Name of meeting: Kamay Ferry Wharves
Aboriginal heritage assessment focus group

Location of meeting: Microsoft Teams

Meeting facilitator: Lee Davison, TfNSW
Artefact Heritage

Date: 15 February 2021

Time: 2:00pm to 3:30pm

Attendees: Registered Aboriginal Parties, TfNSW, Artefact Heritage, ARUP

---

1. Welcome to country/acknowledgement

Lee Davison

2. Introductions and apologies

Lee Davison

3. Project update

Andrew Dooley

4. Archaeological assessment – Discuss findings of test excavations and Aboriginal cultural heritage assessment report

Artefact Heritage

We will allow plenty of time here for Aboriginal stakeholders to ask questions and add any relevant comments.

5. Marine archaeology – briefly discuss findings from the underwater heritage surveys and assessments carried out by Cosmos Archaeology Pty Ltd.

Cosmos Archaeology Pty Ltd

6. Review of outcomes/actions
Open for general discussion.

All

Meeting End

CONSULTATION STAGE 4.4.2 – ABORIGINAL FOCUS GROUP MINUTES

Julia McLachlan

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Monday, 22 February 2021 9:35 AM
To: [redacted]
Cc: Estelle Ouari
Subject: Kamay Ferry Wharves - AFG Meeting 2 Minutes
Attachments: KFWP- AFG#2_Minutes of Meeting.pdf

Hi All,

Thanks to those who attended the AFG meeting last week, and for providing comments and feedback on the Aboriginal cultural heritage assessment to date and in the future.

Find attached the meeting minutes. As a reminder, any comments you may have are due by next Monday, March 1.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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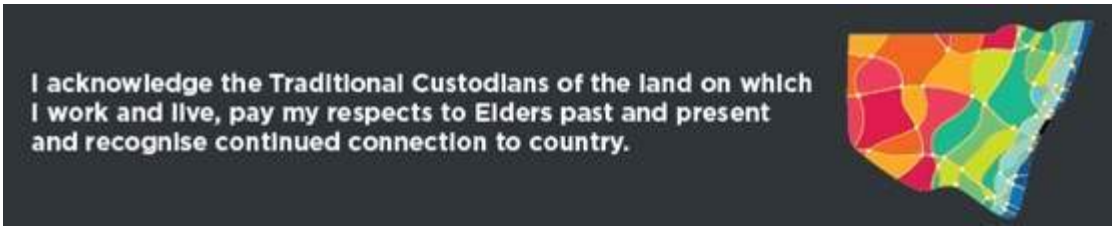

From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Friday, 5 March 2021 3:19 PM
To: [redacted]
Cc: Julia McLachlan <Julia.McLachlan@artefact.net.au>
Subject: Kamay Ferry Wharves AFG 2 Meeting Minutes

It seems as though you didn't receive the meeting minutes for AFG 2 held in February. Find them attached. My apologies for not sending these to you last month.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
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From: Lee Davison
Sent: Monday, 8 March 2021 12:06 PM
To: [redacted]
Subject: Kamay Ferry Wharves AFG 2 Meeting Minutes

Hi[redacted],

It appears that you weren't sent the meeting minutes for the AFG 2 held in January, find them attached.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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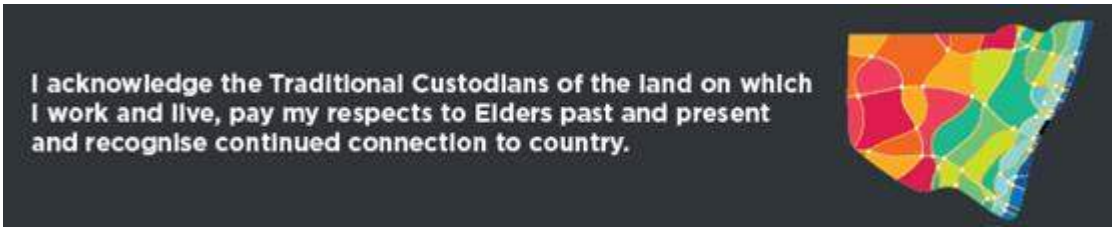

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MINUTES

Kamay Ferry Wharves Project – Aboriginal Focus Group Meeting #2

Date	15 February 2021		
Time	2:00 to 3:30 PM		
Venue	Teleconference via Zoom		
Chairperson	Estelle Ouari (TfNSW)	**Minutes by**	Estelle Ouari
Attendees	Andrew Dooley		TfNSW
	Chris Williams		TfNSW
	Estelle Ouari		TfNSW
	Bronte Linkhorn		Arup
	Jayden van Beek		Artefact Heritage
	Julia McLachlan		Artefact Heritage
	Cos Coroneos		Cosmos Archaeology
	[redacted]		RAP
	[redacted]		RAP
Apologies		-	
Distribution	All attendees + RAP		

MINUTES		**Responsible/ Due Date**
1.	**Acknowledgment of Country**	
	TfNSW would like to acknowledge country where the project is located and the local Aboriginal community. TfNSW would also like to acknowledge Aboriginal people who joined us for the meeting and their respective cultures and country.	

MINUTES		Responsible/ Due Date
2.	**Project Update**	
	• We keep engaging with the community and other stakeholders and inviting input via the Kamay Ferry Wharves Your Say webpage, online and onsite meetings, survey, emails and phone calls. • We continue to work on the designs and associated infrastructure for the proposed reinstatement of the ferry wharves and continue to shape them based on the feedback we receive. • The Environmental Impact Statement (EIS) will be placed on public exhibition later this year. • Subject to planning approvals, construction of the wharves is expected to start the first part of 2022.	AD
3.	**Archaeological Assessment**	
	• The project area is considered to have high historic value due to its association with Aboriginal history and European history and the intersection of cultures. • While known burials are not located within the project area, their presence [redacted] of the Kurnell construction boundary indicate that the landscape holds cultural heritage values associated with burial practices. • No Aboriginal archaeological material identified at La Perouse and 2 isolated stone artefacts were identified at Kurnell. • No further archaeological investigation required in the remainder of the area at both sites. This would then be subject to an unexpected finds procedure. • Archaeological supervision, vibration monitoring and management measures will be in place. • Overall, the project area is considered to have moderate-high significance. • Please refer to the attached presentation for further details.	Artefact Heritage
4.	**Underwater Cultural Heritage**	
	• Cosmos Archaeology has been engaged to undertake all forms of underwater cultural heritage, from submerged terrestrial sites from the Late Pleistocene to shipwrecks to wharf remains. • A desktop study was done of the project area. • Terrestrial archaeological investigations were incorporated to the assessment. • By the time sea levels were encroaching into the study area Kamay would have been formed and so the wave action seen today would have been similar and have had a scrambling effect on sites, as they do today with coastal midden sites. • Landscape before submerged by sea, was same as today. • Dive inspection on seabed anomalies, derived from side scan sonar and magnetometer. Also, some transects along the proposed wharf alignments. • A few shipwrecks, four mooring of all shapes and sizes, rail iron from slipways and some potential rock overhangs were found.	Cosmos Archaeology

MINUTES		Responsible/ Due Date
	• Piling will have a low likelihood impact on the remains.	
5	**Q&A – Comments**	
	• ***Q: How do you work without disturbing archaeological material***? • A: Depending on the type of work on site and locations, archaeological supervision, vibration monitoring and management plans will be applied. • ***Q: Are environmental matters being taken into consideration, especially along the proposed wharves?*** • A: 3 seagrass surveys were undertaken in 2020. A marine biologist works on evaluating the impacts of vessel movements, piling and future operations. She is developing an offset strategy and working in close collaboration with DPI- Fisheries. The Environmental Impact Statement (EIS) will be placed on public exhibition later this year. • advised he was impressed by the comprehensive and respectful way the reports were done. He is confident all remains have been considered. • shared the same comment and asked for the future developers to use caution and protect the area. He also expressed the wish for the rock engravings (outside of construction boundary at La Perouse) to be preserved or conserved by NPWS or Randwick Land Council.	
6	**Next steps**	
	• Comments about the Aboriginal Cultural Heritage Assessment Report to be submitted to Lee Davison no later than Friday 26th February 2021. • TfNSW to pass on comment from to NPWS, to allocate a space in the new Visitor Centre at Kurnell to display the artefacts, should TfNSW found some during construction phase. • TfNSW to send to the Project Team contact details and Your Say webpage link.	RAP TfNSW TfNSW

CONSULTATION STAGE 4.4.3 – COMMENTS ON ACHAR AND ATER

From: [redacted]
Sent: ebruary 2021 2:45 PM
To: Lee Davison
Subject: RE: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi Lee,

Thank you for your report, after yesterday's AFG I agree with your recommendations to move forward with salvage excavations, also the area that have been back filled previously, if any works will be done then the area should be monitored by archaeologists and RAPS as there could be sandstone plateaus with Aboriginal engravings.

Kind Regards

Sent from Mail for Windows 10

From: Lee Davison
Sent: Monday, 1 February 2021 8:27 PM
To: [redacted]
Subject: Kamay Ferry Wharves - Document Review and AFG Meeting

Hi

See attached the draft Test Excavation Report and draft Aboriginal Cultural Heritage Assessment Report for the Kamay Ferry Wharves project.

Please review and provide any comments you have by Monday March 1 and register your interest in attending the Aboriginal Focus Group meeting to discuss these reports with TfNSW and Artefact Heritage.

I hope to hear from you soon.

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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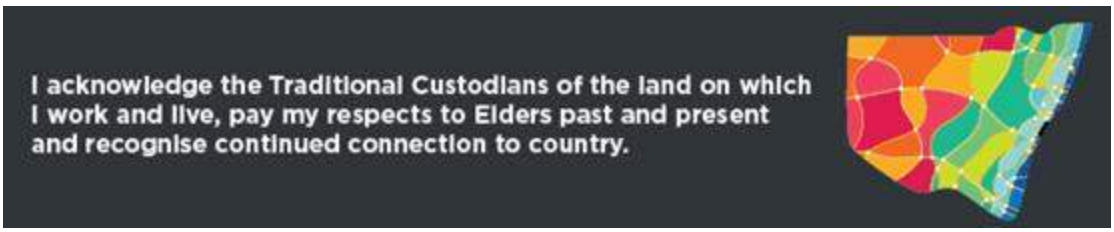

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Julia McLachlan

From: [redacted]
Sent: Wednesday, 17 March 2021 1:38 PM
To: Lee Davison
Cc: Julia McLachlan; Estelle Ouari
Subject: Re: Kamay Ferry Wharves Consultation.

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lee,
Yes I have them thank you.
Kind Regards

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From: Lee Davison <Lee.davison@transport.nsw.gov.au>
Sent: Wednesday, March 17, 2021 12:19:21 PM
To: [redacted]
Cc: Julia McLachlan <Julia.McLachlan@artefact.net.au>; Estelle Ouari <Estelle.Ouari@transport.nsw.gov.au>
Subject: RE: Kamay Ferry Wharves Consultation.

Hi

That's strange. However, thanks for your confirmation that you are ok for us to proceed with finalising the ACHAR consultation.

I've attached the relevant documents here, can you please let me know if they come through to you?

Regards,
Lee

Lee Davison
Aboriginal Cultural Heritage Officer - Sydney Region
Public Affairs & Engagement
Customer Strategy and Technology

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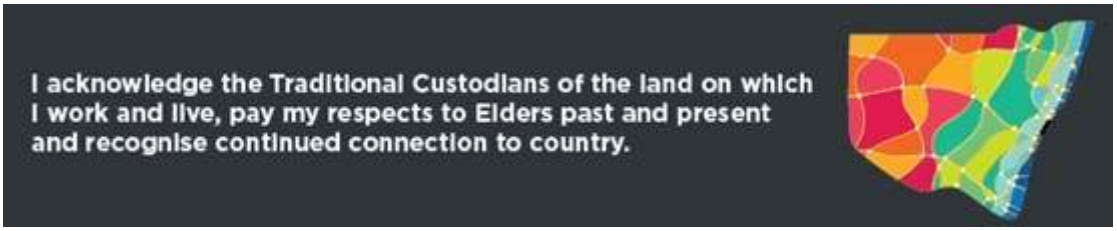

From: [redacted]
Sent: Wednesday, 17 March 2021 10:59 AM
To: Lee Davison
Subject: Kamay Ferry Wharves Consultation.

Contact:

Hi Lee,
I have not yet received your email, but I am writing this email to cofirm that I am in agreement that the consultation process to proceed for the Kamay Ferry Wharves Consultation.

Kind Regards

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Text message received from (Gulaga) on 17 March 2021. Issues with email and contacted via text message.

Julia McLachlan

From: Julia McLachlan
Sent: Friday, 19 March 2021 10:19 AM
To: [redacted]
Cc: Lee Davison; Estelle Ouari
Subject: Kamay Ferry Wharves Consultation
Attachments: DRAFT 2_Kamay Ferry Wharves Project_Aboriginal Technical Paper_20210129.pdf; KFWP- AFG_Minutes of Meeting.pdf; KFWP- AFG#2_Minutes of Meeting.pdf

Hi

I'm sending this on behalf of Lee Davison (Tf SW) as it appears you're not receiving the Kamay Ferry Wharves documents from his email. I understand you have already responded to Lee via text message noting you are happy to proceed with the project.

For your reference, please find attached:

- Kamay Ferry Wharves ACHAR (Draft)
- AFG1 Meeting Minutes
- AFG2 Meeting Minutes

Can you respond to this email so I know you've received them?

Thanks,

Jules McLachlan
Senior Heritage Consultant

ARTEFACT
Cultural Heritage Management | Archaeology | Heritage Interpretation

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Address: Suite 56, Jones Bay Wharf, 26-32 Pirrama Rd, Pyrmont NSW 2009
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Appendix 3: Kamay Ferry Wharves, Archaeological Survey Report (PACHCI Stage 2), Artefact Heritage, 2020

Kamay Ferry Wharves Project

Aboriginal Archaeological Survey Report (PACHCI Stage 2)

Local Government Areas: Sutherlands Shire and City of Randwick

Report to Arup

May 2020

artefact

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Document history and status

Revision	Date issued	Reviewed by	Approved by	Date approved	Review type	Revision type
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2	11 March 2020	Josh Symons	Josh Symons	12 March 2020	Quality and compliance Review	Second review
3	13 March 2020	Alice Smith	Alice Smith	21 April 2020	Client review	Third review
4	21 April 2020	Sandra Wallace	Sandra Wallace	29 April 2020	Quality and compliance Review	Forth review
5	29 April 2020	Alice Smith	Alice Smith	12 May 2020	Client review	Final review

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Name of document:	Kamay Ferry Wharfs Project – Aboriginal Archaeological Survey Report (PACHCI Stage 2)
Document version:	FINAL

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EXECUTIVE SUMMARY

Transport for NSW (TfNSW) proposes to re-establish public wharves at La Perouse and the Kurnell Peninsula for commercial and recreational ferry service. The proposal would provide a service for commuters and tourists to the area. The associated wharf infrastructure would also provide for supplementary uses potentially including commercial vessels and recreational boating.

The proposal is located in Botany Bay at either side of the ocean entrance to the Bay (Figure 1.1). Botany Bay is location approximately 14 kilometres south of the Sydney CBD. La Perouse headland is located next to a residential area and commercial area of Port Botany. Within the headland La Perouse includes a museum and access to La Perouse park and beaches. New South Wales Golf Club is located approximately 900 metres east. The La Perouse headland is located within the City of Randwick Local Government Area (LGA). The Kurnell peninsula is located south of the ocean entrance within Kamay Botany Bay National Park. To the west of the Peninsula is Kurnell residential area and industrial area. Cronulla is located approximately 8 kilometres south and the Royal National Park approximately 18 kilometres south. The Kurnell peninsula is located within the Sutherlands Shire LGA.

Artefact Heritage has been engaged to conduct an Aboriginal archaeological survey and assessment of the proposal in accordance with Stage 2 of the Procedure for Aboriginal Cultural Heritage Consultation and Investigation guidelines (PACHCI) (Roads and Maritime 2011), and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment Climate Change and Water [DECCW] 2010a).

Overview of findings

- The following eleven recorded Aboriginal sites are located within the mapped extend of the study area:
    - Site 1, La Perouse (AHIMS ID 45-6-0648)
    - Site 2, La Perouse (AHIMS ID 45-6-0649)
    - Site 3, La Perouse (AHIMS ID 45-6-0650)
    - Site 4, La Perouse (AHIMS ID 45-6-0651)
    - Site 5, La Perouse (AHIMS ID 45-6-0652)
    - Site 6, La Perouse (AHIMS ID 45-6-0653)
    - La Perouse (AHIMS ID 45-6-1144)
    - La Perouse (AHIMS ID 45-6-1403)
    - La Perouse Midden 19-01 (AHIMS ID Pending)
    - Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)
    - Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366)
- The survey identified that the La Perouse Midden 19-01 (AHIMS ID Pending), Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649) are located on the ground surface within the La Perouse portion of the study area
- Background research completed for this assessment has identified that remnant portions of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) are located within the Kurnell portion of the study area.

- Background research has found that Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), Site 5, La Perouse (AHIMS ID 45-6-0652), Site 6, La Perouse (AHIMS ID 45-6-0653), La Perouse (AHIMS ID 45-6-1144) and La Perouse (AHIMS ID 45-6-1403) are likely to be buried within the La Perouse portion of the study area.

Recommendations

- Where possible, impacts to identified Aboriginal sites should be avoided
- Further assessment is completed in accordance with the PACHCI stage 3 requirements for inclusion in the EIS and will include:
    - A management strategy for Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649)
    - A methodology for the identification and management of Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), Site 5, La Perouse (AHIMS ID 45-6-0652), Site 6, La Perouse (AHIMS ID 45-6-0653), and La Perouse (AHIMS ID 45-6-1403)
    - Salvage methodology for La Perouse (AHIMS ID 45-6-1144)
    - A test excavation methodology for La Perouse Midden 19-01 (AHIMS ID Pending)
    - A test excavation methodology for Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366). The test excavation methodology will consider the results of a remote sensing program, the methodology and findings of previous archaeological excavations and the nature of the proposed impacts.
- Aboriginal stakeholder consultation must be carried out in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (the Consultation Requirements) [DECCW 2010]) and the National Parks Regulation 2019
- If any suspected human remains are located during any stage of the proposed works, work should stop immediately, and the procedures outlined in the Unexpected Heritage Items Procedure (Roads and Maritime 2015) and Requirement 25 of the Code of Practice must be followed
- Should any changes be made to the proposed works that would involve impacts outside of the study area, these changes would be assessed in accordance with Roads and Maritime PACHCI and further investigation may be necessary.

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ABBREVIATIONS

ACHO	Aboriginal Cultural Heritage Officer (Roads and Maritime)
AHIP	Aboriginal Heritage Impact Permit
AHIMS	Aboriginal Heritage Information Management Systems
ALR Act	*Aboriginal Land Rights Act 1983*
Artefact Heritage	Artefact Heritage Services Pty Ltd
ATSIHP Act	*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
CHAR	Cultural Heritage Assessment Report
DECCW	Former NSW Department of Environment, Climate Change and Water (now DPIE-Heritage)
DPIE - Heritage	Department of Planning Industry and Environment - Heritage
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
LGA	Local Government Area
NPW Act	*National Parks and Wildlife Act 1974*
OEH	Former Office of Environment and Heritage (now DPIE-Heritage)
PACHCI	Roads and Maritime Procedure for Aboriginal Cultural Heritage Consultation and Investigation
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
SSI	State significant infrastructure
TfNSW	Transport for NSW
the Code of Practice	Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010

1.0 INTRODUCTION

1.1 Background

Arup was commissioned by Transport for New South Wales (TfNSW) to undertake a feasibility study into the re-establishment of wharves and a ferry service between La Perouse and the Kurnell Peninsula for commercial and recreational use. Artefact Heritage Service Pty Ltd (Artefact Heritage) was been engaged by Arup to prepare a high-level overview of Aboriginal and non-Aboriginal (historical) heritage as part of the feasibility study.

Arup were subsequently appointed to produce a Preliminary Environmental Information Report (PEI) for the options study of the Kamay Ferry Wharfs proposal. Artefact Heritage was engaged to complete a PEI for Aboriginal heritage to identify key baseline constraints and potential impacts as well as provide recommendations for further assessments and recommendation on future design phases.

Artefact Heritage has been engaged to conduct an Aboriginal archaeological survey and assessment of the proposal in accordance with Stage 2 of the Procedure for Aboriginal Cultural Heritage Consultation and Investigation guidelines (PACHCI) (Roads and Maritime 2011), and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment Climate Change and Water [DECCW] 2010a).

1.2 Proposal overview

TfNSW proposes to re-establish public wharves at La Perouse and the Kurnell Peninsula for commercial and recreational ferry service. The proposal would provide a service for commuters and tourists to the area. The associated wharf infrastructure would also provide for supplementary uses potentially including commercial vessels and recreational boating.

The proposal includes:

- Two wharves at La Perouse and Kurnell. These will consist of:
    - A wharf head that is utilised for vessel berthing/mooring and passenger transfer.
    - A jetty/trestle structure connecting the shoreline to the wharf head.
- Provision of additional parking spaces at each wharf.
- A passenger waiting area/shelter for each wharf.
- A Ticketing area for each wharf.
- Toilet amenities for each wharf.
- Pathway from car parking and transport connections for each wharf.
- Gate/security provisions for each wharf.

The new wharves would be required to be designed to meet the relevant legislation and guidance for disability access.

1.3 Study area

The proposal is located in Botany Bay at either side of the ocean entrance to the Bay (Figure 1.1). Botany Bay is location approximately 14 kilometres south of the Sydney CBD. La Perouse headland is located next to a residential area and commercial area of Port Botany. Within the headland La

Perouse includes a museum and access to La Perouse park and beaches. New South Wales Golf Club is located approximately 900 metres east. The La Perouse headland is located within the City of Randwick Local Government Area (LGA).

Kurnell peninsula is located south of the ocean entrance within Kamay Botany Bay National Park. To the west of the Peninsula is Kurnell residential area and industrial area. Cronulla is located approximately 8 kilometres south and the Royal National Park approximately 18 kilometres south. The Kurnell peninsula is located within the Sutherland Shire LGA.

1.4 Study objectives and scope

The proponent will seek project approval to be assessed under Part 5 Division 5.2 of the Environmental Planning & Assessment Act (1979) (EP&A Act). However, as the project has not been issued Secretary's Environmental Assessment Requirements (SEARs) under the EP&A Act. The Aboriginal heritage assessment will be conducted in accordance with the following approvals and guidelines:

- Aboriginal cultural heritage consultation requirements for proponents 2010 (Department of Environment, Climate Change & Water [DECCW] 2010a)
- The guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (Office of Environment & Heritage [OEH] 2011)
- The PACHCI guidelines (Roads and Maritime 2011) [now TfNSW]

The aim of this report is to identify whether Aboriginal objects or Places would be harmed by the proposal, and to recommend if management or mitigation measures are required.

