
● **Appendix 3.7. Aboriginal Heritage Due Diligence MDCA 2016**



11 February 2016

Ron van Ardenne
 RVA Australia Pty Ltd
 6/1 Pitt St
 Loftus NSW 2232

Dear Mr van Ardenne,

**RE: Lot 3 in DP213924, 60-70 Bournemouth Street, Bundeena
 - Due Diligence Aboriginal Heritage Assessment**

This report has been prepared by MDCA [Mary Dallas Consulting Archaeologists] at your request in relation to a proposed recreation camp for ecotourism development at 60-70 Bournemouth Street (also known as Lot 3 in DP213924) in Bundeena, in the Sutherland Shire to the south of Sydney (Figure 1). This report presents the results of a Due Diligence Aboriginal Heritage Assessment to meet the requirements of Due Diligence as per the OEH 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, including a determination of whether further archaeological investigation may be required in relation to the current proposal.

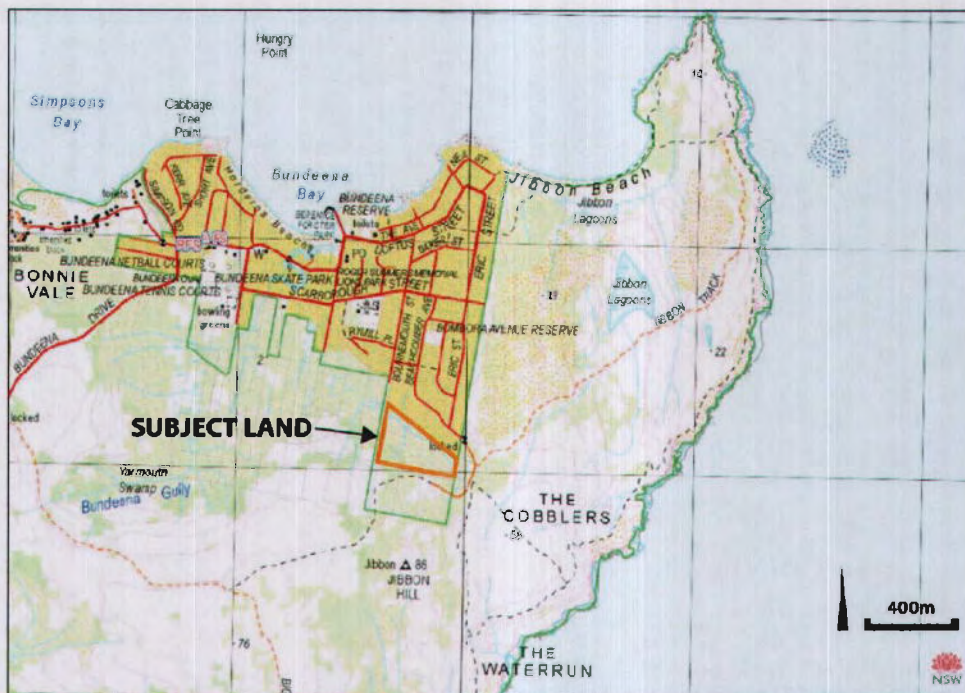


Figure 1. The subject land (orange outline) in its local context.

[Base map: 1:25,000 Port Hacking topographic map].



Due Diligence Aboriginal Heritage Assessment Report

60-70 Bournemouth Street, Bundeena NSW



Figure 2. The current proposal in relation to the subject land and neighbouring landholdings.

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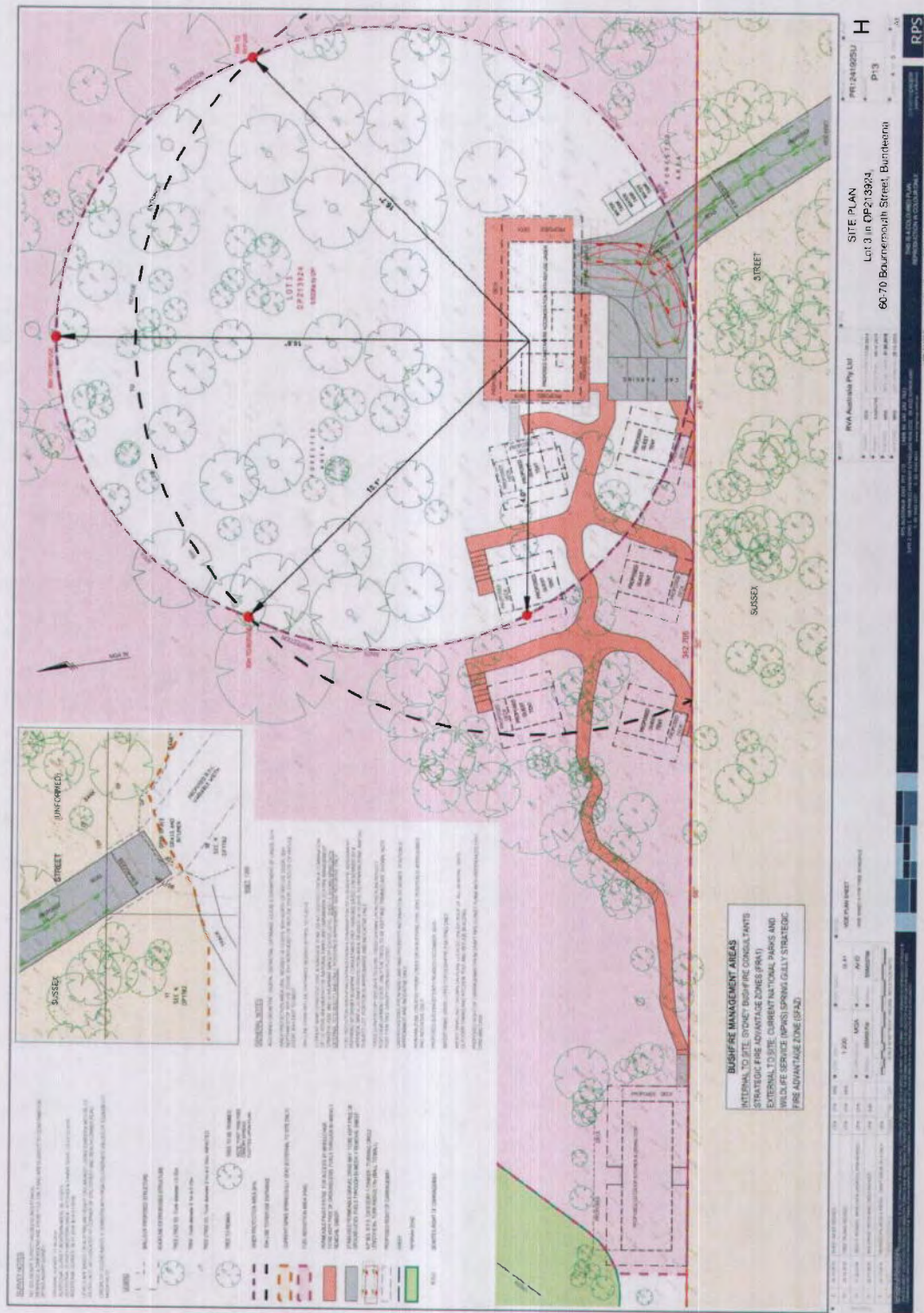


Figure 3. Detail of the current proposal.



