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HELPING CLIENTS MAKE A **FUTURE** FOR THE **PAST**

**8 Forest Road, Warriewood**

## **Aboriginal Heritage Due Diligence Report**

**Final**

October 2015



Prepared for  
**Warriewood Vale Pty Ltd**

### Document controls

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## Executive Summary

This reports presents the results of an Aboriginal Heritage Due Diligence Assessment for a proposal to construct 58 residences and 26 townhouses in the northern portion of 8 Forest Road, Warriewood NSW. As the works are not considered a *low impact activity* as defined by the *National Parks and Wildlife Regulation* 2009, a due diligence assessment is required. It has been prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, the *National Parks and Wildlife Regulation* 2009.

This assessment was undertaken to determine whether or not any Aboriginal objects or sites exist within or nearby to the proposed redevelopment. Appropriate mitigation measures are required to avoid and/or minimise any impacts to identified sites, should these be located.

This due diligence assessment provides findings and recommendations based on consideration of background research, contextual site data, the site inspection and liaison with a Metropolitan Local Aboriginal Land Council (LALC) representative. The assessment concluded that there is low potential for Aboriginal sites or objects to be present on the study site. Therefore, there is no requirement for additional archaeological investigations prior to the commencement of proposed works on the site.

As advised by the Metropolitan LALC, a Metropolitan LALC representative must be on site to monitor the ground disturbing works related to the removal of refuse on site. In addition, a Metropolitan LALC representative must be on site to monitor the clearance of 0.1ha of vegetation to the south for the fire access pathway. During all other times, a stop work protocol must be implemented.

## **1. Introduction**

### **1.1. *The Brief***

In September 2015, Futurepast Heritage Consulting Pty Ltd were commissioned by Warriewood Vale Pty Ltd to prepare an Aboriginal Heritage Due Diligence Report for a proposal to construct 58 residences and 26 townhouses in the northern portion of 8 Forest Road, Warriewood NSW 2102.

The purpose of this report is to identify whether the proposed development project would, or could, cause harm to Aboriginal sites and objects. The study identifies potential Aboriginal archaeological and cultural heritage constraints that may exist for the site, to guide appropriate development and management of the proposed site redevelopment to avoid adversely impacting upon the Aboriginal heritage values of the place.

### **1.2. *Approach and Methodology***

The methodology used in the preparation of this Aboriginal Heritage Due Diligence report is in accordance with the principles and definitions as set out in the *Due Diligence Guidelines for Protection of Aboriginal Objects in NSW (2010)*, accessed November 2013.

This Due Diligence report will review the relevant statutory heritage controls, assess the impact of the proposal on the subject site and make recommendations as to the level of impact.

### **1.3. *Report Aims***

The aims of this assessment are:

- To identify if the proposed development project would, or could, cause harm to Aboriginal sites and objects; and
- If such sites are present, to provide appropriate recommendations to avoid and/or minimise adverse impacts upon the Aboriginal heritage values of the place, in accordance with National Parks and Wildlife Act, 1974.

### **1.4. *Limitations***

The properties affected by this proposal were inspected and photographed by the authors of this report on the 22<sup>nd</sup> of September 2015. The inspection was undertaken as a visual study only.

### 1.5. **Author Identification and Acknowledgements**

This Due Diligence Report has been prepared by Futurepast Heritage Consulting Pty Ltd:

Maclaren North	Director
Corinne Softley	Research Assistant

Information was sourced for this report from:

- DECC Aboriginal Heritage Information Management System (AHIMS) site record cards for the affected properties from [www.environment.nsw.gov.au/awssapp/login.aspx](http://www.environment.nsw.gov.au/awssapp/login.aspx)
- Gondwana Consulting (2005) *Warriewood/Ingleside Escarpment Plan Of Management*, prepared for Pittwater Council.
- Anderson Environment & Planning (2015), “Ecological Assessment Report for Proposed residential Development: 8 Forest Road, Warriewood NSW”, prepared for Warriewood Vale Pty Ltd.
- Sclerophyll Flora Surveys and Research Pty Ltd (2015), “Flora Survey, 8 Forest Road, Warriewood, NSW”, prepared for Craig Anderson of Anderson Environment and Planning.
- Library of the Office of Environment and Heritage

The authors would like to acknowledge the following individuals and organisations who shared information regarding the site for the production of this report:

- Warriewood Vale Pty Ltd/Plateau Nominees Pty Ltd
- Lee Davison, Metropolitan Local Aboriginal Land Council

### 1.6. **Ownership**

The planned project extends across a privately owned property.

### 1.7. **Terminology**

The terminology in this report follows definitions presented in the Due Diligence Guidelines, which provide the following definitions:

**Aboriginal heritage impact permit**

a permit issued by the Director-General of DECC allowing a person to harm Aboriginal objects (i.e. to destroy, deface, damage or desecrate objects or to move objects)

**Aboriginal object**

any deposit, object or material evidence (not being a

**(as defined in *National Parks and Wildlife Act 1974*)**

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.

**Additional surface disturbance**

clear, observable disturbance of existing ground surface or obvious changes to existing ground surface – e.g. removal of vegetation; construction of new fire trail, construction of new dam or contour banks, ploughing a previously grazed paddock

**Code of practice**

a set of guidelines to be followed by members of a particular occupation or organisation; does not normally have the force of law

**Due diligence**

the degree of care and caution required before making a decision

**Harm an Aboriginal object**  
**(as defined in *National Parks and Wildlife Act 1974*)**

- destroy, deface, damage or desecrate an object;
- move an object from the land on which it is situated; or
- cause or permit an object to be harmed.

**Significant surface disturbance**

- disturbance of the topsoil or surface rock layer of the ground, such as by digging, grading, bulldozing, scraping, ploughing, drilling or dredging;
- erecting a building or structure;
- the clearing of native vegetation by disturbing root systems and exposing the underlying soil.



## 2. Site

### 2.1. Location

The subject property is located at 8 Forest Road, Warriewood 2102. The site is a large parcel of land in the northern beaches suburb of Warriewood, located between Forest Road and Jubilee Avenue. Warriewood is 30 kilometres north of Sydney's CBD.

The subject site is an irregularly shaped block of land, consisting of a number of green houses and a single storey residential dwelling. Of the 5.58 hectares of land on the property, 3.36 hectares is made up of bushland. Directly west of the site is an untouched nature reserve which is part of the Warriewood Escarpment. The north of the site is a small bulky goods and light industrial precinct, while the to east there is a number of large residential developments.

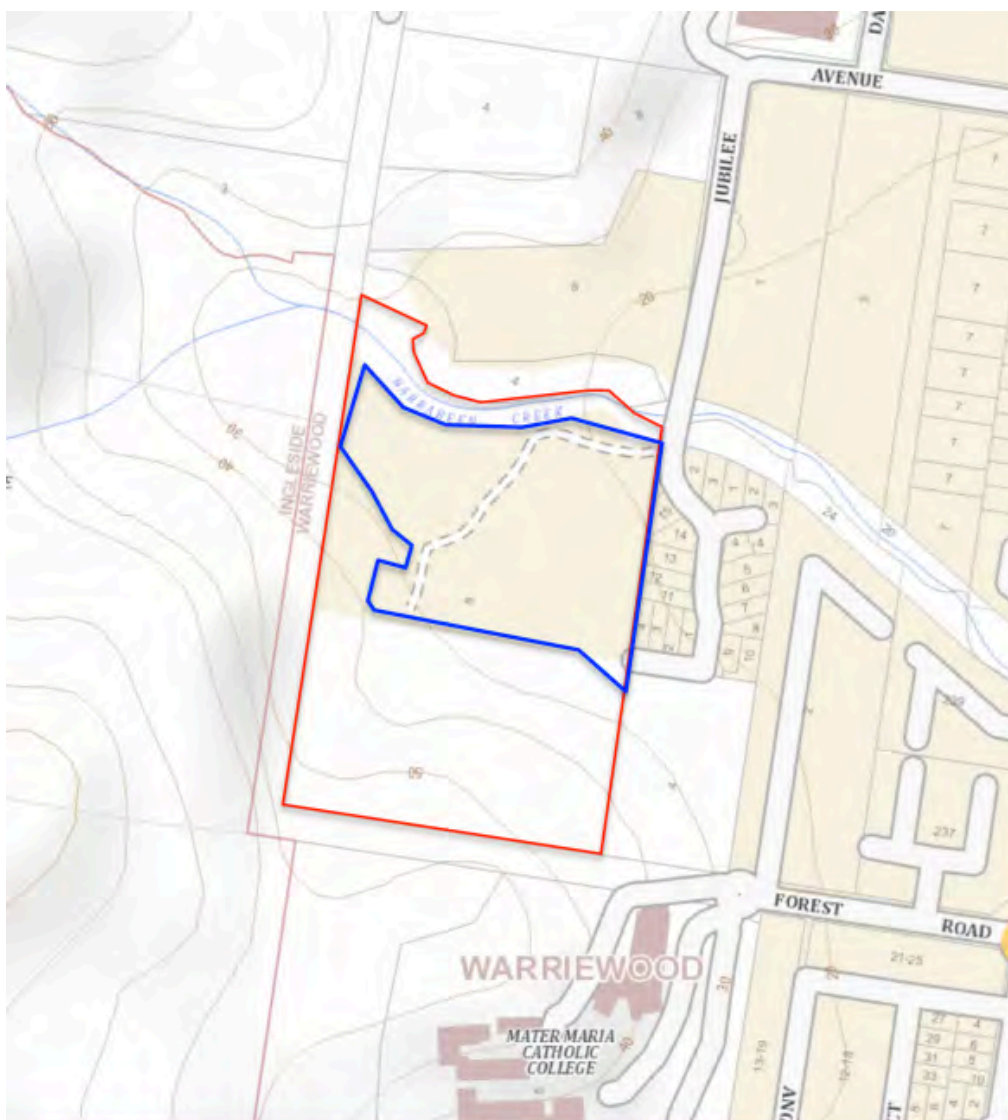


Figure 1. Map indicating the location of 8 Forest Road, Warriewood (outlined in red), with the boundary of the development site outlined in blue. (Source: : LPI SIX Maps, accessed 11.09.15)



