

ABORIGINAL HERITAGE

In relation to Contention 11(f) of the Amended Statement of Facts and Contentions filed on 30.08.2024:

1. On 22 March 2021, Council's Native Title Manager undertook an assessment of the surf club concept design (as required by the Crown Land Management Act 2016) and referred the proposal to NTS Corp, being the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales and the Australian Capital Territory. No Response was received.
2. The Community and Stakeholder Engagement Report dated 4 May 2021 (Appendix F to the Options Assessment and Review, 9 August 2024) confirms that, prior to lodgement of the Development Application, the proposal was referred to the Aboriginal Heritage Office (AHO) and that:

"The AHO has carried out a review of the proposed development plans and associated specialist consultant reports and advised that there are not recorded sites within the development area."

3. Council has a map of known items/areas of Aboriginal heritage significance, including areas identified as having high potential for unrecorded Aboriginal sites. Upon lodgement of a Development Application, Council lodgement staff reviewed this map to determine whether the application was required to be referred to the AHO. The Development Application was not referred to the AHO, because the AHO had previously advised that the proposed works are not in the vicinity of a known item/area of Aboriginal heritage significance, or an area identified as having high potential for unrecorded Aboriginal sites.
4. Council's *Development Application & Modification Lodgement Requirements* identify that:

"An Aboriginal Heritage Assessment Report, prepared in accordance with the NSW Office of Environment and Heritage's (OEH) Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, must be submitted for any development application on land:

- *on which an Aboriginal heritage item is located,*
- *that is to be affected by any proposed works."*

An Aboriginal Heritage Assessment Report was not required by Council at lodgement, or at any stage throughout the assessment process, as the proposal was deemed not to impact upon known items/areas of Aboriginal heritage

significance, or areas identified as having high potential for unrecorded Aboriginal sites.

5. AHIMS searches were subsequently undertaken by Rhelm and it was confirmed that there were no known sites in the vicinity of the works. The relevant search results are attached.

6. The Development Application and Review Application have been publicly exhibited (advertised and notified), with no submissions received raising concern in relation to potential impacts upon Aboriginal heritage.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : J1950 Newport LEC
Client Service ID : 926280

| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
|-----------|---|-------|------|---------|----------|-------------|----------------|---|------------------------------------|---------|
| 45-6-1223 | Newport; Contact | ACD | 56 | 344399 | 6274434 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-1374 | Salt Pan Cove;McMahons Creek; Contact | ACD | 56 | 344061 | 6275455 | Open site | Valid | Grinding Groove : - | Axe Grinding Groove | |
| 45-6-1224 | Newport;Bungan Head; Contact | ACD | 56 | 344648 | 6274057 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-1221 | Newport; Midden Contact | ACD | 56 | 344568 | 6274142 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-0855 | Bilgola Beach; Contact | ACD | 56 | 344775 | 6275548 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-2645 | Newport Burial Contact | ACD | 56 | 344310 | 6274559 | Open site | Valid | Burial : - | | |
| 45-6-1222 | Newport; Midden 2 Contact | ACD | 56 | 344628 | 6274117 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-1408 | Irrubel Road;Newport; Contact | ACD | 56 | 343796 | 6274993 | Closed site | Valid | Shell : -, Artefact : -, Art (Pigment or Engraved) : - | Rock Engraving,Shelter with Midden | |

**** 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

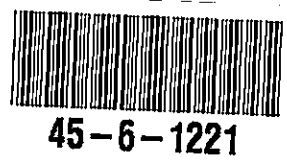
Report generated by AHIMS Web Service on 02/09/2024 for Luke Rocavert for the following area at Address : 394 BARRENJOEY ROAD NEWPORT 2106 with a Buffer of 1000 meters.. Number of Aboriginal sites and Aboriginal objects found is 8

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.

North Met Dist.

REPRODUCTION COPY

1. Map Name BROKEN BAY SIDNEY 5. Site No. 45-6-1221
 2. Scale 1:63,360 1:250,000 6. Site type ^{OPEN} (Midden)
 3. Grid ref 329.410 approx. e. 433.841
 4. Site name(s) Newport* 7. Classification
 8. Air photo ref
 9. Cadastral
 10. Land Status 11.



12. Directions for site relocation

The midden is directly in line with an old concrete wall that was part of a rock pools wall (this wall is south of existing pool). Access is easy from Newport Beach. (The old pool wall is only visible at low tide). The old wall runs approx. E. to W. The midden is in an earth embankment that has been worn away by ocean wave action, (it would be approx. 10 ft. above high water mark).

13. Owner 14. Tenant/Manager
 Address Address
 Attitude Attitude

15. Site Description

There are many shells in bank in approx. 2 ft. thick layer. The top of this layer is approx. 18" below the present ground level. The midden is approx. 18 ft. long and probably extends inland up hill a long way. There are shells among rocks directly below midden. The shells are in layers with much charcoal.

The shells are:- Large periwinkle type, muscles, a kind of a "limpet" type the 4" dia ones that look like a small flat dish with "mother of pearl" on the inside (i.e.



There are shells very tightly grouped together in the main layer with a lot of charcoal intermixed with them. The nearest fresh water was probably in a swamp at rear of south end of Newport beach. the nearest shellfish source would have been the large flat rock area nearby and "Little Reef" which is jsut off shore and easily accessible at low tide in a flat sea.

16. Reasons for investigation
 17. Condition The site is being erroded away by ocean wave action
 18. Interpretation
 19. Visitation The site is regularly visited by the general public.
 20. Recommendations



45-6-124

21. Environmental description of site locality

The site overlooks the ocean and would be approx. 10 ft. above high water mark. There is a high cliff approx. 30 yds. inland behind the site but the ground rises up steeply from the site to the base of this cliff. The site is very near rich shellfish sources. The present land use is probably a recreation reserve.

22. Relation to other sites in locality

23. Details of artifact collections

24. Is plan or diagram of site attached? **Yes/No**

25. Are annotated photographs attached? **Yes/No** **How many?** (I have taken some and will show them to you later).

26. Other additions

27. Importance of site to Aborigines

28. Source of this information

29. Oral sources of information Mr. A. Heath,
29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

30. Written references

31. Recorded by A. Heath.

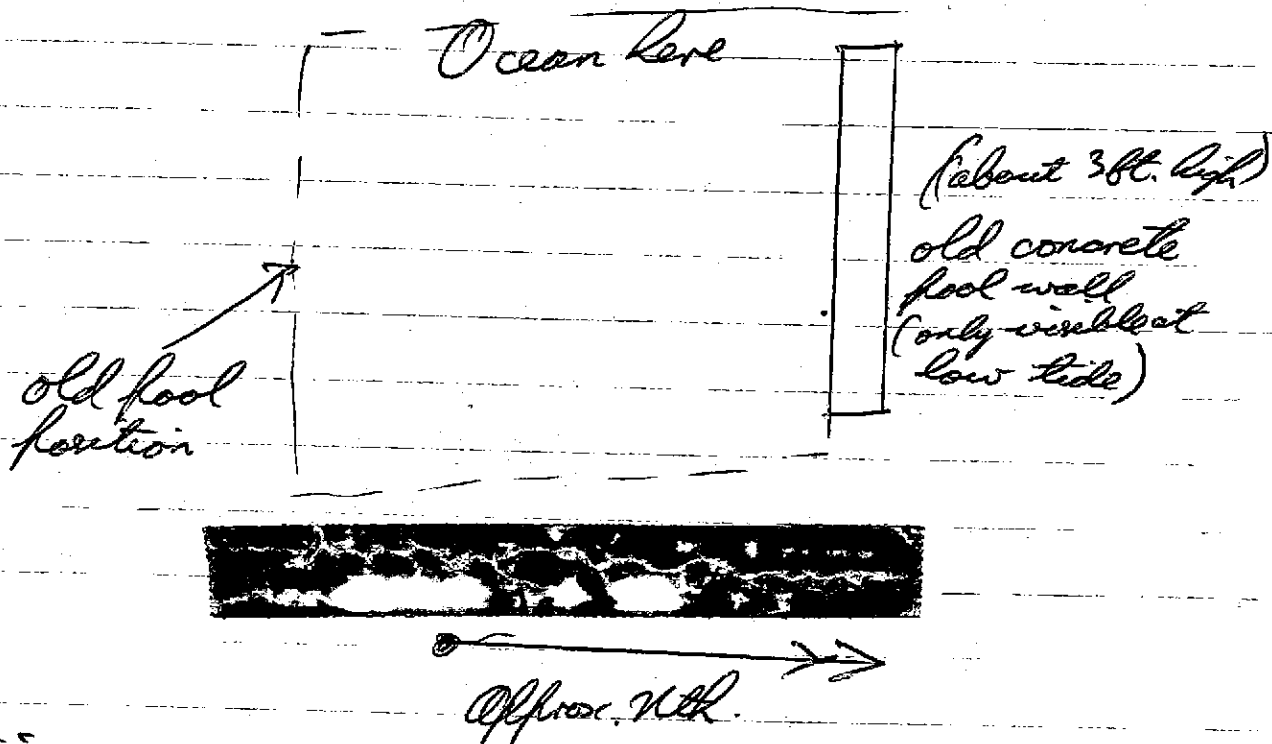
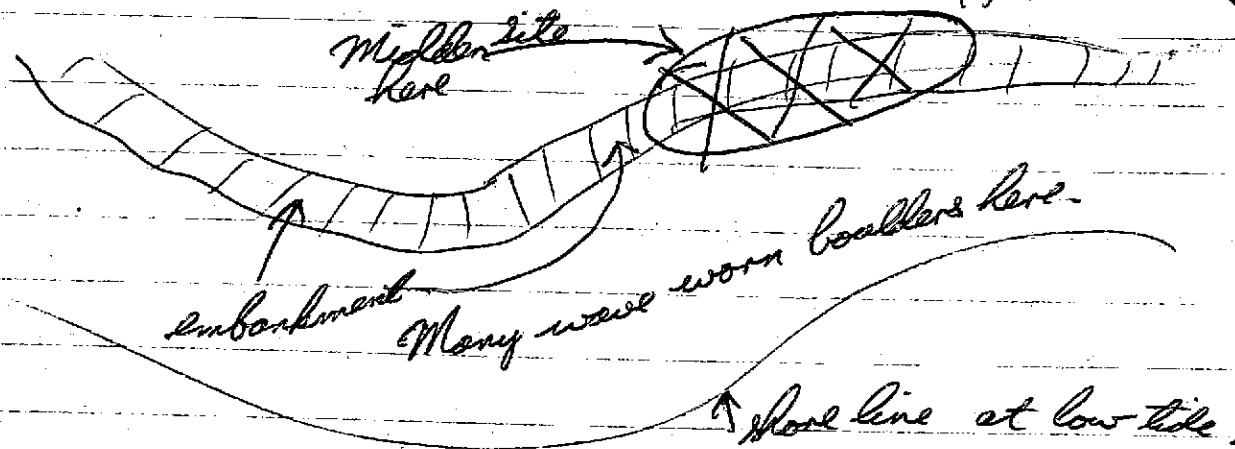
Filed by *R. S. Silcox*

Address 29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

Date 29-10-78

Date *11-3-80*

45-6-1221



Note: -
Existing pool is approx. 100 yds. N. of the old pool site.

45-6-1221

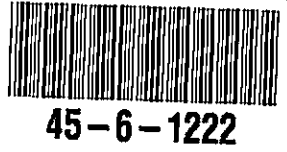
0

North Met Dist.