The proposal was subject to an initial Due Diligence assessment by RPS in 2014.¹ The RPS assessment concluded that there was 'potential for further archaeological sites to be present beneath the vegetation layer and also potential for cultural significance attached to the area.' Consequently, it was recommended that further archaeological investigations and Aboriginal community consultation be undertaken following the issuing of development approval by Sutherland Shire Council. However, the proponent wished to obtain greater certainty about these matters prior to development approval, and therefore commissioned the current assessment to provide more specific advice.

The current proposal is for the construction of a recreation camp for eco-tourism within the southern central portion of Lot 3 in DP213924 (**Figure 2**). This would involve the construction of a bushfire refuge with assembly room, evacuation garage utility room, office reception and caretakers accommodation, six guest tents, a kitchen and dining facility, as well as an access driveway and internal footpaths (see **Figure 3**). In addition, this assessment has considered the installation of fill and surface for crossing across unmade Sussex Street and the corridor of a pre-existing National Parks shared access track extending from the end of Beachcomber Avenue to the crossing over Sussex Street which is proposed to provide pedestrian and vehicle access to the site from the end of Beachcomber Avenue, to the extent that it requires localised repair and vegetation management in association with the current proposal. The removal of some and pruning of remaining trees within the bushfire protection area around the proposed camping area has also been considered for its potential Aboriginal heritage impacts.

The current amended proposal is for the construction of an 'ecological camping site' within the southern central portion of Lot 3 in DP213924 (**Figure 2**). This would involve the construction of caretakers accommodation, six guest tents, a kitchen and dining facility, as well as an access driveway and internal footpaths (see **Figure 3**). In addition, this assessment has considered the corridor of a pre-existing National Parks vehicle access track which is proposed to provide vehicle access to the site from the end of Beachcomber Avenue, in the event that it may require localised repair in association with the current proposal. The removal of some rough-barked trees within the bushfire protection area around the proposed camping area has also been considered for its potential Aboriginal heritage impacts.

Contextual Information

The subject land and local environment

The subject land is known as Lot 3 in DP213924 and is approximately 5.6 hectares in size. It is bounded to the north by residential lots along Beachcomber Avenue, to the east by Royal National Park, and to the south and west by Royal National Park including unformed 'paper road' alignments for Sussex Street and Brighton Street respectively (**Figure 2**).

The subject land is situated on a north facing hillslope, below the top of the Jibbon Hill sand dune to the south and sloping down to an unnamed creek which runs north-west along the northern boundary of the subject land and into Yarmouth Swamp in its north-western corner. The southern and eastern sections of the subject land are gently sloping, with the highest points around 56m AHD (Australian

¹ RPS 2014. *Aboriginal Heritage Due Diligence Assessment. 60-70 Bournemouth Street, Bundeena, NSW* (Report to RVA Australia Pty Ltd).



Height Datum) in the central southern portion in which the current proposal is situated. The ground slopes steeply (25-50°) down to the north of this portion to the creek and swamp at around 10m AHD in the north-western corner of the subject land. Two deeply incised minor tributaries in the south-western portion of the subject land also drain steeply down northwards to the swamp. The swamp drains into Bundeena Creek some 700m west of the subject land, which then meanders north into Port Hacking at Horderns Beach, about 800m to the northwest of the subject land.

The subject land is underlain by Hawkesbury Sandstone bedrock.² Across the south-western portion of the subject land and further to the west this is manifest as weathered outcrops of sandstone and deeply incised creek gullies. The rock in these areas has weathered to form soils of the Hawkesbury soil landscape, which are generally shallow sandy soils which are highly susceptible to erosion. To the east and south of the subject land is a Pleistocene dune formation stretching from the Jibbon Headland south towards Marley Beach. Immediately south of the subject land is a peak of this dune system known as Jibbon Hill, part of which has been subject to quarrying in the past. Prevailing winds have driven sands from these dunes north and west such that the eastern portion and steeper central slopes of the subject land are characterised by loose pale sandy deposit of an unknown depth. In some areas, such as the central southern portion of the subject land, these windblown sands may also overly sandy sediments from the decomposing sandstone that ultimately underlies it. Across the entirety of the subject lands however, all soils are loose and sandy and highly vulnerable to erosion, which may have implications for the survival of archaeological evidence.

Vegetation within the subject land today primarily consists of a coastal dry sclerophyll forest with an understorey of grass trees, ferns and grasses. The forest includes banksia and a mixture of eucalypt species, the largest and most mature of which are smooth barked apple (angophora). Historical aerial photographs from the 1940s to the present indicate that the overall density of vegetation on the site has increased in the last 20 years.³

Archaeological recordings

For the current assessment, the Office of Environment and Heritage ('OEH') Aboriginal Heritage Information Management System Aboriginal Sites Register ('the AHIMS Register') and Catalogue of Archaeological Reports were consulted. An extensive search of the AHIMS Register of a 3km x 3km area centred on the subject land revealed that, of the 84 recorded sites within the search area, no Aboriginal sites have previously been registered within the subject land, though several have been recorded in adjacent areas (see **Figure 4** and **Attachment 1**).⁴ As the following table shows, the most common sites are middens (along the coastal strip), rock shelters with deposit and/or art or rock engravings. These reflect the coastal situation of Bundeena and the nature of outcropping sandstone across the area. It is noteworthy that few sites have been recorded in the dune areas east and south of the subject land.

² Hazelton, P. & Tille, P. (eds). 1990. *Soil Landscapes of the Wollongong-Port Hacking 1:100,000 Sheet Report* (Soil Conservation Society of NSW).

