

Unearthed

Archaeology & Heritage



12 – 14 Gladys Avenue, Frenchs Forest Aboriginal Due Diligence Assessment

Prepared by:	Tory Stening
Report to:	Mr Jack Zhang
LGA:	Northern Beaches Council
Date:	March 2023
Version:	B.2023.1077
AHIMS No.:	

Version:	Project Number: UA/1077. JZ	
A.2023	Author(s):	Tory Stening
	Date:	13 th March 2023
	Status:	Draft
B.2023	Author(s):	Tory Stening
	Date:	14 th March 2023
	Status:	Final

Executive Summary

The owners of 12 – 14 Gladys Avenue, Frenchs Forest propose the demolition of existing dwellings, subdivision of each lot and the construction of four new dwellings. Northern Beaches Council (NBC) referred the development application (DA 2022/1474) to the Aboriginal Heritage Office (AHO) who recommended an Aboriginal due diligence assessment.

As such, Unearthed Archaeology & Heritage have been engaged by the owners of 12 – 14 Gladys Avenue, Frenchs Forest, to undertake this Aboriginal due diligence assessment in accordance with the *Due diligence code of practice for the protection of Aboriginal objects in NSW South Wales* (DECCW 2010) and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (Office of Environment & Heritage 2011).

The site inspection was undertaken on 9th March 2023 and the whole of the study area was inspected on foot with particular attention being paid to the historic topography and the disturbance from European development. Two rock overhangs were inspected and both were considered unsuitable for human habitation. No trees considered to be of suitable age or species to contain scars of Aboriginal origin were observed within the study area. No Aboriginal objects or sites were recorded during the site inspection. An AHIMS search dated 2nd March 2023 indicates that no Aboriginal sites had previously been recorded within the study area.

The study area is comprised of two battle axe shaped lots that fall steeply from Gladys Avenue to the rear of the properties. Both lots (i.e., 12 and 14 Gladys Avenue) are presently occupied by a single dwelling constructed in the later half of the 20th Century. Both properties contain swimming pools to the rear of the dwelling and a thickly vegetated sloping yard at the northern end of the properties. A long concrete drive extends from Gladys Avenue to the dwellings. 14 Gladys Avenue contains a shed building behind the pool. The upper part of the study area where the houses are situated appears to have been heavily modified to produce a level area for the construction of the existing dwellings. The swimming pools are both set into the outcropping sandstone. The yards to the rear of the dwellings, pools and shed appears to have undergone minimal landscaping and modification, appearing to maintain its steep historic topography.

The study area is located within the Hawkesbury Sandstone geological landscape and is situated on the steep slope below the ridgeline. It is located approximately 400m from Trefoil Creek and an unnamed tributary of Middle Creek. The predictive model presented by Attenbrow (2002) indicates that evidence of Aboriginal occupation could be expected on the valley bottoms and shorelines and within the coastal and estuarine landscapes on Hawkesbury sandstone. The present study area comprises the upper sandstone slope, a distance from permanent water, and is therefore considered unlikely to contain evidence of Aboriginal occupation.

Therefore, it is recommended that:

1. There is no objection to the proposed demolition, subdivision and construction on Aboriginal archaeological grounds.
2. No Aboriginal objects or rock shelters or overhangs suitable for Aboriginal habitation were recorded during the site inspection. It is considered highly unlikely that any archaeological deposits exist within the study area or would be impacted upon by the proposal.
3. No further investigation in respect of Aboriginal archaeology or cultural heritage is required.
4. It is not necessary to undertake consultation with the Aboriginal community in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* or prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR).
5. If, during the proposed works, any Aboriginal objects or evidence of Aboriginal occupation are uncovered, all work must cease in the vicinity of the suspected Aboriginal objects or evidence of occupation, and further advice should be sought from a qualified and experienced archaeologist.

Unearthed

Archaeology & Heritage

1.0	Background Information	4
1.1	Introduction	4
1.2	Study Area Location	4
1.3	Proposed Works	8
2.0	Landscape and Environmental Context	10
2.1	Topography	10
2.2	Geology	10
2.3	Vegetation	11
2.4	Land Use History and Current Land Use	12
3.0	Archaeological Context	13
3.1	Sydney Basin	13
3.2	Frenchs Forest	14
3.3	The Study Area	16
3.4	Predictive Model	16
4.0	Methodology	18
4.1	Background Research	18
4.2	Site Inspection	18
4.3	Report	18
5.0	Results and Mitigation	19
5.1	Results	19
5.2	Impact and Mitigation	20
6.0	Legislation	21
6.1	The National Parks & Wildlife Act 1974 (as amended)	21
6.2	Manly Local Environmental Plan 2013	21
7.0	Recommendations	22
	References	23
	Photographs	25
	Appendix A: AHIMS Extensive Search Results	33

1.0 Background Information

1.1 Introduction

The owners of 12 – 14 Gladys Avenue, Frenchs Forest propose the demolition of existing dwellings, subdivision of each lot and the construction of four new dwellings. Northern Beaches Council (NBC) referred the development application (DA 2022/1474) to the Aboriginal Heritage Office (AHO). The AHO visited the site on 14th February 2023, however they stated that they were “unable to complete the inspection due to the overgrown foliage across the property”. The AHO recommended that the “that the area be cleared and then an Aboriginal cultural heritage Due Diligence assessment be undertaken by a qualified and experienced archaeologist” (email from Susan Whitby, Acting Aboriginal Heritage Archaeologist, AHO, 20/02/2023).

As such, Unearthed Archaeology & Heritage have been engaged by the owners of 12 – 14 Gladys Avenue, Frenchs Forest, to undertake this Aboriginal due diligence assessment in accordance with the *Due diligence code of practice for the protection of Aboriginal objects in NSW South Wales* (DECCW 2010) and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (Office of Environment & Heritage 2011).

1.2 Study Area Location

12 – 14 Gladys Avenue, Frenchs Forest, is located approximately 7km to the north west of the Sydney Central Business District (CBD) within the Northern Beaches Council Local Government Area (LGA). It comprises Lots A and B DP 393276.

The study area is comprised of two battle axe shaped lots which are bound by the rear of the properties at 4 Arden Place and 66 Epping Drive to the north; 16A Gladys Avenue to the east; Gladys Avenue itself and 10, 10A and 10B to the south; and 29, 31, 33 and 35 Bluegum Crescent to the west.

Figure 1 below shows the location of the French Forest. Figure 6 shows the location of the study area on the topographic map. Figure 3 shows the study area on the aerial photograph and Figure 4 is the existing survey plan of the study area.