RESERVE COPY

1. Map Name BROKEN BAY SYDNEY 5. Site No. 45-6-1222
 2. Scale 1:63,360 1:250,000 6. Site type OPEN (Midden)
 3. Grid ref 329.411 approx. e.433.841
 4. Site name(s) Newport* 7. Classification

8. Air photo ref
 9. Cadastral
 10. Land Status 11.



12. Directions for site relocation

The site is in a bank just above very rocky (wave worn rocks) terrain at edge of sea-shore. The shells extent generally southward from a small cove of seawater (this cove is just south of swimming pool) for a distance of approx. 32yds. in a S.E. direction. The cove is only visible at low tide as shore is covered at high tide. (see attached map).

13. Owner 14. Tenant/Manager
 Address Address
 Attitude Attitude

15. Site Description

The shells are muscles, large periwinkle type, oyster,

The shells probable extend up the slope from the embankment.

The nearest fresh water may have been behind the south end of Newport Beach (possible swamp). The nearest shellfish source would have been "Little reef" (just off the shore-line) (only thigh deep water to this reef at low tide and I have seen large well shells on this reef myself) and also the large flat area of rock in the sites vicinity.

16. Reasons for investigation
 17. Condition Damaged by wave action during rough seas
 18. Interpretation
 19. Visitation Visited regularly by the general public.
 20. Recommendations



45-6-1222

21. Environmental description of site locality

The site is in the embankment directly above the wave worn stones on the ocean shoreline. The site overlooks the ocean. There would have been a rich shellfish source on the nearly flat rock area on the shoreline as well as "Little Reef" just off the shoreline and nearby. The present land use is probably a recreation reserve. Site is approx. 10 ft. above high water mark.

22. Relation to other sites in locality

23. Details of artifact collections

24. Is plan or diagram of site attached? Yes/~~No~~

25. Are annotated photographs attached? ~~Yes~~/No How many? (I have taken photos and will show you them later)

26. Other additions

27. Importance of site to Aborigines

28. Source of this information

29. Oral sources of information Mr. A. Heath,
29 Banimbla Crs.,
Bilgola Plateau. NSW. 2107

30. Written references

31. Recorded by Mr. A. Heath,

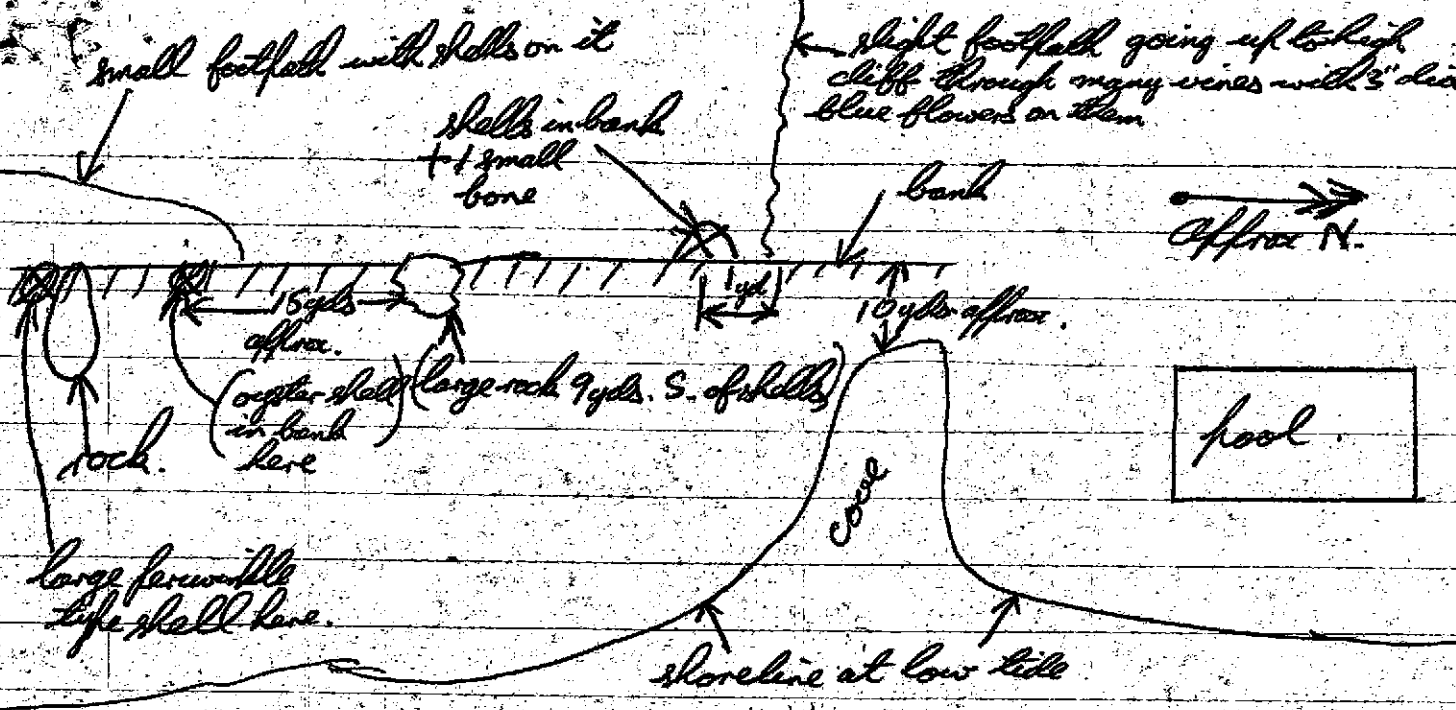
Filed by R.S. SIKCOX

Address 29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

Date 29-10-78

Date 11-3-80

Cliff line



North Met Dist

REGISTER



45-6-1223

- 1. Map Name ... BROKEN BAY SYDNEY 5. Site No. 45-6-1223.....
- 2. Scale 1:63,360 1:250,000 6. Site type OPEN (MIDDEN).....
- 3. Grid ref General area of 328.414 : 433.845 7. Classification
- 4. Site name(s) Newport *
- 8. Air photo ref
- 9. Cadastral
- 10. Land Status 11.

12. Directions for site relocation

Possible Midden in many parts of sandy bank at rear of beach between the steps leading onto the beach (at the east end of "The Boulavarde" at Newport) and a brown coloured shed on private property (shed is just north of toilet block at the south end of the beach). Access is easy from the beach. Site is approx. 50 yds. from the high water mark. The sites may be insode private property as waves have erroded away some of the land in front of houses adjacent to the beach (no fences at bounderys of land).

- 13. Owner 14. Tenant/Manager
- Address Address
-
- Attitude Attitude

15. Site Description

The shells are in the face of a sandy bank up to 4 ft. below the present ground level. The shells are oyster shells, large well shells, large periwinkle type shells, cockle shells, muscle shells, and a shell that is 4" dia. approx. and has "mother of pearl" on it and is shaped like a small shallow dish.

There is a bone at the base of Norfolk Is. pine tree (north tree with exposed roots). There is a possible skull bone and another bone between the 2N. Is. pine trees that form the south 2 trees of a line of 3 pine trees (all have roots exposed). I have the possible skull bone and will show it to you in near future. (It is approx. 1 1/2" dia). There are possible charcoal layers in the bank under the north end of exposed Nor. Is. pine trees roots (just north of crown shed on private property). The shells may extend westward onto the gardens of the private houses in the vicinity.

- 16. Reasons for investigation
- 17. Condition .. The site is being erroded away by any very rough seas.
- 18. Interpretation
- 19. Visitation Site is visited regularly by beach crowds.
- 20. Recommendations +

21. Environmental description of site locality

The bank containing the shells is approx. 4 ft. high (varies in different places) and the bottom of it is at the ocean beach level. The soil is sandy mainly with some possible "filling" of clay type soils. There are darker layers of sand in places which are possible decayed vegetable matter. There may have been a swamp several hundred yds. to the west of the site as it is very flat land there and there is a stormwater drain running into the sea from that direction. There is a rich food source on the large flat area south of the beach and the "Little reef" just off the shore. The land may be a recreation reserve or private land.
Site is approx. 6 ft. above high water mark.

22. Relation to other sites in locality**23. Details of artifact collections**

I have a possible skull bone that I will show you and then I will return it to its original position in the site if you don't want it.

24. Is plan or diagram of site attached? Yes/No (because site is easy to find)
25. Are annotated photographs attached? Yes/No How many? I have taken photos of site and will show you them later
26. Other additions

27. Importance of site to Aborigines**28. Source of this information****29. Oral sources of information**

Mr. A. Heath,
29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

30. Written references

31. Recorded by Mr. A. Heath.

Filed by R. S. SICOX

Address 29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

Date 29-10-78

Date 11-3-80

North Mat Diet

REGISTER COPY

1. Map Name BROKEN BAY SYDNEY 5. Site No. 45-6-1224
 2. Scale ... 1:63,360 1:250,000 6. Site type OPEN (Midden)
 3. Grid ref. ~~330.409~~ 330.409 e. 433.841
 4. Site name(s) Newport / BUNGAN HEAD * 7. Classification

8. Air photo ref
 9. Cadastral
 10. Land Status 11.



45-6-1224

12. Directions for site relocation

The Midden is in the face of a bank and is 6 ft. below the surface of the ground. Access is easy from Newport Beach. The midden is approx. 200 yds. south of swimming pool at southern end of Newport Beach. Site is approx. 5 yds. south of a natural shallow rock pool that is only visible at low tide. (See attached map).

13. Owner 14. Tenant/Manager
 Address Address
 Attitude Attitude

15. Site Description

The shells are embedded in the face of an embankment that overlooks the ocean. The site is approx. 10 ft. above high water mark. Between the site and the ocean are many wave worn boulders and rocks that slope down to the waters edge at approx. 30° to the horizontal plane. The site is being eroded away by wave action (when seas are rough). The shells in the midden are:- Large and small periwinkle types, and limpet types. There is also a small piece of bone amongst the shells. The shells extend for approx. 15 yds. in a N. to S. direction and probably extend inland quite a distance (towards base of cliff). The shells are approx. 6 ft. below surface of embankment and the shells are in a layer of approx. 1 ft. thick. The nearest shellfish source is the large flat rock areas in the near vicinity to the site and "Little Reef" that extends out to sea only approx. 100 Yds. from the shore nearly. (The water is only thigh deep at low tide between this reef and the shore and it is easily accessible in a flat sea). The nearest freshwater would probably been a swamp approx. 200 yds. west of the S. end of Newport Beach (there is a stormwater drain running onto the beach near the S. end of the beach).

16. Reasons for investigation
 17. Condition The site is being eroded away by wave action (in rough seas) and rain is eroding away the site also
 18. Interpretation
 19. Visitation The site is regularly visited by the general public
 20. Recommendations

+

456-1224

21. Environmental description of site locality

The site overlooks the ocean and is approx. 10 ft. above the high water mark. It overlooks a shore that is wholly made up of wave worn boulders and stones (at high tide). There is a large flat shelf of rock exposed in front of site at low water. The land behind site rises up very steeply to a large cliff (this rise is covered with low vegetation (lantana, vines, grass etc.)). The site is very near a rich shellfish food source. The site was probably 500 yds. away from a possible swamp at the rear of the south end of Newport Beach. The present land use may be a recreation reserve.

