

Woollahra Local Government Area

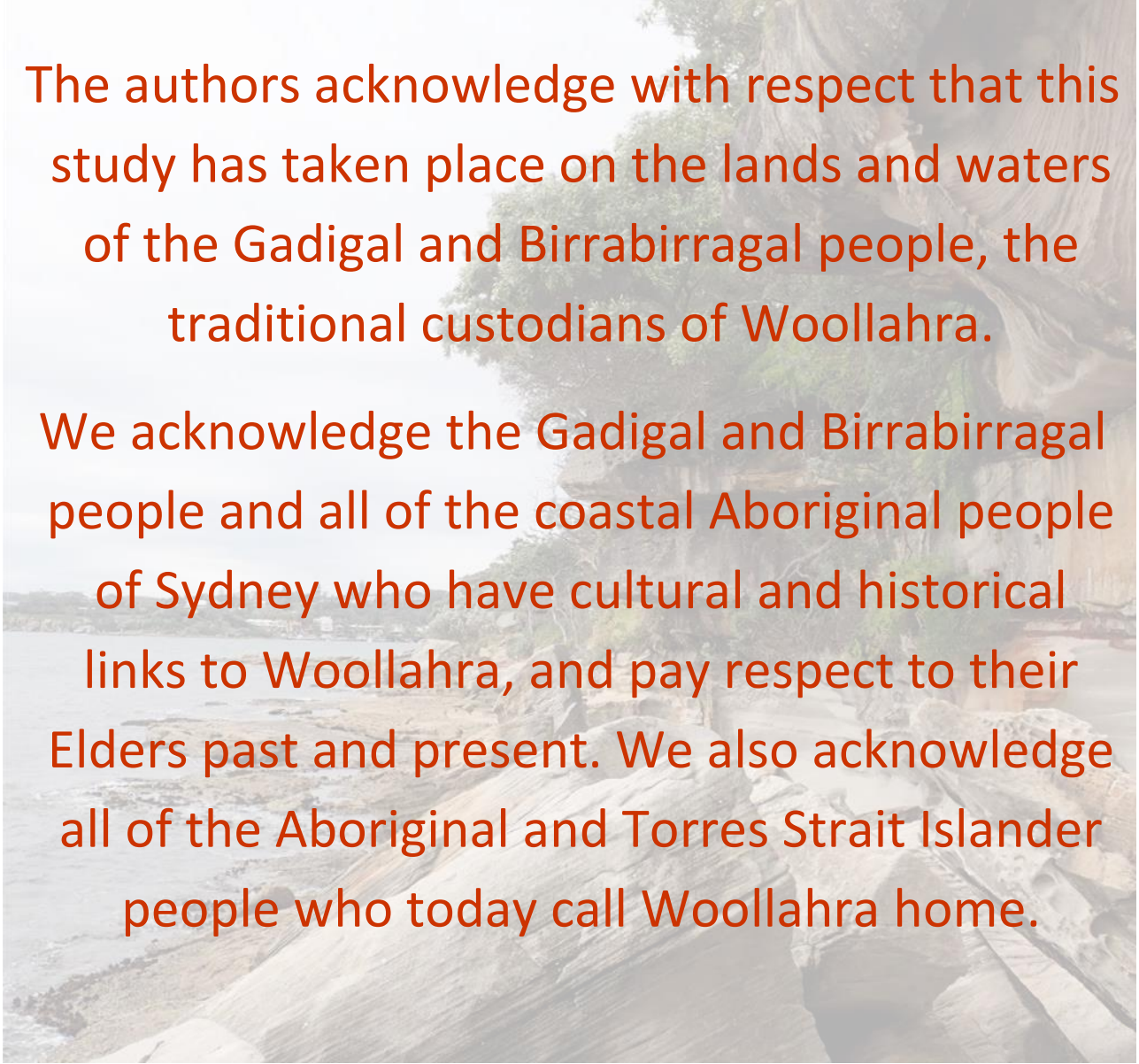
Aboriginal Heritage Study



July 2021

Report prepared for Woollahra Municipal Council

WARNING: Aboriginal & Torres Strait Islander readers should note that this document contains images of deceased Aboriginal people



The authors acknowledge with respect that this study has taken place on the lands and waters of the Gadigal and Birrabirragal people, the traditional custodians of Woollahra.

We acknowledge the Gadigal and Birrabirragal people and all of the coastal Aboriginal people of Sydney who have cultural and historical links to Woollahra, and pay respect to their Elders past and present. We also acknowledge all of the Aboriginal and Torres Strait Islander people who today call Woollahra home.

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1 Introduction to the study

Coast History & Heritage ('Coast') have prepared this Aboriginal Heritage Study ('the study') to assist Woollahra Municipal Council ('Council') to develop management procedures in relation to Aboriginal heritage on Gadigal and Birrabirragal land in the Woollahra Local Government Area (**Figure 1**). The study was informed by goals outlined Council's 2018 Community Strategic Plan (*Woollahra – 2030. Our community, our place, our plan*) for 'a connected, harmonious and engaged community for all ages and abilities', and 'a creative and vibrant community'. It was informed more specifically by actions outlined in the 2020 Woollahra Local Strategic Planning Statement to undertake a study in conjunction with the La Perouse Local Aboriginal Land Council to support the implementation of Aboriginal heritage legislation in the Woollahra Local Government Area.¹ Sharing, acknowledging and respecting Aboriginal heritage and history forms part of these goals, and the study aims to assist in this regard and ensure that future development is undertaken with a greater awareness of this important heritage.

The study was commissioned in early 2020 and completed over the following 15 months. It has involved:

- close collaboration and consultation with the La Perouse Local Aboriginal Land Council;
- detailed research into existing records of Aboriginal heritage and Aboriginal history;
- review of historical impacts to land across the Local Government Area;
- survey by land and water to find Aboriginal sites and identify areas where they may be present;
- public engagement through media and Council notices and a public talk series;
- development of Aboriginal heritage sensitivity mapping to guide management procedures; and
- determination of an Aboriginal heritage management strategy and study recommendations.

The results of these main steps are detailed in this report. A draft report was provided to Council for consideration in July 2021 and was endorsed by Woollahra Municipal Council on 26 July 2021. Implementation of its recommendations will require the development of internal policies and procedures that will be guided by the processes outlined in the management strategy.

1.1 The Woollahra Local Government Area

The Woollahra Local Government Area (LGA) is situated on Gadigal and Birrabirragal land along the southern side of Sydney Harbour between the harbour mouth at South Head and Rushcutters Bay. It covers an area of approximately 12km² (1,220 hectares) comprising the suburbs of Bellevue Hill, Darling Point, Double Bay, Edgecliff, Paddington (part), Point Piper, Rose Bay, Vaucluse (part),

¹ Woollahra Municipal Council 2020. *Woollahra Local Strategic Planning Statement*, Planning Priority 5, Actions 28, 29 and 30.

Watsons Bay and Woollahra (**Figure 1**). In this study Woollahra means the LGA, and to avoid confusion we use the term ‘the suburb of Woollahra’ if we are discussing that specific area.

Woollahra is defined by landform, and this has strongly influenced how both Aboriginal people and more recent arrivals have lived there. Its northern boundary is the shoreline formed by the creation of the harbour around 7,000 years ago (see **Section 3.1**) while its southern boundary is the ridgeline between the harbour and Gamay (Botany Bay) that is now traced by Oxford Street and Old South Head Road. The land drains north into the harbour via a series of long buried creeks interspersed by rocky and sandy ridges and headlands.

Woollahra Municipality has had its current form since 1968 after several boundary changes in the century after it was first proclaimed in 1860. As of the 2016 census, it was home to around 54,000 residents, including 160 Aboriginal and Torres Strait Islander people (though many more live in surrounding suburbs). The LGA is wholly within the administrative boundaries of the La Perouse Local Aboriginal Land Council.



Figure 1. Woollahra Local Government Area and its suburbs.

1.2 What is Aboriginal heritage?

This study is about the identification and protection of Aboriginal heritage – so what do we mean by that? Aboriginal heritage includes places and landscapes that relate to Aboriginal culture and

history. These can be ancient but they are not just things of the past. For Aboriginal people these places and landscapes can continue to hold meaning; meaning that is embedded in the land and held in the hearts and minds of people today. Aboriginal heritage can and should be considered important by non-Aboriginal people, but Aboriginal people are the only ones who can determine the cultural significance of this heritage, and the significance they give to particular places can change over time. For this reason it is essential, as this study has done, to actively involve Aboriginal people in the protection and management of their ancestral places.

Places do not have to contain physical remains of the past to have Aboriginal heritage significance. They can include 'natural' features like:

- **places of cultural significance** to Aboriginal people, such as those associated with creation stories.
- **areas and landscapes** like Sydney Harbour itself, which are culturally important as places of connection, places of history, and places of plenty.

Aboriginal heritage also includes the places in which Aboriginal history 'happened'. We often call these Aboriginal 'sites' and imagine them to be ancient, but they can include historical and contemporary places also. Some examples already documented in Woollahra are shown in **Figure 2** and include:

- **living places** where Aboriginal people camped around the harbour shores and creeks and in the bush behind. These include sandstone rockshelters or camps in the open that can contain substantial physical evidence of past Aboriginal use such as food remains (shells, animal and fish bones), tools of stone, bone or shell and the remains of cooking fires. Sometimes though, all that has survived are isolated, discarded implements.
- **ceremonial and cultural places** like engravings carved on rock, hand stencils and other figures painted in rockshelters and places where ceremonial activities like payback contests took place.
- **resource places**, where water or food was sourced, or bark was removed from trees for making containers, shields and other implements.
- **places of burial**, where loved ones were laid to rest.
- **visited places**, where axes and other tools were sharpened, or in later times, where Aboriginal people interacted with Europeans in and around historical buildings, estates and other places.
- **contemporary places** of work or recreation.



Figure 2. Examples of Aboriginal heritage places within Woollahra.

[Precise locations of places are not identified and burial places have not been shown. A) Shoreline within Nielsen Park that contains living places and art. B) A rockshelter above the shore that contains a shell midden. C) A piece of glass found in sand dunes at Rose Bay that has been transformed into a cutting edge. D) Red painted motifs in a rockshelter. E) Engraved figure on a sandstone outcrop. F) Vacluse House in and around which Aboriginal people lived and worked in the nineteenth century. Photos by Coast 2015 - 2021].

There are a number of definitions applied to Aboriginal heritage in legislation and policy in NSW. Of most relevance are the definitions of 'Aboriginal object' and 'Aboriginal place' in the *National Parks & Wildlife Act 1974* (the 'NPW Act'). The NPW Act defines an 'Aboriginal object' as

‘any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains’²

They are commonly referred to as Aboriginal sites (e.g. campsites, scarred trees, rock engravings), while Aboriginal remains refers to human remains such as burials or any skeletal remains of Aboriginal people.

An ‘Aboriginal place’ is defined as ‘any place declared to be an Aboriginal place under section 84’ of the NPW Act. It is a place which *‘in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture.’*³ There are no Aboriginal places currently registered within Woollahra Local Government Area.

In the Woollahra Local Environmental Plan 2014, the definition of ‘Aboriginal object’ follows the NPW Act definition, but includes a broader definition of ‘Aboriginal places of heritage significance’. In addition, items listed on heritage registers for their non-Aboriginal heritage significance or natural values can also have Aboriginal values. Added to this, much Aboriginal heritage is not found on any formal register; instead it exists in museum collections, newspaper recollections of historical Aboriginal camps or burials dug up long ago by workmen, not to mention intangible heritage of continuing significance to Aboriginal communities.

None of these existing definitions capture the breadth of Aboriginal heritage. For this reason, in this study the term ‘Aboriginal heritage’ is used to speak of all of these types of places and associations, while the term ‘Aboriginal heritage place’ refers more specifically to locations in which Aboriginal heritage values have been defined. We recognise that neither of these terms has broadly accepted meaning, but we consider it preferable to use these in favour of existing definitions which are much more restrictive and narrow.

Many types of Aboriginal heritage are protected by law, but these laws are most readily applied to surviving physical traces of the Aboriginal past. As a result, this study and the Aboriginal heritage management strategy it contains, focus on the identification and protection of these physical ‘sites’ in relation to developments and other impacts. However we have also considered other types of Aboriginal heritage places and have provided recommendations about how other values could be recorded and celebrated in Woollahra to ensure that we do not lose a sense of the living, ongoing vitality of Aboriginal heritage.

1.3 How is Aboriginal heritage currently managed and protected?

The following is a brief summary of the applicable laws and policies in place in New South Wales to protect and manage Aboriginal heritage, with a focus on the roles and responsibilities of local

² NPW Act Section 5(1).

³ NPW Act Section 84.

government. A more detailed overview of Aboriginal heritage legislation and policy is contained in **Appendix E**.

1.3.1 State legislation

Aboriginal heritage is protected in NSW primarily through the following legislation:

National Parks and Wildlife Act 1974

Legal protections are provided to Aboriginal heritage under the *National Parks & Wildlife Act 1974* (the 'NPW Act'). The Aboriginal heritage provisions of the NPW Act are currently administered by Heritage NSW, Department of Premier & Cabinet. The NPW Act gives statutory protection to Aboriginal 'objects' under Section 90, and to 'Aboriginal Places' under Section 84.

Under the NPW Act it is an offence to cause 'harm' to Aboriginal objects, which includes destroying, defacing, damaging and moving them. There are penalties for both knowingly and unknowingly harming Aboriginal objects (s86(1) & (2)), but there are a number of situations which provide exceptions or defences for unknowing harm. These include having undertaken a process of Due Diligence which concluded that a proposed activity would not result in harm to Aboriginal objects, and exceptions for a range of minor activities on land defined as disturbed.

Activities that will involve harm to an Aboriginal object require an Aboriginal Heritage Impact Permit (AHIP) under s90 of the NPW Act, which can be issued by Heritage NSW. AHIPs can be issued for specific Aboriginal objects or for areas of land. In general, an AHIP application for harm to Aboriginal objects can only be submitted to Heritage NSW after development consent has been granted. The application must be accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) which must be prepared in accordance with current guidelines, and include full documentation of a prescribed process of Aboriginal community consultation in accordance with s60 of the National Parks and Wildlife Regulation 2019.⁴

Environmental Planning & Assessment Act 1979

The way in which Aboriginal heritage is managed with respect to potential development impacts is set out in the provisions of the *Environmental Planning & Assessment Act 1979* (the 'EP&A Act'). The EP&A Act has three main parts of direct relevance to Aboriginal cultural heritage. Namely, Part 3 which governs the preparation of planning instruments, Part 4 which relates to development assessment and consent processes and Part 5 which relates to environmental impact assessment and State Significant Infrastructure. Councils can be determining authorities in relation to their own works and often do not require the same assessment rigour as other proponents (although under the NPW Act with its strict liability provisions, Councils are still required to exercise Due Diligence and require AHIP approvals for harm to Aboriginal objects).

⁴ DECCW 2010. *Code of Practice of Archaeological Investigation of Aboriginal Objects in NSW*; DECCW 2010. *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974*; OEH 2011. *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.

Part 4 deals with the process of obtaining development consent from local government authorities, including the requirement for documentation of an assessment of potential development impacts in certain cases. It also describes the process for *integrated development* (Division 4.8) which covers those development proposals requiring an AHIP under s90 of the NPW Act.

The EP&A Act provides for the preparation of Local Environmental Plans (LEPs) according to a standard template to guide future development within local government areas. LEPs have mechanisms to protect Aboriginal heritage through listing of 'Aboriginal places of heritage significance' on Schedule 5 (Environmental Heritage) and inclusion on the Heritage Map of the LEP, or through identification in an Aboriginal heritage study. Protection through listing in Schedule 5 and the Heritage Map can be useful, however this was designed primarily to protect non-Aboriginal heritage, and does not neatly fit in with existing legal protections and processes for Aboriginal heritage under the NPW Act (for example the need to keep two separate registers updated for the same places). For this reason, the Aboriginal heritage management strategy developed for Woollahra does not make use of these LEP mechanisms.

1.3.2 Policy guidelines

The following documents (described in **Appendix E**) provide current guidelines as to how to investigate Aboriginal heritage and apply for Aboriginal Heritage Impact Permits.

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* published by the Department of Environment, Climate Change and Water, dated 13 September 2010;
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* published by the Department of Environment, Climate Change and Water, dated 24 September 2010;
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* published by the Office of Environment & Heritage, dated April 2011; and
- *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks and Wildlife Act 1974* published by the Department of Environment, Climate Change and Water, dated April 2010.

1.3.3 The role of local government

Local government plays a key role in the protection and management of Aboriginal heritage, as a planning and consent authority, as a land manager, and as part of its overall role to serve the needs of local residents, which includes Aboriginal people and non-Aboriginal residents for whom Aboriginal heritage is also important. Some key legal and policy imperatives for the active involvement of Council which underpin the current study are:

- Council as a land manager is subject to the legal requirements of the NPW Act, the National Parks and Wildlife Regulation 2019 and the EP&A Act.

- Council as a consent authority is required by Section 5.10(8) of the Woollahra LEP 2014 to consider the effects of a proposed development on Aboriginal heritage, before granting development consent.
- Council as a planning authority has a stated aim to conserve Aboriginal heritage under Planning Priority 5 of the 2020 Woollahra Local Strategic Planning Statement,⁵ which aligns with similar aims in the Regional Plan (Objective 13) and District Plan (Priority E16) under which it sits.⁶

Local government can also play an important role in fostering Aboriginal heritage protections through increasing public awareness and appreciation of Aboriginal culture and history. The Local History team at Woollahra Library and Council's Community Development team undertake a range of valuable public activities including:

- hosting Aboriginal history talks and exhibitions.
- conduct Bush Tucker walks each year with Bush Tukka Dreaming.
- holding a range of activities to acknowledge and celebrate NAIDOC Week and Reconciliation Week each year.
- the Local History team also provides Council staff with Aboriginal history information to assist with the development of historical interpretation.

More activities continue to be planned. For example the current draft Library Strategic plan 2021 – 2026 includes the following actions:

- In partnership with La Perouse Land Council investigate options for reflecting the indigenous history of Woollahra.
- Enhance Indigenous representation as speakers or facilitators at Library events and programs.⁷

The possibilities for building on this important work are discussed further in **Section 6.8.7**.

1.3.4 Future changes

Since 2013, there has been a proposal to take the Aboriginal heritage provisions out of the NPW Act and create a new, standalone Aboriginal heritage act. The new act would make some significant changes to the way in which Aboriginal heritage is managed under state law. However, as yet there is little detail about how the system will work in practice, nor when it will come into effect. Legislation enabling the establishment of an Aboriginal Cultural Heritage Authority, which will

⁵ Woollahra Municipal Council 2020. *Woollahra Local Strategic Planning Statement*.

⁶ Greater Sydney Commission 2018. *Our Greater Sydney 2056. Eastern City District Plan – connecting communities*; Greater Sydney Commission 2018. *Greater Sydney Region Plan. A Metropolis of Three Cities – connecting people*.

⁷ Woollahra Libraries and Think Place 2021. *Draft Library Strategic Plan. Co-designing Library Strategic Plan 2021-2026*, p. 27.

establish the parameters of a new system, is yet to pass the NSW Parliament. Once passed, it is still expected to be at least several years before the new system is ready to operate.

At this stage then, there is little that can be done with respect to preparing Woollahra for any possible future changes to the state Aboriginal heritage legislation, and it is not considered further in this study. However while the detail of the possible new system is still largely unknown, it is clear from public discussions to date that any new system will be based on a more detailed understanding of the known and potential Aboriginal heritage of different areas than is provided by the state Aboriginal site register. In particular, the new system is likely to draw on the results of projects like the current study.

1.4 Why was this study needed?

The surviving Aboriginal heritage of Woollahra represents a history of Aboriginal use stretching back thousands of years and continuing through to the present. Some of it has been documented, but much remains unrecorded in parks and backyards or buried beneath the ground. It has endured natural environmental changes such as erosion, the gradual reshaping of the environment through farming and market gardening in the nineteenth century and the subdivision of former farms into a carpet of housing in the twentieth century, each of which have destroyed some other Aboriginal heritage places.

With the exception of some apartment buildings and shopping centres, most development until the last few decades has been built over the underlying sandstone rock and sand dunes rather than into them. In the twenty-first century, a rising Sydney population and increasing land values have made it more desirable to cut through rock and sand to maximise the use of space within properties; a transformation that can readily be seen on building sites across Woollahra on any given day. For the first time, we risk losing many of the remaining traces of the Aboriginal past, sometimes before we even knew they were there.

For more than forty years state laws have provided legal protections for Aboriginal heritage, and provided a framework for considering the potential Aboriginal heritage impacts of developments. Since 2011, the current statewide Aboriginal heritage management procedures have been in force, supported by a series of guidelines and a state register of Aboriginal sites. In theory, local government plays an important role in implementing these – as both a consent authority and a land manager, and there is also a growing awareness of the ethical and moral responsibilities of local government to take action to protect, promote and celebrate the Aboriginal history and heritage of their area. But the procedures are quite generic, and it is difficult for Councils to determine how they should be applied at a local level. At the same time, the state Aboriginal site register, on which many of these processes rely, is an incomplete and inaccurate record which is poorly suited to providing information about the presence or absence of Aboriginal sites in any area.

At present, Council's Aboriginal heritage management measures draw out of necessity on the available information in the state Aboriginal site register and the broad and generic guidelines produced by Heritage NSW. In order for local Councils like Woollahra to meet their Aboriginal heritage protection obligations more effectively, detailed research is required to update Aboriginal

heritage records and distil existing requirements into a locally-tailored suite of management processes. That is why this study was undertaken, and what it has provided. Hopefully it will help to ensure that Aboriginal heritage can be recorded, protected and valued in Woollahra for generations to come.

1.5 How was the study undertaken?

The Aboriginal heritage study involved the main components outlined in **Sections 1.5.1 – 1.5.5** following. Some tasks or their timing had to be modified in light of COVID-19 restrictions which were in place in some form throughout most of the study. This primarily affected the ability to hold face to face meetings, however overall results were not impacted by these restrictions. Many of the tasks below resulted in the production of mappable information which was compiled and analysed using QGIS mapping software in order to output map products for Council in ESRI Shapefile format.

1.5.1 Aboriginal community consultation

All aspects of the study were undertaken in close collaboration with the La Perouse Local Aboriginal Land Council ('LALC'). The La Perouse LALC has a responsibility under the *Aboriginal Land Rights Act 1983* 'to promote the protection of Aboriginal culture and the heritage of Aboriginal persons'⁸ within its boundaries, which includes the Woollahra LGA. The La Perouse LALC also represents families with cultural and historical ties to coastal Sydney. The involvement of the La Perouse LALC included:

- An initial meeting in April 2020 between the Coast team, La Perouse LALC and Council staff to introduce the study and determine appropriate consultation protocols. Based on the results of this meeting, an Aboriginal community consultation strategy was drafted to guide the study.
- Involvement of La Perouse LALC heritage officers in field survey for the study over 15 days between June and November 2020. This included discussions with senior heritage officer David Ingrey and La Perouse LALC Chief Executive Officer (CEO) Chris Ingrey to design the survey priorities, and briefings and provision of maps and plans ahead of each day of survey to explain the aims for the day. LALC heritage officers were actively involved in all aspects of the survey, including locating and recording sites, record keeping and the interpretation of landscape features (**Figure 3A & B**). An additional day of survey was undertaken by boat in February 2021 in conjunction with the La Perouse based Gamay Rangers (**Figure 3C**).
- La Perouse LALC CEO Chris Ingrey was provided with updates on the study and a presentation was made to the LALC board in September 2020. In addition LALC Chairperson Noeleen Timbery attended and addressed a Councillor briefing on the study in September 2020.
- The proposed Aboriginal heritage management strategy was discussed with La Perouse LALC heritage officers in April 2021 and updates were provided to senior heritage officer David Ingrey following subsequent amendments to the strategy based on the results of meetings with Council staff.

⁸ *Aboriginal Land Rights Act 1983*, s52(1)(m).

- A further meeting was held with La Perouse LALC CEO Chris Ingrey and senior heritage officer David Ingrey on 3 June 2021 to discuss the final amended procedures.
- A draft version of this report was provided to the La Perouse LALC for review and comment in June 2021, and Paul Irish of Coast and Anne White and Flavia Scardamaglia from Council presented the draft study report to the La Perouse LALC board on 16 June 2021.
- Paul Irish subsequently discussed the management strategy and recommendations with La Perouse LALC Senior Heritage Officer David Ingrey on 22/6/21.
- The La Perouse LALC have provide a letter of support for the study as attached in **Appendix A**. The LALC has strongly supported the recommendations of the study and congratulated Council 'for their genuine interest in the protection and appreciation of Aboriginal heritage within its area'.



Figure 3. Aboriginal community engagement in the Aboriginal heritage study.

[A] Pre-survey briefing by Coast Director Paul Irish. B). Survey in progress with Coast, LALC heritage officers and Rudi Adlmeyer from Council. C) Boat survey in February 2021 with the Gamay Rangers. D) Public talk with the Gujaga Foundation. Source: A & C Woollahra Municipal Council 2021. B & D Coast 2021].

In addition, on the advice of the La Perouse LALC, we discussed the study with the Gujaga Foundation, which is the peak organisation leading language, cultural and research activities within the La Perouse Aboriginal community.⁹ We met with the Gujaga Foundation in May and October 2020 to discuss the study and any particular cultural and historical associations that should be considered. In addition Ray Ingrey, Dr Shane Ingrey, Kodie Mason and Sophie Youngberry of the Gujaga Foundation co-presented a well-attended online public talk through Woollahra Library about the study with Coast Director Paul Irish in December 2020 (**Figure 3D**).

The Gujaga Foundation was also provided with a draft version of the report for comment in June 2020, and its findings were discussed with Gujaga Foundation Chairperson Ray Ingrey on 18/6/21. The Gujaga Foundation wrote in support of the study (see **Appendix A**) and 'looks forward to future works undertaken to further protect and promote the rich local Aboriginal heritage of Woollahra in an authentic and culturally appropriate way'.

1.5.2 Archival research

Extensive archival research informed the study, drawing on existing information held by Coast, and additional information in local and state archives. The research had two main components:

Aboriginal site records

A detailed study was made of records of Aboriginal sites within Woollahra with the aim of revisiting all previously recorded sites on public lands and on private lands (with permission). The main repository of this information is the Heritage NSW Aboriginal Heritage Information Management System ('the AHIMS Register') which includes a register of Aboriginal sites within NSW and a catalogue of archaeological reports. Data from the AHIMS Register was obtained through an existing Aboriginal Heritage Information Licence Agreement between Council and AHIMS. This data consists primarily of archaeological sites, each with a unique ID number, grid coordinates and one or more site 'features'. Many of the listed coordinates are known to be incorrect to varying degrees, and the AHIMS Register largely contains sites recorded by archaeologists rather than those known from other sources. For this reason, the study involved the creation of a mappable Aboriginal Heritage Place List that brought together all of the available records from the AHIMS Register and other sources and contained consistent and updated information about locations and conditions (see **Appendix B**). The main tasks in the compilation of the Aboriginal Heritage Place List were as follows:

- Mapping and analysing AHIMS Register data using QGIS.
- Obtaining and reviewing original site cards for all sites within the LGA from Council and the AHIMS Register and adding details from these into a more detailed Aboriginal Heritage Place List spreadsheet.
- Examining and adding other records of Aboriginal heritage places from:
 - Historical newspaper reports of the discovery of Aboriginal burials and objects (**Figure 4A**).

⁹ <https://www.gujaga.org.au/about> [accessed 25/3/21].

- Australian Museum records of objects collected or donated from Woollahra (see **Appendix C**).
- Previous Aboriginal heritage investigations with details of recorded but unregistered Aboriginal sites (see **Appendix D**).
- Archival records of Aboriginal site recordings held at the NSW State Library, and the National Parks & Wildlife Service, such as images and maps of rock engravings by W.A. Miles in the 1840s at Camp Cove and Point Piper, William Campbell in the 1890s across Woollahra and J.C. Lough and Rosemary Taplin in the 1960s and others (**Figure 4B & C**).
- Using information from the above records to update site location information on AHIMS. In particular the recordings of Campbell in the 1890s include a set of detailed maps at the NSW State Library with bearings and distances of recorded engravings from landmarks which allow checking using functions of QGIS (**Figure 4D**). This revealed some AHIMS Register coordinates to be inaccurate by up to several hundred metres in some instances.

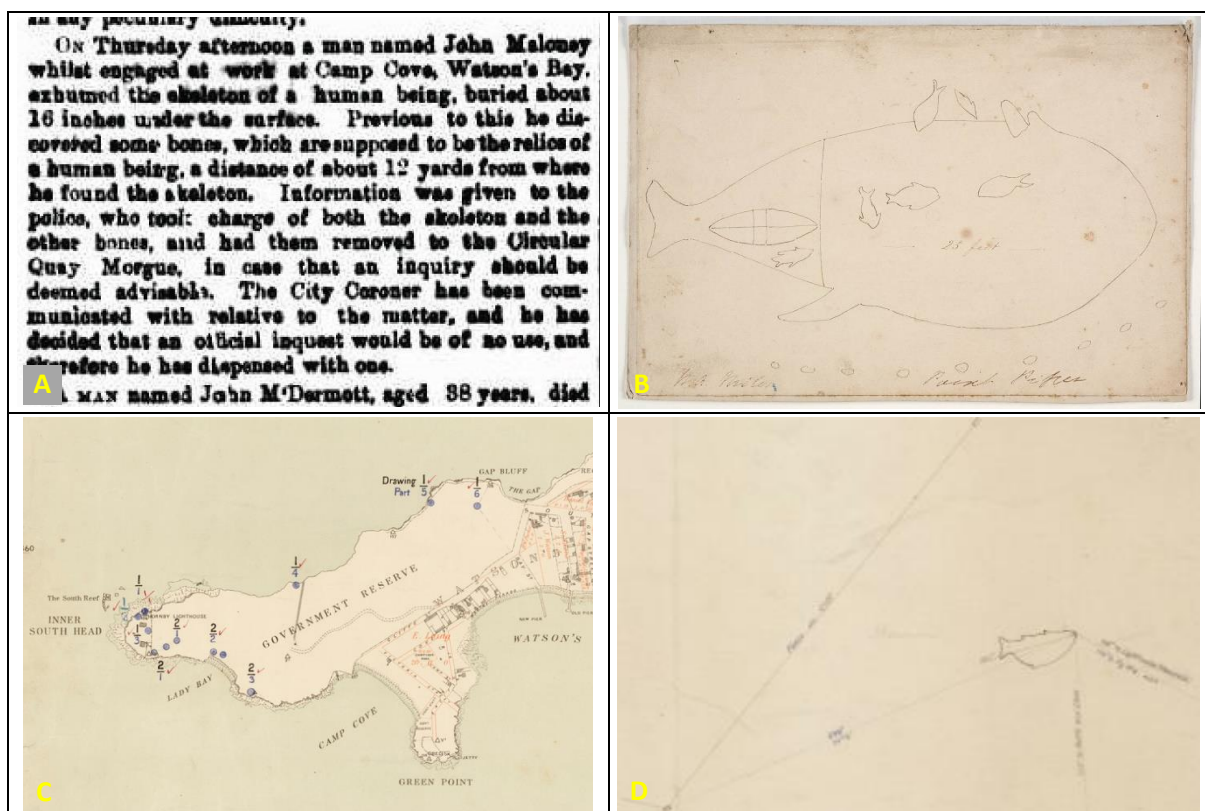


Figure 4. Archival records of Aboriginal heritage places outside of the AHIMS Register.

[A] An Aboriginal burial found at Camp Cove in 1883 (*Sydney Morning Herald* 28/7/1883, p. 9). B). Rock engravings recorded at Point Piper in the 1840s by W.A. Miles (NSW State Library A610 [CY979]). C) Map of Aboriginal engraving locations at South Head by Campbell in the 1890s (NSW State Library PXD224 Plan No. 1). D) Bearings and distances from an engraving recorded by Campbell in the 1890s that allows detailed reconstruction of its location (NSW State Library PXD223 Drawing No. 1).

- Examining selected Woollahra Municipal Council property files for properties in which Aboriginal sites had been recorded or were suspected to be located.

- Updating the Aboriginal Heritage Place List with information about site location and condition from the Aboriginal heritage survey (see below) and adding records of potential Aboriginal heritage sites (such as rockshelters with the potential to contain evidence of occupation).

On completion of the study, updating the AHIMS Register with more accurate location and condition information, and the records of any newly recorded sites or potential sites.

Aboriginal and European land use history

Archival research was also undertaken to understand how Aboriginal people have used the Woollahra area since the arrival of Europeans. This research built on detailed existing data and publications by Coast Director Dr Paul Irish.¹⁰ Further research was also undertaken to understand how Europeans have used the Woollahra area since 1788 and particularly the impacts that this may have had on Aboriginal heritage places. This research initially reviewed secondary reports and publications about Woollahra, and particular suburbs and places within it.

Further primary archival research was then undertaken at the State Library of NSW, NSW State Archives and Records, the National Library of Australia and in particular the invaluable Woollahra Library Local History Collection of maps, images and other archival material. Online sources such as the National Library Trove website, *Dawn* magazine and NSW Geological Survey DIGS database were also searched. In addition, in order to resolve questions about the geology of Woollahra (see **Section 5.4**) several hundred geotechnical studies from recent development applications were reviewed and mapped.

1.5.3 Field survey

The study involved extensive archaeological field survey to locate previously recorded Aboriginal heritage places; to identify previously unrecorded Aboriginal sites and potential sites; and to assess the broader landscape of Woollahra for its Aboriginal heritage sensitivity (the likelihood that Aboriginal heritage places may survive). Survey was undertaken collaboratively by Coast with the La Perouse LALC and was informed by detailed mapping of Aboriginal sites and environment from the background research for the study. It was primarily done over 15 days in June and October/November 2020 in teams of three to six people in a series of planned walks around streets, through parks and (with permission) onto private properties (see **Figure 3**). Participants included Coast archaeologists Fenella Atkinson, Rebecca Bryant, Bonnie Clark and Paul Irish and La Perouse LALC heritage officers Uncle David Ingrey, Donna Daly, Steven Ella, Shane Ingrey and Richard Silva. We were joined on some days by Woollahra Municipal Council heritage officers Flavia Scardimaglia, Shona Lindsay and Charlotte Simons, and also benefited from the extensive local knowledge of Council Bushcare Liaison Officer Rudi Adlmayer. In addition a boat survey was undertaken in conjunction with the La Perouse LALC and the Gamay Rangers in February 2021 and some additional field checking of geology was undertaken by Coast in March 2021.

Most of the survey took place on public lands including Council managed reserves and national parks, as well as along streets. As Aboriginal sites were known to be recorded on a number of private

¹⁰ E.g. Irish & Ingrey 2011; Irish & Ingrey 2013; Irish 2017; Irish 2019.

properties, letters were sent to residents in September 2020 requesting access as part of the study and noting appropriate COVID-19 precautions to be undertaken. As precise site locations were not always known, these letters were often sent to all properties that could contain the recorded sites. On the basis of these letters and promotion of the study through the Council website and an online public talk delivered by Coast Director Paul Irish in October 2020 access was granted to thirteen properties that potentially contained Aboriginal sites. Some owners chose to withhold access and many others did not reply. As a result, some recorded Aboriginal sites on private lands were not inspected for the study.

Detailed photographic records and notes were taken during the survey and the results were used to update the Aboriginal Heritage Place List as well as mapping of historical land use impacts and areas of Aboriginal heritage sensitivity.

1.5.4 Assessment and strategy

Following the site survey and research, the results were analysed and combined to produce a map of Aboriginal heritage sensitivity across Woollahra, incorporating known and potential Aboriginal site locations, documented land use impacts and the extent of different geological contexts (see **Section 5.4**). The Aboriginal Heritage Sensitivity Map was used as the basis for the development of the Aboriginal Heritage Management Strategy including procedures for development applicants, Council planners and projects on Council managed lands. This strategy was discussed and refined in April and May 2021 with the La Perouse LALC and through a series of meetings between Coast and Council planning, heritage, open space and public works personnel. Based on these discussions the mapping and procedures outlined in **Section 6** were developed for consideration by Council.

1.5.5 Public engagement

Aboriginal heritage and history are poorly understood by most non-Indigenous Australians, which can provide a barrier to acceptance of Aboriginal heritage management strategies such as those detailed in this report. An important part of the study was therefore to demystify and explain the study, and Aboriginal heritage and history more broadly to Woollahra residents. This was done primarily through:

- Placing a public notice in the *Wentworth Courier* to alert residents to the study.
- Posting details and frequently asked questions about the study on the Council News website in November 2020,¹¹ and inviting residents to contact Council.
- Coast Director discussing Aboriginal heritage and history on local radio station Eastside FM in August 2020.
- A series of well-attended online Woollahra Aboriginal Heritage Talks via Woollahra Library in October 2020 and December 2020 (in conjunction with the Gujaga Foundation), with a third to

¹¹ https://www.woollahra.nsw.gov.au/news/articles/aboriginal_heritage_study_for_the_woollahra_municipality [accessed 25/3/21]

occur on completion of the study (see **Figure 3D**). These were promoted by Council through its website and Facebook page as well as through Woollahra Libraries.

- Discussions with private landowners who were contacted and/or visited as part of the study, explaining the study and Aboriginal history and heritage more generally.

As a result of these actions, several residents contacted Coast via Council with comments or questions about the study or in relation to particular Aboriginal heritage sites. These included:

- Dr Richard Barz who had researched Aboriginal rock art and had a particular interest in the engravings located around South Head and was interested in the study more generally.
- Professor Patricia Armati, who has a strong interest in the protection of Aboriginal and European heritage in Woollahra, particularly the area from Rose Bay to South Head and was interested to know more about the study.
- Andrew Woodhouse (President, Potts Point and Kings Cross Heritage and Residents' Society) who provided information about the Aboriginal history of the Rushcutters Bay area, mostly drawn from previous publications by Coast Director Dr Paul Irish.
- Rob Joyner of Paddington who provided information from his personal family records about Aboriginal people living around the Paddington area around the 1870s.

These contributions were gratefully received and were considered in the study.

1.6 What this report contains

This report contains:

- the background to the study and the work and people involved (**Section 1** and **Appendix E**);
- a discussion of Aboriginal cultural values associated with Woollahra (**Section 2**);
- an overview of changes to the environment from its formation to the present day (**Section 3**);
- an overview of Woollahra's Aboriginal history (**Section 4**);
- a description of what we know about Woollahra's Aboriginal heritage and what else might survive (**Section 5** and **Appendices B, C and D**);
- the Aboriginal Heritage Management Strategy for Woollahra (**Section 6**);
- ongoing, immediate and longer term recommendations based on the results of the study (**Section 7**); and
- the references used in our report (**Section 8**).

Please note that specific permission to publish graphic materials obtained from previous publications or archival records has not been obtained for the current study. Should it be proposed

to publish the current study, such permission would need to be sought from copyright holders and/or custodians. In addition, where possible, permission should be sought from people depicted in photographs within the report in the event of publication of the current study, or proposed use of this material for other purposes.

1.7 Who contributed to the study

This report was written by Coast Director Dr Paul Irish, with contributions from Coast Senior Heritage Consultant Fenella Atkinson. The Aboriginal Heritage Sensitivity Map was created by Coast GIS Analyst Nathan Spooner based on field survey, information review and GIS mapping by Fenella Atkinson, Rebecca Bryant, Bonnie Clark and Paul Irish. The environmental history provided in **Section 3.1** was written by Coast associate Professor Stephen Gale.

This study has benefited from, and depended upon, the contributions and assistance of a wide range of people. We would especially like to thank the La Perouse Local Aboriginal Land Council and Gujaga Foundation for their active involvement and ongoing support of the study from start to finish. In particular we would like to thank La Perouse LALC Chairperson Noeleen Timbery, CEO Chris Ingrey, Senior Aboriginal Heritage Officer David Ingrey, and LALC Heritage Officers Donna Daley Steven Ella, Shane Ingrey and Richard Silva. We would also like to thank Ray Ingrey, Sophie Youngberry and Kodie Mason of the Gujaga Foundation for their time and input, and Gamay Rangers Robert Cooley (Senior Ranger), April Allende, Terice Ingrey, David Johnson, Harley Lester, Bryce Liddell and Robert Russell for assisting with the field survey and knowledge of the harbour waters.

The study would not have come about without the tireless support of Council Strategic Heritage Officer Flavia Scardimaglia, who we thank greatly for her ongoing support and enthusiasm to ensure a better future for the Aboriginal heritage of Woollahra. Many other current and former Council staff have contributed to the study and we apologise for any who have been omitted from the following list – Rudi Adlmeyer, Richmond Alcorn, Chris Bluett, Vince Caccavo, Sharon Campisi, Jonathan Chan, Allan Coker, Yaras De Silva, Nick Economou, Roger Faulkner, George Fotis, Paul Fraser, Lynn Garlick, Elizabeth Hartnell, Micaela Hopkins, Richard Ladlow, Robert Lam, Aurelio Lindaya, Shona Lindsay, Craig Swift-McNair, Max Moratelli, Vicki Munro, Tom O’Hanlon, Mark Ramsay, Charlotte Simons, Nola Urquhart, Kristy Wellfare and Anne White. Coast also benefited from a concurrent project, preparing plans of management for the Crown land reserves managed by Council as Crown land manager. This project was managed by Megan Holdsworth who also provided comments on a draft of this report. The support of Woollahra Mayor Susan Wynne and other Councillors, expressed through the Councillor presentation on 16 September 2020 was also very significant for the study and is gratefully acknowledged.

The study was also greatly assisted by the Woollahra Local Studies collection and the Local History Team at Woollahra Library. The extensive collection contains a range of unique and valuable historical records that have great value to historical and heritage research, and which are becoming increasingly accessible through an ongoing digitisation project undertaken by the Local History Team. We would like to acknowledge in particular the superlative efforts of Woollahra Local Studies

Librarians Jane Britten and Barbara Swebeck who went above and beyond in locating and providing access to a range of records which greatly assisted with research for the study. Jane and Barbara and colleagues Lauren Shiels and Danielle Aynsley are also thanked for organising and promoting the Woollahra Aboriginal Heritage Talks series.

Information was also provided by Council in the form of heritage reports and records and GIS data compiled by Jonathan Chan. We would also like to thank the Woollahra History and Heritage Society (WHHS) for their compilation of a range of very valuable local history resources, Peter Poland of the WHHS for taking time to discuss the study with Coast Director Paul Irish, and the staff of the Australian Museum in assisting with enquiries about objects from Woollahra within their collections.

Survey for the study was assisted by the following people who provided access, information and local knowledge about areas across Woollahra - Rudi Adlmeyer (Woollahra Municipal Council Bushcare Liaison Officer), Melody Puckridge (National Parks and Wildlife Service Ranger, Sydney South), Edward Champion and Susan Sedgwick (Sydney Living Museums) and Commander Ken Marr (Royal Australian Navy) and Emma Hook (HMAS Watson).

We would also like to thank Woollahra residents Professor Patricia Armati, Dr Richard Barz, Rob Joyner and Andrew Woodhouse who contributed information to the study, and those residents who provided access to their properties during the field survey.

2 Aboriginal cultural values

2.1 Aboriginal people and Woollahra

Today Woollahra has a relatively small number of residents who identify as Aboriginal or Torres Strait Islander, compared to surrounding areas. This is not an accident, but is one of many tragic consequences of past government policies, as we outline in **Section 4**. In Woollahra, the rise of the Aborigines Protection Board in the 1880s led to most Aboriginal people leaving their settlements around the harbour shore for the La Perouse Aboriginal reserve and mission by the end of the nineteenth century. In the early twentieth century many Aboriginal people fled the punitive segregation policies in rural New South Wales for the relative freedoms of the city.¹² Those with relatives at La Perouse tended to move around this area, while others formed a strong community around Redfern and surrounding suburbs. Large scale post-war Aboriginal migration to the city followed a similar path, drawing more and more people into these existing Aboriginal communities.¹³

As a consequence, while some Aboriginal people live in virtually every suburb across coastal Sydney, the main Aboriginal population centres continue to be clustered around the established Aboriginal communities in the La Perouse/Matraville/Botany area and the Redfern/Waterloo area. The lack of a large and visible Aboriginal community in the local area makes it easy to imagine that Woollahra does not have meaning and importance for Aboriginal people today. This could not be further from the truth.

When Europeans arrived in Sydney in 1788, the harbour was home to a number of Aboriginal clans. The harbour clans traced common descent from a male ancestor and shared totems. Each clan numbered around 25 to 60 people and had primary rights to their clan estate, after which they were named. Most of Woollahra was part of Gadi, the estate of the Gadigal people, which stretched east along the southern shore of the harbour from around Darling Harbour, to the estate of the Birrabirragal associated with the entrance to the harbour.¹⁴

The harbour clans were bound together by women, who married between clans.¹⁵ This meant that the groups of Aboriginal people who lived on a daily basis in the Woollahra area were made up of a mixture of clans. Each person was also bound by complex webs of spiritual and family connection to areas beyond that of their clan through marriage, by the clans of the parents and grandparents, and by their place of birth.¹⁶ Aboriginal people travelled widely and regularly to meet their cultural obligations.

¹² Irish 2017, p. 138.