³ Reviewed on Sutherland Shire Maps <http://www.sutherlandshire.nsw.gov.au/Development/Shire-Maps> [Accessed 16/1/16]

⁴ AHIMS Search of 16/1/16 of GDA coordinates in Zone 56 328000-331000E/6225000-6228000N.



Site Type	No. of Sites	Percentage
Midden	34	40%
Rock engraving	19	22%
Shelter with deposit/art/midden	15	18%
Potential Archaeological Deposit (PAD)	7	9%
Grinding Grooves	5	6%
Open Campsite	3	4%
Ceremony and Dreaming	1	1%



Figure 4. Locations of registered Aboriginal sites in the vicinity of the subject land.

The following are the registered sites within closest proximity to the subject land:

- AHIMS #52-3-0299 (Bundeena) is a rockshelter with midden and red and black infilled and outlined figures. Its registered coordinate places it immediately west of the subject land, however the original site record describes the shelter as being situated above a “green house” and facing south-west, which precludes this location. Inspection of this area during the field survey found no traces of a rockshelter at this location. The description suggests that it is probably located amongst houses to the north of the subject land, and it is clear that the shelter is not within the subject land.

- AHIMS #52-3-1247(Yarmouth Swamp) is a large shelter with midden and art. Its registered position places it within Yarmouth Swamp to the west of the subject land however the description and annotated map in the original recording show that this coordinate is approximately 100m in error. The site is in fact located within an escarpment in the rear of Lot 134 DP226578 (52 Bournemouth St), about 50m north of the north-western corner of the subject land. The site appears to have been re-recorded in recent years as AHIMS #52-3-1882 (Zachary 79) which is stated as being within the rear of 72 Bournemouth St but this address does not exist and its coordinate places it in the same location as #52-3-1247, in the rear of 52 Bournemouth St.
- AHIMS #52-3-1825 (Zachary 10) and AHIMS #52-3-1826 (Zachary 11) are both shelters with midden and art, located in the same outcrop of sandstone around 100m west of the western boundary of the subject land within the Royal National Park. The coordinates were confirmed during the field survey as correct.

In addition to the AHIMS Register search, online searches of several other repositories were undertaken on 19/1/16 to determine whether any additional Aboriginal sites or areas of potential had been identified within or adjacent to the subject land. The results of these searches can be summarised as follows:

- A search of the Australian Heritage Database (incorporating the Register of the National Estate) was undertaken for Aboriginal heritage items within Sutherland Shire Local Government Area. No items are listed for their Aboriginal heritage values within or adjacent to the subject land.
- The NSW State Heritage Inventory (incorporating the NSW State Heritage Register) was searched for Aboriginal heritage items within the suburb of Bundeena. No items on either register are listed for their Aboriginal heritage values within or adjacent to the subject land.

The first "archaeological" work carried out in the Bundeena area was the excavation of shelter sites with midden and burials by Harper in 1899 along Cabbage Tree Creek and Jibbon Beach two kilometres west and 900m north of the subject land respectively.⁵ In the last fifteen years a number of Aboriginal heritage assessments and archaeological excavations have resulted in the documentation of a number of sites in the Bundeena area, particularly oriented along the coast of Port Hacking. Some of the recorded sites include:

- a rockshelter with midden (AHIMS #52-3-1224; Bundeena UC Midden) located about 800m of the subject land and identified during studies prior to the residential redevelopment of the Uniting Church Conference Centre site in 2004.⁶ Test excavations revealed that the shelter had several periods of occupation back to at least 1000 years BP with older occupation back to about 2000 years BP downslope of the midden.⁷ The midden contained the remains of a variety of fish,

⁵ Harper, W. 1899. "Results of an exploration of Aboriginal rock-shelters at Port Hacking", *Proceedings of the Linnean Society of New South Wales* 24: 322-332.

⁶ Dallas, 2004. *Preliminary Archaeological Survey & Assessment Report and Application for a DEC Section 87 Permit* (Report to Uniting Church Conference Centre, Bundeena, NSW).

⁷ Before Present, a standard term used in the reporting of radiocarbon dates which means prior to 1950AD. Sample ID Wk15437 (1034±35BP at one Standard Deviation or more simply and confidently at two Standard Deviations within the range 1220 - 1460AD). There were older, undated deposits below this level within the shelter. Downslope dates Sample ID Wk15436 (2024±36BP at one Standard Deviation or more simply and confidently at two Standard Deviations within the range 160 - 550AD).



mammal and shellfish species, and stone artefacts, indicating that stone artefact manufacture, as well as the preparation and consumption of meals, took place on the site. The unerupted upper premolar (tooth) of a young Aboriginal child was also found within the midden deposits and must have been attached to a human skull (upper jaw), indicating that a burial is located within the site. The site was subsequently extensively damaged by the illegal construction of a sewer line downslope of the midden and the collapse of the rockshelter roof. The shelter also contained black periwinkle (*Nerita atramentosa*) shells which research has found to have been worked by Aboriginal people, possible as body adornments.⁸

- In addition to the Bundeena UC Midden, two small and relatively disturbed open campsites were also located in deposits on top of the sandstone ledge above the shelter with midden. These comprised some 35 stone artefacts within a 2m x 2m area, including several backed blades (AHIMS #52-3-1225: BUC Open Campsite 1) and two (2) stone artefacts, including a backed blade immediately above the Bundeena UC Midden shelter (AHIMS #52-3-1226; BUC Open Campsite 2).
- A far more substantial open campsite (AHIMS #52-3-1367; Loftus Street Bundeena) was investigated in 2007 above another rock platform downslope of the Uniting Church Conference Centre Site on the corner of Loftus and Brighton Streets, about 900m north of the subject land.⁹ Test and salvage excavation retrieved 1,645 pieces of worked stone from the site. The top portion of the campsite had been disturbed but an intact lower portion remained insitu. Radiocarbon dates for the site suggest that some parts of the site were in use around 5,000 years ago whilst others were in use 1,000 years ago.
- The Illawarra Prehistory Group conducted a survey of lands around Bundeena as part of a larger study to review and record Aboriginal sites in the Royal National Park.¹⁰ The current subject land was within their study area though it is not clear whether it was inspected. The survey resulted in the recording of several sites mentioned above to the north and west of the subject land.
- The previous assessment of the subject land by RPS in 2014 included field survey. The survey did not result in the recording of any Aboriginal sites within or adjacent to the subject land though the possibility for sites to occur within the subject land underneath the vegetation layer was identified. As a result further investigation recommended in the form of an Aboriginal Cultural Heritage Assessment with associated Aboriginal Community Consultation.