22. Relation to other sites in locality

23. Details of artifact collections

24. Is plan or diagram of site attached? Yes/~~No~~

25. Are annotated photographs attached? Yes/No How many? (I will send a couple of photos later.)

26. Other additions

27. Importance of site to Aborigines

28. Source of this information

29. Oral sources of information A. Heath,
29 Banimbla Crescent,
Bilgola Plateau. NSW 2107

30. Written references

31. Recorded by Mr. A. Heath.

Filed by R.S. SILCOX

Address 29 Banimbla Crescent,
Bilgola Plateau. NSW. 2107

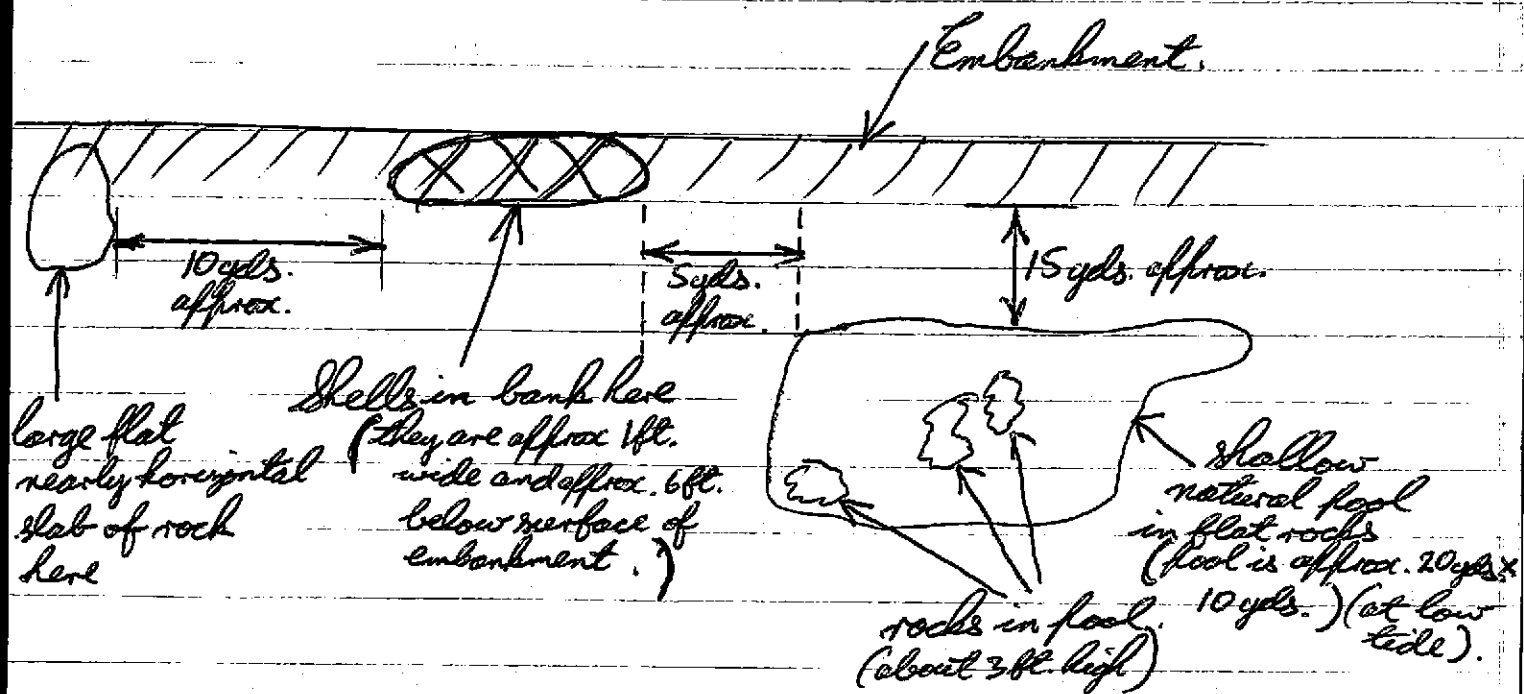
Date 29-10-78

Date 11-3-80

456-1224

Cliff line.

45-6-122



The shells extend a distance (horizontally) of approx. 15 yds.

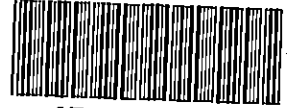
→
Approx. Nth.

Note: - Natural rock pool is not visible at high tide. (Completely covered with water).



National Parks and Wildlife Service

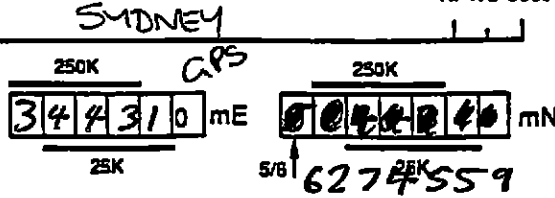
Box 1967, Hurstville NSW 2220. Tel: (02) 585 6444
Standard Site Recording Form Revised 5/88



45-6-2645

NPWS Code

1:250,000 map sheet: SYDNEY



AMG Grid reference
Full reference - please include leading digits

Scale of map used for grid reference
Please use largest scale available. 25K, 50K (preferred) 100K 250K

HEAD OFFICE USE ONLY:

NPWS Site no: 45-6-2645

Site types:

Accessioned by: VA Date: 19/10/00
Data entered by: VA Date: 19/10/00

Owner/Manager:

Address:

Site name: Newport Burial Locality/property name: 2 Myola Rd, Newport

NPWS District: SYDNEY NORTHERN BEACHES Region: Central

Reason for investigation: Bones detected during excavation of sand for foundations - Police called in to determine whether crime scene - Police contacted NPWS.

Portion no:

Parish:

Photos taken? YES

How many attached? lots [restricted access]

How to get to the site (refer to permanent features, give best approach to site eg. from above, below, along cliff (Draw diagram on separate sheet.)) The bones were identified near the beach (east) side of No. 2 Myola Rd, which is at the corner of Myola Rd + Ross St, Newport. see attached map

Other sites in locality? Yes

Site Types include:

Are sites in NPWS Register? Yes

Have artefacts been removed from site? Yes

When? 14 & 15 September 2000

By whom? Phil Hunt, NPWS

Deposited where? with David Watts, Metro LALC -> to be reburied

Is site important to local Aborigines? Allen Madden
Give contact(s) name(s) + address(es) Metro LALC

Contacted for this recording? David Watts, Regional Rep, MLALC inspected 14/9/00 - Allen Madden, site officer inspected 15/9/00
(Attach additional information separately) If not, why not?

Verbal/written reference sources (including full title of accompanying report)
File Sydney Zone / Central Aboriginal Heritage Unit 99/37

NPWS Report Catalogue #

Checklist:
surface visibility,
damage/disturbance/
threat to site

Condition of site: Most of lot has been heavily disturbed - previous have demolished & all concrete footings etc removed + ground mechanically 'sifted' + compacted. Bones were detected during secondary excavation for utilities + landscaping.

Recommendations for management & protection (attach separate sheet if necessary):

Site recorded by: Phil Hunt
Address/institution: Central Aboriginal Heritage Unit NPWS

Date: 14/9/00

SITE POSITION & ENVIRONMENT

OFFICE USE ONLY: NPWS site no:

1. Land form a beach/hill slope/ridge top, etc:

b. site aspect: eastly c. slope: 0°

d. mark on diagram provided or on your own sketch the position of the site:

e. Describe briefly:

Sand deposit behind beach, apparently adjacent to old stream.



f. Local rock type: Sand

g. Land use/effect: residential - / no conservation potential.

2. Distance from drinking water: < 50m

Source:

3. Resource Zone associated with site (estuarine, riverine, forest etc): beach / lagoon

4. Vegetation:

5. Edible plants noted:

6. Faunal resources (include shellfish):

7. Other exploitable resources (river pebbles, ochre, etc):

Site type:

Burial

DESCRIPTION OF SITE & CONTENTS.

Note state of preservation of site & contents. Do NOT dig, disturb, damage site or contents.

CHECKLIST TO HELP:

length, width, depth, height of site, shelter, deposit, structure, element eg. tree scar, grooves in rock.

DEPOSIT: colour, texture, estimated depth, stratigraphy, contents-shell, bone, stone, charcoal, density & distribution of these, stone types, artefact types.

ART: area of surface decorated, motifs, colours, wet, dry pigment, technique of engraving, no. of figures, sizes, patination.

BURIALS: number & condition of bone, position, age, sex, associated artefacts.

TREES: number, alive, dead, likely age, scar shape, position, size, patterns, axe marks, regrowth.

QUARRIES: rock type, debris, recognisable artefacts, percentage quarried.

OTHER SITES EG. structures (fish traps, stone arrangements, bora rings, mia mias), mythological sites, rock holes, engraved groove channels, contact sites (missions massacres cemeteries) as appropriate

Police forensics originally located 1 femur and a broken tibia in the excavation, and fragments of bone on the current building site surface. The deposit is very fine sand ranging from 'sterile' golden yellow to humus rich dark brown. The deposit profile horizontally + vertically is extremely mixed - with sterile sand abutting top soil, different shades of brown/grey sand, and includes building material, fence post fragments, roots, artefacts + shell material (not much shell).

A Cervical vertebra was located on the surface, as well as a fragment which may be either scapula or pelvis, and another fragment which appears to be the mastoid process of the skull.

Given the ~~degree~~ degree of disturbance + scattering of the skeleton, as well as development context, the LARC requested that the remains be removed.

Skull of 2nd burial 'Burial B' uncovered 18/9.

see attached report + maps!

Attach sketches etc. eg. plan & section of shelter, show relation between site contents, indicate north, show scale.

Attach annotated photos (stereo where useful) showing scale, particularly for art sites.

Burial, 2 Myola Road, Newport

19 September 2000

ISSUE:

Salvage of human skeletal remains at 2 Myola Road, Newport (Newport Beach).

BACKGROUND:

The National Parks and Wildlife Service (NPWS) was contacted on Thursday 14 September 2000 by Police in relation to the discovery of human skeletal remains at a redevelopment site at the corner of Myola Road and Ross Street, Newport. A human femur and tibia had been uncovered by a backhoe during earthworks at the location. The police had been contacted by the builders who subsequently contacted the Central Aboriginal Heritage Unit. Jason Field, A/Manager, and Phil Hunt, Archaeologist, Central Aboriginal Heritage Unit (CAHU), made an emergency inspection to assess whether the remains were likely to be from an Aboriginal burial, or more recent. Under the *Coroners Act, 1980* the Coroner is required to determine the cause of death of any individual whose death is unnatural (ie violent or sudden) or where a medical practitioner has not provided a certificate of death. However, as the *National Parks and Wildlife Act, 1974* protects Aboriginal remains that are not contained in a cemetery that includes non-Aboriginal burials, the Coroner does not become involved if the remains can be verified as being Aboriginal and greater than 50 years antiquity.

The remains were inspected by Detective Senior Constable Phil Elliott (Crime Scene Operations Branch, Chatswood – ph 9411 0871), Forensic Pathologist Allan Cala (ph 8584 7858, 0402 146 514), Regional Representative David Watts (Metropolitan Local Aboriginal Land Council) and NPWS staff. From the context of the deposit (largely disturbed, a mottled and recently churned profile), the condition of the bones (fairly weathered, particularly fragments on the surface) and the presence of shell material and stone artefacts, it was decided that the remains were likely to be Aboriginal and not an issue for the police.

Further inspection of the site and discussions with the builders confirmed that the site had been heavily disturbed. An original 1930s (?) dwelling had been demolished and the footings excavated. Large parts of the lot had then been 'sifted' mechanically in an attempt to bring up all concrete and other more solid material from the sand so that a more consistent medium could be compacted for the new development. The long bones had been uncovered during a secondary excavation for utilities and a garden bed.

The area around where the long bones had been found was cleaned up to determine whether the bones were *in situ* or not. The deposit was very mottled and mixed both horizontally and vertically. Sterile yellow sand was interspersed at varying levels with top soil, roots, different shades of grey/brown sand, and building material (glass, brick, concrete, sandstone, fence fragments, metal, etc).