Figure 2. Aerial view of the site indicating the location of 8 Forest Road, Warriewood (outlined in red), with the boundary of the development site outlined in blue. (Source: Google Maps, accessed 10.09.15)

### **3. Proposal**

#### **3.1. Outline of Proposed Works**

The proposal as shown below on a drawing prepared by Drew Dickson Architects includes:

- *Subdivision of the R3 Medium Density Residential zone in the northern portion of site from the RU2 Zone (bushland) in the southern portion of the site;*
- *Construction 58 residences and 26 townhouses on 2.2 hectares of land (northern portion of site) (up to 3m of excavation for building footings);*
- *Installation of underground water, drainage, waste and power services (up to 3m of excavation for services);*
- *Construction of roadways and footpaths between the residences and roadways;*
- *Clearance of 0.1ha of native vegetation for a fire access, pedestrian and cyclist pathway;*
- *Modification (i.e. removal of weeds) of 0.5ha of native vegetation to create an Asset Protection Zone for the subdivision;*
- *Riparian rehabilitation works along Narrabeen Creek.*





Figure 3. Preliminary development plan showing the footprint of the proposed works. Note the (Source: Drew Dickson Architects, Project No. 15049, Drawing No. A-001)

## 4. Statutory Listings and Controls

The primary Statutory Controls for Aboriginal heritage are detailed in Section 10 of this report.

The subject site does not contain items on any of the following statutory registers:

- National Heritage List
- Commonwealth Heritage List
- National Native Title Tribunal Registers
- State Heritage Register
- Pittwater Council *Local Environmental Plan* (LEP) 2014

The subject site contains two items on the AHIMS register.

### 4.1. ***Environment Protection and Biodiversity Act 1999***

The site is not included on the National Heritage List under the Environmental Protection and Biodiversity Act 1999.

### 4.2. ***Native Title Act 1993***

The subject site is related to an area of land which is freehold. Under the Native Title Act 1993 (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as 'previous exclusive possession act'. Therefore, this native title has been extinguished over the area. Native title claimants cannot include land and waters covered by previous exclusive possession acts. The Tribunal is not the custodian of the data for freehold estates. Therefore, the site is not subject to a native title claim from the Sydney Office for the National Native Title Tribunal, under the Native Title Act 1993. See Appendix D.

### 4.3. ***National Parks and Wildlife Act 1974***

This assessment report has been written to meet the Due Diligence Code and aims to establish whether Aboriginal objects would be harmed by the proposed site redevelopment in accordance with S.87(2) of the NWP Regulation.

An extensive AHIMS search was conducted on 10<sup>th</sup> September 2013 (AHIMS search ID #189839). The search covered a buffer zone of 200m that encompassed the study

area. There are two previously recorded Aboriginal archaeological sites within the search area. The AHIMS search results are presented in Table 1 below. No Aboriginal archaeological sites are located within the redevelopment site.

Table 1.

AHIMS search results (ID #189839) for AHIMS sites located within a 200m buffer zone of the site. See Appendix C for the site cards.

Site ID	Site Name	Site Type
45-6-2590	BR1; Boundary Road, Ingleside	Shelter with Deposit
45-6-0136	Pitt Water; Bairne Trig. Station	Rock Engraving

#### **Site ID 45-6-2590**

This site is described as a “shelter/deposit”, located 50m upstream from the boundary road on the northern bank of Narrabeen Creek (fig. 4). The shelter is 12m x 2m deep and 4m high, and the PAD is 10 x 23m. The site is undisturbed and consists of 7 shells, charcoal fragments and undecorated sandstone. Located north of Narrabeen Creek, the site is not located within the study area.

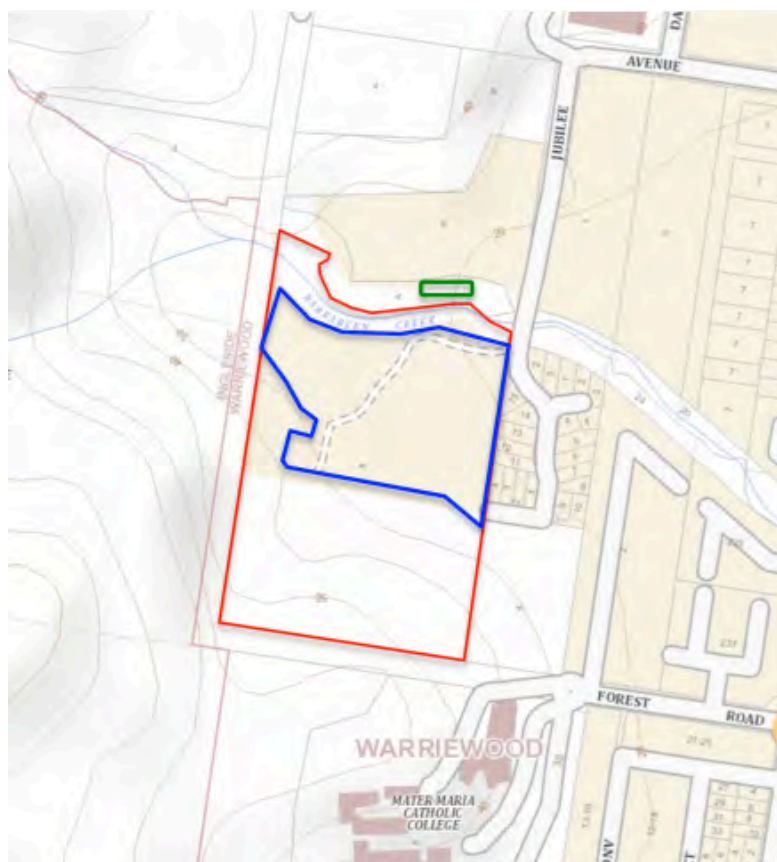


Figure 4. Map indicating the location of 8 Forest Road, Warriewood (outlined in red), with the boundary of the development site (outlined in blue) and the approximate area of Site ID 45-6-2590 (outlined in green). (Source: : LPI SIX Maps, accessed 11.09.15)

**Site 45-5-0136**

This site is described as a “rock engraving” depicting a human figure, 2 oval shields, 1 narrow shield, 2 boomerangs, an emu, a mammal, a mundo and an unfinished figure. The location of this rock engraving is noted as unknown on the site card. During the site inspection with Lee Davison from Metropolitan LALC, we searched the entire redevelopment site and rock outcrop for any evidence of the rock engraving. The site was not located.

**4.4. NSW Heritage Act 1977**

The site is not included in the State Heritage Register (SHR).

**4.5. Pittwater Council Local Environmental Plan 2014**

The site is not identified by the Pittwater Council LEP 2014. Therefore the site is no subject to any controls or requirements related to archaeology under the Pittwater LEP 2014.

**4.6. Pittwater Council Development Control Plan 2015**

While the site is not specifically referenced under the Pittwater Council DCP 2014, the site is subject to development controls under Clause B1 *Heritage Controls*, Section B1.4 *Aboriginal Heritage Significance*. The requirements of this Clause are outlined in Section 10.

## 5. Aboriginal Consultation

The NSW Aboriginal Land Rights Act 1983 (ALR Act), administered by the NSW Department of Aboriginal Affairs, establishes the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Council's (LALCs). The Act requires these bodies to:

- Take action to protect the culture and heritage of Aboriginal person's in the Council's area, subject to any other law.
- To promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.<sup>1</sup>

Aboriginal community consultation is not a formal requirement of the due diligence process (DECCW 2010:3); therefore the proponent is not obliged to undertake Aboriginal community consultation.

An inspection of 8 Forest Road, Warriewood was undertaken by Corinne Softley (Futurepast Heritage Consulting), John Sherwood (Plateau Nominees Pty Ltd) and Lee Davison (Cultural Heritage Officer for Metropolitan Local Aboriginal Land Council) on the 22<sup>nd</sup> of September 2015. A draft of this report was forwarded to the TLALC for comment. The project *Cultural Heritage Statement* provided by the TLALC is appended (Appendix A).

During the site inspection, Lee Davison noted that the site was highly disturbed due to previous agricultural and construction activities, and the potential for archaeological remains to exist on site are low. The entire site was surveyed, including a rock outcrop in the western portion of the site where a residence is currently located. In his letter shown in Appendix A, he advises that the proposed works may proceed within the project area as planned, contingent upon the following recommendations being followed:

- A Metropolitan LALC representative must be on site to monitor the ground disturbing works related to the removal of refuse on site (in particular the various rubbish mounds scattered throughout the site).
- A Metropolitan LALC representative must be on site to monitor the clearance of 0.1ha of vegetation to the south for the fire access pathway.
- During all other times, a stop work protocol should be implemented.