Based on the above environmental, historical and archaeological contextual information, the following can be concluded:

- To date, there have been no Aboriginal sites recorded within the subject land, and those in closest proximity relate to the presence of substantial sandstone outcrops which have weathered to form shelters of sufficient size to have been used by Aboriginal people.

⁸ Irish, P. 2007. "Bundeena Bling? Possible Aboriginal Shell Adornments from Southern Sydney", *Australian Archaeology* 64:46-49.

⁹ MDCA 2008. *Aboriginal Archaeological Test & Salvage Excavation Report. 96-98 Loftus Street, Bundeena, NSW* (Report to Mars Developments Pty Ltd).

¹⁰ Illawarra Prehistory Group 2011. *Archaeological Survey from Cabbage Tree Point Port Hacking to Bulgo Beach, Royal National Park NSW* as reported in RPS 2014. *Aboriginal Heritage Due Diligence Assessment. 60-70 Bournemouth Street, Bundeena, NSW* (Report to RVA Australia Pty Ltd):14.



- The presence of shelters with midden up to 1,000m from the nearest sources of shellfish indicates that Aboriginal people moved between the coast and the dune landscape around the subject land, possibly in conjunction with the exploitation of the resources of Yarmouth Swamp.
- The types of Aboriginal archaeological evidence which may survive within the subject land are related to suitable outcrops of sandstone to form either shelters or platforms for engravings, the survival of mature trees of species utilised by Aboriginal people for the removal of bark for the manufacture of shields, containers, canoes and other purposes, and the topography and geomorphology of the subject land. Considering the contextual evidence above, it appears that much of the subject land is steeply sloping and unlikely to have been used by Aboriginal people for camping. Other portions contain loose mobile sand deposits in which archaeological evidence is unlikely to be located. Rockshelters, engravings, open campsites and scarred trees are therefore the most likely types of archaeological evidence that may be present within the subject land.

Aboriginal Community Consultation

For the purposes of the current Due Diligence Aboriginal Heritage Assessment, consultation was undertaken with the La Perouse Local Aboriginal Land Council (LPLALC) to provide an Aboriginal community perspective on the assessment, particularly in relation to any cultural/historical associations with the subject land. The LPLALC has a statutory responsibility "to promote the protection of Aboriginal culture and the heritage of Aboriginal persons"¹¹ within its boundaries, which includes the current subject land.

Two representative of LPLALC (CEO Chris Ingrey and Senior Aboriginal Heritage Officer David Ingrey) participated in a site inspection on 11th January 2016. The LPLALC were asked to comment on both the site inspection and draft recommendations, as well as any cultural/historical associations with the area considered pertinent to the assessment. The response of the LPLALC is appended as **Attachment 2**, and indicates the importance of the Bundeena area to Dharawal people. The LPLALC support the recommendations in this report as appropriate in relation to the current proposal.

Site Visit

An archaeological inspection of the subject land was undertaken in fine weather on Monday 11th January 2016 by MDCA archaeologists Paul Irish and Tamika Goward and the La Perouse Local Aboriginal Land Council representatives David Ingrey and Chris Ingrey. The inspection examined all portions of the subject land, with a particular focus on the areas currently proposed for development impact, and is considered sufficient to characterise the archaeological sensitivity and potential of the subject land despite extensive vegetation cover and consequent low surface visibility.

Access to the property is gained via an existing vehicle track extending from the end of Beachcomber Avenue through Royal National Park (**Figure 2, Figure 5**). This track is outside of the subject land but is the proposed pedestrian and vehicular access to the subject land. The current proposal does not

¹¹ Aboriginal Land Rights Act 1983, s52(1)(m).



include works along this track but it was inspected to determine the potential for any impacts to Aboriginal heritage from any localised road repair and vegetation management. The current alignment and immediate verge contain loose sand with shrubs or regrowth banksia and eucalypt, and are unlikely to contain any items of Aboriginal heritage. To the south of the central portion of the subject land, the track enters an area previously used as a Council night soil depot and which has consequently been raised above the natural topography (**Figure 6**). The shared access track is proposed to be extended into the subject land at this point.

The central southern portion of the subject land is the area proposed to contain all of the structures that are part of the current proposal (see **Figure 3**). This area is located on gently sloping land above a steep slope, and contains a loose humic sandy deposit overlying sandstone bedrock at an unknown depth, with no outcrops of exposed sandstone. This area is below the dunes to the south of the subject land providing shelter from the prevailing southerly winds. All of the areas proposed for construction of buildings, tents and interconnecting paths were inspected in detail (**Figure 7 and 8**). No Aboriginal archaeological remains were located.

Immediately below the area of the proposed tents and buildings on the western side is a band of sandstone outcrop consisting of isolated boulders and more substantial outcrops (**Figures 9-12**). All outcrops were thoroughly investigated but no overhanging rock of sufficient size to have been used by Aboriginal people was seen within the subject land. The slope is largely not steep enough to create outcrops of adequate size to erode into shelters (e.g. see **Figure 10-11**). All exposed rock surfaces were also inspected for engravings and grinding grooves. The majority of the sandstone is fairly coarse and unsuitable for engravings. Below the uppermost outcrop is a moderate to steep slope of loose sand with two further minor bands of east-west sandstone outcrop parallel to the uppermost band. These are even less substantial and contain no outcrops of sufficient size to contain overhangs. Most of the mature angophoras on this slope are to be retained in the current proposal, and do not contain bark of a type used by Aboriginal people (**Figure 9**). Some rough barked trees are proposed to be removed for bushfire safety purposes across the central portion of the subject land (see **Figure 3**) but those observed appeared mostly to be of insufficient age to contain scars of Aboriginal cultural origin, and no such scars were observed.

At the western end of the site are two minor creek lines which run downslope in a northerly direction to the swamp below. They have deeply incised the slope forming spurs between them which have gentler gradients (**Figure 13**). The creeks are likely spring fed and are present within the subject land as steep, rocky-bedded streams with some small cascades (**Figure 14**). The exposed sandstone around these cascades was inspected for axe grinding grooves but none were located.