¹³ Morgan 2006.

¹⁴ Attenbrow 2010a, pp.22-30, 57-58.

¹⁵ Karskens 2009, p. 37.

¹⁶ Dr Shayne Williams, Dharawal Elder, 'Welcome to Gamay', www.sydstories.com.au/#/chapter/1 [accessed 25/2/21]; Irish 2017, pp. 17-19.

Just a year after Europeans arrived, a deadly smallpox epidemic swept around the harbour from the colony in Sydney Cove. The epidemic smashed the harbour clans, claiming countless lives and perhaps wiping out some whole families. But there were survivors. They regrouped along old lines, perhaps drawing in more distant family connections to reconstitute their groups.¹⁷ It is these people that we see in the records of nineteenth century Sydney, relabelled as the 'Sydney Tribe', the 'Botany Tribe' and so on. They still had links to the lands in which they lived, but some probably drew on less direct connections through grandparents or marriage. Some of these people came to reside in the La Perouse Aboriginal community where their descendants still live. In this way, while Woollahra does not have a large resident population, there are still many people who consider it part of their traditional homeland.

2.2 What people told us

In this study we have discussed with the La Perouse LALC and Gujaga Foundation, including descendants of people historically and culturally connected to coastal Sydney, what is important to them about the Woollahra area. We have also had further conversations with these and other people over recent years in relation to other history and heritage projects across Sydney. From all of these interactions, and the support and enthusiastic participation of the La Perouse LALC in the current study, it is clear that coastal Sydney descendants regard Woollahra and surrounding areas as part of their cultural area and therefore of significance to them.

Within Woollahra there are places and histories of particular significance. Some of these have cultural significance, such as a traditional punishment ground at Rose Bay, evidence of which survives today in the form of burials. All other Aboriginal sites are also considered significant and important to protect, particularly because so many have been lost through development of the area over the past century. Furthermore the historical camps of ancestors around the harbour bays continue to hold importance for descendants today. As La Perouse LALC CEO Chris Ingrey noted, it was no coincidence that the Land Council boundaries drawn up in the early 1980s included all of Woollahra, as the grandparents of Elders alive at that time had lived in these camps.¹⁸ Among them was Mr Ingrey's own great great grandmother Kate Sims, who was documented living at Rose Bay, Double Bay and Rushcutters Bay in the later nineteenth century.

In addition to these places are other cultural links that remain embedded in the landscape in less tangible ways. For example pathways used by Aboriginal people (some of which may be mirrored by contemporary major roads), provide a means of understanding how places are connected. Aboriginal names also provide a window into traditional land and culture. Woollahra itself has a local Aboriginal name as do a number of features within it. The origins of these names are not always clear, but are beginning to be interrogated by Aboriginal people through the lens of their revived languages. For example the Dharawal Language Program, supported by the Gujaga Foundation, has drawn on the extensive language research and cultural knowledge still held in the community to

¹⁷ Irish 2017, pp. 22-24.

¹⁸ Chris Ingrey pers. comm. 28/4/2020.

interpret Aboriginal names elsewhere in coastal Sydney, and a similar approach could be applied to Aboriginal names within Woollahra to understand their meaning.

This intangible heritage is more difficult to define and protect, and has not been the main focus of this study.¹⁹ However it will be an important and complementary aspect of Woollahra's Aboriginal heritage to document, as we have discussed and recommended. This, and other activities recommended in this study will provide further opportunities for Aboriginal community members to engage with Country.

¹⁹ Byrne *et al.* 2001, English 2002.

3 The local setting of Woollahra

Since the 1920s, much of Woollahra has been carpeted in residential housing to an extent that it is difficult to see, let alone imagine, that vast sand dunes and rocky outcrops still survive underneath and between them. If we want to understand where Aboriginal heritage places are, we need to understand this environment – how it formed, how Aboriginal people used and shaped it, how Europeans used and reshaped it, and what this implies for the survival of Aboriginal heritage.

Before we consider these matters in more detail, let us acquaint ourselves with the main features of the Woollahra environment that have been reshaped, covered over or removed over the past century, but which were previously visible to Aboriginal people and Europeans in Woollahra (see **Figure 5**). Imagine we are looking at the shoreline before Europeans arrived. It would have appeared much the same as it did to a visiting Englishman in 1834 as he was being rowed past Woollahra from Sydney on his way to an Aboriginal fishing settlement at Camp Cove. He described:

grey jutting rocks finely contrasted, with the green shrubbery scattered over and among them, while at intervals the gum tree towered up with its fantastically rugged trunk, and light airy foliage – and the wood land (being at a distance) a not unpleasant noise of the locusts [cicadas] was heard on all sides. After about an hours pull through this scenery, the more prominent features of which however kept perpetually changing as we rounded each headland, we reached Camp Cove a beautifully sequestered little spot – having a fine sandy beach surrounded by the bush.²⁰

Harbour beaches were often flanked by rocky outcrops and had creeks flowing out to the harbour at one end (**Figure 5A**). Some beaches were also backed by sandstone, sometimes hollowed out to form large rockshelters (**Figure 5B**), while other beaches were at the heads of narrow rocky inlets (**Figure 5C**). Brackish swamps and lagoons were found behind broader sandy bays, sometimes draining across mudflats rather than beaches into the harbour (**Figure 5D**).

Moving inland up the creeks across these swamps we sometimes pass through deep gullies like Trumper Park at Paddington and Cooper Park at Woollahra (**Figure 5E**). The headlands between the bays and the ridges and elevated area above the creek valleys and ocean shore have rock either outcropping or just below the surface (**Figure 5F**). But in some areas, sand dunes up to many metres in depth sit on top of the rock, and even deeper in the Rose Bay valley (**Figure 5G & H**).

²⁰ Proctor 1834, p. 118 [fr71]. Our additions in square brackets.









	
<p>Creek outlet between rock and sand at Double Bay</p>	<p>Large rockshelter behind Kutti Beach</p>
	
<p>The narrow rocky inlet of Parsley Bay</p>	<p>Swampy area behind the beach at Rose Bay</p>
	
<p>The deep tunnel valley of Cooper Park at Woollahra</p>	<p>Rock exposed across Vaucluse towards Watsons Bay</p>
	
<p>Sand a bit further uphill from image F at Vaucluse</p>	<p>Deep sands at Bellevue Hill looking across Rose Bay</p>

Figure 5. Some of the natural features of the Woollahra landscape.

[Extracts of original images. Sources: A) NSW State Library ON 4 Box 55 No 210. B) NSW State Library ON 4 Box 56 No 241-243. C) NSW State Library SPF/1036. D) Woollahra Local History Collection, Rose Bay Folder. E) NSW State Library SSV/78. F) National Library of Australia PIC P2116/1-29 LOC Album 104. G) NSW State Library DL PX 165, n50a. H) Woollahra Local History Collection pf004648c].

3.1 Making the Woollahra landscape

Apart from a tiny patch of Ashfield Shale in its southwest corner (dating from the middle of the 250–200 million year old Triassic period), Woollahra is developed entirely on middle Triassic Hawkesbury Sandstone (Figure 6).

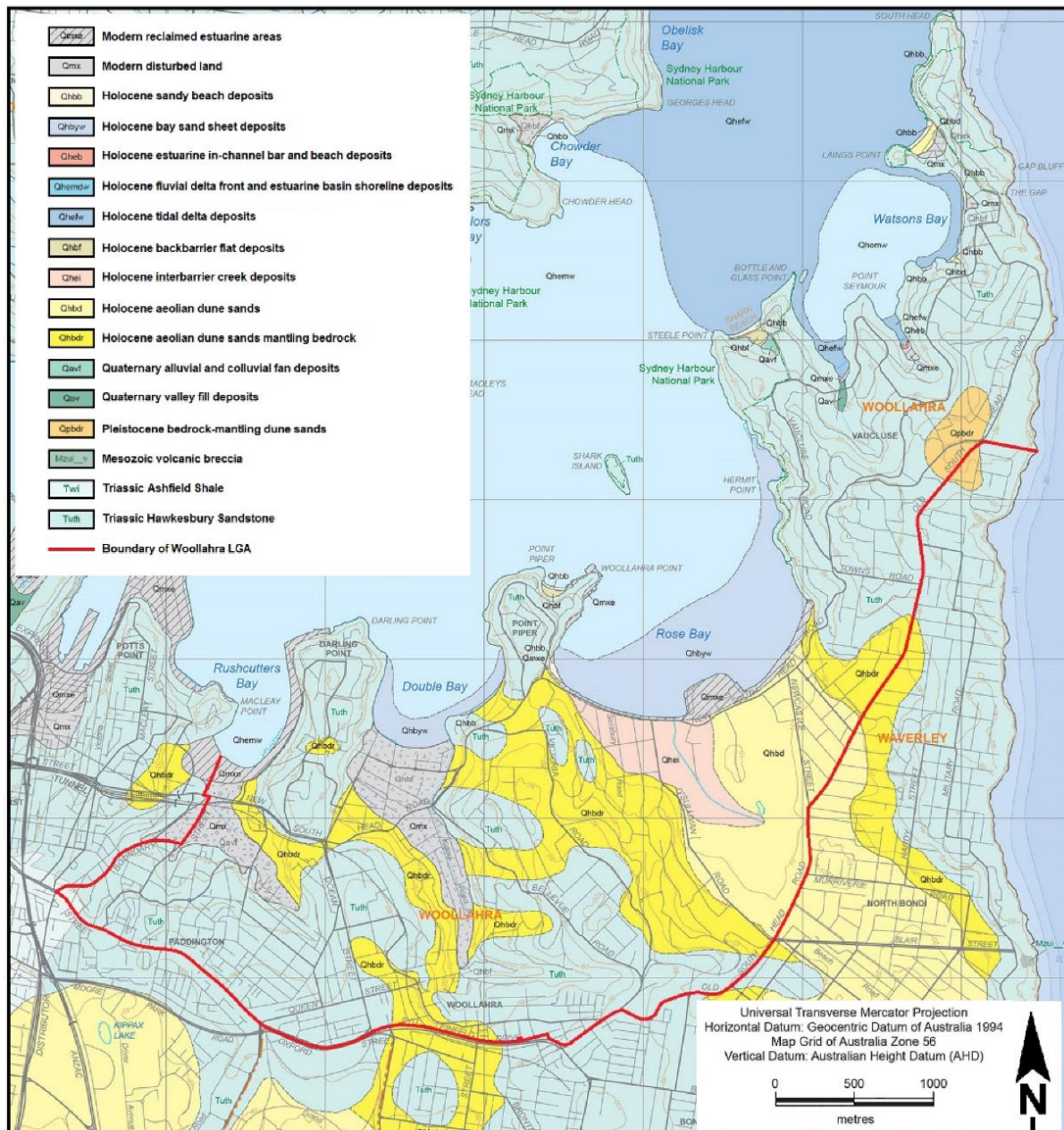


Figure 6. The geology of Woollahra Local Government Area.

[Modified from Troedson (2015)]

The major elements of Woollahra's landscape are the product of large-scale tectonic (or earth building) processes. To the east is the Tasman Sea. This was formed between 80 and 60 million years

ago by sea-floor spreading, which resulted in the formation of a new ocean, and thus a new margin to southeast Australia. Over the succeeding period this margin has experienced erosion, largely as a result of river and marine processes, and has retreated inland to its present position along the eastern edge of the area.

Meanwhile, beginning over 45 million years ago, the Hornsby Plateau, which forms the dissected sandstone upland to the north and west of Sydney (Figure 7), was upwarped in association with the tectonic movements that gave rise to Australia's Eastern Highlands. Although the highest parts of the Plateau are located well to the north of the city, its south-eastern limb extends across the Harbour where it forms the deeply fretted sandstone surface that characterises Woollahra's landscape.

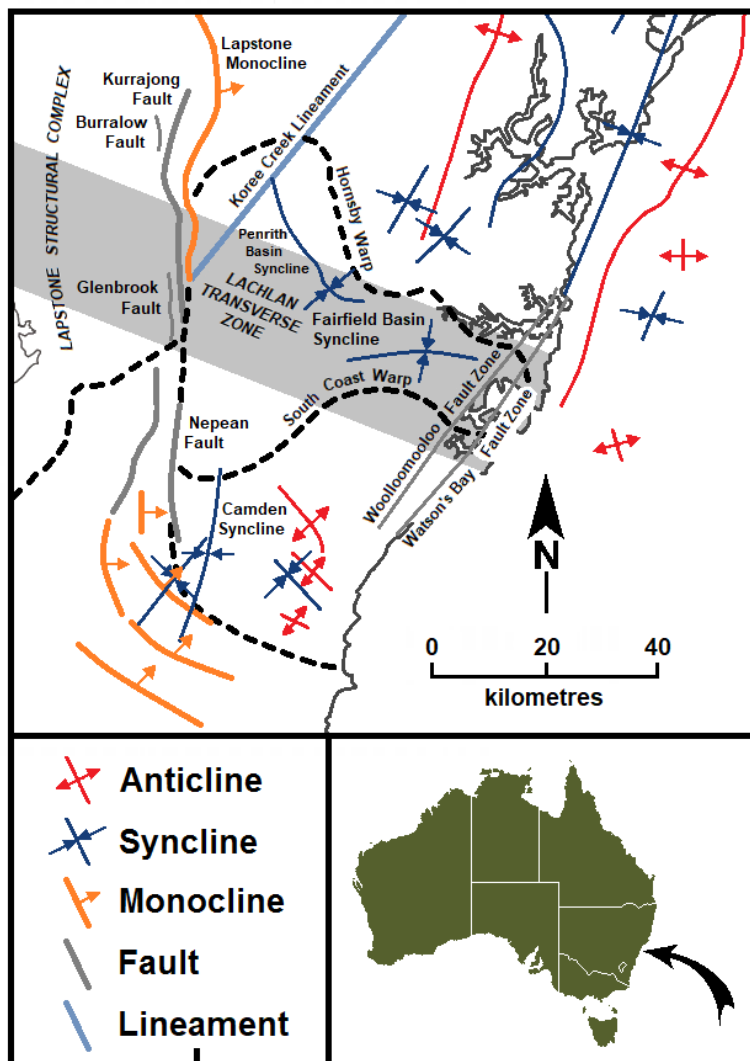


Figure 7. The structural context of Sydney and the Harbour.

[Modified from Gale (2021, p. 300)].

Finally, to the south lies the Botany Basin. At its centre lies Botany Bay, but the Basin extends south to Port Hacking and as far north as the southern boundary of Woollahra. The Botany Basin formed as

a result of the local sagging of the bedrock basement, a process that began at least 25 million years ago.

At the largest scale, therefore, the Woollahra landscape is the result of the operation of region-wide movements of the Earth's crust. Smaller-scale movements such as folding and faulting have also played a role however. This may be seen most clearly in the curious dog-leg that marks the seaward end of the Harbour and thus the northern edge of the Woollahra plateau. For most of its length, the Harbour is developed along the northern margin of the Lachlan Transverse Zone, a broad, east-southeast-aligned trough that may be traced eastwards into inland New South Wales (**Figure 7**). The lower part of the Harbour, however, is developed along and lies between the north-northeast-aligned Woolloomooloo and Watson's Bay Fault Zones.

Finally, at the smallest scale, many of the deep and elongate inlets along the Harbour shoreline, such as Parsley Bay and Vacluse Bay, are aligned either north-northeast or northwest by north (**Figure 6**). These lie parallel to two of the major joint and dyke trends in the Sydney region. Dykes (thin, usually magma-filled fissures that cross-cut the rock) are often difficult to identify on the ground because they are narrow and their fill is easily weathered. Nevertheless, throughout the Sydney district these features have focussed local denudation, forming deep inlets along the coast, and it is likely that similar processes have operated here.

Superimposed on these structural landforms is perhaps the most striking element of the Woollahra landscape, the Harbour that lies along its northern fringe. At one level, the presence of this feature requires little explanation. It represents a line of drainage to the new hydrological target presented by the opening of the Tasman Sea. Other aspects of its form are not so easily explained, however. One peculiarity is its very course. If we trace the harbour upstream into the Parramatta River, we find that, for most of its route, the river flows in a wide, flat and open valley. At its seaward end, however, and against all apparent logic, the river heads directly to the barrier of the Hornsby block and cuts straight through it, ignoring the topographically obvious path to the sea at Botany Bay. The explanation for this behaviour lies in the antiquity of the river. Not only does its course pre-date the development of the Botany Basin, which could not therefore have offered an alternative outlet for the drainage, but it also precedes the formation of the Hornsby Plateau. As a result, once uplift began along the line of the Hornsby Warp, the river was able to maintain its course to the sea and to cut a deep valley through the rising land surface to form what is now Sydney Harbour (**Figure 8**).

Despite the antiquity of its valley, however, the modern Harbour is a recent and transient element of the landscape. It came into existence only 8,000 years ago when a pre-existing terrestrial landscape was drowned by the rising sea levels resulting from the melting ice of the last glacial. Twenty-thousand years ago, at the height of the last glaciation, the Earth's waters were trapped in vast ice masses and sea levels lay perhaps 134 m below those of the present. At that time, what is now Port Jackson was no more than a broad valley occupied by a tiny stream flowing across the expanse of a drained continental shelf to a glacial age coastline located 12 km to the east (**Figure 9** and **Figure 20**).

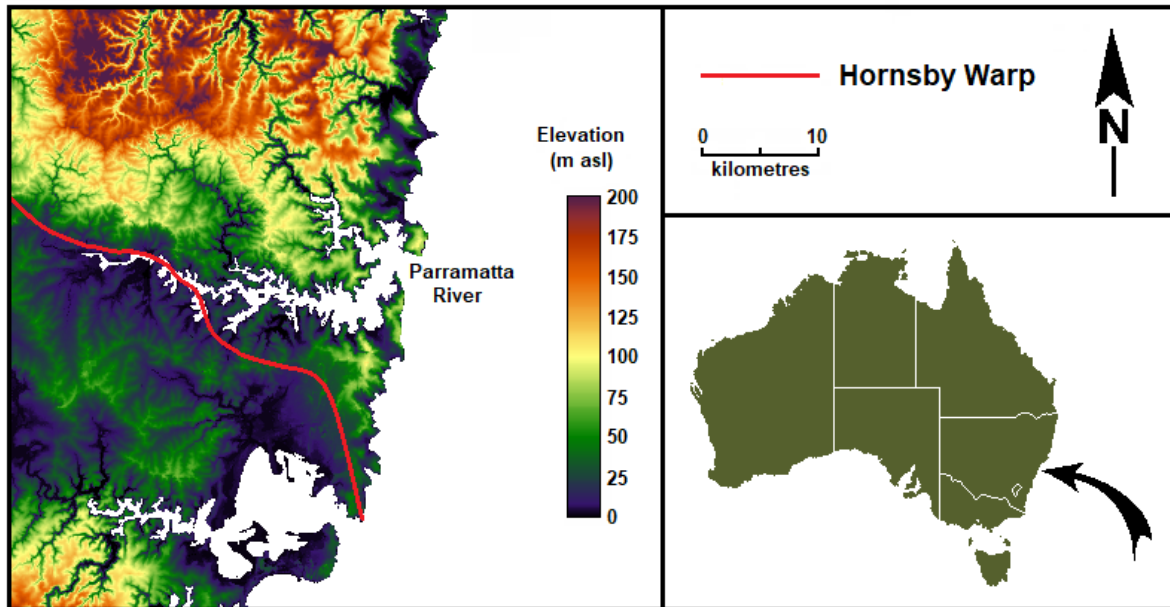


Figure 8. The Parramatta River and the Hornsby Warp, central eastern NSW.

[The 5 m resolution digital elevation model is from Chen (2009). The location of the Hornsby Warp is from Norman (1986, Figures 2 and 44)].

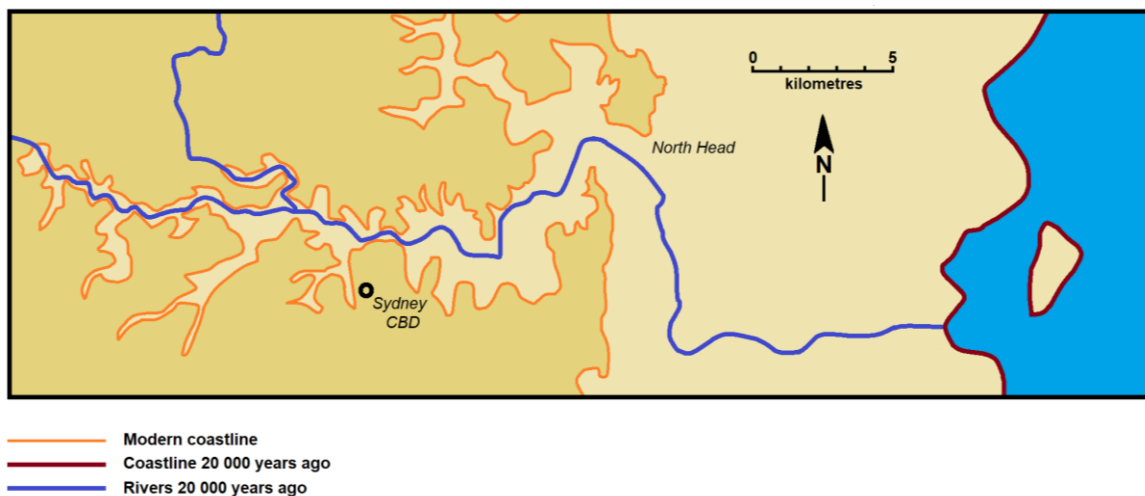


Figure 9. Sydney and its harbour 20,000 years ago.

[Data from Derricourt (2010) and Albani et al. (2015). See also **Figure 20**].

What is less well-known is that the climatic oscillation that caused global ice first to accumulate and then to decay has been repeated over fifty times during the last two and a half million years. As a result, Port Jackson must have experienced repeated drainings and floodings as the Earth's oceans were successively drawn down to feed the growth of global ice sheets and recharged when the ice sheets decayed. On each of these occasions, sea levels fell by a hundred metres or more, with each fall followed by marine inundation as ice melted during the succeeding interglacial. The overall impact of these marine oscillations is that, for only about ten per cent of this period have the Earth's oceans been close to their present level. For most of this time, therefore, Port Jackson has been a

terrestrial landscape occupied by the meanders of the Parramatta River. Notwithstanding its size, this stream has been able to cut a sinuous path to depths of up to 85 m below the Harbour (**Figure 10**) and may be traced offshore to depths of over 120 m.

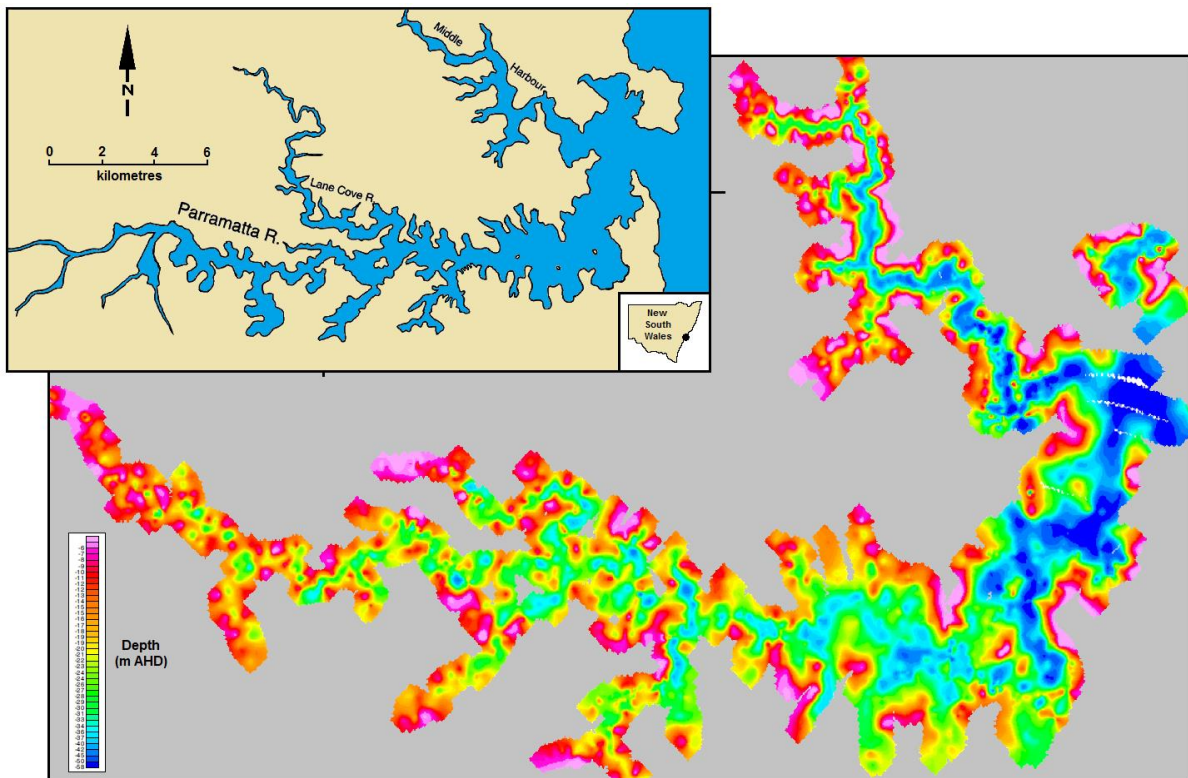


Figure 10. The submarine bedrock topography of Port Jackson.

[The bedrock topography is modified from Harris et al. (2001)].

These oscillations in sea level have also played an important onshore role. First, the lowered sea levels allowed the intermittent streams draining Woollahra's sandstone uplands to incise the short and steep valleys that characterise the area.

Secondly, as sea levels rose, their associated beaches would have migrated westward across the continental shelf to re-attach themselves to the modern coastline. Where the shoreline was steep and rocky, the beach sands would have been stripped away as sea levels rose to their modern elevation. By contrast, where the shoreline was gently sloping, the sands would have accumulated, forming pocket beaches such as Double Bay and Rose Bay. Elsewhere, the landward-migrating beach ridge may have blocked the mouths of coastal valleys, as at Camp Cove, where the ridge has partially dammed the freshwater inflows to create a barrier lagoon.

Finally, the changes in sea level helped to produce the deposits of sand that are such a feature of Woollahra's landscape. These vary from relatively thin accumulations on the uplands of the region to sequences perhaps 60 m thick in the Rose Bay trough. These deposits are windblown, forming dune ridges up to ten metres high and over a kilometre long in the Rose Bay trough (**Figure 11**). The sands were deposited between 40,000 and 14,000 years ago during the coldest part of the last glacial

when global sea levels would have been at their lowest. At this time, much of the continental shelf offshore of Woollahra would have lain above sea level. Easterly and south-easterly winds blowing across the shelf would have picked up marine sands and deposited them as thin veneers across the uplands and as thick accumulations in major sediment traps such as the Botany Basin and the Rose Bay trough. These traps would have been transformed into inhospitable sand deserts, with highly mobile sands and dunes moulded by the wind into sub-parallel ridges (**Figure 11**). The dramatic variation in the thickness of the sands across the area must have been in part a function of elevation, with the capacity of the air to maintain sand in suspension falling rapidly with height, and in part a consequence of the availability of suitable locations in which the sands might accumulate without being reworked during subsequent storms.

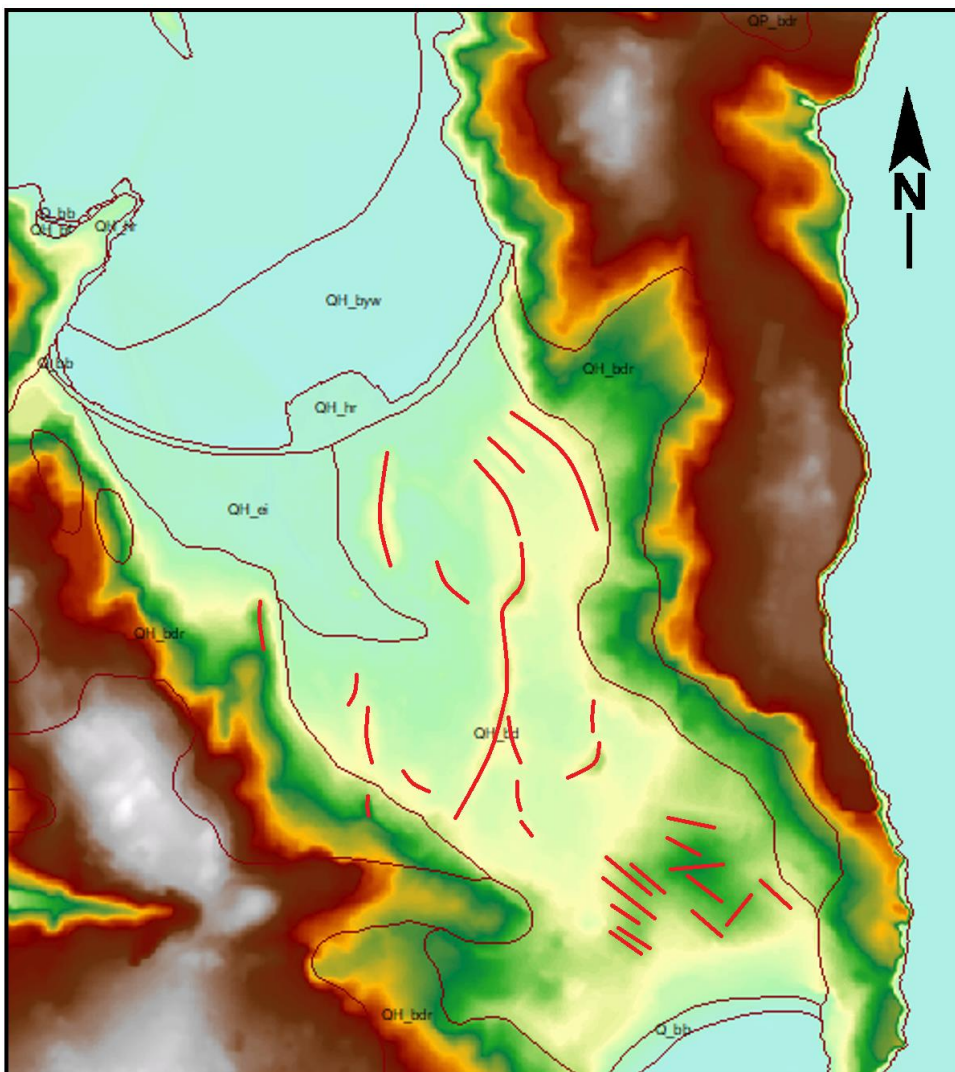


Figure 11. Digital elevation model of the Rose Bay trough, Sydney, NSW.

[The LiDAR imagery used to generate the DEM was created solely from ground laser returns and so excludes all surface objects such as buildings and trees. The red lines represent the crests of linear features in the sand surface. The geological overlay is from Troedson (2015). The geological units are defined on **Figure 6**]

The Rose Bay trough forms a northwest by north-aligned flat-floored depression developed within an undulating surface of Hawkesbury Sandstone that reaches elevations of over 100 m AHD. The

trough is about a kilometre wide, its sides rise relatively steeply along its eastern and western flanks and it is open to the sea at its northern and southern ends (**Figure 11**). The bedrock floor of the trough rises gently to the south, where a low divide, reaching just over 20 m AHD, separates the descent to Bondi from the rest of the basin. The origins of the trough are unclear. There is no evidence that the feature is fault-controlled, although faults are often undetectable on the surface in the region and displacement is rarely apparent because of the uniform lithology of the surrounding rocks. Like many of the other inlets around the coast, however, the trough lies parallel to one of the major joint and dyke trends in the Sydney region and it is possible that these have controlled the development of the feature.

The bedrock basement of the trough reaches depths of over 60 m below sea level at its northern end, though it rises to the south to form a buried sill along the divide to the north of Bondi, before descending again beneath the Pacific (**Figure 12**). The presence of this feature alone is enough to discount the widely held belief that the trough is an ancient river valley, forming the former outlet of the Parramatta River and thus the mouth of Sydney Harbour.

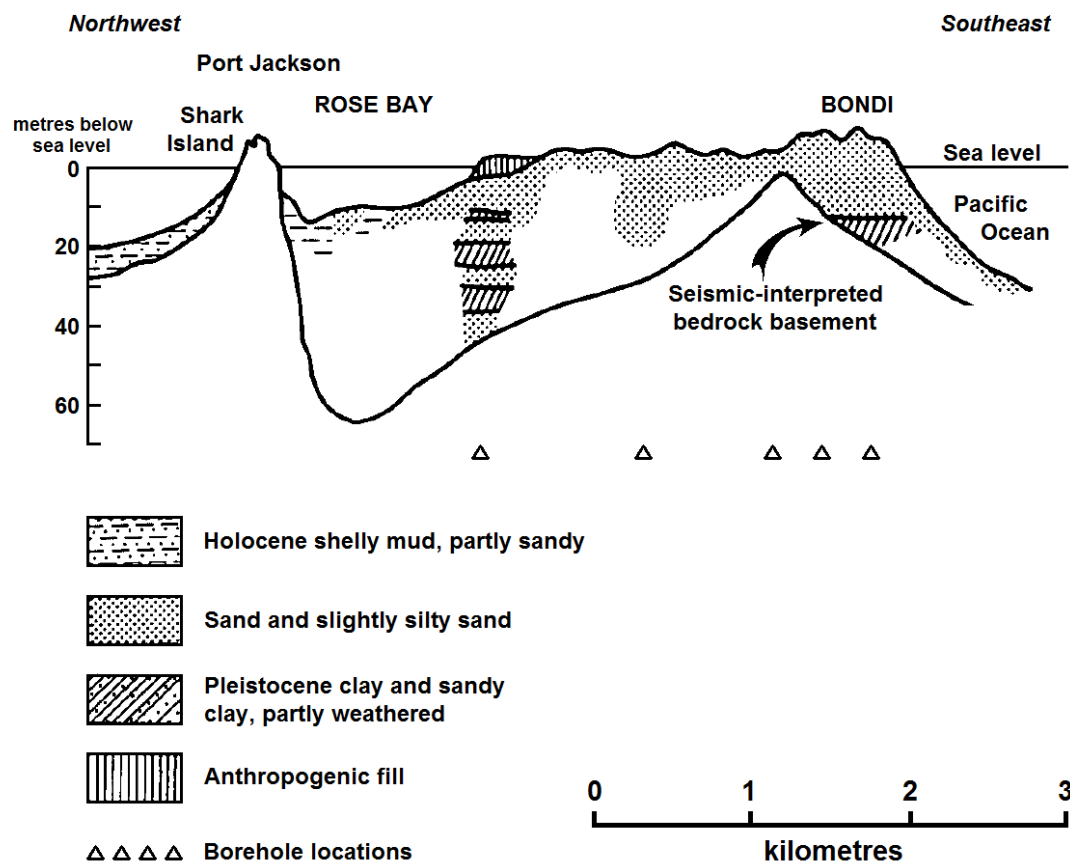


Figure 12. Stratigraphic cross-section along the line of the Rose Bay trough, Sydney, NSW.

[Modified from Roy (1983, p. 79)]

With the melting of polar and continental ice at the close of the last glacial, global sea-levels would have risen rapidly and, by 8,000 years ago, sea-levels along the coast of eastern Australia would have

reached close to those of the present. Rising sea-levels would have resulted in rising groundwater levels, particularly in those areas where highly permeable dune sands were found along the new coast. In the low-lying parts of the Rose Bay trough, the rising water tables would have intersected the ground surface to form lakes and swamps in which fine-grained sediments and decaying plant-organic matter was able to accumulate. As a result, the floor of the trough would have been occupied by extensive swamplands in which peaty sediments accumulated (**Figure 5D**). These fertile and easily tilled sediments would have provided an attractive target for market gardeners in the early years of European occupation.

The most recent impacts on the form of Woollahra's landscape have been the result of human action. Although human impacts must have begun with the arrival of Aboriginal people in the landscape, they have become particularly dramatic over the last couple of centuries, modifying land cover and hydrology, replacing vegetated surfaces with impermeable materials and superimposing a dense network of artificial and efficient drainage lines onto the landscape, as outlined in the next section. Despite their magnitude, these impacts are largely confined to the subaerial landscape and the effect of human action in reworking the form of the physical landscape is less well appreciated. Yet a glance at **Figure 6** reveals that a major part of Woollahra's land surface is a product of human activity over the past two centuries, a rate of landscape change probably unprecedented in the preceding 50 million years.

3.2 Human presence and impacts

The aim of this section is to highlight the range of impacts that have impacted the landscape and influenced the physical survival of Aboriginal heritage across Woollahra. It reflects the detailed research undertaken for this study to understand the reshaping of the Woollahra landscape as a key element in predicting where and what Aboriginal heritage may have survived. This research has informed the development of Aboriginal heritage mapping which is discussed in **Section 5.4**. Although the overview necessarily outlines some of the major events and processes in the non-Aboriginal history of the area, it is not intended as a detailed account of this history, which is well-covered in a range of Council-wide and suburb or subject specific publications.²¹ Similarly, while it refers to the presence and actions of Aboriginal people, a more detailed account of their experiences in Woollahra, including since the arrival of Europeans, is presented in **Section 4**.

3.2.1 Before the 1800s

Aboriginal people lived through the formation of Woollahra's dune, swamps and beaches, adapting to each change to the opportunities and challenges they presented. For the most part they lived light, caring for, rather than physically altering the form of the land. Their huts, animal and bird traps, and fish weirs across tidal creeks did not leave a lasting imprint.²² They fired the land to care for it, but precisely how and where they did so across the eastern suburbs landscape is not clear and may have shifted over time. In recent years there has been greater awareness of the role of

²¹ See for example Jervis & Kelly 1960-1965, Griffiths 1970, Young ed. 2019; Hughes Trueman Ludlow 1984, Woollahra History & Heritage Society Woollahra Heritage Briefs and other publications and Woollahra Local Studies research files.

²² Attenbrow & Steele 199, p. 58, West 1882.

Aboriginal burning, but we should be careful not to assume that it was undertaken everywhere, or to simplify its context.²³ It probably also had a cultural significance, in the same way that ceremonies maintained the health of Country.

However light their footprint, Aboriginal uses of the land nonetheless influenced how Europeans used the area. When Europeans arrived in 1788, they saw what they initially perceived as a wilderness from the huddled security of the tent town in a small clearing eked out of the head of Warrane (Sydney Cove). But the more they explored by land and sea, the more they realised that Aboriginal groupings ('clans') were related to different areas of land. They also noted a network of well-maintained Aboriginal pathways through the bush, some of which were probably incorporated into some early colonial roads. Their specific connections to Aboriginal usage were sometimes acknowledged by Europeans. For example, in the 1830s, a walking track that went from the ridge of Oxford Street at Darlinghurst Gaol down to Rushcutters Bay via Darlinghurst and around Bayswater Road was still referred to as the 'maroo' (an Aboriginal name for path).²⁴

Within a year of the arrival of Europeans, a devastating smallpox epidemic swept around the harbour, claiming the lives of many across Woollahra and surrounding areas. This cataclysmic event probably drastically altered many Aboriginal land use practices. At the same time, Europeans began to set the template for their use of Woollahra over the next two centuries – setting up fishing villages at places like Watsons Bay, granting (at least on paper) areas of land around Camp Cove, Parsley Bay and Vacluse, and establishing a look out and signal station at South Head.²⁵ Importantly though, it was a relatively slow start. Outside the colonial centre in Sydney Cove, most Europeans headed west along major rivers and the Cumberland Plain, searching for fertile land to grow crops and pastureland for grazing, which were in short supply across the rocky and swampy terrain of the east.²⁶

3.2.2 1800s to 1840s

The signal station at South Head provided the impetus for the construction and subsequent upgrade of Old South Head Road in the 1800s and 1810s, which snaked its way across sand dunes around the southern edge of Woollahra.²⁷ At the same time, large grants of land were made across the eastern suburbs, many of which soon changed hands to families like the Wentworth and Coopers who amassed and maintained large landholdings over several generations throughout the remainder of the nineteenth century (**Figure 13**).²⁸ In the 1830s, Daniel Cooper paid for the construction of New South Head Road, which spurred the purchase of the first subdivided lands in Woollahra, a series of 7-15 acre lots across Darling Point (**Figure 14A**).²⁹

²³ E.g. Gammage, Pascoe. For more cautious view see Karskens 2018.

²⁴ For meaning of maroo see Philip Gidley King in Hunter 1793[1968], p. 409. For Paddington maroo see 'Law Intelligence: Supreme Court (Civil Side)', *Sydney Morning Herald* Supplement 18/10/1832, p. 1; Marriott 1982 pp. 145-6 and Pl.32.

²⁵ Bradley 1786-1792 [1969], p. 186, Jervis & Kelly 1960-1965, pp. 4, 7.

²⁶ Irish 2017, pp34-35.

²⁷ Atkins 1973.

²⁸ Hughes Trueman Ludlow 1984, pp.9-16, Jervis & Kelly 1960-1965, pp. 7, 22, 26, 31-32.

²⁹ *History of Darling Point* (Woollahra Library, LH994.4/WOO/2); Annable 1999, p. 1.



Figure 13. A map of central Woollahra in 1844, showing main roads and a few residences present by this time.

[Source: Anon (likely T.L. Mitchell) 1844].

These developments started to have some lasting effects on the landscape. For example, some of the subdivided lands at Darling Point were terraced into gardens, permanently altering the topography (**Figure 14B**).³⁰ New South Head Road crossed the broad Double Bay swamps on filled beds of rock and sand two metres high (**Figure 14C**).³¹ The rock was quarried nearby, starting a long process of removing and reshaping sandstone bedrock which continues to this day.³² The roads also provided access for other activities, such as extensive tree clearing off the main roads and on the harbour headlands.³³ By the 1830s Darling Point was said to be almost entirely cleared of timber, exposing underlying dune sands.³⁴ Timber was also cleared for salt pans at Rushcutters Bay, Double Bay and Rose Bay in this period.³⁵

³⁰ Morris 2009, p53.

³¹ Woollahra History & Heritage Society 1996, p. 13.

³² Hughes Truman Ludlow 1984, p. 6.

³³ Atkins 1973, p. 4, Hughes Truman Ludlow 1984:3, 12.

³⁴ *History of Darling Point* (Woollahra Library, LH994.4/WOO/2), p. 1.

³⁵ Hughes Truman Ludlow 1984:4.

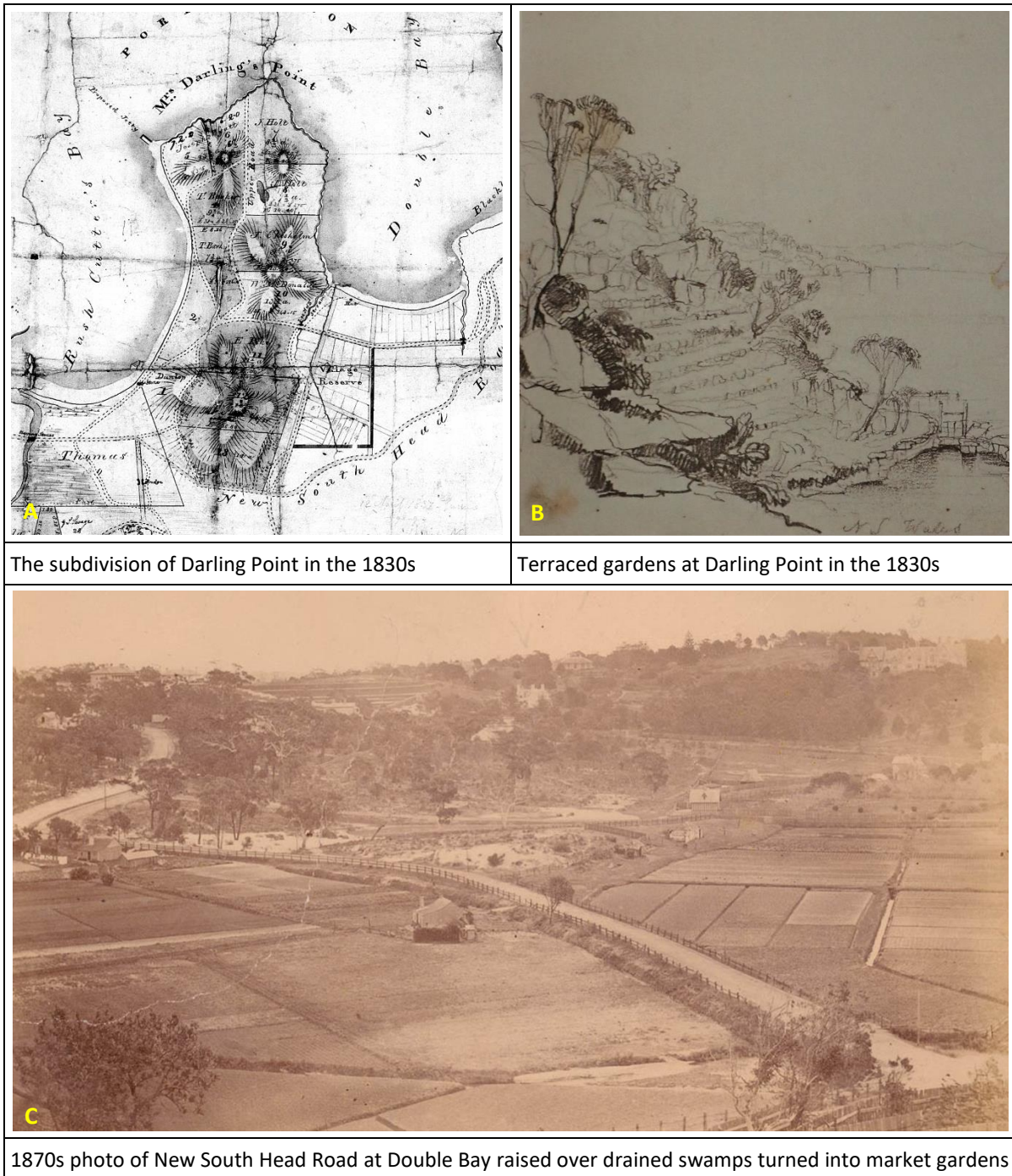


Figure 14. Historical impacts from the 1800s – 1840s.