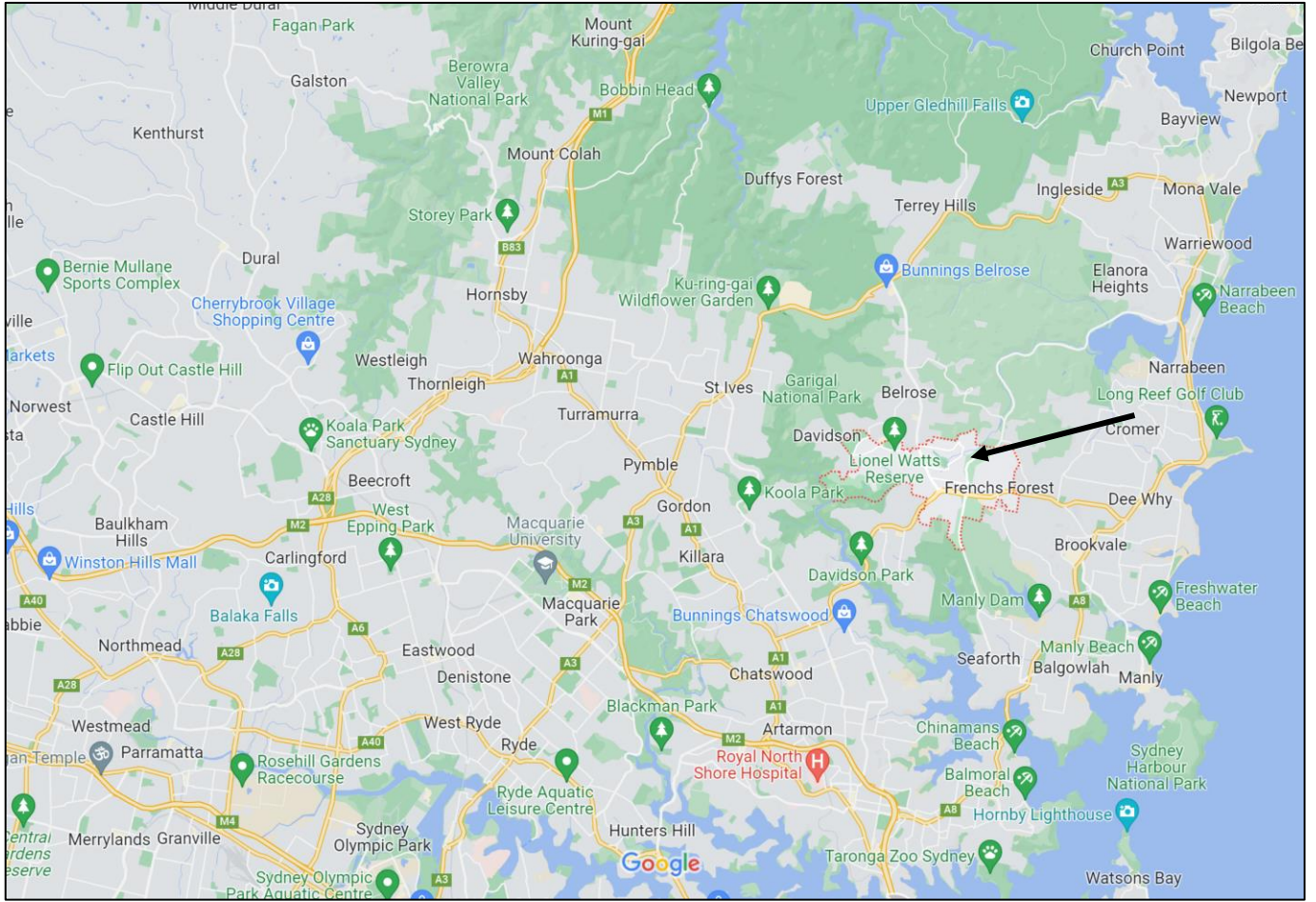


Figure 1: Showing the location of Frenchs Forest outlined in red and indicated by the black arrow (map courtesy of Google Maps).



Figure 2: Showing the location of the study area outlined in red and indicated by the black arrow on the NSW Map (map courtesy of <https://maps.six.nsw.gov.au/>).



Figure 3: Showing the location of the study area outlined in purple and indicated by the arrow on the 2023 aerial photograph (aerial courtesy of <https://maps.six.nsw.gov.au/>).



Figure 4: Existing survey plan of the study area.

1.3 Proposed Works

The owners of 12 and 14 Gladys Avenue, Frenchs Forest, propose the demolition of the two existing dwellings on each lot, the subdivision of the two existing lots into four separate lots and the construction of a new dwellings on each of the four newly subdivided lots.

Figure 5 below shows the proposed subdivision and layout of the proposed new dwellings.



Figure 5: Showing the layout of the proposed four new dwellings within the study area.

2.0 Landscape and Environmental Context

2.1 Topography

Frenchs Forest is located within the central portion of the Sydney Basin. The Sydney Basin is a geological basin of the Permian-Triassic era that covers an area of 64,000km² on the central eastern coast of Australia (<http://www.environment.nsw.gov.au/bioregions/SydneyBasin-Landform.htm> 12/10/2017). The Sydney Basin is comprised of sandstone and shales which has been subjected to erosion, creating a landscape of steep sandstone cliffs and escarpments, plateaus over areas of shale and coastal sand dune and wetland systems (Stening 2018a:4).

The study area is located on a steeply sloping site just below the ridgeline. The study area is located approximately 400m to the west of Trefoil Creek and approximately 400m to the east of an unnamed tributary of Middle Creek. Access to fresh water sources such as Trefoil Creek and the unnamed tributary would have been favourable to the Aboriginal people of the Frenchs Forest area. Figure 6 below shows the location of the study area on the topographic map.



Figure 6: Showing the present study area outlined in purple and indicated by the black arrow on the topographic map (map courtesy of <https://maps.six.nsw.gov.au/>).

2.2 Geology

The geology of the Sydney CBD is characterised by Hawkesbury Sandstone with areas of overlying Wianamatta Shales (Stening 2018a:6).

The study area is located within the Hawkesbury Sandstone geological landscape.

The study area is situated on boundary between the Hawkesbury Sandstone and Wianamatta Shales. The northern portion of the study area is located on Hawkesbury Sandstone and the southern portion is located on Wianamatta Shales.

The Hawkesbury Sandstone weathers into overhangs and shelters suitable for habitation and protection from the elements and provides surfaces suitable for the manufacture of ground edge implements and for the engraving and painting of art. Outcrops of materials suitable for small tool manufacture, such as chert, silcrete, tuff and quartz, weather from the Hawkesbury (Stening 2020:8).

Figure 7 below shows the location of the study area on the geological map.

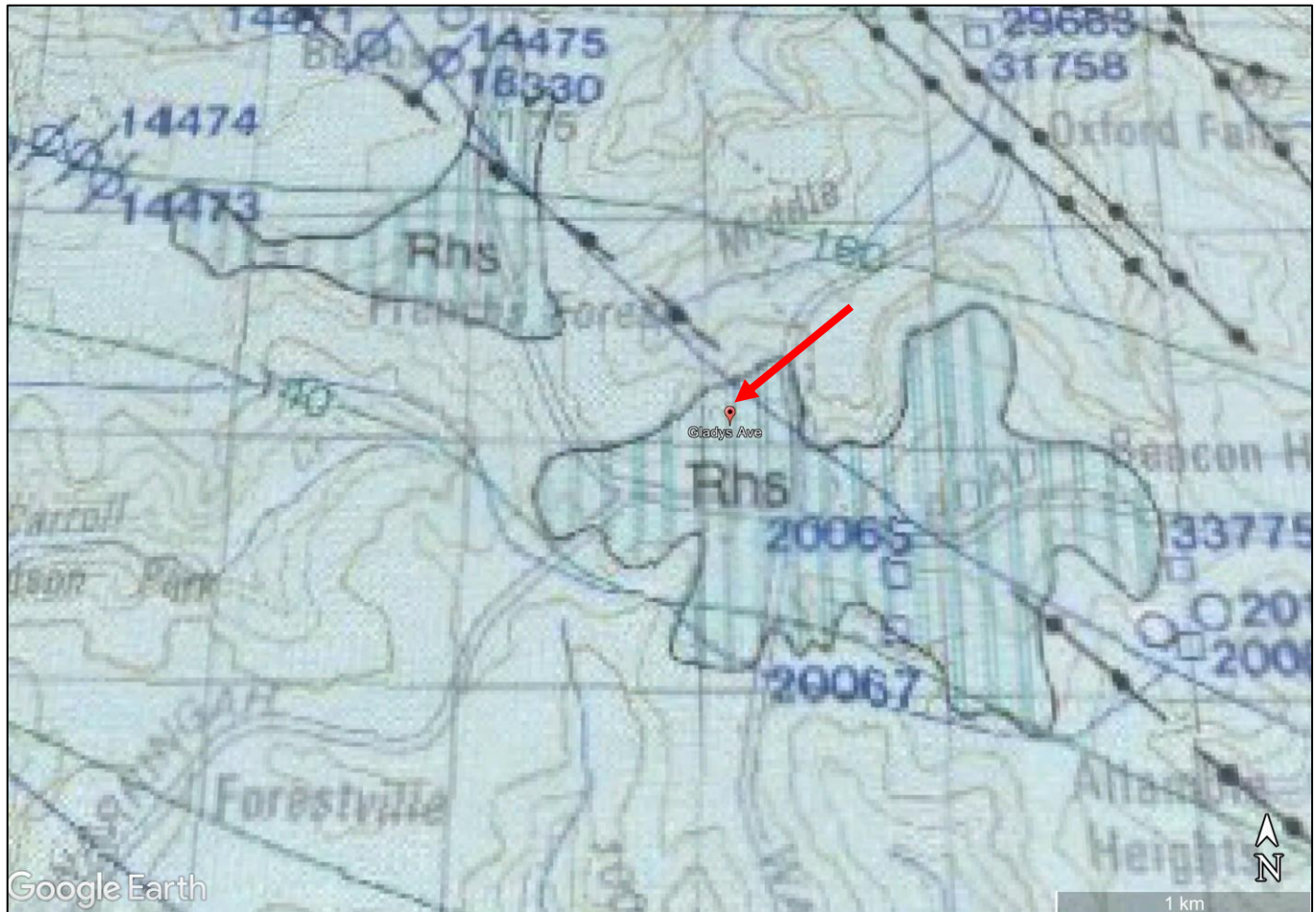


Figure 7: Showing the location of the study area indicated by the red arrow on the Sydney 1:100,000 Geological Map (map courtesy of Google Earth Pro).

