

7 November 2018

David Gibson  
Team Leader  
Social Infrastructure Assessments  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Gibson,

**RE : Aboriginal Cultural Heritage Assessment Progress Statement  
for Building D14, University of NSW Main Kensington Campus, Kensington NSW (SSD 9606)**

This letter is to outline works undertaken to date as part of the Aboriginal heritage assessment of SSD 9606 (Building D14 Redevelopment, University of New South Wales), and to outline the timeframe for submission of the final Aboriginal cultural heritage assessment report.

The Planning Secretary's Environmental Assessment Requirements (SEARS) for SSD9606 were issued on 27/9/2018 and require the following in relation to Aboriginal Heritage:

- *Address Aboriginal Cultural Heritage (ACH) in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) and Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW).*
- *The EIS must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.*

Coast History & Heritage Pty Ltd have been engaged by the proponent to complete an Aboriginal heritage assessment that meets SEARS requirements. It has not been possible to fully complete the Aboriginal community consultation requirements of the SEARS in the timeframe prior to the submission of the current development application. However in this letter we outline the works undertaken to date, which have provided us with the confidence to conclude that any further Aboriginal heritage investigations (e.g. archaeological test excavations) can most appropriately be undertaken as a condition of development consent, and therefore do not preclude commencement of the Departmental assessment of the development application while our final report is being completed.

***Aboriginal Archaeological Assessment undertaken***

We are currently compiling an Aboriginal Cultural Heritage Assessment report in accordance with OEH guidelines. To date we have reviewed relevant historical, archaeological and geotechnical information and undertaken a site inspection with the La Perouse Local Aboriginal Land Council. There are no registered Aboriginal sites within the area. The study area contains an existing building

and much of the building footprint has been disturbed. Earthworks for footings and levelling at the eastern end of the new building may impact down to an undisturbed natural dune horizon which is known to have the potential to contain Aboriginal archaeological remains. As this horizon sits underneath the existing building it cannot be investigated until that building is demolished and construction begins for the new building. This means that all proposed archaeological recommendations will have to be a condition of development consent.

We are proposing to recommend archaeological monitoring of earthworks to ensure identification of any undisturbed sand horizons, with provision for archaeological excavations to investigate any such horizons, and have also sought input from Registered Aboriginal Parties on the potential management of any Aboriginal objects that may be identified through this process. I have been involved with several projects in the local area that have successfully been undertaken in this manner. In short, at this stage there are no further archaeological investigations that can be undertaken at present except to document these findings and recommendations in the Aboriginal Cultural Heritage Assessment report that is currently being prepared.

#### ***Aboriginal Cultural Assessment undertaken***

We are currently undertaking Aboriginal community consultation as part of the Aboriginal cultural assessment for the project, in accordance with OEH guidelines. We have so far issued public and direct notices to identify all Registered Aboriginal Parties (RAPs), and the OEH and La Perouse Local Aboriginal Land Council have been provided with the details of all RAPs.

**Table 1. Registered Aboriginal Parties for this project.**

Registered Aboriginal Party
La Perouse Local Aboriginal Land Council
Yulay Cultural Services
Yurrandaali Cultural Services
Barraby Cultural Services
Butucarbin Aboriginal Corporation
Didge Ngunuwal Clan
Barking Owl Aboriginal Corporation
Darug Land Observations
Darug Boorooberongal Elders Aboriginal Corporation

All RAPs were sent an Information and Methodology document on 22 October 2018 in accordance with section 80C (6) & (7) of the *National Parks and Wildlife Regulation 2009* (see **Attachment 1**). The document provides information on the project and the research and investigations so far undertaken, and seeks the views of all Registered Aboriginal Parties on:

- any places or objects of cultural value to Aboriginal people which may be relevant to the current proposal;

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

All Registered Aboriginal Parties have been provided until 20 November 2018 to respond to this document. Their responses will be considered in the formulation of the draft Aboriginal Cultural Heritage Assessment report which will then be provided to all RAPs for their review and comment.