[Extracts of original images. Sources: A) Anon. c1833. (SLNSW M2 811.1811/1837/1). B) Morris 2009, p. 53. C). Anon c.1875-1885 (SLNSW SPF651).

We can start to consider how these activities might have impacted Aboriginal heritage. While Aboriginal people continued to live in the area through this time and to create or maintain some places, they could not prevent the impacts of European land use. Today for example there are no culturally modified trees recorded in Woollahra, where Aboriginal people removed bark to create shields, containers and canoes. While some may survive as yet unrecorded, the extensive land

clearing started in the early nineteenth century likely destroyed most. Rockshelters and engravings are generally found on the edges of stone outcrops making them vulnerable to impact from quarrying. At the same time, Europeans began to occupy rockshelters formerly used by Aboriginal people. Watsons Bay resident Elizabeth Macarthur for example, describes a couple who had divided a nearby rockshelter into several apartments in the 1840s.³⁶

3.2.3 1850s to 1890s

These decades saw a massive increase in population across Woollahra, but very unevenly spread geographically, and more intensively in the closing decades of the century.³⁷ There were further subdivisions west of Vaucluse, though most houses were still on larger blocks surrounded by bushland (**Figure 15A**), except for parts of Paddington which began to sprout the first townhouses of the area (**Figure 15B**). The increasing population led to the construction of tramways from the 1880s, which in turn prompted further subdivision.³⁸ To service these new houses sewer and gas pipelines were installed, wells were sunk, and creeks began to disappear into channels and pipelines.³⁹ The swamps behind Rushcutters Bay, Double Bay and Rose Bay were drained with excavated channels and turned into extensive market gardens (**Figure 15B & C** and **Figure 14C**).⁴⁰ By the end of the century, the muddy deltas of these swamps were covered over behind smooth sandstone seawalls (**Figure 15D & E**). Stone for these walls, for housing and for roads, was cut out of large commercial quarries at Paddington and the suburb of Woollahra, a number of smaller local quarries, and on private properties.⁴¹

Much of the eastern half of Woollahra remained uncleared bushland bound up in the extensive Vaucluse Estate, and other landholdings (**Figure 16A**). The main impacts in this period were around the South Head peninsula. From the 1870s a series of fortifications were cut into rock around the harbour headlands, including at South Head (**Figure 16A**).⁴² From the 1850s, the fishing village of Watsons Bay became linked to Sydney by regular ferry services, and became a 'pleasure ground' for Sydneysiders to visit for daytrips and weekends.⁴³ One of the main attractions was 'a large cave formed by an overhanging ledge of rocks. The floor was boarded, seats were provided and canvas awning were erected to keep out the afternoon sun.'⁴⁴ The venue was known as The Caves and was used in the later nineteenth century for dancing, and could 'give accommodation for a large group of

³⁶ Jervis & Kelly 1960-1965, p. 12.

³⁷ Hughes Truman Ludlow 1984:7.

³⁸ Hughes Truman Ludlow 1984:7, Atkins 1973, p. 16.

³⁹ Woollahra History & Heritage Society 1998, p. 28, Hughes Truman Ludlow 1984:8, Jervis & Kelly 1960-1965, p. 14.

⁴⁰ Woollahra Local Studies nd. *Local History Research file – Chinese Market Gardens [Barbara Swebeck]* (Woollahra Local History Library).

⁴¹ Woollahra History & Heritage Society 1996, p. 25; Woollahra Local Studies nd. Local History Research file - Arnold's Quarry, █ Cascade Street, Paddington (Woollahra Local History Library); Eastern Suburbs Newspapers 1980, p. 49; Hughes Truman Ludlow 1984, p. 75; Woollahra Local Studies nd. Local History Research file - Quarry sites near Cooper Park, Bellevue Hill (Woollahra Local History Library); Griffin 2019, p. 100; Annable 1999, pp. 9-10.

⁴² Oppenheim 2005; Doak 1988, p. 42.

⁴³ Jervis & Kelly 1960-1965, p. 10, 13.

⁴⁴ Jervis & Kelly 1960-1965, p. 13.

people’ (**Figure 16B**).⁴⁵ Other caves around Watsons Bay and Vaucluse were also used by fishermen and hermits.⁴⁶ All of them were almost certainly used by Aboriginal people in the past, evidence of which was impacted by their later use. In the case of the Caves, the large shelter was later blasted away to construct houses (**Figure 16C**).⁴⁷

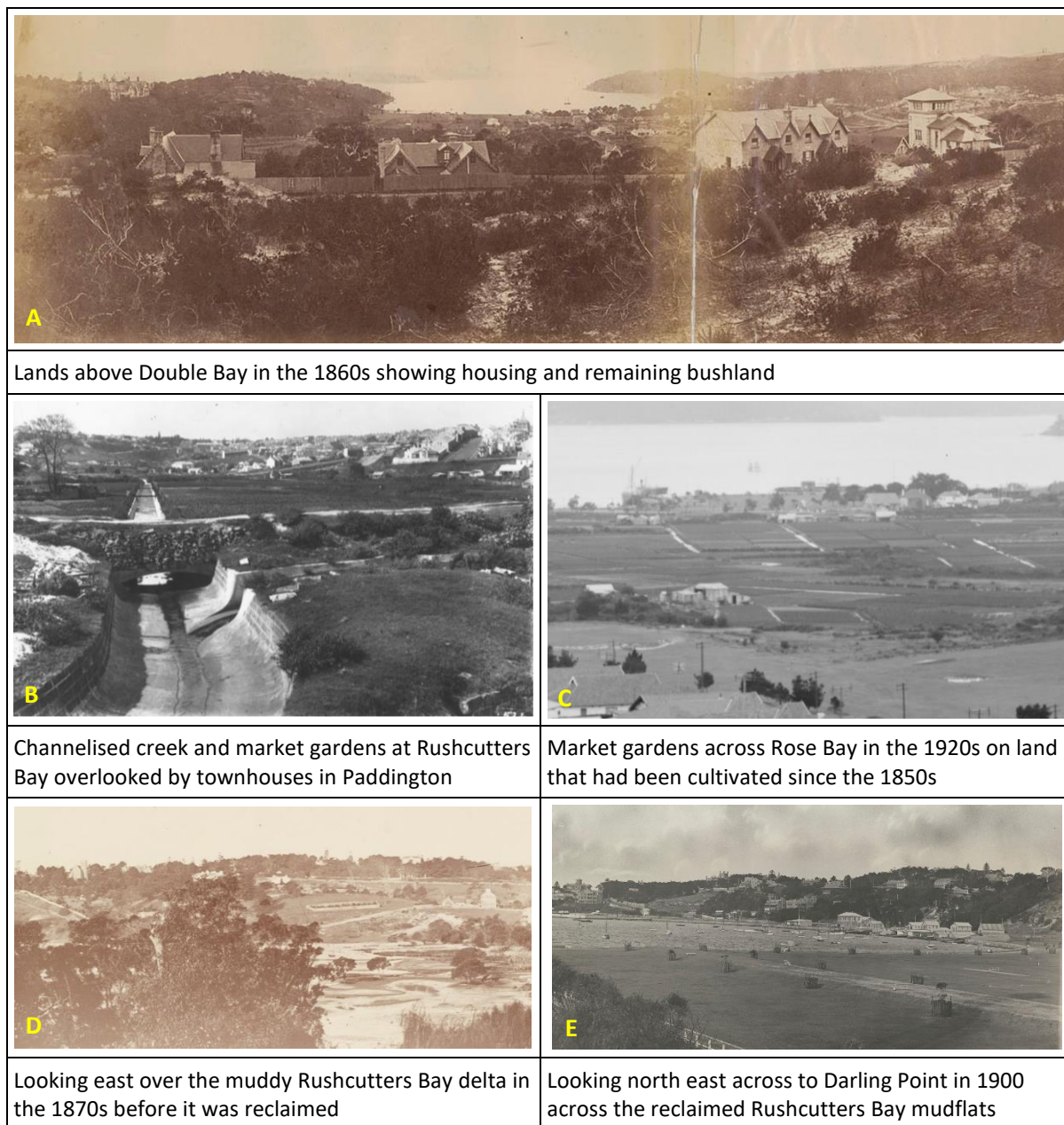


Figure 15. Historical impacts from the 1850s – 1890s in the western half of Woollahra.

[Extracts of original images. Sources: A) State Library NSW, DL PX 165, n50a. B) City of Sydney Archives, A-0069872. C) National Library of Australia PIC P865/14/2 LOC Nitrate store. D) State Library NSW, DL PX 148, n61. E) State Library NSW, DL Pg 38].

⁴⁵ ‘An Unknown Familiar Resort’, *Evening News* 30/1/1884, p.7; Woollahra Local Studies nd. Local History Research file – ■ *Russell Street, Vaucluse, Bayview* (Woollahra Local History Library).

⁴⁶ Jervis & Kelly 1960-1965, p. 28, Corkill 1990, Salmon 1908.

⁴⁷ Woollahra Local Studies nd. Local History Research file – ■ *Russell Street, Vaucluse, Bayview* (Woollahra Local History Library).

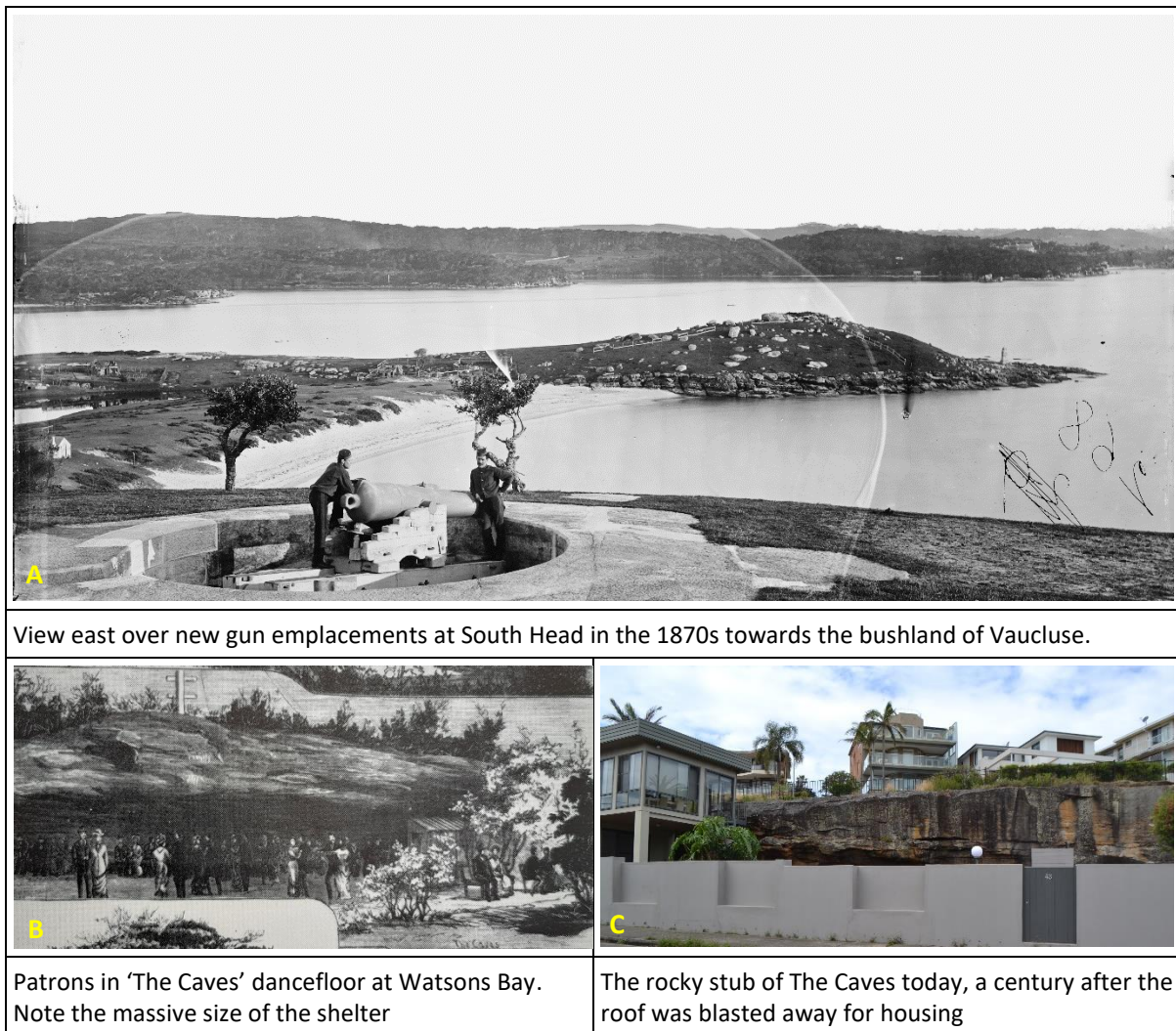


Figure 16. Historical impacts from the 1850s – 1890s in the eastern half of Woollahra.

[Sources: A) State Library NSW ON 4 Box 57 No 268. B) Jervis & Kelly 1960-1965, opp p.22. C) Coast 2020. A & B Extracts of original images].

3.2.4 1900s to now

In the opening decades of the twentieth century, Woollahra was transformed. Long term residents described the 'unbelievable changes' as the Vaucluse Estate and other large landholdings were broken up into suburban subdivisions, carpeting the entire local government area in houses and roads (**Figure 17**).⁴⁸ At the same time, some areas were also spared development. Market gardens and sand dunes at Rose Bay were transformed into private and public golf courses, and large public parks were created out of the former Vaucluse Estate at Nielsen Park and Parsley Bay, and defence land at South Head.

⁴⁸ East 1930, p. 13

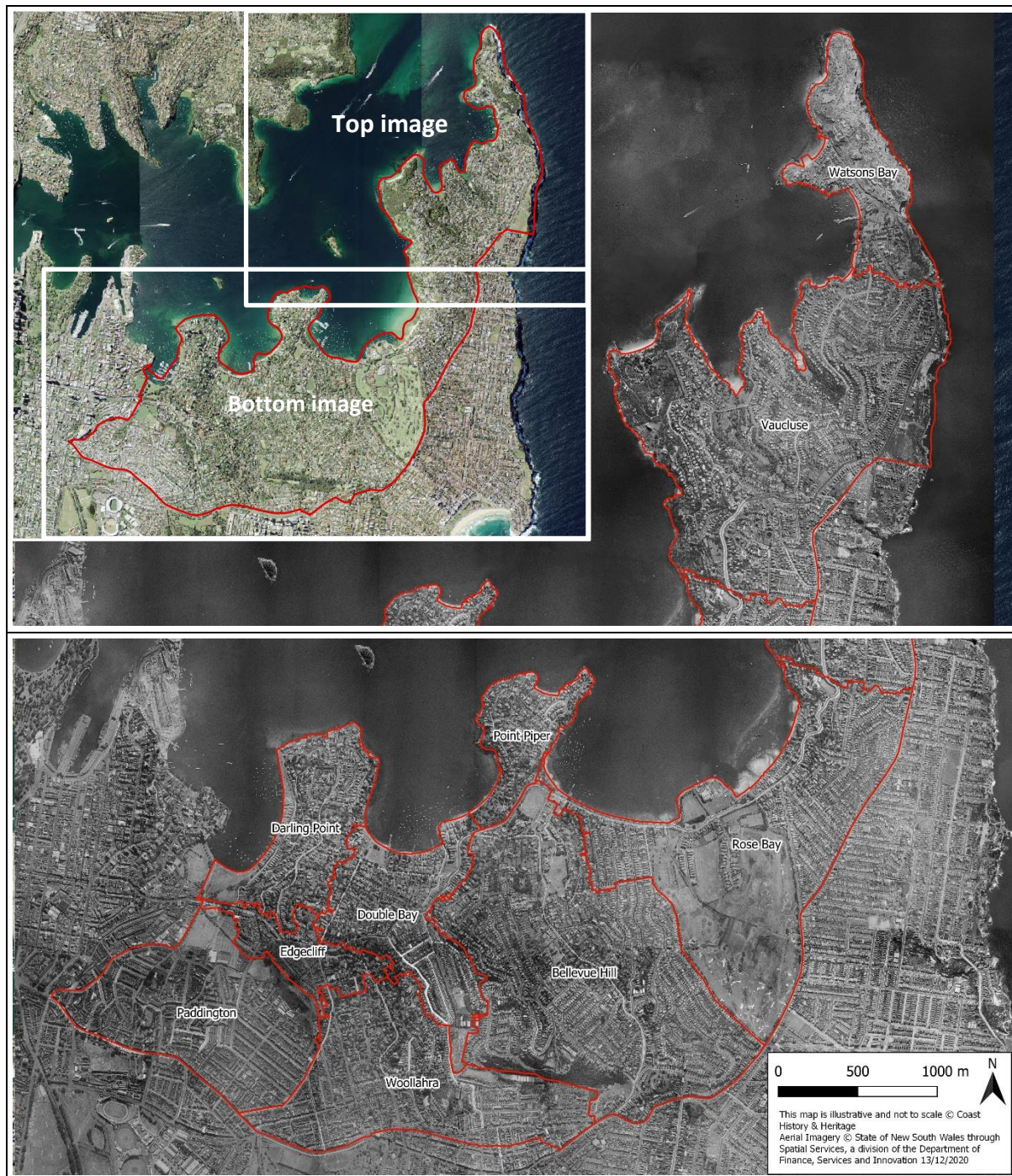


Figure 17. The Woollahra LGA in 1943, unrecognisable from a century earlier.

[Source: Metromap 2021. For comparison with 1844 see **Figure 13**]



Figure 18. Historical impacts from the 1900s to the present day.

[Extracts of original images. Sources: A) Woollahra Local History Library, pf004270. B) State Library NSW, ON 447/Box 099. C) National Library of Australia PIC P865/162/1 LOC Nitrate store. D) National Library of Australia PIC P865/292/1 LOC Nitrate store].

The housing boom included the associated construction of roads and the installation of sewer lines and water services.⁴⁹ All creeks were partly or fully enclosed in buried pipelines and swamp areas below Cooper Park and Paddington were filled in (**Figure 18A**).⁵⁰ Further foreshore reclamation works were undertaken, creating the current forms of Lyne Park at Rose Bay and Parsley Bay Reserve.⁵¹ Former quarries at Paddington and elsewhere were infilled with houses, factories and tips (**Figure 18B**). The new roads and houses were terraced into the sides of sand dunes, but where sandstone was encountered, roads often curved their way around, giving rise to the many twisting streets in Vaucluse and Bellevue Hill, while houses were perched on top rather than cut into rock (**Figure 18C & D**).⁵² While this protected some Aboriginal engravings and rockshelters, others fell victim to development. There was a growing awareness of Aboriginal sites such as rock engravings by this time, and the destruction of some was recorded.⁵³

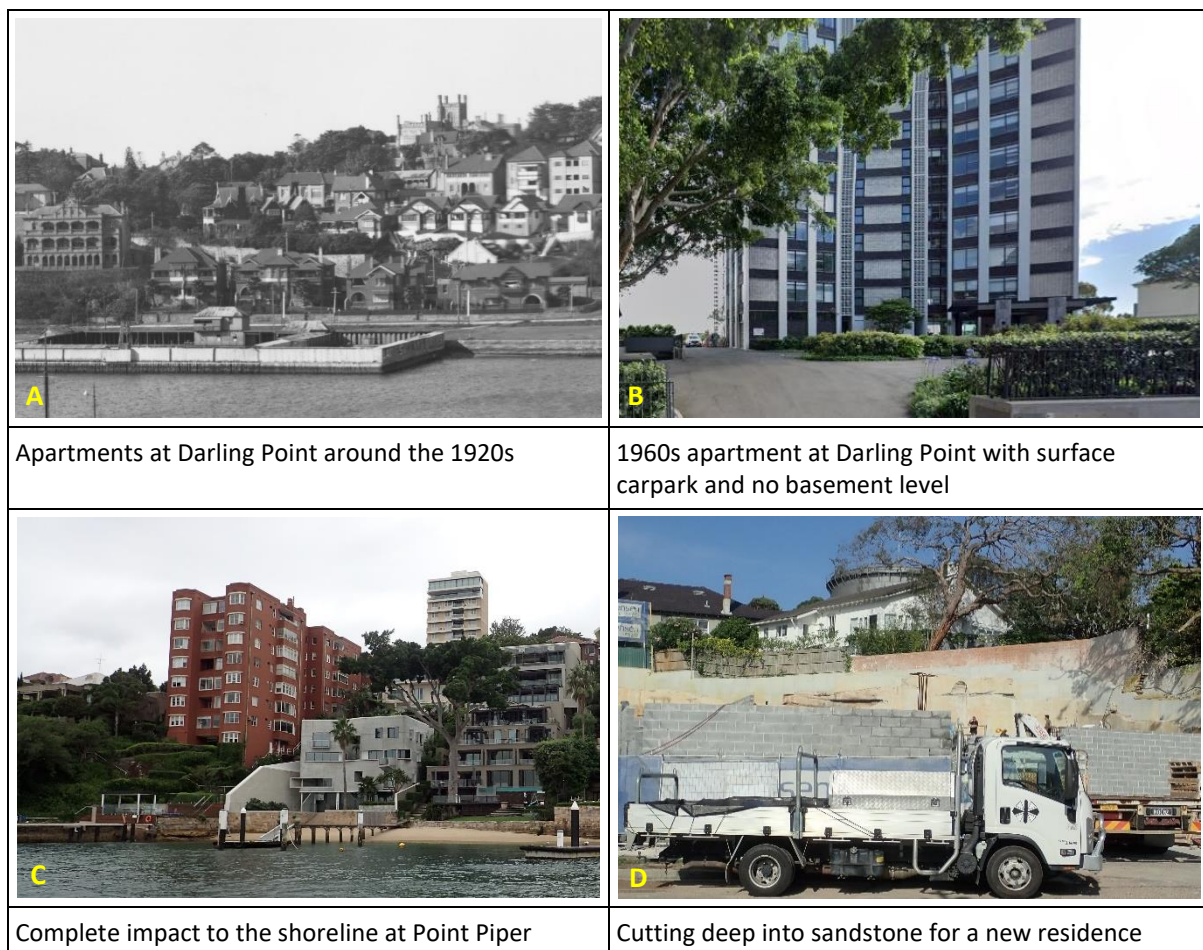


Figure 19. The impact of residential construction over the past century.

[Sources: A) National Library of Australia PIC P865/82/3 LOC Nitrate store W217. Extract of image. B) - D) Coast 2020].

⁴⁹ Hughes Truman Ludlow 1984, p.8

⁵⁰ Morrison 2019, pp. 49-53.

⁵¹ Woollahra History and Heritage Society 2001; Woollahra History & Heritage Society 1996, p. 31.

⁵² Woollahra History & Heritage Society 2002.

⁵³ Barracluff 1960; Palmer & Palmer 1990.

The 1920s and 1930s also saw the construction of the first apartment buildings in the western half of Woollahra, which accounted for more than a third of all dwellings by the 1940s (**Figure 19A**).⁵⁴ Like the housing of this era though, most of these buildings sat on top of sand and rock rather than cutting into it, and did not have basement carparks (**Figure 19B**). In recent decades though, partly due to advances in drilling technology and partly due to soaring land values, it has become increasingly common to transform the underlying landform rather than build around it (**Figure 19C**). This is not just large-scale projects like the Eastern Suburbs Railway line and shopping centres, but also residential housing (**Figure 19D**).

3.2.5 Implications for Aboriginal heritage

On the face of it, the density of housing and other structures across Woollahra gives the impression that every square inch of the area has been transformed. It would seem logical to conclude that Aboriginal heritage places will have been largely wiped out. A similar assumption was made about the survival of Aboriginal people themselves in Coastal Sydney, but fine-grained research has shown that a story of survival can be recreated, as we outline in **Section 4**. In the same way, in this study we have carefully considered the specific extent of impacts in relation to the different types of Aboriginal heritage sites and their associated geology instead of assuming that the presence of a building or reclaimed shoreline means no trace of past Aboriginal uses can have survived. This has been incorporated into project mapping as the basis for management, as outlined in detail in **Section 5**. We have also been careful to document where historical impacts genuinely have had a total destructive effect on Aboriginal heritage. In fact, it is the increasing frequency of these ‘total’ impacts on landscape that provides an urgency to this study and the need to understand what may survive, before it is gone.

⁵⁴ Hughes Truman Ludlow 1984, p. 8, Broomham 2006, p. 9, Sherrington 1988, p. 14.

4 Aboriginal people in Woollahra

This section provides an overview of the long history of Aboriginal connections to the Woollahra area. It draws on summaries previously prepared for Woollahra Council and is particularly focussed on highlighting some of the places associated with that history, rather than providing a detailed chronology or a broader account of Aboriginal Sydney, which can be found in other books.⁵⁵

4.1 First occupation to 1800s

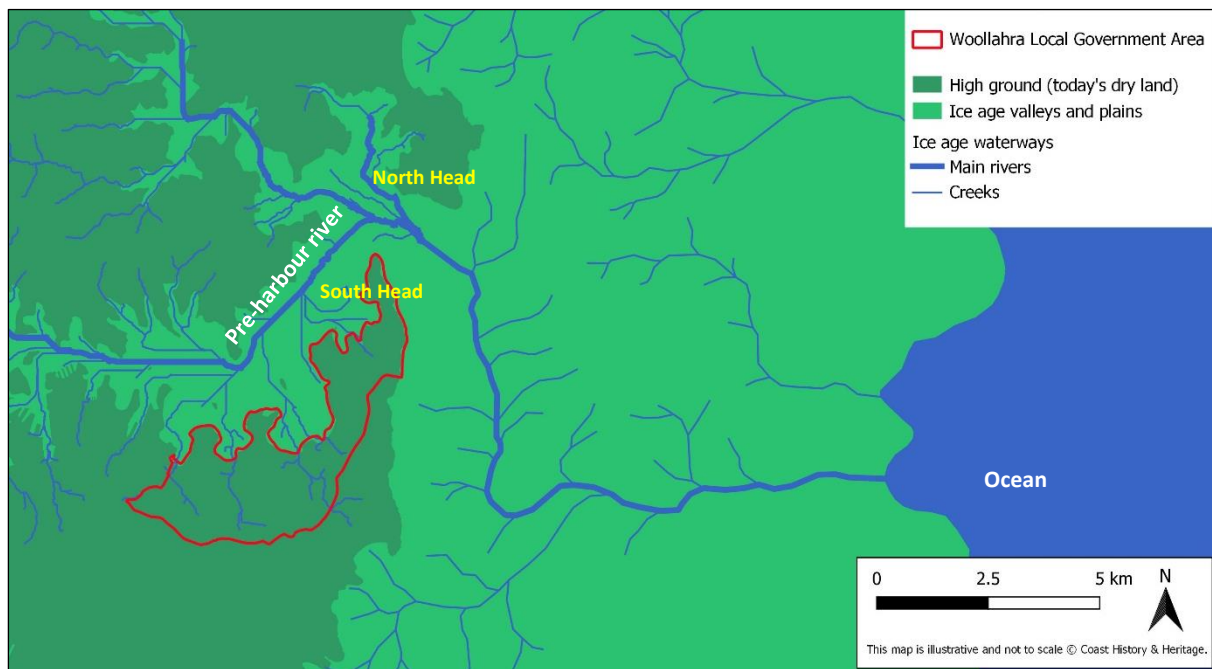


Figure 20. Before the harbour formed.

[This map shows roughly how the harbour river and its creeks might have looked around 20,000 years ago. Source: Developed by Coast 2021 based on data and maps in Albani et al 2015, Derricourt 2010, Wilson & Power 2018 and other data from Spatial Services NSW].

The Gap at Watsons Bay is so well known as an ocean lookout that it is hard to imagine a time when the cliffs towered over a coastal plain instead of water. Yet for most of the human history of Woollahra, this was the case. Around 20,000 years ago, the world was at the peak of the last ice age and temperatures were much cooler. There were no glaciers in Sydney, but vast icesheets elsewhere in the world had absorbed the oceans, leaving sea levels more than 100m lower than today.⁵⁶

By this time, Aboriginal people had already been living the Sydney region for more than 1,000 generations.⁵⁷ From any one of today's vantage points along the coastal cliffs, they looked out over a vast coastal plain covered in forest. Turning to the west, they did not see Sydney Harbour because it did not yet exist. Instead, they saw a deep timbered river valley much like you can see from Blue

⁵⁵ E.g. Attenbrow 2010a, Karskens 2009, Irish 2017.

⁵⁶ Attenbrow 2010a, pp. 37-38.

⁵⁷ Stockton 2009, pp. 41-72; Attenbrow 2010a, pp. 18-21; Williams *et al.* 2014.

Mountains lookouts today. 'Sydney Harbour' was a river flowing down the bottom of that valley. Point Piper, Darling Point and Vaucluse were rocky promontories looking out over this valley – and certainly not on the waterfront. But from about 18,000 years ago, the tide turned. Global temperature rose, melting glaciers and ice caps and causing sea levels to rise for the next ten thousand years.

Hundreds of generations of coastal Sydney people could have watched from the Gap as the waters steadily consumed their coastal plain a metre or two every year.⁵⁸ Turning west from these vantage points, they would have seen the deep harbour river valley slowly fill with water. By 6,000 – 7,000 years ago, a vastly longer shoreline came into being, made up of jagged harbour bays and headlands, coastal cliffs and beaches. The harbour headlands of Woollahra took their current form, transforming from long rocky ridges overlooking a forested valley, into short, rounded points lapped by waves. Once Aboriginal people had been able to walk along the rocky spine of Darling Point to the low hill of Clark Island at its end, but now they had to paddle canoes from the end of the point to the newly formed island. The rising seas also created beaches, and behind many of them lagoons filled by spring-fed creeks. Aboriginal people quickly learned to fish the new waters, and honed their food gathering skills on land as new types of vegetation and environments were created across Woollahra.



Figure 21. Looking south-west across Woollahra and the harbour in 1788.

[This is the closest image we have to what Woollahra and the harbour looked like before Europeans (ignoring the tall ship). Note the flotilla of canoes fishing around Bara woory (South Head). Source: 'View in Port Jackson from the South Head leading up to Sydney ; Supply sailing in', in Bradley 1786-1792 [1969], opp. p. 123. Annotations by Coast 2021. Extract of original image].

In the few thousands years before Europeans arrived, Woollahra looked more or less as it did in 1788 (**Figure 21**). It was an Aboriginal landscape, laced with networks of pathways connecting camps and ceremonial places, peppered with engraved motifs on rock. It had meaning; it was named and it was interconnected. Smoke from campfires could be seen rising from the bush during the day, and flaming torches winked at night from canoes fishing the bays and men wading out into the shallows

⁵⁸ Irish 2017, pp.13-15.

to spear fish. We can get a sense of this area as an Aboriginal landscape by replacing our colonial geography with some documented Aboriginal place names (**Figure 22**). But we need to be careful not to overinterpret these as there are alternate spellings and names documented for many places, and meanings are often unclear or based on colonial assumptions. Before using these names, meanings and applications need to be determined through cultural mapping with the Aboriginal community to work out if they are correct, appropriate and how they could be used. Nonetheless, just placing these names around the harbour helps to understand that Woollahra is Aboriginal land.

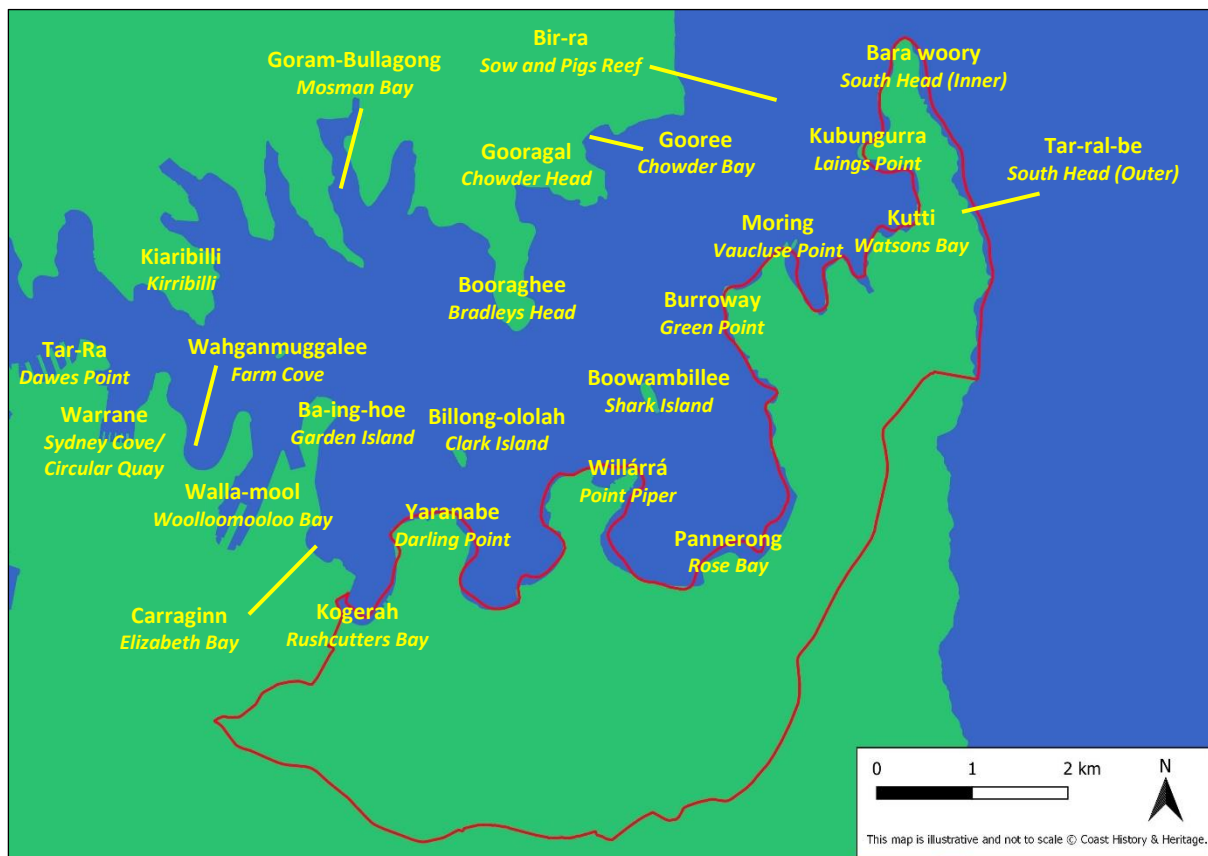


Figure 22. Some of the documented Aboriginal names in and around Woollahra.

[Spelling of Aboriginal place names follows official Geographical Names Board dual namings where available, or Attenbrow 2010a:Table 2.1. Consultation with the local Aboriginal community should be undertaken before using these names]

The harbour was home to a number of Aboriginal clans. The Sydney clans traced common descent from a male ancestor, and shared totems. Each clan numbered around 25 to 60 people and had primary rights to their clan estate, after which they were named. Most of Woollahra was part of Gadi, the estate of the Gadigal people, which stretched east along the southern shore of the harbour from around Darling Harbour, to the estate of the Birrabirragal associated with the entrance to the harbour.⁵⁹

⁵⁹ Attenbrow 2010a, pp.22-30, 57-58.

The harbour clans were bound together by women, who married between clans.⁶⁰ This meant that the groups of Aboriginal people who lived on a daily basis in the Woollahra area were made up of a mixture of clans. Each person was also bound by complex webs of spiritual and family connection to areas beyond that of their clan through marriage, by the clans of the parents and grandparents, and by their place of birth.⁶¹ Aboriginal people travelled widely and regularly to meet their cultural obligations.

They also had trade networks that covered vast distances to obtain raw materials and other goods which were not found in their own lands. A stone axe found in a midden at Milk Beach in Vaucluse for example, originally came from west of the Blue Mountains.⁶² At the same time, the coastal clans drew a clear distinction between themselves and those further inland and this was reflected in the implements they made.⁶³ Around 1,500 years ago, coastal people began to favour locally outcropping quartz pebbles as well as bone and shell as raw materials for their implements over stone cobbles they had previously sourced from western Sydney and elsewhere.⁶⁴ For example they mounted sharpened cockle shells on the end of their wooden spear-throwers as chisels as opposed to the stone used by inland groups.

After the harbour was created about 7,000 years ago, Aboriginal people set up fishing camps along the harbour shore and learned how to read the new waters. Women and men developed a mastery of fishing that, for women, was further heightened by their adoption of shell fishhooks about a thousand years ago (see **Figure 33**).⁶⁵ An insight into this coastal fishing life is provided by one of the few Aboriginal sites in Woollahra to be investigated in detail by archaeologists – a rockshelter in Nielsen Park. It was used by Aboriginal people from around 1,300 years ago up until the arrival of Europeans in the late 1700s. The excavated remains from the shelter included a wide range of shellfish species, mammal and fish bones, along with a number of flaked stone artefacts. After cataloguing and analysing the fish bones from the site, archaeologists concluded that fish may have been caught using fish traps such as stone tidal weirs, as opposed to spearing or angling.⁶⁶

Aboriginal people also lived on the dunes at Rose Bay. Another campsite excavated in the dunes above the swamps and mudflats in the centre of the bay contained more than 5,000 artefacts concentrated in a roughly 5m x 5m area, and was probably used in the last 2,000 years. The stone artefacts included a number of backed artefacts (which were known to have been used as hafted barbs on spears), as well as a hammerstone and stone cores used in the production of artefacts. More than three quarters of the artefacts were made of quartz, which can be found in outcropping sandstone either side of the bay, as well as other stone raw materials traded from further afield.

⁶⁰ Karskens 2009, p. 37.

⁶¹ Irish 2017, pp. 17-19.

⁶² Attenbrow et al. 2012, pp.47-52

⁶³ Attenbrow 2010a:156-7.

⁶⁴ Attenbrow 2010a:156-157.

⁶⁵ Attenbrow 2010b, pp. 16-34.

⁶⁶ Attenbrow & Steele 1995, pp. 47-60.

This campsite may have been associated with a tribal punishment ground nearby, where transgressions of the law with settled in ritual, through armed combat.⁶⁷ This was one example of how traditional law and ceremony governed Aboriginal people's lives. They also inscribed animal, human and spiritual figures onto the sandstone around the harbour as places of ceremony and of teaching. They had a spiritual duty to care for the lands and waters around Woollahra, which held deep cultural significance and meaning as part of their Dreaming.

This rationale underpinning their way of life was tested in profound ways by the coming of Europeans in 1788. On 18 January in that year, word probably reached the harbour clans shortly after the first of the eleven ships of the first fleet arrived in Gamay (Botany Bay). Several days later on 21 January, Aboriginal people along the eastern coastline of Woollahra watched three small boats led by Governor Arthur Phillip work their way towards the harbour from the anchored fleet at Gamay. Several groups called out 'warra, warra, warra', meaning 'you are all dead', as Aboriginal people had a belief about the dead returning to the land, which they believed was now happening.⁶⁸ Phillip and his party of naval officers and a party of marines explored the harbour before spending their first night at Camp Cove.⁶⁹ After further explorations over the next two days, Phillip picked Warrane (Sydney Cove) as the site for the new penal colony, and soon after the entire fleet rounded Bara woory (South Head) and sailed down the harbour past Woollahra to set up camp (**Figure 23**).



Figure 23. The invasion... the first fleet enters the harbour in January 1788, passing along the Woollahra shore.

[Source: 'Entrance of Port Jackson 27 Janury 1788', in Bradley 1786-1792 [1969], opp. p. 65. Extract of original image].

⁶⁷ Attenbrow 2010a, p.137.

⁶⁸ Collins 1910, p. 11; Ingrey et. al. 2020.

⁶⁹ Nagle 1829, p. 82,

In the first year of the colony, Europeans tentatively explored their surroundings on land and water, monitored closely by Aboriginal people. There were both peaceful and violent encounters. At Camp Cove for example, Lieutenant William Bradley describes coming ashore at Camp Cove while surveying the harbour in the week after the arrival of the first fleet, where he was ‘cordially received by three men, who left their women sitting in a canoe at the other end of the beach’.⁷⁰ The Aboriginal men left their spears on the sand and observed while the visiting party cooked their dinner on the shore.⁷¹ Just over a month later though, Bradley again visited Camp Cove, where an Aboriginal man showed him how he had been beaten by other visiting Europeans.⁷²

As the year progressed violent incidents grew as it became clear that Europeans meant to stay, cutting down trees and taking foods, tools and weapons without permission or protocol (though the often quoted spearing of convicts in May 1788 that apparently gave Rushcutters Bay its name did not occur there).⁷³ The toll of this sporadic violence was dwarfed however by a deadly smallpox epidemic which swept around the harbour the following year. Europeans saw bodies strewn around the harbour ‘as if, flying from the contagion, they had left the dead to bury the dead.’⁷⁴ The epidemic shattered families and broke traditional practices. It is hard to overstate the rapid devastation wrought by the disease, and the ongoing trauma that the survivors must have felt. But they found ways to regroup along old lines, perhaps drawing in more distant family connections through parents and grandparents in light of their diminished numbers to reconstitute their groups.⁷⁵ It is these people who have occupied Woollahra and coastal Sydney since that time.

4.2 1800s to 1840s



Figure 24. Panoramic view toward the harbour from above Rose Bay in 1830.

[Source: Anon 1830].

In the early decades of the colony, Europeans did not intensively occupy the Woollahra area, instead seeking fertile and flat lands to the west of the harbour and up the major rivers for food production. The effect was that much of Woollahra remained uncleared bushland for more than a century after Europeans arrived (**Figure 24** and see **Figure 16A**). The regrouped Aboriginal survivors could continue to access the bays and headlands of Woollahra, establishing fishing settlements that often

⁷⁰ Clendinnen 2003, p. 90.

⁷¹ Bradley 1786-1792 [1969], p. 67.

⁷² Derricourt 2010:18

⁷³ Irish 2019, p. 24.

⁷⁴ Collins 1798[1975], p. 496.

⁷⁵ Irish 2017, pp. 22-24.

lasted for decades (**Figure 25**). Europeans began to refer to them by the areas where they most often lived – the Sydney tribe, the Botany tribe and so on. But as before, these groups were inter-related and also had connections far beyond these areas. They generally lived in groups of up to around twenty people, in rockshelters or traditional bark shelters, but also in huts and houses.

Cultural practices continued. For example, a tribal punishment ground at Rose Bay continued to be used to settle disputes and transgressions of tribal law by ritual combat using spears and clubs, perhaps into the 1820s or later based on burials found in the area.⁷⁶ One of these ritual combats in 1796 was described as follows by David Collins:

we heard that a large party of natives belonging to different tribes, being assembled at Pan-ner-rong (or, as it is named with us, Rose Bay), the spot which they had often chosen for shedding blood, after dancing and feasting over-night, early in the morning, Mo-roo-ber-ra, the brother, and Cole-be, another relation of Bone-da, seized upon a lad named Tar-ra-bil-long, and with a club each gave him a wound in his head, which laid the skull bare. Dar-ring-ha, the sister of Bone-da, had her share in the bloody rite, and pushed at the unoffending boy with a doo-ull or short spear.⁷⁷



Figure 25. Aboriginal people fishing at Queens Beach at Vaucluse in the 1830s.

[Source: Martens 1837].

⁷⁶ David Ingreys pers. comm. 28/3/19; Collins 1798[1975], pp.466, 489-90. For burials see Donlon 2008.

⁷⁷ Collins 1798[1975], pp. 489-90.