2.3 Vegetation

Historically the coastal regions of the Sydney basin would have been vegetated by Turpentine Ironbark Forest which is characterised by *Eucalyptus saligna* (Sydney blue gum), *Eucalyptus pilularis* (blackbutt), *Syncarpia glomulifera* (turpentine), *Eucalyptus paniculate* (grey ironbark), *Eucalyptus punctate* (grey gum), *Corymbia maculate* (spotted gum), *Eucalyptus sieberi* (Australian black ash/silvertop ash) and *Eucalyptus botryoides* (bangalay). The Turpentine Ironbark Forest comprises understorey of *Macrozamia communis* (burrawang), *Livistona australis* (cabbage tree palm), *Pittosporum undulatum* (sweet pittosporum), *Polyscias sambucifolia* (elderberry panax) and a variety of banksia species (Baker, Corringham, and Dark 1986).

Flowers of the many eucalypt and banksia species provide a rich nectar that was eaten by Aboriginal people and the wide variety of vegetation provided a food source for animal species, such as small marsupials and birds, which are associated with the Aboriginal diet. The large trees provided bark and wood for coolamons (a shallow carrying vessel for food or water), shields, spears and canoes (Low 1989). Freshwater sources

would have provided drinking water and fresh water animals for consumption while the nearby harbour foreshore would have provided a range of edible salt water species.

2.4 Land Use History and Current Land Use

The 1943 aerial photograph shows that Frenchs Forest, and the present study area, remained undeveloped with some dirt roads and very few buildings. That aerial shows the study area as undeveloped and uncleared. The study area at present contains dwellings constructed in the second half of the 20th Century with swimming pools and concrete driveways.

3.0 Archaeological Context

3.1 Sydney Basin

Research into the regional and local archaeological context of the study area can be used to develop an understanding of the patterning of Aboriginal land use and enable the preparation of a predictive model to determine the likelihood of particular site types being located within the study area.

The Last Glacial Maximum (LGM), the last period when Earth's ice sheets were at their maximum glaciation, occurred between 15,000 – 18,000 years ago. Sea levels were up to 130m below current sea levels during this period (Nutley 2006: 1). As temperatures started to rise at the end of the LGM, the polar ice caps started to melt and sea levels began to rise, and in doing so helped to form the present day Sydney landscape.

As sea levels rose, people were forced to move inland, abandoning formerly coastal sites which were now being inundated by the sea (Nutley 2006). Sea levels began to stabilise about 6,000 years ago and the majority of sites around the Sydney region date to the last 5,000 years after sea levels had stabilised. Research into submerged Aboriginal sites has demonstrated that several submerged sites in the Sydney region date to more than 10,000 years BP.

Rock engravings were commonly created by Aboriginal people around the Sydney region and the Sydney Harbour foreshore. The *Journal of the Royal Anthropological Institute* (1880) and the published *Aborigines of Australia* (Sadler 1883) record an engraving of either a whale or a shark at Dawes Point (AHIMS 45-6-0030). The site has been destroyed, most likely during construction of the Sydney Harbour Bridge. While engravings of a whale, kangaroo and a fish were recorded on "upright surfaces in creek bed" at Goat Island (AHIMS 45-6-0811). Other engravings are recorded on sandstone throughout the Sydney Basin.

McDonald (2008) undertook an extensive analysis of engraving and shelter art sites throughout the Sydney Basin as part of her PhD thesis. Her analysis of the nature and distribution of these sites concluded the following about the Sydney Basin:

- The majority of engraving sites are located on open expanses of sandstone on ridge lines and hill slopes;
- These engravings are likely to be outlines of figurative motifs with little or no decorative infill;
- Assemblages of engravings at a site are likely to be small, representing less than 20 motifs at an individual site with a singular motif being common;
- The ancestral being's footprint, known locally as a mundoe, is the most commonly occurring motif "followed by fish, macropods, bird tracks and men" (McDonald 2008:130);
- At the time of her analysis, 15% of previously recorded engravings were no longer identifiable due to sandstone weathering;
- Fish and marine animals are the most likely motifs in coastal areas with the prevalence of land animals increasing as distance from the coast increases.

Aboriginal middens are commonly encountered along the foreshore and islands of Sydney Harbour and the coast of Sydney. Three middens (AHIMS 45-6-0811; 45-6-1957; 45-6-2382) were recorded on Goat Island, which was recorded in 1798 as belonging to Bennelong, the first account of Aboriginal land ownership. Goat Island is also documented as being used by Aboriginal people for imprisonment (Comber and Stening 2015:np).

On the eastern shore of Darling Harbour, Comber (2012) excavated a redeposited midden. Ten retouched flakes and flaked pieces were uncovered in association with the midden material. On the western shore of Darling Harbour, a series of middens along the Harbour foreshore were uncovered during archaeological excavations for the new International Convention Centre. These middens were dated to between 1690 and

1850 and a discreet knapping floor was recorded on the edge of one of the middens (Comber and Stening 2015).

Artefact scatters have also been recorded throughout the Sydney CBD, including a large assemblage of 952 artefacts which was uncovered by Steele (2006) during archaeological excavations at a site bounded by Kent, Erskine, Napoleon and Sussex Streets (the KENS site). Steele indicates that the site was occupied by Aboriginal people between 2880BP and 1788.

A large artefact scatter (AHIMS 45-6-2169) was uncovered on Bondi Beach following a large storm in 1899. A description given in the Australian Museum's Curator Report for 1900 (Etheridge 1901) states the following:

The old land surface at Bondi, as I saw it, in company with the discoverer, was covered in thousands of these chips, some of them exquisitely made, with core pieces, chippers and rubbers ... These 'workshops' at Bondi revealed that the whole length of the back of the beach was covered with tons of stones, and that they had been taken there. In a kind of delta in the centre of the beach coarser materials were deposited. While chips and flakes were few and far between, thousands of implements which had been used there were (Etheridge and Whitelegge 1907:233–35).

A letter from the Australian Museum curator, Mr Etheridge, to a Mr Johnston, described the Aboriginal objects collected at the beach further, stating:

The weapons collected were very valuable, including tomahawks, grindstones, a nose ornament, knives, scrapers, gravers, drills and spear points, and lastly, a very peculiar lancet like surgical knife or scarifier.

Two engraving sites (AHIMS 45-6-0720 and 45-6-0750) were recorded by the surveyor WD Campbell in 1899. These represent fish, a seal, a shark and a whale located at Ben Buckler Point on the north Bondi headland (AHIMS 45-6-0720) and at Marks Park, Tamarama on the south Bondi headland (AHIMS 45-6-0750). Although not registered with AHIMS, a partial female Aboriginal skeleton was exposed by a sand drift at Bondi Beach (Sydney Morning Herald 1855:5). These sites indicate the significance of the region to the Aboriginal inhabitants of the area.