As the MLALC did not wish to hold up the building beyond what was necessary (fearing lengthy delays would make builders and developers in the Pittwater area unwilling to report burials in the future), it was agreed that surface skeletal remains would be removed and further collection would resume the next day.

The following day, Friday 15 September, Phil Hunt, Margrit Koettig, NPWS, and David Watts, MLALC, sieved, trowelled and raked through surface deposit and other areas near where the long bones were found (see below for further information on findings). Large numbers of bone fragments were recovered from disturbed contexts – including at least 3 legs confirming that 2 individuals had been buried there. It was agreed that the MLALC would return on Monday 18 September 2000 to monitor the remaining earthworks as little was thought to survive *in situ*.

On 18 September, David Watts, MLALC contacted the NPWS as part of a skull had been uncovered. On further examination it was discovered that the skull had been *in situ* and that the remainder of the body was beneath this level of sand (although most of the legs had been dragged into the previous excavation and had been collected from a slightly different location on Friday 15). The remains were salvaged.

CONSULTATION:

David Watts, Regional Representative of Metropolitan Local Aboriginal Land Council, attended the site on each day. Cultural Heritage Officer Allen Madden was unable to attend due to other commitments, particularly in relation to the LALC's activities during the Olympics (which commenced 15 September 2000).

Options for the management of the remains were discussed on-site. It was the preference of the MLALC that the remains be removed as quickly as possible to encourage builders and developers to report future burials and given the disturbed nature of the site. The MLALC wished that the remains be removed, inspected to determine basic information such as age and gender, and then returned to the MLALC for reburial.

The MLALC supported the proposal that works recommence, monitored by a Land Council representative.

SITE DESCRIPTION:

The bones were recovered from the Myola Road side of the lot, approximately 150m west of Newport Beach. The site is entirely made up of fine beach sand. Local residents have reported that there used to be a creek running just to the north of the lot into a lagoon (now filled and developed). The surface level of the sand is approximately 1 metre above the level of Myola Road and may be near to the original dune height. Other houses in the vicinity, as well as towards the beach, have ground levels at this height in various places, which may be original.

As noted above, much of the lot has been heavily impacted by mechanical 'sifting'. Deposit from one part of the lot was moved to other areas and sometimes moved again. Some material had been removed to Kimbriki tip. Bone fragments were found in the south-eastern corner of the lot on the surface (including the head of a tibia, pelvis fragments, sections of cranium, a cervical vertebra and long bone fragments), as well as much more 10-20cm below the surface (Areas 5 and 6). It would be expected that bone from 'Burial A' would be dispersed at varying depths in this area.

Two small mounds (roughly 2m x 1m x 0.75m high) had been stockpiled in this corner. One (Area 4) was immediately above the trench being excavated (see Figure 2), the other (Area 1) was adjacent another trench approximately 2 metres to the north-east. Both stockpiles had bone in them.

The femur and tibia from the excavation trench ('Burial B') were found at the eastern end of the trench approximately 1m below the surface. It was not clear whether the bones had been dragged or had simply been uncovered. Further examination in the eastern end of this trench showed great disturbance in the profile. Tarsal (foot) bones were recovered from the spoil at the end of the trench as well as stockpile (4) above it. A second femur was located largely intact from here (which matched the original), while a third femur head came from the other stockpile (1).

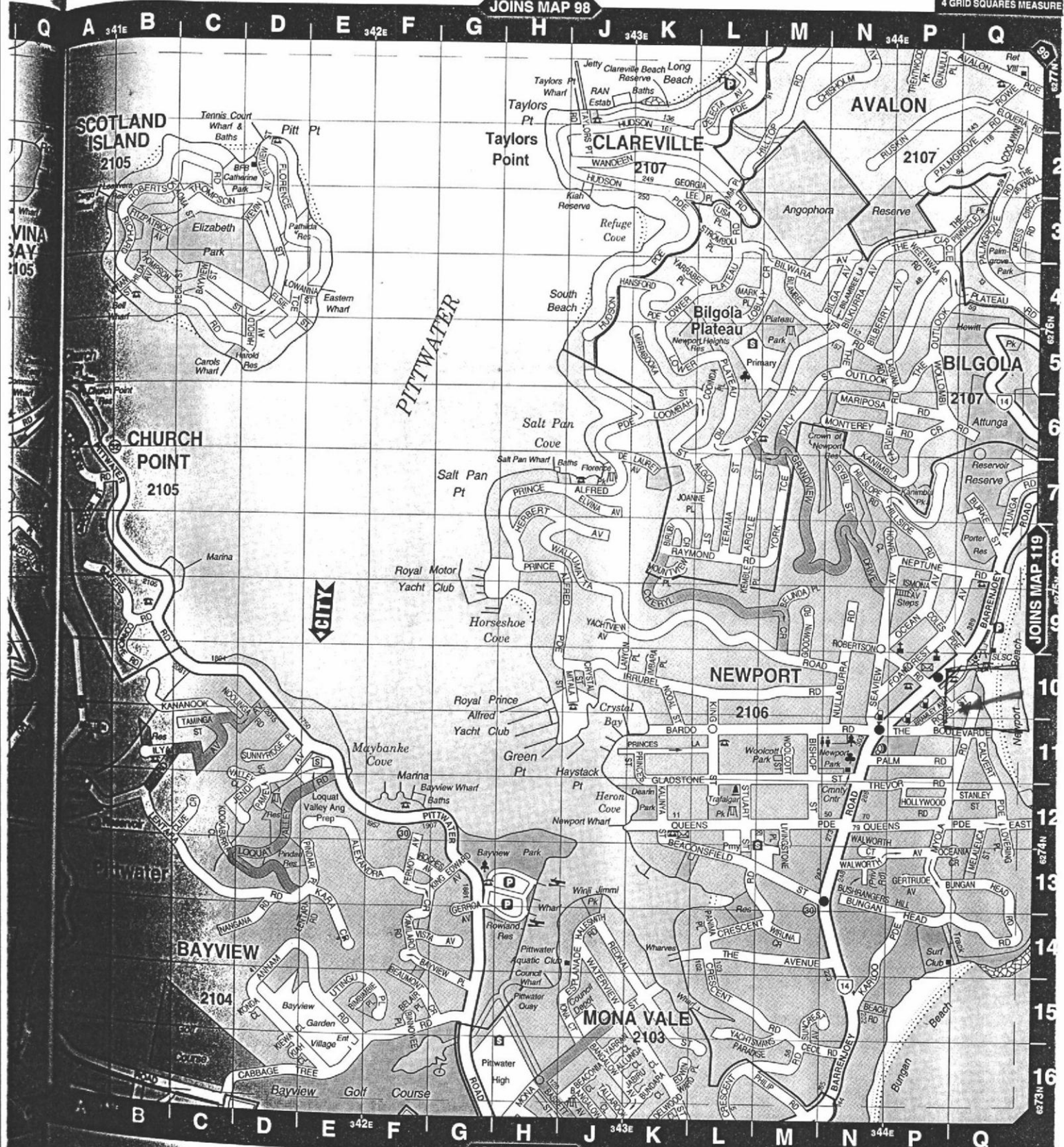
Caring
Personally

25 Old Barrenjoey Road, Avalon

Free Advice On Investing Or
Preparing Your Home For Sale
9918 2899

MAP **118**
4 GRID SQUARES MEASURE

JOINS MAP 98



JOINS MAP 138

COPYRIGHT © UNIVERSAL PRESS PTY LTD (PUBLISHER) 2000

- | | | | |
|--------------------|-----------------------|------------------|-----------------|
| HOUSE NUMBER | MASONIC CENTRE | PICNIC AREA | SCOUT HALL |
| INFORMATION CENTRE | MONUMENT / MEMORIAL | POLICE STATION | SHOPPING CENTRE |
| LEVEL CROSSING | MOTEL | POST OFFICE | TELEPHONE |
| LIBRARY | ONE-WAY TRAFFIC ROUTE | ROUNDABOUT | TOILETS |
| LOOKOUT 360° | PLACE OF WORSHIP | SCHOOL - PRIVATE | TRAFFIC LIGHT |
| LOOKOUT 180° | PLAYGROUND | SCHOOL - PUBLIC | WEIGHBRIDGE |

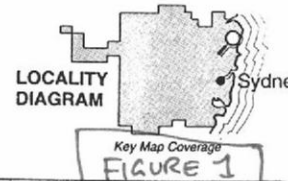
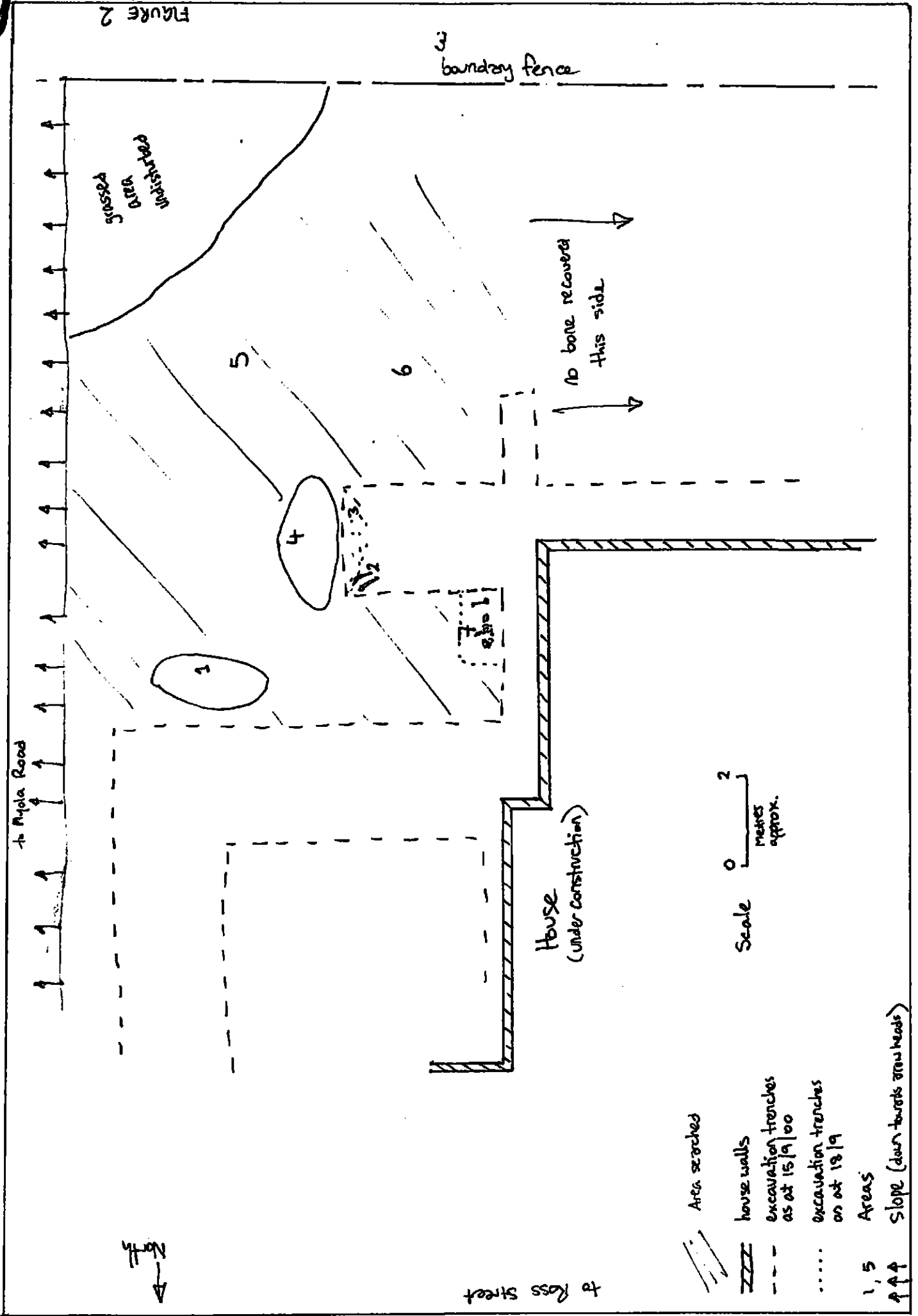


FIGURE 2



boundary fence

Unfinished
Grass Area

No bone recovered
this side

to Myola Road

House
(under construction)

Scale 0 2
metres
approx.