In the 1810s, Governor Macquarie tried to encourage Aboriginal people to adopt a more settled 'European' way of life. He initiated annual feasts for Aboriginal people at Parramatta in December 1814 in order to encourage parents to place their children in the newly constructed Parramatta Native Institution school. The next month he established a farm and village at Middle Head for Aboriginal people, including the family of coastal Sydney woman Cora Gooseberry and her husband Bungaree, who had moved to the harbour from the north of Sydney.⁷⁸ Aboriginal people showed a reluctance to use the Middle Head farm as a permanent settlement, and in 1820, Macquarie tried again to 'establish some native settlers', this time from the Sydney tribe south of the harbour with a similar farm and fishing village. The Sydney people chose Gurrajin (Elizabeth Bay) a place which was acknowledged as 'much frequented and delighted in by the Sydney blacks, to a family of whom indeed it belonged' (**Figure 26**).⁷⁹ It was used for several years, sometimes with several dozen residents, but by 1824 like the Middle Head farm, it had also been abandoned.⁸⁰

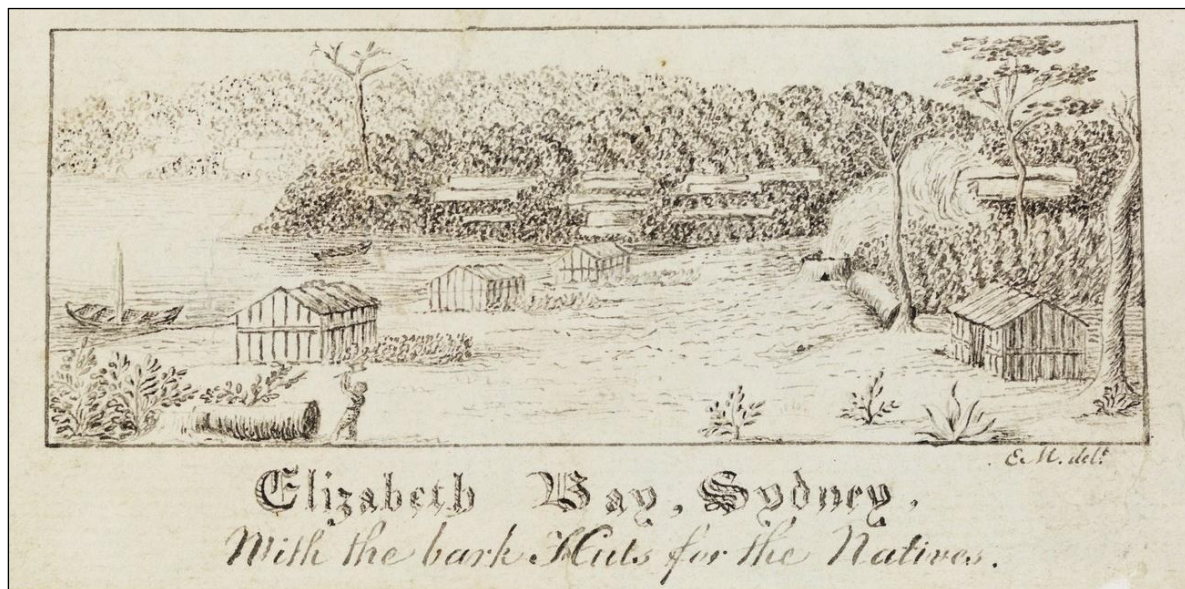


Figure 26. The Aboriginal fishing village at Elizabeth Bay in the early 1820s.

[Note the layout and form of the huts and the presence of fishing boats. Source: Mason 1821-23: Image 42, though it must be a copy of an earlier image as Mason did not arrive in Sydney until 1853 according to Smith 1992, p.118]

A number of the Elizabeth Bay settlement residents died and were buried nearby.⁸¹ The locations of these historical burials, such as that of Botany Bay man Mahroot (Snr) was still known to Europeans in the area many decades later.⁸² Further east at Rose Bay, two of the residents of the Middle Head settlement were also buried together – Matora in 1828 (**Figure 27**) followed by her husband Bungaree in 1830.⁸³ Although we know little about Matora, her burial at Rose Bay presumably meant

⁷⁸ Irish 2017, pp. 29-30.

⁷⁹ Macquarie 1787-1824, p. 256 [fr672]; Hall 1828, pp. 596-597.

⁸⁰ <https://www.sydneybarani.com.au/sites/elizabeth-town/> [accessed 22/4/21].

⁸¹ West, O. "Old and New Sydney. To the Editor of the Herald," *Sydney Morning Herald* 24/5/1882, p. 3.

⁸² Hill & Thornton 1892, p. 7.

⁸³ Smith 1992, pp. 143-145; 'Boongarie', *The Australian* 3/12/1830, p. 3.

that this was part of her traditional Country.⁸⁴ We have more information about another of Bungaree's wives Cora Gooseberry (1770s – 1852) who was an acknowledged 'queen' of coastal Sydney and continued to live around Woollahra with her family in the years after Bungaree's death (Figure 27).⁸⁵



Figure 27. Cora Gooseberry at Camp Cove in the 1840s and Matora in 1820.

[Source: (left) Angas 1845a. (right) Barratt 1981 p.37. permission required to publish]

In 1845 for example, Cora was living with a dozen Aboriginal people around a tidal lagoon at Camp Cove, next to the rich fishing grounds of the harbour mouth.⁸⁶ A decade earlier around a hundred Aboriginal men, women and children were seen camped around the lagoon, each family with their own hut and hearth.⁸⁷ Numerous burials found in the vicinity suggest that their ancestors had used this place for generations.⁸⁸ Men and women fished the cove in flotillas of canoes during the day (Figure 21), and at night men stepped off the beach with pronged fishing spears and flaming torches

⁸⁴ Irish 2017, p. 27. Historian K.V. Smith speculates that Matora was from the Central Coast because a similar sounding word in the Central Coast/Newcastle language means 'snapper', but this possible association is too tenuous to attach Matora's identity to (see Smith 2011).

⁸⁵ Europeans acknowledged Cora Gooseberry as a "Queen of Sydney and Botany", see Cleary 1993, pp107-109; Attenbrow 2010a, Plate 13.

⁸⁶ Angas 1847[1969], p. 202.

⁸⁷ Irish 2017, pp. 32-33, 37-38; Proctor 1834, pp.119-121 [fr 71-72].

⁸⁸ E.g, 'Brevities', *Evening News*, 27/7/1883, p. 3; 'Early Watson's Bay. Good Old Days Recalled', *Evening News* 13/12/1919, p. 4; 'News of the Day', *Sydney Morning Herald*, 28/7/1883, p. 9; 'News of the Week', *Maitland Weekly Mercury* 4/3/1899, p. 10; Brown 1938/40, p. 7; AHIMS Register site record for #45-6-2353.

to catch some more.⁸⁹ The lagoon has since been filled but you can still sense its presence where the landscape dips down behind the beach, and today's Camp Cove Reserve sits in the middle of the former open water.

One of the probable reasons that Cora and others lived there was that it was sufficiently distant from Sydney to allow them to continue living as they wished. But that does not mean that they were forced to be there, or that they chose to shut themselves off from the colony. They sought instead to interact with the colony and its economy as much as possible on their own terms. For example, at Camp Cove, residents used their acknowledged fishing expertise not just to feed themselves, but to run commercial fishing trips from the city to pay for supplies they needed.⁹⁰

A similar strategy was used at Double Bay. Here, a group of around twenty Aboriginal men, women and children lived in a large sandstone rockshelter in 1845. This was the 'Sydney tribe' led by Thomas Tamara (1810s-1860s?) and his Botany Bay wife Nanny Nellola (**Figure 28**). Though a European fishing village was set up along the beach, the surrounding area was still largely uncleared and sparsely unoccupied by Europeans. The overhang provided their shelter, and Tamara and his group slept around a fire on its bare earth floor, wrapped in blankets and surrounded by their dogs.⁹¹

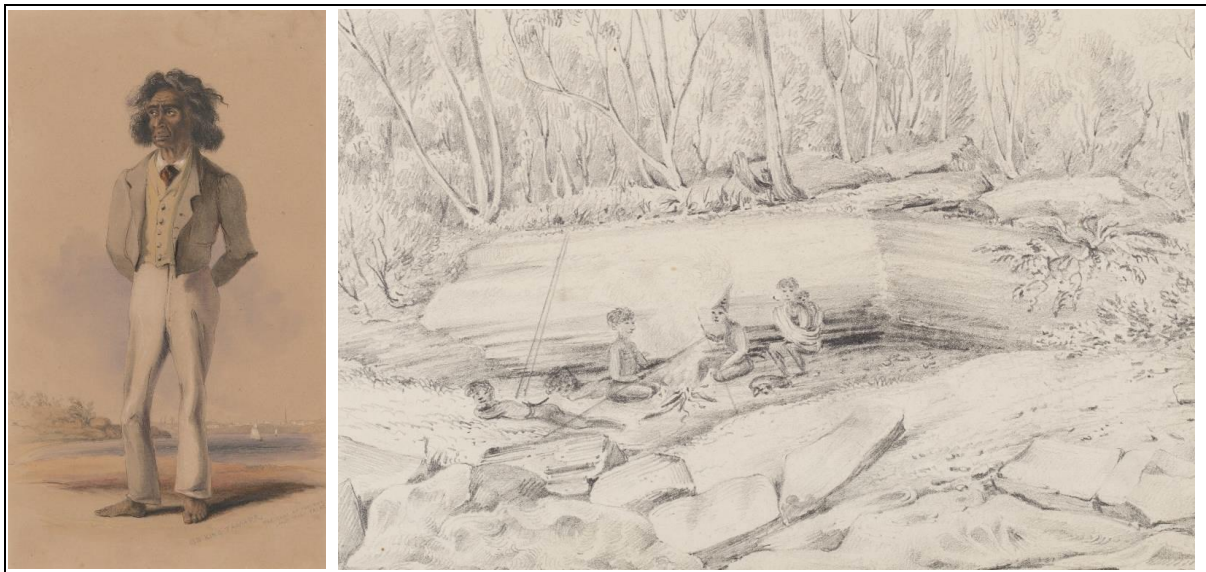


Figure 28. Thomas Tamara and others at Double Bay in the 1840s.

[Sources: (left) Angas 1845b. *permission required to publish*; (right) Campbell 1842. Extracts of original images.]

Like at Camp Cove, fishing was a major activity at Double Bay, and small groups like Thomas Tamara's could use their intimate local knowledge to feed themselves and make a living. They caught fish in the adjacent bay using traditional pronged spears (**Figure 28**) but also owned a

⁸⁹ Irish 2017, p. 37.

⁹⁰ Irish 2017, pp. 32-33.

⁹¹ Laracy 1845; Irish 2017, pp. 39-40, 48-49.

wooden boat which they used to fish the harbour and bring their catch to town.⁹² Tamara's group followed the fish. In 1846, the year after they were at Double Bay, they took their boat to Botany Heads and fished their way down the coast to the Illawarra, before returning to the harbour to set up a fishing camp at Vaucluse.⁹³ In addition to their earnings from fishing, they sold eucalyptus gum harvested by Aboriginal women from the extensive surviving forests east of the town, as well as returning boomerangs expertly crafted by Tamara.⁹⁴ It was probably also Tamara and Nanny's group who were recorded helping their European neighbours fight a bushfire at Point Piper in 1845.⁹⁵

4.3 1850s to 1890s

In the second half of the nineteenth century, Woollahra became more densely populated by Europeans as suburbs began to form and subdivision of large estates began. However, Aboriginal people were still able to access the water and maintain settlements in the harbour bays, even when access to some areas was blocked. This is illustrated well by the building that houses Woollahra Council – Redleaf House at Double Bay (see **Figure 36D**). There are several different versions of the story, each providing different dates and details.⁹⁶ It appears that one of the early residents of the house in the 1860s or 1870s did not like the fact that Aboriginal couple Gurrah and Nancy were living just outside the property fence, and did not wish to move away. The facts are hard to distil in this local legend, but some form of payment (seven shillings is suggested) was negotiated as recognition of the Aboriginal couple's rights to the area, and compensation for their moving away. Gurrah and Nancy viewed the transaction differently however, moving a few hundred metres up the hill to a sympathetic neighbour, and returning soon after when more accommodating owners took over at Redleaf. After Nancy died and was buried at Double Bay in the early 1870s, Gurrah continued to visit Redleaf, probably to fish the bay from Seven Shillings Beach, the very spot named in recognition of the unsuccessful attempt to dislodge Aboriginal connections with a few coins.⁹⁷

Other Aboriginal settlements were located either side of Double Bay. The Rushcutters Bay settlement was present by the 1850s (possibly earlier), and over the ensuing decades shifted around the edges of the extensive mudflats that fed into the bay (**Figure 29**).⁹⁸ It was well-known to local residents, who recalled men spearfishing and ceremonies taking place in the 1870s, as well as Aboriginal women bailing up the carriages of rich passersby by standing in front of them, in order to ask for money or gifts for their children. There were altercations between local European youths and Aboriginal people, as well as a number of assaults and alcohol-related deaths at the settlement, and

⁹² Irish 2017, pp. 48-49, 63.

⁹³ 'Aborigines', *Sydney Morning Herald* 20/4/1846, p. 2; Townsend 1846, frame 87.

⁹⁴ Laracy 1980, pp. 179, 181.

⁹⁵ 'Incendiarism and its Effects', *Sydney Morning Herald* 22/1/1845, p. 3.

⁹⁶ A.D.M.B., 'Seven Shilling Beach. A Quaint Story', *Sydney Morning Herald* 5/4/1941, p. 9; Irish 2017, p. 73; Jervis & Kelly 1960-1965, p. 44.

⁹⁷ Irish 2017, pp. 84-85.

⁹⁸ Irish 2017, pp. 72-73.

some residents feared passing by the settlement.⁹⁹ But despite this, and the increasing European population in the area, there were no calls to move Aboriginal people away until the 1890s.¹⁰⁰



Figure 29. Rushcutters Bay in the 1870s.

[The view is east along New South Head Road and the settlement was somewhere beyond the stone cottage behind the tollgates. Source: American & Australasian Photographic Company 1870-1875. *Horse and cart at the tollgates, New South Head Road, Rushcutters Bay* (SLNSW ON 4 Box 13 No [38])].

There were other settlements documented around Rushcutters Bay over the years, and it is not clear whether they represent places used by the same group of people at different times, or completely separate places. For example, there are records of camps around Edgecliff and also further up Rushcutters Creek in Paddington. Local resident Robert Joyner later recalled that in the 1870s this area was still ‘covered by a dense forest of big trees’ and he remembered ‘seeing their campfires and hearing their cries when doing their corroborees’.¹⁰¹

Another major settlement in this period was at Rose Bay, and may also have shifted location around the bay over time. From the late 1840s, Sydney man William Warrell (1790s-1863) lived in a hut along New South Head Road, near what is now Norwich Road (**Figure 30**).¹⁰² Warrell was a cousin to Cora Gooseberry, and had lived and travelled with her in and around Sydney town in previous years.¹⁰³ He spoke fluent Aboriginal language and continued to reside on his traditional Country until his death in 1863. Although he was spoken of as the so-called ‘last of his tribe’ other Aboriginal people continued to live in Rose Bay after his passing. An Aboriginal man named Bungela (William

⁹⁹ Gelding 1938; East 1930; ‘Sydney News’, *Maitland Mercury & Hunter River General Advertiser* 14/2/1863, p. 3; ‘Accidents and Offences’, *Sydney Morning Herald* 25/11/1878, p. 8.

¹⁰⁰ Irish 2017, pp. 127-8.

¹⁰¹ Joyner 1919. Recollections. Thank you to Rob Joyner for providing this information.

¹⁰² Irish 2017:69-70.

¹⁰³ Irish 2017, pp. 43, 48, 59. 69-70.

Lynes) was working as a 'farm servant' and living with his father William Snr, a farmer, at Rose Bay in 1864.¹⁰⁴ **Figure 31** shows what the area looked like around this time. Later in the nineteenth century Aboriginal woman Kate Sims (1850s-1930), who has descendants today in the La Perouse Aboriginal community, was also recorded at Rose Bay, and it remained an Aboriginal settlement until the end of the nineteenth century.¹⁰⁵



Figure 30. William Warrell outside his hut at Rose Bay in 1853.

[Source: Hardwick, c.1853].

Aboriginal people tried to live at Rose Bay as much as possible on their own terms. They did so by cultivating strategic relationships with key Europeans in the area. William Warrell for example was well known to the Cooper family at Rose Bay, and the Wentworths and Hills at Vaucluse and Point Piper.¹⁰⁶ Other Aboriginal people worked for, and traded with the Wentworths at Vaucluse House, and visited other residents like Richard Hill at Greycliffe House in Vaucluse, Edward Smith Hill at the Woollahra House Stables building at Point Piper and William Bede Dalley at Clairvaux in Vaucluse.¹⁰⁷

They also continued traditional practices. At the mouth of Rose Bay Creek for example, they 'staked out a weir, or, as the blacks called it, a moul for the purpose of obtaining a supply of fish.'¹⁰⁸ In the

¹⁰⁴ Reid, J. 'To The Editor of the Herald', *Sydney Morning Herald* 21/5/1864, p. 13.

¹⁰⁵ W.H.D. 'A Dying Race. The Blacks at La Perouse', *Molong Argus* 10/1/1908, p. 8.

¹⁰⁶ Irish 2017, pp.70-71.

¹⁰⁷ Irish 2017, chapter 4; 'Harry, the King of Kissing Point', *Sydney Morning Herald* 17/7/1880, p. 7.

¹⁰⁸ West, O. "Old and New Sydney XIX. Our Harbour and Ocean Bays", *Sydney Morning Herald* 12/10/1882, p. 9.

1870s a group of Aboriginal people including Johnny Baswick (also known as Bankey or Pankey) and his wife Rachel were seen spearfishing at Rose Bay and trading fresh fish and oysters with the residents of nearby Woollahra House at Point Piper.¹⁰⁹ As a local resident later recalled:

The aboriginals were amazingly expert spearmen. Standing on rocks above the water, and with spear poised to strike, they seldom failed in their unerring aim. I have never seen a blackfellow use the same kind of spear since then. It was about ten feet long, and had three prongs made of umbrella wires, barbed at the points, and tightly bound to the end of the spear. Many of the rock carvings on Point Piper...were the work of the aboriginals of 60 years ago, and most of them were carved by Pankey's son "Freddy."¹¹⁰



Figure 31. Painting looking west over Rose Bay in the 1860s.

[Source: Elyard 1862-1873]

One of the reasons Aboriginal settlements like Rose Bay and Rushcutters Bay were able to survive, was that the government had no policies or laws about where Aboriginal people could live in this period. In this absence of government scrutiny Aboriginal people were more or less left to work things out with Europeans in Sydney, which made cultivating relationships with influential European residents important. But this way of life began to unravel in the 1880s. The government was being urged by missionaries and by parliamentarian George Thornton to develop an approach to Aboriginal welfare. Thornton had a longstanding interest in Aboriginal people in Sydney and surrounding areas, many of whom visited him at his home in Darling Point.¹¹¹ By the 1870s though he was of the view that no Aboriginal people in Sydney were 'from' Sydney, and that the government should discourage them from visiting by dispensing assistance only in their 'home district'.¹¹²

¹⁰⁹ Irish 2017:66, 70-72.

¹¹⁰ East 1930.

¹¹¹ Tucker 1883; 'The Aborigines', *Maitland Mercury & Hunter River General Advertiser* 24/11/1863, p. 2.

¹¹² Irish 2017, p. 112.

Thornton brought these issues to a head in 1881 in relation to the Government Boatshed at Circular Quay, where Aboriginal people from Rushcutters Bay and other coastal Sydney settlements stayed when they wanted to buy and sell goods in the city. By the end of the year he had been appointed the state's first 'Protector of Aborigines', with sole powers to distribute government assistance to Aboriginal people across New South Wales. By 1883, this position had changed to an Aborigines Protection Board, with Richard Hill of Vacluse as its inaugural chair. The Board made government assistance available to coastal Sydney people only at the Aboriginal fishing village of La Perouse.¹¹³ By the 1890s they also, through the police, increasingly monitored the various Aboriginal settlements and intervened to shut them down in response to complaints from Europeans residents or if they were perceived to get too large or unruly in the Board's view. For example, they acted on a resident complaint to try to shut down the Rushcutters Bay settlement. Police were also sent to Watsons Bay where Aboriginal people were busking by giving 'spear and boomerang throwing exhibitions in front of the Greenwich Pier Hotel' to move them on from their camp nearby.¹¹⁴

The result of this surveillance and intervention, and the pull of available assistance at La Perouse, was that most Aboriginal people in the harbour camps came to live there by the end of the century.¹¹⁵ They were further encouraged by members of the evangelical Christian Endeavour movement, who established a mission at La Perouse in the mid-1890s.¹¹⁶ For Woollahra, this meant that there were few if any Aboriginal settlements remaining in the area by the turn of the century. It became less common to see Aboriginal people in the area, just at the time when interest was growing among Europeans in rock engravings and other traces of the Aboriginal past. The increasing dislocation of Aboriginal people from traditional Country and places of significance such as rock engravings, allowed a view to develop that Aboriginal culture was a thing of the past with no living continuity, and that this past could be interpreted by non-Aboriginal 'experts'.¹¹⁷ We are still dealing with the legacy of this today, and this study has tried to redress that imbalance.

Many of the Europeans central to these developments in government and religious intervention, and the perceived transfer of 'authority' from Aboriginal to non-Aboriginal people were Woollahra residents. These included:

- Darling Point resident and inaugural Woollahra mayor **George Thornton**, who was the first Protector of Aborigines in 1881 and 1882.
- **Richard Hill**, who lived at Vacluse and the city, and was the inaugural chair of the Aborigines Protection Board from 1883 until his death in 1895. Hill maintained close relationships with Aboriginal people at La Perouse, which were continued by several generations of his descendants.¹¹⁸

¹¹³ Irish 2017, chapter 6, pp. 125-130.

¹¹⁴ Irish 2017, pp. 126-127.

¹¹⁵ Irish 2017, pp. 125-130.

¹¹⁶ Irish 2017, pp. 126-128.

¹¹⁷ Byrne 1996, pp. 88-93.

¹¹⁸ Irish 2017, pp. 129.

- **Harriet Baker**, the first missionary at La Perouse, who lived at Paddington and was governess to the Rowe family at Darling Point in the 1890s, right next to the Rushcutters Bay Aboriginal settlement.¹¹⁹
- Paddington resident **William Campbell**, who made extensive recordings of Aboriginal rock art around Woollahra and across Sydney in the 1890s.
- **C.W. Peck**, who also lived at Paddington and recorded traditional Aboriginal stories from Dharawal woman Ellen Anderson in the 1920s.

In addition, many other residents interacted with Aboriginal people, including later Woollahra mayor Leo Whitby Robinson and his mother Eliza, who continued to visit their Aboriginal friends in the early twentieth century after they moved to La Perouse.¹²⁰

4.4 1900s to now

Soon after most Aboriginal people in Woollahra moved to La Perouse, the area was covered in a carpet of suburban housing and roads; most creeks went underground, and mudflats disappeared under lawns and playing fields. Coastal Sydney people still continued to visit the area, though this was rarely documented, and was in the context of high levels of government monitoring and control. For example an historical pageant was held at Vacluse House in 1932 on the occasion of the opening of the Sydney Harbour Bridge. Aboriginal people at La Perouse had embraced the occasion in the lead up to the opening, making replica bridges decorated with shells and engraving boomerangs with bridge motifs. When an opportunity arose to set up a 'traditional camp' at Vacluse House as part of the celebrations, dozens of Aboriginal people from La Perouse, probably among them descendants of others who have lived there in the past, were able to camp for several days on the property.¹²¹

Aboriginal people (particularly women) were also hidden away in private houses in Woollahra throughout much of the twentieth century, working as domestic servants.¹²² In the nineteenth century, the 'apprenticing' of Aboriginal and other children was organised through Ormond House in Paddington, but by the twentieth century the Aborigines Protection Board presided over a government legislated system of child removal, where Aboriginal children were taken from their families and trained in specialised children's homes for eventual domestic service. By the 1920s, hundreds of Aboriginal girls as young as 12 were working as domestic servants across Sydney.¹²³ Though most Aboriginal domestic servants would have been girls from outside the area, at least one had connections to the La Perouse community.

¹¹⁹ Nugent 2005, p. 55; Irish 2017, pp. 127-128.

¹²⁰ Irish 2017, p. 128.

¹²¹ Irish & Ingrey 2011, pp. 40-46.

¹²² E.g. Wilson 2001, Walden 1995.

¹²³ Goodall 1995, Walden 1995.

Lena Bungary (c1907–1968) was from La Perouse and between the 1930s and her death she lived with and worked for the Stephen family at Jersey Road in Paddington. Elders from La Perouse recalled visiting Lena at the house on Jersey Road in Paddington, and this connection is still recognised by community members today.¹²⁴ Over recent decades, coastal Sydney descendants from the La Perouse community have re-engaged with the Woollahra area, researching its history and holding community events at places like Vacluse House and running tours at South Head. The Aboriginal heritage study has also provided an opportunity for some coastal Sydney people to walk the area, looking for Aboriginal heritage places and thinking about the past connections that continue to resonate across Woollahra.

¹²⁴ Michael Ingre, pers. comm. 5/8/2015.

5 Aboriginal heritage in Woollahra

In this section we look at the heritage of Woollahra's Aboriginal history. This consists of both tangible and intangible heritage, though the primary focus of the study is the physical traces of the long history of Aboriginal connections to the Woollahra area. There is no central place to find all existing information about Aboriginal heritage. What is available is generally scattered, incomplete and hard to interpret. We have drawn on the environmental information, land use impact overview and Aboriginal history in previous sections to consider what could once have been present, what might survive, how we know about it and what we still don't know. A consideration of all these things has allowed us to create a list of known and potential Aboriginal heritage places and to determine the 'sensitivity' of different parts of Woollahra to contain undocumented Aboriginal heritage. This is the basis for the management strategy outlined in **Section 6**.

5.1 *What has been lost and what could remain?*

It is hard to get a sense of this now, but Woollahra would have been an environment of bountiful natural resources for Aboriginal people – rich fishing grounds in the harbour bays fed by freshwater creeks flowing through lagoons full of plants, shellfish and waterbirds and forests full of foods, fibres and animals.

For thousands of years, Aboriginal people camped and moved around Woollahra and across the surrounding areas. Many of the physical traces of their presence were only ever ephemeral. Most of their housing and equipment was made of organic materials such as wood, bark, fibres, shell and bone. All these remains (as well as human burials) break down on the ground or in its acidic soils within a matter of decades or centuries, unless they are incorporated into lime-rich shell middens which help to preserve them. Trees which were scarred or marked by Aboriginal people only last as long as that tree remains standing.

For this reason surviving archaeological evidence does not represent many of the most basic aspects of Aboriginal life that were so frequently described and pictured by early Europeans. Consider typical scenes of Aboriginal women and men fishing the harbour from their nawi (bark canoes) and cooking their catch on the shore, as you can see in **Figure 32**. The only surviving physical traces of these activities on the ground are likely to be shell fish-hooks, fish bones and some charcoal from a fire, while a few examples of fishing line, tool boxes and fishing spears survive in overseas museums (**Figure 33**). There are no traces of the nawi themselves, their paddles, cooking fires or the foods cooked on them, let alone the huts of harbourside camps.

Historical impacts have also destroyed physical remains and some cultural knowledge of Aboriginal heritage places, which we consider in the following sections in relation to different types of places and values.

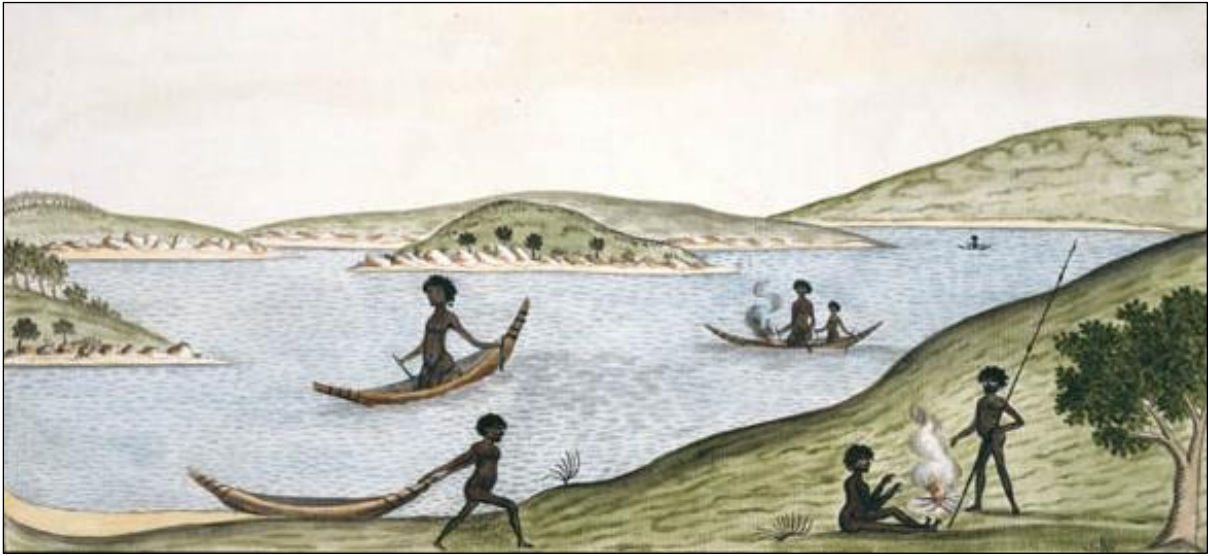


Figure 32. Aboriginal people fishing and camping around the harbour.

[Source: Port Jackson Painter, [Untitled harbour scene, with people paddling canoes], between 1788 and 1798 (Thomas Watling Collection, Natural History Museum, London, Port Jackson Drawing - no. 45). Extract of original image; [permission required to publish](#)].

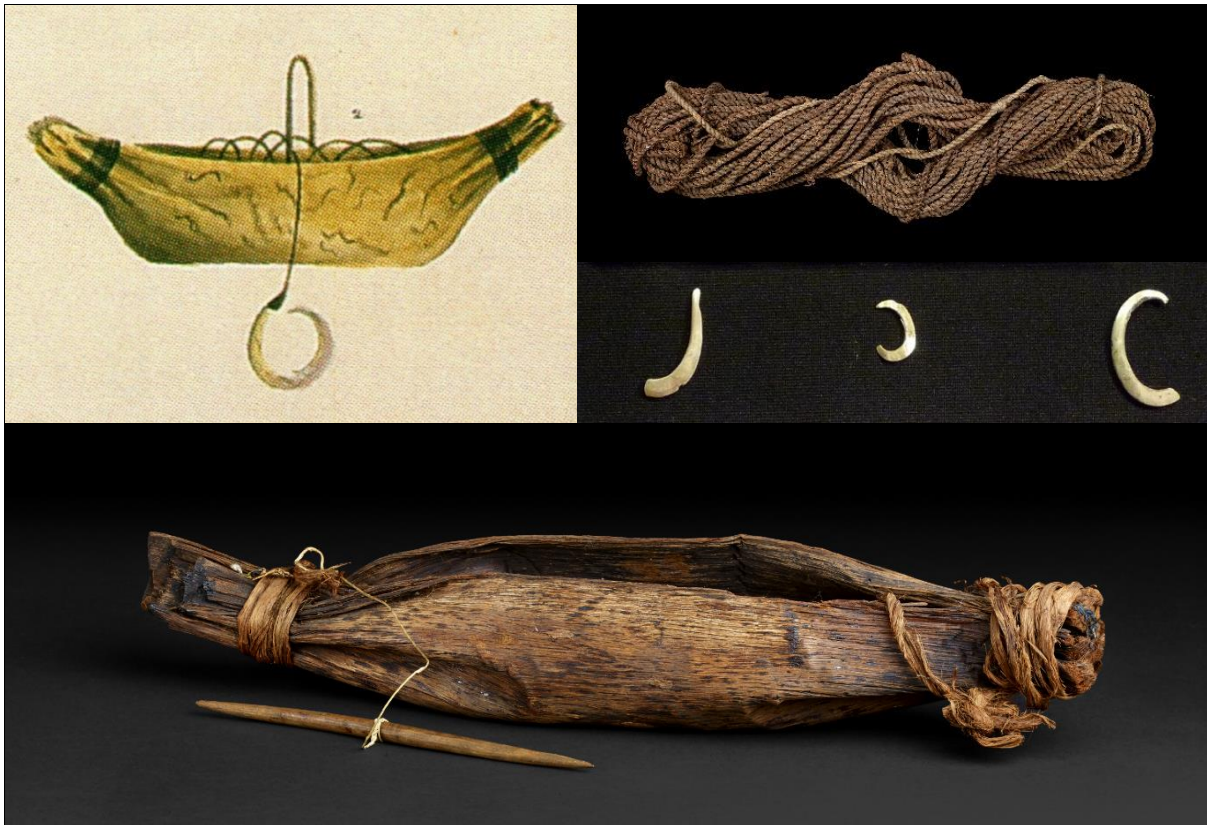


Figure 33. Women's fishing equipment from historical images and surviving objects.

[Source: (top left): Extract from Port Jackson Painter, [Fishing scene with aboriginal implements], between 1788 and 1797 (Thomas Watling Collection, Natural History Museum, London, Port Jackson Drawing - no. 71); (top right) Fishing line (British Museum Oc4062) and fish hooks from Kurnell (Coast 2021); (bottom) Workbox (British Museum Oc1872). Courtesy of the Trustees of the Natural History Museum and Trustees of the British Museum. [permission required to publish](#)].

5.1.1 Aboriginal heritage on sandstone

The types of physical evidence of ancient Aboriginal life are patterned according to the underlying geology of sandstone and sand. Sandstone is found outcropping around the headlands of Woollahra and generally occurs in parallel bands as you move upslope. These bands can contain large outcrops of rock or isolated boulders. Within and on these can be found the following:

Rockshelters

Rockshelters were used variously as living places, art sites and/or places of burial. They vary greatly in size from those that could contain large groups to others big enough for one or two people (**Figure 34A & B**). Some art in Woollahra is also found in small eroded scallops of rock that are not big enough to fit a person. Rockshelters generally form in sandstone outcrops of sufficient size and exposure (from sloping ground) to erode into overhangs. For this reason, they are rarely found on flat ground, except behind beaches, which were also once sloping ground before the sea level rose.

Traces of past Aboriginal use can be found on and under the floors of rockshelters, where soil has accumulated. In the acidic soils across Sydney, the only remains that survive for any length of time are usually implements of stone, and the charcoal or hearthstones from cooking fires. The exception is where Aboriginal people cooked, ate and discarded shellfish, the lime rich shells of which buffer against the acid in the soil and can preserve a wide range of organic materials such as human bone, animal and fish bone, and tools made of bone and shell. These sites are called 'middens' or 'shell middens' and can be found in the open or within rockshelters. The walls and roofs of rockshelters formed the canvas for galleries of Aboriginal art. These can be painted, drawn or stencilled figures. Sometimes figures were also engraved vertically on rockshelter walls (**Figure 34E**).

Rock engravings

They may be present where flat, or relatively level, areas of bedrock are exposed, either as outcrops or isolated boulders, and occasionally in rockshelters as noted above. They can consist of extensive galleries with dozens of motifs, or isolated figures of human and spirit figures, sea and land animals and implements (**Figure 34C-E**). Rock engravings were created by joining a series of holes created by striking with a rock (pecked) to form the outlined figures and have sometimes later been re-cut as they erode away. Some engravings were used as teaching places, others were places of ceremony.

Grinding grooves

These can be found anywhere on outcropping sandstone, but generally next to creeks or potholes that can hold water on rock platforms. The grooves are formed from the repeated rubbing of hard stone to create edges or resharpen them, usually with water as a lubricant. Sites can contain one, two or dozens of grinding grooves. Most grinding grooves documented around Sydney appear to have been for the sharpening of axes, however others were probably used for sharpening smaller flaked stone tools like spear points. Few grinding grooves have been documented within Woollahra, but this is not surprising given the massive impacts to waterways through channelising and reclamation.

 <p>A</p>	 <p>B</p>
<p>Large shelter with art at the base of an escarpment</p>	<p>Small shelter with midden and art (as well as graffiti)</p>
 <p>C</p>	 <p>D</p>
<p>Fish engraved on private property overlooking the harbour</p>	<p>Fish engraved at Point Piper and preserved under the floor of a former residence, now a garage</p>
 <p>E</p>	 <p>F</p>
<p>Fish engraved vertically on the rear wall of a shelter</p>	<p>Grinding grooves [image not from Woollahra].</p>

Figure 34. Aboriginal heritage associated with sandstone.

[Sources: A), B), E) Coast 2020. C) AHIMS Register. D) Stanbury & Clegg 1990, p. 26. F) Paul Irish 2011].

There have been massive impacts to some areas of sandstone outcrop in Woollahra, through quarrying, road cuttings and landscaping. Many engravings, rockshelters and grinding grooves have no doubt been destroyed. Some remain preserved in public reserves and national parks, where they have been shielded from these impacts. However as we have noted, most residential construction in the early nineteenth century was built on top of sandstone rather than cutting through it, and left large escarpments unscathed. We know that rockshelters have survived in good condition in some properties and rock engravings lie preserved under some houses (some of which are recorded and known about by the owners, others which may be buried under floorboards). There are also instances where engravings were recorded many years ago and have since been covered by sand. Only small areas of rock need survive to preserve grinding grooves or part or all of a rock engraving, or even a small rockshelter. The chances are that more of these types of site exist than are currently documented, surviving between or under houses or concealed by vegetation in a park.

5.1.2 Aboriginal heritage on sand

Sand covers much of Woollahra, either as beachfront dunes, inland dunes or thinner veneers of sand formed from eroding sandstone bedrock. Much more is known about the coastal fringe than the inland dunes, but the main types of evidence found in these various landforms include:

Shell middens

As we discussed in relation to rockshelters, when Aboriginal people ate and discarded sufficient quantities of shellfish at one location, these act to preserve other organic materials such as mammal and fish bones, as well as human burials. They can be considered coastal campsites because they are usually located close to environments where shellfish are found, such as along the rocky shore or near mudflats, and are often called ‘middens’ or ‘shell middens’. They are generally within a few hundred metres of these sources of food. Shellfish were probably eaten at other camps aswell, but not in sufficient quantities to have survived and preserved other organic materials.

Middens found in the open (as opposed to within rockshelters) were probably associated originally with bark and bough huts, but no trace of these has been found. They can be small, discrete heaps of shell, thin bands of shell within sand, or thick layers of shell that cover stretches of beachfront dunes or entire headlands (**Figure 35A & B**). Apart from fishing and shellfishing, Aboriginal people do not appear to have used these coastal campsites particularly differently to others further inland. It is just that the presence of shellfish remains preserves a wider range of evidence of past uses than at these other campsites.

Other campsites

Where Aboriginal people camped and did not consume shellfish, organic materials generally do not survive. In these other campsites, it is most often tools of stone that are found (**Figure 35C**). Sometimes, evidence of cooking fires is found as concentrations of charcoal or stone-lined hearths, even though the food remains themselves are no longer there. These campsites can be located anywhere around Woollahra, including close to the shore in thin deposits of sand, or deep in the

dune deposits across Rose Bay (**Figure 35D**). They could also be present within the elevated dunes at Vacluse, the suburb of Woollahra, Bellevue Hill, Darling Point and Point Piper.

Stone artefacts can be found across the current ground surface or buried within the sands. They might represent repeatedly used camps or places where people discarded broken tools while passing through the landscape. The sand dunes were formed between 40,000 and 14,000 years ago – within the period that Aboriginal people are known to have lived elsewhere across the Sydney region, but so far the artefacts found in the dunes at Rose Bay are likely to date from the last few thousand years and into the nineteenth century, overlapping with the early European uses of the area. In similar deep dunes further south at Randwick, several stone-lined hearths have been found, one of which was used 8,000 years ago to cook freshwater fish from an adjacent swamp.¹²⁵ It is possible that older artefacts or fireplaces like this are also found within Woollahra.

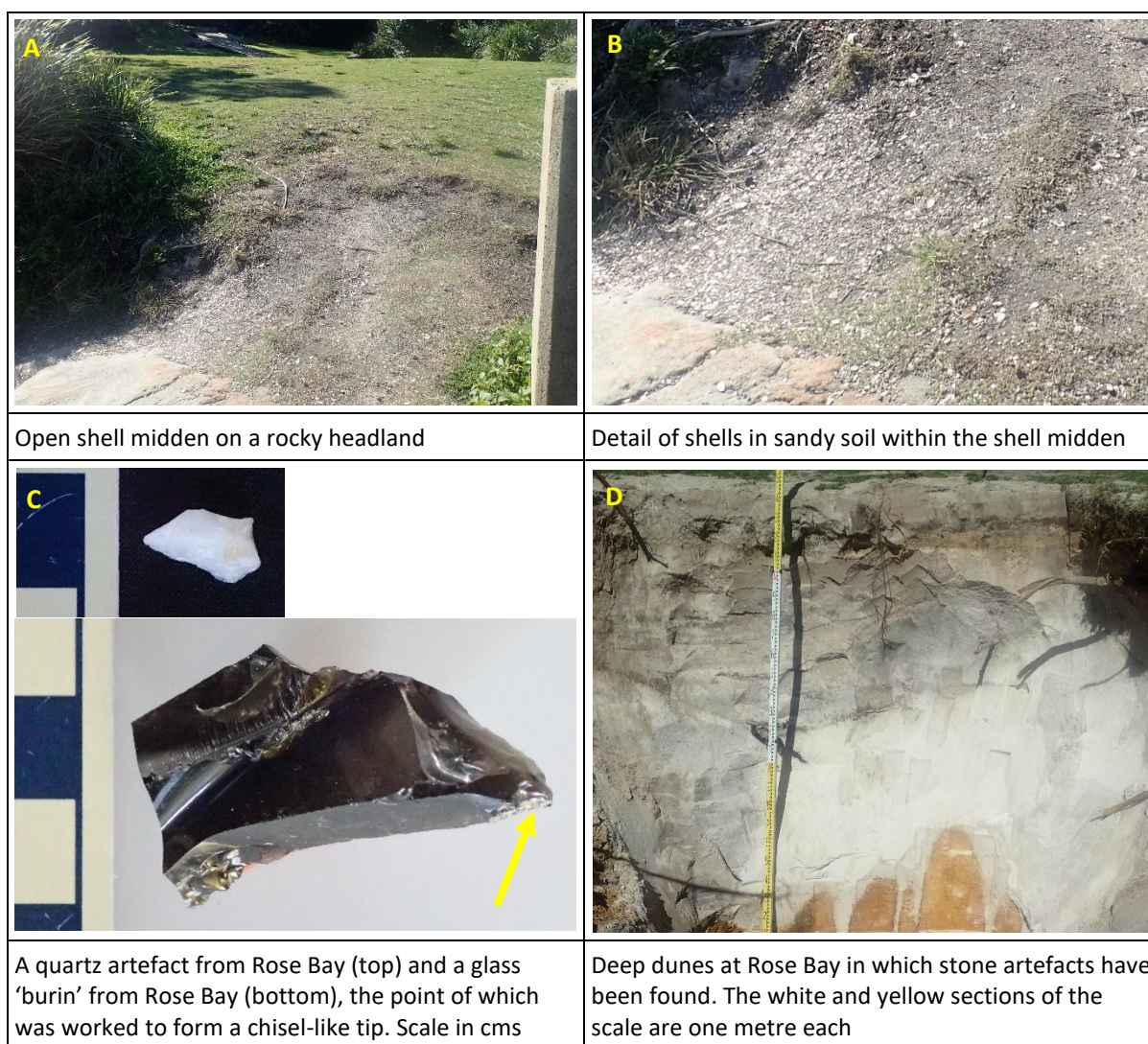


Figure 35. Aboriginal heritage associated with sand.

[Sources: Coast 2020].

¹²⁵ Dallas et. al. 1997; <https://www.sydstories.com.au/#/chapter/1> [accessed 21/2/21]

Middens around the shoreline can be found in dunes behind beaches. While there have been many impacts to the shoreline of Woollahra, these have sometimes covered rather than removed the original shore, for example through reclaiming land. Middens can also survive on small rocky outcrops behind the shore, potentially under the footings of houses or between buildings. While many of these sites may not be intact, the remains they contain are significant from both a cultural and archaeological perspective, and they may also include human burials.

Back from the shoreline, we know relatively little about other campsites that could be located in the deeper dune deposits of Rose Bay and the elevated dunes either side of Rose Bay and on the harbour headlands at Darling Point and Point Piper. There have been only three archaeological excavations to date, and all have been within the Rose Bay dunes. Nothing is currently known about what the elevated dunes may contain. Two of the Rose Bay excavations found small quantities of artefacts, while the third found a concentration of more than 5,000 artefacts as well as human remains.¹²⁶ More information is needed to be able to predict where larger campsites may occur. However it is clear from Rose Bay, and from investigations in similar sand bodies further south at Randwick, that archaeological remains could be found deep in the dunes, below the current reach of house or apartment building footings.

5.1.3 Historical places

Aboriginal people continued to live across Woollahra throughout the nineteenth century, as we have outlined in **Section 4**. While they continued to live in some ways as their ancestors had, their lives were also influenced by the constraints and opportunities of the expanding colony. For this reason, geology is a less useful guide to the types of Aboriginal historical places than it is for those used before the arrival of Europeans. Instead we need to look at the historical record, which can provide some details about the locations of some places used by Aboriginal people – their settlements, the places they visited and the places they buried their dead. Many of these activities will have left little or no discernible or enduring physical trace. For example, at Rose Bay we know that a traditional ceremonial punishment ground continued to be used into the nineteenth century, and that the area was also an Aboriginal settlement across that century (**Figure 36A**), but so far the only physical traces of those uses have been a burial most likely related to the punishment ground, and a single glass artefact (**Figure 35C**).