A study of Aboriginal subsistence patterns and cultural change across the Sydney region was undertaken by Attenbrow in 2002. She determined that the Sydney region was not intensively occupied until sea levels rose about 5,000 years ago. She concluded that middens and open campsites comprised over half of the over 4000 Aboriginal sites registered on the AHIMS database at the time and that the main focus of Aboriginal occupation was "on the valley bottoms and shorelines" (2002:47). Her analysis also determined that Aboriginal people were more likely to occupy the coastal and estuarine landscapes on Hawkesbury sandstone rather than the hinterland and freshwater environments on the Wianamatta shales.

The study area is located on the boundary of the Hawkesbury sandstone and the Wianamatta shales with the northern portion of the study area on the Hawkesbury sandstone and the southern portion on Wianamatta Shales, approximately 300m from fresh water.

3.2 Frenchs Forest

A search of the Aboriginal Heritage Information Management System (AHIMS) on 2nd March 2023 indicates that there are seven registered Aboriginal sites within 1km of the study area. Table 1 below shows the details of the seven registered Aboriginal sites within the vicinity of the study area. Figure 8 shows the location of the registered sites.

AHIMS No.	Site name and location	Site type and description
45-5-1004	"Frenchs Forest", known as Blue Stone Cave, Frenchs Forest. The cave is located near the head of the gully on a prominent cliff with large, very shallow overhangs.	Rock shelter with art. Art comprises figures with "traces in charcoal and red ochre".
45-6-2589	"Brentwood Place; Frenchs Forest". The site is located within the "cliffline directly west of and below Brentwood Place Frenchs Forest".	Rock shelter with art and deposit. The rock shelter is approximately 7m high, 4m deep and 36m long. White hand stencils, a red ochre kangaroo and "many indeterminate charcoal and red ochre drawings" are recorded on the walls of the shelter. Vandalism has severely impacted on the art within the rock shelter. Stone artefacts comprising silcrete, quartz and mudstone were recorded within the dripline of the cave.
45-6-1373	"French Trig" located opposite the junction of Dundilla Road and Ardsley Avenue, Frenchs Forest on a rock face beside Dundilla Road.	Shelter with art and midden. The site card describes "Twelve paintings, all approx. 1 metre long, comprising of animal and Aborigines". The site card indicates that the paintings are of European origin and not an Aboriginal site, however a later update to the site card indicates that this is an Aboriginal site comprising of a shelter and midden.
45-6-3164	"Treefoil Creek 1". The site card provides the following description of the location of this site: "Walk down eastern edge of Wakehurst Parkway from Frenchs Forest Road East intersection ... Follow guard rail for 170 metres. Stop at top of steep bank above a clearing. Walk down 25m onto sandstone bench. Shelter is under this. Access at southern end".	The site comprises a shelter with art. The art is described as a "panel of seven hand stencils in red ochre could be defined under the main overhang at the northern end of the rockshelter. 3 were almost complete, and 4 incomplete due to weathering. Three other faint red ochre patches could be remnants of stencils that have weathered away".
45-6-1013	"Belrose; High Midpart Cave".	Rock shelter with art comprising traces of charcoal drawings.
45-6-1012	"Belrose; Superlatives Cave".	Rock shelter with art comprising partial drawing of a kangaroo, eel and hand stencils.

45-6-4049	“Frenchs Forest Grinding Grooves 01”. In the bushland to the rear of 32 Nandi Avenue.	Grinding grooves. A set “of six identified grinding grooves located on an exposed sandstone platform above the current water level”.
-----------	---	--

Table 1: Showing the details of the seven registered AHIMS sites in the vicinity of the study area.

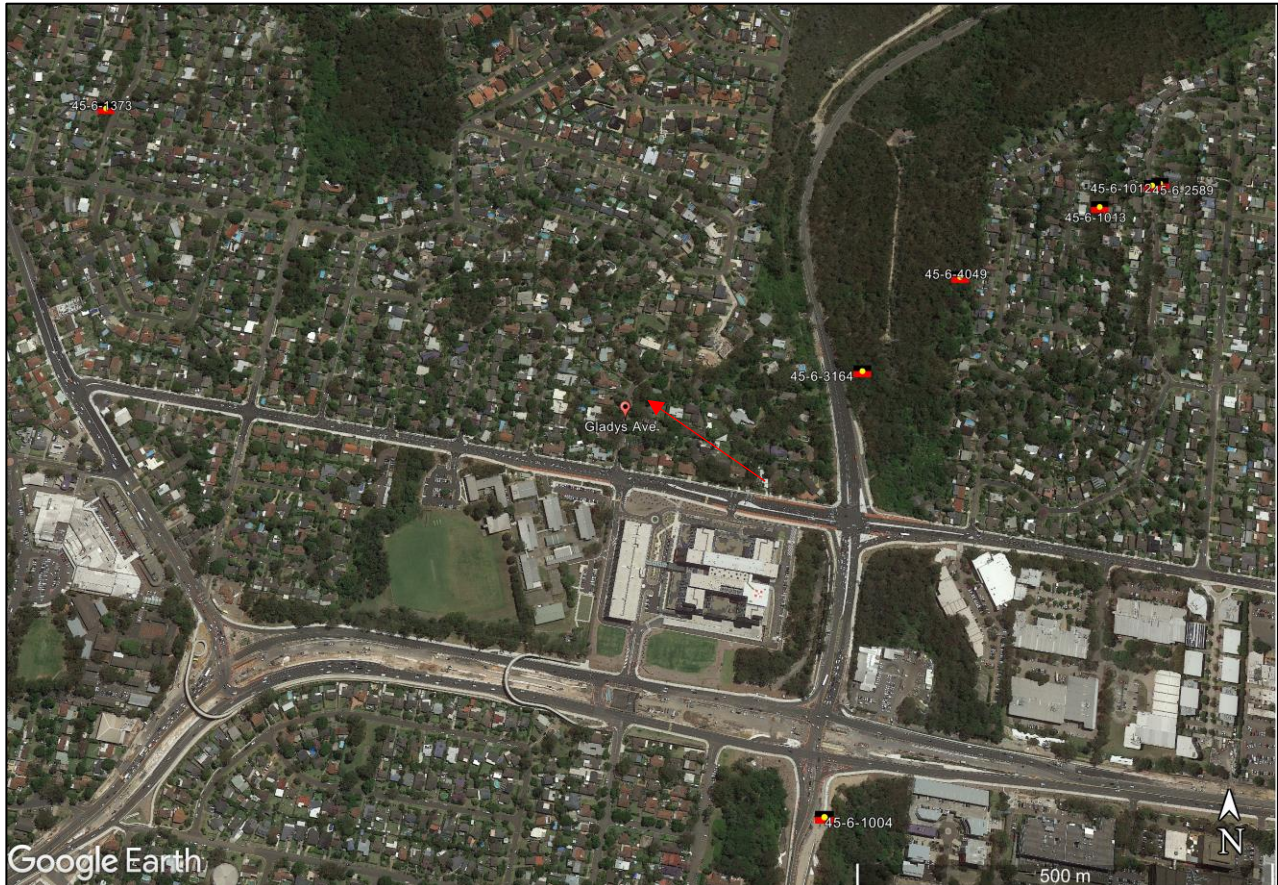


Figure 8: Showing the location of the seven registered AHIMS sites, indicated by the Aboriginal flags, in the vicinity of the study area, indicated by the red arrow (map courtesy of Google Earth Pro).

The seven registered AHIMS sites in the vicinity of the study area are comprised of four rock shelters with art; one rock shelter with art and midden; one rock shelter with art and archaeological deposit (i.e., Aboriginal artefacts); and one set of grinding grooves. All seven of these sites are located on the Hawkesbury Sandstone geology, as is the present study area.

3.3 The Study Area

A search of the AHIMS database dated 2nd March 2023 indicates that there are no registered Aboriginal sites within the study area.

3.4 Predictive Model

The background research and predictive model provided by Attenbrow (2002) for the Sydney region indicate that the main focus of Aboriginal occupation was “on the valley bottoms and shorelines” (2002:47). Her analysis also determined that Aboriginal people were more likely to occupy the coastal and estuarine

landscapes on Hawkesbury sandstone, such as the present study area, rather than the hinterland and freshwater environments on the Wianamatta shales.