- Area searched
- house walls
- excavation trenches as at 15/9/00
- excavation trenches on at 18/9
- Areas 1, 5
- Slope (down towards area heads)

North

to Ross Street

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : J1950 Newport LEC
Client Service ID : 926280

| SiteID | SiteName | Datum | Zone | Easting | Northing | Context | Site Status ** | SiteFeatures | SiteTypes | Reports |
|-----------|---|-------|------|---------|----------|-------------|----------------|---|------------------------------------|---------|
| 45-6-1223 | Newport; Contact | ACD | 56 | 344399 | 6274434 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-1374 | Salt Pan Cove;McMahons Creek; Contact | ACD | 56 | 344061 | 6275455 | Open site | Valid | Grinding Groove : - | Axe Grinding Groove | |
| 45-6-1224 | Newport;Bungan Head; Contact | ACD | 56 | 344648 | 6274057 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-1221 | Newport; Midden Contact | ACD | 56 | 344568 | 6274142 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-0855 | Bilgola Beach; Contact | ACD | 56 | 344775 | 6275548 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-2645 | Newport Burial Contact | ACD | 56 | 344310 | 6274559 | Open site | Valid | Burial : - | | |
| 45-6-1222 | Newport; Midden 2 Contact | ACD | 56 | 344628 | 6274117 | Open site | Valid | Shell : -, Artefact : - | Midden | |
| 45-6-1408 | Irrubel Road;Newport; Contact | ACD | 56 | 343796 | 6274993 | Closed site | Valid | Shell : -, Artefact : -, Art (Pigment or Engraved) : - | Rock Engraving,Shelter with Midden | |

**** 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

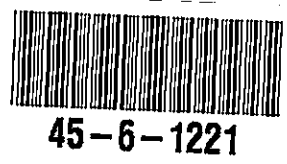
Report generated by AHIMS Web Service on 02/09/2024 for Luke Rocavert for the following area at Address : 394 BARRENJOEY ROAD NEWPORT 2106 with a Buffer of 1000 meters.. Number of Aboriginal sites and Aboriginal objects found is 8

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.

North Mt Dist.

REPTER COPY

1. Map Name BROKEN BAY SIDNEY 5. Site No. 45-6-1221
 2. Scale 1:63,360 1:250,000 6. Site type ^{OPEN} (Midden)
 3. Grid ref 329.410 approx. e. 433.841
 4. Site name(s) Newport* 7. Classification
 8. Air photo ref
 9. Cadastral
 10. Land Status 11.



12. Directions for site relocation

The midden is directly in line with an old concrete wall that was part of a rock pools wall (this wall is south of existing pool). Access is easy from Newport Beach. (The old pool wall is only visible at low tide). The old wall runs approx. E. to W. The midden is in an earth embankment that has been worn away by ocean wave action, (it would be approx. 10 ft. above high water mark).

13. Owner 14. Tenant/Manager
 Address Address
 Attitude Attitude

15. Site Description

There are many shells in bank in approx. 2 ft. thick layer. The top of this layer is approx. 18" below the present ground level. The midden is approx. 18 ft. long and probably extends inland up hill a long way. There are shells among rocks directly below midden. The shells are in layers with much charcoal.

The shells are:- Large periwinkle type, muscles, a kind of a "limpet" type the 4" dia ones that look like a small flat dish with "mother of pearl" on the inside (i.e.



top view

There are shells very tightly grouped together in the main layer with a lot of charcoal intermixed with them. The nearest fresh water was probably in a swamp at rear of south end of Newport beach. the nearest shellfish source would have been the large flat rock area nearby and "Little Reef" which is jsut off shore and easily accessible at low tide in a flat sea.

16. Reasons for investigation
 17. Condition The site is being erroded away by ocean wave action
 18. Interpretation
 19. Visitation The site is regularly visited by the general public.
 20. Recommendations



45-6-124

21. Environmental description of site locality

The site overlooks the ocean and would be approx. 10 ft. above high water mark. There is a high cliff approx. 30 yds. inland behind the site but the ground rises up steeply from the site to the base of this cliff. The site is very near rich shellfish sources. The present land use is probably a recreation reserve.

22. Relation to other sites in locality

23. Details of artifact collections

24. Is plan or diagram of site attached? **Yes/No**

25. Are annotated photographs attached? **Yes/No** **How many?** (I have taken some and will show them to you later).

26. Other additions

27. Importance of site to Aborigines

28. Source of this information

29. Oral sources of information Mr. A. Heath,
29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

30. Written references

31. Recorded by A. Heath.

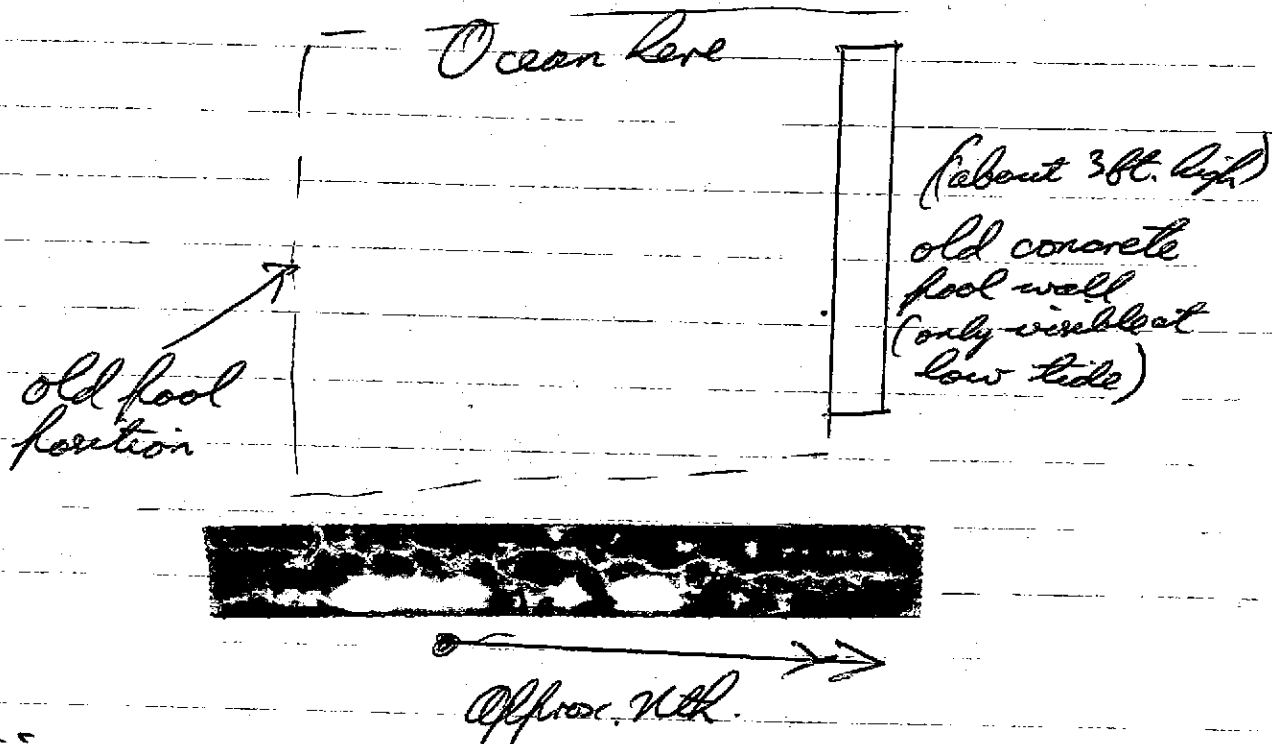
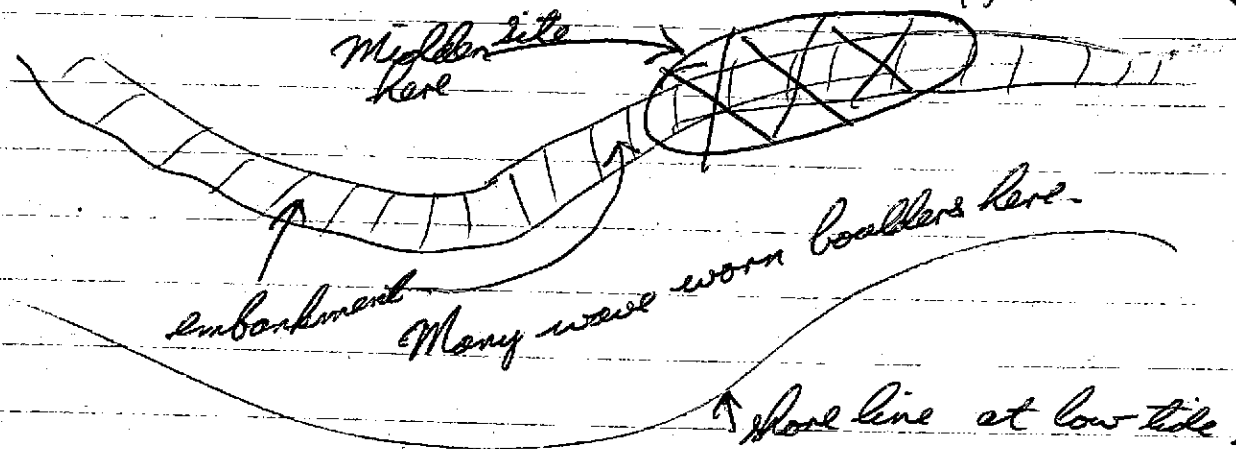
Filed by *R. S. Silcox*

Address 29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

Date 29-10-78

Date *11-3-80*

45-6-1221



Note: -
Existing pool is approx. 100 yds. N. of the old pool site.

45-6-1221

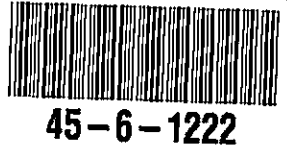
0

North Met Dist.

RESERVE COPY

1. Map Name BROKEN BAY SYDNEY 5. Site No. 45-6-1222
 2. Scale 1:63,360 1:250,000 6. Site type OPEN (Midden)
 3. Grid ref .329.411 approx. e.433.841
 4. Site name(s) Newport* 7. Classification

8. Air photo ref
 9. Cadastral
 10. Land Status 11.



12. Directions for site relocation

The site is in a bank just above very rocky (wave worn rocks) terrain at edge of sea-shore. The shells extent generally southward from a small cove of seawater (this cove is just south of swimming pool) for a distance of approx. 32yds. in a S.E. direction. The cove is only visible at low tide as shore is covered at high tide. (see attached map).

13. Owner 14. Tenant/Manager
 Address Address
 Attitude Attitude

15. Site Description

The shells are muscles, large periwinkle type, oyster,

The shells probable extend up the slope from the embankment.

The nearest fresh water may have been behind the south end of Newport Beach (possible swamp). The nearest shellfish source would have been "Little reef" (just off the shore-line) (only thigh deep water to this reef at low tide and I have seen large well shells on this reef myself) and also the large flat area of rock in the sites vicinity.