The report includes:

- A description of the proposal and the extent of the study area.
- Outline of the environmental context of the study area.
- Outline of the Aboriginal and historical context of the study area.
- A summary of the archaeological context of the local region including a discussion of previous archaeological work, forming the background for an archaeological predictive model.
- Description and results of the archaeological survey.
- Description and analysis of the identified Aboriginal sites and areas of potential within the study area.
- A significance and impact assessment of the identified Aboriginal sites, addressing archaeological values.
- Recommend management and mitigation measures, based on the relevant guidelines and legislation.

1.5 Limitations

The scope of this assessment and associated field survey are based on information supplied by the proponent. Dense vegetation limited the scope of field investigation to sample survey. Additionally, large portions of the study area are located within the littoral zone and as a result, only the permanently terrestrial portions of the study area have been assessed within this report.

1.6 Authors

This report was prepared by Ryan Taddeucci (Senior Heritage Consultant, Artefact Heritage) with management input and review from Josh Symons (Principal, Artefact Heritage).

1.7 Report structure

The purpose of this report is to document the results of the investigation of Aboriginal heritage at the study area. The structure of this report includes:

- Section 1 - Introduction
- Section 2 – Statutory requirements: outlines relevant legislation for this assessment
- Section 3 - Environmental context: provides an overview of the environmental conditions to provide context for the predictive model
- Section 4 – Aboriginal context: presents the results of the background ethnohistoric and literature research and database searches. This section also presents a predictive model as background to the survey sampling strategy.
- Section 5 – Archaeological survey: discusses the aims, timing and personnel, constraints, survey sampling strategy, methodology and coverage.
- Section 6 – Results: presents the detailed results of the Aboriginal archaeological survey.
- Section 7 – Discussion: provides a discussion of the results of the archaeological survey
- Section 8 – Significance assessment: provides an assessment of archaeological significance of Aboriginal sites found.
- Section 9 – Impact assessment: assesses potential impacts to identified Aboriginal sites and areas of potential archaeological deposit
- Section 10 – Management and mitigation measures: outlines relevant management and mitigation measures for the proposal
- Section 11 – Recommendations
- Section 12 – References

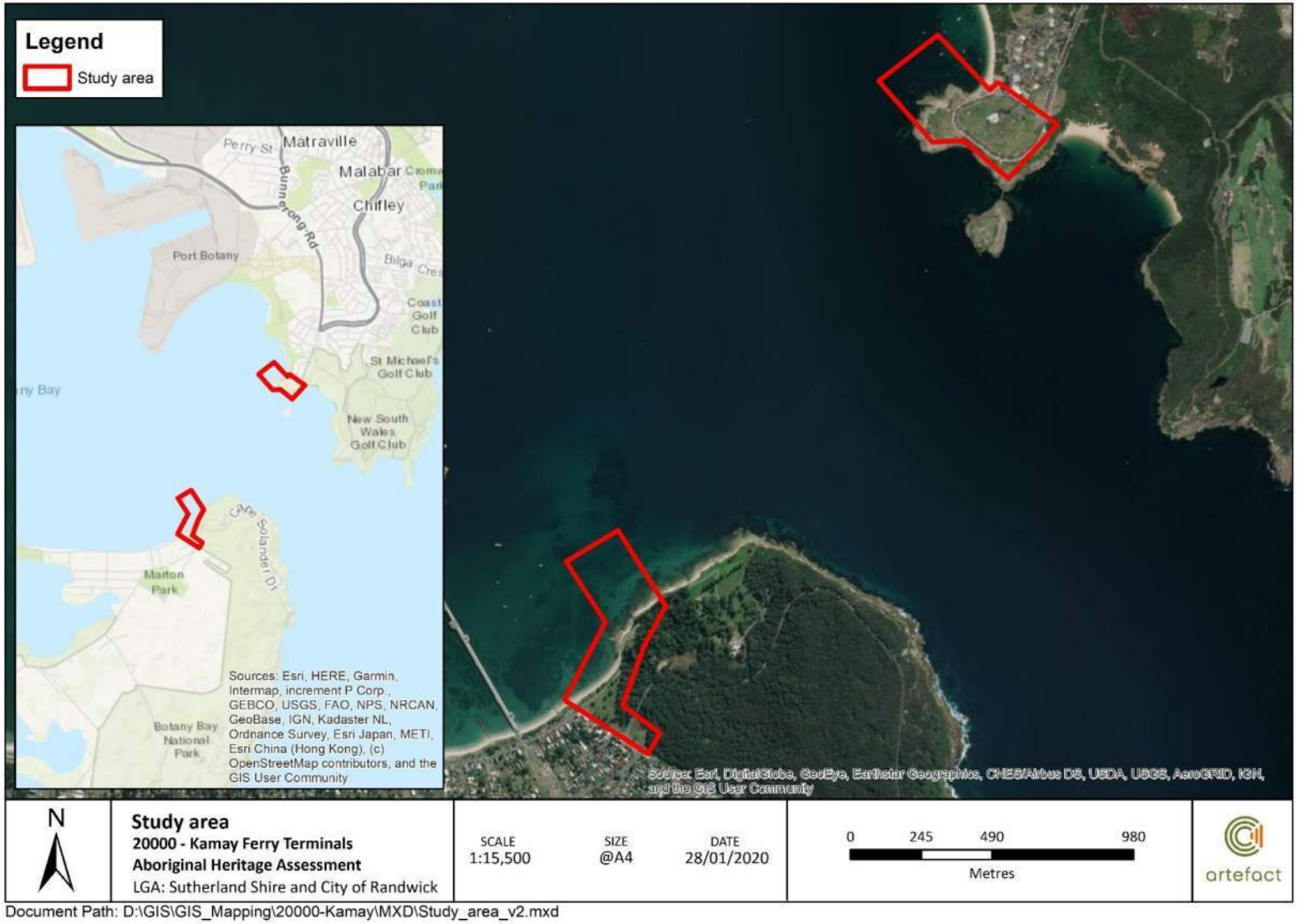

Figure 1.1: Location of the study area

2.0 LEGISLATIVE CONTEXT

2.1 State legislation

2.1.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning, development assessment and environmental impact assessment processes. The EP&A Act consists of three main parts of direct relevance to Aboriginal cultural heritage; Part 3 which governs the preparation of planning instruments, Part 4 which relates to development assessment processes for local government (consent) authorities, and Part 5 which relates to activity approvals by governing (determining) authorities.

Part 3, Division 3.4 deals with the development of Local Environmental Plans (LEPs). Planning decisions within Local Government Areas (LGAs) are guided by LEPs. Each LGA is required to develop and maintain an LEP that includes Aboriginal and historical heritage items which are protected under the EP&A Act and the *Heritage Act 1977*. The study area is located across the boundaries of the Sutherland LGA and the Randwick LGA and is covered by the Sutherland Shire LEP and Randwick LEP respectively.

Six items are listed on the Sutherland Shire LEP within the study area and are considered to hold Aboriginal cultural heritage value:

- Kurnell monuments (in Kamay Botany Bay National Park) (Item no. 2503)
- Kurnell Historic Site (in Kamay Botany Bay National Park) (Item no. 2504)
- Captain Cook's landing site (Item no. A2511)
- Landing place wharf abutment (Item no. A2516)
- Captain Cook watering hole (Item no. A2518)
- Captain Cook watering well (Item no. A2519)

Three items listed on the Randwick LEP are located within the study area. However, none of these items have identified Aboriginal heritage value.

The proposal will be assessed under Division 5.2 of the EP&A Act, which establishes an assessment and approval regime for State Significant Infrastructure (SSI). Under section 5.23 of the EP&A Act, approvals or permits under section 90 of the NPW Act 1974 are not required for approved SSI. At the time this report was prepared, SEARs had not been issued for the project and the legislative requirements of the *National Parks and Wildlife Act 1974* (see below) still apply.

2.1.2 *National Parks and Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* (NPW Act) provides statutory protection to all Aboriginal places and objects. An Aboriginal Place is declared by the Minister, under Section 84 of the Act, in recognition of its special significance with respect to Aboriginal culture. An Aboriginal object is defined as:

> *any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales,*

being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal Places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture. A search of the NSW Heritage database was completed on 5 March 2020 and no gazetted Aboriginal Places were identified within the study area.

Section 86 of the NPW Act identifies that it is an offence to harm or desecrate an Aboriginal object and/or an Aboriginal place. Section 86 outlines penalty units applicable where it is identified that a person or corporation is in breach of Section 86.

The NPW Act defines harm to an object or place as 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)

A section 90 permit is the only Aboriginal Heritage Impact Permit (AHIP) available under the NPW Act and is granted by DPIE Heritage. Various factors are considered by DPIE – Heritage in the AHIP application process, such as site significance, Aboriginal consultation requirements, Ecological Sustainable Development (ESD) principles, project justification and consideration of alternatives. The penalties and fines for damaging or defacing an Aboriginal object were increased in 2010.

Under section 5.23 of the EP&A Act, approvals or permits under section 90 of the NPW Act are not required for approved SSI. However, as this project has not yet been determined to be SSI, the requirements of the NPW Act will be applicable under the project has been determined as SSI.

2.1.3 *Aboriginal Lands Right Act 1983*

The *Aboriginal Land Rights Act 1983* (ALR Act) established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the ALR Act to:

(a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and

(b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area is within the boundary of the La Perouse Local Aboriginal Land Council (LALC).

2.2 Commonwealth legislation

2.2.1 *Native Title Act 1994*

The *Native Title Act 1994* was introduced to work in conjunction with the Commonwealth *Native Title Act 1993*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act.

A search of the National Native Title Vision database was completed on 28 January 2020. At the time this report was prepared there were no Native Title claims registered in the study area.

2.2.2 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment and Heritage Legislation Amendment Act (No.1) 2003* amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to include 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The *Australian Heritage Council Act 2003* (AHC Act) establishes a heritage advisory body - the Australian Heritage Council (AHC), to the Minister for the Environment and Heritage and retains the Register of the National Estate (RNE).

The *Australian Heritage Council (Consequential and Transitional Provisions) Act* 2003 repeals the *Australian Heritage Commission Act* 1975, amends various Acts as a consequence of this repeal and allows the transition to the current heritage system.

Together, the above three Acts provide protection for Australia's natural, Indigenous and non-Indigenous heritage. The features include:

- A NHL of places of national heritage significance
- A CHL of heritage places owned or managed by the Commonwealth
- The creation of the AHC, an independent expert body to advise the Minster on the listing and protection of heritage places
- Continued management of the Register of the National Estate (RNE).

National Heritage List

The NHL is a list of places with outstanding heritage value to the nation, including places which have Indigenous heritage values. The heritage values of these places are so important that they are protected under the EPBC Act. This means that a person cannot take an action that has, will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Australian Government Minister for the Environment and Energy. It is a criminal offence not to comply with this law and there are significant penalties.

There are two places listed on the NHL within the study area with Aboriginal heritage values:

- Kurnell Peninsula Headland (NHL 105812)
- Kamay Botany Bay: Botanical Collection Sites (NHL 106162).

Commonwealth Heritage List

The CHL is a list of places managed or owned by the Australian Government. There are no places listed on the CHL within the study area.

Register of the National Estate

The RNE is an evolving record of Australia's natural, cultural and Aboriginal heritage places that are worth keeping for the future. The AHC compiles and maintains the RNE under the *Australian Heritage Council Act* 2003. Places on the RNE that are in Commonwealth areas, or subject to

actions by the Australian Government, are protected under the EPBC Act by the same provisions that protect Commonwealth heritage places (see above).

Following amendments to the *Australian Heritage Council Act* 2003, the RNE was frozen on 19 February 2007, meaning no new places can be added, or removed. From 2012 all references to the RNE were removed from the EPBC Act and the AHC Act. The RNE is now maintained on a non-statutory basis as a publicly available archive.

There are three places listed on the RNE within the study area. However, only one site (Kurnell Peninsula Towra Point Area, Captain Cook Dr, Kurnell, NSW, Australia [RNE 3337]) has listed Aboriginal heritage values.

2.2.3 *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act), deals with Aboriginal cultural property (intangible heritage) in a wider sense. Such intangible heritage includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. These values are not currently protected under the NPW Act.

There is no cut-off date and the ATSIHP Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The ATSIHP Act takes precedence over state cultural heritage legislation where there is conflict. The Commonwealth Minister who is responsible for administering the ATSIHP Act can make declarations to protect these areas and objects from specific threats of injury or desecration. The responsible Minister may make a declaration under Section 10 of the Commonwealth Act in situations where state or territory laws do not provide adequate protection of intangible heritage.

Where an Aboriginal individual or organisation is concerned that intangible values within the proposal are not being adequately protected, they can apply to the Minister for a declaration over a place. No intangible places were identified during the survey, however, further comprehensive consultation with registered Aboriginal parties for this project is continuing.

3.0 ENVIRONMENTAL CONTEXT

3.1 Geology

The study area is located at the opening of Botany Bay to the Tasman Sea, approximately 12 kilometres south of the Sydney CBD. The geology of this area consists of Triassic Hawkesbury sandstone partially overlaid with Quaternary marine sand and sand dune formations (Herbert 1983, Stroud 1985).

During the late Pleistocene, the Botany Bay area was a swampy sand plain surrounded by higher sandstone hills. With the rise in sea levels at the end of the Pleistocene, marine sands were deposited onto the advancing shore line. These beach sands were then wind-blown onto the surrounding sandstone outcrops, forming into coastal barrier sand dunes. When the sea level stabilised during the early Holocene approximately 7,000 years ago, these barrier dunes had altered the flow of local rivers to the present courses of the Cooks and Georges Rivers (Attenbrow 2010, 39).

3.2 Hydrology

The Georges River rises in the Illawarra Plateau and travels 96 kilometres before it flows into Botany Bay from the southwest. The Cooks River flows into Botany Bay from the northwest. It is partially canalled and operates as the primary stormwater runoff for residential suburbs in south Sydney. Botany Bay is a relatively shallow sand-floored inlet, with most of the bay floor being ten metres or less in depth. The tidal accumulation of sand and riverine deposition of silt on the bay floor requires frequent dredging to ensure safe navigation for shipping.

3.3 Soil landscapes

The natural soil landscapes on both the Kurnell and La Perouse peninsulas are mostly associated with the marine- and wind-deposited sand deposits at lower elevations, with sand dune formations stabilised against erosion with natural and re-planted vegetation. Marine-deposited siliceous and calcareous sands fringe the foreshore of Botany Bay. Hawkesbury sandstone predominates on the higher elevations in the study area, with thin layers of coarse sand and loam in areas resistant to erosional effects from vegetation cover. In the south-western part of the study area, estuarine soil landscapes have accumulated from the low energy silt discharge of the George's River on the tidal sandbanks of the southern floor of Botany Bay (AMBS 2013, 21-22 and Sheppard 2009, 11-14).

These soil landscapes have been disturbed from European agricultural and industrial activities. Vegetation clearance in some parts of the study area has exacerbated sand dune erosion. Dredging of the entrance to Botany Bay and foreshore stabilisation for navigation has altered the original shape of the headlands. Industrial facilities in the study area have also significantly disturbed the soil profile with deep ground excavation and the introduction of modern fill.

3.4 Land use

Lieutenant James Cook anchored the *Endeavour* in Botany Bay on the 29 of April 1770 and made several land expeditions in the area over the following eight days (Figure 3.1). On the first day he made contact with the Gweagal Aboriginal community of the Dhawaral nation at a place now commemorated in Kurnell as "Captain Cook's Landing Place' in the Kamay Botany Bay National Park. During this expedition his crew collected wood and fresh water, gathered plant specimens, while documenting the activities of the Aboriginal people that they saw.

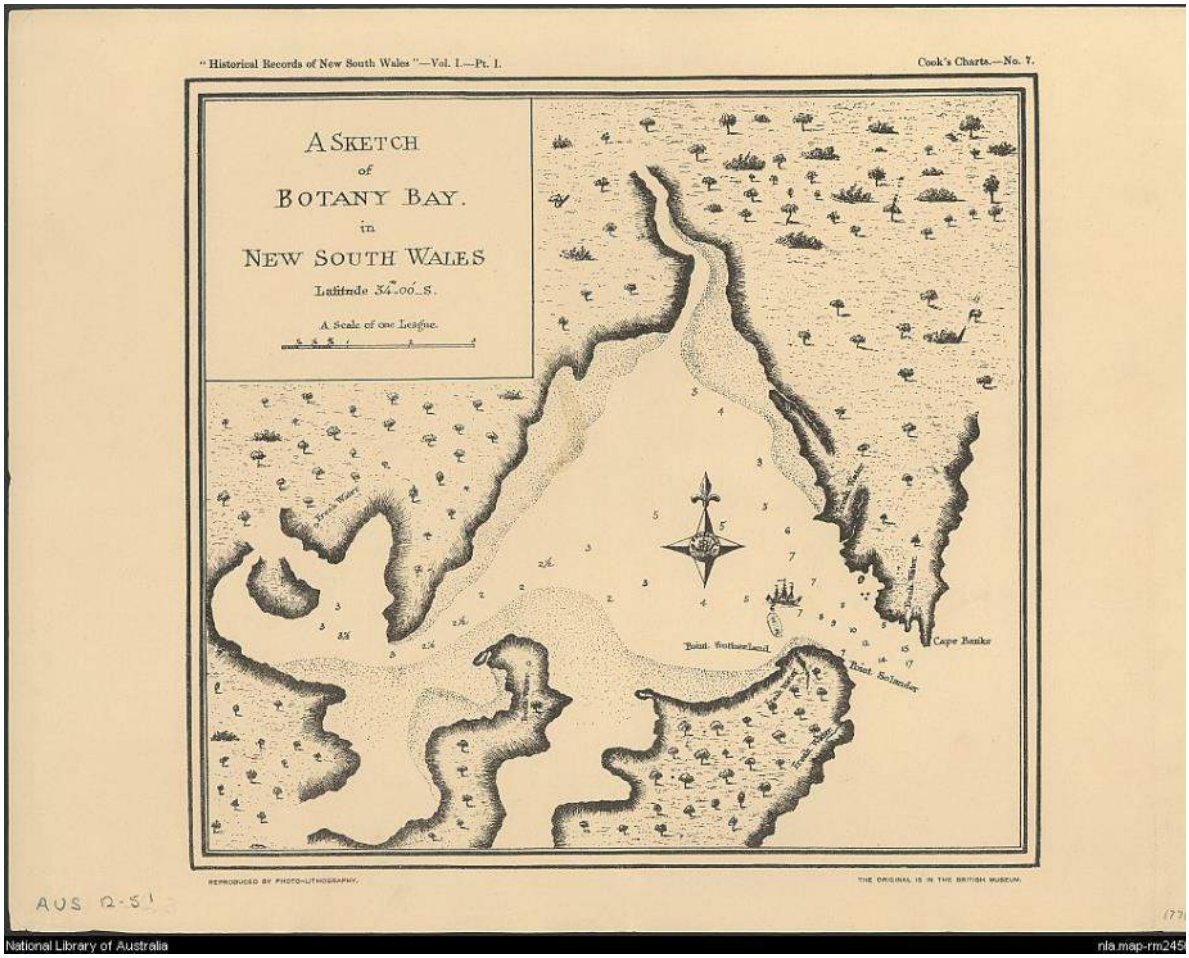

Figure 3.1: Lieutenant Cook's sketch of Botany Bay, 1770. Source: National Library of Australia.

After the British colony at Sydney Cove was established in 1788, the headlands around Botany Bay were slow to be settled by Europeans. The local environment was deemed unsuitable for settlement and in 1812 Governor Macquarie closed the northern headland for settlement and established a government reserve (Figure 3.2). In 1815 a grant was made to James Birnie, a ship owner and merchant, of 700 acres of land along with 160 acres of saltwater marsh, on the western side of the Kurnell peninsular. In 1821 this estate was acquired by John Connell, another early pioneer, who added it to his large land holdings in the area (Figure 3.3). The eastern Kurnell sandstone headland was held as a government reserve (Nugent 2005, 55-56).

Early agricultural efforts on the Kurnell peninsula were not overly successful. The most profitable enterprise up until the mid-19th century was timber-getting, which largely cleared the peninsula of its native vegetation. This forest clearing increased the rate of Aeolian erosion and resulted in the previously stable sand dunes to migrate across the area (Nugent 2005, 55-56).

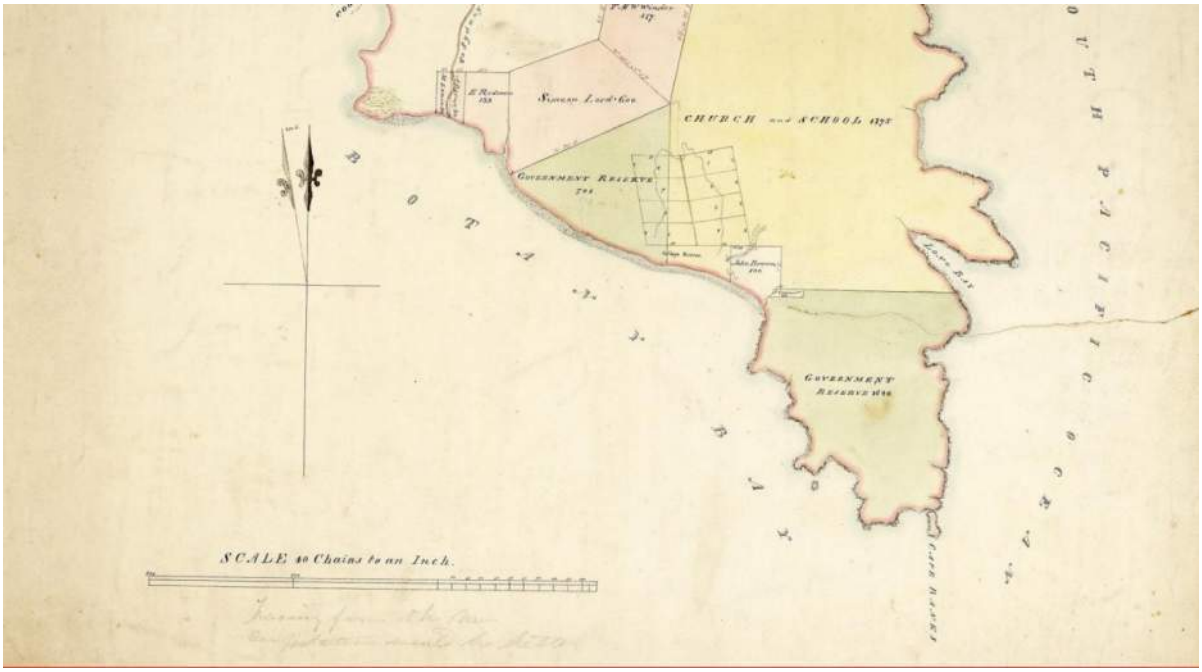

Figure 3.2: Botany parish map, 1830s, showing La Perouse government reserve. Source: LPI

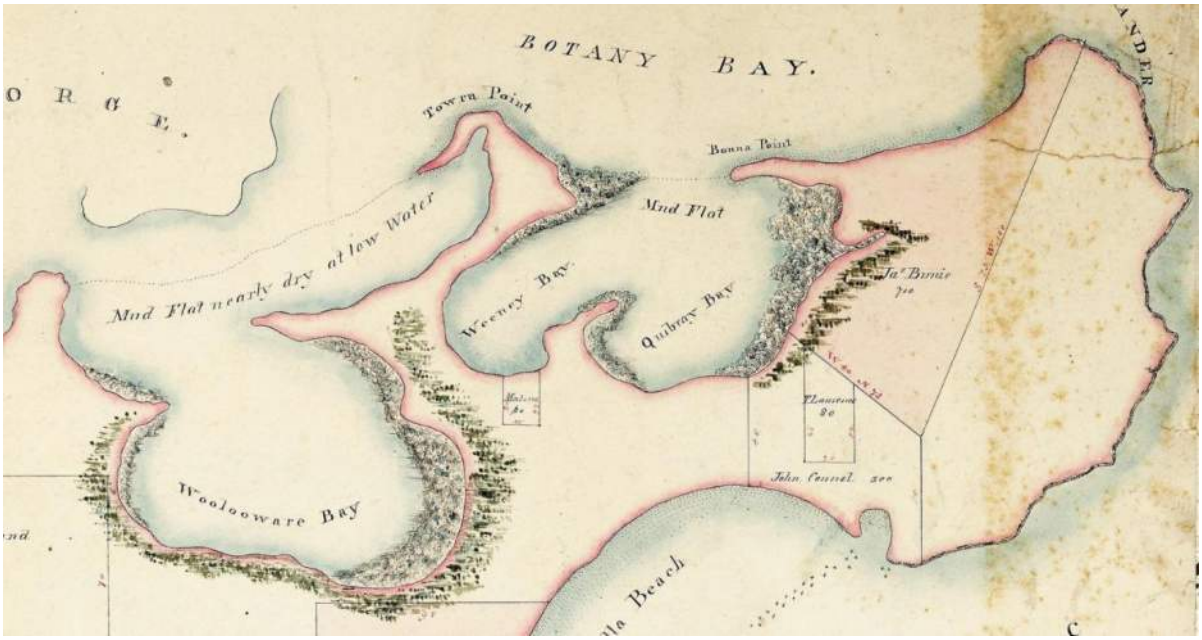

Figure 3.3: Sutherland parish map, 1830s, showing James Birnie's land grand. Area to the east of the Birnie land grant is a later government reserve. Source: LPI

Due to the low level of European settlement in the region, Aboriginal people continued to live around the Botany Bay foreshores. While their population had been drastically reduced from introduced diseases and violent encounters with the new settlers, numerous accounts of Aboriginal camps and communities were recorded by Europeans during the 19th century (Nugent 2005, 55-56).