The present study area is located on the Hawkesbury sandstone geological landscape, approximately 400m from the nearest creek line.

Across Frenchs Forest, within the Hawkesbury sandstone landscape, evidence of Aboriginal occupation including, but not limited to shelters with art, midden and archaeological deposit, or grinding grooves, could be expected. Grinding grooves would be expected near water and given the distance of water from the study area, grinding grooves may not be expected within the present study area. Therefore, it is considered that there is the potential for site types including shelters or rock overhangs suitable for sheltering and art and or/engravings, midden and archaeological deposit, or open camp sites within the study area.

4.0 Methodology

4.1 Background Research

A search of the AHIMS database was undertaken on 2nd March 2023. Research was undertaken into the environmental background of the study area, outlining the topographic, geological and vegetation context of the study area. An analysis of the archaeological background of the Sydney Basin and East Killara was undertaken. This background research facilitated an understanding of Aboriginal land use patterns within the region and the preparation of a predictive model of occupation.

A review of plans for the proposed development of the study area enabled an understanding of the impact of the proposed works on the potential archaeological deposit.

4.2 Site Inspection

A site inspection was undertaken on 9th March 2023 by Tory Stening. The entire study area was inspected on foot to develop an understanding of the environmental and potential archaeological context and to record any evidence of Aboriginal occupation. The surrounding landscape was also examined to facilitate an understanding of the environmental context of the study area and to attempt to locate previously recorded Aboriginal sites within the vicinity of the study area.

4.3 Report

This Aboriginal due diligence assessment report was prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in New South Wales* (Office of Environment & Heritage 2011) and *Due Diligence code of practice for the protection of Aboriginal objects in NSW* (DECCW 2010).

5.0 Results and Mitigation

5.1 Results

The site inspection was undertaken on 9th March 2023 and the whole of the study area was inspected on foot with particular attention being paid to the historic topography and the disturbance from European development. All large trees within the study area were inspected, all accessible and visible rock surfaces and overhangs were inspected for evidence of art or engraving or for suitability to provide or evidence of habitation by Aboriginal people. No trees considered to be of suitable age or species to contain scars of Aboriginal origin were observed within the study area. All areas of exposed ground were inspected for the presence of Aboriginal objects such as stone tools and to gain an understanding of the soil conditions within the study area. No Aboriginal objects or sites were recorded during the site inspection. An AHIMS search dated 2nd March 2023 indicates that no Aboriginal sites had previously been recorded within the study area.

The study area is comprised of two battle axe shaped lots that fall steeply from Gladys Avenue to the rear of the properties. Both lots (i.e., 12 and 14 Gladys Avenue) are presently occupied by a single dwelling constructed in the later half of the 20th Century. Both properties contain swimming pools to the rear of the dwelling and a thickly vegetated sloping yard at the northern end of the properties. A long concrete drive extends from Gladys Avenue to the dwellings. 14 Gladys Avenue contains a shed building behind the pool. The upper part of the study area where the houses are situated appears to have been heavily modified to produce a level area for the construction of the existing dwellings. The swimming pools are both set into the outcropping sandstone. The yards to the rear of the dwellings, pools and shed appears to have undergone minimal landscaping and modification, appearing to maintain its steep historic topography.

Prior to the site inspection, a large fallen fig tree had been removed to enable access to the rock outcrop situated below the swimming pool on 12 Gladys Avenue and below the shed building on 14 Gladys Avenue. All rock overhangs were inspected to determine their suitability and potential for being a rock shelter. A small overhang on 12 Gladys Avenue would fit one small seated person, but would not have enabled a group to inhabit it. A larger rock overhang was present within 14 Gladys Avenue, however it was not considered tall enough for humans to comfortably occupy. A large section of the ceiling of this overhang had fallen relatively recently as was evidence by a large piece of sandstone on the floor of the shelter and a clean, non-patinated surface on the ceiling of the rock overhang. Even prior to the ceiling collapse, it is not considered that the overhang would have provided enough height for humans to occupy. No Aboriginal objects, art or engravings, shell material or any other possible evidence of Aboriginal occupation was observed during the site inspection. No evidence of fires under the rock overhangs was visible. There was evidence of water seeping through the sandstone bedrock at several locations within the study area, however no evidence of grinding grooves was observed.

The proposal comprises the subdivision of two existing lots into four new lots and the demolition of existing dwellings and structures. The proposal also includes the construction of a single new dwelling on each proposed newly subdivided lot.

The study area is located within the Hawkesbury Sandstone geological landscape and is situated on the steep slope below the ridgeline. It is located approximately 400m from Trefoil Creek and an unnamed tributary of Middle Creek. The predictive model presented by Attenbrow (2002) indicates that evidence of Aboriginal occupation could be expected on the valley bottoms and shorelines and within the coastal and estuarine landscapes on Hawkesbury sandstone. The present study area comprises the upper sandstone slope, a distance from permanent water, and is therefore considered unlikely to contain evidence of Aboriginal occupation.

If sites were to be present within the study area, it is anticipated that they would comprise rock shelters within the outcropping sandstone. However, as described above, no rock shelters or overhangs that were considered to be suitable for habitation by Aboriginal people were located within the study area. No evidence of art, engravings, grinding grooves, camp sites, midden or scarred trees were observed. The

steeply sloping nature of the study area; the modification and disturbance associated with the levelling of the southern end of the study area for construction of the existing dwellings, structures and driveway; and the lack of any rock overhangs or shelters suitable for human occupation; indicate that it is highly unlikely that any evidence of Aboriginal occupation is present within the boundaries of 12 and 14 Gladys Avenue, Frenchs Forest. It is therefore considered unlikely that the proposed demolition, subdivision and construction of four new dwellings would have any impact on any Aboriginal objects or on the Aboriginal cultural heritage of the study area.

5.2 Impact and Mitigation

As it is not anticipated that any evidence of Aboriginal occupation or any Aboriginal objects will be impacted upon by the proposed subdivision, there will not be any impacts on any Aboriginal cultural heritage. Therefore, no further archaeological investigation in respect of Aboriginal archaeology is required for the proposed subdivision, demolition and construction of four new dwelling on the newly subdivided lots. An Aboriginal Heritage Impact Permit (AHIP) will not be required.

If during the proposed works, any unexpected Aboriginal objects or evidence of Aboriginal occupation: such as rock engravings; rock shelters or overhangs; or Aboriginal objects; is uncovered, all work must cease in the vicinity of the suspected Aboriginal objects or evidence of Aboriginal occupation, and further advice should be sought from a qualified archaeologist. It is not expected that the study area provides a suitable location for Aboriginal burial, however, in the unlikely event that any skeletal material is uncovered during the proposed works, all work must cease immediately on site and the relevant authorities must be notified.

6.0 Legislation

6.1 The National Parks & Wildlife Act 1974 (as amended)

The *National Parks & Wildlife Act 1974* (NPW Act) provides statutory protection to all Aboriginal objects and Aboriginal places within New South Wales. Heritage NSW within the Department of Planning and Environment (DPIE) is the State Government agency responsible for the implementation and management of this Act.

Part 6 of the *National Parks & Wildlife Act* provides provision for the protection of all Aboriginal “objects” which are 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”. Part 6 of the Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP).

This Aboriginal due diligence assessment has been undertaken in accordance with the *Due diligence code of practice for the protection of Aboriginal objects in NSW* and *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*. This assessment has concluded that evidence of Aboriginal occupation or any Aboriginal objects is not anticipated within the study area and therefore it is not anticipated that any Aboriginal objects will be harmed by the proposed demolition, subdivision and construction of four new dwellings. Therefore, an Aboriginal Heritage Impact Permit (AHIP) will not be required for the proposed works as detailed in this report.