A swamp is present at the bottom of the valley as a flat, broad gully (**Figure 15**). On the steep slope below the bands of sandstone and above the swamp is grey/pale yellow loose sand. No outcropping rock occurs here or in the gully to the east. The dwellings on the opposite, south-facing slope, along Beachcomber Avenue, can be seen from the subject land.

No Aboriginal sites or areas of Aboriginal archaeological potential were observed within the subject land during the inspection. The implications of this for the current proposal are discussed below.



Figure 5. The vehicle track maintained by National Parks that is proposed to be the access track for the current proposal View south-east.



Figure 6. Built-up area from former use as Council night soil depot in the area where the current access track is proposed to be extended into the subject land. View East.



Figure 7. View northwest over area where the caretaker's accommodation and access driveway is proposed.



Figure 8. Example of vegetation on the gently sloping area where the development is proposed. Also location of proposed guest hut No.3. View north.



Figure 9. Example of the vegetation on the steeper slope below the proposed development area western side. Note the mature angophora. View north-west.



Figure 10. Example of the outcropping rock that was defined in three benches within the subject land.



Figure 11. A typical example of the small overhangs present within the subject land that are too small to provide habitation.



Figure 12. Natural ripple marks in one sandstone outcrop in the south-western portion of the subject land. View south-east.



Figure 13. The 'spurs' created by the incised creek lines. View east toward the western creek.



Figure 14. An example of the rocky creek bed.



Figure 15. View north across the gully toward the houses on Beachcomber Avenue.

Conclusions

The current assessment has involved a consideration of the environmental, historical and archaeological context of the subject land, and the results of field inspection, to determine whether there are any Aboriginal heritage issues in relation to the current proposal. No Aboriginal archaeological sites or areas of Aboriginal archaeological sensitivity or potential were identified within the subject land.

The central southern portion of the subject land is the only area proposed for construction activities as part of the current proposal. The tents and office reception/caretakers accommodation structures are proposed to be prefabricated and situated on piers and on top of the concrete refuge, with most building materials stored offsite during construction. The concrete structural refuge will be situated on piers. Access roads will need little fill and are to be made of permeable cement with gravel sink-pits and will require no deep in-ground infrastructure such as stormwater drains connecting to public stormwater infrastructure. Linking pathways and footpaths will be fashioned with permeable pavers over sand and gravel contained by wooden skirting as not to impact the ground surface.



This area is characterised by loose sands with no outcropping sandstone and therefore no potential for shelter sites or currently exposed engravings. The possibility for the loose sands to overly either older more stable former land surfaces, or rock platforms that may once have been exposed and used for engravings has been considered. With respect to the potential for engravings, all outcropping sandstone within the property appear to be of a rough and uneven texture that is unlikely to have been used by Aboriginal people for this purpose. The mobile sandy soils suggest that buried stable former land surfaces are also unlikely to occur in this area. In both instances, the likelihood of archaeological remains being present is very low, and insufficient to justify archaeological test excavation. However their possible presence cannot be completely ruled out. The proposed construction techniques will involve limited subsurface impacts of relatively shallow depth (e.g. for footings/piers), however to be certain that these subsurface activities do not impact any items of Aboriginal heritage, it is proposed that these works be monitored by a suitably qualified archaeologist and/or representative of the La Perouse Local Aboriginal Land Council. This will ensure that any buried features with the potential to contain Aboriginal archaeological remains are identified and appropriate measures can be devised to protect them.

The remainder of the subject land is not proposed for any construction works, though some trees are proposed for removal within the radius of a bushfire protection area within the central portion of the subject land. It appears unlikely that any of these trees are of sufficient age or appropriate species to have been scarred by Aboriginal people. The slope and eastern portion of the subject land contains loose sands and is not considered to be a likely landform to have been used intensively by Aboriginal people in the past. Though Aboriginal people traversing the property may have discarded isolated stone artefacts, the loose mobile sands in the area are highly likely to have displaced these downslope. The corridor of the access road is also situated within this landform and has also been disturbed by the construction and use of the track. It is unlikely to contain any Aboriginal archaeological remains. It is considered unlikely that the deeply incised channels of the two minor creeks in the western portion of the subject land contain axe grinding grooves, and the main east-west creekline through the subject land contains no outcropping sandstone.

Overall, it appears likely that the subject land was not used intensively by Aboriginal people in the past due to the lack of suitable flat areas or rockshelters for camping, though the area was most likely traversed and its resources used by Aboriginal people. The archaeological evidence of any such use of the subject land by Aboriginal people is unlikely to have survived given the lack of sandstone overhangs and the highly erodible sandy soils across the subject land. By contrast, the shelters with midden and art located to the west and north of the subject land contain substantial evidence of past occupation and demonstrate the close relationship between outcropping geology and the location of rockshelter sites and engravings.

The possibility for these sites to be impacted by the current proposal was also considered in this assessment. No direct or indirect impacts are proposed in or within at least 200 metres of these sites. The western sites (AHIMS #52-3-1825 & AHIMS #52-3-1826) are located within the Royal National Park and are currently publically accessible, while the site to the north (AHIMS #52-3-1247/1882) is within private land. The proposed use of the subject land as a recreation camp for eco-tourism will bring some more people into the area than currently and the potential for these people to impact fragile heritage such as shelter art needs to be considered. Whilst impacts are possible, there appears to be little or no increased risk from the current proposal given that the sites are either on private land and inaccessible, or else are already accessible on public land. Furthermore the sites are



not easily accessible from the proposed tent area due to the rugged terrain. It is considered prudent however for the proponent to discuss with the La Perouse Local Aboriginal Land Council the kind of information that may be available to visitors to discourage access to these sites either explicitly or through provision of walking activities that guide them away from these areas (e.g. along the coastal tracks to the east).

In summary it is considered unlikely that the current proposal will impact any items of Aboriginal heritage significance. Providing the recommendations below are followed, there is considered to be no further Aboriginal archaeological investigations required in relation to the current proposal, and there are no *archaeological* grounds for the proposal not to proceed as currently planned.

It is noted that the previous RPS assessment of the subject land recommended that an Aboriginal Cultural Heritage Assessment in accordance with the OEH 2010 *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and Aboriginal community consultation following the *National Parks and Wildlife Regulation 2009* (s80C) be undertaken following development approval. These activities are generally only triggered by proposed impacts to items of Aboriginal heritage under a *National Parks & Wildlife Act* s90 Aboriginal Heritage Impact Permit (AHIP). The current assessment has not identified any need for further archaeological assessment, or the likelihood of impacts requiring an Aboriginal Heritage Impact Permit. The recommendations below are therefore considered sufficient and appropriate in relation to the current proposal.