See Section 11 for further detail.

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<sup>1</sup> Aboriginal Land Rights Act 1983, s.52 (1) (m).



## **6. Environmental Context**

Understanding the environmental context of a study area is necessary when trying to assess and interpret Aboriginal sites, archaeological potential, possible site disturbance and past human land use patterns and practices. This is particularly so when such data cannot be sought in documentary records.

As the nature of Aboriginal occupation and resource procurement is directly related to the local environment it is important to consider this context as an integral part of the cultural heritage assessment process. Availability and distribution of natural resources such as water for drinking, food, stone for tool manufacture and vegetation for shelter, implements and medicines are significant elements that influence where Aboriginal sites are likely to be located.

### **6.1. Warriewood Geology and Soils**

The higher parts of the Warriewood/Ingleside Escarpment are underlain by Hawkesbury Sandstone, the blocky quartz-rich sandstone typical of much of the Ingleside Plateau extending from Elanora to Bayview. Lower on the escarpment face are the sediments of the Newport Formation, part of the Narrabeen Group of shales and sandstones.

Areas of flat to moderately inclined slopes on Hawkesbury Sandstone have been identified as having soils of the Gynea soil landscape unit. On steeper slopes on Hawkesbury Sandstone, soils of the Hawkesbury soil landscape unit occur.

The Watagan soil landscape unit occurs in areas underlain by Newport Formation sediments. Fern Creek rises in the central area of the reserve and drains eastward, typically as a narrow incised drainage channel. Two small drainage lines, that are the upper tributaries of Narrabeen Creek, commence in the reserve's north-west just east of the Mona Vale Road boundary. These drainage lines have similarly narrow incised channels.<sup>2</sup>

### **6.2. Site Topography & Hydrology**

The subject site consists of 5.58 hectares of land in total, with 3.36 hectares made up of native bushland and 2.2 hectares of cleared land which has been previously utilised for agricultural purposes. This 2.2 hectares of cleared land will be the location of the proposed development.

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<sup>2</sup> Gondwana Consulting (2005) *Warriewood/Ingleside Escarpment Plan Of Management*, prepared for Pittwater Council, p. 22

The topography of the redevelopment site is somewhat flat with gentle undulations throughout caused by significant soil movement and infill processes overtime. Large sections of the cleared area (namely around the edge of the bushland) sit below natural ground level, due to extensive cutting and levelling work. Overall, the cleared area slopes down to the north towards Narrabeen Creek. The 3.36 hecatres of native bushland to the south of the site sits on a ridgeline and slopes steeply down into the cleared agricultural area.

A rock outcrop is located along the western edge of the site. A residential property has been built on this rock outcrop which has significantly modified the area. The rock outcrop has also undergone minor quarrying work. During the site inspection, no Aboriginal rock carvings/engravings were identified on or around the area.

The northern boundary of the site adjoins Narrabeen Creek. Narrabeen Creek flows from Ku-ring-gai Chase National Park to Narrabeen Lagoon. In the upper part of this sub-catchment the creek flows through semi-rural properties. The middle section of the sub-catchment contains many residential properties and sites for proposed residential development. The lower part of the sub-catchment consists of residential areas, farms, light industry and commercial properties. Within the project area, much of the land around the creek has been cleared and is heavily degraded. This will be subject to riparian rehabilitation works in association with the proposed development.

It is considered that the topography and hydrology of the project area and surrounding landscape could have provided sufficient water resources and been fertile enough to sustain transient human habitation.

### **6.3. Flora & Fauna**

Sclerophyll Flora Surveys and Research Pty Ltd undertook a Flora survey of 8 Forest Road in July 2015. A total of 109 plant taxa from 54 families were recorded by Sclerophyll during the flora survey. This plant total included 1 non-vascular species and 2 introduced taxa. A total of 4 native vegetation types were recorded during the flora survey, including:

- Dry Sclerophyll Open Forest
- Moist Sclerophyll Forest
- Escarpment Littoral Rainforest
- Warm Temperature Rainforest<sup>3</sup>

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<sup>3</sup> Sclerophyll Flora Surveys and Research Pty Ltd (2015), "Flora Survey, 8 Forest Road, Warriewood, NSW", prepared for Craig Anderson of Anderson Environment and Planning.

Fauna surveys have identified 97 species within the subject site, consisting of two amphibian, eight reptile, 17 mammals and 70 bird species. This indicates that the site has a moderately high diversity of native fauna.<sup>4</sup>

It is considered that the flora and fauna of the project area and surrounds could have provided habitats for a variety of animals as well as potential raw material and food sources for Aboriginal people.

#### **6.4. *Environmental Context Summary Synthesis***

The above review of available environmental information suggests that although the site has been disturbed by European residential and agricultural activity, it is likely that prior to this the site and surrounding area would have sustained sufficient quantities of food, water and other resources to attract and support Aboriginal people in sufficient numbers.

This synthesis demonstrates that there is potential for Aboriginal cultural heritage objects to be present in the vicinity of the project area.

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<sup>4</sup> Anderson Environment & Planning (2015), "Ecological Assessment Report for Proposed residential Development: 8 Forest Road, Warriewood NSW", prepared for Warriewood Vale Pty Ltd, p. 22

## 7. Aboriginal Archaeology Context

### 7.1. *Historical Overview*

It is generally accepted that people have inhabited the Australian landmass for the last 50,000 years. The timing for the human occupation of the Sydney Basin is still uncertain. While there is some possible evidence for occupation of the region around 40,000 years ago, the earliest known radiocarbon date for the Aboriginal occupation of the Sydney Basin is associated with a cultural / archaeological deposit at Parramatta, which was dated to 30,735 ± 407 BP.<sup>5</sup>

The following historical overview has been derived from the Warriewood/Ingleside Escarpment Plan Of Management:

*The Pittwater area has changed considerably over the last 20,000 years. At the height of the last Ice Age, 17,000 years ago, the sea level was over 120 metres lower and the coastline was over 20 kilometres further east than its present position. The sea level gradually rose to its present level with the recession of the Ice Age.*

*Aboriginal people lived traditionally in the area for thousands of years prior to European occupation. The subject site is within the Eora Nation and is part of the homeland of the Guring-gah whose traditional country is approximately the coastal area between Narrabeen Lakes and Broken Bay and possibly further north. The Gai Mariagal Aboriginal People, whose traditional country extends between Port Jackson and Narrabeen Lakes, are also likely to have had an association with the escarpment area.*

*The diverse range of food resources in the Pittwater-Barrenjoey area and local lagoons would have attracted Aboriginal people to the area. Fish, crustacea and shellfish were available from estuarine and coastal areas. The animals on land such as possums, koalas, birds and eggs were another important source of protein. The forests and woodlands provided a plentiful supply of plant foods and medicines throughout the year.*

*Ridgelines, such as at Ingleside and the spur down to the coast that provides the current route of Mona Vale Road, originally served as important movement corridors for Aboriginal People. An abundance of Aboriginal heritage exists on the escarpment and surrounding land including many rock carvings depicting people and animals, information relating to hunting and*

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<sup>5</sup> BIOSIS (2012), "Carnes Hill recreation and Community Precinct – ACHAR", prepared for Liverpool City Council, p. 5

*water sources. In addition there are paintings in rock overhangs and other signs of the importance of the area to Aboriginal People.*

*Today the escarpment and surrounding area provides the Aboriginal People living in the Northern Beaches and wider Sydney Region with a resource for links with tradition and on-going education.*

*In March 1788, Governor Phillip entered and named Pittwater as part of a journey of exploration to Broken Bay. The party moored in Pittwater and encountered several groups of Aboriginal People (Steege 1984).*

*European settlement of the Pittwater area proceeded slowly due to the constraints of topography and distance. The terrain of the Warriewood/Ingleside Escarpment would have hindered the early settlers, who most likely viewed the area as being of little value beyond its timber resources and as a possible source of water.*

*As the area's settlement patterns moved from the early exploitation and sparse occupancy phase, to more settled rural land uses, and then to increasing residential development the escarpment remained of only limited land use value. The area's steep terrain ensured that it remained in a largely natural state. Even where parts of the escarpment were in private ownership, the land has remained largely undeveloped.*

*Increasing residential development since the 1950s, coupled with changing environmental attitudes in more recent decades, have seen community perceptions of the escarpment alter. What may, in the past, have been considered as a potential area for urban development, is now viewed as an important area of remaining bushland and wildlife habitat.*

*Today the Warriewood/Ingleside Escarpment is valued as a scenic backdrop to the southern suburbs of Pittwater, as an important remnant of the area's natural environment, as a major corridor link between National Parks, the ridge top and wetlands to the coast, as a recreational and educational asset, and as a source of pride for many local residents.*

## **8. Physical Analysis**

An inspection of 8 Forest Road, Warriewood was undertaken by Corinne Softley (Futurepast Heritage Consulting) and Lee Davison (Cultural Heritage Officer for Metropolitan Local Aboriginal Land Council) on the 22<sup>nd</sup> of September 2015. The evaluation involved an investigation into the site topography, identification of Aboriginal archaeological features and any associated elements. This section does not provide a detailed investigation of potential archaeology but an overview of the existing above ground elements of the site.