6.2 Manly Local Environmental Plan 2013

Section 5.10 of the Manly Local Environmental Plan 2013 (MLEP) provides provision for Heritage Conservation. Under the MLEP, development consent is required to demolish, move or alter the exterior of a heritage item, Aboriginal object or item within a heritage conservation area. Section 5.10(2) also makes development consent necessary to disturb or excavate an archaeological site or to build on or subdivide land that contains a heritage item.

However, it is not expected that the proposed works will impact on any Aboriginal objects or evidence of Aboriginal occupation, it is not necessary from an Aboriginal cultural heritage perspective to apply for development consent prior to the commencement of works. It should be noted that the proposed project does require development consent in respect of other elements of the proposed works.

7.0 Recommendations

The following recommendations are made in accordance with:

- The legal requirements of the *National Parks & Wildlife Act 1974* (as amended) which states that it is an offence to harm or desecrate an Aboriginal object without gaining prior consent of the Director General of DPIE.
- Research into the environmental and archaeological record of the study area.
- The results of this Aboriginal due diligence assessment which concludes that it is highly unlikely that subsurface archaeological deposits or other evidence of Aboriginal occupation exists within the study area.

Therefore, it is recommended that:

1. There is no objection to the proposed demolition, subdivision or construction on Aboriginal archaeological grounds.
2. No Aboriginal objects or rock shelters or overhangs suitable for Aboriginal habitation were recorded during the site inspection. It is considered highly unlikely that any archaeological deposits exist within the study area or would be impacted upon by the proposal.
3. No further investigation in respect of Aboriginal archaeology or cultural heritage is required.
4. It is not necessary to undertake consultation with the Aboriginal community in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* or prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR).
5. If, during the proposed works, any Aboriginal objects or evidence of Aboriginal occupation are uncovered, all work must cease in the vicinity of the suspected Aboriginal objects or evidence of occupation, and further advice should be sought from a qualified and experienced archaeologist.

References

- Attenbrow, Val. 2002. *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*. Sydney: UNSW Press.
- Baker, M., R. Corringham, and J. Dark. 1986. *Native Plants of the Sydney Region*. Winmalee, NSW: Three Sisters Productions Pty Ltd.
- Comber, Jillian. 2012. *Darling Quarter (Formerly Darling Walk), Darling Harbour: Aboriginal Archaeological Excavation Report. Unpublished Report to Casey + Lowe on Behalf of Lend Lease (#103583)*.
- Comber, Jillian, and Tory Stening. 2015. *Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP): Aboriginal Archaeological Excavation Report. Unpublished Report to LendLease Developments*.
- DECCW. 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. Sydney, N.S.W.: NSW DECCW.
- Etheridge, R. 1901. 'Report for the Year 1900'. *Records of the Australian Museum* 4(4):145–74. doi: 10.3853/j.0067-1975.4.1901.1092.
- Etheridge, R., and T. Whitelegge. 1907. 'Aboriginal Workshops on the Coast of New South Wales, and Their Contents'. *Records of the Australian Museum* 6(4):233–50. doi: 10.3853/j.0067-1975.6.1907.1005.
- Low, T. 1989. *Bush Tucker - Australia's Wild Food Harvest*. Angus and Robertson.
- McDonald, Jo. 2008. *Dreamtime Superhighway: An Analysis of Sydney Basin Rock Art and Prehistoric Information Exchange*. Vol. 27. ANU, Canberra: ANU E-Press.
- Nutley, David. 2006. 'The Last Global Warming: Archaeological Survival in Australian Waters'. Flinders University.
- Nutley, David. 2017. *Gap Bluff Centre, Watsons Bay - Revised Exhibition Draft: Aboriginal Archaeological Assessment. Unpublished Report to Beaucon Pty Ltd (#103797)*.
- Office of Environment & Heritage. 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Sydney, N.S.W.: DECCW.
- Office of Environment & Heritage. 2011. *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW: Part 6 National Parks and Wildlife Act 1974*. Sydney South, N.S.W.: Office of Environment and Heritage.
- Sadlier, Richard. 1883. *The Aborigines of Australia*. Sydney: T.Richards, Government Printer.
- Steele, Dominic. 2006. *Aboriginal Archaeological Excavation Report: The KENS Site (Kent, Erskine, Napoleon and Sussex Streets), Sydney, NSW. Unpublished Report to Leighton Contractors Pty Ltd. (AHIMS 99857)*.
- Steele, Dominic. 2009. *Waverley Aboriginal Cultural Heritage Study. Waverley Local Government Area. Unpublished Report to Waverley Council in Association with the NSW Heritage Office and the NSW Department of Planning*.
- Stening, Tory. 2017. *The Mercantile Hotel, 25 George Street, The Rocks: Aboriginal Archaeological Assessment. Unpublished Report to HMBS Pty Ltd. (AHIMS #103821)*.

Stening, Tory. 2018a. *Bondi Beach Post Office - 20-24 Hall Street, Bondi Beach: Aboriginal Archaeological Assessment. Unpublished Report to Casey & Lowe on Behalf of Taylor.*

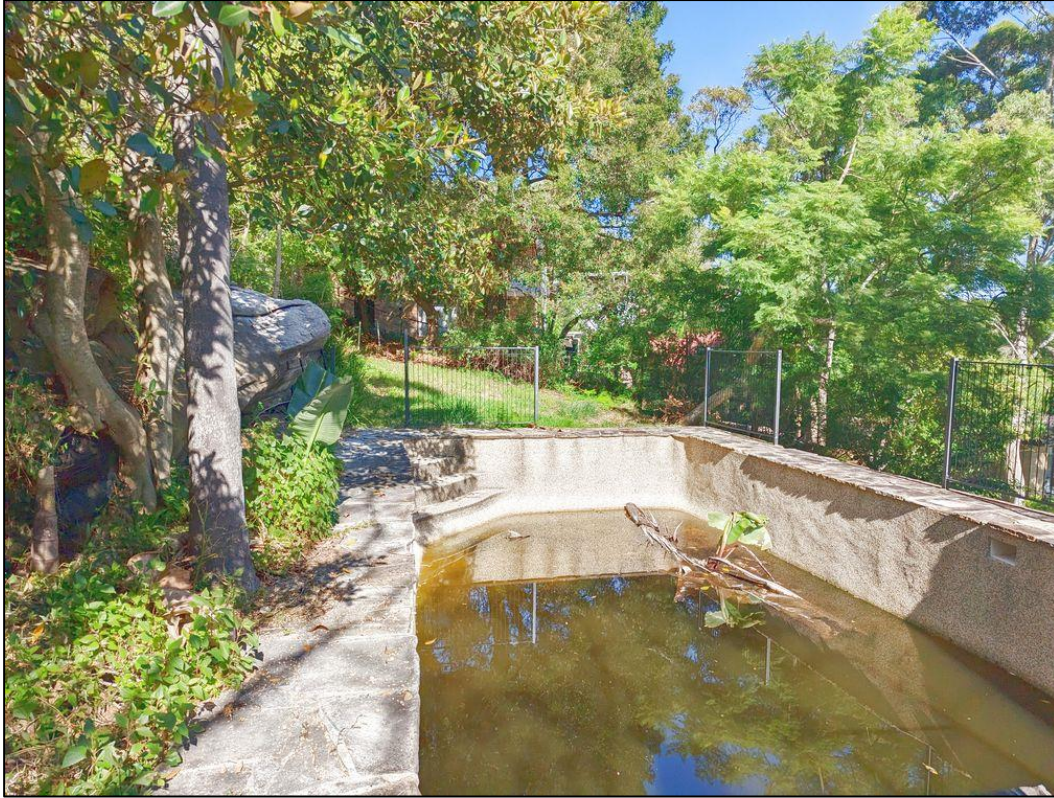
Stening, Tory. 2018b. *Lot 72 DP 661069, 1 Sirius Road, Voyager Point: Aboriginal Archaeological Assessment. Unpublished Report to Pronto Properties Pty Ltd. (AHIMS #103915).*

Stening, Tory. 2020. *Castle Cove Country Club, Castle Cove: Aboriginal Archaeological Assessment. Unpublished Report to Taylor.*

Sydney Morning Herald. 1855. 'Donations to the Australian Museum During February 1855.' *Sydney Morning Herald*, March 5, 5.