While no responses have yet been received from RAPs to the Information and Methodology document, based on our experience with other nearby projects over a number of years, the values identified by local Aboriginal people are most likely to be associated with any remaining buried natural landform (particularly if found to contain Aboriginal objects), and this cannot be determined prior to commencement of construction works. It is also possible that there are historical Aboriginal associations with the D14 building itself or the former Kensington Racecourse on which it was built but if these are identified, they can also be managed through interpretation as a condition of development consent. They are unlikely to entail actions which might prevent the project from proceeding or which are critical to the commencement of the Departmental assessment of the development application.

#### ***Anticipated Submission of Final Assessment***

After 20 November 2018 (the deadline for Registered Aboriginal Parties to respond to the Information & Methodology document), a draft Aboriginal Cultural Heritage Assessment report will be sent to all Registered Aboriginal Parties and at least 28 days allowed for their review and comment. On receipt of any further comments, we will finalise the Aboriginal Cultural Heritage Assessment report for submission. This is anticipated to be by mid-January 2019, or if possible, prior to the end of December 2018. We do not anticipate that this report will contain anything contrary to what has been outlined in this letter.

I would be happy to provide any clarification of further information on this matter, as required.

Yours sincerely,



Dr Paul Irish

Director

E: [paul@coasthistory.com.au](mailto:paul@coasthistory.com.au)

W: [www.coasthistory.com.au](http://www.coasthistory.com.au)

## **Attachment 1: Information & Methodology Document**

22 October 2018



Dear 

**RE : Aboriginal Cultural Heritage Assessment Information and Methodology  
for Building D14, University of NSW Main Kensington Campus, Kensington NSW**

Thank you for expressing your interest in several proposed projects within the University of New South Wales Main Kensington Campus. We have recorded your organisation as a 'Registered Aboriginal Party' to these projects. In accordance with section 80C (6) & (7) of the *National Parks and Wildlife Regulation* 2009 we are now providing you with further information in relation to one of these - the construction of a new building at the site of University Hall (Building D14).

Specifically, this letter contains:

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

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

If you wish to provide us with any comments, please send them to us in writing (or contact us if this is not possible), by **Tuesday 20 November 2018** at one of the following:

(Post) PO Box A74 Arncliffe NSW 2205

(Fax) 02 8311 1478

(Email) [admin@coasthistory.com.au](mailto:admin@coasthistory.com.au)

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

## 1 What we are assessing

### *The property and proposal*

The area we are assessing is located within Lot 3 in DP1104617 and is part of the Main Kensington Campus of the University of New South Wales, to the south of High St and the Randwick Racecourse complex (**Figure 1**). It is around 6km south of the Sydney CBD and 1km west of Randwick town centre, and is situated within the Randwick Local Government Area, Parish of Alexandria and the Office of Environment and Heritage Metropolitan Sydney Region. Our study area is around 5,000m<sup>2</sup> in size and includes the existing Building D14 and its immediate surrounds (**Figure 2**). Building D14 is a four-storey brick building, opened in 1966 as Philip Baxter College and currently used by the University of New South Wales for student accommodation.

The University of New South Wales<sup>2</sup> (UNSW) are proposing to construct a new multi-storey, multi-purpose building on the same site to provide new teaching spaces, student study and learning spaces, academic workspaces, storage areas and ground level retail (**Figure 3**). After demolition of the existing building, construction will include some bulk excavation at the eastern end of the site to provide a level base for the new building. Some electrical and other service trenches will also need to be excavated.