### **8.1. *Site Description***

The development site is located within the boundary of 8 Forest Road, Warriewood. The property comprises one rectangular shaped property, bounded by an untouched nature reserve directly west, native bushland to the south, a number of large residential developments to the east and Narrabeen Creek to the north.

Like some properties in the surrounding region, the property is semi-rural in nature, with the area being several acres in size and used for agricultural activity. The northern portion of the site (the proposed redevelopment area) is largely open but also consists of large mounds of excavated soil and rubbish located randomly across the site. Ten or more dilapidated greenhouses, two residential properties, several sheds and some scattered scrap metal/building materials are also located within the cleared area. Generally the redevelopment site has fairly dense low vegetation cover with several mature trees scattered throughout.

The topography of the northern portion of the site is somewhat flat with gentle undulations throughout caused by significant soil movement and infill processes overtime. Large sections of the cleared area (namely around the edge of the bushland) sit below natural ground level, due to extensive cutting and levelling work. Overall, the cleared area slopes down to the north towards Narrabeen Creek which frames the northern boundary of the site.

The 3.36 hectares of native bushland to the south of the site sits on a ridgeline and slopes steeply down into the cleared redevelopment area. A rock outcrop is located along the western edge of the site. A residential property has been built on this outcrop which has significantly modified the area. The rock outcrop has also undergone minor quarrying work. During the site inspection, no Aboriginal rock carvings/engravings were identified on or around this rock outcrop.

Generally, the northern portion of the site has been fairly intensively developed. Modern disturbance in the area includes driveways, residential dwellings,

agricultural activity, cutting/filling and modern remnant fence lines. The property has also been impacted to an extent by the installation of telecommunications, potable water, irrigation and electrical services. These changes have caused extensive earth movement, vegetation clearance and regrowth. In contrast, the southern portion of the site is largely untouched and retains natural land forms and vegetation.



Figure 5. Greenhouses, facing north west. (Source: Futurepast, 22.09.15)



Figure 6. Dilapidated greenhouse, facing north. (Source: Futurepast, 22.09.15)





Figure 7. Ground surface between greenhouses. (Source: Futurepast, 22.09.15)





Figure 8. Interior of an operating greenhouse. (Source: Futurepast, 22.09.15)



Figure 9. Irrigation amenities on site. (Source: Futurepast, 22.09.15)





Figure 10. Dilapidated greenhouse. (Source: Futurepast, 22.09.15)



Figure 11. Residential property on site, facing west. (Source: Futurepast, 22.09.15)





Figure 12. Residential property on site, located on a rock outcrop. (Source: Futurepast, 22.09.15)



Figure 13. Roadway into the site, showing various sheds and mounds of modern refuse scattered throughout the site, facing south. (Source: Futurepast, 22.09.15)





Figure 14. Multiple mounds of refuse are scattered throughout the site, facing south. (Source: Futurepast, 22.09.15)



Figure 15. Multiple mounds of refuse are scattered throughout the site, facing north east. (Source: Futurepast, 22.09.15)





Figure 16. Recent bulldozer cutting. (Source: Futurepast, 22.09.15)



Figure 17. Overview of cleared redevelopment site, showing various mounds of modern refuse, facing east. (Source: Futurepast, 22.09.15)





Figure 18. Rock outcrop shows evidence of minor quarrying works, facing south west. (Source: Futurepast, 22.09.15)



Figure 19. Native bushland, located in the southern portion of the site. Facing west. (Source: Futurepast, 22.09.15)

## 9. Due Diligence Assessment

The following questions refer to the generic due diligence process table reproduced in Appendix B of this report.

### ***Is the process activity a low impact activity as defined by the Regulation?***

No

The proposed redevelopment activity does not meet any of the criteria for low impact activities as defined by the Regulation. As a result, a Due Diligence assessment under the DECCW 2010 Due Diligence code of practice is required. This report fulfils this requirement.

Note: Although the works do not come under Clause 80B *Defence of carrying out certain low impact activities*: Section 87 (4) as a low impact activity, the area is considered to be “disturbed” as per Clause 80B, Section 87 (4) (4 c, e and f).

*(4) For the purposes of this clause, land is disturbed if it has been the subject of human activity that has changed the land’s surface, being changes that remain clear and observable.*

*Note: Examples of activities that may have disturbed land include the following:*

- (a) soil ploughing,*
- (b) construction of rural infrastructure (such as dams and fences),*
- (c) construction of roads, trails and tracks (including fire trails and tracks and walking tracks),*
- (d) clearing of vegetation,*
- (e) construction of buildings and the erection of other structures*
- (f) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure),*
- (g) substantial grazing involving the construction of rural infrastructure,*
- (h) construction of earthworks associated with anything referred to in paragraphs (a)-(g).<sup>6</sup>*

### ***Will the activity disturb the ground surface or any culturally modified trees?***

Yes

---

<sup>6</sup> DECCW. 2010. Due Diligence Guidelines for Protection of Aboriginal Objects in NSW: Consultation Draft NPWS Act 1974, p. 6

The activity will involve up to 3m of excavation to provide building footings and to install residential services such as water, electricity and waste. There are no known Aboriginal sites or culturally modified trees within the proposed redevelopment area. During works, the clearance of 0.1ha of vegetation to the south of the site for a fire access, pedestrian and cyclist pathway will be monitored by a Metropolitan Local Aboriginal Land Council representative.

***Are there any relevant confirmed site records or other associated landscape feature information on AHIMS?***

Yes

AHIMS has identified 2 sites within a 200m buffer zone of 8 Forest Road, Warriewood. See Section 4.3 for details and Appendix C for the associated site cards. No sites are located within the proposed redevelopment site.

***Are there any other sources of information of which a person is already aware?***

No

No Aboriginal objects or sites, or Non-Aboriginal heritage items, are currently registered within the study area on the National Heritage Register, State Heritage Register or the Pittwater Council *Local Environmental Plan* 2014.

***Are there any landscape features that are likely to indicate presence of Aboriginal objects?***

Yes

The northern boundary of the site adjoins Narrabeen Creek. Narrabeen Creek flows from Ku-ring-gai Chase National Park to Narrabeen Lagoon. The southern portion of the site also features 3.36 hectares of native bushland located on a ridgeline and rock outcrop. These features indicate the likely presence of Aboriginal objects. Simultaneously, they are largely located outside of the proposed redevelopment area. During works, the clearance of 0.1ha of vegetation to the south of the site for a fire access, pedestrian and cyclist pathway will be monitored by a Metropolitan Local Aboriginal Land Council representative.

***Can the harm or the activity to identified Aboriginal objects be avoided?***

Yes

While there are no Aboriginal sites located within the study area, and the potential for such sites is considered to be low due to the high level of disturbance in the study area, a stop work protocol will be implemented during works to avoid the harm of potential Aboriginal objects. In addition, a Metropolitan LALC representative must be on site to monitor the ground disturbing works related to the removal of refuse on site (in particular the various rubbish mounds scattered throughout the site). In addition, a Metropolitan LALC representative must be on site to monitor the clearance of 0.1ha of vegetation to the south for the fire access pathway. There is



therefore no requirement for the proponent to alter the proposed works to avoid potential harm to Aboriginal sites or objects.

***Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?***

An inspection of 8 Forest Road, Warriewood was undertaken by Corinne Softley (Futurepast Heritage Consulting) and Lee Davison (Cultural Heritage Officer for Metropolitan Local Aboriginal Land Council) on the 22<sup>nd</sup> of September 2015. No Aboriginal sites, places or objects were located within the redevelopment area during the inspection. In addition, research and consultation with Metropolitan LALC indicates that no Aboriginal sites, places or objects are likely to be located within the study area. Overall, the area is understood as highly disturbed with a low potential for Aboriginal cultural remains.

While there were some constraints to ground surface visibility on parts of the site (agricultural structures, modern refuse and dense vegetation in south and western sections of the site – refer to Section 8 for images) the northern portion of the site was found to be heavily disturbed through the cutting and levelling of the site for agricultural and residential activities. Modern disturbance in the area also includes driveways, residential dwellings, agricultural activity and modern remnant fence lines. The property has also been impacted to an extent by the installation of telecommunications, potable water, irrigation and electrical services. These changes have caused extensive earth movement, vegetation clearance and regrowth.

This due diligence assessment concludes that, based on physical inspection, review of previous archaeological investigations in the surrounding area, the location of known sites, ground disturbance and discussions with Metropolitan LALC, the study area has a low potential for Aboriginal heritage sites or objects.

## 10. Statutory Controls

The primary legislation that provides automatic statutory protection for Aboriginal heritage and the requirements for its management in New South Wales are:

- The *Native Titles Act 1993*
- The *Environmental Protection and Biodiversity Conservation Act 1999*
- The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*;
- The *National Parks and Wildlife Act (1974 as amended)*;
- The *National Parks and Wildlife Regulation 2009*;
- The *NSW Heritage Act 1977*; and
- The *Environmental Planning and Assessment Act (1979 as amended)*.