The Anthropological Institute of Great Britain and Ireland. 1880. *The Journal of the Anthropological Institute of Great Britain and Ireland*. Vol. IX. Ludgate Hill, London: Trubner & Co.

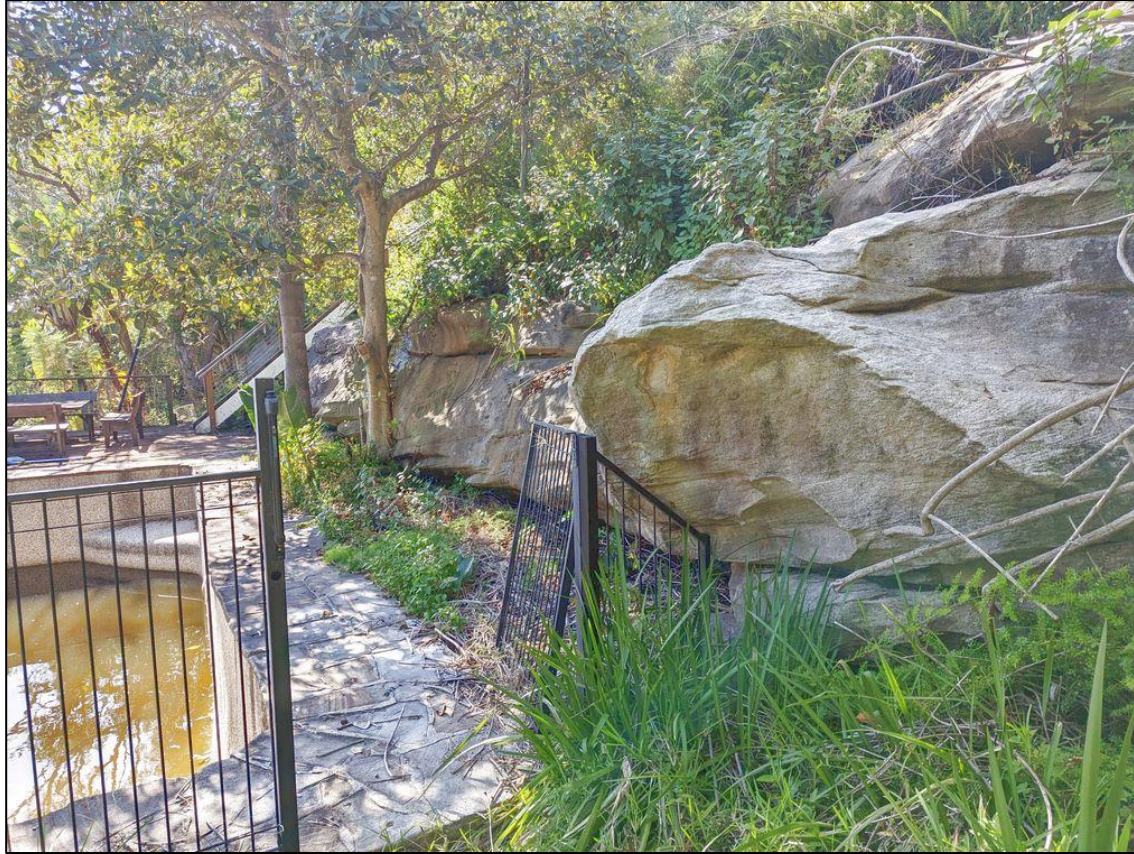
Photographs



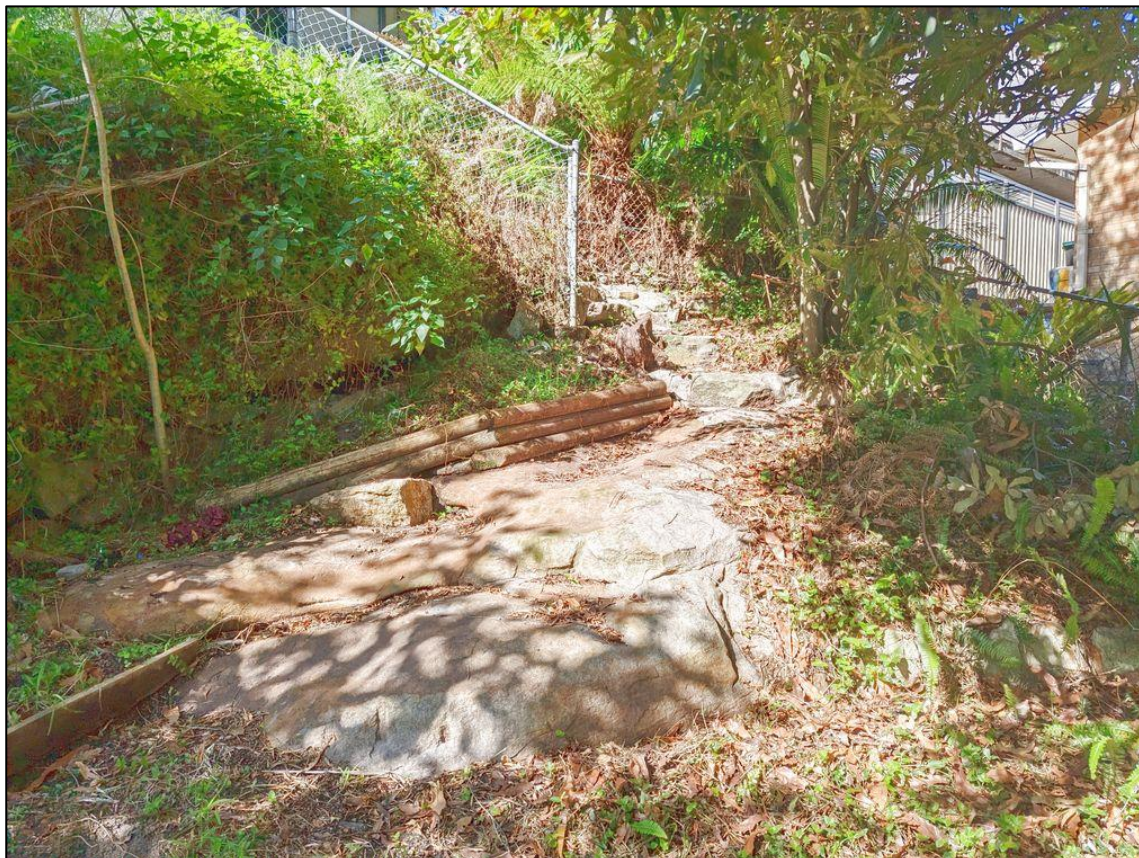
Photograph 1: Showing the pool at 12 Gladys Avenue.



Photograph 2: Showing the outcropping sandstone around the pool at 12 Gladys Avenue.



Photograph 3: Showing the outcropping sandstone above the pool at 12 Gladys Avenue.



Photograph 4: Showing the outcropping sandstone and stairs at 12 Gladys Avenue.



Photograph 5: Showing the area under the pool at 12 Gladys Avenue.