In order to safeguard against foreign threats and smugglers, a tower was erected at La Perouse called the Macquarie Watchtower between 1821 and 1822. This tower, with modifications, still exists today. For most of the 19th century, this was the only government building in La Perouse and Kurnell, with the ocean-facing parts of the headland both being reserved for government use.

During the late 19th century, British Imperial fears of under preparedness in the face of invasion in their colonies led to a wave of fortification construction. The entrance to Botany Bay was viewed as an open door to the growing Sydney colony and new fortifications in the area were devised. The small tidal promontory of Bare Island was chosen as the site for a new fortification. The mass concrete fortification and battery was completed in 1889. A number of modifications were made to the structure since its original construction and the facility has had a variety of uses, including as a returning war veterans' home between 1912 and 1963 (Sheppard 2009, 70-76, 84-85).

Due to the relative abundance of open land in the Botany Bay area combined with its relative proximity to Sydney Harbour, the early twentieth century saw the introduction of noxious and polluting industries on the Kurnell peninsula. The extensive sand dunes around the Kurnell peninsula resulted in the establishment of sand mining enterprises from the 1930s onward, which heavily altered the natural landscape of the region (AMBS 2013, 47).

Following the Second World War, significant industrial development around Botany Bay continued to change the landscape and character of the area. In 1956 the Kurnell Oil Refinery was built, while the Port Botany Terminal was established in 1960. Other heavy industries, notably chemical and petroleum plants, were also opened at Kurnell during the 1960s and 1970s. These industrial facilities further increased the level of damage and disturbance to the natural landscape of Botany Bay (AMBS 2013, 47-48).

Throughout this period of industrialisation however, the headland foreshores of Botany Bay have largely remained undeveloped. Despite isolated areas of residential construction, most of these headland areas are encapsulated within the Kamay Botany Bay National Park. This area was held as government reserve until it was acquired by National Parks and Wildlife in 1967. Because of this relative lack of development and disturbance, many of the Aboriginal and historic sites remain in very good condition (OEH database).

4.0 ABORIGINAL CONTEXT

4.1 Ethnohistoric context

Aboriginal people have been living in the Sydney Basin and surrounding areas for at a minimum of 36,000 years, based upon evidence from archaeological sites located on the Parramatta and Nepean Rivers (JMCHM 2005 and AHMS 2013). Before the sea reached its present level around 7,000 years ago, the Botany Bay area would have been freshwater valleys and swamplands (Attenbrow, 2012, 1-2), with Aboriginal people subsisting on a diet of land animals and plants, supplemented with freshwater fish resources (Attenbrow 2010,70-79).

Following the inundation of the coastline, Aboriginal people in the study area primarily utilised marine foods of sea fish and shellfish for their subsistence needs (Attenbrow 2010, 70-79). The majority of archaeological evidence in the Sydney Basin has been dated as occurring within the last 3,000 to 5,000 years, possibly reflecting the increased use of the foreshore areas by Aboriginal people who occupied areas around the modern coastline. Older occupation sites are likely to exist along the now submerged coastline, consistent with a pattern of higher intensity utilisation of marine resources in supporting Aboriginal populations (AMBS 2013, 25).

Ethnographic accounts written by European explorers and settlers in the late 18th century emphasise the maritime way of life of the Aboriginal people around Botany Bay. Small groups of Aboriginal people were recorded to camp near freshwater sources, often residing in rock shelters or utilising bark huts. Bark canoes were regularly used for line fishing and spear fishing in Botany Bay. Collecting shellfish on the tidal banks of the bay was also recorded by Europeans (AMBS 2013, 25).

These accounts of Aboriginal diets have been corroborated by archaeological evidence from the numerous midden sites which are located on the foreshores of Sydney Harbour and Botany Bay. The shell midden site at Captain Cook's Landing Place in Kurnell, on the south-eastern foreshore of Botany Bay, was excavated between 1968 and 1971. Deposits at this site have been dated and show that they have been accumulating for at least 1,200 years. Based upon the large extent of materials recovered, it is likely that this shell midden site, and other nearby rock art and burial sites, extends for much of the Kurnell foreshore [redacted] (Attenbrow 2010, 172 and Irish 2007, 11-18).

Large quantities of Aboriginal artefacts, including shellfish-hooks (Figure 4.1), retouched stone artefact flakes, ground stone hatchets and bone points (Figure 4.2) were recovered. Fish bones and shell comprise the majority of food resource remains, including snapper, bream, mud oyster and Sydney cockle. Lesser quantities of land and sea animal bones, including dingo, seal, whale, dolphin, wallabies and mutton birds are also present in the midden site (Attenbrow 2010, 172-173).

Aboriginal people were also recorded as burying their dead in coastal sandy environments, in middens and in rock shelters. Archaeological evidence in the study area further substantiates this practice, with a number of Aboriginal burials along the Botany Bay foreshore having been identified. One rock shelter near [redacted] on the Kurnell Peninsula has revealed up to 18 complete or partial sets of human remains, all of which have been reburied at the site at the request of the local Aboriginal community. Grave goods of stone artefacts and bone points were present in many of these burials, as well as midden deposits of discarded fish and animal bones (Irish 2007, 19).

Aboriginal people often utilised the exposed Hawkesbury sandstone rock faces around Sydney Harbour and Botany Bay to engrave and draw art. These sites are well-recorded and comprise 40% of all Aboriginal sites in the Sydney Basin (Attenbrow 2010, 146-147). Several rock art sites have been recorded on the exposed sandstone faces and caves at La Perouse near Bare Island, as well

as on the Kurnell foreshore. Motifs on rock art in the area show frequent engravings of footprints and fish (Irish 2007, 20).

The landscape at Botany Bay prior to the arrival of Europeans in the 18th century was significantly more forested than it is today. Sclerophyll woodland vegetation, consisting of eucalypts, angophoras and banksias, were pivotal in securing the barrier dunes of the Kurnell and Brighton-Le-Sands area from erosion. It is possible that the increase in the proportion of salt-tolerant shrubs such as *Leptospermum laevigatum* and *Monotoca elliptica* was the result of more intense Aboriginal settlement and human initiated fire-regimes around the shores of Botany Bay from around 2,000 years ago (Benson & Eldershaw 2007, 114).

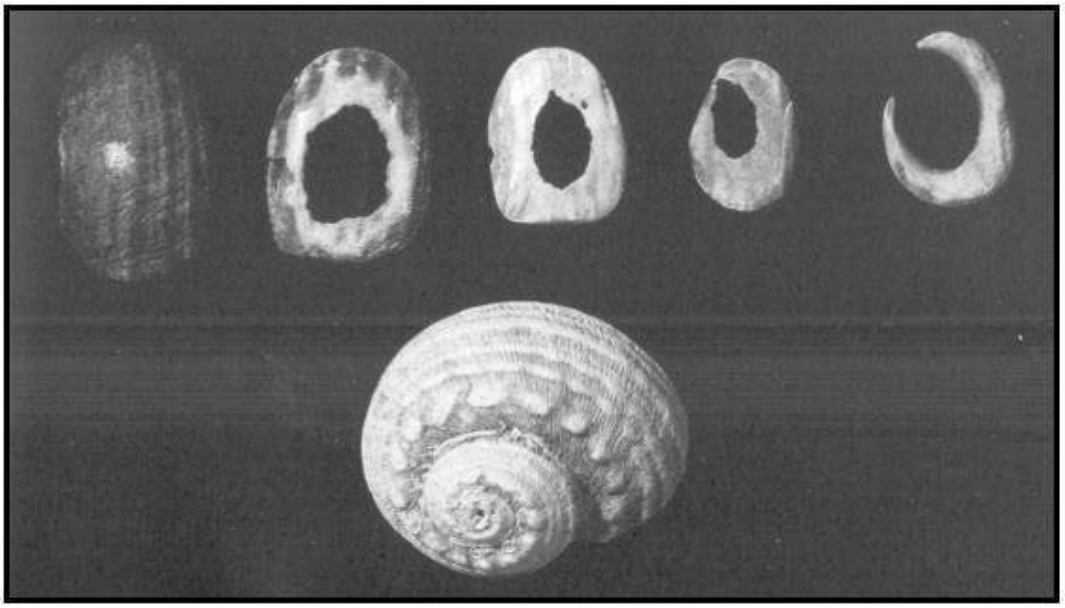

Figure 4.1: Shell fish hooks recovered from Captain Cook's Landing Place Midden site, image reproduced from Irish 2007, p 16.

Figure 4.2: Bone points recovered from Captain Cook's Landing Place Midden site, image reproduced from Irish 2007, p17.

4.2 Archaeological context

4.2.1 Kurnell

4.2.1.1 Early recording prior to archaeological investigations

In 1899, human remains were identified at Kurnell during excavations completed for the installation of a flagpole. The remains were found 0.9m below the ground surface and are likely to be the remains of an Aboriginal person (Coast History and Heritage 2019). In 1936 a human skull was recovered from a location between the [redacted] and the [redacted] which were located in front of [redacted]. The current location of the human remains recovered in 1899 and 1936 is unknown. In 1947, ten stone artefacts were retrieved from excavations completed for the foundations of the Banks Monument. The assemblage was comprised of eight Bondi points and two flakes. In 1961, two skeletons were identified during an excavation for electrical cabling along the foreshore. The human remains are likely to be the remains of Aboriginal people and were reburied in an unspecified location.

4.2.1.2 Vincent Megaw archaeological investigations

Archaeological study – Vincent Megaw 1968

In 1968 Vincent Megaw conducted an archaeological investigation of the area [redacted] after human remains of two Aboriginal people (an elderly man and a child) were uncovered during an excavation to install an inspection vault for electrical cabling that had been laid along the foreshore. A series of auger cores were taken at the beginning of the investigation. It was demonstrated that shell midden was scattered throughout the area, with a substantial midden (greater than 1.8m depth in sections) identified in the vicinity of the stream. Artefacts recovered from the midden included fish bones, bone points, stone artefacts including four fishhook files, and some early historical artefacts (including a bone button, bottle glass, and handmade iron nail). These indicate that the midden continued to be in use after the first European contact in Sydney. The shell species included rock-platform species as well as species found in mudflats to the west, including mud oyster, hairy mussel, and edible mussel.

Archaeological study – Vincent Megaw 1970-71

More extensive archaeological investigations were undertaken in 1970 and 1971 to the east of Cook's Stream. The main feature was a large midden, of which more than 35m^2 was removed through archaeological excavation. The excavations located Aboriginal human remains along with faunal remains, a hearth, bone points, stone artefacts, and approximately 200 fishhooks and fishhook 'blanks'; the largest number of fishhooks yet found at any site in Australia. Charcoal taken from the trenches was initially dated to between 2,000-1,415 years ago, however recent reanalysis using charcoal retained from the original excavations has dated the midden as up to 2,000 years old; 500 years more than previously thought.

4.2.1.3 Master Plan works (Meeting Place Precinct)

Archaeological investigations were undertaken as part of a broader Aboriginal Cultural Heritage Assessment in relation to the formulation of a master plan (described as the 'Meeting Place Precinct') between 2004 and 2008. A map of the areas investigated as part of these assessments is included in Figure 4.3 below.

Aboriginal Cultural Heritage Assessment for Master Plan – McIntyre-Tamwoy 2004

The first test excavations occurred in 2004, overseen by Sue McIntyre-Tamwoy. Seven pits to the east of the study area were cut, however all pits contained fill or windblown sand and no Aboriginal archaeological remains were found.

Aboriginal Cultural Heritage Assessment for Master Plan – Paul Irish, La Perouse Aboriginal Land Council, and NPWS Towra Team 2007

In 2007, further excavations were conducted to inform the proposed master plan works to upgrade visitor facilities within the ‘’Meeting Place Precinct”. It was determined that proposed works should avoid impact to any *in situ* archaeological remains, due to their high degree of significance. Test excavations were conducted with the La Peruse Local Aboriginal Land Council and ‘Towra Team’ of NPWS Aboriginal workers to provide more information about the location and depth of Aboriginal archaeological remains within the Meeting Place Precinct. A total of 115 small shovel pits (approximately 200 x 500mm) were excavated to the depth of proposed works only, in order to minimise risk of impact on archaeological material (maximum depth of 400mm). Midden, stone artefacts, and loose shells were encountered in several pits. An attempt was also made to uncover rock engravings recorded in 1968 (AHIMS ID 52-3-0221), but they were not found. It is likely the sandstone outcrop where they were originally recorded has been since covered by vegetation.

Salvage excavations – Paul Irish, La Perouse Aboriginal Land Council, and NPWS Towra Team, 2008

Salvage excavations of the Cook’s Stream were undertaken in 2008 for it to be reopened to the public. The 2007 test excavations had shown there to be midden present in the stream; however, it was deemed to be fill from the surrounding creek bank as a result of dam construction in the early 20th century and not *in situ*. The stream was mechanically excavated until archaeological remains were uncovered, and then manually excavated in 2m x 2m squares. Shell material, gravel, glass, and some human bone was found. The bone was determined to be most likely Aboriginal, but an exact age or origin could not be determined.

Approximately 300kg of midden was excavated from the stream and sieved. It contained 78 stone artefacts, 4.3kg of fish and mammal bone, 26 bone point tools, 14 broken or complete fishhooks, and other shell artefacts. Microscopic analysis of some of these tools showed that some of the stone artefacts had been used for cutting shell, and bone points were used for piercing skin or hides. Most of the archaeological material collected during this excavation and the 2007 test excavations was reburied by the stream in 2019.

Archaeological Monitoring – Paul Irish 2008-2010

The Master Plan Works were monitored under an AHIP in locations where it had been determined by the 2007 test excavations that Aboriginal remains were likely to occur. This permit allowed for archaeological material, excluding human remains, that was uncovered from previously disturbed contexts to be recorded and collected. In most cases it was possible to protect the material by raising the impact above the level the material was observed. In these cases, the material was covered by geofabric and the location recorded. If the material could not be protected it was collected, including some shell, animal bone fragments, and stone.

Coast History and Heritage (2019) – Aboriginal Cultural Heritage Assessment Report Stage 1 Master Plan Works at Kamay Botany Bay National Park, Kurnell NSW, Sutherland LGA

Coast History and Heritage (2019) completed an Aboriginal Cultural Heritage Assessment Report for a portion of land which overlaps the current study area on behalf of NSW NPWS. The assessment was completed as a continuation of the Master Plan Works. As part of the assessment it was found that AHIMS ID 52-3-0221 is likely to be located 200m north of the location recorded on the AHIMS database. The report recommended that NSW NPWS apply for an AHIP to authorise proposed earthworks within the current study area (Figure 4.4). The proposed AHIP will include a ‘no harm’ area which encompasses the identified location of AHIMS ID 52-3-0221.

A search of the AHIP public register was completed on 24 February 2020, and it was found that the AHIP application has not been submitted to DPIE-Heritage.

4.2.1.4 Summary

The study area has been subject to several archaeological investigations from 1968 until present. The outcome of these previous assessments has resulted in the currently known extent of the Foreshore Midden (Figure 4.4). During the course of previous investigations and works human remains have been identified at multiple locations. Only the locations marked in Figure 4.4 are known to contain human remains. It is possible that further burials may be located within the study area that have not been identified by previous assessments.

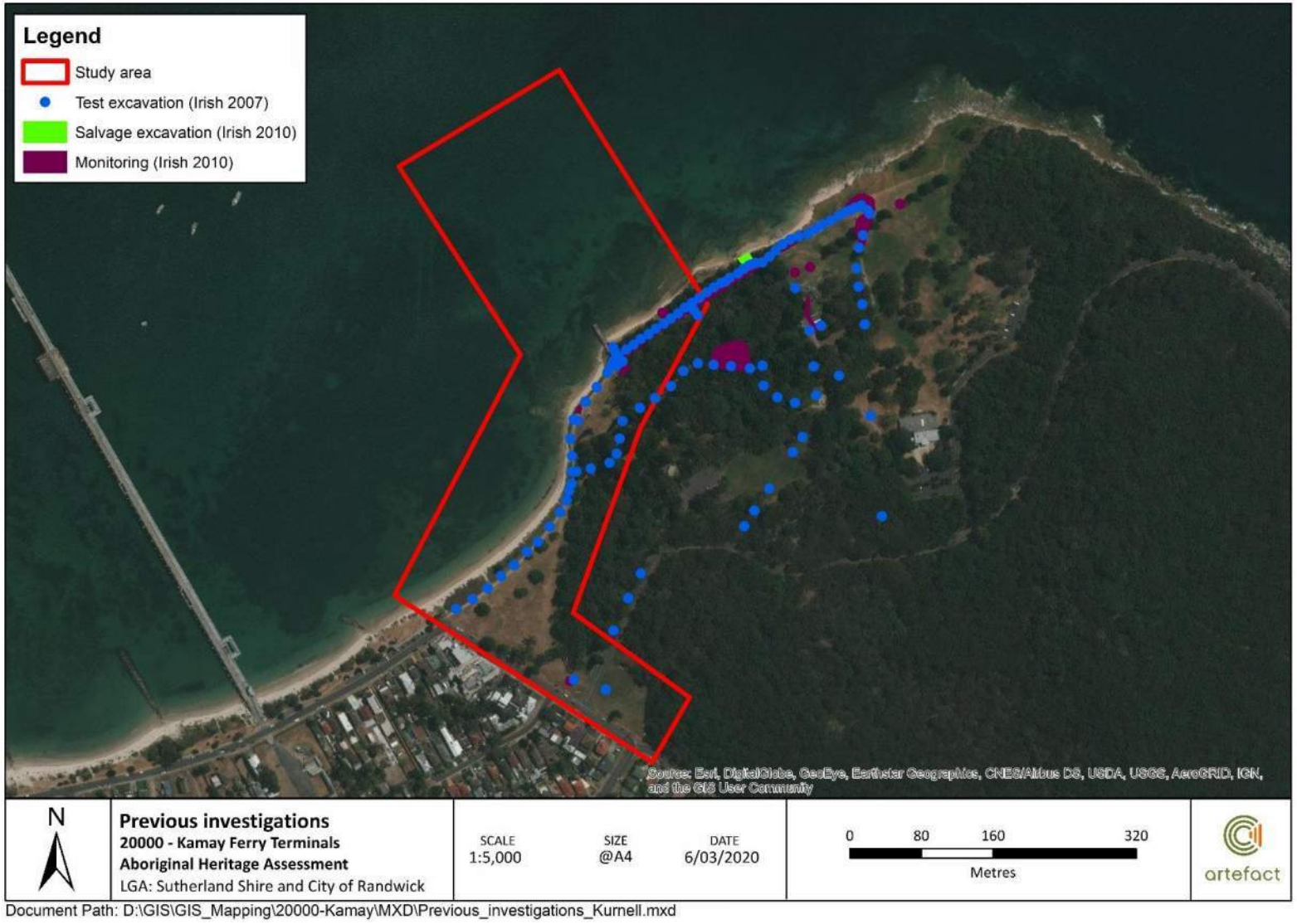

Figure 4.3: Location of test and salvage excavations (2004-2008) and archaeological monitoring (2008-2010)

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Figure 4.4: AHIP area proposed by Coast History and Heritage 2019

4.2.2 La Perouse

Botany Bay 132kV Electricity Cable Project: Cultural Heritage Assessment – Navin Officer 2006

In 2006, Navin Officer completed a Cultural Heritage Assessment of an area of land within the current study area. The assessment included an Aboriginal and non-Aboriginal archaeological survey. The assessment resulted in the identification of Kurnell Potential Archaeological Deposit 1 (AHIMS ID 52-3-1366) along the Kurnell foreshore. The site cards of all AHIMS sites within 1km of the Botany Bay 132kV Electricity Cable Project were reviewed by Navin Officer and a revised map was produced (Figure 4.5). The revised locations the AHIMS sites were not ground-truthed by the survey and as a result the AHIMS database was not updated with the revised site locations. Further discussion of the locations of the AHIMS site has been included in section 4.3 below.

La Perouse Headland, Botany Bay National Park, Conservation Management Plan: Stage 2 – Jill Sheppard Heritage Consultants 2009

In 2009 Jill Sheppard Heritage Consultants completed a field survey of the La Perouse side of the current study area. As part of the assessment, previously recorded AHIMS site were revisited and a revised AHIMS map was produced (Figure 4.6). However, the AHIMS database was not updated with the revised site co-ordinates.

The assessment found that the engravings located on the La Perouse Headland are deteriorating at a rate faster than other engravings in the Sydney area. The assessment identified that the community had expressed interest in having the engravings recut. However, Jill Sheppard Heritage Consultants recommended that an AHIP would be required to recut the engravings and proposed that the engravings should be recreated on suitable, adjacent sandstone platforms or outcrops using traditional techniques.