### 10.1. *Native Title Act 1993*

The *Native Title Act 1993* recognises native title rights and establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people. Under Subdivision P of the Act, Right to Negotiate, Native Title claimants can negotiate over some proposed developments (known as the 'Future Acts') if they have the right to negotiate, which is granted only when the claimant's application satisfies the registration test conditions.

The Native Title Tribunal, set up under the *Native Title Act 1993*, maintains three registers to assist in determining whether a site is subject to a native title claim. These are the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements.

### 10.2. *Environmental Protection and Biodiversity Conservation Act 1999: National Heritage Registers*

#### 10.2.1 National Heritage List & Commonwealth Heritage List

Under the Amendments (No. 88, 2003), two mechanisms have been created for the protection of heritage places of National or Commonwealth significance (<http://www.environment.gov.au/heritage/places/national/index.html>) – the National Heritage List (NHL) and the Commonwealth Heritage List (CHL). The NHL provides protection to places of cultural significance to the nation of Australia, while the CHL comprises natural, Aboriginal and historic heritage places owned and controlled by the Commonwealth. There are no management constraints associated with listing on the Register of the National Estate unless the listed place is owned by a Commonwealth agency.

### **10.3. *Aboriginal & Torres Strait Islander Heritage Protection Act 1984 (ATSIHIP Act)***

This Act preserves and protects all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

This Act provides national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation, and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

### **10.4. *The National Parks and Wildlife Act 1974 (NSW)***

Aboriginal cultural heritage is protected under the National Parks and Wildlife Act 1974 (NSW) (the 'NPW Act') in New South Wales with penalties levied for breaches of this Act. The NPW Act was amended through the *National Parks and Wildlife Amendment Act 2010* and is administered by the Office of Environment and Heritage (OEH). The OEH is an administrative branch of the *NSW Department of Premier and Cabinet*.

A two-tier system of prosecution and penalty exists by which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. The NPW Act defines Aboriginal objects and Aboriginal places:

*Aboriginal object means 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.*

*Aboriginal place means any place declared to be an Aboriginal place under section 84.*

Section 87 of the NPW Act establishes defences and exemptions against prosecution under s.86 (1), (2) or (4). The defences are as follows:

- An Aboriginal Heritage Impact Permit (AHIP) authorising the harm (s.87(1)); and
- Exercising due diligence to establish Aboriginal objects will not be harmed (s.87(2)).

Due diligence may be achieved by compliance with requirements set out in the *National Parks and Wildlife Regulation 2009* (the NPW Regulation) or a code of practice adopted or prescribed by the NPW Regulation (s.87(3)).

### **10.5. *The National Parks and Wildlife Regulation 2009 (NSW)***

The NPW Regulation 2009 (cl.80A) assigns the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010) (the Code) as one of the codes of practice that can be complied with pursuant to s.87 of the NPW Act. Disturbed land is defined by cl.80B (4) as:

*disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.*

The NPW Regulation provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal cultural heritage. The NPW Regulation outlines the recognised due diligence codes of practice which are relevant to this report, as well as procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

### **10.6. *Heritage Act 1977 (NSW)***

The Heritage Act (NSW) 1977 provides protection to all natural and historic relics and deposits identified as having State or local heritage significance, with an emphasis on the historic cultural heritage (including, for example, places, structures, relics, precincts, shipwrecks and archaeological sites). It is illegal in New South Wales to disturb or excavate land to discover, expose or move a relic, without a permit issued by the Heritage Council of New South Wales. Under the Heritage Act (NSW) Government agencies are required to compile a register of heritage assets (known as a Section 170 Heritage and Conservation Register) and to look after their assets on behalf of the community.

The NPWS Act is the primarily legislation that protects aboriginal objects and places of cultural value. However, if an Aboriginal site, object or place is of State or local significance, it may be protected by a heritage order issued by the Minister subject

to advice by the NSW Heritage Council. Breaches of the NSW Heritage Act 1977 can attract penalties of up to \$1.1 million dollars.

### **10.7. *Environmental Planning and Assessment Act 1979***

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through *State Environmental Planning Policies* (SEPPs), *Regional Environmental Plans* (REPs) and *Local Environmental Plans* (LEPs).

The EPA Act also establishes the framework for Aboriginal heritage values to be formally assessed in landuse planning and development consent processes. The Act has three main parts of relevance to Aboriginal cultural heritage. These are:

- Part 3 that governs the preparation of planning instruments (SEPPs, REPs and LEPs).
- Part 4 which relates to the development assessment process for local government (consent) authorities; and
- Part 5 which relates to activity approvals by governing (determining) authorities.

The OEH is an approval body under Part 5 of the EPA Act and requires formal consideration of a variety of cultural and community factors that may include potential impacts to significant Aboriginal anthropological, archaeological, and cultural and historical values.

### **10.8. *Pittwater Council Development Control Plan 2014***

While the site is not specifically referenced under the Pittwater Council DCP 2014, the site is subject to development controls under Clause Clause B1 *Heritage Controls*, Section B1.4 *Aboriginal Heritage Significance*. This control is applicable to “All Land” and “All Uses” and is outlined as follows:

#### ***Outcomes***

*Provide protection for Aboriginal place of heritage significance or Aboriginal object.*

*Potential Aboriginal places of heritage significance and Aboriginal object are identified and protected.*

#### ***Controls***

*If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal object then additional independent information on the potential heritage significance may be requested.*

*If a property, the subject of a development application, is in the vicinity of an identified Aboriginal place of heritage significance or Aboriginal object then additional independent information on the potential heritage significance may be requested.*

*Development must conserve the significance of any Aboriginal place of heritage significance or Aboriginal object.*

This report fulfils the requirement of the above controls.

## **11. Conclusions and Recommendations**

### **11.1. *Conclusions***

This report has considered available environmental and archaeological information for the project area, the land condition and the nature of the proposed activity. An inspection of 8 Forest Road, Warriewood was undertaken by Corinne Softley (Futurepast Heritage Consulting) and Lee Davison (Cultural Heritage Officer for Metropolitan Local Aboriginal Land Council) on the 22<sup>nd</sup> of September 2015. During physical inspection of the site, no specific Aboriginal cultural heritage objects (including trees exhibiting evidence of cultural modification/scarring) or vegetation with natural heritage significance was identified.

The AHIMS search conducted for the project area showed that two previously documented Aboriginal cultural heritage objects or places are known near to the project area. No Aboriginal sites are located within the proposed redevelopment site itself.

While there were some constraints to ground surface visibility on parts of the site, the northern portion of the site was found to be heavily disturbed through the cutting and levelling of the site for agricultural and residential activities. Modern disturbance in the area also includes driveways, residential dwellings and agricultural activity. The property has also been impacted to an extent by the installation of telecommunications, potable water, irrigation and electrical services. These changes have caused extensive earth movement, vegetation clearance and regrowth.

No known (i.e. reported, recorded or identified) historic heritage places or items are located within or near to the project area, and no historic heritage places or items were identified during the visual inspection of the project area. The potential for the proposed activity to impact upon or harm historic items or places is therefore assessed as low.

This due diligence assessment concludes that, based on physical inspection, review of previous archaeological investigations in the surrounding area, the location of known sites, ground disturbance and discussions with Metropolitan LALC, the study area has a low potential for Aboriginal heritage sites or objects. As a result, the proposal is assessed as being unlikely to have an adverse impact upon the Aboriginal archaeological cultural heritage values of the place.

The proposed works may proceed within the project area as planned, contingent upon the following recommendations being followed.

## **11.2. Recommendations**

As no Aboriginal archaeological and cultural heritage constraints are apparent the proposed works may proceed as planned, subject to recognition of the following archaeological and cultural heritage considerations:

### **Recommendation 1**

All relevant staff and contractors should be made aware of their statutory obligations for heritage under NSW National Parks and Wildlife Act 1974 and the NSW Heritage Act 1977, which may be implemented as a heritage induction. Recognition should be made of the views and advice that has been provided for the project by the Metropolitan LALC that have been consulted with for the project (see Appendix A).

### **Recommendation 2**

As advised by the Metropolitan LALC (see Appendix A), a Metropolitan LALC representative must be on site to monitor the ground disturbing works related to the removal of refuse on site (in particular the various rubbish mounds scattered throughout the site). In addition, a Metropolitan LALC representative must be on site to monitor the clearance of 0.1ha of vegetation to the south for the fire access pathway. During all other times, a stop work protocol should be implemented as outlined in Recommendation 3.

### **Recommendation 3**

In the unexpected circumstance that any Aboriginal objects are unearthed as a result of the proposed site works, it is recommended that activities should temporarily cease and the area be cordoned off. The Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 to advise on the appropriate course of action to allow the DLALC to record and collect the identified item(s).

### **Recommendation 4**

In the event that skeletal remains are uncovered, work must cease immediately in that area and the area be cordoned off. The client must contact the NSW Police and take no further action until written advice is provided by the Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan must be developed in consultation with the relevant Aboriginal stakeholders prior to commencement of works.

### **Recommendation 5**

If, during the course of development works, suspected historic heritage places or items are uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment and Heritage (02 9873 8500) should be notified and



works recommenced only when an approved management strategy developed and the relevant permits are in place.