Recommendations

The following recommendations are based upon:

- the legal requirements and automatic statutory protection provided to items of Aboriginal heritage under the terms of the *National Parks and Wildlife Act 1974* (as amended), where it is an offence to knowingly or unknowingly harm an Aboriginal object;
- the results of the current study which are documented in this report and;
- the views and concerns expressed by the La Perouse Local Aboriginal Land Council as outlined in this report.

It is recommended that:

1. No further *archaeological* investigations are considered warranted in relation to the current proposal within Lot 3 in DP213924.
2. All construction workers should be subject to an Aboriginal heritage induction devised and delivered by the La Perouse Local Aboriginal Land Council to make them aware of the presence of Aboriginal heritage sites in the vicinity of the subject land, the procedures for monitoring of subsurface excavation works, and protocols to follow if any Aboriginal archaeological remains are identified during construction.



3. Monitoring of proposed subsurface excavation and other impacts in relation to the current proposal should be undertaken by a suitably qualified archaeologist and/or representative of the La Perouse Local Aboriginal Land Council.
4. Discussions with the La Perouse Local Aboriginal Land Council should be undertaken upon completion of construction in relation to appropriate guidance and materials for visitors at the proposed eco-tourism facility to ensure that Aboriginal heritage sites in the vicinity are respected by guests.
5. One copy of this report should be forwarded to the La Perouse Local Aboriginal Land Council.
6. One copy of this report should be forwarded to:

The Manager
Aboriginal Heritage Information Management System
NSW Office of Environment and Heritage
P.O. Box 1967
Hurstville NSW 2770

If you require any further information, please do not hesitate to contact us.

Yours sincerely,

Paul Irish
Principal Consultant
Mary Dallas Consulting Archaeologists



Attachment 1

AHIMS Search Records

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-3-0171	Bundeena;Cabbage Tree Point;	AGD	56	328443	6226970	Closed site	Valid	Artefact : -	Shelter with Deposit	1127
	Contact									
	Recorders			J.V.S Megaw					Permits	
52-3-0181	Glaisher Point;Wahgunyah Cliffs;Darook Park;	AGD	56	329114	6225872	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	
	Contact									
	Recorders			Unknown Author					Permits	
52-3-0182	Bundeena;Old Marley Walking Track;	AGD	56	328996	6225910	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving	
	Contact									
	Recorders			J.V.S Megaw					Permits	
52-3-0187	Old Big Marley Walking Track	AGD	56	328946	6225570	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving	
	Contact									
	Recorders			K Margus					Permits	
52-3-0189	Bundeena;	AGD	56	329096	6225810	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	
	Contact									
	Recorders			ASRSYS					Permits	
52-3-0198	Bundeena;	AGD	56	329146	6226060	Open site	Valid	Shell : -, Artefact : -	Midden	
	Contact									
	Recorders			J.V.S Megaw					Permits	
52-3-0204	Bundeena;	AGD	56	329346	6226010	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact									
	Recorders			J.V.S Megaw					Permits	
52-3-0207	Port Hacking Point;Jibbon Headland;	AGD	56	330728	6227550	Open site	Valid	Artefact : -, Shell : -	Midden	
	Contact									
	Recorders			ASRSYS					Permits	
52-3-0208	Port Hacking Point;Jibbon Point; duplicate of 52-3-1839	GDA	56	330901	6227766	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving	
	Contact									
	Recorders			Unknown Author					Permits	
52-3-0284	Bundeena;Cabbage Tree Point;	AGD	56	328030	6226470	Closed site	Valid	Shell : -, Artefact : -, Art (Pigment or Engraved) : -	Shelter with Art,Shelter with Midden	
	Contact									
	Recorders			ASRSYS					Permits	
52-3-0292	Marley Track 2;Bundeena;	AGD	56	328896	6226110	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	
	Contact									
	Recorders			Warren Bluff					Permits	
52-3-0299	Bundeena;	AGD	56	329516	6225940	Closed site	Valid	Art (Pigment or Engraved) : -, Shell : -, Artefact : -	Shelter with Art,Shelter with Midden	
	Contact									
	Recorders			Warren Bluff					Permits	
52-3-0222	Bundeena Beach;	AGD	56	329396	6226910	Closed site	Valid	Shell : -, Artefact : -, Burial : -	Burial/s,Shelter with Midden	
	Contact									
	Recorders			Harper					Permits	

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-3-0161	Bundeena;nr track to Marley;	AGD	56	328304	6225216	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	
	Contact									
	Recorders			J.V.S Megaw						
52-3-0971	Jibbon;R.N.P.; duplicate of 52-3-1969	GDA	56	330815	6227775	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving	1333
	Contact									
	Recorders			Warren Bluff,J Evans,L Baker,E Stone						3418
52-3-0261	Bundeena;	AGD	56	330122	6225800	Closed site	Valid	Art (Pigment or Engraved) : -, Shell : -, Artefact : -	Shelter with Art,Shelter with Midden	
	Contact									
	Recorders			Bill Sullivan						
52-3-0283	Bundeena;Cabbage Tree Point;	AGD	56	328050	6226430	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	
	Contact									
	Recorders			James Farrell						
52-3-0146	Bundeena;Nth of Bundeena Rd;	AGD	56	328016	6225942	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	
	Contact									
	Recorders			ASRSYS						
52-3-0337	Cabbage Tree Point 1.;	AGD	56	328726	6227010	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving	1127
	Contact									
	Recorders			Helen Brayshaw						
52-3-1229	Bundeena UC Midden 1	AGD	56	329650	6226650	Closed site	Valid	Shell : -		
	Contact									
	Recorders			Paul Irish Consultant Archaeologist						
52-3-1230	Bundeena UC Midden 2	AGD	56	329620	6226690	Open site	Valid	Grinding Groove : -		
	Contact									
	Recorders			Paul Irish Consultant Archaeologist						
52-3-1367	Loftus Street Bundeena	AGD	56	329375	6226770	Open site	Valid	Artefact : -		
	Contact			T Russell						
	Recorders			Mary Dallas Consulting Archaeologists						2782,2802,3636
52-3-0205	Bundeena;	AGD	56	329396	6226360	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact									
	Recorders			ASRSYS						
52-3-0206	Bundeena Beach;	AGD	56	329776	6227051	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving	
	Contact									
	Recorders			ASRSYS						
52-3-1374	Bundeena Reserve Shelter	AGD	56	329326	6226800	Closed site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact			Searle						
	Recorders			Mr.Bryan oakley						
52-3-1653	Michael No 55	GDA	56	328370	6226982	Open site	Valid	Shell : -		101957
	Contact									
	Recorders			Mrs.Caryll Sefton						
52-3-1654	Michael No 56	GDA	56	328330	6226894	Open site	Valid	Shell : -		101957