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Figure 4.5: Navin (2006) revised location of AHIMS sites (note: this map only reflects site assessed by Navin and not all AHIMS sites located within the study area)

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Figure 4.6: Jill Sheppard Heritage Consultants (2009) revised location of AHIMS sites (note: this map only reflects site assessed by Jill Sheppard Heritage Consultants and not all AHIMS sites located within the study area)

4.3 Aboriginal Heritage Information Management System

The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on the heritage map for the proposal be removed from this report if it is to enter the public domain.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 9 January 2020 (Client ID: 475474).

An area of approximately 8 kilometres (east-west) by 7.6 kilometres (north-south) was searched to gain information on the archaeological context of the study area, and to ascertain whether any previously recorded Aboriginal sites are located within the study area. The details of the AHIMS search parameters are as follows:

GDA 1994 MGA 56	[redacted]
Buffer	0 m
Number of sites	72
AHIMS Search ID	475474

A total of 72 sites were identified by the extensive AHIMS search. AHIMS lists 20 standard site features that can be used to describe a site registered with AHIMS, and more than one feature can be used for each site. The frequency of recorded site types is summarised in Table 4.1. For the 72 sites within the search area, 12 site features were recorded. The majority of recorded sites are Shell, Artefacts (n=29, 42.03%) followed by Art (Pigment or Engraved) (n=15, 21.74%). The distribution of recorded sites within the AHIMS search area is shown in Figure 4.7.

Three restricted sites are also listed in the AHIMS search results. The location and details of restricted sites are not publicly available. Restricted sites are generally of high cultural significance. AHIMS was contacted on 2 March 2020 to confirm if the three restricted sites are located within the study area or are within close enough proximity that they may be impacted by the proposal. On 5 March 2020, AHIMS confirmed that the three restricted sites would not be impacted by works within the study area.

The nature and location of the registered sites reflects the past Aboriginal occupation from which they derive, but is also influenced by historical land-use, and the nature and extent of previous archaeological investigations. Although Aboriginal occupation covered the whole of the landscape, the availability of fresh water, and associated resources, was a significant factor in repeated and long-term occupation of specific areas within the landscape. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation, while others, such as stone artefacts, are more resilient.

Table 4.1: Frequency of site features from AHIMS data.

Site Feature	Frequency	Percentage (%)
Restricted	*3*	*4.17*
Shell, Artefact	29	40.28
Artefact	6	8.33
[redacted]	2	2.78

Site Feature	Frequency	Percentage (%)
Art (Pigment or Engraved)	15	20.83
Artefact, Potential Archaeological Deposit (PAD), Shell	2	2.78
Potential Archaeological Deposit (PAD)	7	9.72
Ochre Quarry	1	1.39
[redacted]	3	4.17
Artefact, Shell, Aboriginal Ceremony and Dreaming	1	1.39
Grinding Groove	1	1.39
[redacted]	1	1.39
Aboriginal Resource and Gathering, Shell	1	1.39
Total	**69**	**100.00**

Seven AHIMS registered sites are located within the study area and an additional 10 are located within 250 meters of the study area (Table 4.2).

Table 4.2: AHIMS registered sites within the study area or within close proximity

AHIMS ID	Site name	Site type	Distance from study area*
52-3-1366	Kurnell Potential Archaeological Deposit 1 (K PAD 1)	Potential Archaeological Deposit (PAD)	
45-6-0653	Site 6, La Perouse	Art (Pigment or Engraved)	
45-6-0650	Site 3, La Perouse	Art (Pigment or Engraved)	
45-6-1403	La Perouse	Art (Pigment or Engraved)	
45-6-1144	La Perouse	Shell, Artefact	
45-6-0649	Site 2, La Perouse	Art (Pigment or Engraved)	
45-6-0651	Site 4, La Perouse	Art (Pigment or Engraved)	
52-3-0219	Foreshore Midden - Captain Cook's Landing Place	Burial, Shell, Artefact	
52-3-0221	Kurnell Engraving - Captain Cook's Landing Place	Art (Pigment or Engraved)	
52-3-1381	Cundlemongs Grave	Burial	
45-5-2587	Frenchmans Bay Foredune	Shell, Artefact	

AHIMS ID	Site name	Site type	Distance from study area*
45-6-0652	Site 5, La Perouse	Art (Pigment or Engraved)	
45-6-1145	La Perouse	Shell, Artefact	
45-6-0648	Site 1, La Perouse	Art (Pigment or Engraved)	
45-6-1146	Congwong Cave, La Perouse	Art (Pigment or Engraved)	
45-6-0561	Congwong Beach	Shell, Artefact	
45-6-1762	Congwong Beach	Shell, Artefact	

*based on geographical information for each site on the AHIMS site register

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Figure 4.7: Results of the extensive AHIMS search

4.3.1 La Perouse

La Perouse Site 1 (AHIMS ID 45-6-0648) Rock Engraving

This site was described both by Campbell in 1891 and by R. H. Matthews in 1898. It consists of an engraving of a whale and its calf on sandstone outcrop (Figure 4.8) about two metres above sea level. The site has been subject to natural weathering which has eroded the engraving and reduced visibility (Navin Officer 2006).

The site is registered at AGD 56 co-ordinates 336300 E 6237350 N. However, Navin Officer (2006) located the site at AGD 56 co-ordinates 336339.E 6237439 N with a handheld GPS. Jill Sheppard Heritage Consultants (2009) identified the site at 336432 E 6237435 N.

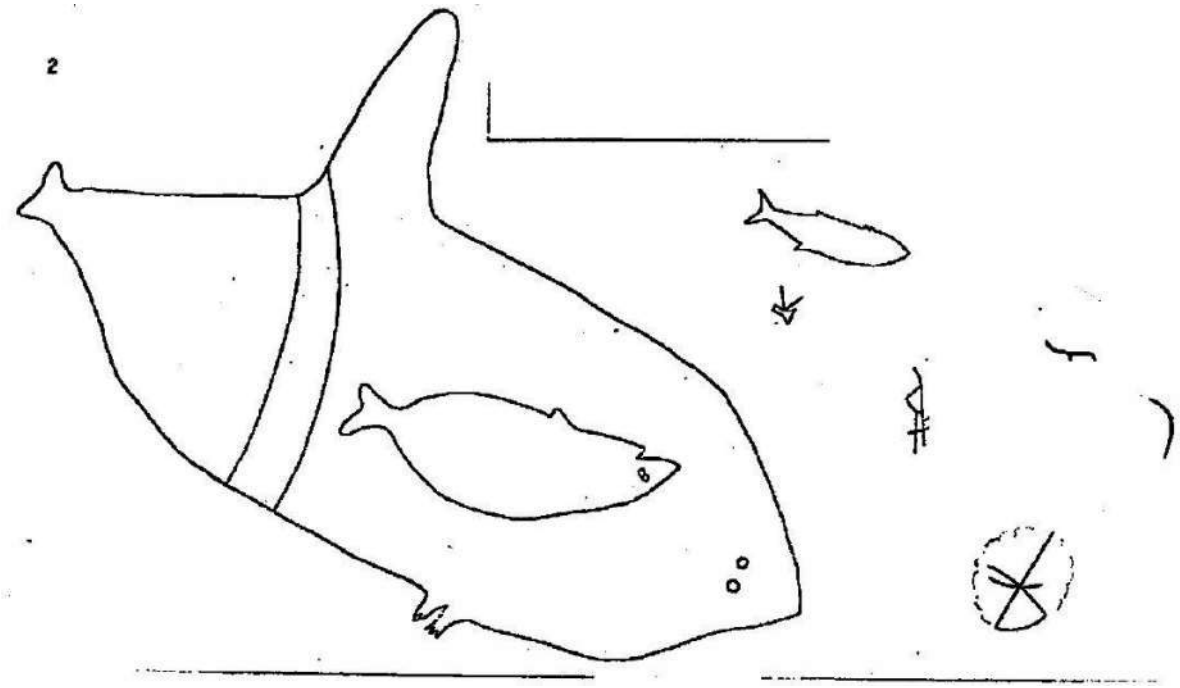

Figure 4.8: Whale and calf engraving. Source: AHIMS site card

La Perouse, (AHIMS ID 45-6-1144) Midden

Minimal information exists for this site which is described by R. Taplin in 1979 as, 'Facing Frenchmans Bay, on a raised rocky point is a much-disturbed midden, over a foot deep' (NPWS Site Card, 1979). This site was noted by Laila Haglund in the course of her survey of Bare Island and La Perouse headland as 'the possible remains of 45-6-1144, a shell midden … is poorly preserved and has suffered trampling and disturbance' (Haglund 1989). The remnants of this site are situated on the small rock promontory adjacent to the area on which the La Perouse jetty was situated.

La Perouse Sites (AHIMS ID 45-6-0649 to 45-6-0652) Rock Engravings

Sites AHIMS ID 45-6-0649 to 45-6-0651 are registered at

owever, Navin Officer (2006) located the all four sites a with a handheld GPS. Jill Sheppard Heritage Consultants (2009) identified the AHIMS ID 45-6-0649 a and 45-6-0651 a AHIMS ID 45-6-0650 could not be located. It was assumed that AHIMS ID 45-6-0652 was a duplicate recording of AHIMS ID 45-6-0649.

These sites are a collection of engravings, including that of a shark, located on a sandstone outcrop at the end of La Perouse peninsula. As well as the shark there are also segmented marks about 1.5 m in diameter and two boomerang-shaped marks on the outcrop. As with the above site these engravings were also described by Matthews (1898) and Campbell (1899).

Site 2, La Perouse (AHIMS ID 45-6-0649)

The site is an engraving of a fish and tomahawk. The fish has been partially restored, by a vandal rubbing across part of the earlier Aboriginal engraving fish outline creating a smaller fish using only part of the original. The tomahawk remains clear and distinct.

Site 3, La Perouse (AHIMS ID 45-6-0650)

The site is an engraving of a faint circle with segmental marks. Not relocated by Jill Sheppard Heritage Consultants (2009), or by Haglund's 1989 survey.

Site 4, La Perouse (AHIMS ID 45-6-0651)

The site is located within 10m of fish with engraving of two deeply cut boomerang like marks, one with a reverse curve. Located within 10m of fish with tomahawk.

Site 5, La Perouse (AHIMS ID 45-6-0652)

The site is recorded as a 4.1m long engraving of shark. Jill Sheppard Heritage Consultants (2009) noted that the site may be a re-recording of the fish at 45-6-0649. This was because the recorded position of AHIMS ID 45-6-0652, as described by the site card, is 119 m southwest of the La Perouse Monument, the approximate location of AHIMS ID 45-6-0649.

La Perouse Site 6 (AHIMS ID 45-6-0653) Rock Engraving

This site was originally recorded and described in 1960 by I. M. Sim (Mankind Volume 6, No 20) as,

> *On a vertical rock face which terminates the southern extremity of Frenchmans Bay. The figures are about 6 feet west of the road leading to the wharf and kiosk. 40 feet west of the figures and just above the waterline is a rock shelter about 20 feet long and 8 feet deep. Subjects '1 kangaroo; 2 curved lines' (NPWS Site Card).*

The site was re-visited/recorded in 1979 by R. Taplin. At that time, the site was described as,

> *Sydney 01 3 23 4-on vertical rock wall at back of beach a few feet north of previous, here is a cut kangaroo and part of another. Recorded by Mr Ian Sim, they were pointed out to me by Mrs Moore of Randwick historical society but are buried beneath the extended foundation of a road. Buried but not destroyed' ([second] NPWS Site Card).*

This site appears to be somewhere in the vicinity of the present circuit road (Anzac Parade). The site was reported to have been covered by a retaining wall in the early 1960s and it is probable that the site survives below the present circuit road, approximately 50 m southwest of the present 'Boatshed' restaurant.

The site is registered at AGD 56 co-ordinates . Neither Navin Officer (2006) or Jill Sheppard Heritage Consultants (2009) were able to locate the site during their assessments.

La Perouse (AHIMS ID 45-6-1145) Midden

This site was described by Guider in 1980 as, a concrete footpath cuts through the centre of what appears to have been a large shell midden.

> *As children take short cuts across the sandhills on both sides of this path and wind naturally displaces the sand many shells and bones are visible. Some of these shells and bones slide down the steep slope and onto the footpath.*

Congwong Cave, La Perouse (AHIMS ID 45-6-1146) Shelter with Art

This site was described by Taplin in 1975 as, a shelter with art that measures 15 feet long, 1 to 5 feet deep and 1 to 4 inches high. Its aspect is south, and it contains grey finger marks on its walls.

La Perouse (AHIMS ID 45-6-1403) Art (Pigment or Engraved)

The site is described as an engraving on a rock located in the middle of La Perouse Park. The subject of the engraving is undetermined.

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Figure 4.9: AHIMS registered sites in the proximity of the norther portion of the study area

4.3.2 Kurnell

Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) [redacted] Shell, Artefact

The site was originally recorded in 1968 by Vincent Megaw following the completion of subsurface archaeological investigations that occurred after workman had identified the skulls of an elderly man and a child. Extensive archaeological investigations were subsequently undertaken from 1971 until as recently as 2019. These investigations identified additional human remains, stone artefacts and midden material. In findings of these investigations have been discussed in section 4.2.1 above.

Kurnell Engraving - Captain Cook's Landing Place (AHIMS ID 52-3-0221) Rock Engraving

The site is described as eight engravings of fish on a sandstone shelf. Coast History and Heritage (2019) noted that the site is likely to be located 200m north of the AHIMS recorded location.

Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366) Potential Archaeological Deposit (PAD)

An area of PAD was identified as part of an investigation completed by Navin Officer in 2006. The PAD is located on the Kurnell foreshore from the high-water mark to Torres Street. Captain Cook Drive is the easternmost limit of the PAD, and as such partially overlaps with the study area.

Cundlemongs Grave (AHIMS ID 52-3-1381) Burial

The site is a registration of the approximate location of the historically recorded burial of senior Aboriginal man Cundlemong in the 1840s.

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Figure 4.10: AHIMS registered sites in the proximity of the southern portion of the study area

4.4 Predictive modelling

Based on previous archaeological excavations completed within the Kurnell portion of the study area, it is anticipated that additional stone artefacts and midden material will be identified within the defined extent of AHIMS ID 52-3-0219. Coast 2019 predicted that in-situ midden material would not extend further than 70m from the shoreline. However, individual, pre-contact burials may be located elsewhere within the study area. It is also likely that low quantities of stone artefacts will be located across the Kurnell portion of the study area.

The La Perouse headland is likely to contain Aboriginal rock engravings and shell middens. However, it is unlikely that a surface survey will identify these engravings as it has been previously identified that the engravings have deteriorated, which has impacted site visibility. Information obtained from previous investigations with the La Perouse Headland has identified that some art sites were buried by previous works completed in the area. Therefore, it is likely that any surviving engravings will be located below the ground surface or within shelter environments like rock shelters.

The most common Aboriginal site types likely to be identified in the study area include:

- Midden and stone artefacts – These are the most frequently recorded site type in the 2 kilometres surrounding the study area. Middens and stone artefacts are mostly likely to be identified in areas of increased ground surface visibility such as rock outcrops or within rock shelters.
- Art sites – These are likely to be present in areas where suitable stone surfaces are present, including in rock shelters, outcroppings and cliff walls. Painted art sites may have faded beyond ready identification, however inscribed art may be more identifiable.
- Rock shelter – These will be found in suitable sandstone outcrops in the study area and may contain occupation deposit (potentially hearths, midden, stone artefacts and animal/fish bone). They may also contain art (pigment or engraved), grinding grooves and burials.
- Burials – These may occur at any point in the landscape where deep soils are present. They are most likely to occur in areas of sandy or soft soils. Burials are unlikely to be detected through surface survey.

With respect to potential to submerged terrestrial sites it can be expected that a very similar suite of site types identified in this study would have been present on the former ground surfaces prior to inundation. It would be expected that such sites would have become submerged in the last phases of sea level rise in the early Holocene.

The overwhelming issue with regards the presence of submerged terrestrial sites is whether they would have survived the impact of rising waters. Both study areas are situated in relatively high energy zones. Oceanic swells refract around both headlands and although diminished in power they break onto the present shorelines. Both study areas face westwards where there is a relatively large fetch over which westerly winds generate relatively small waves. Such wave action described would have had an accelerated erosive effect on exposed sites. Rock engravings would have been erased, middens and burials along the shoreline deflated and dispersed, deposits within rock shelters washed out.

The above statements are generalised based on the observations made during the site inspection. The Underwater Cultural Heritage Impact Assessment will examine site formation processes for submerged terrestrial site within the study areas further utilising marine geophysical and geotechnical

data obtained for this project. The report will indicate the likelihood of submerged terrestrial sites having survived inundation.

There is potential also within the marine portion of the study area for artefacts to be present within the marine sediments, either having eroded into the water from terrestrial sites and/or from fishing activities. Fishing related artefacts could be such objects as shell fishhooks. It is expected that the frequency of such artefacts across the study area would be relatively low.

5.0 ARCHAEOLOGICAL SURVEY

5.1 Aims

The primary aims of the survey are as follows:

- Undertake site survey in conjunction with key Aboriginal stakeholders (La Perouse LALC) in accordance with the PACHCI Stage 2 and the Code of Practice
- Identify and record Aboriginal sites and objects
- Identify landforms and/or areas which might contain potential archaeological deposit (PAD)
- Identify areas of ground disturbance which may have impacted on areas which might otherwise have been of archaeological potential
- Consult with Aboriginal stakeholders on potential mitigation and management measures for any Aboriginal cultural heritage found.

5.2 Timing and personnel

Consultation with La Perouse LALC was undertaken by Lee Davison (Aboriginal Cultural Heritage Officer, TfNSW) in accordance with PACHCI Stage 2. Richard Silva and David Ingrey (La Perouse LALC) participated in the archaeological survey and were given the opportunity to provide input on cultural significance. Cosmos Coroneos (Maritime archaeologist, Cosmos Archaeology) was present for the both days primarily to discuss with representatives of the La Perouse LALC issues relating to the presence of submerged cultural remains within the study area. The emphasis was on material cultural behaviour associated with fishing practices and other forms of resource exploitation in the marine environment. No diving was undertaken.

The archaeological survey was undertaken over two days from 30 – 31 January 2020. Personnel and timing for the archaeological survey are presented in Table 5.1.

Table 5.1: Timing and personnel for archaeological survey

Participant	Organisation	Role	Dates of participation
Ryan Taddeucci	Artefact Heritage	Senior Heritage Consultant	30-31 January 2020
Cosmos Coroneos	Cosmos Archaeology	Maritime archaeologist	30-31 January 2020
Chris Williams	TfNSW	Environment Officer	30-31 January 2020
Richard Silva	La Perouse LALC	Aboriginal Cultural Heritage Officer	30 January 2020
Anna Darby	Artefact Heritage	Heritage Consultant	31 January 2020
David Ingrey	La Perouse LALC	Aboriginal Cultural Heritage Officer	31 January 2020
Adele McCaul	TfNSW	Environmental Cadet	31 January 2020

Participant	Organisation	Role	Dates of participation
Ben Khan	NSW National Parks & Wildlife Service	Manager of Kamay National Park	31 January 2020

5.3 Constraints

Portions of the study area were inaccessible due to dense vegetation, vertical cliff facing or submerged within the littoral zone. Inaccessible areas were inspected from viewpoints in the public domain or were assessed by comparison of aerial imaging to locations that were accessible for survey.

5.4 Survey sampling strategy

The study area was divided into seven survey units, defined by property boundary and landform (Figure 5.1 and Figure 5.2). A sample survey is acceptable, with justification, under the Code of Practice. Full coverage survey of each survey unit was not practicable due to dense, impenetrable vegetation, commercial structures, vertical cliffs, steep slopes and littoral zones. Each survey unit was subject to sample survey, which included as much intensive investigation as was practicable given the access limitations.

5.5 Survey method

Archaeological survey of the study area was conducted on foot, in accordance with the Code of Practice and PACHCI stage 2. A handheld GPS was used to track the path of the survey team and record the coordinates of survey transects, as well as, the locations any Aboriginal sites. Detailed aerial maps marked with grid coordinates for each of the survey units were carried by the survey team in the field. The coordinate system projection used for all data recording was GDA1994 MGA 56. All ground exposures were inspected for Aboriginal objects while sandstone outcrops were examined for possible rock art and engravings.

The study area was divided into seven survey units, two on the Kurnell side and five on the La Perouse side. These are listed below (Section 5.6), and mapped in Figure 5.2 and Figure 5.1. A photographic record was kept during the survey. Photographs were taken to record aspects of survey units including stone outcrops, stone platforms, vegetation, disturbance and recorded Aboriginal sites. Photographic scales were used for photographs where appropriate.

Figure 5.1: Location of survey units on the La Perouse side

Figure 5.2: Location of survey units on the Kurnell side

5.6 Survey units

5.6.1 Survey unit 1

Survey unit 1 consists of the land located within the 'island' created by Anzac Parade (Figure 5.3). The area is located on a flat plateau which has been cleared of vegetation. The majority of the survey unit is covered by manicured grasses and frequent sandstone outcrops (Figure 5.4). One rock shelter was identified within the centre of the survey unit, which had been artificially filled (Figure 5.5). The survey unit includes the Macquarie Watchtower (Figure 5.6), the La Perouse Museum (Figure 5.7) and a monument (Figure 5.8).

Two AHIMS registered sites, AHIMS ID 45-6-1403 (engraving) and AHIMS ID 45-6-1144 (midden) are recorded within survey unit 1. AHIMS ID 45-6-1403 is recorded as being located at
This area was inspected, and no sandstone outcrops could be located.

. The sandstone outcrops within survey unit 1 were examined and no evidence of anthropogenic markings could be identified. However, the description of the engraving provided in the site card matches the location of the buried rock shelter. Therefore, it is likely that the rock shelter is the location of AHIMS ID 45-6-1403 and the engraving is either buried within or is no longer visible.

Jill Sheppard Heritage Consultants completed a survey of the study area in 2009 and identified AHIMS ID 45-6-1144 within survey unit 2. As no midden material could be identified during the current survey, it is likely that AHIMS ID 45-6-1144 is not located within survey unit 1.

Figure 5.3: View east across survey unit 1

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Figure 5.4: View southeast from mapped location AHIMS ID 45-6-1144 across sandstone outcrops

Figure 5.5: View southeast of a filled in rock shelter

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Figure 5.6: View east the Macquarie Watchtower from mapped location AHIMS ID

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Museum from mapped location AHIMS ID 45-6-1144

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Figure 5.8: View southwest across western monument from mapped location of AHIMS ID 45-6-1403

5.6.2 Survey unit 2

Survey unit 2 is located within the intertidal zone and is comprised of a quartz sand beach (Figure 5.9). A restaurant has been established in the eastern portion of survey unit 2 (Figure 5.10), and a large rock shelter was located in the western portion (Figure 5.11). It was found that the shelter had been partially filled in to establish the northwest portion of Anzac Parade (Figure 5.12). A drainage system has been established within the fill and may have resulted in a physical impact to the buried rock shelter (Figure 5.13).

The portions of the rock shelter that were not buried were inspected, and no Aboriginal objects were identified. Two hand outlines were identified during the inspection (Figure 5.33). However, the paint used to create the outline was found be very similar to graffiti it is likely that these are modern additions. David Ingrey (Site Officer, La Perouse LALC) noted that the rock shelter once contained an engraving and that the shelter has been partially filled when Anzac Parade was widened.