Most of the physical remains currently known that relate to the Aboriginal historical use of Woollahra are more indirect traces. They are the associations bound up in historical buildings or places. For example Emma's Well along New South Head Road at Vaucluse is probably associated with Aboriginal woman Emma Collins who was said to have been a custodian of the natural spring, now trough (**Figure 36B**). Other historic houses such as Vaucluse House and Redleaf House are among many that have Aboriginal historical associations (**Figure 36C - F**). Though little or no physical evidence of Aboriginal people may be preserved at these places, the stories associated with them keep that history of ongoing Aboriginal occupation alive.

¹²⁶ Jo McDonald Cultural Heritage Management Pty Ltd, 2010.



William Warrell camped at Rose Bay in the 1850s



Emma's Well at Vaucluse



Vaucluse House, in and around which Aboriginal people lived and worked in the nineteenth century



Redleaf House, near which Aboriginal couple Gurrah and Nancy lived in the 1860s and 1870s, fishing the bay from Seven Shillings Beach



The original Woollahra House stables at Point Piper, where Edward Smith Hill was visited by his Aboriginal acquaintances in the 1870s



The former Greenwich Pier Hotel (now Dunbar House) at Watsons Bay, where Aboriginal performers worked in the 1890s and camped nearby

Figure 36. Aboriginal historical places.

[Sources: A), Hardwick 1853. B) - E) Paul Irish 2011. F). Coast 2020].

We have considered the documented Aboriginal historical places across Woollahra and added them into the list of heritage places compiled for this study (see **Section 5.3** and **Appendix B**). Within and beyond these places, it is likely that archaeological remains of historical Aboriginal uses of Woollahra will be scant, but it is important to consider what these remains may be in order to ensure that they are not overlooked.¹²⁷ For example, we need to be careful that we consider Aboriginal uses of items such as clay smoking pipes, which are usually thought to be associated with non-Aboriginal people.

5.1.4 Intangible heritage

The places considered in the previous sections primarily relate to the survival of physical or archaeological traces of the Aboriginal past before the arrival of Europeans, but we need to be careful not to confuse physical survival with significance. The partial or complete destruction of physical traces of the past does not mean that their locations have no ongoing significance to Aboriginal people, and these values still need to be considered in heritage management. Any of the types of places outlined in the previous sections can have values to Aboriginal people today that are independent of physical remains. These values may be cultural or spiritual – relating to the creation stories of particular landforms, or the use of particular places like rock engravings for teaching or ceremony, or tribal punishment grounds for enforcing Aboriginal law. They can also be associated with the historical associations of ancestors, or the endurance of traditional names.



Figure 37. View north-east across Rose Bay, which has cultural and historical significance today.

[Source: Coast 2020].

Rose Bay is an example that encapsulates some of these values (**Figure 37**). This was an area which contained a tribal punishment ground, where disputes and transgressions of tribal law were settled.¹²⁸ Early Europeans observed some of these ceremonial contests and noted the name of the area as Pannerong.¹²⁹ However the area this refers to specifically is not known, and further Aboriginal community and linguistic research is needed to determine what it most likely means.

¹²⁷ Irish & Goward 2012.

¹²⁸ David Ingrey pers. comm. 28/3/19; Collins 1798[1975], pp.466, 489-90.

¹²⁹ Collins 1798[1975], pp. 489-90.

Apart from this ceremonial use, Rose Bay was a major Aboriginal settlement throughout the nineteenth century, visited and lived in by people whose ancestors still live in coastal Sydney today. These associations remain important, linking them to a place which otherwise contains few discernible traces of its Aboriginal past. Many other areas have values and knowledge embedded in them that require more detailed research with Aboriginal knowledge holders.

5.2 *What has been recorded?*

In this section we review what has been recorded about Aboriginal heritage before and during the Aboriginal heritage study, which forms the basis for the Aboriginal heritage place list described in **Section 5.3** and attached as **Appendix B**.

5.2.1 Existing records and registrations

The AHIMS Register

The Heritage NSW Aboriginal Heritage Information Management System (the 'AHIMS Register') is the central New South Wales repository that compiles information on Aboriginal archaeological sites and other places of Aboriginal significance. Primarily it contains records of archaeological sites created before the arrival of Europeans rather than places used by Aboriginal people after that time. The AHIMS Register initially derived from site records held in the Australian Museum, some of which date back to the first half of the twentieth century. Over the past 40 years Aboriginal sites have been registered by professional and amateur archaeologists, as well as Aboriginal community members, employees of organisations such as Councils, and members of the general public.

Because of its disparate sources, and its variable levels of curation over time, the AHIMS Register is riddled with data errors and discrepancies about precise site locations and site descriptions. It is also unclear in some cases whether sites still exist. Although the current NSW planning system currently integrates the AHIMS Register as a statutory register and assumes its accuracy, it cannot be relied upon for accuracy without close checking of original records. The AHIMS Register does not show where all Aboriginal sites are, but simply where they have been searched for and found. The vast majority of land within Sydney has not been subject to detailed inspection, so the absence of registered sites in some areas does not indicate an absence of past Aboriginal use or of surviving physical traces of that use.

Woollahra is a good example. Records were obtained from the AHIMS Register under an Aboriginal Heritage Information Licence Agreement in March 2020. This information contained records of 59 Aboriginal sites, one of which was found to be a duplicate record. However, because many site locations are inaccurately recorded, a check of Coast records for surrounding areas revealed a further 19 sites which were located just outside of the LGA (one of which was again found to be a duplicate recording). This left a total of 76 Aboriginal sites on the AHIMS Register that appear to be located within the Woollahra LGA. These records formed the basis for the Aboriginal Heritage Place list developed for the study.

Original records were obtained for all of the sites listed on AHIMS. These are files which provide further information than is summarised on the AHIM Register about the original recording of the site, its context, and details of any subsequent recordings. A thorough review of these records revealed that many coordinates were inaccurate and corrections were made on the Council heritage list.

Other Registers

Further searches were made of the following registers in March 2020 and again in March 2021 for records within the Woollahra LGA, as these sometimes contain listings that relate partly or wholly to Aboriginal heritage values:

- The Australian Heritage Database
- The Commonwealth Heritage Database
- The State Heritage Register and Inventory
- State Agency S170 Heritage Registers
- Interim Heritage Orders

No relevant places were identified on the national lists and no places were identified on other heritage lists that were not already incorporated into the study via the AHIMS Register or historical records previously compiled by study author Dr Paul Irish (see **Section 5.2.3**). A number of listed items make general reference to registered Aboriginal sites and occasionally to records of historical Aboriginal camps. For example the NSW Maritime s170 Register notes the prior use of Milk Beach by Aboriginal people before the arrival of Europeans, but does not specify which of the several Aboriginal sites documented on the AHIMS Register it refers too. Others mention the Aboriginal names (usually non-local) given to the listed property or similarly irrelevant information to a consideration of Aboriginal heritage.

In most cases these references to Aboriginal history are too general to be considered in the assessment of significance for the places, but the following places have considered the heritage implications of their Aboriginal associations more specifically:

- The State Heritage Register (SHR) listing for Rushcutters Bay and Yarranabbe Parks (SHR #02041) notes the continuing use of the area by Aboriginal people based largely on research by study author Paul Irish. As this was already incorporated into the research for this study, this was not further considered.
- The SHR listing for Nielsen Park (SHR #01988) itemises the documented Aboriginal sites as part of the description of the place, but all of these are already incorporated into the AHIMS Register and were already considered for the study. They were also further investigated during the field survey (see **Section 5.2.5**).

- The SHR listing for Macquarie Lighthouse (SHR #00677) mentions shell midden and at least one possible stone artefact being incorporated into the mortar of the lighthouse walls, and this was considered in the heritage study.
- The SHR listing for Vaucluse House (SHR #00955) discusses the ongoing use of the area by Aboriginal people through the nineteenth century based on research by Paul Irish and La Perouse community researcher Michael Ingrey for Sydney Living Museums in 2011.¹³⁰ This was already incorporated into the current study.
- The State Heritage Inventory listing for Emma's Well (SHI #A3) refers to the likely historical associations of Aboriginal woman Emma Collins with the spring in the nineteenth century. As this was already a registered place on the an AHIMS Register it was incorporated into that record.

Museum Collections

Research was undertaken to determine whether Aboriginal objects from the Woollahra area are held in local or state collections. Enquiries during the Aboriginal heritage study revealed that no Aboriginal objects from Woollahra were held in Woollahra Libraries or the Woollahra History and Heritage Society. Archival records of rock art enthusiast John Lough (a Woollahra Local) were also checked at the State Library of NSW and were found to contain a number of collected stone artefacts, however none of these appeared to related to Woollahra. During research for the study, reference was found in a newspaper article to a piece of a collapsed rockshelter from Nielsen Park which contained Aboriginal art having been provided to the Australian Museum but no records of this have been found and the donation appears unlikely to have occurred.¹³¹

The Australian Museum was found to be the only repository containing material derived from the Woollahra LGA, but there were few items, and most were associated with Aboriginal sites already registered on the AHIMS Register (see **Appendix C**). No further places were added on the basis of this research.

5.2.2 Aboriginal community knowledge

Aboriginal community knowledge was incorporated into the current study through conversations held during the study (see **Section 1.5.1**), as well as numerous discussions over the preceding decade between study author Paul Irish and Aboriginal community researchers and knowledge holders. This has identified places of historical association and provided insights into connections between places and the significance they hold today, which has been incorporated into the relevant place listings and is also discussed in **Section 4**.

¹³⁰ Irish & Ingrey 2011.

¹³¹ 'Drawings Found in Cliffs Near Beach', *Sydney Morning Herald* 2/2/1965, p.10.

5.2.3 Previous historical research

Historical documentation of continuing Aboriginal associations with the Woollahra area started with the eyewitness accounts of European residents and visitors in the nineteenth century and later reminiscences. Some of these found their way into early histories of the area, usually as short anecdotes about Aboriginal people living in camps around the area.¹³² Research commissioned by Woollahra Council in 2002 for an intended website began to collate some of these fragments.¹³³ Following this, detailed research involving the study author and Aboriginal researchers from the La Perouse Aboriginal community over the past decade or so has pieced these and many other isolated stories together. This research involved documenting the places that Aboriginal people repeatedly used by in the nineteenth century (as both settlements and visited places), by assembling the scattered records for each place and mapping them on a GIS.¹³⁴

The more records were added, the more connections between these places and their residents began to emerge. Eventually, it was possible to tease out a story of how Aboriginal people had adapted and regrouped in the wake of the arrival of Europeans, their diseases and the theft of land, and how this adaptation remained grounded in culture and connection.¹³⁵ The basis for this research in a mappable database allowed the records of historical Aboriginal settlements and other places to be added into the list of places for the current study and also forms the basis for the outline history in **Section 4**. Uncertainties however with pinpointing precise locations has had to be taken into account.

5.2.4 Previous Aboriginal heritage assessments

The first investigations

Aboriginal sites have been recorded by Europeans in Woollahra since the 1840s and were probably observed much earlier still. Importantly, these first recordings relied on Aboriginal knowledge. Senior coastal Sydney woman Cora Gooseberry (**Figure 27**) was with a dozen Aboriginal people living around the lagoon behind Camp Cove beach in 1845 when she was visited by the artist George French Angas and Police Superintendent and keen ethnologist William Augustus Miles (who lived in a hut nearby).¹³⁶ They asked Cora about rock engravings, and she took them to see some examples across the harbour at North Head, nothing that she had learned about the sacred nature of these places from her father.¹³⁷ Perhaps based on Cora's knowledge or their own explorations, Miles later sketched engravings at South Head and Point Piper (**Figure 38A & B**).

¹³² Dowling 1906, Griffiths 1970, Jervis & Kelly 1960-1965.

¹³³ Heiss 2001. See also www.woollahra.nsw.gov.au/community/about_our_community/history_and_heritage/aboriginal_heritage [accessed 25/3/21].

¹³⁴ Irish 2011.

¹³⁵ E.g. Irish & Ingrey 2011, Irish & Ingrey 2013, Irish 2017, Irish 2019.

¹³⁶ Angas 1969 [1847], p. 202.

¹³⁷ Angas 1969 [1847], p. 202; Angas 1877.


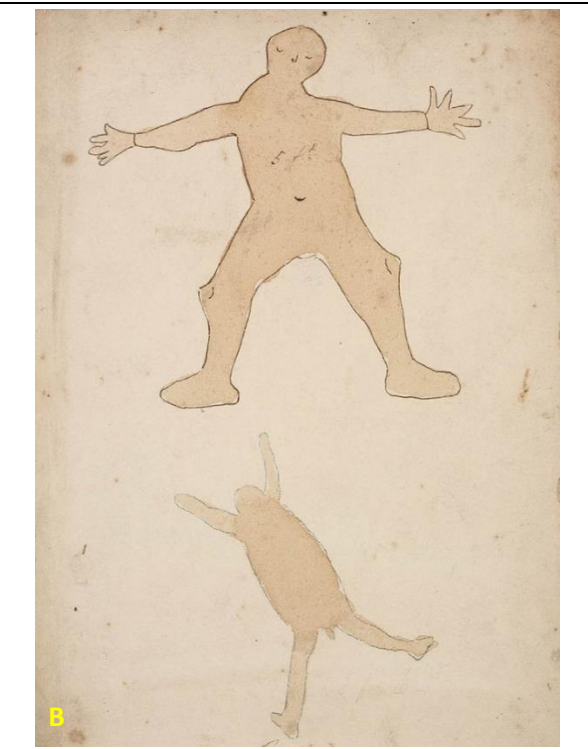
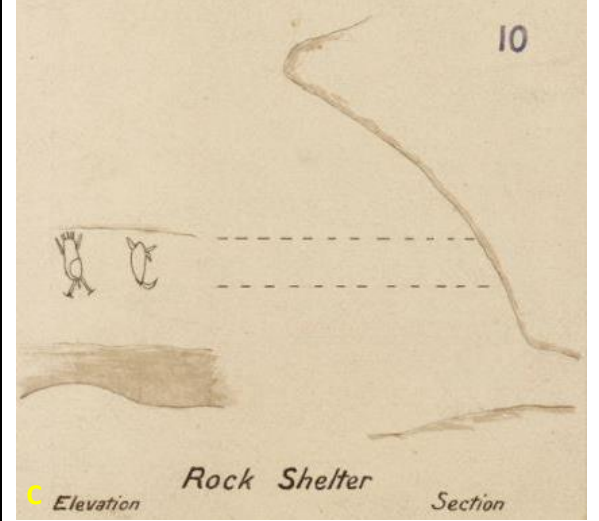
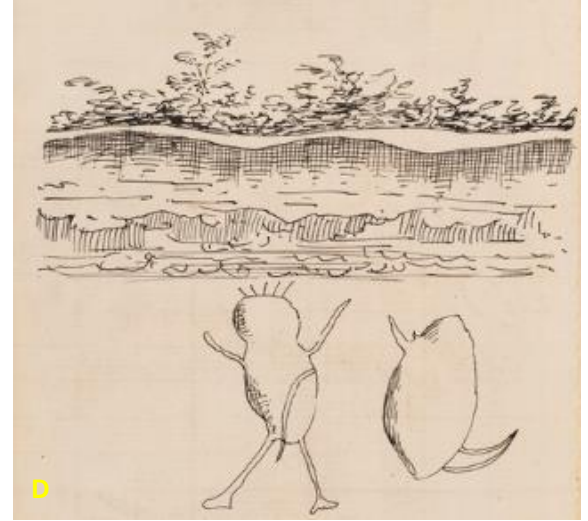
 <p>A</p>	 <p>B</p>
<p>Engravings recorded in the 1840s at South Head</p>	<p>Engravings recorded in the 1840s at Point Piper</p>
 <p>C</p>	 <p>D</p>
<p>Campbell's recording of vertical engravings on a shelter at Watsons Bay in the 1890s</p>	<p>The Watsons Bay shelter engravings as recorded by James Bray, also in the 1890s</p>

Figure 38. Early records of Aboriginal sites around Woollahra.

[Sources: A) & B) Miles c.1850, p. 205, 207. C) Campbell 1893-1896 Drawing 1/10. D) Bray 1895. Extracts of original images]

Fifty years later, government surveyor William Campbell made a detailed study of the engravings that he could see north and south of the harbour, which formed the basis for his 1899 book on the subject.¹³⁸ Importantly, this research took place prior to the subdivision of much of the Woollahra

¹³⁸ Campbell 1899.

area, where sites still remained in bushland settings, or at least not yet built over. Many of Campbell's published drawings and descriptions have formed the basis for AHIMS Aboriginal site registrations, however the low level of detail about many engravings in his 1899 book has led to many of these recordings being inaccurate on the AHIMS Register. Fortunately, Campbell's original records (recently digitised by the NSW State Library) include sketches and detailed survey drawings which have allowed many corrections to be made. This has proved crucial in relation to a rare vertical engraving on the rear wall of a rockshelter at Watsons Bay, which was recorded by both Campbell and James Bray in the 1890s but had been registered 200m away and has now been pinpointed in its correct location (**Figure 38C & D**).

After a half-century hiatus, interested amateurs began recording rock engravings and other Aboriginal sites once more around Woollahra. In the 1960s both Rosemary Taplin and John Lough (the son of a Woollahra Council clerk) recorded Aboriginal sites in the area, and corresponded with one another.¹³⁹ Taplin recorded sites around Nielsen Park in particular, some of which intriguingly have not been able to be relocated in later surveys. Photographer and writer Jon Rhodes has explored John Lough's work in detail in a recent book (which also considers the extensive engraving site at Point Piper first recorded by Angas in the 1840s), including a later survey in the 1970s of engravings around South Head.¹⁴⁰ In the 1980s, locally-based National Parks & Wildlife Service rangers tried to locate previously recorded sites and have also contributed valuable records, though sometimes compounding existing location errors on the AHIMS Register.

Cultural heritage assessments

The vast majority of Aboriginal heritage research has taken place over the past 40 years since the passing of the *National Parks & Wildlife Act* (1974) and *Environmental Planning & Assessment Act* (1979) created a context for protecting Aboriginal sites and investigating the potential impacts of development proposals (see **Section 1.3** and **Appendix E**). These studies have been undertaken by professional archaeological consultants, generally in consultation with Local Aboriginal Land Councils. They have been triggered by various planning requirements, and have investigated areas of variable size.

Comprehensive research was undertaken for this study to locate previous assessment reports, but there is no central and complete list that can be searched. The AHIMS Register contains a catalogue of thousands of archaeological survey and excavation reports that have been lodged with the register over time, but it can only be searched by suburb location and other keywords and is incomplete. Many reports created over the past 20 years are not listed or held by the AHIMS Register for various reasons, and these are difficult to locate. We have located and reviewed more than 50 previous studies, which have been summarised in **Appendix D**, and some of which are shown in **Figure 39**.

¹³⁹ Taplin papers (NSW NPWS), Lough papers (State Library NSW).

¹⁴⁰ Rhodes 2018.

From this map it can be seen that many areas of Woollahra have not been investigated. One of the reasons is that current Council triggers for assessments are related in part to the presence of existing Aboriginal site recordings nearby, which are overwhelmingly clustered in the eastern part of the LGA (see **Figure 40**). In this way fewer investigations have been triggered in the western part of Woollahra (partly also because of the generally higher density of historical impacts there), leading in turn to fewer new site recordings. Most assessments have not resulted in the recording of Aboriginal sites, and few have led to archaeological test excavations being undertaken (see **Section 4.1**). However all have helped to refine what is known (and not yet known) about Woollahra's Aboriginal heritage.

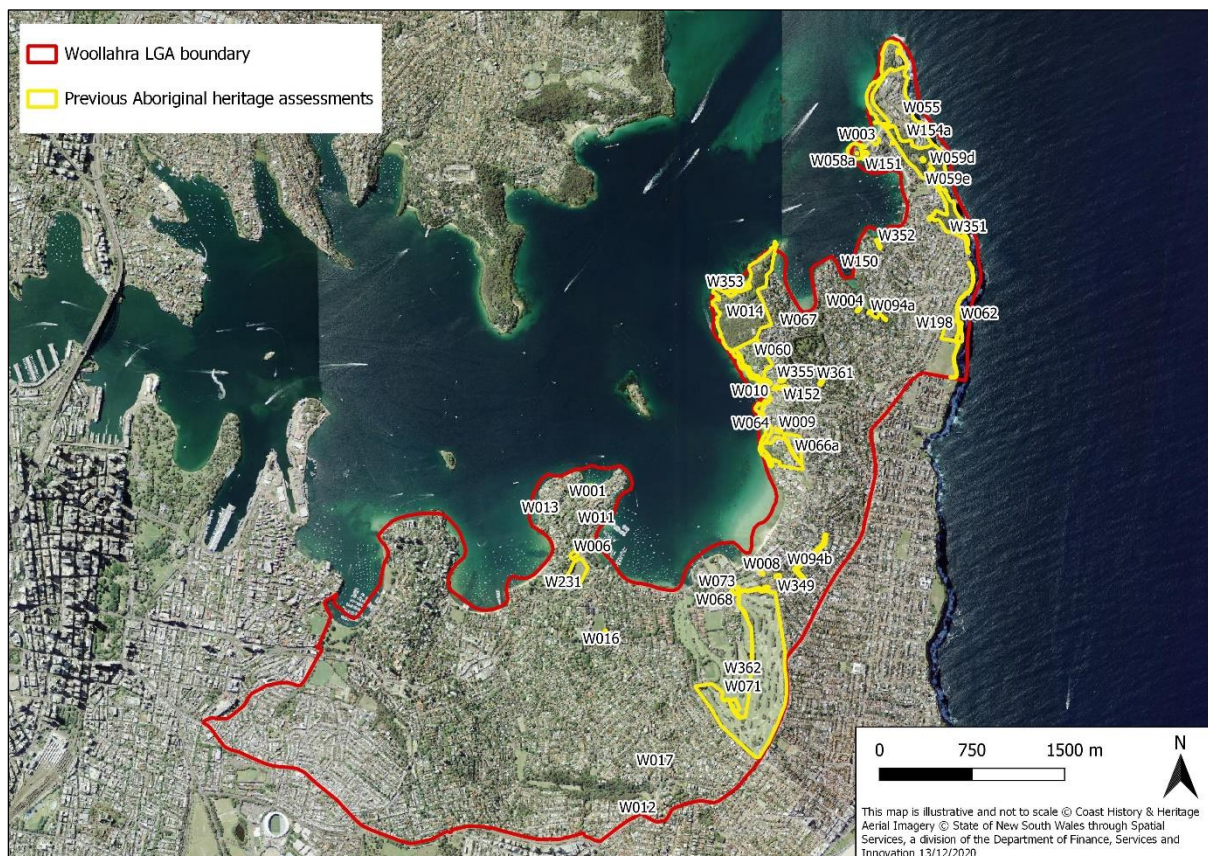


Figure 39. Some of the previous Aboriginal heritage assessments undertaken within Woollahra.

[Each number is a unique reference code for the assessments summarised in **Appendix D**].

In addition to these assessments, other studies have considered larger areas for Council and other management plans. These have included a desktop overview by archaeologist Laila Haglund in 1984 for the Woollahra Heritage Study.¹⁴¹ Although no survey was undertaken, Haglund's considered observations about the likely locations of Aboriginal sites have been taken into account in the current study. Other management studies have been undertaken for Nielsen Park and South Head at different times, though they have mostly focussed on the re-recording previously documented

¹⁴¹ Haglund 1984.

Aboriginal sites and make few observations about the potential of these areas to contain further unrecorded Aboriginal heritage.¹⁴²

Research projects

Aboriginal living places around the harbour were examined in detail through a long-term study conducted by Dr Val Attenbrow of the Australian Museum, called the Port Jackson Archaeology Project.¹⁴³ The project was undertaken from the late 1980s to mid 1990s and included a detailed study of existing site information, extensive survey to find and update this information and to record additional sites, and a series of archaeological excavations. As discussed in **Section 4.1**, the excavations undertaken by Attenbrow included a rockshelter within Nielsen Park and a shell midden at Milk Beach. Attenbrow's meticulous and reliable records have been an important source of information for this study.

A ground-edge stone hatchet found at the Milk Beach midden was one of the first to be analysed by Attenbrow and others, in a long-term research project into the changing character of edge-ground axes in south-eastern Australia over time and space.¹⁴⁴ Central to this work is non-invasive examination of the chemical composition of ground-edged implements to determine the origin of the volcanic stone used to make them, as each source area has a unique chemical signature. The work is ongoing, and includes Coast archaeologist Rebecca Bryant, and will help to illustrate networks of Aboriginal movement and trade across and beyond coastal Sydney.

5.2.5 Further research for this study

The research undertaken for the current study has been outlined in **Section 1.5**. The following are the key outcomes from that research with respect to Aboriginal heritage places:

- archival research led to the definition of an additional 25 places of historical Aboriginal association including settlements as well as historical burials, visited places and resource places. Records of these places varies markedly between single references to large numbers of records over many decades. Many are difficult to pinpoint on the basis of historical records alone, and for this reason have not been added to the AHIMS Register, however their general vicinity has been factored into this study.
- archival research also identified seven Aboriginal sites that were most likely used before the arrival of Europeans including engravings, burials and a tribal punishment ground.
- examination of the detailed 1890s recordings of rock engravings by Campbell, including triangulations using GIS, and confirmation in the field, resulted in location corrections to around a dozen rock engravings.

¹⁴² AHMS 2004; Negerevich 1978, Comber Consultants 2008.

¹⁴³ See summary in Attenbrow 2010a, pp. 50-53, and numerous reports and publications referred to in that summary and the rest of the book.

¹⁴⁴ Attenbrow *et al.* 2012; Attenbrow *et al.* 2017; Corkill *et al.* 2012; Stokes *et al.* 2013; Stokes 2015.

- field survey resulted in corrections to most other previously recorded sites in terms of location and updates to descriptions of their condition. It also identified errors in four existing recordings, where two sites had been recorded together, that allowed these to be registered as new sites.
- the field survey also resulted in the recording of one previously unrecorded site and 36 potential sites (mostly rockshelters). Records of these, and corrections of all existing sites, have been submitted to the AHIMS Register.

All of these records were then combined into an amalgamated list as described in the next section.

5.3 Documented and potential Aboriginal heritage places

A total of 149 documented and potential Aboriginal Heritage Places have been identified as part of the study. These are summarised below and listed in **Appendix B**. The Aboriginal Heritage Place list has helped to inform the development of Aboriginal heritage management procedures as outlined in **Section 5.4** and **Section 6**, but it is not designed to form a standalone list or register. This was not considered practical or desirable, as the AHIMS Register is the statutory register of Aboriginal heritage places in NSW, and is updated independently of Woollahra Council. Instead, these places have been incorporated into GIS mapping of Aboriginal heritage sensitivity (see **Section 5.4**) which can be updated to accommodate changes in the AHIMS Register to ensure ongoing compatibility.



Figure 40. Approximate locations of Aboriginal heritage places in Woollahra

[Note that some place locations are only approximate, so the 'dot' does not represent exactly where they are. For sensitivity reasons the locations of burials and ceremonial places are not shown].

As many Aboriginal heritage places are vulnerable to impact and/or are culturally sensitive, exact locations are not shown or disclosed in this report and will not be made public. However, a map is shown in **Figure 40** which gives a sense of their distribution and type. This represents only those which have so far been documented, and it is anticipated that more Aboriginal heritage places remain to be uncovered. We have excluded a further 15 places initially considered, which were found through closer inspection to either be outside of the LGA (6), duplicate recordings (2), general heritage listings of large areas that mention but do not specify Aboriginal heritage places (3), artefacts held in museums from sites already listed (3) and a place previously recorded as having historical Aboriginal associations that was found to be incorrect (1).

By way of summary, the following can be said about the Aboriginal heritage places documented for this study:

- There are 107 places with documented physical or historical evidence and 40 places that have the potential to contain physical remains of past Aboriginal use. The vast majority of these potential sites (34) are rockshelters, which may contain as yet undocumented archaeological remains in the shelter floor or art on the walls or roof. Research elsewhere in Sydney has shown that many such shelters contain evidence of Aboriginal use. The final two places are items on the AHIMS Register which have been found not to be sites through research and survey for this study. They have been retained on the list because these records cannot be removed from the AHIMS Register and therefore need to be consistent on any Council records so as to avoid confusion in future. These, and other AHIMS listings which have been destroyed since being recorded, have been clearly described as such on the mapping and lists provided to Council (see **Appendix B**).

Place type	Total number	% of total
Art site (engraving in the open)	26	24%
Art site (engraving in rockshelter)	3	3%
Art site (pigment in rockshelter)	8	7%
Art site and living place (rockshelter with art and midden)	3	3%
Living place (open)	11	10%
Living place (rockshelter)	20	19%
Living place (historical settlement)	16	15%
Burial place	9	8%
Visited place (grinding grooves)	2	2%
Visited place (historical)	4	4%
Resource place	3	3%
Ceremonial place	1	1%
Collected/disturbed Aboriginal cultural material	1	1%
TOTAL	107	100%

- The 107 places with recorded evidence can be summarised as shown above. Around 75% of them are places used as art sites, living places or burial places before the arrival of Europeans. However some of these places may have continued to be used after this time also. Similarly, some of the historical settlements documented may also have been Aboriginal camps before the arrival of Europeans.
- The table above also shows that nearly 60% of places are associated with outcropping sandstone (as art sites, rockshelters or grinding grooves). That number is even higher if we include only places used before the arrival of Europeans, but it does not mean that sandstone was a more intensively used landform. It really just indicates how rockshelters and engravings were more obvious and interesting to archaeologists and others who have recorded them over the past century or so. It is only in the past 15 years that any archaeological investigations have been undertaken in the Rose Bay sand dunes, and none have been undertaken in the elevated dunes elsewhere around Woollahra. The lack of recorded Aboriginal heritage places within the dunes highlights the importance of not basing management on documented places alone.

5.4 Aboriginal Heritage Sensitivity Map

The research and considerations outlined in previous sections were the basis for the creation of an Aboriginal Heritage Sensitivity Map. In this context ‘sensitivity’ refers to the possibility of any particular area of having surviving traces of past Aboriginal use. Essentially, any parcel of land can be an:

Area of Aboriginal Heritage Sensitivity – where Aboriginal heritage is known or likely to exist.

OR

Area of Potential Aboriginal Heritage Sensitivity – where Aboriginal heritage may exist, but this, and/or management measures require further information to determine, as explained further in **Section 5.4.1**.

OR

Area of No Sensitivity – where Aboriginal heritage is unlikely to exist, generally because of high levels of past impact, or because this has been concluded by a previous Aboriginal heritage assessment.

The map essentially provides a tool for considering where Aboriginal heritage places are, or may be, located within Woollahra as a basis for management. It is a GIS map layer compiled in QGIS mapping software in order to output map products for Council in ESRI Shapefile format. A static version of the map is shown in **Figure 42**, but the map is able and intended to be updated as new information is received.

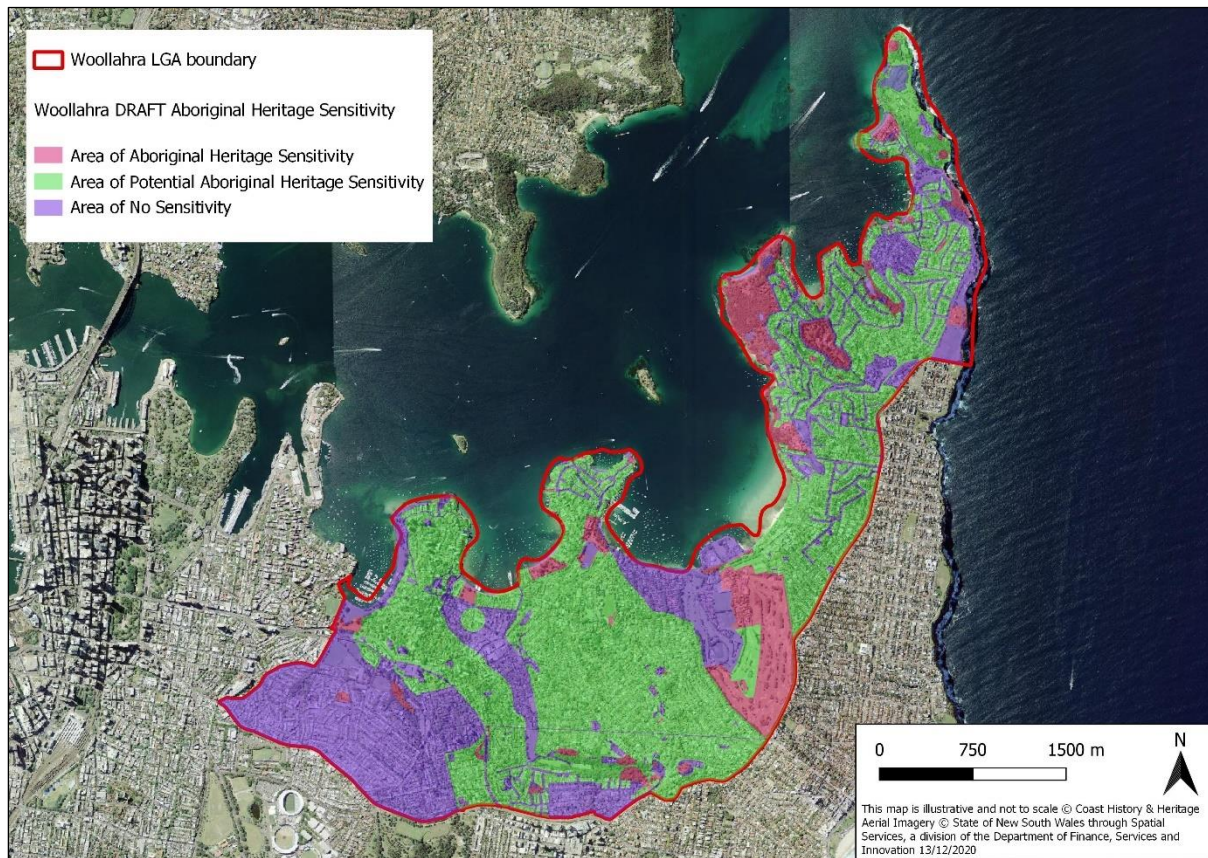


Figure 41. Woollahra Aboriginal Heritage Sensitivity Map.

5.4.1 Creating the map

The creation of the Aboriginal Heritage Sensitivity Map can be summarised as follows. It included:

- compiling Aboriginal site information as outlined in **Section 5.2**, leading to the Aboriginal Heritage Place list described in **Section 5.3** (and see **Appendix B**). These places were assumed to have Aboriginal heritage sensitivity unless it could be demonstrated that they had been completely destroyed/impacted.
- reviewing more than 50 previous Aboriginal heritage investigation reports across Woollahra and incorporating their conclusions about the sensitivity of the lands investigated.
- detailed review of historical land use impacts from local historical sources, field observation and review of historical aerial photography. This allowed the identification of numerous areas in which historical impacts (e.g. quarrying, reclamation, pipelines, construction) had most likely removed any physical traces of past Aboriginal use. These areas were found to have no sensitivity.
- review of current zonings and land use to identify current construction that may have impacted Aboriginal heritage. This identified further areas that could be considered to have no sensitivity.

- there is a focus in Aboriginal heritage management generally on predictive modelling of where Aboriginal sites are likely to occur. Often this relies on correlations between particular landforms and site types as a way of predicting where they are likely to occur. For example, the recorded distance of most middens from the shore, or of campsites from sources of permanent water. The work of archaeologist Val Attenbrow around Sydney Harbour is of particular relevance.¹⁴⁵ However, we have found that many of the potential correlations between landform, resources and site types are complicated in Woollahra by the high number of permanent watercourses (springs), bays and ridges across a relatively small area – this makes it hard to draw conclusions about what Aboriginal camps were situated in proximity to, not to mention cultural factors which remain unseen. Overall it has been determined that geology and landform very broadly are the most useful ways to consider what Aboriginal heritage may survive.
- detailed review of geological and geotechnical information to understand the distribution of sandstone outcrop, sand dunes and swamp areas within Woollahra, and therefore the types of Aboriginal heritage often associated with them, as outlined in **Section 5.1**. This proved challenging as it emerged that current geological mapping of the extent of inland sand dune deposits is not accurate. Further field inspection and a review of more than 200 geotechnical reports from past developments was undertaken to try to refine these uncertainties, but these remained significant. Because Aboriginal heritage management depends to some extent on the nature of the underlying geology, it was determined that this uncertainty had to be built into the Aboriginal Heritage Sensitivity Map and associated management strategy. Essentially, areas where geology cannot currently be determined have been designated as areas of potential Aboriginal heritage sensitivity. Further information, often held by owners of individual properties or determined through geotechnical studies for proposed developments, in conjunction with the nature of the proposed development will allow Aboriginal heritage management procedures to be determined.

5.4.2 Features of the map

The Aboriginal Heritage Sensitivity Map contains sensitive Aboriginal site information. For this reason it is intended for internal use by Council. However a public version of the map has also been developed to enable development applicants to determine Aboriginal heritage management requirements for proposed activities (see **Section 6.2.1**). Every piece of land within Woollahra contains the following key information in the Aboriginal Heritage Sensitivity Map:

- the level of sensitivity – being either an Area of Aboriginal Heritage Sensitivity, an Area of Potential Aboriginal Heritage Sensitivity or an Area of No Sensitivity.
- the reason for the sensitivity designation e.g. registered Aboriginal site, previous Aboriginal heritage assessment, high level of historical impact, and some further details about the specific information held about that area.

¹⁴⁵ Attenbrow 2010a, pp. 50-53.

- a brief summary of any Aboriginal Heritage Places that are, or may be, located within the area.
- the Aboriginal heritage management action/s required in relation to proposed activities (as outlined in **Section 6**), including any specific Aboriginal sites or other features that need to be considered in that particular area.

As noted above, the Aboriginal Heritage Sensitivity Map is designed to be updated, and can respond to information as it is received. For example, where an Aboriginal heritage impact assessment is undertaken and finds that there are no Aboriginal heritage places present or likely across a property, this can be updated on the map such that future development applications will not require assessment.

6 Woollahra Aboriginal heritage management strategy

The Aboriginal heritage management strategy outlined in this section aims to provide the simplest and clearest process for determining Aboriginal heritage management requirements in Woollahra for development applicants, for planners assessing those applications and for Council workers undertaking activities. It seeks to strike an appropriate balance between the need to protect Aboriginal heritage, and the need to ensure fairness for applicants by providing clear and consistent reasons for where and why Aboriginal heritage assessments are required. It is based on the research undertaken for this study as outlined in preceding sections, and on the current legal and policy requirements around Aboriginal heritage (as outlined in **Section 1.3** and **Appendix E**) and the principles discussed in **Section 6.1**.

The management strategy consists of the following elements:

1. An interactive GIS Aboriginal Heritage Sensitivity Map (as outlined in **Section 5.4**), which incorporates the Aboriginal Heritage Place List (**Section 5.3** and **Appendix B**).
2. Procedures for development applicants based on a simplified public version of the Aboriginal Heritage Sensitivity Map and revised DA guide (see **Section 6.2**).
3. Procedures for Council planners in their assessment of development applications (see **Section 6.3**).
4. Procedures for Council workers undertaking activities (see **Section 6.4**).

6.1 Principles of the strategy

The principles which underpin heritage management at all levels across Australia are outlined in the Burra Charter.¹⁴⁶ A fundamental principle is that an understanding of the significance of a place should be the basis for management decisions. Turning this around, we can say that management decisions should not be made about heritage places without understanding why they are significant. This can be lost or overlooked in the reactive way that heritage is only considered when an impact is proposed, and is further obscured by complex legislation and policy. The Burra Charter reminds us that Aboriginal heritage has a broader context outside the planning system, as an expression of the culture and history of contemporary Aboriginal communities; a culture that should be recognised, valued and celebrated. Any actions undertaken to protect or promote Aboriginal heritage should be guided by the following principles.

¹⁴⁶ Australia ICOMOS. 2013. *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS, Burwood).

Aboriginal involvement

- Aboriginal people have the right to be involved in decisions and actions which affect Aboriginal cultural heritage.
- Aboriginal people should primarily determine the cultural significance of Aboriginal heritage.
- Local Aboriginal Land Councils, registered Native Title claimants and Aboriginal Owners should be involved in any decisions concerning Aboriginal heritage.¹⁴⁷ The most appropriate organisation to be actively involved in Aboriginal heritage management within Woollahra is the La Perouse Local Aboriginal Land Council, which represents Aboriginal people within Woollahra and includes families with traditional and historical ties to the area. There are currently no registered Native Title claimants relevant to Woollahra. A process was initiated in 2019 to determine whether Aboriginal Owners can be defined within the coastal Sydney area.¹⁴⁸
- There may also be other Aboriginal individuals or organisations with historical or cultural links to particular places under consideration. They may be informed or involved appropriate to their wishes, rights and interests.
- Aboriginal connections do not conform to Local Government Area boundaries. Because of this, Aboriginal people or organisations relevant to heritage management within Woollahra may not reside within that area.

Significance

- Management of Aboriginal heritage should be in accordance with policies that are based on an understanding of the significance of the place.¹⁴⁹ In other words, it is essential to understand what heritage places are, and why they are significant BEFORE deciding how to manage them.
- ‘Cultural significance’ has a specific meaning in heritage management. It is described as ‘aesthetic, historic, scientific, social or spiritual value for past, present or future generations’.¹⁵⁰
- Determining the significance of Aboriginal heritage places may include other values outside of their value to the Aboriginal community. This is particularly the case for places of historical Aboriginal association, which may also be significant to other groups in the community.
- Cultural significance can shift over time and may not be tied to the presence of physical remains.

Keeping records

- Records of all actions taken at Aboriginal heritage places should be kept as the basis for future management decisions.

¹⁴⁷ *Registered Native Title Claimants* and *Aboriginal Owners* are specific terms under the Commonwealth *Native Title Act 1993* and NSW *Aboriginal Land Rights Act 1983* respectively.

¹⁴⁸ The investigation of this has been coordinated by the Office of the Registrar, *Aboriginal Land Rights Act 1983*. A determination is expected during 2021.

¹⁴⁹ Burra Charter Article 6.

¹⁵⁰ Burra Charter Article 1.2.

6.2 Procedures for development applicants

The Aboriginal Heritage Management Strategy aims to make Aboriginal heritage requirements clear for development applicants, so that it is easy to determine whether an Aboriginal Heritage Impact Assessment is required for their proposed activity, and to encourage them to undertake that assessment prior to lodgement of their application. This not only provides greater scope for Aboriginal heritage protection, but provides greater certainty for applicants and less potential for additional information being requested by Council during consideration of the application.

6.2.1 Information provided to applicants

It is recommended that the following information is made available to development applicants:

1. Public Aboriginal Heritage Sensitivity Map

This version of the Aboriginal Heritage Sensitivity Map is a simplified version of the map discussed in **Section 5.4**. It shows whether any parcel of land within the Woollahra LGA is in an Area of Aboriginal Heritage Sensitivity or is in an Area of Potential Aboriginal Heritage Sensitivity (**Figure 42**). For details of how to proceed, users are directed to the DA Guide and Aboriginal heritage webpage on the Council website. It is anticipated that this will be a live map that will be updated as information is submitted to Council.



Figure 42. Public version of the Aboriginal Heritage Sensitivity Map.

2. Updated DA Guide and Council Aboriginal heritage webpage

It is recommended that the DA Guide requirements relating to Aboriginal heritage assessments are updated. The DA Guide could be supplemented by an illustrated Aboriginal heritage brochure and a new webpage which would provide further explanations and illustrations for applicants. As all DAs are now lodged online through the NSW Planning Portal, the specific requirements of individual Councils are not apparent to applicants at lodgement. Therefore, it is important that the DA guide and any supplementary materials provide clear and concise information about Council's requirements in relation to Aboriginal heritage.

It is recommended that the proposed DA Guide attachment on Aboriginal heritage, and accompanying brochure and webpage contain the following information:

- **Introduction** to the Aboriginal heritage management requirements and the legal protections afforded to Aboriginal heritage in NSW.
- **What is an Aboriginal Heritage Impact Assessment?** Explanation of the Council definition of an Aboriginal heritage assessment and its purposes.
- **Why is an Aboriginal Heritage Impact Assessment required?** Outline of the legal and policy context of Aboriginal heritage requirements.
- **When is an Aboriginal Heritage Impact Assessment required?** Outlines the actions required depending on the location of the activity in relation to the Aboriginal Heritage Sensitivity Map.
- **Timing of the preparation of an Aboriginal Heritage Impact Assessment.** When Aboriginal heritage assessments should be undertaken in the development application process.
- **Who should prepare an Aboriginal Heritage Impact Assessment?** Outlines the requirement for assessments to be undertaken by suitably qualified Aboriginal heritage consultants with the involvement of the La Perouse Local Aboriginal Land Council, and provides details for the member directory of the professional association of heritage consultants (the Australian Association of Consulting Archaeologists Incorporated).
- **What should an Aboriginal Heritage Impact Assessment report contain?** Outlines the requirements for assessment reports (as discussed further in **Section 6.3.4**).