The new building proposal is being assessed as a State Significant Development under Section 89D of the *Environmental Planning & Assessment Act* 1979. The Department of Planning and Environment has released its Secretary's Environmental Assessment Requirements (SEARs) for the project and these require an **Aboriginal Cultural Heritage Assessment report** to be prepared in accordance with current guidelines<sup>3</sup> and which meets Aboriginal community consultation requirements.<sup>4</sup> Coast History & Heritage has been engaged by Lendlease Building Pty Ltd on behalf of UNSW to undertake this project to assist the Department of Planning and Environment in their assessment of the proposal. The proposal is to be submitted to the department shortly, and the final Aboriginal Cultural Heritage Assessment report is proposed to be submitted after this, when it is completed.

Demolition of the existing building and installation of new electrical infrastructure along the alignment of College Road is currently proposed to be undertaken prior to the bulk earthworks and construction activities that we are considering in this assessment. These works are to be assessed by UNSW through a Review of Environmental Factors, which stipulates a requirement for

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

<sup>2</sup> UNSW Kensington NSW 2052.

<sup>3</sup> SEARS 27/9/18; Office of Environment & Heritage (OEH) 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

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



archaeological monitoring of works which might extend into previously undisturbed natural sand horizons, though these are expected to be limited.

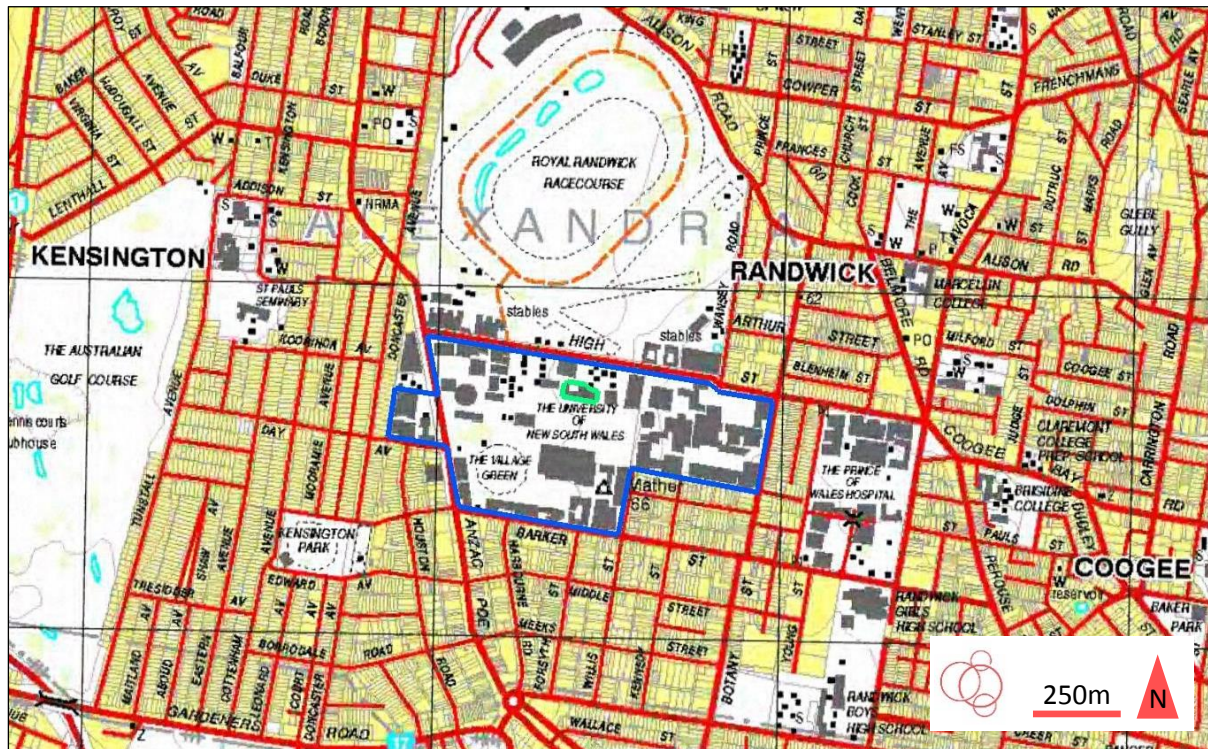


Figure 1. The study area (green outline) in its topographic context (UNSW campus outlined in blue).