No AHIMS sites are registered within survey unit 2. However, based on the description from the site card, it is likely that the engraving registered as AHIMS ID 45-6-0653 is located Furthermore, Jill Sheppard Heritage Consultants (2009) identified AHIMS ID 45-6-1144 a stone outcrops in the norther portion of survey unit 2. No midden material was identified during the current survey but it is likely that the site was obscured by sand at the time the survey was completed.

Figure 5.9: View west across survey unit 2

Figure 5.10: View east of restaurant established within survey unit 2

Figure 5.11: View west of the opening of a large rock shelter

Figure 5.12: View south of portions of the rock shelter that have been filled to establish Anzac Parade

Figure 5.13: View south of drainage established within survey unit 2, below the plateau

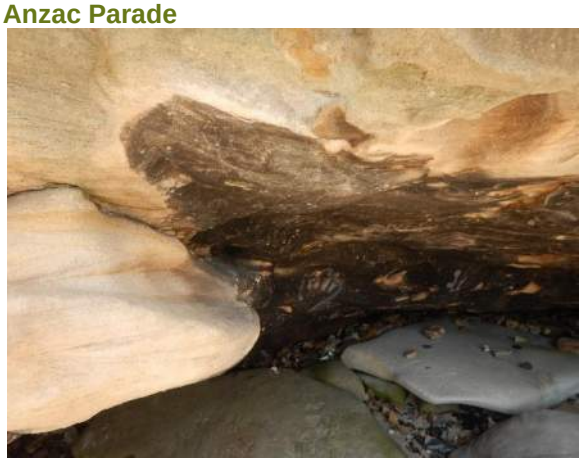

Figure 5.14: Hand outline within rock shelter

5.6.3 Survey unit 3

Survey unit 3 includes the northern section of the Anzac Parade loop and portions of several commercial structures (Figure 5.15 - Figure 5.18). The area is located on a plateau landform but has been extensively impacted by previous works.

(Figure 5.19).

No artefacts, areas of PAD or previously recorded sites are located were identified within survey unit 3.

Figure 5.15: View north of buildings located in the northern portion of survey unit 3

Figure 5.16: View northwest of buildings of Anzac Parade

Figure 5.17: View south of carpark located in the southern portion of survey unit 3

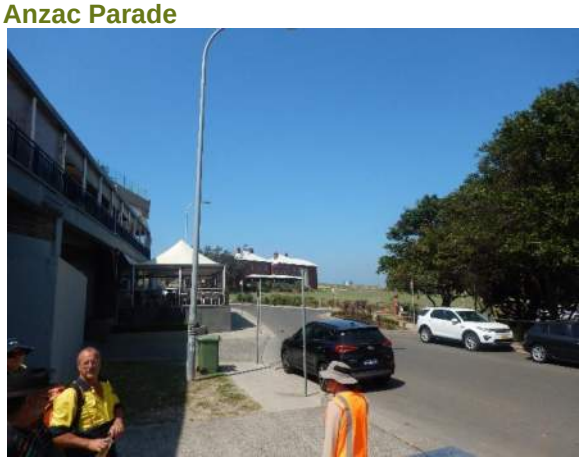

Figure 5.18: View south from the northern most portion of survey unit 3

Figure 5.19: View southwest across road and footpath establish above a rock shelter

5.6.4 Survey unit 4

Survey unit 4 is comprised of the southern portion of the plateau landform, outside of the Anzac Parade loop. Three AHIMS registered sites (AHIMS ID 45-6-0649, AHIMS ID 45-6-0650, and AHIMS ID 45-6-0651) are registered
l . Several sandstone outcrops were identified within the vicinity of the AHIMS sites, but none featured any anthropogenic features. It is possible that the

has resulted in the burial of sandstone outcrops and associated engravings. The engravings may be buried below and associated surrounding fill (Figure 5.21).

AHIMS ID 45-6-0648 (the whale and calf) was located during the survey in the southwest portion of survey unit 4 (Figure 5.23 and Figure 5.24). Anthropogenic engravings were also identified in the western most portion of survey unit 4 which matching the description of AHIMS ID 45-6-0649 (Figure 5.24 and Figure 5.25). AHIMS ID 45-6-0650 and AHIMS ID 45-6-0651 could not be identified but based on descriptions for the site cards, t AHIMS ID 45-6-0648 and .

David Ingrey (Site Officer, La Perouse LALC) noted that the shark engraving (AHIMS ID 45-6-0652) f . No sandstone outcrops were identified within the vicinity of this location, but it was evident from the surrounding landscape that rock outcrops are ubiquitous and likely to be present below the surface.

The southernmost portion of survey unit 4 featured a scatter of identical shells on a clifftop, directly above a rock shelter (Figure 5.27). Due to the height of the cliff top and the consistence size and species of the shells, it is unlikely that the shells accumulated in the area through natural processes is likely to be a previously unidentified shell midden. The site has been recorded as La Perouse Midden 19-01 (AHIMS ID Pending). Further information regarding the site has been included in section 6.2.9, below.

The survey resulted in the identification of AHIMS ID 45-6-0648, AHIMS ID 45-6-0649 and one new midden, La Perouse Midden 19-01 (AHIMS ID Pending). The remaining sites registered within survey unit 4 could not be identified but it is likely that AHIMS ID 45-6-0650 and AHIMS ID 45-6-0651 are located within the vicinity of AHIMS ID 45-6-0649. AHIMS ID 45-6-0652 is

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location of AHIMS ID 45-6-0649, AHIMS ID 45-6-0650, and AHIMS ID 45-6-0651

location of AHIMS ID 45-6-0649, AHIMS ID 45-6-0650, and AHIMS ID 45-6-0651, showing that the footpath has been established over a large sandstone outcrop

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Figure 5.26: View north across the likely location of the shark engraving (AHIMS ID 45-6-0652)

Figure 5.27: View north across La Perouse Midden 19-01 (AHIMS ID Pending)

5.6.5 Survey unit 5

Survey unit 5 consists of a small portion of the plateau landform which slopes down towards exposed bedrock and cliff faces located within the intertidal zone. The northern section of survey unit 5 featured the remains of an old wharf, including iron tracks (Figure 5.28) and the remains of wooden pylons (Figure 5.29). It appears that sections of the sandstone bedrock were removed during construction of the foundations of the wharf.

Recorded engraving site AHIMS ID 45-6-0653 is registered within survey unit 5, . However, this area was inspected, and no evidence of anthropogenic markings were identified (Figure 5.30 and Figure 5.31). Based on the site card description and information provided by David Ingrey (Site officer, La Perouse LALC) it is likely that AHIMS ID 45-6-0653 is located

The remainder of survey unit 5 was comprised of sheer cliff faces adjoining a flat, bedrock platform located within an intertidal zone (Figure 5.32). The cliff faces and bedrock were examined for anthropogenic features, but none were located. Survey Unit 5 is very suspectable to erosional processes, and it is likely that any engravings located within survey unit 5 have been destroyed.

No Aboriginal objects or areas of PAD were identified within survey unit 5.

Figure 5.28: View north of iron tracks cut into registered location of AHIMS ID 45-6-0653

Figure 5.29: View east of remanent wooden AHIMS ID 45-6-0653

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Figure 5.32: View east of cliff and intertidal zone

5.6.6 Survey unit 6

Survey unit 6 was bordered to the north by Polo Street and to the west by Solander Drive (Figure 5.33). The area was located on a flat plain which has been subject to vegetation clearance and landform modification. The majority of the survey unit was covered in manicured grass and included an area of dense, inaccessible vegetation to the east (Figure 5.34).

Kurnell Engraving - Captain Cook's Landing Place (AHIMS ID 52-3-0221) is recorded as being . Three sandstone outcrops were identified within survey unit 6 and they were inspected for evidence of engraving (Figure 5.33 and Figure 5.35). However, no anthropogenic features were identified on the sandstone outcrops. Background research completed for this assessment has indicated that . No Aboriginal objects were identified on the ground surface.

Figure 5.33: View west across survey unit 6 and two sandstone outcrops in the centre

Figure 5.34: View east of the area of dense vegetation location within survey unit 6

Figure 5.35: View north across sandstone outcrop

5.6.7 Survey unit 7

Survey unit 7 was located on the Kurnell side of the study area and bordered the littoral zone to the northwest (Figure 5.36). The majority of the survey unit was covered by dense inaccessible vegetation on a steep slope rising to the east (Figure 5.37). The remainder of the survey unit was covered in manicured grass with occasional areas of erosion. Due to the logistical constraints within survey unit 7 the survey was completed through a single transect which roughly followed the alignment of monument track that runs along the western boundary of survey unit 7.

Survey unit 7 included three monuments, two in the middle (Figure 5.38 and Figure 5.39) and one in the northern most part of survey unit 7 (Figure 5.40). A utility vault was identified within the centre of survey unit 7, indicating that subsurface telecommunication infrastructure is present within the study area (Figure 5.41).

The southwest portion of survey unit 7 had been subject to vegetation clearance and landform modification. Retaining walls were identified along the western edge of survey unit 7, indicating that terrestrial portions of the study area are the result of reclamation works. It likely that these reclamation works would have included the importation of fill from adjacent land.

Two AHIMS register sites Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366) are located within survey unit 7. The locations and extents of the sites were loaded into a handheld GPS. The survey team completed a targeted survey of these locations but did not identify any Aboriginal objects on the ground surface. Background research completed for this study has found that all material associated with AHIMS ID 52-3-0219 was identified below the ground surface. Therefore, it is likely that additional material will be located below the ground surface.

Figure 5.36: View northwest of littoral zone from Monument Track

Figure 5.37: View south of dense vegetation and steep slope bordering survey unit 7

Figure 5.38: View east of a monument location in the centre of survey unit 7

Figure 5.39: View north of a monument location in the centre of survey unit 7

Figure 5.40: View east of the monument in the northern most portion of survey unit 7

Figure 5.41: View northeast of utility vault

5.7 Coverage

A summary of survey coverage, in accordance with the Code of Practice, is outlined in Table 5.2 and Table 5.3 below.

Table 5.2: Survey coverage summary – Survey units

Survey Unit	Landform	Survey Unit Area (sq m)	Visibility (%)	Exposure (%)	Effective Coverage Area (sq m)	Effective Coverage (%)
1	Plateau	38,341.65	90	1	345.07	0.9
2	Intertidal	2,604.81	66	60.74	1,048.18	40.24
3	Plateau	8,696.27	50	4.6	200	2.3
4	Plateau	26,123.03	90	1.5	352.66	1.35
5	Intertidal, cliff, plateau	7,524.3	90	72.72	4,924.65	65.45
6	Flat	8,808.78	70	0.1	6.17	0.07
7	Slope	35,103.06	50	0.1	17.55	0.05

Table 5.3: Landform survey coverage

Landform	Landform Area (sq m)	Area effectively surveyed (sq m)	% of landform effectively surveyed	Number of sites
Intertidal	2,604.81	1,048.18	40.24	2
Flat	8,808.78	6.17	0.07	0
Slope	35,103.06	17.55	0.05	1
Plateau	73,160.95	897.73	1.23	7
Intertidal, cliff, plateau	7,524.3	72.72	4,924.65	0

6.0 RESULTS

6.1 Kurnell

6.1.1 Kurnell Potential Archaeological Deposit 1 (K PAD 1)

AHIMS ID: 52-3-1366
Site Type: Potential Archaeological Deposit
Centroid:
Site Extent:

K PAD 1 had been previously identified by Navin Officer (2006) as an area west of Polo Street, bordered to the north by Prince Charles Parade (Figure 6.1). While previous test excavations to the west of Polo Street (Irish 2007) did not identified any Aboriginal objects, these investigations were only completed to the depth of proposed impacts (400mm) and it is likely that stone artefacts, midden material and burials may be present below the depth previously investigated. As a result, K PAD 1 has been extended to the east as far as the identified extent of the Foreshore Midden, to facilitate additional subsurface investigations (Figure 6.2).

Figure 6.1: View east across K PAD 1

Figure 6.2: View west across K PAD 1

6.1.2 Foreshore Midden - Captain Cook's Landing Place

AHIMS ID: 52-3-0219
Site Type: Burial, Shell, Artefact, Potential Archaeological Deposit
Centroid:
Site Extent:

The site is located on the Kurnell foreshore in an area that has been subject to land reclamation associated with a It is likely that the majority of the site would have been located in an intertidal zone prior to reclamation. During the field survey, no Aboriginal objects were identified across the surface of the site.

Previous phases of excavation have resulted in the determination of the site extent and the identification of Aboriginal burials, midden material and stone artefacts. While the site has been subject to extensive test excavations, these investigations were only completed to the depth of proposed impacts (400mm). It is likely that additional Aboriginal objects will be present below the ground surface. As a result, this investigation has determined that the site should be updated to include an additional area of PAD to facilitate further subsurface investigations (Figure 6.11).

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Figure 6.7: View south from the AHIMS recorded centroid of Foreshore Midden - Captain Cook's Landing Place

Figure 6.8: View southeast from the northern end of the site

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end of the site

a burial was reportedly located

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Figure 6.11: Revised location of Aboriginal sites within the Kurnell portion of the study area

6.2 La Perouse

6.2.1 Site 1, La Perouse

AHIMS ID: 45-6-0648
Site Type: Art (Pigment or Engraved)
Centroid:
Site Extent:

The site is an engraving of a whale and calf, located on the south side of the headland. The site has been heavily eroded, which has severely impacted visibility. It was found that a NSW survey marker had been drilled into the ground, adjacent to the site (Figure 6.15).

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6.2.2 Site 2, La Perouse

AHIMS ID: 45-6-0649
Site Type: Art (Pigment or Engraved)
Centroid:
Site Extent:

Very faint engravings were identified at this location. Further desktop study completed following the completion of the site survey indicated that the site is likely to be the remains of AHIMS ID 45-6-0649. The site card describes AHIMS ID 45-6-0649 as an engraving of a fish and tomahawk. However, as the site has been extremely eroded it was not possible to determine the site features during the survey.

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Figure 6.18: View south across the site

Figure 6.19: View west across the site

6.2.3 Site 3, La Perouse

AHIMS ID: 45-6-0650
Site Type: Art (Pigment or Engraved)
Centroid:
Site Extent: Unknown

This site could not be identified during the current survey. However, based on the site description included in the site card, it is likely to be within the immediate vicinity of AHIMS ID 45-6-0649 and AHIMS ID 45-6-0651. The site is described as segmented marks on a circular rock. AHIMS ID 45-6-0649 was found to be significantly eroded and it is likely that 45-6-0650 has been eroded and is no longer visible.

6.2.4 Site 4, La Perouse

AHIMS ID: 45-6-0651
Site Type: Art (Pigment or Engraved)
Centroid:
Site Extent: Unknown

This site could not be identified during the current survey. However, based on the site description included in the site card, it is likely to be within the immediate vicinity of AHIMS ID 45-6-0649 and AHIMS ID 45-6-0650. The site is described as two deep cuts in the shape of a boomerang, with one reverse curve. AHIMS ID 45-6-0649 was found to be significantly eroded and it is likely that 45-6-0650 has been eroded and is no longer visible.

6.2.5 Site 5, La Perouse

AHIMS ID: 45-6-0652
Site Type: Art (Pigment or Engraved)
Centroid:
Site Extent: Unknown

This site could not be identified during the current survey. However, David Ingrey (Site Officer, La Perouse LALC) noted that the site i . The site is described as an engraving of a shark.

6.2.6 Site 6, La Perouse

AHIMS ID: 45-6-0653
Site Type: Art (Pigment or Engraved)
Centroid:
Site Extent: Unknown

The site could not be identified by the field survey. However, David Ingrey (Site Officer, La Perouse LALC) noted that the site is located . The site is recorded as an engraving of a kangaroo.

Figure 6.20: Height of rock shelter

Figure 6.21:View of quartz sand deposit within rock shelter

Figure 6.22: View of stones within rock shelter

Figure 6.23: View south of the fill covering a portion of the rock shelter

6.2.7 La Perouse (Art)

AHIMS ID: 45-6-1403
Site Type: Art (Pigment or Engraved), Rock Shelter
Centroid:
Site Extent: Unknown

This site card indicates that AHIMS ID 45-6-1403 is located

and was not visible during the survey due to erosion and poor lighting. However, given the shape, size and history of the rock shelter, the site is most probably located within the rock shelter or on a buried plain.

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6.2.8 La Perouse (Midden)

AHIMS ID: 45-6-1144
Site Type: Shell, Artefact
Centroid:
Site Extent: Unknown

The site could not be identified by the site survey. However, previous investigations completed have verified that the midden is located to the northwest portion of the study area, adjacent to a partial filled rock shelter beneath Anzac Parade.

6.2.9 La Perouse Midden 19-01 (AHIMS ID Pending)

Site type: Midden, Potential Archaeological Deposit, Rock Shelter
Centroid
Site length: m
Site width:

The survey resulted in the identification of one newly recorded site. La Perouse Midden 19-01 (AHIMS ID Pending) is located

and it is very unlikely that the material was deposited through natural processes. The shell midden was found to be eroding out of the bottom of a humic layer of sediment, less than 150mm thick (Figure 6.27 and Figure 6.28). The midden material has dispersed across the top of the cliff and collected in natural grooves (Figure 6.29).

Only one midden, La Perouse (AHIMS ID 45-6-1144) is documented within the immediate area of La Perouse Midden 19-01 (AHIMS ID Pending). The site for La Perouse (AHIMS ID 45-6-1144) indicates that the site is located within the loop created by Anzac Parade and as a result, it is unlikely that La Perouse Midden 19-01 (AHIMS ID Pending) and La Perouse (AHIMS ID 45-6-1144) are the same site.

As midden material was observed to be eroding out of a deposit of humic soil, it is likely that additional midden material is present below the ground surface. As a result, the site also includes an area of PAD (Figure 6.30).

The background research and field survey completed for this assessment have indicated that there are multiple unidentified subsurface and surface engravings located across the study area. As a result, the majority of the study area is considered to be an extended area of PAD. It is predicted that the centre portion of the site will contain engravings not visible by macroscope surface survey. Degraded engravings are likely to be present on the surface of sandstone outcrops or buried below the ground surface. There are two areas in the north and south of the site that are the likely locations of buried engravings (Site 5 and Site 6). The western most part of the site is likely to contain the engravings registered as Site 3 and Site 4 on the ground surface but are no longer visible due to erosion and site degradation. The remainder of the site is considered to have low potential to contain buried engravings and midden material but should be subject to further archaeological investigation.

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Figure 6.30: Revised location of Aboriginal sites within the La Perouse portion of the study area

7.0 DISCUSSION

In accordance with the Code of Practice, this section provides a discussion of the regional and local archaeological context of the study area, based on the desktop analysis completed for this assessment, and results of the survey.

7.1 Regional archaeological context

The archaeological understanding of the early Aboriginal settlement of the Sydney Basin and surrounds is constantly expanding and developing. At present, the earliest dated evidence for occupation in the Sydney area is associated with deposits on the Parramatta and Nepean Rivers, which were dated to c.25-30,000 years before present (JMCHM 2005) and 36,000 years before present (AHMS 2015). The archaeological material record provides evidence of this long occupation, but also provides evidence of a dynamic culture that has changed through time.

The existing archaeological record is limited to certain materials and objects that were able to withstand degradation and decay. As a result, the most common type of Aboriginal objects remaining in the archaeological record are stone artefacts, followed by bone and shell. There is potential for Aboriginal objects to occur across the landscape. The nature of the underlying geology and proximity of water sources to portions of the study area indicates the potential for the occurrence of artefact sites and/ or midden sites.

Stone artefacts are one of the most common types of Aboriginal objects remaining in the archaeological record. Archaeological analyses of these artefacts in their contexts have provided the basis for the interpretation of change in material culture over time. Technologies used for making tools changed, along with preference of raw material. Different types of tools appeared at certain times. It is argued that changes in material culture were an indication of changes in social organisation and behaviour.

Within the Sydney Basin, the most widely used terminology for the phases within what is currently known as the Eastern Regional Sequence are the Capertian, followed by the Early, Middle and Late Bondaian. This sequence continues to be refined by ongoing archaeological work in the region.

The Capertian comprises large, heavy stone artefacts. Tool types include uniface pebble tools, core tools, denticulate saws, scrapers, hammerstones, some bipolar and burins. The change from the Capertian to the Bondaian took place sometime after 5,000 years Before Present (BP) and is largely characterised by a shift in raw material use (and the proportions of raw materials), in addition to a developing predominance of smaller implements.

The three phases which are generally recognised within the Bondaian sequence are primarily based upon the introduction and subsequent decline of backed implements and the use of a bipolar flaking technique. Other technological innovations which are evident during the Bondaian include the introduction of ground-edge implements around 4,000 years BP and shellfish hooks during the last 1,000 years.

During the Early Bondaian, which is dated to between approximately 5,000 years BP and 2,800 years BP, the predominant raw materials for artefact manufacture appear to have been fine-grained siliceous cherts and silcretes. Features of the Capertian appear to have continued in many sites but backed and edge ground implements were also introduced.

The Middle Bondaian which dates between approximately 2,800 years BP and 1,600 years BP, displays a greater percentage of Bondi points (backed and pointed artefacts which are generally characteristic of Bondaian assemblages) to bipolar pieces. The proportion of quartz artefacts (a raw

material which is frequently 'reduced' by employing bipolar techniques) appears to increase within assemblages of this time frame. Some sites have also produced edge-ground implements.

The Late Bondaian which dates from approximately 1,600 years to the present, is dominated by artefacts of quartz, although other raw materials are present. Bondi points are absent. Eloueras and bipolar pieces are predominant within assemblages of this period. Edge-ground implements are also more common. Bone and shell implements occur in some sites.

At Contact, European observations of Aboriginal life around the Sydney region suggest that toolkits were fashioned largely on organic materials, such as wood, bark, palm leaves, shell and bone. The use of stone does not figure prominently within the early-European descriptions.

7.2 Local archaeological context

Previous archaeological investigations within the Kurnell portion of the study area have identified shellfish hooks indicating site occupation during the last 1,000 years, in accordance with the Eastern Regional Sequence. This interpretation is supported by conventional radiocarbon (14C) dating of charcoal samples obtained from Captain Cooks Landing Place which produced an age of 1,330 ± 100 years BP (ANU-721).

No stone artefact assemblages have been previously identified within the La Perouse portion of the study area. The nearest dated site north of Botany Bay is Sheas Creek, located 6.5 kilometres northwest of La Perouse. Sheas Creek produced a date of 5,520 ± 70 years BP) (WK 8616) from a sample of the dugong bones. This indicates that the northern portion of the study area was occupied from at least 6,000 BP and any identified assemblage is predicted to be consistent with the Capertian phase.

8.0 SIGNIFICANCE ASSESSMENT

8.1 Significance assessment criteria

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The OEH (2011) provides guidelines for heritage assessment with reference to the Burra Charter (Australia ICOMOS 2013) and the Heritage Office guidelines (2001). OEH requires consideration that includes the following:

- Research potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
- Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- Rarity: is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
- Education potential: does the subject area contain teaching sites or sites that might have teaching potential?

It is important to note that heritage significance is a dynamic value.