6.2.2 Determining whether an Aboriginal Heritage Impact Assessment is required

Using the DA Guide in conjunction with the public version of the Aboriginal Heritage Sensitivity Map, applicants can determine which of the following applies to their activity:

1. If the proposed activity is partly or wholly located within an Area of Aboriginal Heritage Sensitivity applicants will be required to prepare an Aboriginal Heritage Impact Assessment, unless all proposed works, access and materials storage are to occur within an existing dwelling/structure. The DA Guide would provide the general requirements for these assessments. Applicants are also advised to contact Council to find out if there are any further specific issues that need to be addressed in the assessment.
2. If the proposed activity is partly or wholly located within an Area of Potential Aboriginal Heritage Sensitivity (and is not partly within an Area of Aboriginal Heritage Sensitivity) the following questions will determine whether an Aboriginal Heritage Impact Assessment is required:

2a) Does the proposal involve excavation as defined in the Woollahra LEP: <i>Definition - "excavation" means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.</i>	Yes	An Aboriginal Heritage Impact Assessment is required
	No	See question 2b.
2b) Is there sandstone (rock) exposed anywhere within the property containing the proposed activity?	Yes	An Aboriginal Heritage Impact Assessment is required unless all proposed works, access and materials storage are to occur within an existing dwelling/structure
	No	No Aboriginal Heritage Impact Assessment is required

3. If the proposed activity is completely outside an Area of Aboriginal Heritage Sensitivity and an Area of Potential Aboriginal Heritage Sensitivity, then no Aboriginal Heritage Impact Assessment is required. However applicants are informed through the DA Guide that this does not remove the legal protections provided by the *National Parks & Wildlife Act* against 'unknowing harm' to Aboriginal objects. It will be recommended that all applicants who are not asked by Council to provide an Aboriginal Heritage Impact Assessment satisfy themselves that they have still met Due Diligence Aboriginal heritage requirements in accordance with the Heritage NSW Code of Practice.¹⁵¹ This does not need to be presented to Council as part of a development application, but will provide applicants with a legal defence to the offence of 'unknowing harm' if Aboriginal objects are unexpectedly found during construction works.

¹⁵¹ DECCW 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

6.3 Procedures for Council planning staff

The Aboriginal Heritage Management Strategy aims to make Aboriginal heritage requirements clear for Council planning staff, so that it is easy for them to advise development applicants, and to assess the adequacy of information provided to them as part of development applications. This will be supported by Council heritage officers, and is recommended to be supplemented by staff training as outlined in **Section 6.8**.

6.3.1 Information available to Council planning staff

It is recommended that Council planning staff have access to the following resources.

1. Aboriginal Heritage Sensitivity Map

The Aboriginal Heritage Sensitivity Map is a GIS map available for internal use by Council planners and land managers. It provides more information than the public version, and outlines the basis for Aboriginal heritage requirements for every parcel of land within the Woollahra LGA. It can also be cross-checked with other information available on the Council GIS e.g. environmental and contamination data. It is anticipated that this will be a live map that is updated as information is submitted to Council.

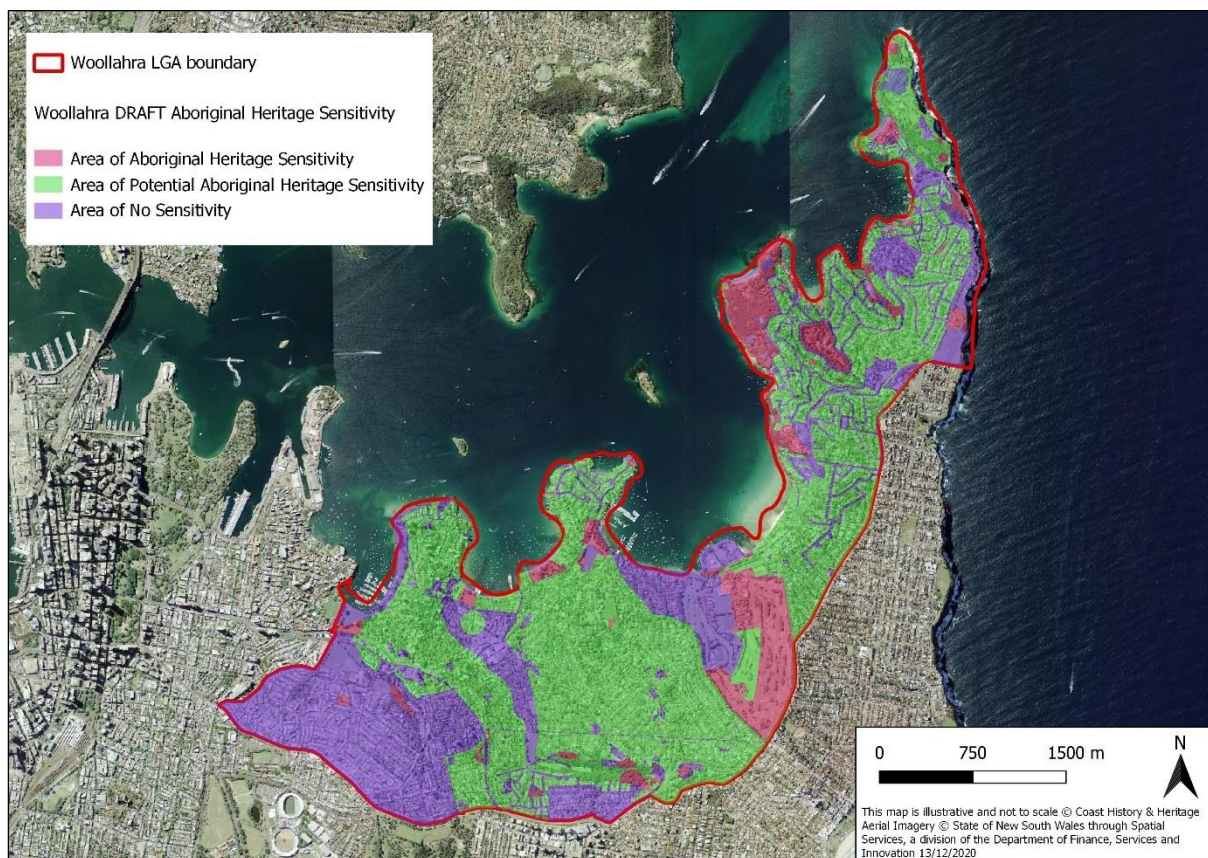


Figure 43. Council version of the Aboriginal Heritage Sensitivity Map.

Aboriginal heritage sensitivity may vary within individual allotments. The following information can be seen on the GIS by clicking on the area in question:

Field Name	Definition
Area Name	Each area has a unique number for reference and consists of one or several lots or part of a lot.
Sensitivity	Each area is either an: <ul style="list-style-type: none"> • <u>Area of Aboriginal Heritage Sensitivity</u>; • <u>Area of Potential Aboriginal Heritage Sensitivity</u>; or an • <u>Area of No Sensitivity</u> Some lots may contain areas with different levels of sensitivity e.g. where an Aboriginal site or outcropping sandstone is known to occur in one portion of the lot only.
Reason	The reason for the assessment of sensitivity e.g. previous Aboriginal heritage assessment, or documented historical impact.
Action Required	<ul style="list-style-type: none"> • For an <u>Area of Aboriginal Heritage Sensitivity</u>, an Aboriginal Heritage Impact Assessment is required unless all proposed works, access and materials storage are to occur within an existing dwelling/structure. • For an <u>Area of Potential Aboriginal Heritage Sensitivity</u>, further information is needed to determine if an Aboriginal Heritage Impact Assessment is required. • For an <u>Area of No Sensitivity</u>, no further assessment is required by Council.
AHIA Requirements	Lists any specific Aboriginal Heritage Impact Assessment requirements for the area. In most cases, the general requirements for assessment will be sufficient, but some areas have specific information that needs to be considered e.g. in relation to a documented Aboriginal site.
Sites	Details of registered Aboriginal sites or other Aboriginal heritage places that fall within the area.
Details	Description of the source/s of information and other relevant details.

2. Aboriginal Heritage Information Management System information

Through the research undertaken for this study, and to be updated via an ongoing Aboriginal Heritage Information Licence Agreement with Heritage NSW, Council planning staff will have access to information about registered Aboriginal sites, including original site recordings.

3. Summary procedure flowcharts

As outlined in the following sections, these provide an easy-to-follow visual aid to determine applicable requirements and to assess the adequacy of information supplied.

4. Internal guidelines and manuals

As discussed in **Section 6.8**, it is recommended that Council develop specific procedure guidelines/manuals to assist Council planning staff to implement Aboriginal heritage requirements consistently, and in accordance with other planning and administrative requirements.

6.3.2 Pre-lodgement enquiries about Aboriginal heritage requirements

All applicants who require an Aboriginal Heritage Impact Assessment are advised to contact Council to check any additional specific assessment requirements for that property. On receipt of applicant enquiries, Council planning staff can consult the 'AHIA Req' field on the GIS Aboriginal Heritage Sensitivity Map for the property in question. This will have one of two outcomes.

1. If no specific requirements are listed, applicants should be advised to follow the general requirements for Aboriginal Heritage Impact Assessment in the DA Guide.
2. If any specific requirements are listed, these can be copied from 'AHIA Req' field on the GIS Aboriginal Heritage Sensitivity Map and provided to the applicant. For example:

Any AHIA required must meet general assessment requirements and consider potential impacts to AHIMS site #45-6-1677

OR

Any AHIA required must meet general assessment requirements and specifically consider the potential for Aboriginal burials to be present in the area (see "The Human Remains Found at Rose Bay", Empire 22/2/1865:4 for details).

Any such specific requirements form part of the criteria for the evaluation of Aboriginal Heritage Impact Assessments by Council heritage officers (see **Section 6.3.4**). Applicants are advised in the DA Guide that failure to address specific requirements may result in further information being requested as part of DA assessment.

Applicants may also contact Council planning staff for clarification about the Aboriginal heritage requirements for their proposed activity. Where applicants are unsure whether an Aboriginal Heritage Impact Assessment is required, this can be determined using the processes outlined in **Section 6.3.3**.

6.3.3 Initial DA assessment of adequacy

When DAs are received by Council, the initial assessment of the application will determine whether an Aboriginal Heritage Impact Assessment should have been provided. This will involve checking the Aboriginal heritage sensitivity map and using the flowchart processes shown in **Figure 44** and detailed in this section. In summary, the three possible outcomes will be:

1. If the activity is partly or wholly located within an Area of Aboriginal Heritage Sensitivity notification of the DA should be provided to the La Perouse LALC. An Aboriginal Heritage Impact Assessment is required unless all proposed works, access and materials storage are to occur within an existing dwelling/structure. An assessment should be requested if one has not been provided.

2. If the activity is partly or wholly located within an Area of Potential Aboriginal Heritage Sensitivity, notification of the DA should be provided to the La Perouse LALC. Applicants are only required to prepare an Aboriginal Heritage Impact Assessment in certain circumstances. This can be checked using the flowchart shown in **Figure 44**, and could be supplemented by more detailed guidelines.
3. If the proposed activity is completely outside both an Area of Aboriginal Heritage Sensitivity and an Area of Potential Aboriginal Heritage Sensitivity then no further Aboriginal heritage assessment is required. However standard DA conditions relating to the management of unexpected Aboriginal heritage finds of and a requirement for an Aboriginal heritage induction may apply.

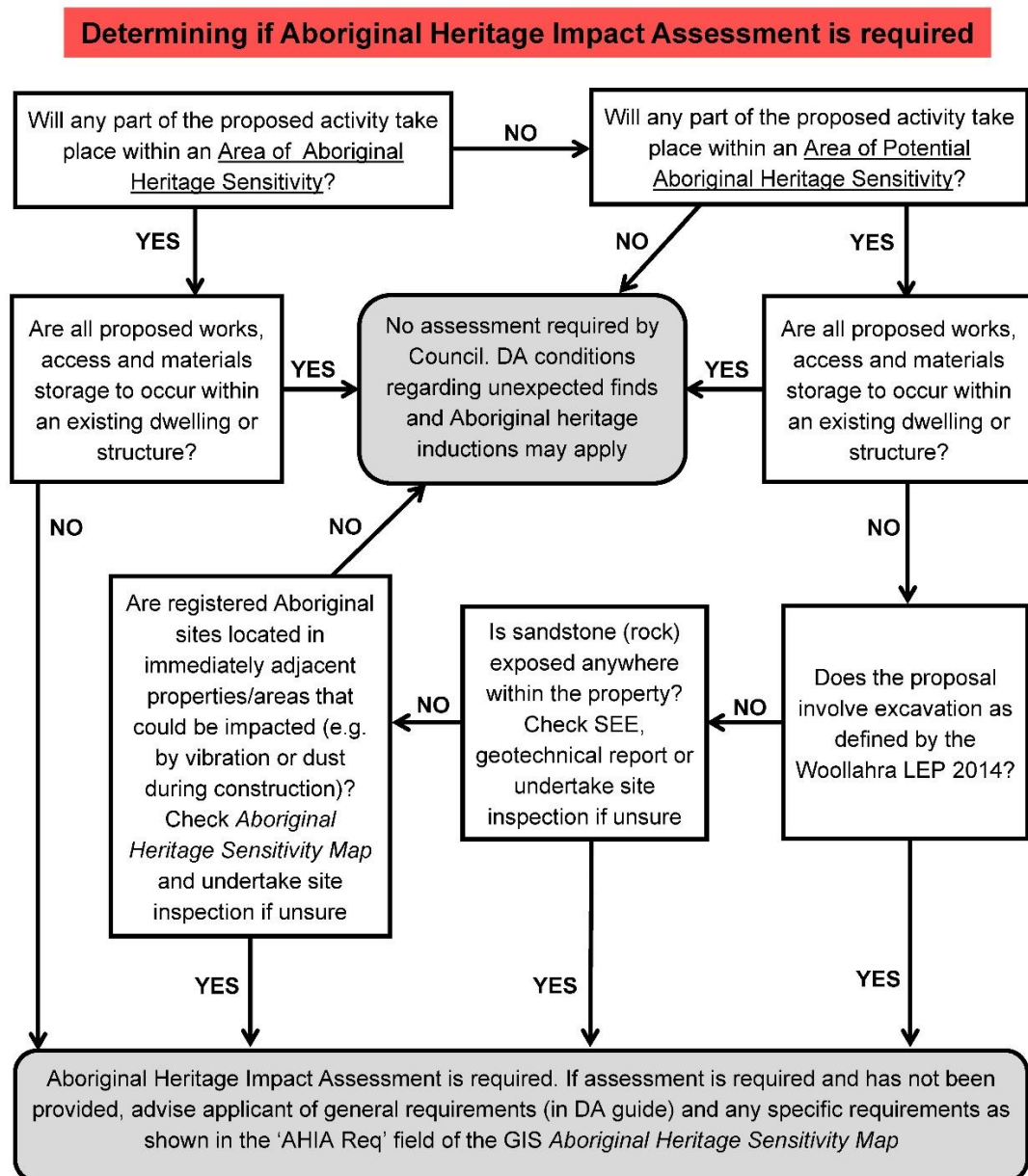


Figure 44. Summary flowchart for determining Aboriginal heritage assessment requirements.

6.3.4 Evaluation of Aboriginal Heritage Impact Assessments

When assessing Aboriginal Heritage Impact Assessments supplied to Council with development applications, heritage officers will need to consider the following four criteria, with reference to the flowchart shown in **Figure 45**, and potentially supplemented by more detailed guidelines. In the event that any of these criteria are not met, further information may be required from applicants.

1. Does the report meet the general requirements for Aboriginal Heritage Impact Assessment?

Specifically, the report should:

- also meet the requirements for Due Diligence as per the Heritage NSW *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*;
- contain evidence of the involvement of the La Perouse Local Aboriginal Land Council in the assessment;
- include evidence of a current search of the AHIMS Aboriginal Sites Register (no more than three months old and with at least a 200m buffer around the property), and consideration of any relevant previous Aboriginal heritage investigations in or near the property;
- consider relevant environmental and historical context to determine the possible presence of sensitive landforms or features and to assess the impact of past historical activities;
- involve a field inspection, or justification as to why an inspection was not considered necessary;
- document the measures considered to avoid harm to known or potential Aboriginal objects from the proposed activity;
- contain clear recommendations for the protection of known or potential Aboriginal objects and/or any further investigations or Aboriginal Heritage Impact Permit approvals that are considered appropriate.

2. Does the report meet any specific requirements for Aboriginal Heritage Impact Assessment?

These can be checked by consulting the 'AHIA Req' field on the GIS Aboriginal Heritage Sensitivity Map for the property in question.

3. Do the report recommendations allow a determination in relation to Aboriginal heritage? As outlined in **Figure 45**, there may be no impacts likely, or measures to avoid impacts, a need for further investigation or a recommendation for seeking an Aboriginal Heritage Impact Permit to harm Aboriginal objects. In some cases, further investigations may be required prior to the determination of the development application. In other cases, further investigations, actions or permits will be a condition of consent. These possibilities are outlined in **Section 6.5**.

4. Does the report recommend updating the Aboriginal Heritage Sensitivity Map? Assessments should be able to refine Aboriginal heritage sensitivity for part or all of the area investigated, either to acknowledge a newly recorded Aboriginal site or potential site or to conclude that part or all of the investigated area is not sensitive.

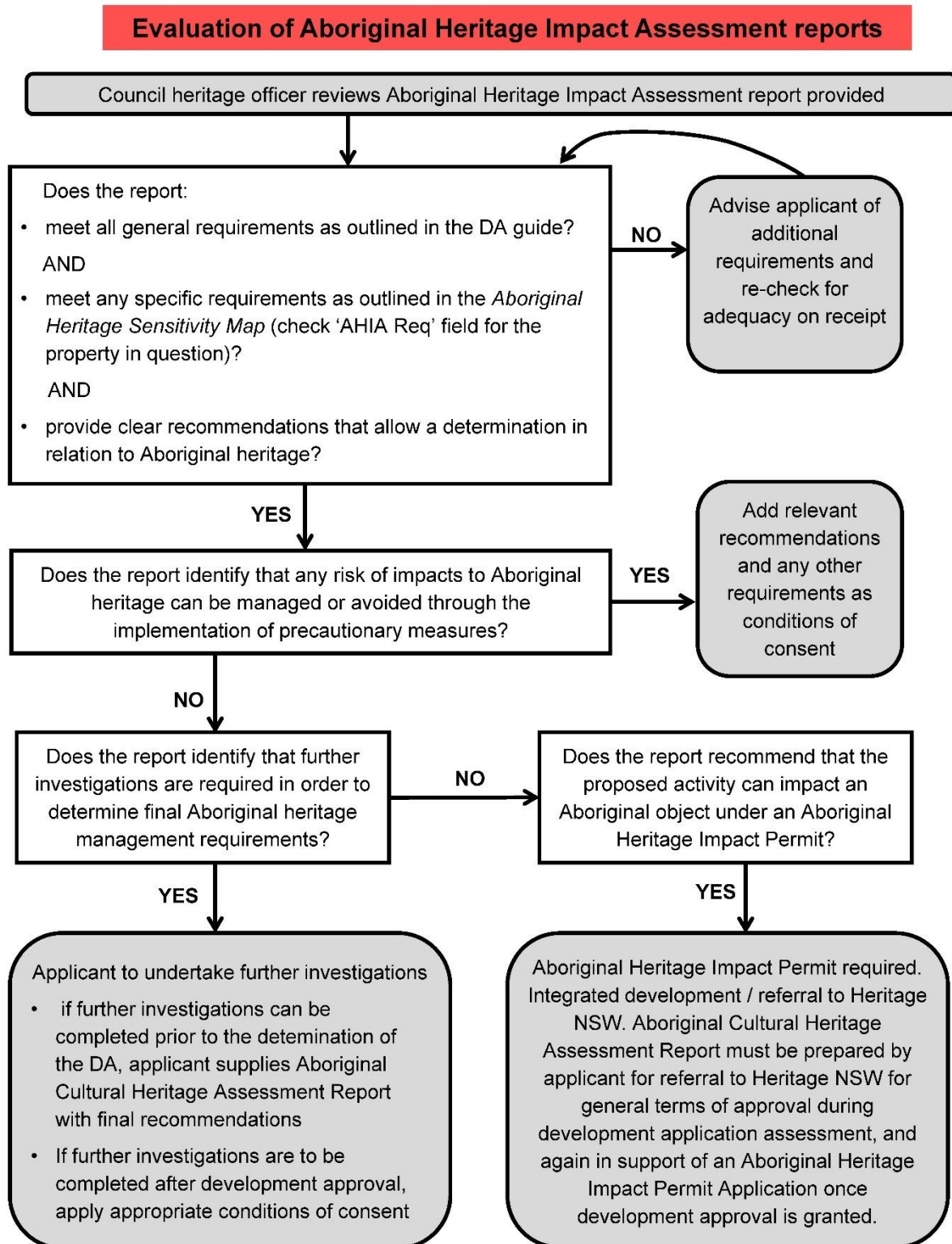


Figure 45. Summary flowchart for evaluating Aboriginal Heritage Impact Assessments.

6.4 Procedures for activities undertaken or managed by Council

Proposed activities to be undertaken or managed by Council are subject to the same Aboriginal heritage laws as for external development applications. Some activities are approved through the submission of a development application while others are approved internally through a Review of Environmental Factors (REF). The main difference is that in the planning of these activities, staff will have access to the full range of Aboriginal heritage information held by Council, as well as to advice from Council heritage officers. In addition, staff involved may have access to training and manuals or guidelines developed by Council as recommended in **Section 6.8**. This may lead to more informed outcomes and may require the input of external Aboriginal heritage consultants less often. As such, the following procedures have been recommended to specifically apply to these activities.

6.4.1 Information available to Council staff

It is recommended that Council staff involved in the planning of proposed activities have access to the following resources.

1. Aboriginal Heritage Sensitivity Map

The full version of the Aboriginal Heritage Sensitivity Map will be available for internal use by Council planners and land managers. Details are provided in **Section 6.3.1**.

2. Aboriginal Heritage Information Management System information

Council staff involved in the planning and management of development activities can request information about registered Aboriginal sites, including original site recordings, from Council heritage officers.

3. Summary flowcharts and tables for determining Aboriginal heritage requirements

As outlined in **Section 6.3**, these provide information to allow project planners and managers to determine applicable requirements.

4. Internal guidelines and manuals

As discussed in **Section 6.8**, it is recommended that Council develop specific procedure guidelines/manuals to assist Council staff planning or undertaking activities to implement Aboriginal heritage requirements consistently, and in accordance with other planning and administrative requirements.

5. Plans of Management for Crown land reserves

Plans of management have been prepared in 2021 for the Crown land reserves managed by Council as Crown land manager. These plans of management contain specific Aboriginal heritage requirements which mirror those in this report, but are specific to the Crown land reserves and should be followed in these areas.

6.4.2 Determining whether an Aboriginal Heritage Impact Assessment is required

Council project managers and planners should consider the following in determining whether an Aboriginal Heritage Impact Assessment is required for their proposed activity:

What is the full scope of the activity?

It is important to consider all aspects of the proposed activity that may harm Aboriginal heritage as part of preparation of a project brief for the works. This may include things beyond the immediate site of works, such as where materials will be stockpiled, how the worksite will be accessed and whether heavy vehicles will be used and may disturb the ground surface.

Is the project within a Crown land reserve?

Confirm if the proposed activity is to take place within a Crown land reserve, managed by Council as Crown land manager. If so, refer to the relevant plan of management and Native title manager advice reports for more detail. The recommendations created for these lands broadly mirror those in the Aboriginal Heritage Sensitivity Map, however specific plan of management requirements for any Crown land reserves should be followed rather than the procedures outlined in this report.

What is the Aboriginal heritage sensitivity of the area in which the activity is proposed?

Check the Aboriginal Heritage Sensitivity Map and follow the procedures outlined in **Figure 46** and any supporting documentation that may be produced. This will have one of the following outcomes:

1. If the proposed activity is partly or wholly located within an Area of Aboriginal Heritage Sensitivity an Aboriginal Heritage Impact Assessment may be required and will be determined in relation to the additional questions shown in **Figure 46**.
2. If the proposed activity is partly or wholly located within an Area of Potential Aboriginal Heritage Sensitivity (and is not partly within an Area of Aboriginal Heritage Sensitivity) the following questions will determine whether an Aboriginal Heritage Impact Assessment may be required:

2a) Does the proposal involve excavation as defined in the Woollahra LEP <i>Definition - "excavation" means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.</i>	Yes	An Aboriginal Heritage Impact Assessment may be required and will be determined in relation to the additional questions shown in Figure 46 .
	No	See question 2b.
2b) Is there sandstone (rock) exposed anywhere within the area containing the proposed activity?	Yes	An Aboriginal Heritage Impact Assessment may be required and will be determined in relation to the additional questions shown in Figure 46 .
	No	No Aboriginal Heritage Impact Assessment is required

3. If the proposed activity is completely outside an Area of Aboriginal Heritage Sensitivity and an Area of Potential Aboriginal Heritage Sensitivity then no Aboriginal Heritage Impact Assessment is required. However, approval conditions including an unexpected finds protocol and Aboriginal heritage induction may be required.

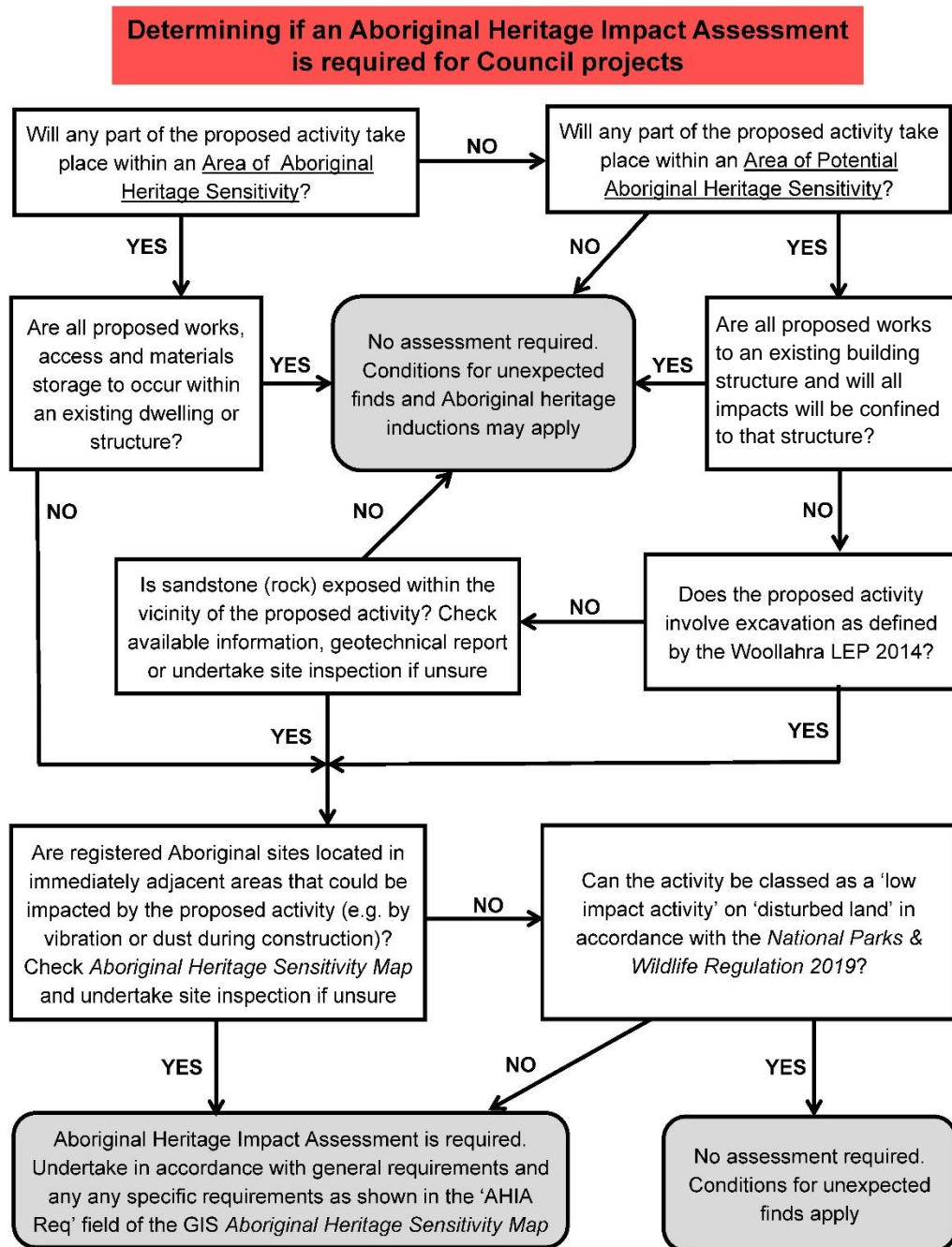


Figure 46. Determining Aboriginal heritage management procedures for Council projects.

Determining if an Aboriginal Heritage Impact Assessment is required

If the Aboriginal Heritage Sensitivity Map suggests that an Aboriginal Heritage Impact Assessment may be required, apply the additional questions outlined below and summarised in **Figure 46**.

<p>A) Are registered Aboriginal sites located in immediately adjacent areas that could be impacted by the proposed activity?</p> <p>Check the Aboriginal Heritage Sensitivity Map, obtain records of nearby Aboriginal sites from heritage officers, if unsure about the extent or location of sites, and undertake a site inspection to confirm if needed.</p>	Yes	An Aboriginal Heritage Impact Assessment is required.
	No	See question B.
<p>B) Can the activity be classed as a 'low impact activity' on 'disturbed land' in accordance with the National Parks & Wildlife Regulation 2019?</p> <p>Many Council land management activities and asset maintenance activities are covered by these provisions. If applicable, those undertaking the activities are exempt from prosecution for the offence of 'unknowing harm' to Aboriginal objects under the <i>National Parks & Wildlife Act 1974</i>. However this only applies if the activity is both 'low impact' and on 'disturbed land'. It does not apply to the offence of harm to an Aboriginal object that is already recorded as being present. See Appendix E for the definitions and list of included activities as of 2021 and see www.legislation.nsw.gov.au for up-to-date Regulations.</p>	Yes	An Aboriginal Heritage Impact Assessment is not required. However approval conditions including an unexpected finds protocol and Aboriginal heritage induction may be required.
	No	An Aboriginal Heritage Impact Assessment is required.

Undertaking an Aboriginal Heritage Impact Assessment

If an Aboriginal Heritage Impact Assessment is required, it must be undertaken in accordance with the general requirements of Council, as outlined in **Section 6.3.4** (or as provided in more detail in any Council guidelines or manuals produced) and any specific requirements which can be determined by consulting the 'AHIA Req' field on the Aboriginal Heritage Sensitivity Map for the area in question. It is strongly recommended that any assessments undertaken for projects in Council managed reserves should consider the entirety of the reserve where possible rather than just the immediate footprint of the proposed works, as the costs of the assessment are unlikely to be significantly greater and will provide information that can be used in future projects (such as a refinement of Aboriginal heritage sensitivity). Consideration could also be given to whether other projects are being planned concurrently in other reserves and include these in the assessment to further save on costs.

The completed assessment will be provided to Council heritage staff for review as outlined in **Section 6.3.4**.

Proceeding in accordance with Aboriginal heritage management recommendations

- If the assessment makes heritage management recommendations, these should be incorporated into a Construction Environmental Management Plan or other appropriate documentation.
- An unexpected finds protocol, as outlined in **Section 6.5**, should be incorporated into all Construction Environmental Management Plans or other appropriate documentation.
- An Aboriginal heritage induction may be required for some activities. This requirement can be determined in consultation with Council heritage staff or in accordance with any internal Council Aboriginal heritage management guidelines or manuals produced to enact this strategy.

6.5 Possible Aboriginal heritage outcomes for proposed activities

This section outlines some of the common Aboriginal heritage management outcomes that will apply to proposed activities. Due to the diverse nature of activities, the precise application of these is likely to vary between projects. As discussed in **Section 6.8**, it is recommended that Council develop guidelines for Council planning staff to provide greater detail about the different situations in which outcomes may apply. These guidelines should contain standard Aboriginal heritage conditions that are typically applied to development consents.

6.5.1 When no Aboriginal Heritage Impact Assessment is required

Where an Aboriginal Heritage Impact Assessment is not required for a proposed activity, the following conditions should apply:

- **Condition 1 (Due Diligence responsibilities):** This condition is included because anyone proposing an activity is subject to the Aboriginal heritage protections of the *National Parks & Wildlife Act 1974*, whether or not Council has requested an Aboriginal Heritage Impact Assessment.
- **Condition 2 (Unexpected finds):** This condition applies to all proposed activities to ensure that the legal protections of the of the *National Parks & Wildlife Act 1974* are observed.
- **Condition 3 (Aboriginal heritage induction):** This applies only where excavation is to occur, as defined by the Woollahra LEP.¹⁵² In these cases an Aboriginal heritage induction should be provided, prior to the commencement of excavation works, by a representative of the La Perouse LALC (or a suitably qualified Aboriginal heritage consultant if the La Perouse LALC is not available).

¹⁵² The 'removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land'.

6.5.2 When a low risk of harm to Aboriginal heritage has been identified

Where an Aboriginal Heritage Impact Assessment concludes that there is a low risk of harm to Aboriginal heritage, the following conditions should apply:

- **Condition 2 (Unexpected finds):** This condition applies to all proposed activities to ensure that the legal protections of the of the *National Parks & Wildlife Act 1974* are observed.
- **Condition 3 (Aboriginal heritage induction):** This applies only where excavation is to occur, as defined by the Woollahra LEP.¹⁵³ In these cases an Aboriginal heritage induction should be provided, prior to the commencement of excavation works, by a representative of the La Perouse LALC (or a suitably qualified Aboriginal heritage consultant if the La Perouse LALC is not available).

6.5.3 When precautionary measures have been recommended

Where an Aboriginal Heritage Impact Assessment or an Aboriginal Cultural Heritage Assessment Report concludes that harm to identified or potential Aboriginal objects can be avoided through the implementation of precautionary measures, the following conditions should apply:

- Any specific recommendations of the assessment should be made conditions of development consent if considered appropriate by Council heritage staff.
- **Condition 2 (Unexpected finds):** If not already contained in the assessment recommendations, this condition should be applied to ensure that the legal protections of the *National Parks & Wildlife Act 1974* are observed.
- **Condition 3 (Aboriginal heritage induction):** If not already contained in the assessment report recommendations, this condition should be applied only where excavation is to occur, as defined by the Woollahra LEP.¹⁵⁴ In these cases an Aboriginal heritage induction should be provided, prior to the commencement of excavation works, by a representative of the La Perouse LALC (or a suitably qualified Aboriginal heritage consultant if the La Perouse LALC is not available).
- **Condition 4 (Aboriginal Heritage Management Plan):** This condition should only be required where assessment recommendations are not able to be enacted without further documentation after the DA approval stage. For example, where protective measures can only be determined once a building contractor is appointed and construction methods are known. In such cases, it may be appropriate to prepare an Aboriginal Heritage Management Plan as a condition of consent to ensure the assessment recommendations are appropriately manifested in practice. In these instances, this condition should be applied to ensure consistency across plans.

¹⁵³ The 'removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land'.

¹⁵⁴ The 'removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land'.

6.5.4 When an Aboriginal Heritage Impact Permit is required (Integrated Development)

An Aboriginal Heritage Impact Assessment may conclude that harm to Aboriginal objects is likely, and that it is appropriate to impact or archaeologically salvage or collect those objects under an Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW under s90 of the *National Parks & Wildlife Act 1974*. A requirement for an AHIP means that the proposal is Integrated Development as defined in Division 4.8 (s4.46) of the *Environmental Planning & Assessment Act 1979*. As such, Council's assessment of the development application will be subject to the advice of Heritage NSW in relation to Aboriginal heritage management.

AHIP applications must be accompanied by an Aboriginal Cultural Heritage Assessment Report that meets the requirements of the Heritage NSW *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* and which documents Aboriginal community consultation in accordance with Clause 60 of the National Parks & Wildlife Regulation 2019.¹⁵⁵ The Aboriginal Cultural Heritage Assessment Report needs to be submitted to Council prior to any development approval, for referral to Heritage NSW. Heritage NSW will review the Aboriginal Cultural Heritage Assessment Report on two separate occasions.

1. To provide advice and general terms of approval to Council on Aboriginal heritage matters relating to the development application.
2. If no further Aboriginal heritage investigations are requested prior to approval, and the development is approved, the Aboriginal Cultural Heritage Assessment Report will be submitted by the applicant to Heritage NSW as part of the AHIP application process. This can only occur once development approval has been given.

Because AHIP applications to harm Aboriginal objects (excluding those required to undertake test excavations) can only be lodged with Heritage NSW after DA approval, the obtaining of an AHIP and undertaking any works under an AHIP have to be conditions of development consent.

6.5.5 When further Aboriginal heritage investigations are recommended

Aboriginal Heritage Impact Assessments may conclude that further investigations are required to determine the presence/absence and extent of Aboriginal objects, and appropriate final management recommendations. There are many types of possible investigations but the most common are archaeological test excavations. Archaeological test excavations generally require an Aboriginal Heritage Impact Permit ('AHIP') under s90 of the NPW Act. There are some exceptions to this, where excavations can be undertaken in strict accordance with the Heritage NSW *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW*, however this is unlikely in most cases within Woollahra.

¹⁵⁵ As detailed in DECCW 2010 *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks & Wildlife Act 1974*

Archaeological test excavations can be undertaken prior to the lodgement of a development application, or after lodgement. The timing and scope of these excavations will vary depending on the nature of the recommended works, the type of development, the existing condition of the land and buildings within it, and the nature of the potential Aboriginal heritage to be investigated. For this reason, any development approval conditions will be determined by Council in relation to the specific characteristics of each proposal, and potentially in consultation with Heritage NSW.

6.6 Some examples of proposed activities

The following sections provide some examples of typical activities with different Aboriginal heritage outcomes. Examples include both private development applications and Council works and development projects.

6.6.1 Examples of external development applications

EXAMPLE 1: Demolition and replacement of an existing house

The area is searched on the Aboriginal Heritage Sensitivity Map. The proposal is not within an Area of Aboriginal Heritage Sensitivity or an Area of Potential Aboriginal Heritage Sensitivity. The proposal therefore does not require any further Aboriginal heritage assessment. If approved, the DA should include the Standard Conditions outlined in **Section 6.5.1**, including an unexpected finds protocol and an Aboriginal heritage induction prior to the commencement of excavation works.

EXAMPLE 2: Conversion of an existing residential property into three villas

The area is searched on the Aboriginal Heritage Sensitivity Map. Part of the property is within an Area of Aboriginal Heritage Sensitivity because part of the property contains outcropping sandstone with the potential to contain Aboriginal sites. An Aboriginal Heritage Impact Assessment is undertaken, which concludes that no Aboriginal sites are present within the portion of the outcrop that is within the property. The proposal therefore does not require any further Aboriginal heritage investigation. If approved, the DA should include the Standard Conditions outlined in **Section 6.5.2**.

EXAMPLE 3: Extension of an existing dwelling, including new basement levels

The area is searched on the Aboriginal Heritage Sensitivity Map. It is within an Area of Potential Aboriginal Heritage Sensitivity because it is not clear whether the geology is sand or sandstone. The applicant is proposing extensive excavation for new basement levels. An Aboriginal Heritage Impact Assessment is undertaken, which concludes that no Aboriginal sites are present within the area of the proposed extension. However, an area of outcropping sandstone (obscured by vegetation) is observed at the rear of the property in an area not proposed for development. As this area could contain Aboriginal rock engravings, the assessment recommends protective measures are undertaken during construction (e.g. temporary fencing to protect the potential site). If approved, the DA incorporates the recommendation as a condition of consent, along with an unexpected finds protocol and Aboriginal heritage induction as outlined in **Section 6.5.3**.

EXAMPLE 4: Demolition of 10 existing houses and construction of an apartment block with basement carpark

The area is searched on the Aboriginal Heritage Sensitivity Map. The proposal is within an Area of Potential Aboriginal Heritage Sensitivity because it is not clear whether the geology is sand or sandstone. The applicant identifies that an Aboriginal Heritage Impact Assessment is required, because excavation is proposed. The Aboriginal Heritage Impact Assessment involves a detailed review of land use history and a field survey. An Aboriginal site (a scatter of stone artefacts in disturbed soil) is found. The assessment concludes that it would be appropriate to collect the artefacts under an Aboriginal Heritage Impact Permit (AHIP) as a condition of development consent. The development becomes Integrated Development and an Aboriginal Cultural Heritage Assessment Report (ACHAR) will now need to be prepared for Council's referral to Heritage NSW, and also to accompany the eventual AHIP application after development consent is granted. DA approval makes consent conditional on approval of an AHIP by Heritage NSW to undertake the collection of the artefacts.

EXAMPLE 5: Demolition of 10 existing houses and construction of an apartment block with basement carpark

This is the same scenario as Example 4 but with a different outcome. The area is searched on the Aboriginal Heritage Sensitivity Map. The proposal is within an Area of Potential Aboriginal Heritage Sensitivity because it is not clear whether the geology is sand or sandstone. The applicant identifies that an Aboriginal Heritage Impact Assessment is required, because excavation is proposed. The Aboriginal Heritage Impact Assessment involves a detailed review of land use history and a field survey. It concludes that an area of Aboriginal archaeological potential is present within the property and may be impacted by the proposal. Archaeological test excavations are recommended but cannot be undertaken until demolition due to the presence of existing buildings. An Aboriginal Cultural Heritage Assessment Report (ACHAR) will need to be prepared where an AHIP is required to undertake the test excavations and application made to Heritage NSW. The test excavations are made a condition of development consent along with a further condition that if Aboriginal heritage is discovered during the archaeological test excavations, any Aboriginal Heritage Impact Permit that may be required must be obtained and its conditions met prior to the commencement of earthworks in the affected area.

6.6.2 Examples of Council works and development projects

EXAMPLE 1: Resurfacing a section of road and repairing guttering

The area is searched on the Aboriginal Heritage Sensitivity Map and is within an Area of Potential Aboriginal Heritage Sensitivity. The works will not impact a registered Aboriginal site, because the map shows none within 200m. A check of the National Parks & Wildlife Regulation 2019 reveals that under s58(1a(i)), the 'maintenance of existing roads' is classed as a 'low impact activity' and under s58(4c) existing roads are classed as 'disturbed lands'. The works do not therefore require Aboriginal Heritage Impact Assessment and can proceed. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 2: Repairing a stormwater pipe

The area is searched on the Aboriginal Heritage Sensitivity Map and is within an Area of Potential Aboriginal Heritage Sensitivity. The works will not impact a registered Aboriginal site, because the map shows none within 200m. A check of the National Parks & Wildlife Regulation 2019 reveals that under s58(1a(ii)), the 'maintenance of water or sewerage pipelines' is classed as a 'low impact activity' and under s58(4f) existing services are classed as 'disturbed lands'. The works do not therefore require Aboriginal Heritage Impact Assessment and can proceed. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 3: Removing sediment from a creek

Council proposes to periodically remove soil sediment that has washed downslope into a creek from surrounding parklands and adjacent areas near roads. This will require removal of around the upper level of 0.5m of sediment from the base of the creek. A check is first undertaken to confirm if the area is a Crown land reserve, managed by Council as Crown land manager, in which case refer to the plan of management and Native title manager advice reports for more detail. As it is outside Crown land reserve, the area is searched on the Aboriginal Heritage Sensitivity Map and is within an Area of Aboriginal Heritage Sensitivity, as it is relatively undisturbed land that has been reserved parkland for some time and retains natural vegetation. Following the flowchart questions indicates that while sandstone is exposed in sections of the creekbed, no registered Aboriginal sites are located nearby. The requirement for an Aboriginal Heritage Impact Assessment is therefore dependent on whether the activity is a 'low impact activity' under the National Parks & Wildlife Regulation 2019. A check of the regulation reveals that under s58(1c(v)), 'erosion control' is classed as a 'low impact activity' and can occur whether or not the land is considered 'disturbed lands'. The works do not therefore require Aboriginal Heritage Impact Assessment and can proceed. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 4: Redistribution of beach sands

Council proposes to redistribute beach sands which have accumulated in a reclaimed area of former mudflats and may block a nearby stormwater outlet unless removed. The sands are proposed to be removed using mechanical excavators. The area in question is not covered by the Aboriginal Heritage Sensitivity Map as it represents marine sediments which have no Aboriginal heritage sensitivity. The works do not therefore require Aboriginal Heritage Impact Assessment and can proceed. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 5: Replacement of an existing fence within a Council managed reserve

A check is first undertaken to confirm if the area is a Crown land reserve, managed by Council as Crown land manager, in which case refer to the plan of management and Native title manager advice reports for more detail. As it is outside Crown land reserve, the area is searched on the Aboriginal Heritage Sensitivity Map and is within an Area of Aboriginal Heritage Sensitivity, as it is relatively undisturbed land that may represent a former bay shore. The works will not impact a

registered Aboriginal site, because the map shows none within 200m. A check of the National Parks & Wildlife Regulation 2019 reveals that under s58(1c(iv)), the 'maintenance of fences' is classed as a 'low impact activity' and existing levels of disturbance do not need to be considered. The works do not therefore require Aboriginal Heritage Impact Assessment and can proceed. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 6: Bush regeneration works within a Council managed reserve

A check is first undertaken to confirm if the area is a Crown land reserve, managed by Council as Crown land manager, in which case refer to the plan of management and Native title manager advice reports for more detail. As it is outside Crown land reserve, the area is searched on the Aboriginal Heritage Sensitivity Map and is within an Area of Aboriginal Heritage Sensitivity, as it may contain outcropping sandstone. The works will not impact a registered Aboriginal site, because the map shows none within 200m. A check of the National Parks & Wildlife Regulation 2019 reveals that under s58(1j), 'bush regeneration' works are classed as a 'low impact activity' as long as they do not involve erosion control or soil conservation works (such as contour banks), and under s58(4d) areas of previously cleared vegetation are classed as 'disturbed lands'. The works do not therefore require Aboriginal Heritage Impact Assessment and can proceed. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 7: Construction of a cycle and walking path within a Council reserve

The full area of potential impacts is defined, including works compounds and material storage areas. A check is first undertaken to confirm if the area is a Crown land reserve, managed by Council as Crown land manager, in which case refer to the plan of management and Native title manager advice reports for more detail. As it is outside Crown land reserve, the area is searched on the Aboriginal Heritage Sensitivity Map. Part of the activity is within an Area of Aboriginal Heritage Sensitivity because of a known Aboriginal site (a rock engraving). An Aboriginal Heritage Impact Assessment is required to determine whether the path will have any potential impacts. The assessment concludes that impacts will not occur if protective measures are undertaken (e.g. temporary fencing to protect the site). This is documented in the REF and the protective measures are incorporated into the Construction Environmental Management Plan.