**Recommendation 6**

Two copies of this report should be forwarded to:

Ms Sam Higgs

Archaeologist

Regional Operations Group Greater Sydney

Office of Environment and Heritage

PO Box 644

PARRAMATTA, NSW, 2124

**Recommendation 7**

A copy of this report should be forwarded to:

Lee Davison

Metropolitan Local Aboriginal Land Council

36-38 George Street

Redfern NSW 2016

## 12. Bibliography

Australian Heritage Commission. 2002. Ask First. A Guide to Respecting Indigenous Heritage Places and Values. Web Document. Canberra. ACT.

Benson, D. and J. Howell. 1995. Taken for Granted: The Bushland of Sydney and its Suburbs. Kangaroo Press. Kenthurst.

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NSW Department of Aboriginal Affairs 1983 (NSW). 1983. S.4. Web Document.

Gondwana Consulting (2005) *Warriewood/Ingleside Escarpment Plan Of Management*, prepared for Pittwater Council.

Anderson Environment & Planning (2015), "Ecological Assessment Report for Proposed residential Development: 8 Forest Road, Warriewood NSW", prepared for Warriewood Vale Pty Ltd.

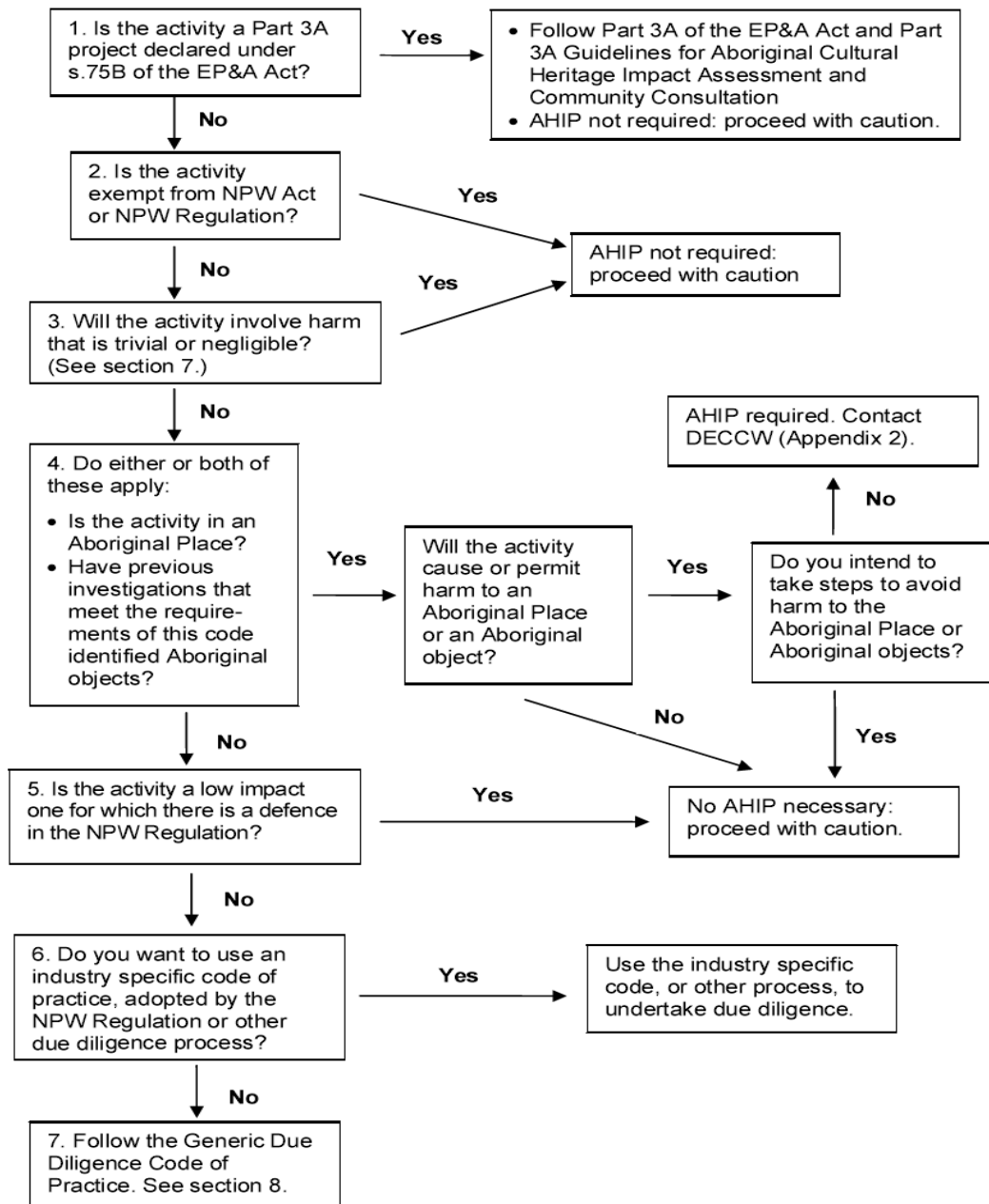
Sclerophyll Flora Surveys and Research Pty Ltd (2015), “Flora Survey, 8 Forest Road, Warriewood, NSW”, prepared for Craig Anderson of Anderson Environment and Planning.

## **Appendix A – Metropolitan Local Aboriginal Land Council Cultural Heritage Statement**

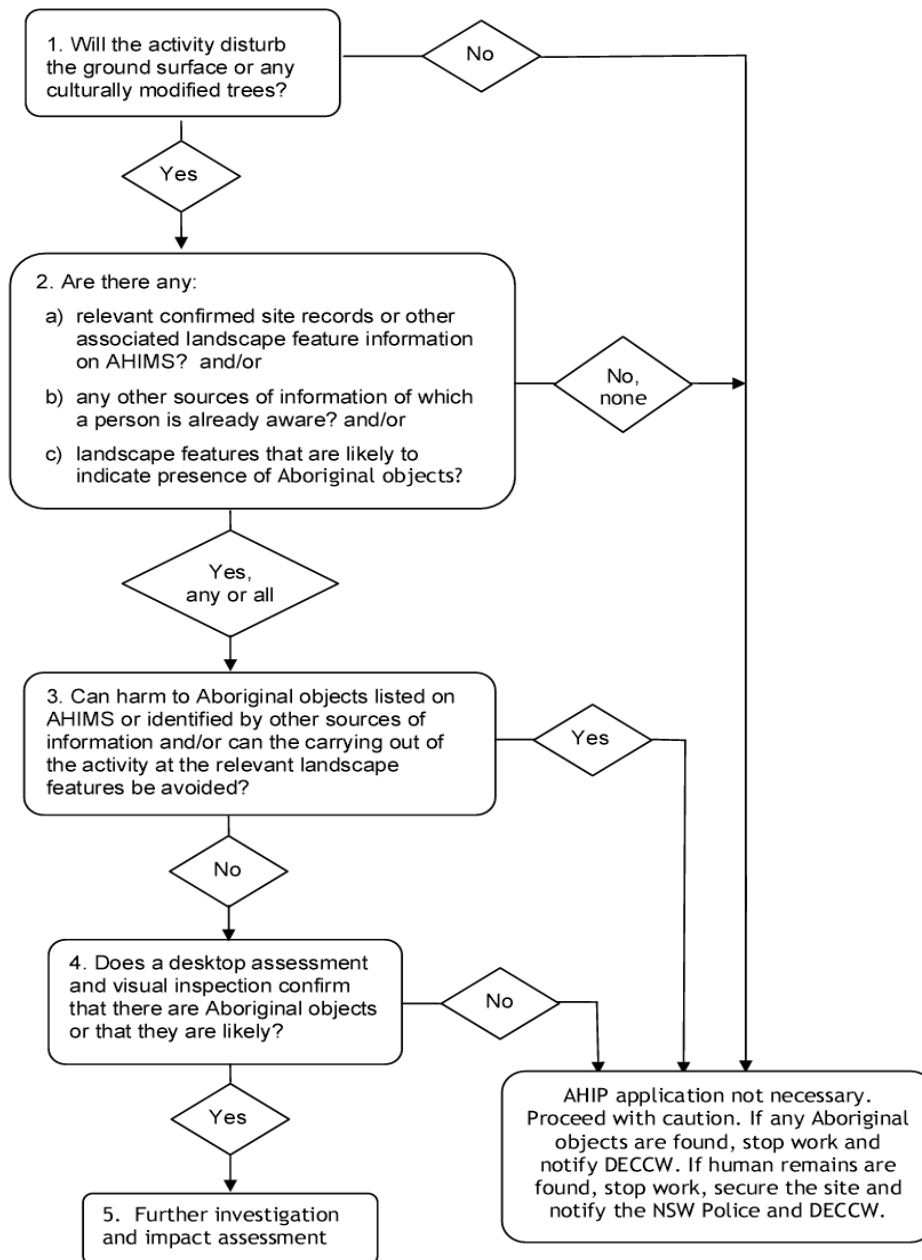
Awaiting final report from Metropolitan Local Aboriginal Land Council. The report will be sent through to Council as soon as it has been received.