8.2 Archaeological significance assessment

8.2.1 Site 1, La Perouse (AHIMS ID 45-6-0648)

Site 1, La Perouse (AHIMS ID 45-6-0648) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings at La Perouse sites 2-6 which are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 1, La Perouse (AHIMS ID 45-6-0648) is an Art (Pigment or Engraved) site, which is uncommon within the regional context, accounting for only 20.83% of sites within the regional context. However, the whale and calf engraving are considered be to an especially rare motif in the region as only a small number of whale depictions have been identified along the Sydney coastline (Jill Sheppard Heritage Consultants 2009). As a result, the site is considered to be of high rarity and representative value.

8.2.2 Site 2, La Perouse (AHIMS ID 45-6-0649)

Site 2, La Perouse (AHIMS ID 45-6-0649) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 2, La Perouse (AHIMS ID 45-6-0649) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.3 Site 3, La Perouse (AHIMS ID 45-6-0650)

Site 3, La Perouse (AHIMS ID 45-6-0650) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 3, La Perouse (AHIMS ID 45-6-0650) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.4 Site 4, La Perouse (AHIMS ID 45-6-0651)

Site 4, La Perouse (AHIMS ID 45-6-0651) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 4, La Perouse (AHIMS ID 45-6-0651) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.5 Site 5, La Perouse (AHIMS ID 45-6-0652)

Site 5, La Perouse (AHIMS ID 45-6-0652) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 5, La Perouse (AHIMS ID 45-6-0652) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.6 Site 6, La Perouse (AHIMS ID 45-6-0653)

Site 6, La Perouse (AHIMS ID 45-6-0653) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

Site 6, La Perouse (AHIMS ID 45-6-0653) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.7 La Perouse (AHIMS ID 45-6-1403)

La Perouse (AHIMS ID 45-6-1403) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. The site is part of a complex which includes nearby engravings that are

representative of local land use patterns. Together the sites have the potential to contribute to greater understanding of ceremonial life and art history.

La Perouse (AHIMS ID 45-6-1403) is an Art (Pigment or Engraved) site, which is uncommon within the regional context. As these sites only account for only 20.83% of sites within the regional context, the site is considered to be of moderate rarity and representative value.

8.2.8 La Perouse (AHIMS ID 45-6-1144)

La Perouse (AHIMS ID 45-6-1144) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. Research themes investigation may include Aboriginal subsistence practices, trade, occupation, stone tool technology, and ceremonial life. The site provides a rare opportunity to investigate technological adaption to a coastal environmental and marine resources.

La Perouse (AHIMS ID 45-6-1144) is a Shell, Artefact site, which is relatively common within the regional context. As these sites only account for the majority of sites within the regional context (40.28%), the site is considered to be of low rarity and moderate representative value.

8.2.9 La Perouse Midden 19-01 (AHIMS ID Pending)

La Perouse Midden 19-01 (AHIMS ID Pending) is considered to be of high research and educational potential due to the ability for the site to demonstrate changing patterns of Aboriginal cultural history and use of local resources. Research themes investigation may include Aboriginal subsistence practices, trade, occupation, stone tool technology, and ceremonial life. The site provides a rare opportunity to investigate technological adaption to a coastal environmental and marine resources.

As the La Perouse Midden 19-01 (AHIMS ID Pending) includes an area of PAD, the full extent and nature of the site is unknown and cannot be fully assessed. The significance of the site will need to be revised following further investigation.

8.2.10 Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)

The Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is considered to be of high scientific significance due to the range and quantity of shell, stone and bone artefacts (including the largest documented number of shellfish hooks in Australia). The site also provides evidence of continued Aboriginal occupation of an area post-European contact. Archaeological research at the site has the potential to answer questions about the rapid change to Aboriginal lifestyles from pre-contact to post-contact. Therefore, the site is considered to be of high research potential. The outcomes of this research and the site itself, as a tangible expression of Aboriginal history, has high education potential.

Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) is a Burial, Shell, Artefact site, which is uncommon within the regional context. As these sites only account for only 2.78% of sites within the regional context, the site is considered to be of high rarity and representative value.

8.2.11 Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366)

Investigations at K PAD 1 (AHIMS ID 52-3-1366) have to potential to reveal further information regarding the distribution of stone artefacts and midden material as well as the location of Aboriginal burials. Therefore, the site of considered to have to potential to be of high research and scientific valve. However, as no Aboriginal objects have been identified in the PAD the significance of the site is unknown and will need to be revised following further investigation.

Table 8.1: Summary of scientific and archaeological significance

Site name	AHIMS ID	Research value	Scientific value	Representative value	Rarity	Overall archaeological significance
Site 1, La Perouse	45-6-0648	High	High	High	High	High
Site 2, La Perouse	45-6-0649	High	High	Moderate	Moderate	High-moderate
Site 3, La Perouse	45-6-0650	High	High	Moderate	Moderate	High-moderate
Site 4, La Perouse	45-6-0651	High	High	Moderate	Moderate	High-moderate
Site 5, La Perouse	45-6-0652	High	High	Moderate	Moderate	High-moderate
Site 6, La Perouse	45-6-0653	High	High	Moderate	Moderate	High-moderate
La Perouse	45-6-1144	High	High	Moderate	Moderate	High-moderate
La Perouse	45-6-1403	High	High	Moderate	Low	High-moderate
La Perouse Midden 19-01	Pending	Unknown	Unknown	Unknown	Unknown	Unknown
Foreshore Midden - Captain Cook's Landing Place	52-3-0219	High	High	High	High	High
K PAD 1	52-3-1366	Unknown	Unknown	Unknown	Unknown	Unknown

9.0 IMPACT ASSESSMENT

As the Kamay Ferry Wharfs Project is currently in the planning phase, the impacts to the terrestrial portion of the study area is unknown. Until detailed designs are generated, it is assumed that any site or portion of a site located within the current study area will be harmed by the proposed works.

Table 9.1: Summary of potential impacts

Site name	Type of harm	Degree of harm	Consequence of harm
Site 1, La Perouse	Direct	Total	Total loss of value
Site 2, La Perouse	Direct	Total	Total loss of value
Site 3, La Perouse	Direct	Total	Total loss of value
Site 4, La Perouse	Direct	Total	Total loss of value
Site 5, La Perouse	Direct	Total	Total loss of value
Site 6, La Perouse	Direct	Total	Total loss of value
La Perouse	Direct	Total	Total loss of value
La Perouse	Direct	Total	Total loss of value
La Perouse Midden 19-01	Direct	Total	Total loss of value
Foreshore Midden - Captain Cook's Landing Place	Direct	Partial	Partial loss of value
K PAD 1	Direct	Partial	Partial loss of valve

With respect to submerged terrestrial sites, the proposed works appear to be confined to piling for the jetties. This would be a number of localised impacts over a relatively large area. Should there be potential for the survival of submerged terrestrial sites within the study areas the scale of impact to this resource could range from negligible to partial impact to loss of value.

10.0 MANAGEMENT AND MITIGATION MEASURES

10.1 Guiding principles

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites would be conserved. If conservation is not practical, measures would be taken to mitigate against impacts to Aboriginal sites.

10.2 Further assessment under a PACHCI Stage 3

Where unavoidable impacts occur then measures to mitigate and manage impacts are proposed. Mitigation measures primarily concern preserving the heritage values of sites beyond the physical existence of the site. The most common methods involve detailed recording of Aboriginal objects, archaeological test and salvage excavations, artefact analysis and, where appropriate, reburial of Aboriginal objects in a location determined by the registered Aboriginal parties.

Mitigation measures vary depending on the assessment of archaeological significance of a particular Aboriginal site and are based on its research potential, rarity, representatives and educational value. In general, the significance of a site would influence the choice of preferred conservation outcomes and appropriate mitigation measures, usually on the following basis:

- Low archaeological significance - Conservation where possible, but usually no mitigation required if impacts are unavoidable
- Moderate archaeological significance - Conservation where possible. If conservation is not practicable, salvage excavations or similar mechanisms determined in consultation with the Aboriginal community may be necessary
- High archaeological significance - Conservation as a priority. Only if all practicable alternatives have been exhausted would impacts be considered justified. Comprehensive salvage excavations may be necessary

To fully assess the level of significance and determine adequate mitigation and management measures, further assessment completed in accordance with PACHCI Stage 3 must be undertaken.

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The Guide (OEH 2011: 10) provides guidelines, in accordance with the Burra Charter (Australia ICOMOS 2013) for significance assessment with assessments being required to consider the following criteria:

- Social values – does the area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- Historic values – is the area important to the cultural or natural history of the local area and/or region and/or state
- Scientific values - does the area have the potential to yield information that will contribute to an understanding of the cultural and natural history of the local area and/or region and/or state
- Aesthetic values – is the area important in demonstrating aesthetic characteristics in the local area and/or region and/or state.

A CHAR should be produced in compliance with the PACHCI Stage 3 requirements, the Guide and the Consultation Requirements. The Aboriginal heritage significance of the study area would be

assessed, based on comments received from the RAPs, the background research and the results of this PACHCI Stage 2 report.

The CHAR would also include a revised impact assessment based on detailed design plans and would include recommendations based on the updated significance and impact assessments.

10.2.1 Aboriginal Stakeholder Consultation

Investigations conducted in accordance with the PACHCI Stage 3 will require comprehensive Aboriginal stakeholder consultation. Consultation with Registered Aboriginal Parties (RAPs) would be conducted by TfNSW and would include holding an Aboriginal Focus Group (AFG) meeting during review of the draft PACHCI Stage 3 reports. Any comments and feedback from RAPs would form an integral part of the assessment.

The objective of community consultation is to ensure that RAPs have the opportunity to improve assessment outcomes by:

- providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)
- influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)
- actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area
- commenting on draft assessment reports before they are submitted by the proponent to the relevant approval's authority.

Consultation and feedback from RAPs is an integral part of the preparation of an CHAR, which would be prepared as part of the AHIP application.

10.2.2 Tasks required under the PACHCI stage 3

Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649)

Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649) are engravings that were inspected during the current survey of the study area. It is recommended that impacts to these sites are avoided. Where impacts are unavoidable, mitigation and management measures would be developed in consultation with the RAPs during the preparation of the PACHCI stage 3.

Site 3, La Perouse (AHIMS ID 45-6-0650) and Site 4, La Perouse (AHIMS ID 45-6-0651)

The locations of Site 3, La Perouse (AHIMS ID 45-6-0650) and Site 4, La Perouse (AHIMS ID 45-6-0651) could not be determined by the current survey. Based on previous assessments completed within the study area and review of the AHIMS database, it is likely that these sites are located on exposed sandstone outcrops within the vicinity of Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649) (Figure 10.2). Therefore, it is recommended that a targeted survey of the likely site locations is undertaken. This survey should be undertaken at different times of day as the shift in light may influence the visibility of the site features. Alternatively, a technical specialist should be engaged to scan and photograph the area and process the data through imaging software to assist in the identification of the sites.

Site 5, La Perouse (AHIMS ID 45-6-0652) and Site 6, La Perouse (AHIMS ID 45-6-0653)

Site 5, La Perouse (AHIMS ID 45-6-0652) and Site 6, La Perouse (AHIMS ID 45-6-0653) could not be located doing the current survey and are likely to be located below the ground surface (Figure 10.2). Therefore, it is recommended that a test excavation program is completed at targeted locations to determine the location of the sites. Where the sites cannot be identified through test excavation it may be necessary to monitor ground disturbing activities for impacts to subsurface sandstone outcrops. These management measures should only be undertaken if works are proposed in the areas where these sites may be located.

La Perouse (AHIMS ID 45-6-1403)

La Perouse (AHIMS ID 45-6-1403) could not be identified during the current survey and it is possible that the site is located below the ground surface or on exposed outcrops within the Anzac Parade 'Island' (Figure 10.2). Therefore, it is recommended that a survey of the area is completed at different times of day or in conjunction with an imaging specialist. Where the survey is unable to identify the site, it may be necessary to complete test excavation to locate the site underground. These management measures should only be undertaken if works are proposed in the area where this site may be located.

La Perouse (AHIMS ID 45-6-1144)

La Perouse (AHIMS ID 45-6-1144) midden was not identified during the current survey (Figure 10.2). However, previous assessments completed within the study area have identified the location of the midden and indicate that it is unlikely to extend below the ground surface. Therefore, it is recommended that Aboriginal stakeholders are provided with the opportunity to complete a survey collection of Aboriginal objects located at the site.

La Perouse Midden 19-01 (AHIMS ID Pending) and K PAD 1 (AHIMS ID 52-3-1366)

Two areas of PAD, La Perouse Midden 19-01 (AHIMS ID Pending) and K PAD 1 (AHIMS ID 52-3-1366), have been identified within the study area (Figure 10.1 and Figure 10.2). It is recommended that a test excavation methodology is developed, and test excavation is completed to determine the full extent of any subsurface Aboriginal objects.

Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)

Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) was identified as containing an area of PAD not previously recorded on the AHIMS database (Figure 10.1). It is understood that NSW NPWS is currently planning on submitting an AHIP to authorise proposed works within the Kurnell portion of the study area. An update to the AHIMS register to authorise test excavation within the Foreshore Midden would require NSW NPWS to produce an addendum to the CHAR completed by Coast History and Heritage (2019) and impact the AHIP application. It is recommended that NSW NPWS as consulted regarding the timing for their AHIP submission and the requirements of the current proposal.

As both the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and K PAD 1 (AHIMS ID 52-3-1366) have to potential to contain burials, it is recommended that a program of remote sensing is completed prior to test excavation. The outcome of the remote sensing program will be used to inform the test excavation methodology and provide further advice on mitigation measures.

The Kurnell area has been subject to several phases of archaeological excavations, as outlined in section 4.2.1, and a test excavation methodology should be informed by the findings of these assessments. Test excavations completed by Irish (2007) were limited to the impact footprint of the

proposed works, and a similar methodology may be developed for the proposed test excavation program within the Kurnell portion of the study area. Areas of artefact bearing fill were also identified by McIntyre-Tamwoy (2004) and Irish (2010). The proposed test excavation methodology should aim to further investigate nature of the fill material and the archaeological integrity of the artefact assemblage.

Summary

Due to the variation in site types, condition and site locations, specific mitigation measures have been developed for each site and summarised in Table 10.1.

There are two NHL listed places with Aboriginal heritage values located within the study area (NHL 105812 and NHL 106162). Further assessment will be required to identify the Aboriginal heritage values and assess any impacts that the project will have on the values. This will inform the EPBC referral prepared for the project at the EIS stage.

Table 10.1: Summary of site mitigation measures

Site name	AHIMS ID	Mitigation measures
Site 1, La Perouse	45-6-0648	To be determined through detailed design, comprehensive Aboriginal stakeholder consultation, and the completion of a CHAR
Site 2, La Perouse	45-6-0649	To be determined through detailed design, comprehensive Aboriginal stakeholder consultation, and the completion of a CHAR
Site 3, La Perouse	45-6-0650	Additional survey with the assistance of imagery technology
Site 4, La Perouse	45-6-0651	Additional survey with the assistance of imagery technology
Site 5, La Perouse	45-6-0652	Archaeological test excavation and monitoring
Site 6, La Perouse	45-6-0653	Archaeological test excavation and monitoring
La Perouse	45-6-1144	Surface collection of midden material and any other Aboriginal objects by Aboriginal stakeholders
La Perouse	45-6-1403	Additional survey with the assistance of imagery technology and archaeological test excavation and monitoring
La Perouse Midden 19-01	Pending	Archaeological test excavation
Foreshore Midden - Captain Cook's Landing Place	52-3-0219	The proponent should contact NSW NPWS for advice on the timing of the AHIP and implications updating the AHIMS database with the findings of this assessment Program of remote sensing.
Kurnell Potential Archaeological Deposit 1 (K PAD 1)	52-3-1366	Program of remote sensing ahead of test excavation

Mitigation measures will be proposed in the Underwater Cultural Heritage Impact Assessment once the potential for the presence of the submerged terrestrial sites is assessed. Possible mitigation measures could entail, but not be confined to:

- Repositioning piles to avoid prospective locations
- Obtain core samples at piling for examination (includes sieving the samples)
- Diver based excavation

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Figure 10.1: Revised location of Aboriginal sites within the Kurnell portion of the study area

REDACTED FOR PUBLIC VIEW

Figure 10.2: Revised location of Aboriginal sites within the La Perouse portion of the study area

10.3 Approvals pathway

It is understood that an application will be made for the proposal to be assessed as SSI under Division 5.2 of the EP&A Act. However, prior to this determination, the proponent is proposing to complete pre-SSI approval investigatory activities.

Under the Code of Practice sub-surface investigation will not be excluded from harm where they are carried out:

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

As a result, any pre-SSI sub-surface investigations to be completed within the study area will require an AHIP. Where sub-surface investigations are to be carried out under the SEARs an AHIP may not be required, depending on the provisions of the SEARs and types of impact permitted for investigatory activities.

See Table 10.2 below for an overview of site-specific approval requirement for further investigations. Post SSI approvals mitigation and management measures will be further outlined in the PACHCI Stage 3 reporting (CHAR), EIS mitigation measures, and further documents prepared as part of the SSI approvals process (such as REMMs).

Table 10.2: Approval pathways

Site name	AHIMS ID	Requirements for further investigations
Site 1, La Perouse	45-6-0648	The location and significance of the site has been determined and it is recommended that any impacts or implementation of management measures that may result in impact to the site must be authorised by an AHIP or Conditions of Approval. SEARs will not authorise this action.
Site 2, La Perouse	45-6-0649	The location and significance of the site has been determined and it is recommended that any impacts or implementation of management measures that may result in impact to the site must be authorised by an AHIP or Conditions of Approval. SEARs will not authorise this action.
Site 3, La Perouse	45-6-0650	The site is likely to be a surface engraving within an identified area. No approvals will be required to complete further survey that will not impact the site.
Site 4, La Perouse	45-6-0651	The site is likely to be a surface engraving within an identified area. No approvals will be required to complete further survey that will not impact the site.
Site 5, La Perouse	45-6-0652	The site is an engraving that is likely to be located below Anzac Parade. Due to the possibility of encountering midden material and rock shelters, test excavation should be completed under an AHIP, or under SEARs where possible.

Site name	AHIMS ID	Requirements for further investigations
Site 6, La Perouse	45-6-0653	The site is an engraving that is likely to be located within a rock shelter below Anzac Parade. As a result, test excavation should be completed under an AHIP, or under SEARs where possible
La Perouse	45-6-1144	The site is an engraving that may be located on exposed sandstone outcrops or buried under ground. No approvals will be required to complete further survey that will not impact the site. However, test excavation will need to be completed under an AHIP, or under SEARs where possible.
La Perouse	45-6-1403	The site is a shell midden located on bedrock of known archaeological significance. As a result, no further archaeological investigations are required. It is recommended that a surface collection of Aboriginal objects is completed as a mitigation measure. A surface collection is considered harm under the NPW Act and should be completed under an AHIP or Conditions of Consent. SEARs will not authorise this action.
La Perouse Midden 19-01	Pending	The site is a shell midden and PAD. Test excavation should be completed under an AHIP, or under SEARs where possible.
Foreshore Midden - Captain Cook's Landing Place	52-3-0219	The site includes midden material and burials. A remote sensing program that does not impact the site can be completed without approvals. Test excavations may be completed under SEARs where possible. Test excavations could be authorised under an AHIP. However, it is recommended that NSW NPWS is consulted prior to altering the site extent of the site on the AHIMS database or applying for a completing AHIP. However, human remains identified by remote sensing cannot be impacted by test excavations.
Kurnell Potential Archaeological Deposit 1 (K PAD 1)	52-3-1366	The site is a PAD that has potential to contain midden material and burials. A remote sensing program can be completed without approvals. Test excavation may be completed under an AHIP, or under SEARs where possible. However, human remains identified by remote sensing cannot be impacted by test excavations.

10.4 Discovery of human remains

If any human remains are discovered and/or harmed in, on or under the land, the following actions must be taken:

- Do not further move or disturb these remains
- Immediately cease all works at the particular location
- Secure the area so as to avoid further harm to the remains
- Notify the NSW police
- Notify DPIE-Heritage's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location
- Not recommence any work at the particular location unless authorised in writing by DPIE-Heritage.

Impacts to human skeletal remains would not be approved under an AHIP.

11.0 RECOMMENDATIONS

The following recommendations were based on consideration of:

- Statutory requirements under the *National Parks and Wildlife Act 1974* as amended
- The results of the background research, site survey and assessment.
- The likely impacts of the proposed development.
- The PACHIC Stage 2 requirements.
- The interests of La Perouse LALC.
- The proposed approval pathways

The findings of report are:

- The following eleven recorded Aboriginal sites are located within the mapped extend of the study area:
    - Site 1, La Perouse (AHIMS ID 45-6-0648)
    - Site 2, La Perouse (AHIMS ID 45-6-0649)
    - Site 3, La Perouse (AHIMS ID 45-6-0650)
    - Site 4, La Perouse (AHIMS ID 45-6-0651)
    - Site 5, La Perouse (AHIMS ID 45-6-0652)
    - Site 6, La Perouse (AHIMS ID 45-6-0653)
    - La Perouse (AHIMS ID 45-6-1144)
    - La Perouse (AHIMS ID 45-6-1403)
    - La Perouse Midden 19-01 (AHIMS ID Pending)
    - Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)
    - Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366)
- The survey identified that the La Perouse Midden 19-01 (AHIMS ID Pending), Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649) are located on the ground surface within the La Perouse portion of the study area
- Background research completed for this assessment has identified that remnant portions of the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) are located within the Kurnell portion of the study area.
- Background research has found that Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), Site 5, La Perouse (AHIMS ID 45-6-0652), Site 6, La Perouse (AHIMS ID 45-6-0653), La Perouse (AHIMS ID 45-6-1144) and La Perouse (AHIMS ID 45-6-1403) are likely to be buried within the La Perouse portion of the study area.

It is therefore recommended that:

- Where possible, impacts to identified Aboriginal sites should be avoided
- Further assessment is completed in accordance with the PACHCI stage 3 requirements for inclusion in the EIS and will include:

  - A management strategy for Site 1, La Perouse (AHIMS ID 45-6-0648) and Site 2, La Perouse (AHIMS ID 45-6-0649)
  - A methodology for the identification and management of Site 3, La Perouse (AHIMS ID 45-6-0650), Site 4, La Perouse (AHIMS ID 45-6-0651), Site 5, La Perouse (AHIMS ID 45-6-0652), Site 6, La Perouse (AHIMS ID 45-6-0653), and La Perouse (AHIMS ID 45-6-1403)
  - Salvage methodology for La Perouse (AHIMS ID 45-6-1144)
  - A test excavation methodology for La Perouse Midden 19-01 (AHIMS ID Pending)
  - A test excavation methodology for Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366). The test excavation methodology will consider the results of a remote sensing program, the methodology and findings of previous archaeological excavations and the nature of the proposed impacts.
- Aboriginal stakeholder consultation must be carried out in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (the Consultation Requirements) [DECCW 2010]) and the National Parks Regulation 2019
- If any suspected human remains are located during any stage of the proposed works, work should stop immediately, and the procedures outlined in the Unexpected Heritage Items Procedure (Roads and Maritime 2015) and Requirement 25 of the Code of Practice must be followed
- Should any changes be made to the proposed works that would involve impacts outside of the study area, these changes would be assessed in accordance with Roads and Maritime PACHCI and further investigation may be necessary.