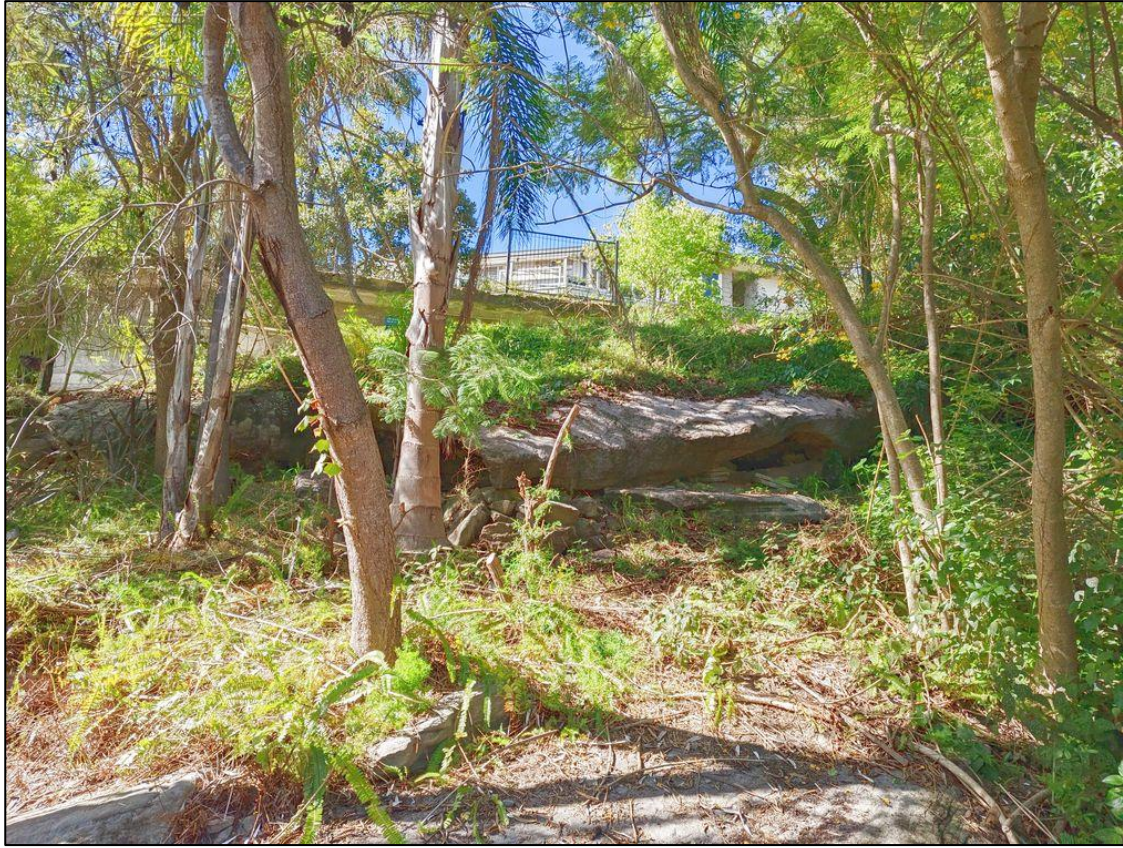
Photograph 6: Showing the area under the pool at 12 Gladys Avenue.



Photograph 7: Showing the small rock overhang within 12 Gladys Avenue.



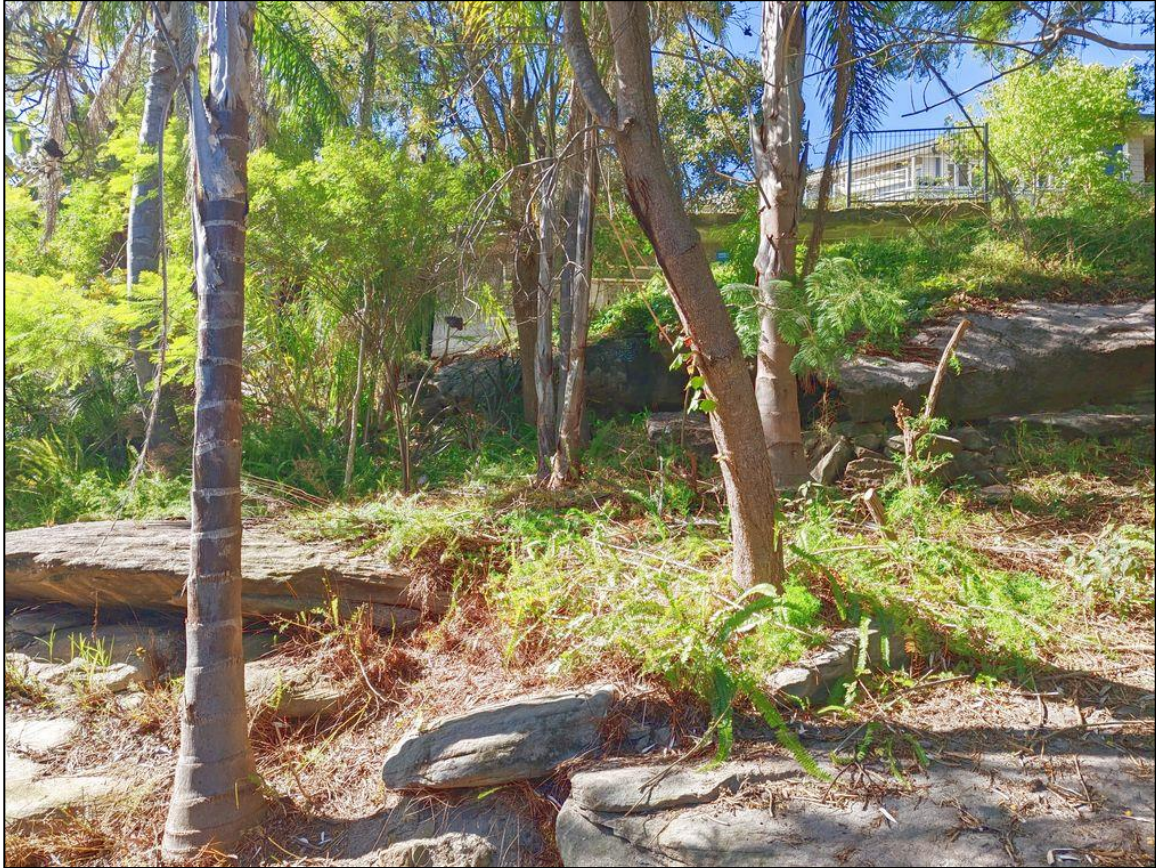
Photograph 8: Showing inside the small rock overhang at 12 Gladys Avenue.



Photograph 9: Looking towards the pool at 12 Gladys Avenue.



Photograph 10: Looking across the outcropping sandstone at 14 Gladys Avenue.



Photograph 11: Looking across 14 Gladys Avenue toward the pool and outcropping sandstone below.



Photograph 12: Showing the larger rock overhang within 14 Gladys Avenue.



Photograph 13: Showing inside the larger rock overhang at 14 Gladys Avenue.



Photograph 14: Looking under the shed at 14 Gladys Avenue.




Photograph 15: Looking across the modified levelled area at 14 Gladys Avenue.



Photograph 16: Looking across the modified levelled area at 14 Gladys Avenue.

Appendix A: AHIMS Extensive Search Results

		AHIMS Web Services (AWS) Extensive search - Site list report						Your Ref/PO Number : Frenchs Forest Client Service ID : 759353		
SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-1004	Frenchs Forest;	AGD	56	336473	6263801	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	
	Contact	Recorders	Unknown Author							
45-6-2589	Brentwood Place;Frenchs Forest;	AGD	56	336929	6264622	Closed site	Valid	Art (Pigment or Engraved) : -, Artefact : -	Shelter with Art,Shelter with Deposit	
	Contact	Recorders	Michael Guider							
45-6-1373	French Trig;	GDA	56	335500	6264710	Open site	Not a Site	Artefact : -	Not an Aboriginal Site	
	Contact	Recorders	Mr.Phil Hunt,M Young							
45-6-3164	Trefoil Creek 1	GDA	56	336531	6264357	Open site	Valid	Art (Pigment or Engraved) : -		
	Contact	Recorders	Mr.Mark Rawson							
45-6-1013	Belrose;High Midpart Cave;	AGD	56	336856	6264590	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	
	Contact	Recorders	ASRSYS							
45-6-1012	Belrose;Superlatives Cave;	AGD	56	336940	6264625	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	
	Contact	Recorders	Mr.R Taplin							
45-6-4049	Frenchs Forest Grinding Grooves 01	GDA	56	336664	6264488	Open site	Valid	Grinding Groove : -		
	Contact	Recorders	Artefact - Cultural Heritage Management - Pymont,Ms.Isabel Wheeler							

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 02/03/2023 for Tory Stening for the following area at Lot : A, DP:DP393276, Section : null with a Buffer of 1000 meters.. Number of Aboriginal sites and Aboriginal objects found is 7

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Page 1 of 1