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SiteID	SiteName	Datum	Zone	Eastings	Northings	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders						Permits		
52-3-1655	Mchael No 57	GDA	56	328259	6226918	Open site	Valid	Shell : -		101957
	Contact	Recorders						Permits		
52-3-1656	Michael No 58	GDA	56	328242	6226911	Open site	Valid	Shell : -		101957
	Contact	Recorders						Permits		
52-3-1657	Michael No 59	GDA	56	328248	6226825	Open site	Valid	Grinding Groove : 7		101957
	Contact	Recorders						Permits		
52-3-1658	Michael No 60	GDA	56	328106	6226632	Open site	Valid	Artefact : 9		101957
	Contact	Recorders						Permits		
52-3-1659	Michael No 57	GDA	56	328259	6226918	Open site	Valid	Shell : -		101957
	Contact	Recorders						Permits		
52-3-1660	Michael No 61	GDA	56	328154	6226630	Open site	Valid	Art (Pigment or Engraved) : 5		101957
	Contact	Recorders						Permits		
52-3-1661	Michael No 62	GDA	56	328048	6226820	Open site	Valid	Artefact : 5		101957
	Contact	Recorders						Permits		
52-3-1107	Bundeena Creek Open Midden-	AGD	56	329326	6226770	Open site	Valid	Shell : -, Artefact : -	Midden	
	Contact	Recorders						Permits		
52-3-1238	52 Bournemouth St Bundeena Shelter	AGD	56	329700	6226400	Open site	Valid	Habitation Structure : -		
	Contact T Russell	Recorders						Permits		
52-3-1224	Bundeena UC Midden	AGD	56	329650	6226650	Closed site	Valid	Habitation Structure : -, Shell : -, Potential Archaeological Deposit (PAD) : -		98937,99523
	Contact	Recorders						Permits	1919,2719	
52-3-1225	Bundeena UC2	AGD	56	329650	6226670	Closed site	Not a Site	Habitation Structure : -, Artefact : -, Potential Archaeological Deposit (PAD) : -		98937,99523
	Contact	Recorders						Permits	1919	
52-3-1226	Bundeena UC3	AGD	56	329620	6226690	Open site	Valid	Grinding Groove : 1		98937,99523
	Contact	Recorders						Permits	1919	
52-3-1227	PAD1 Bundeena	AGD	56	329400	6226750	Open site	Valid	Potential Archaeological Deposit (PAD) : -		98937
	Contact	Recorders						Permits	1919	

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-3-1228	PAD2 Bundeena	AGD	56	329450	6226750	Open site	Valid	Potential Archaeological Deposit (PAD) :-		98937
	<u>Contact</u>							<u>Permits</u>	1919	
52-3-1245	R.N.P.,	AGD	56	328790	6227190	Open site	Valid	Aboriginal Ceremony and Dreaming : 1		
	<u>Contact</u> T Russell							<u>Permits</u>		
52-3-1233	Loftus Overhang	AGD	56	329546	6226758	Open site	Valid	Habitation Structure : 1		
	<u>Contact</u> T Russell							<u>Permits</u>		
52-3-1826	Zachary 11	GDA	56	329550	6226227	Closed site	Valid	Artefact : 5, Art (Pigment or Engraved) : 1		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1827	Zachary 12	GDA	56	328906	6226497	Open site	Valid	Shell :-		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1951	Zachary 42	GDA	56	329160	6225935	Open site	Valid	Art (Pigment or Engraved) : 1		
	<u>Contact</u>							<u>Permits</u>		
52-3-1969	Zachary 37 duplicate of 52-3-0971	GDA	56	330815	6227775	Open site	Valid	Art (Pigment or Engraved) : 1, Habitation Structure : 1		
	<u>Contact</u>							<u>Permits</u>		
52-3-1828	Zachary 13	GDA	56	329040	6226391	Open site	Valid	Artefact : 1		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1829	Zachary 14	GDA	56	328886	6226230	Closed site	Valid	Artefact : 3, Shell :-		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1830	Zachary 15	GDA	56	328895	6226325	Closed site	Valid	Shell :-, Artefact : 1		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1831	Zachary 16	GDA	56	328895	6226365	Closed site	Valid	Artefact : 4, Shell :-		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1832	Zachary 17	GDA	56	329552	6226405	Closed site	Valid	Artefact : 1, Art (Pigment or Engraved) : 11		102484
	<u>Contact</u>							<u>Permits</u>		
52-3-1833	Zachary 18	GDA	56	329505	6225993	Closed site	Valid	Art (Pigment or Engraved) : 4		102484
	<u>Contact</u>							<u>Permits</u>		
	<u>Contact</u>							<u>Permits</u>		

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AHIMS Web Services (AWS)

Extensive search - Site list report

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-3-1834	Zachary 19	GDA	56	330360	6227240	Open site	Valid	Artefact : 1, Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1835	Zachary 20	GDA	56	330715	6227590	Open site	Valid	Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1836	Zachary 21	GDA	56	330714	6227651	Open site	Valid	Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1837	Zachary 22	GDA	56	330850	6227810	Open site	Valid	Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1838	Zachary 23	GDA	56	330886	6227829	Open site	Valid	Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1839	Zachary 24 duplicate of 52-3-0208	GDA	56	330901	6227766	Open site	Valid	Art (Pigment or Engraved) : 8		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1859	Zachary 53	GDA	56	328400	6225210	Closed site	Valid	Art (Pigment or Engraved) : 1, Artefact : 1		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1882	Zachary 79	GDA	56	329664	6226355	Closed site	Valid	Art (Pigment or Engraved) : 45, Artefact : 4		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1817	Zachary 2	GDA	56	328720	6225980	Closed site	Valid	Art (Pigment or Engraved) : 5, Artefact : 3, Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1818	Zachary 3	GDA	56	328765	6226063	Closed site	Valid	Art (Pigment or Engraved) : 4, Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1819	Zachary 4	GDA	56	328710	6225750	Closed site	Valid	Artefact : 1, Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1820	Zachary 5	GDA	56	328888	6225895	Closed site	Valid	Artefact : 1, Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		
52-3-1821	Zachary 6	GDA	56	328900	6225910	Closed site	Valid	Art (Pigment or Engraved) : 13, Shell : -		102484
	Contact	Recorders	Illawarra Prehistory Group					Permits		