EXAMPLE 8: Installation of rainwater tanks in a Council reserve

The full area of potential impacts is defined, including works compounds and material storage areas. A check is first undertaken to confirm if the area is a Crown land reserve, managed by Council as Crown land manager, in which case refer to the plan of management and Native title manager advice reports for more detail. As it is outside Crown land reserve, the area is searched on the Aboriginal Heritage Sensitivity Map. The proposal is not within an Area of Aboriginal Heritage Sensitivity or an Area of Potential Aboriginal Heritage Sensitivity and therefore does not require any further Aboriginal heritage assessment. An unexpected finds protocol should be incorporated into the Construction Environmental Management Plan or equivalent.

EXAMPLE 9: Installing a recreational facility in a Council reserve

Council proposes to install a recreational facility in a Council foreshore reserve. The facility would require either installation of concrete piles to support the structure or excavation to accommodate an in-ground structure. The full area of potential impacts is defined, including works compounds and material storage areas. A check is first undertaken and confirms that the area is a Crown land reserve, managed by Council as Crown land manager. Reference is made to the relevant plan of management which requires an Aboriginal Heritage Impact Assessment to be undertaken for any proposed activities which may impact below the ground surface. The assessment includes an examination of the land use history of the reserve and a site inspection. These identify that the area has been impacted by past levelling within the reserve, and there is a low likelihood that any Aboriginal heritage survives intact. No further investigations or protective measures are recommended. The works can proceed as planned, and the Construction Environmental Management Plan will include an unexpected finds protocol to ensure that any Aboriginal heritage that may be uncovered can be appropriately managed.

EXAMPLE 10: Installing a retaining wall in a Council reserve

Council proposes to install a retaining wall within a Council reserve. The full area of potential impacts is defined, including works compounds and material storage areas. A check is first undertaken to confirm if the area is a Crown land reserve, managed by Council as Crown land manager, in which case refer to the plan of management and Native title manager advice reports for more detail. As it is outside Crown land reserve, the area is searched on the Aboriginal Heritage Sensitivity Map. Most of the area of proposed works is within an infilled former inlet that is not an Area of Aboriginal Heritage Sensitivity or an Area of Potential Aboriginal Heritage Sensitivity, however both ends of the proposed wall alignment extend into areas of Aboriginal Heritage Sensitivity within the buffer zones around two recorded Aboriginal sites. Inspection of the Aboriginal Heritage Sensitivity Map information for these two sites (a rock engraving and a rockshelter) shows that both are associated with outcropping sandstone, whereas the proposed works will only affect areas of sand. In consultation with Council heritage staff it is determined that as long as works are fully contained to sandy portions of the reserve, no Aboriginal Heritage Impact Assessment is required. The works can proceed as planned, and the Construction Environmental Management Plan will include an unexpected finds protocol and an Aboriginal heritage induction to ensure that the documented sites are protected and that any Aboriginal heritage that may be uncovered can be appropriately managed.

EXAMPLE 11: Rebuilding a concrete pylon within a rockshelter in a Council reserve

Council proposes to rebuild a concrete pylon which is constructed within a rockshelter in a Council reserve to support a terrace on private land above the shelter. The full area of potential impacts is defined, including works compounds and material storage areas. A check is first undertaken and confirms that the area is a Crown land reserve, managed by Council as Crown land manager. Reference is made to the relevant plan of management which requires an Aboriginal Heritage Impact Assessment to be undertaken for any proposed activities within the sensitive area. The assessment includes an examination of the land use history of the reserve and a site inspection. It

confirms that the shelter in which the pylon is situated contains no Aboriginal archaeological remains and has no archaeological potential, but notes several other nearby shelters which are registered Aboriginal sites containing archaeological remains. The assessment concludes that impacts will not occur to these sites if protective measures are undertaken (e.g. temporary fencing to protect the nearest shelter). This is documented in the REF and the protective measures are incorporated into the Construction Environmental Management Plan.

6.7 Activities not assessed by Council

Many activities which could harm Aboriginal heritage are not subject to assessment or approval by Council, however even in some of these cases Council can take some steps to foster greater protection for known and potential Aboriginal heritage.

6.7.1 Exempt and complying development

It is unlikely to be possible to apply the Aboriginal Heritage Management Strategy to exempt and complying development proposals which fall within an Area of Potential Aboriginal Heritage Sensitivity or an Area of Aboriginal Heritage Sensitivity (except those which require an Aboriginal Heritage Impact Permit and therefore become Integrated Development under Division 4.8 of the *Environmental Planning & Assessment Act 1979*). However, Council can act to ensure that applicants and private certifiers are aware of the legal protection of Aboriginal heritage, and of the obligation to undertake some form of Due Diligence process to ensure that there is unlikely to be any harm to Aboriginal heritage as a result of their proposed activity. This could include one or more of the following actions:

- Indicate in Part 5 of s10.7 certificates that all properties may have Aboriginal heritage significance and directing them to the public Aboriginal Heritage Sensitivity Map. This is considered preferable to including this advice only for properties that are currently partly or wholly within an Area of Aboriginal Heritage Sensitivity or Area of Potential Aboriginal Heritage Sensitivity, because these designations may change over time, as the Aboriginal Heritage Sensitivity Map is updated. Adding this note will alert people purchasing properties of potential Aboriginal heritage protection or investigation requirements so that they can seek further advice from Council.
- Provide certifiers, and planning and architectural consultancies operating in Woollahra LGA with the DA Guide (and any supporting documentation) to foster awareness and encourage compliance.
- Provide certifiers operating in Woollahra LGA with the same wording for Standard Conditions of Consent as proposed for DA applicants as outlined in **Section 6.5.1**, which summarises the legal protections afforded to Aboriginal heritage, and/or provide them with a copy of the Heritage NSW guideline *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

6.7.2 Development proposals for which Council is asked to provide comment

Council can be asked to provide comment on project proposals which are within the Woollahra LGA but for which Council is not the consent authority. These include State Significant Development proposals (under Division 4.7 of the *EP&A Act*) or proposals on lands which are managed by other authorities (e.g. Defence land, National Park). Where Council is asked to comment on these or other proposals, responses can draw on the Aboriginal Heritage Sensitivity Map and the procedures outlined in this Strategy to determine whether and why the proposal would (under the Strategy) require Aboriginal Heritage Impact Assessment. Although Council's response would not be binding, it will be drawing on more detailed information than most applicants will have and may prompt further assessment where it may otherwise not have been taken.

6.7.3 Other activities that do not require Council's consent

Some activities that involve excavation do not require Council's consent e.g. those undertaken by utilities repairing or excavating services, or private residents undertaking excavations that do not require development approval. Many of these will however check the national Dial Before You Dig referral service that holds details of underground infrastructure and other features to ensure that they do not inadvertently damage these items. Council currently provides information about its assets such as stormwater pipes to the Dial Before You Dig referral service. Council could add the public version of the Aboriginal Heritage Sensitivity Map so that anyone who receives Council data in response to their search of the Dial Before You Dig service, will be informed of potential Aboriginal heritage issues.

6.8 Protecting, understanding and celebrating Aboriginal heritage

The Aboriginal heritage management strategy is designed to provide better protections for Aboriginal heritage in Woollahra through a range of measures. It has been largely concerned with Aboriginal heritage places rather than intangible heritage. In the following sections we outline how these protections can be enacted, and other important measures that Council can take to help deepen understanding and respect for Aboriginal people, their history and their heritage across Woollahra.

6.8.1 Enacting the Aboriginal heritage management strategy

The following steps are recommended to successfully enact the strategy and integrate it with existing Council planning processes:

- Incorporate the Aboriginal Heritage Sensitivity Map into the Council GIS.
- Incorporate the public version of the Aboriginal Heritage Sensitivity Map into publicly accessible Council mapping.
- Update the DA Guide to include an Aboriginal heritage attachment.

- Develop a brochure and webpage for applicants, to provide further context and illustrations to the content of the DA Guide.
- Develop guidelines for Council planners and heritage staff based on the processes outlined in **Section 6.3** and possible outcomes outlined in **Section 6.5**. This should include processes for updating the Aboriginal Heritage Sensitivity Map as discussed in **Section 6.8.4**.
- Develop guidelines for Council staff involved in planning or managing Council projects, based on the processes outlined in **Section 6.4**. This could include updating the REF template to include relevant procedures.
- Develop standard DA conditions based on the suggestion in **Section 6.5**.
- Create a dedicated electronic folder for AHIMS Aboriginal site records ('site cards') and ensure that it is accessible to Council planning and heritage staff.
- Create a dedicated electronic folder for Aboriginal Heritage Impact Assessments (including those past reports provided as part of the current study) and ensure that it is accessible to Council planning and heritage staff.
- Indicate in Part 5 of s10.7 certificates that all properties may have Aboriginal heritage significance, directing property owners to the public version of the Aboriginal Heritage Sensitivity Map and accompanying brochure/webpage.
- Provide certifiers, and planning and architectural consultancies operating in Woollahra LGA with the DA Guide (and any supporting documentation) to foster awareness and encourage compliance.
- Add the public version of the Aboriginal Heritage Sensitivity Map to information provided by Council to the Dial Before You Dig referral service.

6.8.2 Staffing, training and resources

An essential part of the Aboriginal heritage management strategy is to allocate adequate resources and expertise to ensure that the Council system runs efficiently, competently and accurately, and remains up to date. To ensure this, there needs to be an appropriate commitment of staff, training and other resources. Specifically, the following are recommended:

- Responsibility for oversight of Aboriginal Heritage Management should reside with the planning section of Council to ensure that the system is applied consistently. Planning staff should also have responsibility for ensuring that updates to the Aboriginal Heritage Sensitivity Map are undertaken as discussed in **Section 6.8.4**, in consultation with Council GIS staff.
- All Council staff who may be involved in advising development applicants, assessing development applications, or planning or managing Council works and development projects (e.g. Heritage Officers, Assessment Officers, Duty Planners, Team Leaders, Technical Services Managers, Parks and Recreation Planners, Council bush regeneration supervisors) should be

provided with cyclical training to familiarise themselves with the procedures, and how to obtain further information. This training should involve the La Perouse LALC. It should also include a field component to explain with examples what Aboriginal heritage is and where it may be present.

- The guideline documents outlined in **Section 6.8.1** should be readily available to all Council staff who may need to use or refer to them.

6.8.3 Active Aboriginal community involvement in Aboriginal heritage management

In recent years Council has been deepening its relationship with the local Aboriginal community, and particularly the La Perouse LALC, as expressed in the *Council Aboriginal and Torres Strait Islander Protocols* in 2020, and Action 24 of the 2020 *Woollahra Local Strategic Planning Statement* (LSPS) through which Council undertakes to work with the La Perouse LALC to support their right to self-determination.¹⁵⁶ Action 29 of the Woollahra LSPS aims for Council to ‘work with the La Perouse Local Aboriginal Land Council to conserve the history and heritage of our area.’ The involvement of Aboriginal people in Aboriginal heritage management in Woollahra should be seen in the context of this broader relationship, as well as the specific principle that Aboriginal people are involved in all decisions about their heritage (as discussed in **Section 6.1**)

A more formalised relationship between Council and the La Perouse LALC would be the most effective way to carry that relationship and meaningful involvement forward. This could be in the form of a memorandum of understanding covering particular issues, formal engagement of the La Perouse LALC to deliver particular services, or the engagement of an Aboriginal community member on staff to provide heritage and cultural advice, and a more formal link to the La Perouse LALC. These and other possibilities are matters for Council and the La Perouse LALC to determine, however it is true to say that the more direct and deeper the relationship, the greater the benefits to Council across many areas moving forward.

The following specific recommendations are made in relation to Aboriginal involvement in Aboriginal heritage management, and can be adapted to fit whatever mode of Aboriginal engagement is ultimately adopted by Council. The recommendations refer to involvement of the La Perouse LALC, as they have a statutory responsibility in relation to Aboriginal heritage, under the *Aboriginal Land Rights Act* 1983. In the event that Native Title claimants or Aboriginal Owners are officially registered within the LGA, they should also be involved in the management of Aboriginal heritage within the LGA.

- As outlined in the proposed DA guide text, and continuing on from current Council practice, any Aboriginal Heritage Impact Assessment must involve the La Perouse LALC.

¹⁵⁶ Woollahra Municipal Council 2020. *Council Aboriginal and Torres Strait Islander Protocols*; Woollahra Municipal Council 2020. *Woollahra Local Strategic Planning Statement*.

- The La Perouse LALC should be provided with notifications of any development applications lodged in an Area of Aboriginal Heritage Sensitivity or in an Area of Potential Aboriginal Heritage Sensitivity.
- Where a requirement for an Aboriginal heritage induction is included as part of approval conditions, the induction should be prepared and delivered by the La Perouse LALC. If the La Perouse LALC is not available, the induction may be delivered by an appropriately qualified Aboriginal heritage consultant.
- The La Perouse LALC should provide an Aboriginal heritage induction for relevant Council staff, to be renewed on a regular basis. Where possible, training of Council staff as outlined in **Section 6.8.2** should involve the La Perouse LALC.
- The La Perouse LALC should be consulted where advice or input is required on strategic planning matters relating to Aboriginal heritage management.
- The La Perouse LALC should be actively involved in Aboriginal site monitoring and conservation activities as discussed in **Section 6.8.6**.

6.8.4 Updating the Aboriginal Heritage Sensitivity Map

It is very important that the Aboriginal Heritage Sensitivity Map is regularly updated to ensure its ongoing and growing accuracy as new information comes to light. This is better for Council and applicants, as it reduces the likelihood of unnecessary assessments being requested. Updates to the Aboriginal Heritage Sensitivity Map should be the responsibility of planning staff in consultation with Council GIS staff. Recommended procedures should include that:

- The Aboriginal Heritage Sensitivity Map should be updated at intervals of no more than 12 months. To ensure that this occurs, it should be written into a dedicated program of works for Council planning staff and/or made part of the responsibilities of a particular position.
- The annual update to the Aboriginal Heritage Sensitivity Map update occur when the latest AHIMS update has been obtained under the Aboriginal Heritage Information Licence Agreement and any new or amended site records have been obtained. Each Aboriginal Heritage Sensitivity Map update should incorporate sensitivity changes based on Aboriginal Heritage Impact Assessments and new or amended Aboriginal site information using the information collated for each report and site record as outlined above.
- On completion of each annual Aboriginal Heritage Sensitivity Map update, the public version of the map should also be updated.

6.8.5 Aboriginal cultural mapping

This study has primarily focussed on Aboriginal heritage places that relate directly to documented Aboriginal usage in the past through historical or archaeological records. In the consultation with the Gujaga Foundation and the La Perouse LALC that was undertaken for this study, a clear desire was expressed for less tangible aspects of Woollahra's Aboriginal heritage to be considered, not just in terms of potential protections but to provide a more rounded picture of how Aboriginal people lived across Woollahra and how that remains significant today. This links into the related aim of increasing public understanding of Aboriginal culture and history as outlined in **Section 6.8.7**.

It is recommended that Council consider undertaking an Aboriginal cultural mapping project, to work with La Perouse community members to identify areas of cultural and historical significance that may not be associated with material culture (such as archaeological remains, or structures), such as traditional pathways, a consideration of waterways and local environments as indicators of likely camping locations, links of community members today to places used historically by Aboriginal ancestors and a re-evaluation of historical records of clans and place names through a cultural lens.

The cultural mapping project would be an opportunity to work with Woollahra Libraries Local History team to develop Aboriginal history resources, consistent with proposed actions in the current draft Library Strategic Plan to investigate options for reflecting the Aboriginal history of Woollahra in partnership with the La Perouse Local Aboriginal Land Council.¹⁵⁷ The study would provide a wealth of information for future interpretation and advice on existing and possible future Aboriginal place names. Some information may also feed back into updates to the Aboriginal Heritage Sensitivity Map.

6.8.6 Caring for Country

An important part of Aboriginal heritage protection is ensuring that natural and human threats to Aboriginal heritage places are identified so that protective measures can be implemented where appropriate. Caring for Aboriginal heritage places is also an opportunity for local Aboriginal people to actively engage with Aboriginal Country. It is recommended that Council consider the following measures and others that may in future be raised by the local Aboriginal community, as a means of fostering Aboriginal connections to Country, and bolstering Aboriginal heritage protection across Woollahra:

- Initiate an ongoing Aboriginal site monitoring program involving the La Perouse LALC. The monitoring program could be part or fully funded through existing state and federal heritage grant programs. The program would seek to ensure that all recorded Aboriginal sites within Woollahra were visited every 1-2 years to check their condition, and identify any potential threats (e.g. erosion, visitor impacts, adjacent development). The program would involve sites on public lands, and those on private land where access was provided by residents.

¹⁵⁷ Woollahra Libraries and Think Place 2021. *Draft Library Strategic Plan. Co-designing Library Strategic Plan 2021-2026*, p. 27.

- Seek funding in conjunction with the La Perouse LALC for Aboriginal site conservation where the need for mitigative measures is identified through the monitoring program or other means.
- Facilitate Aboriginal community access to Council managed lands for cultural activities, if desired by the local Aboriginal community.

6.8.7 Activities to foster public understanding of Aboriginal history and heritage

Aboriginal heritage protection is greatly strengthened when it is considered by residents to be part of their responsibility as people living in and using Woollahra. One way to work towards this is through educational activities to deepen public understandings of Aboriginal culture and history. Council already has a strong commitment to public engagements with local history through the Woollahra Libraries Local History team and Council's Community and Cultural Development team. These activities already undertaken by these teams have included Aboriginal history talks, exhibitions and tours and current library planning seeks to increase Aboriginal community involvement in these activities and explore avenues for partnering with the La Perouse Local Aboriginal Land Council to reflect local Aboriginal history.¹⁵⁸ Building on existing activities, further initiatives could include:

- Aboriginal heritage and history talks and exhibitions.
- Aboriginal guided walks on Council lands and other public lands within Woollahra.
- The development of electronic information resources through Woollahra Libraries.
- The development of interpretive materials on public lands to educate the public about specific people and histories relevant to that area, or about specific aspects of Aboriginal culture and history. Any such materials should be developed in a coordinated way across Woollahra to provide consistent and interrelated materials, and also mindful of similar initiatives that may exist or be under preparation e.g. for the Bondi to Manly Walk.

These and any other activities should be determined and guided by the local Aboriginal community through the La Perouse LALC and the Gujaga Foundation, who are keen to ensure that Woollahra's Aboriginal history and heritage is promoted in a culturally appropriate manner (see **Appendix A**). The development of these initiatives should involve the Woollahra Libraries Local History team, Council land managers and other Council staff as appropriate.

¹⁵⁸ Woollahra Libraries and Think Place 2021. *Draft Library Strategic Plan. Co-designing Library Strategic Plan 2021-2026*, p. 27.

7 Study recommendations

The following recommendations provide concrete actions to enact the Aboriginal heritage management strategy and to enact other measures to ensure that Aboriginal heritage in Woollahra is protected, understood and celebrated. The recommendations are listed in order of priority from immediate and ongoing/recurring actions to those that can be undertaken in the medium to longer term. Most of these recommended actions are grounded in the measures detailed in **Section 6.8**.

7.1 Immediate actions (0-12 months)

1. Enact the Aboriginal heritage management strategy by adopting the measures outlined in **Section 6.8.1**, and developing the suggested information and guideline documents outlined in **Section 6.8.1**.
2. Determine the nature of the relationship between Council and the La Perouse LALC in relation to Aboriginal heritage and broader issues, as the degree to which this may be formalised will influence how some Aboriginal heritage management procedures can be delivered.
3. In conjunction with the La Perouse LALC, develop and deliver a training program about Aboriginal heritage management procedures for all Council staff who may be involved in advising development applicants, assessing development applications, or planning or managing Council works and development projects as outlined in **Section 6.8.2**.
4. Ensure that internal guideline documents are readily available to all Council staff who may be involved in advising development applicants, assessing development applications, or planning or managing Council works and development projects.
5. Develop a procedure for updating the Aboriginal Heritage Sensitivity Map at no more than 12 monthly intervals as outlined in **Section 6.8.4** and make this the responsibility of a particular position or section within Council.
6. Initiate discussions between Council and the La Perouse LALC and the Gujaga Foundation about their priorities and availability to undertake activities of the nature outlined in **Section 6.8.7**, to foster public understanding and appreciation of Aboriginal history and heritage. These discussions should involve the Woollahra Libraries Local History team, Council land managers and other Council staff as appropriate.
7. Add to Part 5 of s10.7 certificates information that all properties may have Aboriginal heritage significance and providing directions to the public version of the Aboriginal Heritage Sensitivity Map and accompanying brochure/webpage.
8. Provide certifiers, and planning and architectural consultancies operating in Woollahra LGA with the Development Application guide (and any supporting documentation) to foster awareness of and encourage compliance with the new system.

9. Add the public version of the Aboriginal Heritage Sensitivity Map to information provided by Council through the Dial Before You Dig referral service.

7.2 Ongoing and recurring actions

10. Ensure that the training program about Aboriginal heritage management procedures as outlined in **Section 6.8.2** is undertaken by all new Council staff who may be involved in advising development applicants, assessing development applications, or planning or managing Council works and development projects.
11. Establish a procedure for ensuring that the La Perouse LALC is notified of any development applications lodged in an Area of Aboriginal Heritage Sensitivity or in an Area of Potential Aboriginal Heritage Sensitivity.
12. Ensure that the existing Aboriginal Heritage Information Licence Agreement between Council and Heritage NSW is renewed as required, at intervals of no more than 12 months, to ensure continuing access to up to date Aboriginal site data on the AHIMS.
13. Ensure that the Aboriginal Heritage Sensitivity Map is updated at no more than 12 monthly intervals in accordance with the procedures developed for these updates outlined in **Section 6.8.4**, and ensure that this involves a concurrent update to the public version of the Aboriginal Heritage Sensitivity Map.

7.3 Medium term actions (1-3 Years)

14. Develop a project brief for the Aboriginal Cultural Mapping Project recommended in **Section 6.8.5** in consultation with the La Perouse LALC and Gujaga Foundation and seek to obtain funding for the study.
15. On confirmation of funding, undertake the Aboriginal Cultural Mapping Project with La Perouse LALC and Gujaga Foundation.
16. Develop a project brief for the Aboriginal site monitoring program recommended in **Section 6.8.6** in consultation with the La Perouse LALC and seek to obtain funding for the program.
17. On confirmation of funding, initiate the Aboriginal site monitoring program in conjunction with the La Perouse LALC and develop procedures for incorporating any findings into the Aboriginal Heritage Sensitivity Map.

7.4 Long term actions (3-5 Years)

18. In 3-5 years, commission a suitably qualified Aboriginal heritage consultant to undertake, in conjunction with the La Perouse LALC, a review of the Aboriginal Heritage Sensitivity Map and Aboriginal heritage management procedures to identify and address any issues or improvements that can be made. At this time, any relevant findings from the Aboriginal Cultural Mapping Project, or other relevant information, could be incorporated into the Aboriginal Heritage Sensitivity Map.
19. In the event that new state Aboriginal heritage legislation is passed and new Aboriginal heritage management procedures are introduced, initiate a review of the Woollahra Aboriginal heritage management strategy and procedures to ensure that they are (or can be made) compliant with the new requirements.

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APPENDICES

Appendix A: Aboriginal community endorsements

Appendix B: Aboriginal Heritage Place list

Appendix C: Museum records of Aboriginal objects

Appendix D: Summary of previous Aboriginal heritage investigations

Appendix E: Current Aboriginal heritage legislation and policy

Appendix A

Aboriginal community endorsements



24 June 2021

Dr Paul Irish
Director
Coast History and Heritage

Via email: paul@coasthistory.com.au

Dear Dr Irish

Woollahra Local Government Area – Aboriginal Heritage Study

I write in response to the draft Aboriginal Heritage Study for the Woollahra local government area dated June 2021.

The La Perouse Local Aboriginal Land Council (**La Perouse LALC**) has reviewed the draft study and has participated in a number of consultations during the development of the study.

The La Perouse LALC supports the study and congratulates Woollahra Municipal Council for their genuine interest in the protection and appreciation of Aboriginal heritage within its area. If approved by Council, we believe there is merit on presenting this study to the Minister for Aboriginal Affairs, the Hon. Don Harwin MLC to promote best practice for Aboriginal heritage protection within NSW.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Ingre'.

Chris Ingre
Chief Executive Officer



28 June 2021

Dr Paul Irish
Director
Coast History & Heritage

Email: paul@coasthistory.com.au

Re: Woollahra Aboriginal Heritage Study Report

Dear Dr Irish

I write regarding the *Woollahra Aboriginal Heritage Study Report* undertaken by Coast History and Heritage.

The Gujaga Foundation (**Gujaga**) have been consulted throughout all stages of the project and have reviewed and supports the final draft report.

Gujaga leads language, culture and research activities in the La Perouse Aboriginal Community whose families have ancient and unbroken links to coastal Sydney and the Illawarra.

In the 1890's Aboriginal people living at La Perouse were described as

comprise of all that remains of the descendants of the native tribe that occupied the district at the time of the English occupation of New South Wales in 1788

The Gujaga Foundation looks forward to future works undertaken to further protect and promote the rich local Aboriginal heritage of Woollahra in an authentic and culturally appropriate way.

Regards

Ray Ingrey
Chairperson, Gujaga Foundation

Appendix B

Aboriginal Heritage Place list

For ease of referencing, each place has been given a unique 'WAH' number for the purpose of the study, as not all places are registered on the AHIMS Register.

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH001	AHIMS #45-6-0001	Cabarita Park 1; Vaucluse; Milk Beach	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH002	AHIMS #45-6-0029	Vaucluse Point	Art site (rockshelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH003	AHIMS #45-6-0096	Campcove shelter Watsons Bay	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH004	AHIMS #45-6-0560	Mt. Trefle Nelson Park Point 1; Mt. Trefle Midden; Mt. Trefle Cave	Art site and living place (rockshelter with midden and art)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH005	AHIMS #45-6-0688	Woollahra Point; Rose Bay	Art site and living place (rockshelter with midden and art)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH006	AHIMS #45-6-0690	Cooper Park; Bellevue Hill	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH007	AHIMS #45-6-0691	Woollahra; Bellevue Hill	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH008	AHIMS #45-6-0704	Vaucluse Bay	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH009	AHIMS #45-6-0709	Vaucluse; Parsley Bay	Art site (rockshelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH010	AHIMS #45-6-0711	Watson's Bay; Vaucluse	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH011	AHIMS #45-6-0712	Watson's Bay; Vaucluse	Art site (rockshelter - engravings)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH012	AHIMS #45-6-0713	South Head Site F ;Sydney Harbour National Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH013	AHIMS #45-6-0714	South Head Site H; Sydney Harbour National Park	Art site (engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH014	AHIMS #45-6-0715	South Head Site E; Sydney Harbour National Park; Hornby Lighthouse	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH015	AHIMS #45-6-0716	South Head Site C; Sydney Harbour National Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH016	AHIMS #45-6-0717	South Head; Watson's Bay	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH017	AHIMS #45-6-0723	South Head Site M; Sydney Harbour National Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH018	AHIMS #45-6-0724	South Head Site L; Sydney Harbour National Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH019	AHIMS #45-6-0733	South Head Site B; Sydney Harbour National Park	Art site (engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH020	AHIMS #45-6-0734	Bellevue Hill; Cooper Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH021	AHIMS #45-6-0898	#45-6-0898 IS NOT A SITE	Not a site	Yes	No further management. Not an Aboriginal site	Registered on AHIMS but found not to be site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH022	AHIMS #45-6-0902	Vaucluse; Vaucluse Point	Living place (open midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH023	AHIMS #45-6-0903	Vaucliffe; Radcliffe Residence	Art site (engraving)	No (private property)	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH024	AHIMS #45-6-0918	South Head Site S	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH025	AHIMS #45-6-0919	South Head Site K; Sydney Harbour National Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH026	AHIMS #45-6-0920	South Head Site G; Sydney Harbour National Park	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH027	AHIMS #45-6-0921	South Head Site A; Sydney Harbour National Park	Art site (engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH028	AHIMS #45-6-0922	South Head Site D	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH029	AHIMS #45-6-1044	Vaucluse Point 2; Bottle Glass Cave	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH030	AHIMS #45-6-1045	Hydrofoil Cave	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH031	AHIMS #45-6-1046	Vaucluse Point; Manly Ferry Cave	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH032	AHIMS #45-6-1164	Whale Cave; Vaucluse Point	Art site (rockshelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH033	AHIMS #45-6-1330	Vaucluse; Vaucluse House	Art site (engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH034	AHIMS #45-6-1405	Bellevue Hill; Cooper Park	Art site (rockshelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH035	AHIMS #45-6-1469	Vaucluse Park	Art site (rockshelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH036	AHIMS #45-6-1517	South Head; Sydney Harbour NP	Living place (open midden)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH037	AHIMS #45-6-1518	South Head; Sydney Harbour NP	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH038	AHIMS #45-6-1519	South Head; Sydney Harbour NP	Living place (open midden)	Yes	No further management. Not an Aboriginal site	Registered on AHIMS but found not to be site
WAH039	AHIMS #45-6-1521	Shark Beach; Neilsen Park	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH040	AHIMS #45-6-1522	Vaucluse Bay; 25 Coolong Road Vaucluse	Living place (shelter campsite)	No (private property)	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH041	AHIMS #45-6-1524	Vaucluse Midden; Neilson Park	Living place (open midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH042	AHIMS #45-6-1588	31 Olola Ave/ 4 Hopetoun Ave	Art site (rockshelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH043	AHIMS #45-6-1609	Shark Bay; Greycliffe House	Art site (rockshelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH044	AHIMS #45-6-1621	Vaucluse; Hermitage Reserve	Axe grinding grooves (and possible engravings)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH045	AHIMS #45-6-1626	Milk Beach 3	Living place (open midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH046	AHIMS #45-6-1627	Milk Beach 2	Living place (open midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH047	AHIMS #45-6-1628	Vaucluse	Living place (possible shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH048	AHIMS #45-6-1629	Milk Beach 1	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH049	AHIMS #45-6-1651	Milk Beach 5; Hermitage Reserve	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH050	AHIMS #45-6-1652	Milk Beach 4	Living place (open midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH051	AHIMS #45-6-1665	South Head; Sydney Harbour NP	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH052	AHIMS #45-6-1666	South Head; Sydney Harbour NP	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH053	AHIMS #45-6-1677	Vaucluse Bay; Behind 37 Coolong Road	Art site (engraving)	No (private property)	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH054	AHIMS #45-6-1681	Shark Bay Shelter; Sydney Harbour National Park	Art site and living place (rockshelter with midden and art)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH055	AHIMS #45-6-1761	Hermit Bay	Living place (open midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH056	AHIMS #45-6-2084	Gibsons Beach Cave	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH057	AHIMS #45-6-2089	Mt Treffle 2	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH058	AHIMS #45-6-2151	Point Piper	Living place (shelter midden)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH059	AHIMS #45-6-2172	Parsley Bay 5	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH060	AHIMS #45-6-2173	Parsley Bay 4	Art site (rockshelter - engravings)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH061	AHIMS #45-6-2174	Parsley Bay 3	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH062	AHIMS #45-6-2175	Parsley Bay 2	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH063	AHIMS #45-6-2176	Parsley Bay 1	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH064	Not listed	Seven Shillings Beach	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area	Documented historical Aboriginal place but precise location not known
WAH065	AHIMS #45-6-3961	Kutti Beach Shelter with PAD	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH066	AHIMS #45-6-2295	Eastside Cave; Vaucluse	Living place (shelter campsite)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH067	AHIMS #45-6-2352	Mt Trefle 3	Living place (shelter campsite)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH068	AHIMS #45-6-2353	Camp Cove 2	Burial Place	n/a	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH069	AHIMS #45-6-2650 and on SHI	Emma's Well	Resource place (water)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH070	AHIMS #45-6-2665	Kent Rd Burial Rose Bay	Burial Place	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH071	AHIMS #45-6-2797	28 Carrara Road Archaeological Deposit (formerly PAD)	Living place (campsite)	Site destroyed	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH072	AHIMS #45-6-3351	Camp Cove 1 (CC1)	Living place (open midden)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH073	AHIMS #45-6-3624	The Wanderers Cave	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH074	AHIMS #45-6-3745	RSGC Area of Sensitivity	Living place (campsite)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH075	AHIMS #45-6-3754	KRB Rockshelter	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH076	AHIMS #45-6-3763	Scots College PAD	Living place (possible - open campsite)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH077	Not listed	Camp Cove burial 1	Burial Place	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH078	Not listed	Camp Cove burial 2	Burial Place	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH079	Not listed	Camp Cove burial ground	Burial Place	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH080	AHIMS #45-6-3825	Cranbrook Oval	Living place (campsite)	No (private property)	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH081	Not listed	Rose Bay burial	Burial Place	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH082	Not listed	Camp Cove	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH083	Not listed	Paddington, Rushcutters Bay	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH084	Not listed	Mona Road Houses	Living place (historical camp)	n/a	Not included on Aboriginal Heritage Sensitivity mapping	Precise location not known and surviving physical remains considered unlikely
WAH085	Not listed	Rose Bay Camp, William Warrell's Camp	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH086	Not listed	Sophia's Spring, Vaucluse Heights	Resource place (water)	Yes	Not included on Aboriginal Heritage Sensitivity mapping	Insufficient information about place and/or location to allow mapping
WAH087	Not listed	Double Bay Camp, Quamby	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH088	AHIMS #45-6-3945	South Head Site T	Art site (engraving)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH089	Not listed	Bungaree's Grave, Matora's Grave	Burial Place	General location only	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH090	Not listed	Rona, Double Bay	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH091	Not listed	Tamara's Camp	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH092	Not listed	Vaucluse House	Living place (historical camp)	Yes	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH093	Not listed	Gibsons Beach	Living place (historical camp)	n/a	Not included on Aboriginal Heritage Sensitivity mapping	Insufficient information about place and/or location to allow mapping
WAH094	SHI 2711246	Redleaf	Living place (historical camp)	n/a	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH095	Not listed	Pannerong, Rose Bay Ceremonial Ground	Ceremonial Place	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH096	AHIMS #45-6-3816	Kutti Beach Cave	Living place (shelter midden)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH097	Not listed	Darling Point	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH098	Not listed	Nancy's Burial	Burial Place	General location only	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH099	Not listed	Parsley Bay	Living place (historical camp)	n/a	Not included on Aboriginal Heritage Sensitivity mapping	Insufficient information about place and/or location to allow mapping
WAH100	Not listed	Woollahra House Stables	Living place (historical camp)	Yes	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place
WAH101	Not listed	Collins Hut	Living place (historical camp)	n/a	Not included on Aboriginal Heritage Sensitivity mapping	Insufficient information about place and/or location to allow mapping
WAH102	Not listed	Greenwich Pier Hotel, Dunbar House	Visited Place (historical)	General location only	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH103	Not listed	Mr Dalley's House, Clairvaux	Visited Place (historical)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Precise location not known and surviving physical remains considered unlikely

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH104	Not listed	Rose Bay Weir	Resource place (food)	n/a	Not included on Aboriginal Heritage Sensitivity mapping	Insufficient information about place and/or location to allow mapping
WAH105	Not listed	Woollahra House	Visited Place (historical)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH106	Not listed	Clovelly, Watsons Bay	Visited Place (historical)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH107	AHIMS #45-6-3960	Camp Cove shelters	Living place (shelter midden)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH108	Not listed	Leura	Living place (historical camp)	n/a	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Documented historical Aboriginal place but precise location not known
WAH109	SHR 00677	Macquarie Lighthouse Site	Collected/disturbed Aboriginal cultural material	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH110	AHIMS #45-6-3985	Cooper Park Shelter	Art site and living place (rockshelter with PAD and art)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH111	AHIMS #45-6-3959	Nielsen Park Shelter 1	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH112	AHIMS #45-6-3958	Nielsen Park Shelter 2	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH113	AHIMS #45-6-3957	Woollahra Possible Shelter WAH113	Art site (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH114	AHIMS #45-6-3956	Nielsen Park Shelter 3	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH115	AHIMS #45-6-3955	Woollahra Possible Shelter WAH115	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH116	AHIMS #45-6-3954	Woollahra Possible Engraving WAH116	Art site (possible - engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH117	AHIMS #45-6-3952	Woollahra Possible Shelter WAH117	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH118	AHIMS #45-6-3953	Woollahra Possible Shelter WAH118	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH119	AHIMS #45-6-3969	Woollahra Possible Shelter WAH119	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH120	AHIMS #45-6-3968	Woollahra Possible Shelter WAH120	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH121	AHIMS #45-6-3951	Woollahra Possible Shelter WAH121	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH122	AHIMS #45-6-3967	Woollahra Possible Shelter WAH122	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH123	AHIMS #45-6-3966	Woollahra Possible Shelter WAH123	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH124	AHIMS #45-6-3964	Woollahra Possible Shelter WAH124	Art site (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH125	AHIMS #45-6-3965	Woollahra Possible Shelter WAH125	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH126	AHIMS #45-6-3950	Woollahra Possible Shelter WAH126	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH127	AHIMS #45-6-3949	Woollahra Possible Shelter WAH127	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH128	AHIMS #45-6-3948	Woollahra Possible Shelter WAH128	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH129	AHIMS #45-6-3977	Woollahra Possible Shelter WAH129	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH130	AHIMS #45-6-3976	Woollahra Possible Engraving WAH130	Art site (possible - engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH131	AHIMS #45-6-3975	Woollahra Possible Shelter WAH131	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH132	AHIMS #45-6-3963	Woollahra Possible Shelter WAH132	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH133	AHIMS #45-6-3974	Woollahra Possible Shelter WAH133	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH134	AHIMS #45-6-3973	Woollahra Possible Shelter WAH134	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH135	AHIMS #45-6-3972	Woollahra Possible Shelter WAH135	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH136	AHIMS #45-6-3962	Woollahra Possible Shelter WAH136	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH137	AHIMS #45-6-3980	Woollahra Possible Shelter WAH137	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH138	AHIMS #45-6-3943	Watson GG1	Visited place (axe grinding grooves)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
WAH139	AHIMS #45-6-3971	The Caves	Living place (possible - shelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH140	Not listed	Vaucluse Engravings	Art site (engraving)	General location only	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Historically documented Aboriginal site but precise location not known
WAH141	Not listed	Hopetoun Ave Shelter	Art site (rockshelter - engravings)	General location only	Noted on Aboriginal Heritage Sensitivity mapping for the surrounding area.	Historically documented Aboriginal site but precise location not known
WAH142	AHIMS #45-6-3970	Cooper Park North Shelter	Art site (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Precise location not known
WAH143	Not listed	The Grotto Rockshelter	Living place (possible - shelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Historically documented Aboriginal site but precise location not known
WAH144	Not listed	Wiston Gardens shelter	Living place (possible - shelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Historically documented Aboriginal site but precise location not known
WAH145	Not listed	Kendall St Shelter	Living place (possible - shelter)	General location only	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Historically documented Aboriginal site but precise location not known
WAH146	AHIMS #45-6-3984	Drumalbyn Shelter	Living place (possible - shelter)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH147	AHIMS #45-6-3946	Woollahra Possible Engraving WAH147	Art site (possible - engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH148	AHIMS #45-6-3947	Woollahra Possible Engraving WAH148	Art site (possible - engraving)	Yes	Incorporated into Aboriginal Heritage Sensitivity mapping as a specific site	Recorded Aboriginal site/ potential site
WAH149	Not listed	Rose Bay beach burial	Burial Place	n/a	Not included on Aboriginal Heritage Sensitivity mapping	Insufficient information about place and/or location to allow mapping
Not included	SHR	Nielsen Park	Living place (historical camp)	n/a		General reference to Aboriginal occupation in existing heritage listing.

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
Not included	SHI	Strickland House	Living place (campsite)	n/a		General reference to Aboriginal occupation in existing heritage listing.
Not included	S170 Register	Milk Beach	Living place (campsite)	n/a		General reference to Aboriginal occupation in existing heritage listing.
Not included	Australian Museum	SCG artefacts	Collected/disturbed Aboriginal cultural material	Yes (at museum)		Outside LGA
Not included	Australian Museum	Cooper Park	Collected/disturbed Aboriginal cultural material	Yes (at museum)		Collected artefact from Aboriginal site already listed
Not included	Australian Museum	Steel Point Cave	Collected/disturbed Aboriginal cultural material	Yes (at museum)		Collected artefact from Aboriginal site already listed
Not included	Australian Museum	Vaucluse, Sydney Harbour NP	Collected/disturbed Aboriginal cultural material	Yes (at museum)		Collected artefact from Aboriginal site already listed
Not included	Not listed	Centennial Park Camp, Water Reserve	Living place (historical camp)	n/a		Outside LGA
Not included	Not listed	Bondi camp	Living place (historical camp)	n/a		Outside LGA
Not included	Not listed	Clarke's Dairy	Visited Place (historical)	n/a		Outside LGA
Not included	Not listed	Elizabeth Bay, Currah Gin, Paddys Point	Living place (historical camp)	n/a		Outside LGA

WAHS Place #	Register #	Place Name	Place Type	Site Visited for Study	Management	Reason
Not included	Not listed	Meroot's Burial; Rushcutters Bay	Burial Place	n/a		Outside LGA
Not included	AHIMS #45-6-2971	South Head (duplicate copy of 45-6-1518)	Art site (engraving)	Yes		Duplicate of AHIMS #45-6-1518 (WAH037)
Not included	AHIMS #45-6-1676	Shark Beach Bay 1; Sydney Harbour National Park;	Art site (rockshelter)	Yes		Duplicate of AHIMS #45-6-1609 (WAH043)
Not included	Not listed	Carthona	Visited Place (historical)	n/a		Research finds purported Aboriginal historical association is incorrect
Not included	AHIMS #45-6-2178	Shark Island 2	Living place (shelter midden)	n/a		Outside LGA
Not included	AHIMS #45-6-2179	Shark Island 1	Living place (open midden)	n/a		Outside LGA

Appendix C

Museum records of Aboriginal objects in Woollahra LGA

As discussed in **Section 5.2** of the Aboriginal heritage study report, the following list contains records from the Australian Museum only.

Australian Museum Register #	WAHS Place #	Place Name	Suburb	Description
Michael Guider Collection # 945	WAH004	Mt. Trefle Nelson Park Point 1; Mt. Trefle Midden; Mt. Trefle Cave	VAUCLUSE	Fish bone and stone artefacts removed by amateur archaeologist from an Aboriginal rockshelter site (AHIMS #45-6-0560)
Michael Guider Collection # 107	WAH037	South Head; Sydney Harbour NP	WATSONS BAY	Clay pipe stem removed by amateur archaeologist from an Aboriginal rockshelter site (AHIMS #45-6-1518). Not clear if the pipe fragment relates to Aboriginal use of the shelter or not.
Michael Guider Collection # 650	WAH046	Milk Beach 2	VAUCLUSE	Five stone artefacts removed by amateur archaeologist from an open midden (AHIMS #45-6-1627).
Michael Guider Collection # 649	WAH063	Parsley Bay 1	VAUCLUSE	Piece of highly polished bone and stone flake removed by amateur archaeologist from an Aboriginal rockshelter site (AHIMS #45-6-2176).
Michael Guider Collection # 651	WAH066	Eastside Cave; Vaucluse	VAUCLUSE	Three stone artefacts (one quartz and two mudstone) removed by amateur archaeologist from an Aboriginal rockshelter site (AHIMS #45-6-2295).
Michael Guider Collection # 903 & 906	WAH067	Mt Trefle 3	VAUCLUSE	A stone artefact and domestic animal bone removed by amateur archaeologist from an Aboriginal rockshelter site (AHIMS #45-6-2352).
Michael Guider Collection # 125	WPS048	Cooper Park	BELLEVUE HILL	Water-worn pebble collected by amateur archaeologist from dredged material in Cooper Park. Examination by Coast Archaeologist Rebecca Bryant suggests could be a stone artefact with flake scars but more detailed examination would be required to confirm
Michael Guider Collection # 653	WPS049	Steel Point Cave	VAUCLUSE	Four stone artefacts collected by amateur archaeologist from rockshelter within Nielsen Park
Michael Guider Collection # 907	WPS050	Vaucluse, Sydney Harbour NP	VAUCLUSE	Stone artefacts collected by amateur archaeologist from location not detailed on museum record.