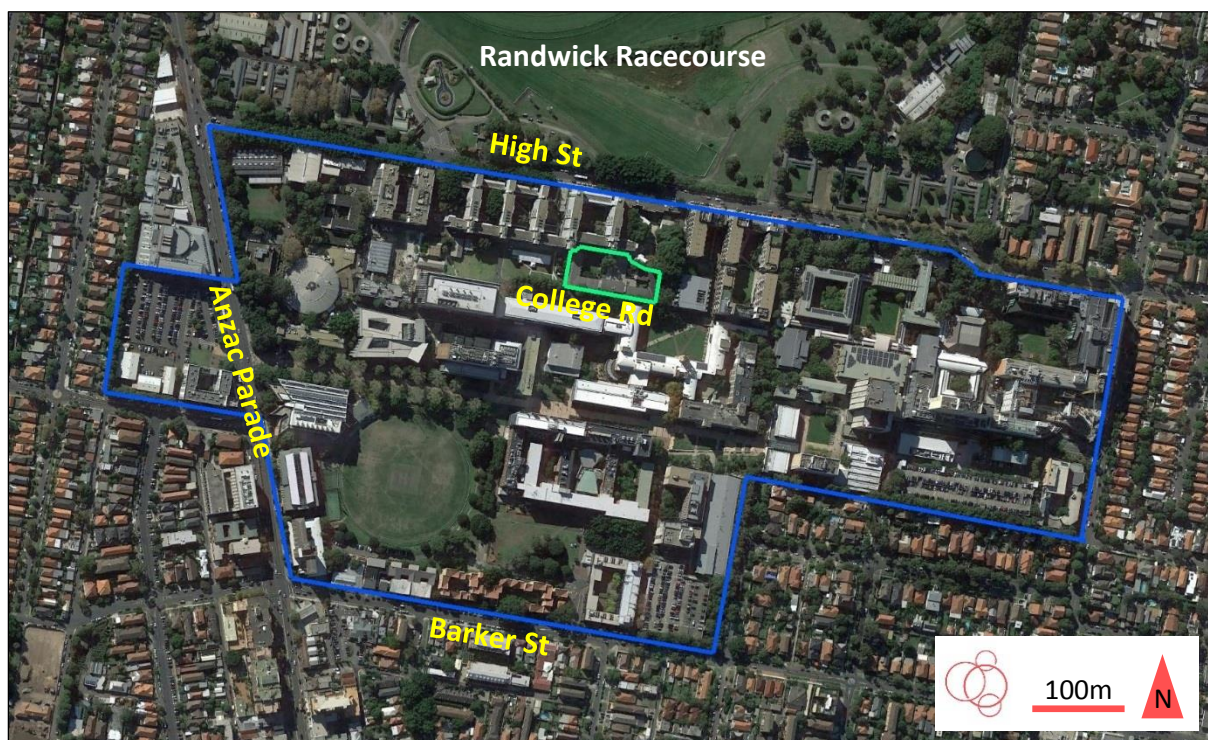