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APPENDIX 1 – LA PEROUSE LALC SITE OFFICER REPORT

APPENDIX 2 – AHIMS DATABASE SEARCH RESULTS

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Addendum – Aboriginal Archaeological Survey Report (PACHCI Stage 2)

Project: Kamay Ferry Wharves Project	**Date:** Wednesday, 15 September 2020
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1.1 Introduction

1.1.1 Project background and scope

Transport for New South Wales (TfNSW) proposes to re-establish the historic ferry service between La Perouse and the Kurnell Peninsula for a commercial and recreational ferry service (the proposed works). The proposed works would provide a service for commuters and tourists to the area. The associated wharf infrastructure would also provide for supplementary uses potentially including commercial vessels and recreational boating.

Artefact Heritage was engaged in early 2020 to conduct an Aboriginal archaeological survey and assessment of the study area in accordance with Stage 2 of the Procedure for Aboriginal Cultural Heritage Consultation and Investigation guidelines (PACHCI) (Roads and Maritime 2011), and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice) (Department of Environment Climate Change and Water [DECCW] 2010a).

The PACHCI Stage 2 report was completed based on the understanding that the proposed works would be assessed under Division 5.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as State Significant Infrastructure (SSI). At the time the PACHCI Stage 2 report was prepared, the Secretary's Environmental Assessment Requirements (SEARs) had not been issued for the project and the legislative requirements of the National Parks and Wildlife Act 1974 (NPW Act) still applied. The PACHCI Stage 2 report was completed on 12 May 2020 and included an impact assessment based on preliminary design plans.

On 1 July 2020 the Kamay Ferry Wharves Project Upgrade was declared SSI and will be assessed under the EP&A Act. SEARs application no. SSI-10049 has been issued for the project. In early July 2020, the project was subject to a design freeze to commence preparation of an Environmental Impact Statement (EIS). On 22 July 2020, Artefact Heritage was issued updated design plans. Artefact Heritage has been engaged to complete this addendum PACHCI Stage 2 report to assess revised impacts to Aboriginal heritage in accordance with SSI-10049.

1.1.2 Study area

The study area is located in Botany Bay at either side of the ocean entrance to the bay on the La Perouse headland and the Kurnell peninsula (Figure 1). Botany Bay is located approximately 14 km south of the Sydney CBD.

La Perouse headland is adjacent to a residential area and commercial area of Port Botany. The La Perouse headland includes Anzac Parade, car parking, pedestrian access to a shared path and beaches, and the La Perouse Museum. New South Wales Golf Club is located approximately 900 m

east of the La Perouse headland. The La Perouse headland is located within the City of Randwick Local Government Area (LGA).

Kurnell peninsula is located on the southern side of Botany Bay and opposite La Perouse, within Kamay Botany Bay National Park. To the west of the peninsula is the Kurnell residential area and the Kurnell oil refinery. The Kurnell peninsula is located within the Sutherland Shire LGA.

1.1.3 Limitations

This PACHCI Stage 2 addendum report is intended to be read in conjunction with the May 2020 PACHCI Stage 2 report. Background information, details of archaeological survey, and other site information are not repeated in this report.

The scope of this addendum PACHCI Stage 2 assessment is based on information supplied by the proponent. Large portions of the study area are located within the littoral zone and as a result, this report will only assess terrestrial portion of the study area no further than the low water mark. Impacts to submerged terrestrial sites beyond the low water mark are excluded from the scope of this report and are addressed in a separate specialist report.

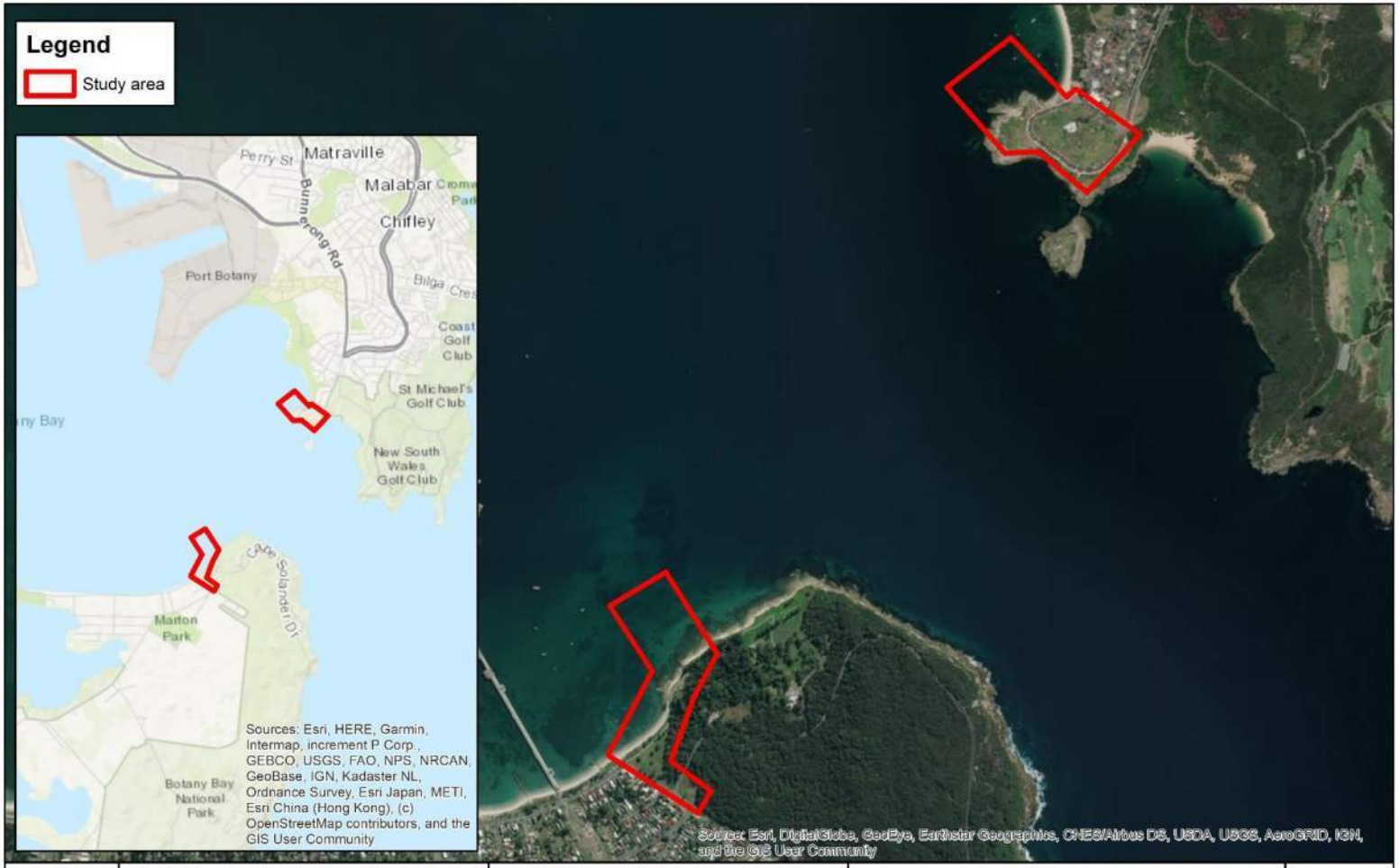

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Figure 1: Location of study area

1.2 Consultation

Representatives of the La Perouse Local Aboriginal Land Council (LALC) participated in the archaeological survey conducted on 30 and 31 January 2020 and were given the opportunity to provide input on cultural significance of the study area in accordance with the requirements of PACHCI Stage 2.

As the PACHCI Stage 2 report identified there is potential for impacts to Aboriginal objects from the proposal, TfNSW have commenced consultation in accordance with the PACHCI and the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (the Consultation Requirements) [Department of Environment, Climate Change and Water – now Heritage NSW].

Records of the consultation process supplied by TfNSW will be included in the EIS Aboriginal Heritage Technical Paper.

PACHCI Stage 3 – Action 1 – TfNSW contacted relevant organisations on 27 May 2020 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places within the project site. The following organisations were contacted:

- La Perouse LALC
- NSW Aboriginal Land Council
- Heritage NSW
- Native Title Services Corporation
- National Native Title Tribunal
- Greater Sydney Local Land Services
- Office of the Registrar Aboriginal Lands Right Act 1983
- Sutherland Shire Council
- Randwick City Council.

PACHCI Stage 3 – Action 2 – letters were sent by TfNSW on 9 August 2020 to all parties identified during PACHCI Stage 3 Action 1.

PACHCI Stage 3 – Action 3 – newspaper advertisements were placed by TfNSW inviting participation of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the local area. The newspapers and dates in which the advertisements were placed are as follows:

- Koori Mail (3 June 2020)
- St George and Sutherland Shire Leader (3 June 2020)
- National Indigenous Times (3 June 2020).

PACHCI Stage 3 – Action 4 – Artefact Heritage was engaged to prepare a Test Excavation Methodology.

PACHCI Stage 3 – Action 5 – following consultation and newspaper advertisements, five individuals and nine groups registered their interest. TfNSW then prepared a register of Aboriginal parties (Table 1) and responded to their registration.

Table 1: Registered Aboriginal parties for the project site

Contact name	Group represented
	Individual
s	Gweagal – Bidjigal Sovereign Tribal Elders Council
	Individual
	Individual
	Wailwan Aboriginal group
	Wurrumay
	Kamilaroi Yankuntjatjara Working Group
	Individual
	Didge Ngunawal Clan
	Sutherland Shire Council Aboriginal Advisory Sub-Committee
	Gujaga Foundation
	Yurrandaali Pty Ltd
	Barraby Cultural Services
	Individual

1.3 Legislative context

1.3.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) includes 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The PEI identified that the Kamay Ferry Wharves Project Upgrade project area is located within the NHL curtilages of:

- Kamay Botany Bay –botanical collection sites (NHL 106162)
- Kurnell Peninsula Headland (NHL 105812).

An EPBC referral was prepared in May 2020. The referral identified that the Kamay Ferry Wharves Project Upgrade project may result in significant impacts to the National heritage values, setting, or fabric of the Kurnell Peninsula Headland NHL items, primarily through potential impacts to archaeological resources. At the time this report was prepared, the EPBC referral had not been completed or submitted. An earlier stage of design was assessed for the EPBC referral.

1.3.2 Environmental Planning and Assessment Act 1979

Division 5.2 of the EP&A Act specifies that any State environmental policy may declare any development to be SSI as can the Minister, by a Ministerial planning order.

Under Section 5.23 the following authorisations are not required for SSI that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

> *1c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977*
>
> *1d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974*
>
> *2) Division 8 of Part 6 of the Heritage Act 1977 does not apply to prevent or interfere with the carrying out of State significant development that is authorized by a development consent granted after the commencement of this Division.*

Under Part 5, Division 5.1 (environmental impact assessment) the determining authority cannot carry out an activity or grant approval for an activity that is likely to significantly affect the environment unless an EIS is prepared.

TfNSW has advised that Section 5.23 of the EPA Act applies to archaeological test excavation under the SEARs phase of the SSI assessment process, meaning that approvals under the NPW Act and Heritage Act are not required.

1.4 Additional archaeological background

Aboriginal Cultural Heritage Assessment for Master Plan – Paul Irish, La Perouse Aboriginal Land Council, and NPWS Towra Team 2007

In 2007, test excavations were conducted to inform the proposed master plan works to upgrade visitor facilities within the ‘’Meeting Place Precinct”. It was determined that proposed works should avoid impact to any *in situ* archaeological remains, due to their high degree of significance. Test excavations were conducted with the La Perouse LALC and ‘Towra Team’ of NPWS Aboriginal workers to provide more information about the location and depth of Aboriginal archaeological remains within the Meeting Place Precinct. A total of 115 small test pits were excavated to the depth of proposed works only, in order to minimise risk of impact on archaeological material (Dimensions of shovel pits have been summarised in Table 2). The majority of the test pits were excavated to a depth of 400 mm and did not encounter *in situ* deposits. However, some test pits encountered *in situ* deposits at 100 – 200 mm in depth.

Table 2: Summary of shovel pit dimensions of numbers

Test pit size	Number of test pits
1 m x 1 m	1
500 mm x 500 mm	1
500 mm x 200 mm	46
200 mm x 200 mm	67
Total	**115**

A total of 216 artefacts were retrieved from 29 of 115 test pits, with the highest density of artefacts being located to the northeast of the Kurnell portion of the study area (Figure 2). A total of 20 of the artefact bearing test pits also included midden material. An attempt was also made to uncover rock engravings recorded in 1968 (AHIMS ID 52-3-0221), but they were not found. It is likely the sandstone outcrop where they were originally recorded has since been covered by vegetation.

Overall, the majority of the test pits located within the Kurnell portion of the study area did not yield stone artefacts or midden material. However, these excavations were generally completed to a depth of 400 mm, with only two completed in a depth of 500 mm. It is likely that *in situ*, artefact bearing deposits are located at greater depths.

Proposed Coastal Walk & Loop Road Upgrade La Perouse, NSW – Navin Officer 2009

In 2009 representatives of Navin Office completed a site inspection of the La Perouse Headland and spoke to a local resident, Mr. Blaxland, who noted skeletal material had been identified within the vicinity of the study area. The skeletal material has been reburied near the study area, in an unknown location. Cyril Cooley was also interviewed and noted that a cemetery is located at the bottom of the La Perouse Aboriginal Mission and was a place where Aboriginal people made artefacts to sell at the tram loop.

Navin Officer (2009) identified that the La Perouse portion of the study area has potential to contain middens within sand bodies and artefact scatters in open contexts. Although the location of Site 6, La Perouse (AHIMS ID 45-6-0653) could not be determined during the study, Navin Officer (2009) found that the site is likely to be located beneath a retaining wall, 50 m southwest of the Boatshed Café. Navin Officer (2009) recommended that any impacts to the retaining wall or the land surrounding the recorded location of Site 6, La Perouse (AHIMS ID 45-6-0653) should be monitored by an archaeologist.

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Figure 2: Results of Irish 2007 test excavation program

1.5 Revised impact assessment

1.5.1 Proposed works

TfNSW proposes to re-establish public wharves at La Perouse and on the Kurnell Peninsula for a commercial ferry service and recreational boat use. The proposal would provide a service for commuters and tourists to the area.

The proposal includes:

- Two wharves at La Perouse and Kurnell. These will consist of:
    - A wharf head that is utilised for vessel berthing/mooring and passenger transfer
    - A jetty/trestle structure connecting the shoreline to the wharf head
- Provision of additional parking spaces at each wharf
- A passenger waiting area/shelter for each wharf
- Pathway from car parking and transport connections for each wharf
- Service and utility installations
    - The utility installations would not be collocated with existing services
- Landscaping works.

Design of the new wharves will be required to meet relevant legislation and guidance for disability access.

Kurnell

The proposed wharf at Kurnell would extend about 200 m from the shore (Figure 3). It would include a main berth platform for commercial vessels, including the ferries. It may also include a lower level platform for recreational vessels. One landside geotechnical borehole will be placed near the proposed location of the new wharf, an indicative location is marked on Figure 8.

Additional car parking spaces are proposed along Polo Street (immediately southeast of Solander Drive) and on Captain Cook Drive (immediately northwest of Solander Drive). Six geotechnical borehole locations are proposed within the proposed parking area, to a depth of 3 m or bedrock, whichever is encountered first (Figure 8).

Sewer, water and electrical utilities are proposed to run from the new wharf location to the corner of Prince Charles Parade and Captain Cook Drive. Excavations associated with the Kurnell utilities line will extend to a depth of 900 mm (Figure 4). The utilities trench will terminate at the location marked in Figure 5 and utilities will continue along the length of the wharf inside a concrete case.