16. Reasons for investigation
 17. Condition Damaged by wave action during rough seas
 18. Interpretation
 19. Visitation Visited regularly by the general public.
 20. Recommendations



45-6-1222

21. Environmental description of site locality

The site is in the embankment directly above the wave worn stones on the ocean shoreline. The site overlooks the ocean. There would have been a rich shellfish source on the nearly flat rock area on the shoreline as well as "Little Reef" just off the shoreline and nearby. The present land use is probably a recreation reserve. Site is approx. 10 ft. above high water mark.

22. Relation to other sites in locality

23. Details of artifact collections

24. Is plan or diagram of site attached? Yes/~~No~~

25. Are annotated photographs attached? ~~Yes~~/No How many? (I have taken photos and will show you them later)

26. Other additions

27. Importance of site to Aborigines

28. Source of this information

29. Oral sources of information Mr. A. Heath,
29 Banimbla Crs.,
Bilgola Plateau. NSW. 2107

30. Written references

31. Recorded by Mr. A. Heath,

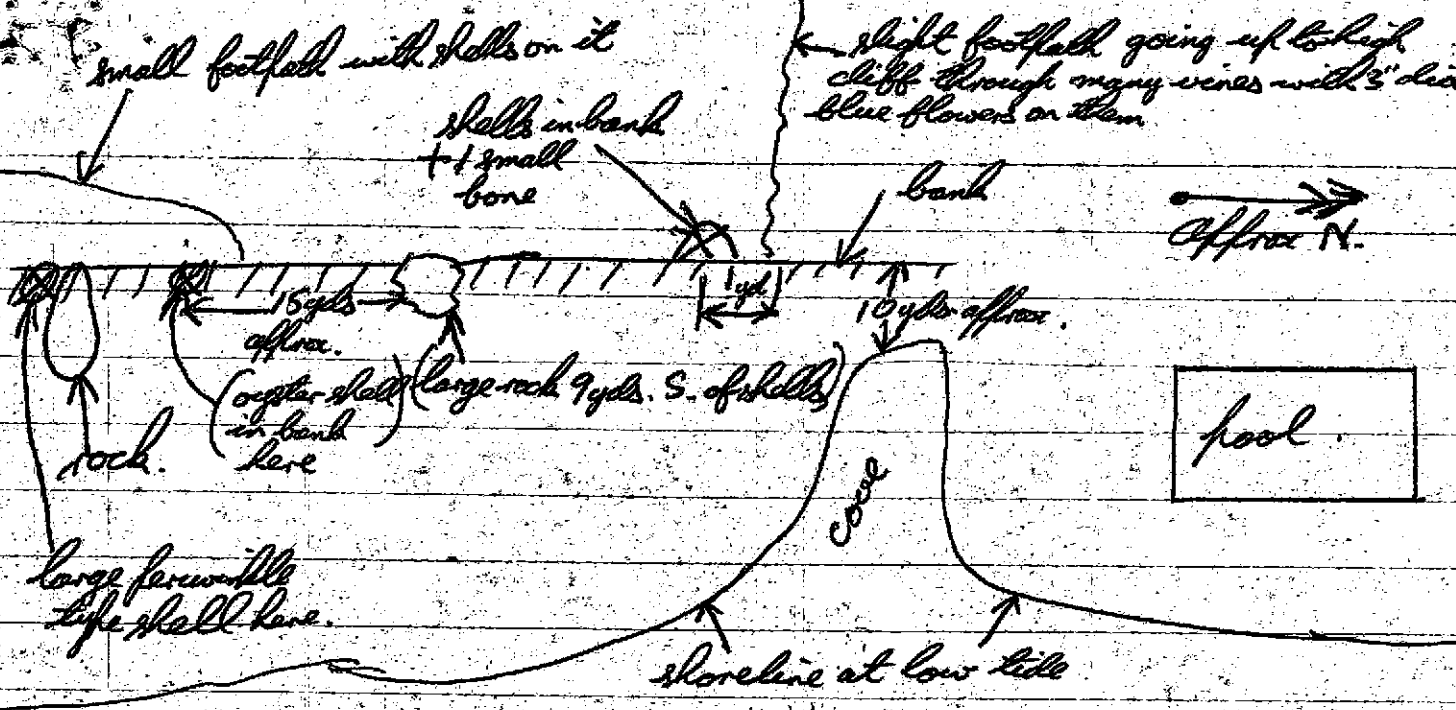
Filed by R.S. SIKCOX

Address 29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

Date 29-10-78

Date 11-3-80

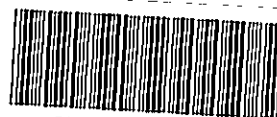
Cliff line



45-6-1222

North Met Dist

REGISTER



45-6-1223

- 1. Map Name ... BROKEN BAY SYDNEY 5. Site No. 45-6-1223.....
- 2. Scale 1:63,360 1:250,000 6. Site type OPEN (MIDDEN).....
- 3. Grid ref General area of 328.414 : 433.845 7. Classification
- 4. Site name(s) Newport *
- 8. Air photo ref
- 9. Cadastral
- 10. Land Status 11.

12. Directions for site relocation

Possible Midden in many parts of sandy bank at rear of beach between the steps leading onto the beach (at the east end of "The Boulavarde" at Newport) and a brown coloured shed on private property (shed is just north of toilet block at the south end of the beach). Access is easy from the beach. Site is approx. 50 yds. from the high water mark. The sites may be insode private property as waves have erroded away some of the land in front of houses adjacent to the beach (no fences at bounderys of land).

- 13. Owner 14. Tenant/Manager
- Address Address
-
- Attitude Attitude

15. Site Description

The shells are in the face of a sandy bank up to 4 ft. below the present ground level. The shells are oyster shells, large well shells, large periwinkle type shells, cockle shells, muscle shells, and a shell that is 4" dia. approx. and has "mother of pearl" on it and is shaped like a small shallow dish.

There is a bone at the base of Norfolk Is. pine tree (north tree with exposed roots). There is a possible skull bone and another bone between the 2N. Is. pine trees that form the south 2 trees of a line of 3 pine trees (all have roots exposed). I have the possible skull bone and will show it to you in near future. (It is approx. 1 1/2" dia). There are possible charcoal layers in the bank under the north end of exposed Nor. Is. pine trees roots (just north of crown shed on private property). The shells may extend westward onto the gardens of the private houses in the vicinity.

- 16. Reasons for investigation
- 17. Condition .. The site is being erroded away by any very rough seas.
- 18. Interpretation
- 19. Visitation Site is visited regularly by beach crowds.
- 20. Recommendations +

21. Environmental description of site locality

The bank containing the shells is approx. 4 ft. high (varies in different places) and the bottom of it is at the ocean beach level. The soil is sandy mainly with some possible "filling" of clay type soils. There are darker layers of sand in places which are possible decayed vegetable matter. There may have been a swamp several hundred yds. to the west of the site as it is very flat land there and there is a stormwater drain running into the sea from that direction. There is a rich food source on the large flat area south of the beach and the "Little reef" just off the shore. The land may be a recreation reserve or private land.
Site is approx. 6 ft. above high water mark.

22. Relation to other sites in locality**23. Details of artifact collections**

I have a possible skull bone that I will show you and then I will return it to its original position in the site if you don't want it.

24. Is plan or diagram of site attached? Yes/No (because site is easy to find)
25. Are annotated photographs attached? Yes/No How many? I have taken photos of site and will show you them later
26. Other additions

27. Importance of site to Aborigines**28. Source of this information****29. Oral sources of information**

Mr. A. Heath,
29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

30. Written references

31. Recorded by Mr. A. Heath.

Filed by R. S. Siscox

Address 29 Banimbla Cres.,
Bilgola Plateau. NSW. 2107

Date 29-10-78

Date 11-3-80

North Mat Diet

REGISTER COPY

1. Map Name BROKEN BAY SYDNEY 5. Site No. 45-6-1224
 2. Scale 1:63,360 1:25,000 6. Site type OPEN (Midden)
 3. Grid ref. 330.409 e. 433.841
 4. Site name(s) Newport / BUNGAN HEAD* 7. Classification

8. Air photo ref
 9. Cadastral
 10. Land Status 11.



45-6-1224

12. Directions for site relocation

The Midden is in the face of a bank and is 6 ft. below the surface of the ground. Access is easy from Newport Beach. The midden is approx. 200 yds. south of swimming pool at southern end of Newport Beach. Site is approx. 5 yds. south of a natural shallow rock pool that is only visible at low tide. (See attached map).

13. Owner 14. Tenant/Manager
 Address Address
 Attitude Attitude

15. Site Description

The shells are embedded in the face of an embankment that overlooks the ocean. The site is approx. 10 ft. above high water mark. Between the site and the ocean are many wave worn boulders and rocks that slope down to the waters edge at approx. 30° to the horizontal plane. The site is being eroded away by wave action (when seas are rough). The shells in the midden are:- Large and small periwinkle types, and limpet types. There is also a small piece of bone amongst the shells. The shells extend for approx. 15 yds. in a N. to S. direction and probably extend inland quite a distance (towards base of cliff). The shells are approx. 6 ft. below surface of embankment and the shells are in a layer of approx. 1 ft. thick. The nearest shellfish source is the large flat rock areas in the near vicinity to the site and "Little Reef" that extends out to sea only approx. 100 Yds. from the shore nearly. (The water is only thigh deep at low tide between this reef and the shore and it is easily accessible in a flat sea). The nearest freshwater would probably been a swamp approx. 200 yds. west of the S. end of Newport Beach (there is a stormwater drain running onto the beach near the S. end of the beach).

16. Reasons for investigation
 17. Condition The site is being eroded away by wave action (in rough seas) and rain is eroding away the site also
 18. Interpretation
 19. Visitation The site is regularly visited by the general public.
 20. Recommendations

+

456-1224

21. Environmental description of site locality

The site overlooks the ocean and is approx. 10 ft. above the high water mark. It overlooks a shore that is wholly made up of wave worn boulders and stones (at high tide). There is a large flat shelf of rock exposed in front of site at low water. The land behind site rises up very steeply to a large cliff (this rise is covered with low vegetation (lantana, vines, grass etc.)). The site is very near a rich shellfish food source. The site was probably 500 yds. away from a possible swamp at the rear of the south end of Newport Beach. The present land use may be a recreation reserve.