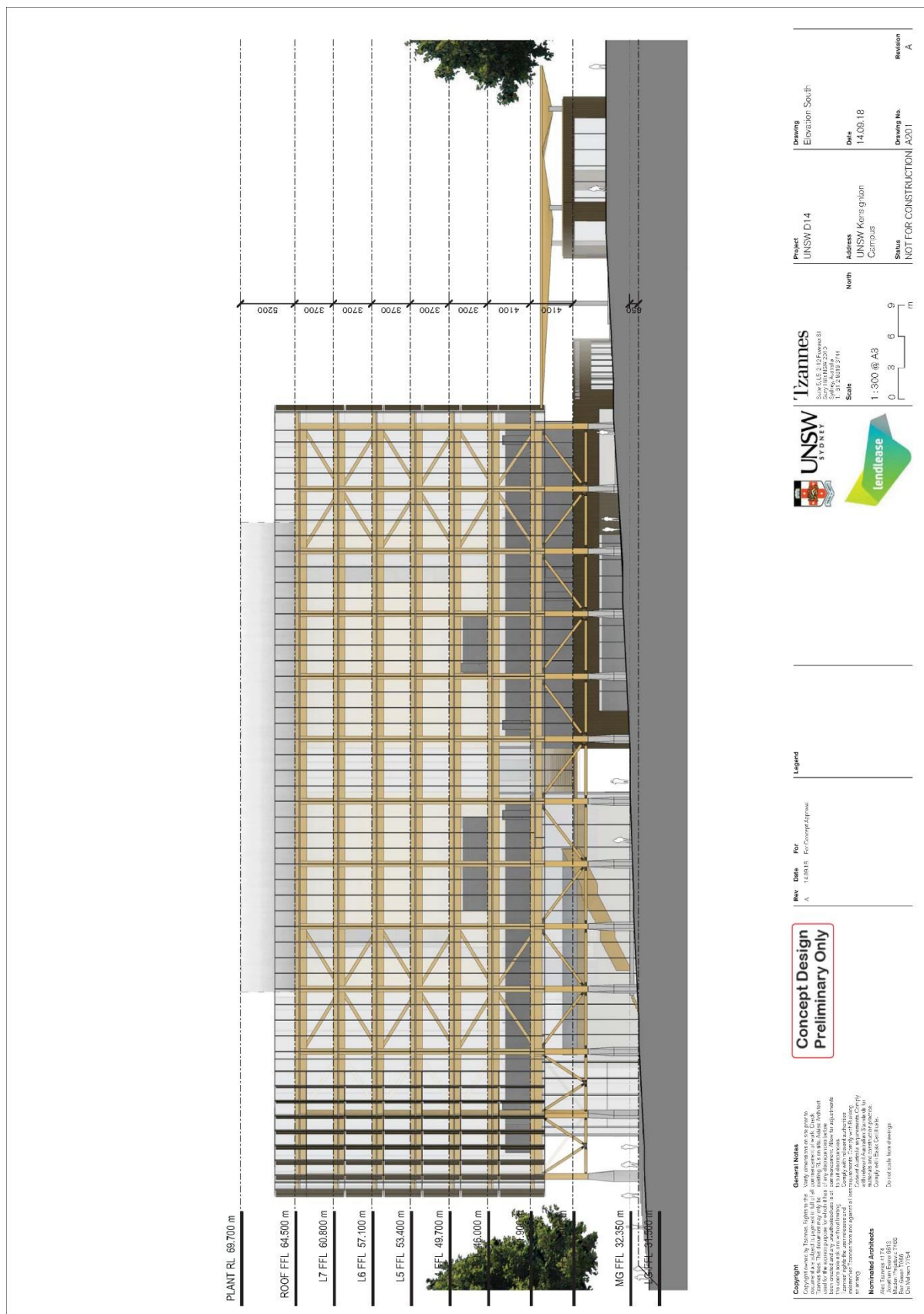