## Appendix B – OEH Due Diligence Flow Chart

### 1 Do you need to use this due diligence code?



## 8 The generic due diligence process



## Appendix C – AHIMS Search Results and Site Cards



Office of  
Environment  
& Heritage

### AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 8 Forest Rd Warriewood

Client Service ID : 189839

Futurepast Heritage Consulting Pty Ltd  
Suite 302 166 Glebe Point Road  
Glebe New South Wales 2037  
Attention: Maclaren North  
Email: mnorth@futurepast.com.au

Date: 10 September 2015

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP5055 with a Buffer of 200 meters.**  
**Additional Info : Due Diligence Report, conducted by Maclaren North on 10 September 2015.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

2	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

---

3 Marist Place, Parramatta NSW 2150  
Locked Bag 5020 Parramatta NSW 2220  
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271  
Email: [ahims@environment.nsw.gov.au](mailto:ahims@environment.nsw.gov.au)  
Web: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



Office of  
Environment  
& Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Purchase Order/Reference : 8 Forest Rd Warriewood

Client Service ID : 199939

SiteID	Site Name	Datum	Zone	Easting	Northing	Pointcut	Site Status	Site Features	Site Types	Remarks
454-2590	BR1, Boundary Road, Inneside	AGD	56	540660	6271900	Closed site	Valid	Artifacts :	Shelter with Deposit	3895
	<b>Contact:</b>	<b>Recorders:</b> Mary Ullian Consulting Archaeologists						<b>Permits:</b>		
454-0134	Pop Warri, Eastern TMA, Station	AGD	56	340900	5271930	Open site	Valid	Art (Ritual or Engraving) :	Rock Engraving	
	<b>Contact:</b>	<b>Recorders:</b> W.T. Campbell W&A Consulting						<b>Permits:</b>		

Report generated by AHIMS Web Services on 16/09/2015 for Mackaren North for the following area at Lot : 1, DP-DE56055 with a buffer of 200 meters. Additional Info : Due Diligence Report.

Number of Aboriginal sites and Aboriginal objects found is 2

This information is not guaranteed to be free from error or omission. Office of Environment and Heritage (OEH) and its employees disclaim liability for any action or omission made on the information and consequences of such action or omission.

Page 3 of 3

Report generated by AHIMS Web Services on 10/09/2015 for Mackarem North for the following area at Lot : 1, DP409025 with a buffer of 200 meters. Additional Info : Due Diligence Report.  
 Number of Aboriginal sites and Aboriginal objects found is 2.  
 This information is not guaranteed to be free from error or omission. Office of Environment and Heritage (OEH) and its employees accept liability for any a deficiency or omission made on the information and consequences of such deficiency or omission.

Page 4 of 3

## SITE CARD 45-6-0136

(N) (±) 7130 51/56-5 SYDNEY A8430 45-6-136  
BAIRNE TRIG. STN. ~~(Kurtz-est)~~ Pdt Water SI56-5. Locality S ROCK ENGRAVINGS  
Military map/other reference Broken Bay 1:63,360 2907.4655  
Broken Bay 1:25,000 4090.793  
Pastoral or other property, park Sydney 1:250,000 4290.8465  
Description of site 63' ~~est~~ to S.W. of Trig. Stn.  
Length of site  
Direction site faces Width Height  
Dimensions of decorated areas  
Estimated number of figures  
Nearest water supply  
Techniques abraded grooves ☒ conjoined puncture pecked  
Styles abraded grooves ☒ outline outline with design linear  
pecked linear pecked intaglio combined pecked and linear  
Subjects Ser. I: Human figure, 2 oval shields, 1 narrow shield, 2 boomerangs,  
emu, mammal (from above) (?), mudoos, unfinished figure.  
Superimpositions Broad clear groove.  
+  
Associated with rock paintings carved trees stone arrangements  
axe grooves quarry burials  
campsite other relics  
Natural defacement  
Animal defacement  
Human defacement  
Photo record by Where deposited  
Scale chart by Campbell, W.D., Geol. Surv. N.S.W., Where deposited Mitchell Library/  
Mem. Eth. Ser., 1, 1899, 65, pl. XIX, fig. 3, Broken Bay parish, no. 10  
History  
Aboriginal meaning and name  
Published reference  
Remarks C.D. Power's catalogue no. CDP: MS. 122  
Sub no. 10 on file A8430.

45-6-136

Plate XIX, Fig. 3. *Locality*.—Sixty-three feet south-westerly from Bairne Trigonometrical Station, on a small patch of rock having an undulating surface. The hill being bare of trees a very fine view of Pittwater can be obtained from here.

*Description*.—The central figures are two boomerangs and three shields, and the unfinished outline of another. Three other figures also, from three to five feet long, have the appearance of being unfinished, the northern one is possibly a deity figure; it has a curtailment at a line from the nearest boomerang to a small pointed figure, which is possibly another shield; the easternmost one is a large shield, and the southern one probably an emu. These figures are well cut with a broad clear groove.



REGISTER COPY

0



Cultural Resources

NSW  
NATIONAL  
PARKS AND  
WILDLIFE  
SERVICE

DATABASE UPDATE SHEET

- ☐ REGISTER Site register  
☐ CATALOG Reports catalogue  
☐ FOTODEX Photographic catalogue

Record ID Field/variable New or revised value(s)

45-6-0136

1 SITENAME Pitt Water  
2 SITENAME Bairne Trig. Station.  
3 SITETYPE 11 = Rock engraving (O)  
4 RECTYPE 1 = Card, pre-79 record  
5 RECORDER Campbell, W.D.  
6 DISTRICT 2 = North Metropolitan  
7 STATUS 1 = Present in H.O.  
8 ZONE 56 = AMG Zone 56  
9 AMG\_E 340900  
10 AMG\_N 6271930  
11 MAPSCALE 7 = 1:25/50/100K convrt  
12 LNDSTAT 8 = Unknown  
13 CONDITN 6 = Unknown  
14 ARCHWRK 1 = Surface recording  
15 ASSOCCREP None  
16 DATEUPD 11Oct1991  
17 <Sub-rec>

Filled in by: S. fields


Date: 3-10-91

Entered by: S. fields


Date: 3-10-91

## SITE CARD 45-6-2590

☒ New recording    ☐ Additional Info



**National Parks and Wildlife Service**  
Box 1967, Hurstville NSW 2220. Tel: (02) 585 6444  
Standard Site Recording Form Revised 5/88



45-6-2590

---

1:250,000 map sheet: SYDNEY NPWS Code 145

AMG Grid reference 340680 mE 6271900 mN

Full reference - please include leading digits

Scale of map used for grid reference ☒ 25K, 50K (preferred) ☐ 100K ☐ 250K

1:25K, 50K, 100K map name: Mona Vale

Site name: BR 1 Locality/property name: Boundary Road, Ingleside

NPWS District: Sydney Zone Region:

Reason for investigation: Impact Assessment.

Portion no. \_\_\_\_\_

Parish: Warringah Shire.

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))  
see attached map. Site is located approx 50m upstream from intersection of Boundary Road (unimproved) & Narrabeen Creek on northern slope 2-3m above course 10m distant.

Other sites in locality? yes Site Types include: Art, occupation, engraving

Are sites in NPWS Register?

Have artefacts been removed from site? no When? \_\_\_\_\_ Deposited where? \_\_\_\_\_

Is site important to local Aborigines? yes.  
Give contact(s) name(s) + address(es): Daryl Watts  
Metropolitan LALC  
PO Box 1103  
Strawberry Hills NSW 2012

Contacted for this recording? yes  
(Attach additional information separately) If not, why not?

Verbal/written reference sources (including full title of accompanying report)  
Dallas 1997 Archaeological Survey of Barrawang Ridge Estate, Ingleside, NSW

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

Condition of site: excellent, little or no vegetation, deposit undisturbed

Recommendations for management & protection (attach separate sheet if necessary):  
Preservation; plant prickly scrub barrier, regular ongoing monitor

Site recorded by: Mary Dallas Date: \_\_\_\_\_  
Address/institution: Mary Dallas Consulting Archaeologists  
31 Waterview St  
Belconnen NSW 2041

HEAD OFFICE USE ONLY:

NPWS Site no: 45-6-2590

Site types: shelter/deposit

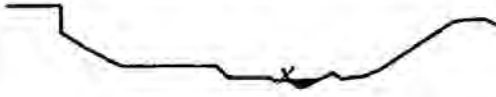
Accessioned by: \_\_\_\_\_ Date: \_\_\_\_\_