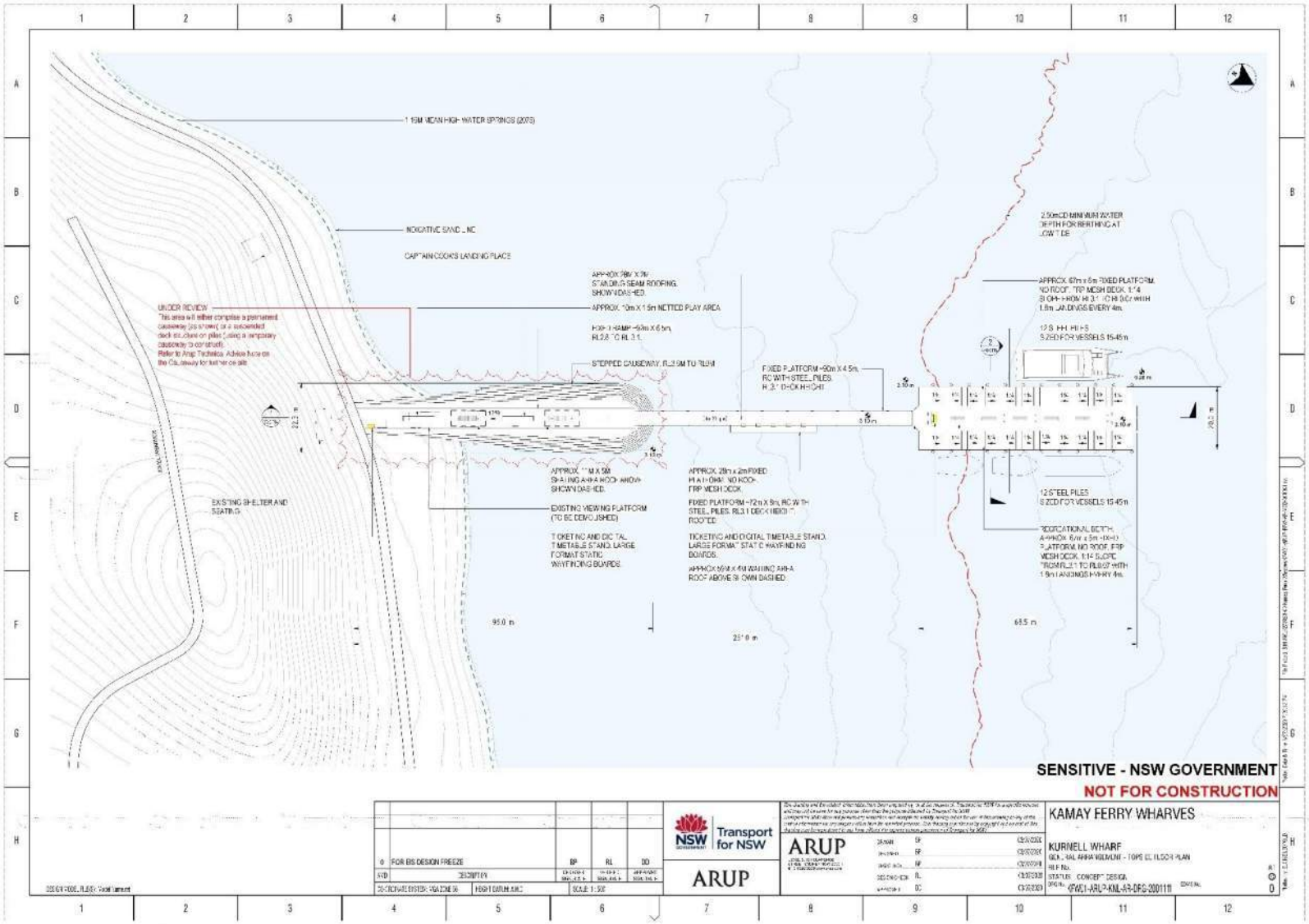

Figure 3: Proposed Kurnell wharf design

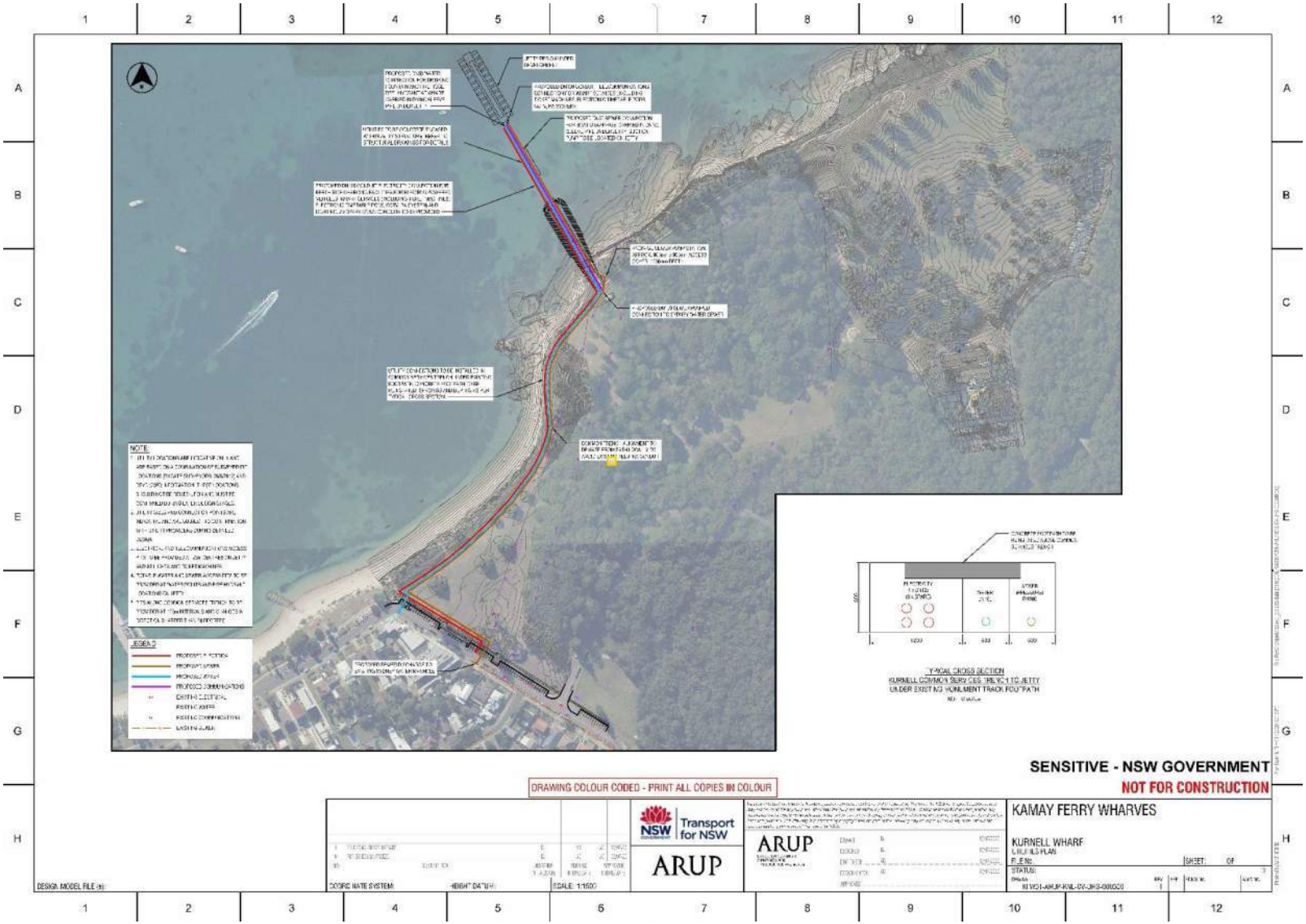

Figure 4: Proposed alignment of Kurnell utilities trench

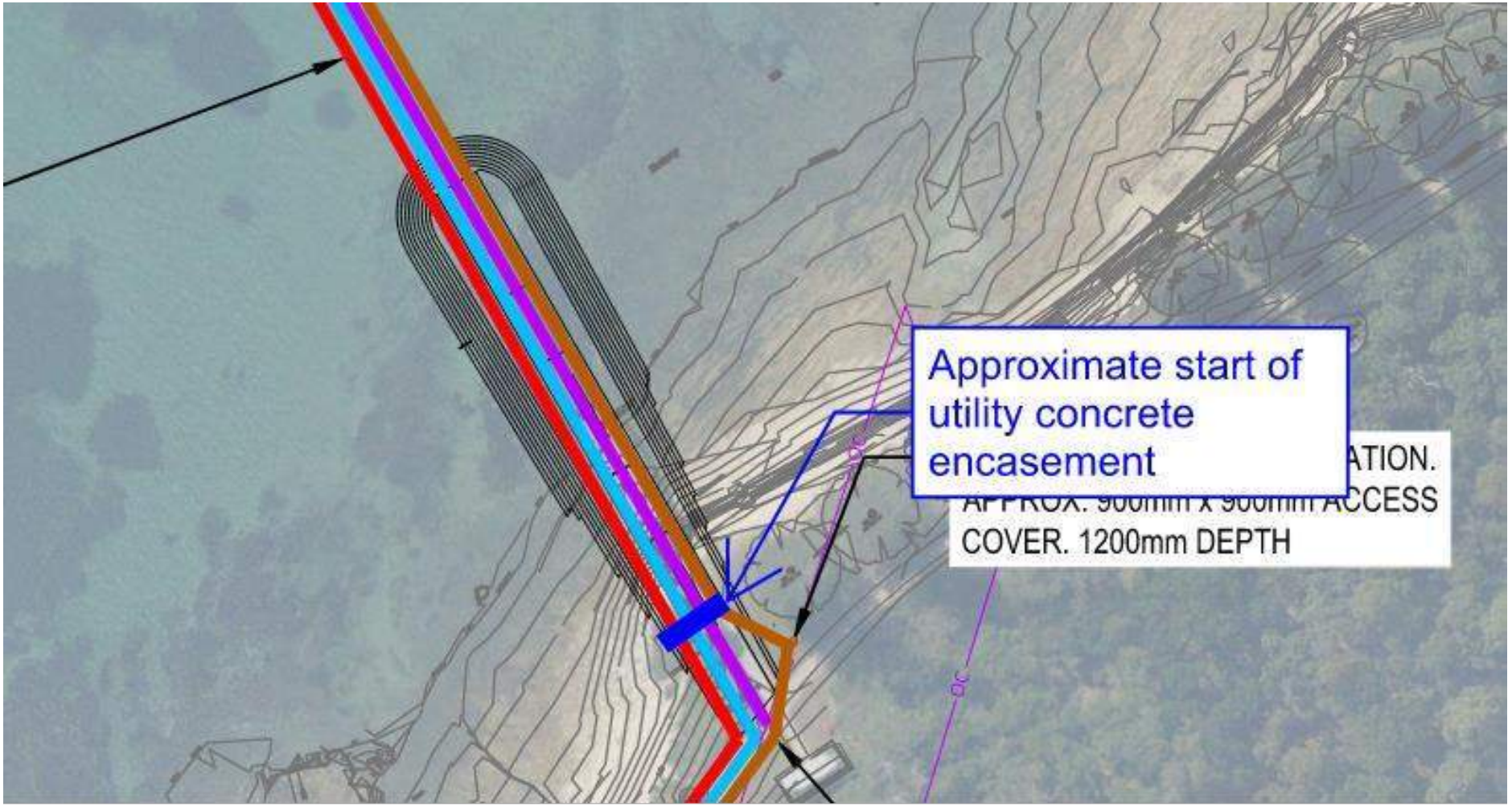

Figure 5: Approximate termination of utilities trench

La Perouse

The proposed wharf at La Perouse would extend about 100 m from the shore (Figure 6). It would include a main berth platform for commercial vessels, including the ferries. It may also include a lower level platform for recreational vessels.

Project design includes provision of additional parking spaces along the southwest portion of Anzac Parade within the La Perouse portion of the study area. The proposed car park is also the location of four proposed boreholes. An additional five boreholes are proposed at the location of the new wharf on the La Perouse side (Figure 9).

Current design plans indicate that sewer, water and electrical utilities are proposed to run from the new wharf, along Anzac Parade to Endeavour Avenue and that the new structure will be established immediately west of the new La Perouse Wharf (Figure 7). The proposed utilities will extend to a depth of 750 mm and will not run along an existing service route. A sewer pump station access cover is also proposed and will require excavation to a depth of 1.2 m. The utilities trench will terminate at the location to be determined and utilities will continue along the length of the wharf inside a concrete case.

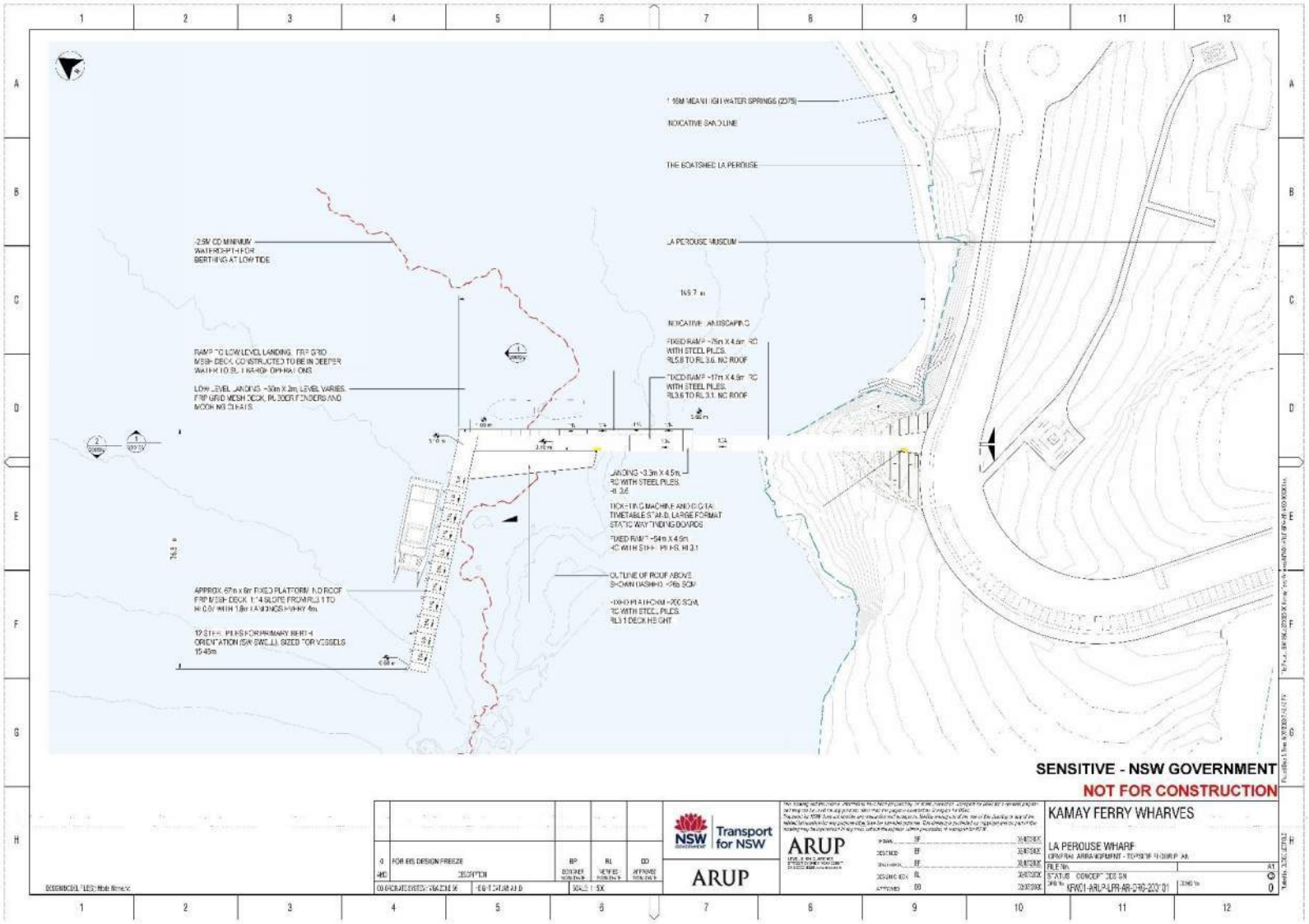

Figure 6: Proposed Kurnell wharf design

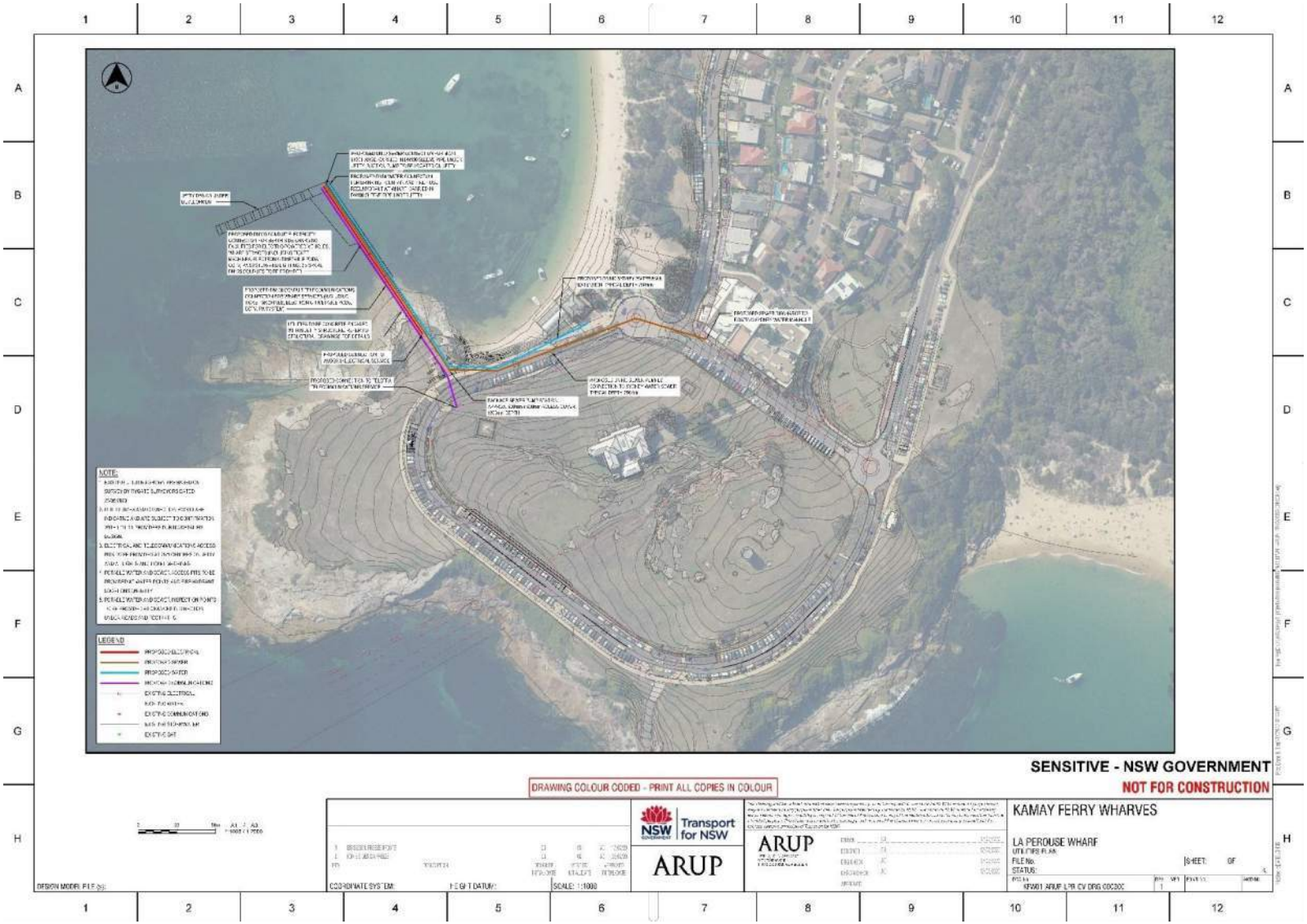

Figure 7: Proposed alignment of Kurnell utilities trench

1.5.2 Potential impacts to Aboriginal heritage

This assessment has identified that the mapped extent of four AHIMS registered Aboriginal sites (Site 6, La Perouse (AHIMS ID 45-6-0653), La Perouse Midden 19-01 (AHIMS ID pending), Foreshore Midden – Captain Cook's Landing Place (AHIMS ID 52-3-0219), K PAD 1 (AHIMS ID 52-3-1366)) will be impacted by the proposal (Figure 8 and Figure 9).

Kurnell

Excavations completed by Irish 2007 within the impact footprint were generally to a depth of 400 mm and a maximum 500 mm. However, it is anticipated the boreholes and utility excavations for the Kamay Ferry Wharf project will extend to a depth greater than 400 mm (900 mm along utilities line and up to 3 m at the borehole locations).

La Perouse

The location of the Site 6, La Perouse (AHIMS ID 45-6-0653) is unknown. As a result, impacts to the site cannot be adequately assessed until after test excavations have been completed. However, based on nature of the proposed works, it is assumed that Site 6, La Perouse (AHIMS ID 45-6-0653) will be directly impacted by the proposed works, resulting in a total loss of value. This impact assessment will be revised in the PACHCI Stage 3 report and supporting technical report.

Impacts

The proposed works will impact a portion of La Perouse Midden 19-01 (AHIMS ID pending), Foreshore Midden – Captain Cook's Landing Place (AHIMS ID 52-3-0219), and K PAD 1 (AHIMS ID 52-3-1366) resulting in a partial loss of value. See Table 3 for a summary of the impact assessment in accordance with the Code of Practice.

Table 3: Summary of potential impacts

Site name	AHIMS ID	Type of harm	Degree of harm	Consequence of harm
Site 1, La Perouse	45-6-0648	None	None	No loss of value
Site 2, La Perouse	45-6-0649	None	None	No loss of value
Site 3, La Perouse	45-6-0650	None	None	No loss of value
Site 4, La Perouse	45-6-0651	None	None	No loss of value
Site 5, La Perouse	45-6-0652	None	None	No loss of value
Site 6, La Perouse	45-6-0653	Direct	Total	Total loss of value
La Perouse	45-6-1144	None	None	No loss of value
La Perouse	45-6-1403	None	None	No loss of value
La Perouse Midden 19-01	Pending	Direct	Partial	Partial loss of value
Foreshore Midden - Captain Cook's Landing Place	52-3-0219	Direct	Partial	Partial loss of value
K PAD 1	52-3-1366	Direct	Partial	Partial loss of valve

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Figure 8: Kurnell impact assessment

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Figure 9: La Perouse impact assessment

1.6 Revised management measures

The PACHCI Stage 2 report was completed based on the assumption that all sites within the project site would be impacted. Based on the findings of the revised impact assessment only Site 6, La Perouse (AHIMS ID 45-6-0653), La Perouse Midden 19-01 (AHIMS ID Pending), Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219), and K PAD 1 (AHIMS ID 52-3-1366) will be impacted by the proposed works. As a result, no management or mitigation measures are required for the remaining identified sites.

1.6.1 Site 6, La Perouse (AHIMS ID 45-6-0653)

Site 6, La Perouse (AHIMS ID 45-6-0653) could not be located during the survey completed for the PACHCI Stage 2 report and is likely to be located below the ground surface within the extent of the proposed impact footprint. Therefore, it is recommended that a test excavation program is completed at targeted locations to determine the location of the site. Where the site cannot be identified through test excavation it may be necessary to monitor ground disturbing activities for impacts to subsurface sandstone outcrops during construction works. These management measures should only be undertaken if works are proposed in the areas where the site may be located.

1.6.2 La Perouse Midden 19-01 (AHIMS ID Pending) and K PAD 1 (AHIMS ID 52-3-1366)

Two areas of PAD, La Perouse Midden 19-01 (AHIMS ID Pending) and K PAD 1 (AHIMS ID 52-3-1366), have been identified within the study area. A test excavation methodology has been developed to determine the full extent of any subsurface Aboriginal objects within the project site.

1.6.3 Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)

As both the Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and K PAD 1 (AHIMS ID 52-3-1366) have the potential to contain burials, it is recommended that a program of remote sensing is completed prior to test excavation. The outcome of the remote sensing program will be used to inform the test excavation methodology and provide further advice on mitigation measures.

The Kurnell area has been subject to several phases of archaeological excavations, and a test excavation methodology has been prepared based on the findings of these assessments. Test excavations completed by Irish (2007) were limited to the impact footprint of the proposed works (approximately 400 mm), and a similar methodology has been developed for the proposed test excavation program within the Kurnell portion of the study area. The proposed test excavation methodology aims to further investigate nature of the fill material and the archaeological integrity of the artefact assemblage below 400 mm to the maximum depth of impacts proposed by the proponent (900 mm).

1.7 Updates to the AHIMS database

The investigations completed for the PACHCI Stage 2 report identified several co-ordinate errors on the AHIMS database and the identification of a previously unidentified Aboriginal site and site features. In accordance with section 89A of the NPW Act and the Guide to Completing the AHIMS Site Recording Form (Office of Environment and Heritage [OEH] 2012), the following updates to the AHIMS database are recommended.

Site 1, La Perouse (45-6-0648)

Site was located during the survey completed for the PACHCI Stage 2. It is recommended that site co-ordinates are updated as soon as practical.

Site 2, La Perouse (45-6-0649)

Site was located during the survey completed for the PACHCI Stage 2. It is recommended that site co-ordinates are updated as soon as practical.

Site 3, La Perouse (45-6-0650)

This site could not be identified during the completed for the PACHCI Stage 2. As the location of the site has not been determined, it is not recommended that the AHIMS co-ordinates are updated.

Site 4, La Perouse (45-6-0651)

This site could not be identified during the completed for the PACHCI Stage 2. As the location of the site has not been determined, it is not recommended that the AHIMS co-ordinates are updated.

Site 5, La Perouse (45-6-0652)

This site could not be identified during the completed for the PACHCI Stage 2. As the location of the site has not been determined, it is not recommended that the AHIMS co-ordinates are updated.

Site 6, La Perouse (45-6-0653)

The site is an engraving that is likely to be
As the location of the site has not been determined, it is not recommended that the AHIMS co-ordinates are updated.

La Perouse (45-6-1403)

This site could not be identified during the completed for the PACHCI Stage 2. As the location of the site has not been determined, it is not recommended that the AHIMS co-ordinates are updated.

La Perouse (45-6-1144)

Site location was confirmed by previously completed archaeological assessments. Therefore, no updates to the AHIMS database is required.

La Perouse Midden 19-01

It is recommended that the site and associated area of PAD are registered on the AHIMS database as soon as practical.

Foreshore Midden - Captain Cook's Landing Place

An area of PAD has been identified within the extent of the NPW AHIP in the Kurnell portion of the study area. It is recommended that TfNSW and Arup meet with NPWS and Heritage NSW to confirm if an update to the AHIMS database is required and if the AHIP application will be impacted. It is understood that the newly identified area of PAD begins below the maximum depth of test excavations completed by Irish 2007.

K PAD 1

The extent of the PAD was extended include the portion of the Kurnell study area not covered by the NPWS AHIP. It is recommended that the site card is updated as soon as practical.

1.8 Revised recommendations

1.8.1 Overview of findings

The findings of report are:

- The following eleven recorded Aboriginal sites are located within the mapped extend of the study area:
    - Site 1, La Perouse (AHIMS ID 45-6-0648)
    - Site 2, La Perouse (AHIMS ID 45-6-0649)
    - Site 3, La Perouse (AHIMS ID 45-6-0650)
    - Site 4, La Perouse (AHIMS ID 45-6-0651)
    - Site 5, La Perouse (AHIMS ID 45-6-0652)
    - Site 6, La Perouse (AHIMS ID 45-6-0653)
    - La Perouse (AHIMS ID 45-6-1144)
    - La Perouse (AHIMS ID 45-6-1403)
    - La Perouse Midden 19-01 (AHIMS ID Pending)
    - Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219)
    - Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366)
- Based on the current design plans, a portion of La Perouse Midden 19-01 (AHIMS ID pending), Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219), and K PAD 1 (AHIMS ID 52-3-1366) will be impacted by the proposed works, resulting in a partial loss of value.
- Based on the current design plans the entire extent of Site 6, La Perouse (AHIMS ID 45-6-0653) will be impacted by the proposed works, resulting in a total loss of value.

1.8.2 Recommendations

- Where possible, impacts to identified Aboriginal sites should be avoided
- Further assessment is completed in accordance with the PACHCI stage 3 requirements for inclusion in the EIS and will include:
    - A test excavation methodology for Site 6, La Perouse (AHIMS ID 45-6-0653), La Perouse Midden 19-01 (AHIMS ID Pending), Foreshore Midden - Captain Cook's Landing Place (AHIMS ID 52-3-0219) and Kurnell Potential Archaeological Deposit 1 (K PAD 1) (AHIMS ID 52-3-1366). The test excavation methodology will consider the results of a remote sensing program, the methodology and findings of previous archaeological excavations and the nature of the proposed impacts.
    - Completion of a CHAR in accordance with the Guide and the PACHCI Stage 3
    - Preparation of technical report completed in accordance with the Code of Practice to outline the results of the test excavation program and support the CHAR
- An update to the AHIMS database should be made as soon as practical, to reflect the revised extent and location of identified AHIMS registered sites
- All investigatory works should be completed in accordance with the requirements of SSI-10049. Impacts to identified AHIMS site will require the minister's approval and must adhere to the

prescribed conditions of consent. Where impacts are proposed outside the SSI-10049 or the conditions of consent, the NPW Act will apply and an AHIP will be required.

- Aboriginal stakeholder consultation must be carried out in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (the Consultation Requirements) [DECCW 2010]) and the National Parks Regulation 2019
- If any suspected human remains are located during any stage of the proposed works, work should stop immediately, and the procedures outlined in the Unexpected Heritage Items Procedure (Roads and Maritime 2015) and Requirement 25 of the Code of Practice must be followed
- Should any changes be made to the proposed works that would involve impacts outside of the study area, these changes would be assessed in accordance with Roads and Maritime PACHCI and further investigation may be necessary.

1.9 References

Irish, P. 2007. Overview of Documented Aboriginal Cultural Heritage, Meeting Place Precinct, Botany Bay National Park, Kurnell, NSW. Report prepared for DEC and the Government Architects Office.

Navin Officer 2009. Proposed Coastal Walk & Loop Road Upgrade La Perouse, NSW – Cultural Heritage Review. Report prepared for Corkery Consulting Pty Ltd.