Figure 2. The study area (green outline) in its local context (UNSW campus outlined in blue).



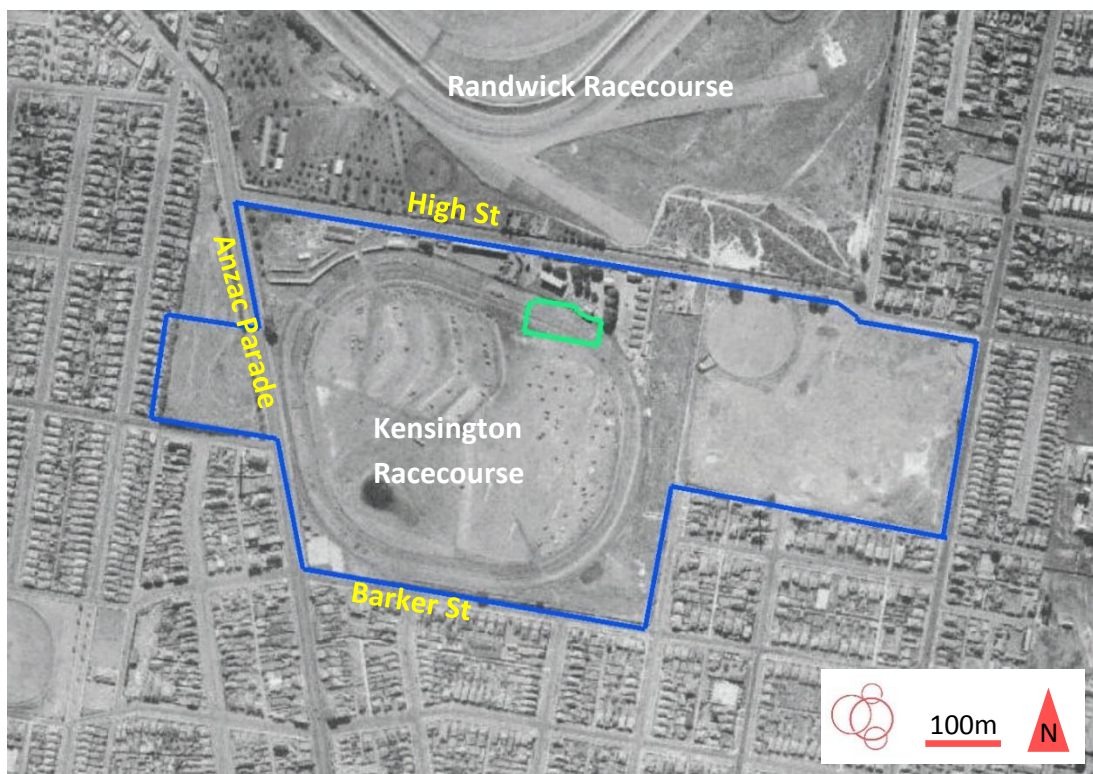


**Figure 3. Current concept plan for the proposed new building (south elevation).**



The study area sits on top of a natural sand layer between about 3 and 15 metres thick, under which is sandstone bedrock. The sand is part of an ancient landscape of high sand dunes and swampy swales that has shifted over tens of thousands of years. The study area currently sits at the base of a high dune to the east and the swampy flats of Lachlan Stream to the west (draining into Botany Bay from the Centennial Parklands to the north), but we do not know how long these waterways have followed their current courses. We know that Aboriginal people lived within this dune landscape for many thousands of years. About 800m east of our study area, at the top of the high dune within the Prince of Wales Hospital, 8,000 year-old hearth stones were found by archaeologists in 1995 within the white sands of the dune. They were spattered with grease from freshwater fish that were cooked over the fire.<sup>5</sup> Since then a number of excavations have taken place within this dune across the eastern suburbs, but so far little more has been found.

This part of the university campus used to be part of the Kensington Racecourse, which operated as a pony racing track from the 1890s to 1940s, and several heritage buildings nearby date to this period. Our study area was literally located within the racing track (see **Figure 4**), and was subsequently levelled in the 1950s in preparation for the construction of buildings (**Figure 5**). Geotechnical testing shows that there is a layer of fill on top of sand across the site, but some of this sand has been redistributed from the cutting and filling during construction of the current building.



**Figure 4.** This is a 1943 aerial photo showing the study area (green outline) in the middle of the Kensington Racecourse track. The UNSW Kensington campus is shown in blue outline.

<sup>5</sup> Dallas, M. Steele, D. Barton, H. & Wright, R.V.S., POW Project 1997. *Randwick Destitute Children's Asylum Cemetery, Archaeological Investigation. Volume 2 Archaeology Part 3. Aboriginal Archaeology* (Report to South Eastern Sydney Area Health Service, Heritage Council of NSW and NSW Department of Health).