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-3-1822	Zachary 7	GDA	56	329002	6225858	Closed site	Valid	Artefact : 5, Art (Pigment or Engraved) : 2		102484
	<u>Contact</u>								<u>Permits</u>	
52-3-1823	Zachary 8	GDA	56	329470	6226250	Closed site	Valid	Artefact : 6, Shell : -		102484
	<u>Contact</u>								<u>Permits</u>	
52-3-1824	Zachary 9	GDA	56	329470	6226230	Closed site	Valid	Artefact : 1, Shell : -		102484
	<u>Contact</u>								<u>Permits</u>	
52-3-1825	Zachary 10	GDA	56	329514	6226222	Closed site	Valid	Artefact : 5, Art (Pigment or Engraved) : 1, Shell : -		102484
	<u>Contact</u>								<u>Permits</u>	
52-3-1109	Loftus St 1-	AGD	56	329741	6226665	Closed site	Valid	Artefact : -, Habitation Structure : -, Shell : -		
	<u>Contact</u>								<u>Permits</u>	
52-3-1250	BNS1	AGD	56	329914	6227220	Open site	Valid	Shell : -		100008,100448
	<u>Contact</u> Searle								<u>Permits</u>	2365
52-3-1247	Yarmouth Swamp	AGD	56	329520	6226100	Closed site	Valid	Shell : -		
	<u>Contact</u> T Russell								<u>Permits</u>	
52-3-1241	BVT AMBS 1	AGD	56	328350	6226890	Open site	Valid	Shell : -		
	<u>Contact</u> Searle								<u>Permits</u>	2349,2698
52-3-1242	BV PAD2	AGD	56	328390	6226870	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u> Searle								<u>Permits</u>	2349
52-3-1243	BV PAD3	AGD	56	328270	6226820	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u> Searle								<u>Permits</u>	2349
52-3-1244	BV PAD4	AGD	56	327930	6226780	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u> Searle								<u>Permits</u>	2349
52-3-1257	Brighton Street Bundeena PAD 1 (NOT A SITE)	AGD	56	329350	6226700	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Bournemouth St, Bundeena

Client Service ID : 207679

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u> S Scanlon									
52-3-1254	BVT AMBS 2	AGD	56	328212	6226880	Open site	Valid	Shell : -	2514	<u>Permits</u>
	<u>Contact</u> Searle									
52-3-1255	BVT AMBS 3	AGD	56	328141	6226830	Open site	Valid	Shell : -	2455,2698	<u>Permits</u>
	<u>Contact</u> Searle									
52-3-1256	BVT AMBS 4	AGD	56	328432	6226950	Open site	Valid	Shell : -	2455,2698	<u>Permits</u>
	<u>Contact</u>									
52-3-1258	bvt -AMBS(3)	AGD	56	328141	6226830	Open site	Deleted	Artefact : -, Shell : -	2455,2698	<u>Permits</u>
	<u>Contact</u> S Scanlon									
52-3-1259	bvt-ambs(2)	AGD	56	328212	6226880	Open site	Deleted	Shell : -, Artefact : -		<u>Permits</u>
	<u>Contact</u>									
52-3-1260	bvt-ambs(1)	AGD	56	328220	6226850	Open site	Valid	Artefact : -, Shell : -		<u>Permits</u>
	<u>Contact</u>									
	<u>Recorders</u> Matthew Kelleher									

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Attachment 2

Aboriginal Community Correspondence

LA PEROUSE



LOCAL ABORIGINAL LAND COUNCIL

10 January 2016

Dr Paul Irish
Principal Consultant & Historian
Mary Dallas Consulting Archaeologists
PO Box A281
ARNCLIFFE NSW 2205

PO Box 365, Matraville
New South Wales, 2036

T: (02) 9311 4282
E: admin@laperouse.org.au
ABN: 89 136 607 167

Via Email: paul@mdca.com.au

Dear Dr Irish,

60 – 70 Bournemouth Street, Bundeena NSW – Due Diligence Aboriginal Heritage Assessment

I write in reply to the above mentioned report dated 28 January 2016. I have reviewed the *Due Diligence Aboriginal Heritage Assessment* and provide the following information and recommendations on behalf of the La Perouse Local Aboriginal Land Council (**La Perouse LALC**).

As you may be aware, the La Perouse LALC was established and operates within the provisions of the *Aboriginal Land Rights Act 1983* (NSW) (**ALRA**) and currently represents a membership of 405 Aboriginal persons who reside within or have an association with the La Perouse LALC area. In accordance with Section 52 of the ALRA the La Perouse LALC has a statutory function to “*take action to protect the culture and heritage of Aboriginal persons in the Council’s area*”.

The Bundeena area is a significant region for La Perouse LALC and the La Perouse Aboriginal community as the area has a high concentration of Aboriginal sites and cultural landscapes that have minimal exposure to geographical change and urban development. Members of the La Perouse LALC, Dharawal people and families within the La Perouse Aboriginal Community continue to have an intimate cultural association to the Bundeena suburb and the Royal National Park.

Bundeena falls within the lands of the Dharawal people and holds cultural value due to the numerous traditional campsites, middens, burials, shelters with art and midden material and rock engravings located in the area. The local Jibbon rock engravings depicts the dreaming story of the Dharawal people and the large middens indicate the high use and resource collection by Dharawal people over thousands of years.

Following the completion of the site inspections on 11 January 2016 and the review of the report and I can provide the following recommendations:

Recommendation 1:

The La Perouse LALC supports the recommendations that are set out on page 16 & 17 of the Due Diligence Aboriginal Heritage Assessment Report dated 28 January 2016.

Recommendation 2:

The La Perouse LALC advises that if any Aboriginal objects (such as human or animal bone, shell material or stone artifacts) are impacted or unearthed during any activity on the property, the activity must cease and the NSW Office of Environment and Heritage and La Perouse LALC be contacted immediately.

If you would like to discuss this issue further please don't hesitate to contact the La Perouse LALC office on 9311 4282 during business hours.

Yours sincerely,



Chris Ingrey
Chief Executive Officer