22. Relation to other sites in locality

23. Details of artifact collections

24. Is plan or diagram of site attached? Yes/No

25. Are annotated photographs attached? Yes/No How many? (I will send a couple of photos later.)

26. Other additions

27. Importance of site to Aborigines

28. Source of this information

29. Oral sources of information A. Heath,
29 Banimbla Crescent,
Bilgola Plateau. NSW 2107

30. Written references

31. Recorded by Mr. A. Heath.

Filed by R.S. SILCOX

Address 29 Banimbla Crescent,
Bilgola Plateau. NSW. 2107

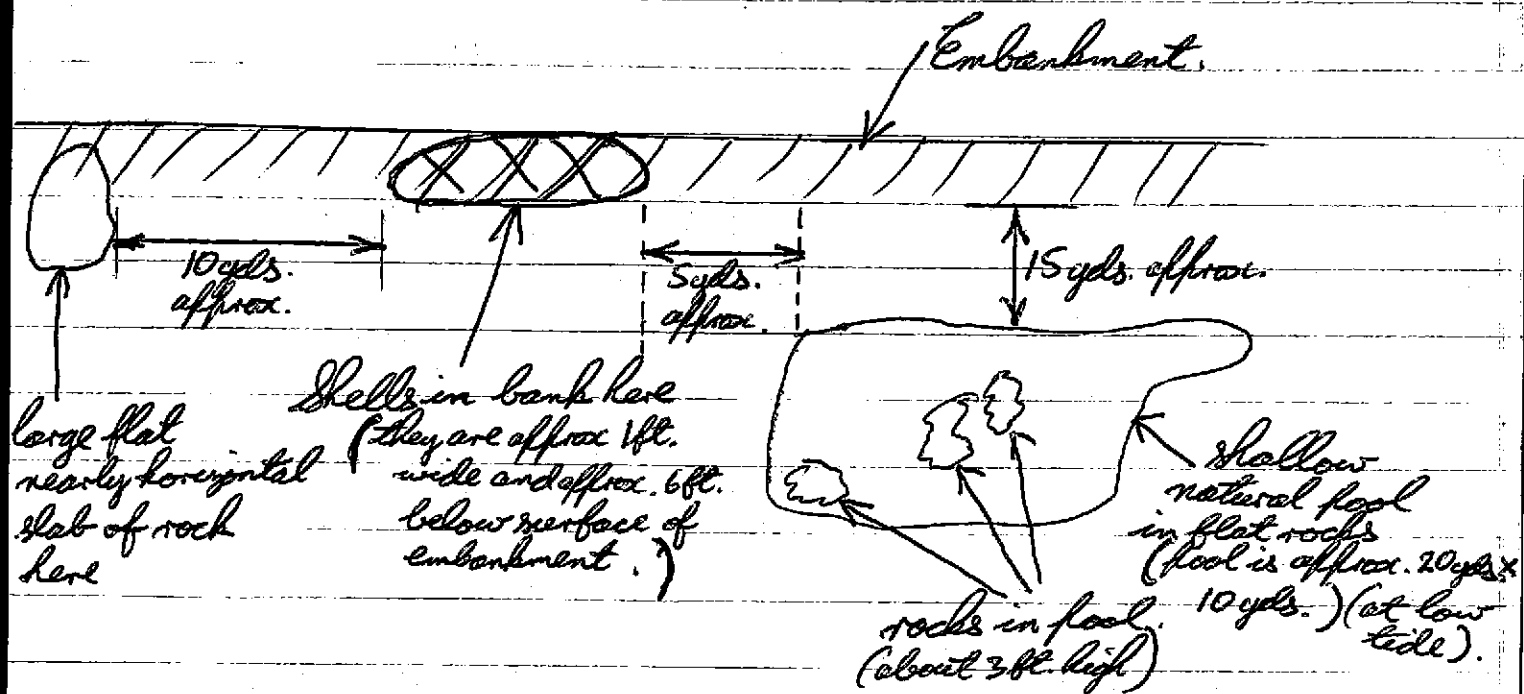
Date 29-10-78

Date 11-3-80

456-1224

↑ Cliff line.

45-6-122



The shells extend a distance (horizontally) of approx. 15 yds.

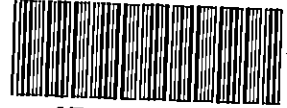
→
Approx. Nth.

Note: - Natural rock pool is not visible at high tide. (Completely covered with water).



National Parks and Wildlife Service

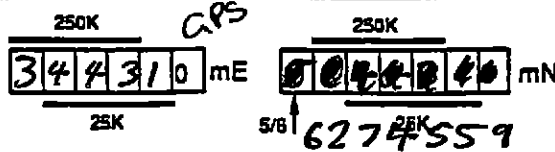
Box 1967, Hurstville NSW 2220. Tel: (02) 585 6444
Standard Site Recording Form Revised 5/88



45-6-2645

NPWS Code

1:250,000 map sheet: SYDNEY



AMG Grid reference
Full reference - please include leading digits

Scale of map used for grid reference [] 25K, 50K (preferred) [] 100K [] 250K
Please use largest scale available.

1:25K, 50K, 100K map name: MONA VALE

HEAD OFFICE USE ONLY:

NPWS Site no: 45-6-2645

Site types:

Accessioned by: VA Date: 19/9/00
Data entered by: VA Date: 19/9/00

Owner/Manager:

Address:

Site name: Newport Burial Locality/property name: 2 Myola Rd, Newport

NPWS District: SYDNEY NORTHERN BEACHES Region: Central

Reason for investigation: Bones detected during excavation of sand for foundations - Police called in to determine whether crime scene - Police contacted NPWS.

Portion no:

Parish:

Photos taken? YES

How many attached? lots [restricted access]

How to get to the site (refer to permanent features, give best approach to site eg. from above, below, along cliff (Draw diagram on separate sheet.)) The bones were identified near the beach (east) side of No. 2 Myola Rd, which is at the corner of Myola Rd + Ross St, Newport. see attached map

Other sites in locality? Yes

Site Types include:

Are sites in NPWS Register? Yes

Have artefacts been removed from site? Yes

When? 14 & 15 September 2000

By whom? Phil Hunt, NPWS

Deposited where? with David Watts, Metro LALC -> to be reburied

Is site important to local Aborigines? Allen Madden
Give contact(s) name(s) + address(es) Metro LALC

Contacted for this recording? David Watts, Regional Rep, MLALC inspected 14/9/00 - Allen Madden, site officer inspected 15/9/00
(Attach additional information separately) If not, why not?

Verbal/written reference sources (including full title of accompanying report):
File Sydney Zone / Central Aboriginal Heritage Unit 99/37

NPWS Report Catalogue #

Checklist:
surface visibility,
damage/disturbance/
threat to site

Condition of site: Most of lot has been heavily disturbed - previous have demolished & all concrete footings etc removed + ground mechanically 'sifted' + compacted. Bones were detected during secondary excavation for utilities + landscaping.

Recommendations for management & protection (attach separate sheet if necessary):

Site recorded by: Phil Hunt
Address/institution: Central Aboriginal Heritage Unit NPWS

Date: 14/9/00

SITE POSITION & ENVIRONMENT

OFFICE USE ONLY: NPWS site no:

1. Land form a beach/hill slope/ridge top, etc:

b. site aspect: eastly c. slope: 0°

d. mark on diagram provided or on your own sketch the position of the site:

e. Describe briefly:

Sand deposit behind beach, apparently adjacent to old stream.



f. Local rock type: Sand

g. Land use/effect: residential - / no conservation potential.

2. Distance from drinking water: < 50m

Source:

3. Resource Zone associated with site (estuarine, riverine, forest etc): beach / lagoon

4. Vegetation:

5. Edible plants noted:

6. Faunal resources (include shellfish):

7. Other exploitable resources (river pebbles, ochre, etc):

Site type:

Burial

DESCRIPTION OF SITE & CONTENTS.

Note state of preservation of site & contents. Do NOT dig, disturb, damage site or contents.

CHECKLIST TO HELP:

length, width, depth, height of site, shelter, deposit, structure, element eg. tree scar, grooves in rock.

DEPOSIT: colour, texture, estimated depth, stratigraphy, contents-shell, bone, stone, charcoal, density & distribution of these, stone types, artefact types.

ART: area of surface decorated, motifs, colours, wet, dry pigment, technique of engraving, no. of figures, sizes, patination.

BURIALS: number & condition of bone, position, age, sex, associated artefacts.

TREES: number, alive, dead, likely age, scar shape, position, size, patterns, axe marks, regrowth.

QUARRIES: rock type, debris, recognisable artefacts, percentage quarried.

OTHER SITES EG. structures (fish traps, stone arrangements, bora rings, mia mias), mythological sites, rock holes, engraved groove channels, contact sites (missions massacres cemeteries) as appropriate

Police forensics originally located 1 femur and a broken tibia in the excavation, and fragments of bone on the current building site surface. The deposit is very fine sand ranging from 'sterile' golden yellow to humus rich dark brown. The deposit profile horizontally + vertically is extremely mixed - with sterile sand abutting top soil, different shades of brown/grey sand, and includes building material, fence post fragments, roots, artefacts + shell material (not much shell).

A Cervical vertebra was located on the surface, as well as a fragment which may be either scapula or pelvis, and another fragment which appears to be the mastoid process of the skull.

Given the ~~degree~~ degree of disturbance + scattering of the skeleton, as well as development context, the LARC requested that the remains be removed.

Skull of 2nd burial 'Burial B' uncovered 18/9.

see attached report + maps!

Attach sketches etc. eg. plan & section of shelter, show relation between site contents, indicate north, show scale.

Attach annotated photos (stereo where useful) showing scale, particularly for art sites.

Burial, 2 Myola Road, Newport

19 September 2000

ISSUE:

Salvage of human skeletal remains at 2 Myola Road, Newport (Newport Beach).

BACKGROUND:

The National Parks and Wildlife Service (NPWS) was contacted on Thursday 14 September 2000 by Police in relation to the discovery of human skeletal remains at a redevelopment site at the corner of Myola Road and Ross Street, Newport. A human femur and tibia had been uncovered by a backhoe during earthworks at the location. The police had been contacted by the builders who subsequently contacted the Central Aboriginal Heritage Unit. Jason Field, A/Manager, and Phil Hunt, Archaeologist, Central Aboriginal Heritage Unit (CAHU), made an emergency inspection to assess whether the remains were likely to be from an Aboriginal burial, or more recent. Under the *Coroners Act, 1980* the Coroner is required to determine the cause of death of any individual whose death is unnatural (ie violent or sudden) or where a medical practitioner has not provided a certificate of death. However, as the *National Parks and Wildlife Act, 1974* protects Aboriginal remains that are not contained in a cemetery that includes non-Aboriginal burials, the Coroner does not become involved if the remains can be verified as being Aboriginal and greater than 50 years antiquity.

The remains were inspected by Detective Senior Constable Phil Elliott (Crime Scene Operations Branch, Chatswood – ph 9411 0871), Forensic Pathologist Allan Cala (ph 8584 7858, 0402 146 514), Regional Representative David Watts (Metropolitan Local Aboriginal Land Council) and NPWS staff. From the context of the deposit (largely disturbed, a mottled and recently churned profile), the condition of the bones (fairly weathered, particularly fragments on the surface) and the presence of shell material and stone artefacts, it was decided that the remains were likely to be Aboriginal and not an issue for the police.

Further inspection of the site and discussions with the builders confirmed that the site had been heavily disturbed. An original 1930s (?) dwelling had been demolished and the footings excavated. Large parts of the lot had then been 'sifted' mechanically in an attempt to bring up all concrete and other more solid material from the sand so that a more consistent medium could be compacted for the new development. The long bones had been uncovered during a secondary excavation for utilities and a garden bed.

The area around where the long bones had been found was cleaned up to determine whether the bones were *in situ* or not. The deposit was very mottled and mixed both horizontally and vertically. Sterile yellow sand was interspersed at varying levels with top soil, roots, different shades of grey/brown sand, and building material (glass, brick, concrete, sandstone, fence fragments, metal, etc).

As the MLALC did not wish to hold up the building beyond what was necessary (fearing lengthy delays would make builders and developers in the Pittwater area unwilling to report burials in the future), it was agreed that surface skeletal remains would be removed and further collection would resume the next day.

The following day, Friday 15 September, Phil Hunt, Margrit Koettig, NPWS, and David Watts, MLALC, sieved, trowelled and raked through surface deposit and other areas near where the long bones were found (see below for further information on findings). Large numbers of bone fragments were recovered from disturbed contexts – including at least 3 legs confirming that 2 individuals had been buried there. It was agreed that the MLALC would return on Monday 18 September 2000 to monitor the remaining earthworks as little was thought to survive *in situ*.

On 18 September, David Watts, MLALC contacted the NPWS as part of a skull had been uncovered. On further examination it was discovered that the skull had been *in situ* and that the remainder of the body was beneath this level of sand (although most of the legs had been dragged into the previous excavation and had been collected from a slightly different location on Friday 15). The remains were salvaged.