**Figure 5.** This is a 1950s photo showing a bulldozer levelling sand before the construction of the university buildings. Our study area is in the middle of the photo. [from UNSW Archives CN945-10-2).

We undertook a field inspection of the study area in conjunction with the La Perouse Local Aboriginal Land Council. There is little to see on the current surface, but the level of historical impact to our study area and surrounds from the construction of the university buildings in the 1950s and 1960s is evident (**Figures 6-7**).



**Figure 6.** Photo looking south over the central part of Building D14.





**Figure 7. View east along College Road (the southern side of the building) showing how it is cut into the existing slope.**

The proposed new building does not contain deep basement levels so most of its footprint will not involve impacts below the current layer of fill and disturbed sands. But there is some chance in the eastern end that levelling earthworks proposed for the new building will reach into undisturbed dune horizons, which would have the potential to contain archaeological remains of past Aboriginal use. We will be assessing the likelihood of this to occur as part of our assessment and will make recommendations about how this could be managed.

## **2 Project Timing and Opportunities for Comment**

The proposal we are assessing is to be submitted in early November 2018 to the Department of Planning & Environment for assessment as a State Significant Development under Section 89D of the *Environmental Planning & Assessment Act 1979*. The Department of Planning & Environment has required that this include an Aboriginal Cultural Heritage Assessment and Aboriginal community consultation in relation to current Office of Environment & Heritage policy. To meet these requirements, Coast History & Heritage has undertaken public and direct Aboriginal community notification on behalf of the proponent in accordance with Section 80C of the *National Parks and Wildlife Regulation 2009*. As a result, a number of Registered Aboriginal Parties to the project have been identified.

All Registered Aboriginal Parties have two main opportunities to comment on the proposal and the Aboriginal Cultural Heritage Assessment; in relation to this Information and Methodology document, and in relation to the draft Aboriginal Cultural Heritage Assessment report. All Registered Aboriginal Parties have been sent a copy of this document by email or post on 22/10/2018 and provided 28 days to make any comments. We have asked for any comments you may wish to make in relation to the project, its methodology and any Aboriginal cultural information that may be relevant to assessment the potential impacts of the proposal.

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

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

### **3 Proposed Assessment Methodology**

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

#### ***Archaeological Assessment***

Our archaeological assessment will be undertaken and documented in the draft Aboriginal Cultural Heritage Assessment report, that will be provided to you for comment. It will consider relevant background environmental, historical and archaeological context, including the results of the site inspection already undertaken.

It is already clear that most of the actions proposed will not penetrate to the depth of previously undisturbed natural sand horizons. Instead they will be contained within areas of introduced fill or areas highly disturbed from the construction of the existing building and the construction and use of the Kensington Racecourse. However it is possible that natural sand horizons may be encountered at the eastern end of the study area, where it is proposed to excavate to level the site for the new building. We will consider the best way to manage these potential impacts, which is likely to be a combination of monitoring of bulk earthworks and a methodology for archaeological testing and/or salvage should natural sand horizons with Aboriginal archaeological potential be encountered. This will be fully documented in the draft Aboriginal cultural heritage assessment report.



## ***Aboriginal Cultural Assessment***

The Aboriginal cultural assessment will consider:

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

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

## **4 Potential Management of Aboriginal Objects**

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

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

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

## 5 Conclusions

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

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

As noted above, where requested and appropriate, protocols can be developed for culturally sensitive information provided to Coast History & Heritage. It is however essential that comments and information, preferably in writing, be received by Coast History & Heritage no later than **Tuesday 20 November 2018** if they are to be considered in the draft Aboriginal Cultural Heritage Assessment report.

If you have any questions or require any additional information, please contact our office on 02 9599 7449 or project manager Paul Irish at [paul@coasthistory.com.au](mailto:paul@coasthistory.com.au).

Yours sincerely,



Dr Paul Irish

Director

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