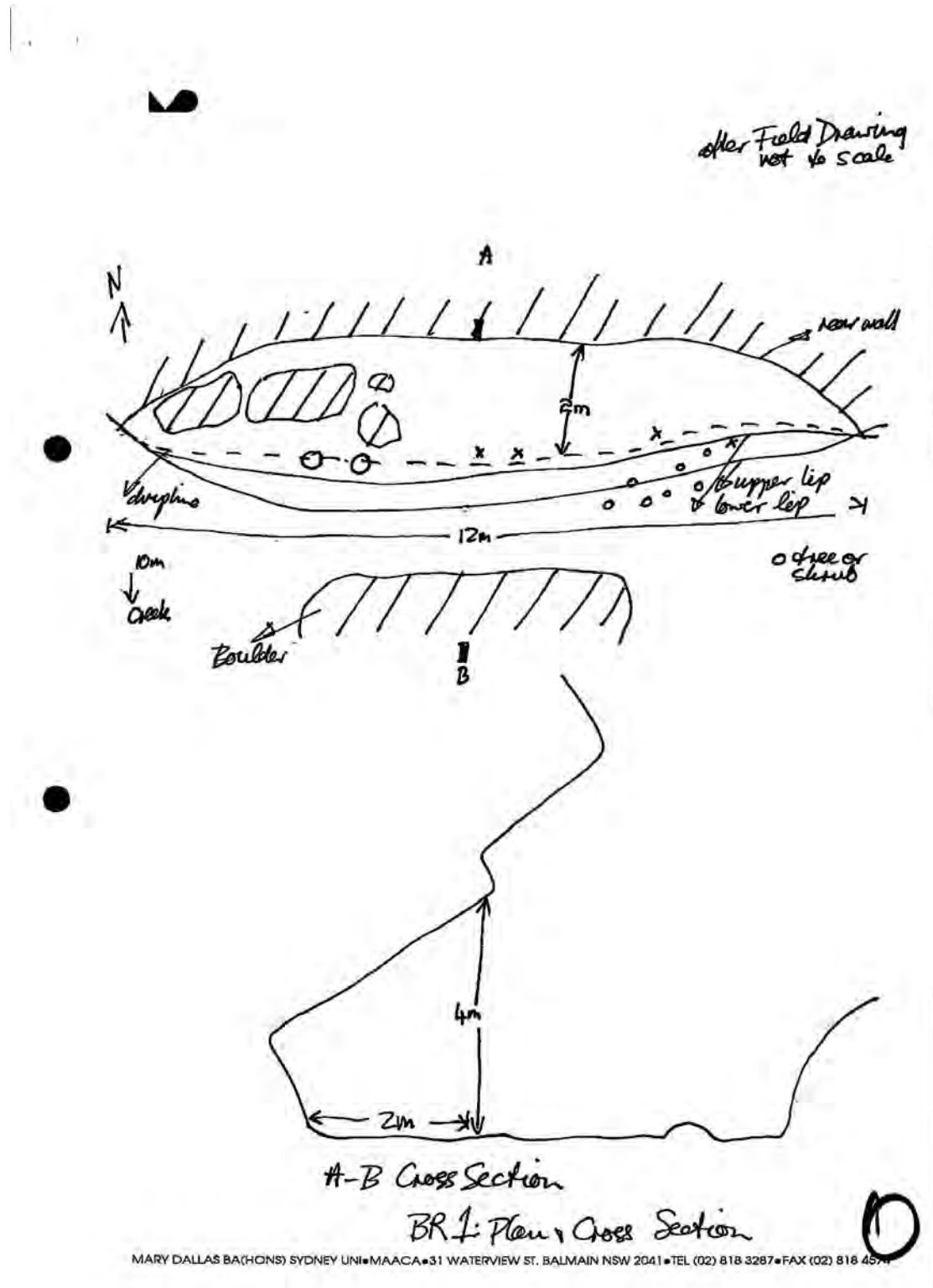
Date entered by: LLS Date: 4/7/88

Owner/Manager: \_\_\_\_\_

Address: \_\_\_\_\_

+

SITE POSITION & ENVIRONMENT		OFFICE USE ONLY: NPWS site no:
1. Land form a. beach/hill slope/ridge top, etc:		b. site aspect: <i>South</i> c. slope:
d. mark on diagram provided or on your own sketch the position of the site:		e. Describe briefly: <i>sheltered overhang above permanent creek</i>
		
f. Local rock type: <i>Sandstone</i>		g. Land use/effect: <i>natural bush, Road, creek culvert.</i>
2. Distance from drinking water: <i>30m</i>		Source: <i>permanent creek.</i>
3. Resource Zone associated with site (estuarine, riverine, forest etc): <i>forested ridge slopes</i>		
4. Vegetation: <i>closed forest, viney understorey, Melaleuca</i>		
5. Edible plants noted:		
6. Faunal resources (include shellfish): <i>yabbie, freshwater mussel</i>		
7. Other exploitable resources (river pebbles, ochre, etc): <i>coconut tree palm</i>		
Site type: <i>Sheltered Occupation</i>	<b>DESCRIPTION OF SITE &amp; CONTENTS.</b> Note state of preservation of site & contents. Do NOT dig, disturb, damage site or contents. <i>Shelter is 12 x 2m deep x 4m high</i> <i>PAD is 10 x 2.5m</i> <b>Context:</b> <i>see Site Plan &amp; Cross Section</i> <i>7 shells + fragments: cockle, mud well and mussels.</i> <i>on firm, fine brown sandy soil</i> <i>Black waterworn mampost 43 x 34 x 14mm</i> <i>[possible hammerstone fragment.]</i> <i>dark coal fragments are abundant - but appear recent/bushfires.</i> <i>Sandstone surfaces are even and fine textured - No art observed.</i> <i>- green mould/lichen slick could cover art.</i>	
<b>CHECKLIST TO HELP:</b> 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, palmation, 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, msa maa), mythological sites, rock holes, engraved groove channels, contact sites (missions massacres cemeteries) as appropriate	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.	







BR 1 Site location

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**Parramatta Aboriginal Heritage Study – Site Relocation Survey**

Site Number:	45-6-259	Site Name:	Duck Creek	Date:	20/6/01
Recorder/s:					
Site Relocation Details:					
Notes:  Site could not be located as site card is missing - details needed for site relocation					
Photos:					

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## Appendix D – Native Title Register



National  
Native Title  
Tribunal

15 September 2015

**MacLaren North**  
Director  
Futurepast Heritage Consulting Pty Ltd  
Email: [csoftley@futurepast.com.au](mailto:csoftley@futurepast.com.au)

**Sydney Office, Operations East**

Level 16  
Law Courts Building  
Queens Square  
Sydney NSW 2000  
GPO Box 9973  
Sydney NSW 2001  
Telephone (02) 9227 4000  
Facsimile (02) 9227 4030

Dear Mr North

**Native Title Search Request – Pittwater Council Local Government Area**

Thank you for your search request in relation to the above area.

As it appears that your request was related to an area of land which is freehold it should be noted that under the *Native Title Act 1993* (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area.

Native title claimants cannot include land and waters covered by previous exclusive possession acts in their applications; therefore they would normally exclude freehold areas. Although a native title application may be made over freehold land on the basis that the freehold was invalidly granted, the chances of this happening are very low.

The Tribunal is not the custodian of the data for freehold estates. To determine whether a particular parcel of land is freehold land, you may wish to seek such information from the relevant state government custodian.

For more information on native title and freehold tenure, you may wish to visit our website at <http://www.nntt.gov.au/nativetitleclaims/Pages/Native-title-claims-and-freehold-land.aspx>

*Shared country, shared future.*

Freecall 1800 640 501  
[www.nntt.gov.au](http://www.nntt.gov.au)



If you have any further queries, please do not hesitate to contact me on the numbers listed below.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nicole Maher'.

**Nicole Maher** | REGIONAL COORDINATOR

**National Native Title Tribunal** | Sydney Office

Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000

Telephone (02) 9227 4008 | Facsimile (02) 9227 4030 | Email [nicole.maher@nntt.gov.au](mailto:nicole.maher@nntt.gov.au)

Freecall 1800 640 501 | [www.nntt.gov.au](http://www.nntt.gov.au)

*Shared country, shared future.*



## Searching the NNTT Registers in New South Wales

### Search service

On request the National Native Title Tribunal may search its public registers for you. A search may assist you in finding out whether any native title applications (claims), determinations or agreements exist over a particular area of land or water.

*In New South Wales native title cannot exist on privately owned land including family homes or farms.*

### What information can a search provide?

A search can confirm whether any applications, agreements or determinations are registered in a local government area. Relevant information, including register extracts and application summaries, will be provided.

In NSW because we cannot search the registers in relation to individual parcels of land we search by local government area.

*Most native title applications do not identify each parcel of land claimed. They have an external boundary and then identify the areas not claimed within the boundary by reference to types of land tenure e.g., freehold, agricultural leasehold, public works.*

### What if the search shows no current applications?

If there is no application covering the local government area this only indicates that at the time of the search either the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claims.

It does not mean that native title does not exist in the area.

*Native title may exist over an area of land or water even though no claim for native title has been made.*

### Where the information is found

The information you are seeking is held in three registers and on an applications database.

### National Native Title Register

The National Native Title Register contains determinations of native title by the High Court, Federal Court and other courts.

### Register of Native Title Claims

The Register of Native Title Claims contains applications for native title that have passed a registration test.

*Registered claims attract rights, including the right to negotiate about some types of proposed developments.*

### Register of Indigenous Land Use Agreements

The Register of Indigenous Land Use Agreements contains agreements made with people who hold or assert native title in an area.

*The register identifies development activities that have been agreed by the parties.*

### Schedule of Native Title Claims

The Schedule of Native Title Claims contains a description of the location, content and status of a native title claim.

This information may be different to the information on the Register of Native Title Claims, e.g., because an amendment has not yet been tested.

### How do I request a native title search?

Download the Search Request Form from the Tribunal's website at -  
<http://www.nntt.gov.au/assistance/Pages/Searches-and-providing-Register-information.aspx>

Email to: [NSWEnquiries@nntt.gov.au](mailto:NSWEnquiries@nntt.gov.au)

Post to: GPO Box 9973 Sydney NSW 2001

For additional enquiries: 02 9227 4000