CONSULTATION:

David Watts, Regional Representative of Metropolitan Local Aboriginal Land Council, attended the site on each day. Cultural Heritage Officer Allen Madden was unable to attend due to other commitments, particularly in relation to the LALC's activities during the Olympics (which commenced 15 September 2000).

Options for the management of the remains were discussed on-site. It was the preference of the MLALC that the remains be removed as quickly as possible to encourage builders and developers to report future burials and given the disturbed nature of the site. The MLALC wished that the remains be removed, inspected to determine basic information such as age and gender, and then returned to the MLALC for reburial.

The MLALC supported the proposal that works recommence, monitored by a Land Council representative.

SITE DESCRIPTION:

The bones were recovered from the Myola Road side of the lot, approximately 150m west of Newport Beach. The site is entirely made up of fine beach sand. Local residents have reported that there used to be a creek running just to the north of the lot into a lagoon (now filled and developed). The surface level of the sand is approximately 1 metre above the level of Myola Road and may be near to the original dune height. Other houses in the vicinity, as well as towards the beach, have ground levels at this height in various places, which may be original.

As noted above, much of the lot has been heavily impacted by mechanical 'sifting'. Deposit from one part of the lot was moved to other areas and sometimes moved again. Some material had been removed to Kimbriki tip. Bone fragments were found in the south-eastern corner of the lot on the surface (including the head of a tibia, pelvis fragments, sections of cranium, a cervical vertebra and long bone fragments), as well as much more 10-20cm below the surface (Areas 5 and 6). It would be expected that bone from 'Burial A' would be dispersed at varying depths in this area.

Two small mounds (roughly 2m x 1m x 0.75m high) had been stockpiled in this corner. One (Area 4) was immediately above the trench being excavated (see Figure 2), the other (Area 1) was adjacent another trench approximately 2 metres to the north-east. Both stockpiles had bone in them.

The femur and tibia from the excavation trench ('Burial B') were found at the eastern end of the trench approximately 1m below the surface. It was not clear whether the bones had been dragged or had simply been uncovered. Further examination in the eastern end of this trench showed great disturbance in the profile. Tarsal (foot) bones were recovered from the spoil at the end of the trench as well as stockpile (4) above it. A second femur was located largely intact from here (which matched the original), while a third femur head came from the other stockpile (1).

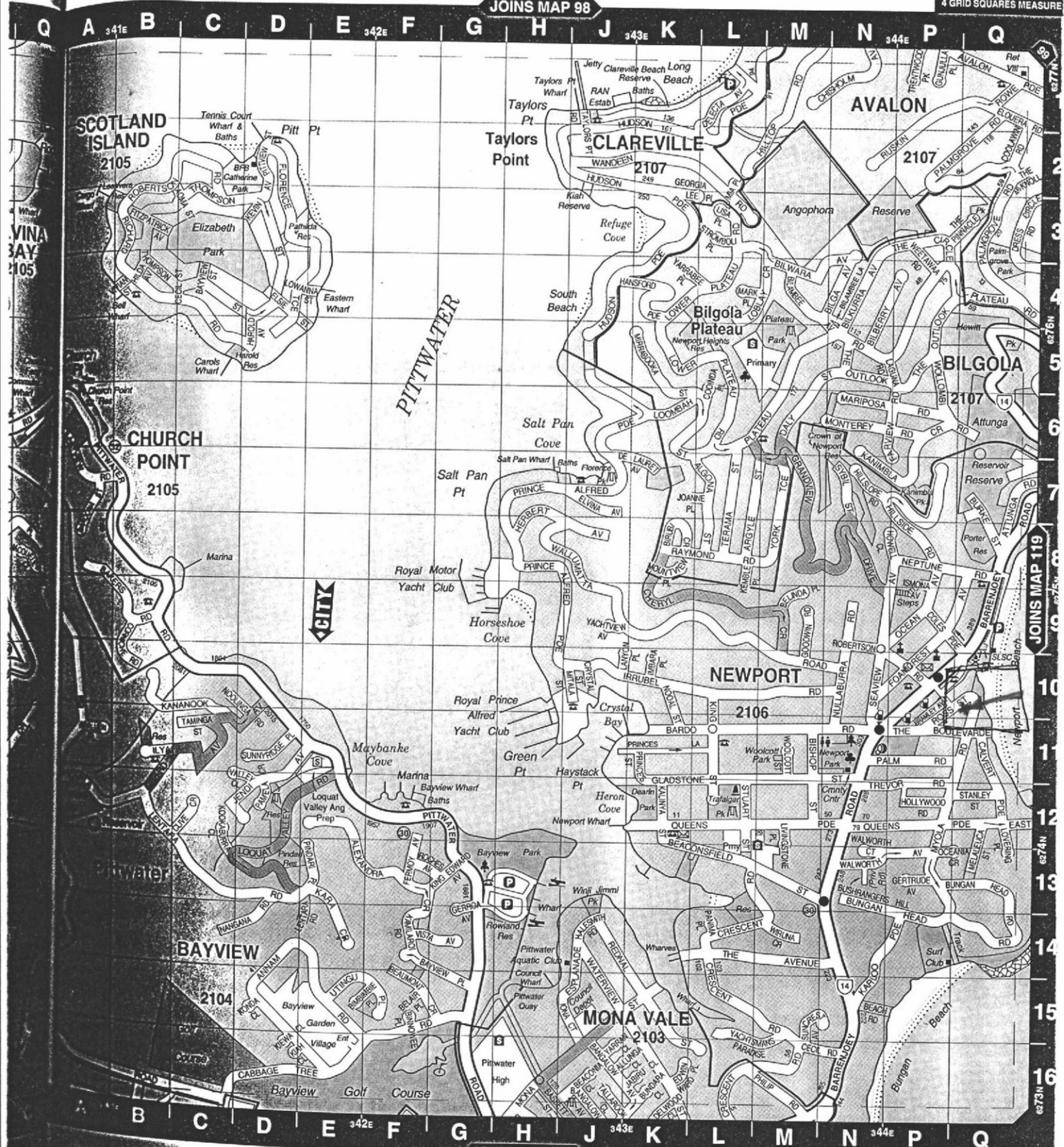
Caring
Personally

25 Old Barrenjoey Road, Avalon

Free Advice On Investing Or
Preparing Your Home For Sale
9918 2899

MAP **118**
4 GRID SQUARES MEASURE

JOINS MAP 98



JOINS MAP 138

COPYRIGHT © UNIVERSAL PRESS PTY LTD (PUBLISHER) 2000

- | | | | |
|--------------------|-----------------------|------------------|-----------------|
| HOUSE NUMBER | MASONIC CENTRE | PICNIC AREA | SCOUT HALL |
| INFORMATION CENTRE | MONUMENT / MEMORIAL | POLICE STATION | SHOPPING CENTRE |
| LEVEL CROSSING | MOTEL | POST OFFICE | TELEPHONE |
| LIBRARY | ONE-WAY TRAFFIC ROUTE | ROUNDABOUT | TOILETS |
| LOOKOUT 360° | PLACE OF WORSHIP | SCHOOL - PRIVATE | TRAFFIC LIGHT |
| LOOKOUT 180° | PLAYGROUND | SCHOOL - PUBLIC | WEIGHBRIDGE |

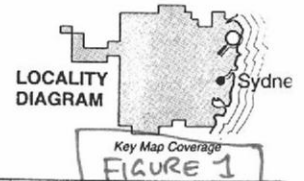
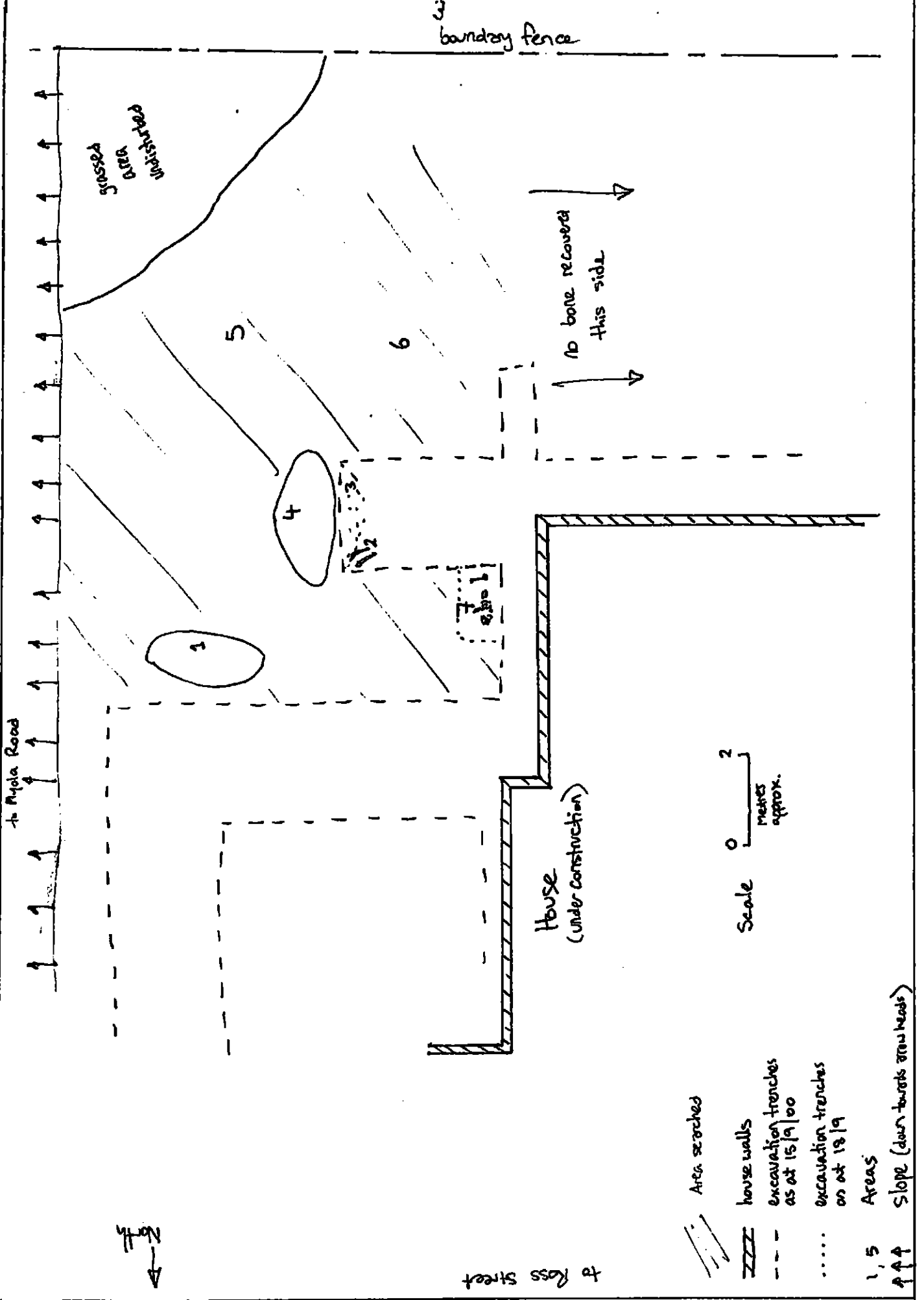


FIGURE 2



North

to Ross Street

- Area searched
- house walls
- excavation trenches as at 15/9/00
- excavation trenches on at 18/9
- 1, 5 Areas
- Slope (down towards area heads)

Scale 0 2 meters approx.

House (under construction)

No bone recovered this side

boundary fence

Grassed Area

to Myola Road