Appendix D

Summary of previous Aboriginal heritage investigations

For ease and conciseness of referencing, each source examined during the study has been given a unique 'W' number (e.g. W001, W002 etc).

WAHS Reference #	Study Name	Study Area	Aim	Summary
W001	Aboriginal Cultural Heritage Assessment: Replacement of an existing ramp and pontoon, Royal Prince Edward Yacht Club, 160 Wolseley Road, Point Piper (Nigel Parsons & Associates 2019)	160 Wolseley Road, Point Piper Lot 1 DP 1102598	Assessment prior to construction	No sites were found, and it was considered that the potential for the presence of sites was low, as the proposed works were entirely below the high water mark. No Aboriginal community consultation was undertaken.
W002	Aboriginal Heritage due diligence assessment: 22 Cliff Street, Watsons Bay (EMM 2018)	22 Cliff Street, Watsons Bay	Due diligence assessment prior to additions	The report found that the property had experienced a high level of disturbance as a result of previous works, and this was confirmed by the geotechnical investigation results which showed 1m of fill on top of shallow silty clay. No further Aboriginal heritage investigation was recommended.
W003	17, 19-21 Victoria Street, Watsons Bay: Aboriginal due diligence assessment (Unearthed Archaeology and Heritage 2019)	17, 19-21 Victoria Street, Watsons Bay (Lots A/442342, 18/89866, 19/89866)	Due diligence assessment prior to redevelopment	No Aboriginal sites were found during. The AHIMS database includes a burial site at 17 Victoria Street (AHIMS #45-6-2353) however this site is shown in the report mapping as being located about 250m to the west and is listed it as a rock shelter and engraving. La Perouse LALC recommended monitoring during the proposed excavation. [Research by Coast indicates that the burial site may have been located at 23 Victoria Road].
W004	10 Parsley Road, Vaucluse Aboriginal Heritage Due Diligence assessment (Artefact 2019)	10 Parsley Road, Vaucluse (Lot 20 DP 1124592)	Due diligence assessment prior to redevelopment	The property slopes down to the Parsley Bay Reserve and sandstone outcrops were exposed under the house, and sandstone platforms on the eastern side of the study area. No grinding grooves or engravings were found. There was also evidence of former overhangs but these had fallen or been removed. No evidence of Aboriginal occupation was identified, and the study area was considered to have low Aboriginal archaeological potential.
W006	Aboriginal archaeological due diligence assessment: 590-592 New South Head Road, Point Piper (DSCA 2019)	590-592 New South Head Road, Point Piper SP10763 & SP 17501	Due diligence assessment prior to redevelopment	The property is located on a mid-slope landform. The geotechnical investigation results indicated fill overlying natural sand deposits, and it was recommended that these sand deposits be identified as a potential archaeological deposit (PAD). Archaeological test excavation was recommended.

WAHS Reference #	Study Name	Study Area	Aim	Summary
W008	Proposed residential flat building, 6-8 Richmond Road, Rose Bay, Woollahra Municipal Council LGA, NSW: Aboriginal Cultural Heritage Due Diligence assessment (Kayandel 2019)	6-8 Richmond Road, Rose Bay	Due diligence assessment prior to redevelopment	No Aboriginal sites were found. No further investigation was recommended. [Note: this conclusion may have been based on a misidentification of environmental and site data]
W009	4A Vaucluse Road, Vaucluse: Aboriginal Archaeological Assessment (Comber Consultants 2019)	4A Vaucluse Road, Vaucluse (Lot 1, DP 22647).	Due diligence assessment prior to redevelopment	The property is located along the side of a ridgeline and is steeply sloping. It is highly disturbed from removal of sandstone, introduction of fill and landscaping that has impacted the underlying sandstone. However there are still outcrops on western side of the property. No artefacts, engraving or rock shelters were found during the inspection. No further archaeological investigation was recommended.
W010	22 Carrara Road, Vaucluse: Aboriginal Archaeological Assessment (Comber Consultants 2019)	22 Carrara Rd, Vaucluse	Due diligence assessment prior to redevelopment	The residence covers two-thirds of the property and the remainder contains lawn, paths, step and gardens. It was concluded that disturbance caused by cut and fill of slope for construction and landscaping would have destroyed any site that may have once existed. No further archaeological investigations were recommended.
W011	Aboriginal cultural heritage Due Diligence advice for 19 Wunulla Road, Point Piper. (Austral Archaeology 2019)	19 Wunulla Road, Point Piper (Lot 2 DP 227164)	Due diligence assessment prior to redevelopment	Two separate landforms were noted on the property: 'western part consisted of sharp, almost vertical drop from high ground of Point Piper down to water, and reclaimed land along the foreshore'. A foot path had been cut into the sandstone and it was determined that this and reclamation works of the foreshore would have damaged any archaeological material. No further investigations were recommended.
W012	Due Diligence Aboriginal Archaeological Assessment: SP10308, SP62652 Lot 201 & 200 DP 1103928; 206D, 208,210, 201A Victoria Road, Bellevue Hill NSW (AMAC and Street Archaeological Services 2019)	206D, 208, 201A, 210 Victoria Road, Bellevue Hill	Due diligence assessment prior to redevelopment	The area currently has a multi-storey building on it that has significantly impacted the landscape. No areas of exposure were visible. However, it was concluded that there were no undisturbed areas and recommended that no further archaeological investigations were warranted. The La Perouse Local Aboriginal Land Council recommended inspection of the site after the demolition and prior to the removal of any footings.

WAHS Reference #	Study Name	Study Area	Aim	Summary
W013	84-86 Wolseley Road, Point Piper: Aboriginal Archaeological Assessment (Unearthed Archaeology & Heritage 2019)	84-86 Wolseley Road, Point Piper	Archaeological assessment prior to redevelopment	The presence of sandstone was noted under the existing dwelling and it was recommended that the demolition of the house be monitored by an archaeologist or La Perouse Local Aboriginal Land Council representative, as there may be engravings on the underlying sandstone.
W014	Nielsen Park, Sydney Harbour National Park: Conservation Management Plan (OEH 2013)	Neilsen Park	Preliminary Aboriginal heritage study to assess known sites for a CMP	<p>The heritage study was intended to identify and assess known Aboriginal sites within Nielsen Park. During the survey, six sites were found (represented by 10 AHIMS numbers), and an additional three sites could not be located. The sites were:</p> <ul style="list-style-type: none"> • AHIMS #45-6-1676 (Shark Beach Bay 1) • AHIMS #45-6-1681 & #45-6-1609 (Shark Bay Shelter) • AHIMS #45-6-1524, #45-6-1044 & #45-6-1045 (Vaucluse Midden) • AHIMS #45-6-1521 (Shark Beach) • AHIMS #45-6-2089 (Mt Trefle 2) • AHIMS #45-6-0560 & #45-6-1520 (Mt Trefle Cave) <p>The report includes descriptions of the condition, integrity, and significance and management options for each of the sites.</p>
W016	The Scots College, Bellevue Hill, NSW: Aboriginal heritage due diligence assessment (Extent 2019)	Tennis courts, The Scots College, Bellevue Hill Lots 1/929570, 1/663629, 1/1064059	Due diligence assessment prior to redevelopment of tennis court area	The study area is located in a sand dune system (although not on a crest) and may have included (or been close to) former drainage lines. The information reviewed suggest that redevelopment of the study area has involved introduction of fill, rather than removal of soil. The assessment concluded that the study area is likely to retain archaeological potential in the form of Aboriginal objects and/or human remains, potentially in disturbed contexts.
W017	Proposed residential flat building, 21-23 Riddell Street, Bellevue Hill, Woollahra Municipal Council LGA, NSW: Aboriginal cultural heritage due diligence assessment (Kayandel 2019)	21-23 Riddell Street, Bellevue Hill	Due diligence assessment prior to redevelopment	The study area was assessed as heavily disturbed, due to the construction of two houses and associated infrastructure. No Aboriginal objects were identified. The archaeological potential was assessed as low, due to previous disturbance.

WAHS Reference #	Study Name	Study Area	Aim	Summary
W018	Gap Bluff Centre, South Head, Sydney Harbour National Park: Aboriginal heritage due diligence assessment (GML 2015)	Three buildings at Gap Bluff, two at Camp Cove, one at Green Point	Due diligence assessment prior to redevelopment	<p>The review of previously recorded sites included the following results:</p> <ul style="list-style-type: none"> • AHIMS #45-6-0723 is likely to have been destroyed (although it may remain below carpark paving) • AHIMS #45-6-0920 could not be found. • The predictive model suggested the following: • Landforms adjacent to the coast are likely to contain middens and engravings on suitable flat sandstone surfaces • Landforms on the western side of South Head are generally not steep enough to contain shelters • Landforms on the eastern side of South Head are too steep to contain shelters • The upper flats on elevated ground are suitable for engraving surfaces, especially on landforms overlooking the cliffs <p>In relation to disturbance, it was suggested that construction has in general involved cutting the sandstone bedrock to create a level platform – there is low to no archaeological potential in these locations. However in some instances development has avoided impact to Aboriginal engravings. It was also noted that engravings can be difficult to see.</p> <p>It was found that the locations of the Officers' Mess, The Armoury and Gap Bluff Cottage had little to low archaeological potential. However, in the areas of Constable's Cottage and 33 Cliff Street, impact is localised and landforms outside the building footprints have potential for engraving sites and middens.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W032 [not mapped as whole LGA]	An assessment of prehistoric heritage of Woollahra (Haglund 1984)	Woollahra LGA	An overall assessment of the potential Aboriginal archaeological resource of the LGA for planning purposes	<p>The study comprises a brief overview of the natural environment, and its implications for resources for past Aboriginal occupation; a discussion of the possible group(s) who may have lived in the area; and an overview of the local Aboriginal economy, and other aspects of culture, from early historical sources and archaeological evidence. At the time of the study, there were 33 sites listed in the LGA on the NPWS register (now AHIMS).</p> <p>Overview of sites that may have been present:</p> <ul style="list-style-type: none"> • Camp sites may have occurred on beaches and rock shelters along the harbour front, in clearings or naturally open well drained areas close to seepages or minor creeks • Midden sites usually on or close to a beach, sometimes inside a shelter • Paintings, drawings and stencils inside rock shelters • Engravings on level rock surfaces inside rockshelters, or on exposed rocky headlands with wide views, or close to minor creeks and seepages • Axe grinding grooves close to minor creeks and seepages • Mythological and ceremonial sites – not enough knowledge to predict location. <p>Historical development will have resulted in destruction to at least some of these sites, but the extent of destruction and preservation is not currently known.</p>
W055	Aboriginal rock engravings: South Head, Sydney Harbour (Negerevich 1978)	HMAS Watson	Archaeological survey to document rock engraving sites	<p>A survey was undertaken to document the Aboriginal rock engraving sites on the military land at South Head. The investigation included documentary research into previous recordings as well as a survey. Twelve groups of engravings were identified, although several were no longer visible at the time of the survey. Mapping of these was based on the Lough recordings, with one additional site added. Of the 12 sites, three had been destroyed and one probably destroyed.</p> <p>Engravings were located and recorded at seven of the sites. The records were deposited with the NPWS. The Sites recorded were Site B (AHIMS #45-6-0733), Site C (AHIMS #45-6-0716), Site D, Site E (AHIMS #45-6-0715), Site G, Site H (AHIMS #45-6-0714), Site K, Site L (AHIMS #45-6-0724), Site M (AHIMS #45-6-0723), and Site S.</p> <p>The condition of the sites had deteriorated since the original recordings. It was noted that the sites were subject to inadvertent damage, as they were difficult to see. The level of preservation was also related to the hardness of the sandstone, and exposure of the location.</p> <p>The locations of engraving sites are characterised by sea cliffs and panoramic views, as offered by the rock surfaces on South Head. They are likely to be several hundred years old, and one as old as 1,000 years.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W058	Aboriginal archaeological cultural heritage assessment: South Head, Sydney Harbour National Park (Comber Consultants 2008)	South Head, Sydney Harbour National Park	Assessment of known sites, for a CMP	<p>The study was intended to assess the cultural significance of 19 previously recorded sites located at South Head in Sydney Harbour National Park. Of the 19 sites, it was found that;</p> <ul style="list-style-type: none"> • four were within the boundaries of HMAS Watson rather than the National Park (AHIMS #45-6-0714, #45-6-0724, #45-6-0733, #45-6-0920) • three had been destroyed (AHIMS #45-6-0723, #45-6-0919, #45-6-2353) • four could not be located (AHIMS #45-6-0096, #45-6-0713, #45-6-0918 (which may not be of Aboriginal origin) and AHIMS #45-6-0922 (where the recorded location was found but no trace of the engraving was seen) • and eight were re-located and recorded. • The eight sites comprised; five engraving sites, two middens, and a shelter with midden. The descriptions of the middens indicate that the two on open ground were smaller, and more subject to damage, than the midden in the rockshelter. • AHIMS #45-6-0715 engraving, partially destroyed and considerably weathered • AHIMS #45-6-0716 engraving, re-located but not all the elements originally recorded could be seen • AHIMS #45-6-0921 engraving, weathered since 1985, graffiti noted in 1996 has been removed, not all the elements originally recorded could be seen • AHIMS #45-6-1517 midden, confirmed that midden material was present • AHIMS #45-6-1518 rockshelter and midden, confirmed that midden material is present including animal bone • AHIMS #45-6-1519 midden, confirmed that midden material is present • AHIMS #45-6-1665 engraving, not all the elements originally recorded could be seen • AHIMS #45-6-1666 engraving, all the previously recorded elements were found

WAHS Reference #	Study Name	Study Area	Aim	Summary
W059	Gap Bluff Centre, Watsons Bay: Aboriginal archaeological assessment (Comber 2017)	Six buildings within the National Park	Archaeological assessment prior to upgrades	<p>This report assessed proposed works to six existing buildings (see W018). At three of these (Officers Mess, Gap Bluff Cottage, The Armoury), it was found that there was no potential for impact to Aboriginal objects. At two (33 Cliff St, Constable Cottage (Camp Cove)), it was found that there was a known rockshelter and midden (AHIMS #45-6-0096) and the potential for the presence of other Aboriginal objects. At the sixth location (Green Point Cottage), it was found that there was an Aboriginal midden (previously unrecorded), and the potential for the presence of additional Aboriginal objects or engravings.</p> <p>The predictive model indicated that the site types that may be present were – rockshelters (in sandstone outcrops on western side of headland), engravings (on flat sandstone surfaces either above 20m, or close to western side of peninsula below 10m), middens (close to the coastline below 20m AHD), and burials (in sand deposits).</p> <p>The sites recorded were:</p> <ul style="list-style-type: none"> • AHIMS #45-6-0096. Midden within rockshelter located on a steep slope at the rear of a private property (33 Cliff St). • Midden. In the backyard of a private property. Midden material was evident on a rock outcrop, and was eroding from around the outcrop
W60	Survey for Aboriginal archaeological sites at Strickland House, Vaucluse, NSW (Corkill 1990)	Strickland House	Survey after decommissioning of the property	<p>The report notes that development of a predictive models is not possible in the Hawkesbury Sandstone area of the greater Sydney region, because of the unevenness of records, and the lack of systematic testing. However, expected site types for the district are – shell middens (open or in rock shelters), shelters with art and/or archaeological deposit, rock engravings, grinding grooves, burials, stone artefact scatters, scarred trees, stone arrangements, and quarries.</p> <p>One previously recorded midden was found (Midden IV). No previously unrecorded sites were found, and it was not thought likely that any significant archaeological material remained to be found. It is possible that historical modifications to the property may have resulted in the destruction of archaeological sites, but it was not possible to confirm or refute this.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W061	Assessment of Aboriginal sites in the area of HMAS Watson, South Head, Sydney, New South Wales (Koettig 1986)	HMAS Watson	To assess earlier reports, in relation to sites within the Navy land only, as a supplement to W055	<p>The survey included night inspection of all sandstone exposures in order to look for engravings which may otherwise be overlooked. This allowed the discovery of one new site (T), and identification of the missing figure from Site B. These figures were photographed and traced on polythene sheets, to complement Negrevich's previous recordings.</p> <p>The sites within the study area were: B, G, H, L, T. Engravings were found in two locations; one new site (T) and the missing figure at site B. The report includes an analysis of the sites in relation to the known archaeology of the Port Jackson region. The landscape has been heavily modified, with the result that few areas remain where archaeological sites could be expected to occur. Also, the sandstone was observed to be actively weathering.</p>
W062	Survey for Aboriginal sites along the route of the coastal cliff walk, Vaucluse (Koettig 1988)	Along the cliffline between Belah Ave and Clarke Reserve at Watsons Bay	Archaeological survey prior to construction of a walking track	<p>In general, considerable modification of the landscape was observed along the route. In summary:</p> <ul style="list-style-type: none"> • Christison Park. Built up by fill to 1-3m above natural ground surface. • Macquarie Lighthouse. Recently weathered small sandstone outcrops. • Lighthouse Reserve. Partly landscape, and partly extensive recently weathered sandstone exposure. • Commonwealth Defence Reserve. Sandstone exposure. • Signal Station Park. Modified by landscaping and construction of gun emplacements. <p>No sites were found. Past development and fill has disturbed or covered the original ground surface. In addition, natural erosion was observed to be very active. No sites were likely to be found during construction – in some sections because the route was covered with fill, in others because no Aboriginal sites appeared to be present on the natural ground surface.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W063 [not mapped – desktop study]	Assessment of the impacts of overflow points in the Vaucluse Sewer System on heritage items adjacent to selected overflow points (Mills 1986)		Desktop assessment to assess the effects of overflow points on heritage items	<p>This was a desktop study, based on site records in AHIMS and mapping of the overflow points. In the Vaucluse area, known sites were located in areas which have been protected from development, including Sydney Harbour National Park, Lady Bay, Camp Cove, Parsley Bay and Nielsen Park. However, all areas were considered to be of potential archaeological significance, as it was possibly that there were unrecorded sites present.</p> <p>Five Aboriginal heritage sites were identified in the Parsley Bay area;</p> <ul style="list-style-type: none"> • #45-6-3205 (rockshelter with art) • #45-6-3206 (open camp site) • #45-6-3212 (shelter with midden) • #45-6-3214 (midden) • #45-6-3221 (rockshelter with art) <p>Areas of potential archaeological and heritage sensitivity were identified as:</p> <ul style="list-style-type: none"> • All undisturbed harbour foreshore and parkland areas • All National Parks, including the Military and Naval Reserve areas • All undisturbed sandstone overhang areas • All undisturbed creekline areas

WAHS Reference #	Study Name	Study Area	Aim	Summary
W064	Hermitage Foreshore Reserve, Vaucluse: Archaeological survey for Aboriginal sites along proposed walkway (Rich 1984)	Hermitage Foreshore Reserve	Archaeological survey prior to construction of a walkway	<p>The survey covered the route of a proposed walkway and adjacent areas. There was one previously recorded site in the study area: 45-6-0001, engravings which were covered by sand at the time of the study. The site was between two middens, but these had not been recorded.</p> <p>The survey resulted in the identification of five sites: three open middens, grinding grooves, and a sheltered potential archaeological deposit. The report includes descriptions of these sites:</p> <ul style="list-style-type: none"> • AHIMS #45-6-1629 rockshelter with PAD • AHIMS #45-6-1628 Milk Beach Midden I • AHIMS #45-6-1627 Milk Beach Midden II • AHIMS #45-6-1626 Milk Beach Midden III • AHIMS #45-6-1621 Vaucluse/Hermitage Reserve – the only known grinding groove site in Vaucluse <p>The three middens have different characteristics – the topographic location, and the content of each is different.</p>
W065	Cranbrook School, Bellevue Hill: Aboriginal cultural heritage assessment report (Unearthed Archaeology and Heritage 2019)	Part of Cranbrook School grounds - the existing oval and an adjacent area.	Assessment prior to redevelopment of part of the school grounds	<p>The study area is located on a former sand dune, which sloped down to the foreshore of Blackburn Cove and Rose Bay. Documentary records of the construction of the oval in c.1919 indicate that sand was excavated from the higher part (to the south) and used to raise the lower part (to the north), raising this area by up to 6m.</p> <p>There were no previously recorded sites within the study area. The background research indicated that the presence of Aboriginal archaeological evidence was likely across the study area; within the redeposited sand from the bank, and within the natural sand of the lower slope. There was some potential for the presence of skeletal remains, however it was thought that these would more likely be present on the dune crest to the south of the study area. A program of test and salvage excavation was recommended.</p>
W066	Aboriginal cultural heritage assessment report: Detailed and concept development, Kincoppal-Rose Bay School, 1A and 2 Vaucluse Road, Vaucluse, Woollahra LGA (Coast 2020)	Kincoppal Rose Bay School campus	Assessment prior to redevelopment in areas within the western campus	<p>One possible Aboriginal archaeological site was recorded: AHIMS #45-6-3754 (KRB Rockshelter). It was suggested that past Aboriginal occupation of the study area was more extensive than this site, and was likely to have been focussed on sandstone outcrops – in particular where rockshelters suitable for occupation and flat platforms suitable for engravings were present. But the study area was otherwise steeply sloping and considered unsuited to occupation sites.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W067	4 Loch Maree Place, Vaucluse: Due diligence Aboriginal heritage assessment (Coast 2019)	4 Loch Maree Place, Vaucluse (Lot 7A DP 393749)	Due diligence assessment prior to redevelopment	There was one site recorded within the study area, AHIMS #45-6-0704 (Vaucluse Bay; Vaucluse), however the research showed that this site was not within or adjacent to the study area. The site is thought likely to be within 40, 42 or 44 Coolong Road, or 10 or 11 Greycliffe Avenue. Although the study area may have been a suitable location for past Aboriginal use, the results of historical disturbance mean that traces of that use were unlikely to survive in the upper soil profile.
W068	Aboriginal cultural heritage assessment report: The Royal Sydney Golf Club, Back of House Project, Rose Bay NSW, Woollahra LGA (Coast 2019)	Small area of the RSGC property, within and adjacent to the clubhouse	Assessment prior to extension of the club house	The study area is on the northern end of a dune which contains Aboriginal human remains. At least five burials have been documented, including a woman from the early colonial period. During archaeological excavation undertaken in 2009 adjacent to the study area, an assemblage of about 5,700 artefacts was recovered, largely from a disturbed context. Early historical records note that the place was used as a location for ritual combat as punishment. It was considered that most archaeological remains within the study area would be located within the top 0.5-1m below the turf to the north of the clubhouse. Within the clubhouse footprint, the upper part of the soil profile had already been removed, and Aboriginal objects were less likely to be present in the lower profile.
W069	Lot 70 in DP 9328, 24 Olola Avenue, Vaucluse: Due diligence Aboriginal heritage assessment (Coast 2018)	24 Olola Avenue, Vaucluse (Lot 70 DP 9328)	Due diligence assessment prior to redevelopment	It was noted that the ground surface within the study area had a steep slope from the south down to the north, and was suggested that it would therefore have been unsuited to past Aboriginal occupation, unless rockshelters were present. A low sandstone escarpment is present on the southern boundary, and contains a rockshelter that extends to the west across the neighbouring properties 22 and 23 Olola Avenue. The shelter was registered as: <ul style="list-style-type: none"> AHIMS #45-6-3624 (The Wanderers Cave) It was also suggested that the current house may conceal a sandstone outcrop, which may support rock engravings. Apart from these two locations, the study area was not considered to have Aboriginal archaeological potential.
W070	Due diligence Aboriginal heritage assessment: 8-10 Norwich Road, Rose Bay (Coast 2019)	8-10 Norwich Road, Rose Bay (Lots 8 & 9 DP 854728)	Due diligence assessment prior to redevelopment	The study area is located within an area of sand dunes and swamps. The local landscape has been modified, but the study area is likely to have been located between elevated dunes to the south and west, and swampy areas to the north and east. The Aboriginal archaeological evidence that is most likely to be present comprises human burials and the remains of campsites. However, these are more likely on elevated dune areas. In addition, the upper 0.5-1.5m of the present soil profile is likely to have been impacted from construction and redeposition of dune sands in the historical period.

WAHS Reference #	Study Name	Study Area	Aim	Summary
W071	Aboriginal cultural heritage assessment report: Championship golf course project, the Royal Sydney Golf Club, Rose Bay NSW, Woollahra LGA (Coast 2019)	Part of 701-703 New South Head Road, Rose Bay (Lot 1 DP 630927)	Assessment prior to redevelopment of the golf course	<p>The study area is within a landscape of sand dunes and swamps. This landscape has been modified, but remnants of former dune ridges appear to survive to some degree, and the study area also contains former swamp areas.</p> <p>No Aboriginal objects were identified within the study area. However, at one other location within the same landscape, in the location of the golf club house, Aboriginal archaeological remains comprising burials and stone artefacts have been found. Similar remains may also be present within the study area, and the whole of the study area was therefore registered as an area of archaeological sensitivity:</p> <ul style="list-style-type: none"> • AHIMS #45-6-3745 (RSGC Area of Sensitivity).
W072	32a Vaucluse Road, Vaucluse: Due diligence Aboriginal heritage assessment (Coast 2019)	32a Vaucluse Road, Vaucluse (Lot 1 DP 553668)	Due diligence assessment prior to redevelopment	<p>The study area is located on a steep slope, with the western (rear) boundary located on the line of a low sandstone escarpment. The face of this outcrop was cut to allow the construction of Carrara Road, to the rear of the study area. The western part of the study area has been raised by the introduction of fill, to create a more level site.</p>
W073	Archaeological subsurface investigations at the Royal Sydney Golf Club, Rose Bay (JMCHM 2010)	Area to the north of the clubhouse, part of 701-703 New South Head Road, Rose Bay (Lot 1 DP 630927)	Archaeological test and salvage excavation prior to redevelopment of the club house	<p>The landform including the study area was described as a modified sand dune formation. A substantial archaeological deposit was recovered from the site, however the bulk of the material was within sediment that was redeposited on the site, probably removed from dune immediately to the south during construction of the clubhouse. Works included mechanical and manual archaeological excavation, sieving excavated deposit, and a GPR survey.</p> <p>The initial stage of the project included testing and the recovery of archaeological deposits (excluding human remains).</p> <p>The archaeological remains included the skeletal remains of at least three Aboriginal individuals; a probable adult woman, a probable young male, and a possible middle-aged man. These remains were disturbed and highly fragmentary. All three were thought to have lived before or in the early days of colonisation. A charcoal sample from below one of the skeletons was dated to 1,265±30BP ('before present'). An assemblage of 5,734 stone artefacts was recovered, mostly from disturbed fill that had been deposited during the construction of the original clubhouse in 1904-5. The raw material was predominantly quartz, which suggested that the site was occupied largely within the past 1,000 years. The presence of backed artefacts suggests that the site was occupied during both the Middle and Late Bondaian phases, from 2,400 years ago. Five pieces of possible pigment were also recovered.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W094	Refresh Vaucluse Diamond Bay Project, Vaucluse, Rose Bay and Dover Heights: Aboriginal heritage due diligence assessment (KNC 2020)	Parsley Bay and sections of Dover Rd and Carlisle Street	Due diligence assessment prior to redevelopment	No Aboriginal archaeological sites were identified in the study area. The study area is a highly modified environment, and was considered to have minimal archaeological potential. Two previously recorded sites were located close to the Parsley Bay component of the study area: AHIMS #45-6-2176 (Parsley Bay 1) and AHIMS #45-6-2172 (Parsley Bay 5). During the survey, midden shell and an artefact were found at AHIMS #45-6-2172 (Parsley Bay 5). It was concluded that there would be no impact to these sites.
W149	S5465 Indigenous Regional Heritage Study HMAS Watson: Indigenous Heritage Assessment (ERM 2010)	HMAS Watson	Assessment to define the Indigenous heritage values of the facility	<p>The background research indicated that there were three previously recorded sites within the study area, all of which were rock engravings: AHIMS #45-6-0733 (Site B), AHIMS #45-6-0724 (Site L) and AHIMS #? (Site G). One had not been re-located since it was originally recorded in the late 1800s.</p> <p>General patterns in site locations in the locality indicated an association of midden sites with food procurement areas, engraved art with sandstone platforms, and rockshelters with sandstone overhangs. Most sites were close to the waters' edge.</p> <p>During the survey, two of the previously recorded sites were found (Site B and Site G), and it was noted that they had been affected by erosion. At Site G, the engraving could not be discerned. The third site was not found. All three sites were considered to have been destroyed.</p> <p>The survey resulted in the identification of one previously unrecorded site: Watson GG1, a grinding groove site. Three areas of archaeological potential were also identified: these were sandstone overhangs with deposit within them. No Aboriginal objects were found within these overhangs, but there was low potential that artefacts may be present within the subsurface deposits. An engraving was identified within Overhang 3: this was thought to have been done to direct water away from the shelter, and it was not possible to determine whether it was of Indigenous or European origin.</p> <p>An archaeological zoning plan was prepared, dividing the study area into two zones: low and none. Two areas of low potential were mapped: one covering the outcrop that includes Overhang 3, the second covering the outcrop that included Overhangs 1 and 2 and Site G (this zone mapped outside the study area). The remainder of the site was mapped as a zone of no potential (with the exception of the site Watson GG1).</p>
W150	26A The Crescent, Vaucluse: Aboriginal archaeological due diligence assessment (Comber Consultants 2020)	26A The Crescent, Vaucluse (Lot 1 DP 580511)	Due diligence assessment prior to redevelopment	The report found that there were no registered Aboriginal sites on the property, and that the potential for the presence of Aboriginal sites was highly unlikely. The study area had been extensively disturbed by cut and fill for construction of the existing house and pool. The sandstone outcrop under the rear deck did not contain evidence of engravings or grinding grooves

WAHS Reference #	Study Name	Study Area	Aim	Summary
W151	Aboriginal heritage due diligence report: 30-32B Pacific Street, Watsons Bay (Cracknell Lonergan 2020)	30-32B Pacific Street, Watsons Bay	Due diligence assessment prior to redevelopment	There were no recorded Aboriginal archaeological sites or objects within the property. Evidence of moderate to high disturbance was noted, including basement areas. This was considered likely to have substantially diminished the archaeological potential of the property. However, there were two recorded sites within 200m of the property. This indicated that it was not possible to entirely rule out the potential for the presence of sites within the property. It was recommended that a site induction and stop-work procedure be implemented to manage the potential for unexpected finds.
W152	27 Vaucluse Road, Vaucluse: Due diligence Aboriginal heritage assessment (Coast 2020)	27 Vaucluse Road, Vaucluse (1/303165, 1/952122, 1/956445)	Due diligence assessment prior to redevelopment	There were no previously recorded sites within the study area, and no Aboriginal objects were identified during the site inspection. Two areas of outcropping sandstone were evident within the study area, but there was no potential for rockshelter sites, and no engravings were found. It was concluded that the proposed development was unlikely to result in harm to Aboriginal objects.
W154	Stage 1 Conservation management plan: South Head Sydney Harbour National Park; Vol. 1 – Assessment of significance (GAO 2008)	South Head, Sydney Harbour National Park	Assessment for a CMP	<p>The report was prepared to provide guidelines for the management of the heritage values of the Sydney Harbour National Park at South Head. Volume 3 comprises a stand-alone Aboriginal heritage assessment, completed by Comber. The study area was divided into five precincts. Overall it contains at least 11 Aboriginal sites, including middens and rock shelters.</p> <ul style="list-style-type: none"> • Inner South Head Precinct has six sites including rock engravings rock shelters, middens – some of the engravings were partially destroyed by WWII construction, and most are heavily eroded. • Lady Bay Precinct has at least five sites, including rock engravings and middens. Many of the rock engravings are heavily eroded. • Camp Cove Precinct has one recorded Aboriginal site, but it could not be found. • Gap Bluff Precinct has no recorded Aboriginal sites. • Green Point Precinct has no recorded Aboriginal sites. <p>The identified Aboriginal heritage values were associated with the site as the first landfall of Governor Arthur Phillip in 1788; and with the Aboriginal archaeological sites (State significance). In summarising the significance assessment, it was stated that the midden and rockshelter sites were not rare site types; the engraving sites were becoming rarer (due to weathering) but that there were many other examples in the Sydney Basin region and in a better state of preservation. It was noted that further research, consultation and assessment was required to investigate the Aboriginal heritage values and the Aboriginal contact and post-contact history of the study area.</p>

WAHS Reference #	Study Name	Study Area	Aim	Summary
W198	Aboriginal archaeological and historical assessment: Macquarie Lightstation, Old South Head Road, Vacluse, NSW (DSCA 2018)	Macquarie Lightstation, Old South Head Road, Vacluse; Lots 1, 4-6 DP 802140 & Lots 1 & 2 DP 811578	Assessment for a CMP	The report includes a summary of the results of a previous Aboriginal heritage assessment of the study area, by AMBS in 2006. The 2006 study indicated that midden shell and a possible stone artefact were present in the mortar of the sandstone retaining wall in the study area. No evidence was found that could be used to support or refute the suggestion that the shell in the mortar was midden material. The study found that buried topsoil deposits were present, and had potential to contain Aboriginal objects, and that buried sandstone surfaces were present, and had potential to contain rock engravings
W231	Cranbrook School, 5 Victoria Street, Bellevue Hill. Archaeological Excavation Report (Unearthed Archaeology and Heritage 2020)	Cranbrook School, Rose Bay	Archaeological test excavation prior to redevelopment of part of school campus	Aboriginal archaeological test excavations were undertaken in 2019 and 2020 during construction of a new Aquatic and Fitness Centre within Cranbrook School (see W065). The area was an existing oval constructed on sloping ground by cutting the landward side and filling the bayside to create level ground. The excavations sampled both natural and redeposited sands with 67 test trenches, resulted in the recovery of stone artefacts from 13 trenches, including 11 artefacts from redeposited sands and 28 artefacts from natural sand horizons. The excavations indicated that the area was previously swampy with a creek running west to east into Double Bay through the middle of the oval. No further archaeological works were recommended.
W347	RE: Due Diligence Aboriginal Heritage Assessment, Royal Sydney Golf Club Turfcare Project (Coast History & Heritage 2019)	Part of Royal Sydney Golf Club, Rose Bay	Due diligence assessment prior to redevelopment of part of the grounds	An assessment was undertaken to inform the construction of a new turf care facility. The site inspection and background research suggested that some of the proposed works could impact natural sand dune horizons with the potential to contain Aboriginal archaeological remains. As a result, archaeological monitoring of the earthworks was recommended.
W348	Aboriginal Archaeological Site Monitoring: Royal Sydney Golf Club Turf Car Maintenance Facility Project (Coast 2020)	Part of Royal Sydney Golf Club, Rose Bay	Archaeological monitoring of excavation for redevelopment of part of the grounds	Archaeological monitoring was undertaken in relation to the construction of a new turf care facility (see W347). The monitored earthworks exposed largely fill deposits though natural sand dune profiles were encountered in some areas. No Aboriginal archaeological remains were seen.
W349	30-32 Newcastle Street, Rose Bay: Due Diligence Aboriginal Heritage Assessment (Coast 2020)	30-32 Newcastle Street, Rose Bay	Due diligence assessment prior to redevelopment impacts	The study area contained residential dwellings and was underlain by sand dune deposits. No Aboriginal archaeological remains were seen and records suggested that the whole property was disturbed to some depth. However geotechnical records suggested survival of an original dune profile below this. Monitoring of initial earthworks was recommended to assess the likelihood that Aboriginal archaeological remains may be present within the dune deposits.

WAHS Reference #	Study Name	Study Area	Aim	Summary
W350	Due Diligence Aboriginal Heritage Assessment: Gap Park Tramway Path, Watsons Bay (Coast 2020)	Gap Park, Watsons Bay	Due diligence assessment prior to construction of track	Much of the area of the park had been inspected previously in 2007 (W351). The study examined only the proposed path route. The field survey identified a low rockshelter that may have been used by Aboriginal people in the past and one area of sandstone outcrop with potential for rock engravings. The study recommended measures to avoid the shelter and minimise subsurface impacts to minimise the possibility of Aboriginal heritage being disturbed.
W351	The Gap, Watsons Bay, NSW: Preliminary Aboriginal Archaeological Investigation (AHMS 2007)	Gap Park, Watsons Bay	Preliminary assessment for future planning	Two zones were identified which warrant further inspection in relation to any future development proposals. One was an area of exposed rock along the sea cliff which has the potential to contain rock engravings. The other was an area west of this around a small gully in the park which has the potential to contain rockshelter sites and open areas with the potential to contain buried archaeological remains.
W352	48 The Crescent, Vaucluse: Due Diligence Aboriginal Heritage Assessment (Coast 2020)	48 The Crescent, Vaucluse	Assessment of possible development impacts	A rockshelter was found across the middle of the property, and is an extension of a previously recorded shelter containing the art in adjacent properties. The area above the shelter was found to be historically impacted and did not retain archaeological potential, while areas between the shelter and the beach were found to have some potential for buried archaeological remains such as shell middens. The report recommended modification of design to avoid any impacts to the area of the shelter, and monitoring of footings in the area seaward of the shelter to determine if any Aboriginal archaeological remains were present [this monitoring work was subsequently undertaken in 2021 by the La Perouse LALC and did not result in the identification of any Aboriginal archaeological remains].
W353	Aboriginal cultural heritage assessment report: Nielsen Park Seawall Project, Vaucluse (Coast 2020)	Shark Beach, Nielsen Park	Assessment of possible development impacts	It was found that the area in which the works were proposed was likely originally located seaward of the original beach foredune, and has since been covered with fill. It was considered possible that Aboriginal archaeological remains were present within the fill sand, so a program of archaeological test/salvage was recommended. In addition, auger testing was proposed in the dune deposits landward of the new seawall to determine if they represent the original beach foredune and whether they contain Aboriginal archaeological remains.
W354	22a Carrara Road, Vaucluse: Due Diligence Aboriginal Heritage Assessment (Coast 2021)	22a Carrara Road, Vaucluse	Assessment of possible development impacts	The area of the house was found to be highly impacted by the construction of the existing house and pool and associated landscaping. A small rockshelter with midden was registered in close proximity to the property within the adjacent National Park. This was inspected to confirm its location and was found to be sufficiently removed from the property so as not to be directly or indirectly affected by any future development.

WAHS Reference #	Study Name	Study Area	Aim	Summary
W355	31 Vaucluse Road, Vaucluse, Due Diligence Aboriginal Heritage Assessment (Coast 2020)	31 Vaucluse Road, Vaucluse	Assessment prior to redevelopment	The property was highly impacted by past landuse and no Aboriginal sites were registered within the property. Some areas at the rear of the property could contain rock engravings or rockshelters under existing terraced gardens. For this reason an Aboriginal heritage induction was recommended for the construction team.
W361	Aboriginal heritage monitoring report for 24 Olola Avenue, Vaucluse (Coast 2021)	24 Olola Avenue Vaucluse	Assessment of possible development impacts	Archaeological works were undertaken at the commencement of construction. These works had been recommended in a previous assessment (W067) and included delivery of an Aboriginal heritage induction, inspection of protective measures to protect a rockshelter site at the rear of the property, and inspection of sandstone outcropping under the floor of the existing house to check for rock engravings. No engravings were seen and no further archaeological works were required.
W362	Aboriginal Cultural Heritage Assessment Report: Championship Golf Course, Royal Sydney Golf Club, Rose Bay NSW (Coast 2020)	Royal Sydney Golf Club, Rose Bay	Assessment including archaeological test excavation prior to redevelopment	Archaeological test excavations comprised a total of 25 mechanical test pits. In addition a geomorphological assessment of the dune deposits was undertaken and samples taken for dating which showed that the dunes were formed over the period from around 40,000 years ago until about 14,000 years ago. The excavations located only five Aboriginal artefacts across all areas sampled, but these included a piece of worked glass confirming historical records of Aboriginal people continuing to live in the area in the nineteenth century. Although it appeared unlikely that extensive Aboriginal archaeological remains were present in the area, archaeological monitoring was recommended under an Aboriginal Heritage Impact Permit, with the option to salvage or collect artefacts if they could not be protected during construction.

Appendix E

Overview of Aboriginal heritage legislation and policy

The following is an overview of the applicable laws and policies in place in New South Wales to protect and manage Aboriginal heritage, the role of local government, and the existing policies and procedures of Council.

1.1 State legislation and policies

Aboriginal heritage is most often managed in a reactive way in response to proposed activities which have the potential to harm it. This type of management is undertaken within the context of the NSW planning system and is guided by government legislation and policy. Most Aboriginal heritage management procedures that occur in this context are guided by heritage management principles established and explained in the Burra Charter.¹ Aboriginal heritage also has a broader context outside the planning system, as an expression of the culture and history of contemporary Aboriginal communities; a culture that should be recognised, valued and celebrated.

In this overview we consider relevant state legislation and policy only. While some federal legislation deals with Aboriginal heritage, it is rarely used in planning and assessment in NSW, and is not considered further here.² The following policy documents provide further detail on the legislation and regulations reviewed here:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* published by the Department of Environment, Climate Change and Water, dated 13 September 2010;
- *Code of Practice of Archaeological Investigation of Aboriginal Objects in NSW* published by the Department of Environment, Climate Change and Water, dated 24 September 2010;
- *Guide to investigating and reporting on Aboriginal cultural heritage in NSW* published by the Office of Environment & Heritage, dated April 2011; and
- *Aboriginal cultural heritage consultation requirements for proponents 2010* published by the Department of Environment, Climate Change and Water, dated April 2010.

National Parks & Wildlife Act 1974

Legal protections are provided to Aboriginal heritage under the *National Parks & Wildlife Act 1974* (the 'NPW Act'), which is supported by the National Parks and Wildlife Regulation 2019. The Aboriginal heritage provisions of the NPW Act are currently administered by Heritage NSW, Department of Premier & Cabinet (DPC). The NPW Act gives statutory protection to Aboriginal 'objects' under Section 90, and to 'Aboriginal Places' under Section 84.

¹ Australia ICOMOS 2013.

² The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* both contain provisions relating to the protection of Indigenous heritage. They are administered by the Department of Agriculture, Water and the Environment, and details can be found on their website: <https://www.environment.gov.au/heritage/laws/indigenous>

An Aboriginal 'object' is defined as

*'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'*³

Aboriginal objects are commonly referred to as Aboriginal sites (e.g. campsites, scarred trees, rock engravings), while Aboriginal remains refers to human remains such as burials or any skeletal remains of Aboriginal people.

An 'Aboriginal places' is defined as 'any place declared to be an Aboriginal place under section 84' of the NPW Act. It is a place which *'in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture.'*⁴

There are no Aboriginal places currently registered within Woollahra Local Government Area.

Under the NPW Act it is an offence to 'harm' Aboriginal objects either knowingly (s86(1)) or unknowingly (s86(2)). *Harm* is defined in s5(1) of the NPW Act to mean any act or omission that:

- (a) destroys, defaces or damages the object or place, or*
- (b) in relation to an object—moves the object from the land on which it had been situated, or*
- (c) is specified by the regulations, or*
- (d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c);*

but does not include any act or omission that:

- (e) desecrates the object or place, or*
- (f) is trivial or negligible, or*
- (g) is excluded from this definition by the regulations.*

It is a defence to the strict liability offence of harm to an Aboriginal object under s86(2) if a process of Due Diligence was followed which reasonably determined that the proposed activity would not harm an Aboriginal object (s87(2)). Due Diligence assessment can take a number of forms, including a generic process developed by the regulator,⁵ or one of an equivalent standard.

A defence is also provided for a 'low impact act' which results in unknowing damage to an Aboriginal object (s87(4)). Low impact acts are listed in the NPW Regulation, and include a range of common land maintenance activities (clause 58(1)). These are of particular relevance to Council, as they include some open space works that would routinely be undertaken by Council, such as maintenance of tracks and infrastructure, and environmental rehabilitation. Clause 58 of the regulation is provided here in full for reference (current as of 11/6/2021):

³ NPW Act Section 5(1).

⁴ NPW Act Section 84.

⁵ DECCW 2010a; see www.environment.nsw.gov.au/licences/archinvestigations.htm



NSW legislation

National Parks and Wildlife Regulation 2019

Current version for 5 February 2021 to date (accessed 11 June 2021 at 3:28)

[Part 5](#) > [Division 2](#) > Section 58

58 Defence of low impact acts or omissions to the offence of harming Aboriginal objects

- (1) It is a defence to a prosecution for an offence under section 86(2) of the Act, if the defendant establishes that the act or omission concerned—
- (a) was maintenance work of the following kind on land that has been disturbed—
 - (i) maintenance of existing roads, fire and other trails and tracks,
 - (ii) maintenance of existing utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines), or
 - (b) was farming and land management work of the following kind on land that has been disturbed—
 - (i) cropping and leaving paddocks fallow,
 - (ii) the construction of water storage works (such as farm dams or water tanks),
 - (iii) the construction of fences,
 - (iv) the construction of irrigation infrastructure, ground water bores or flood mitigation works,
 - (v) the construction of erosion control or soil conservation works (such as contour banks), or
 - (c) was farming and land management work that involved the maintenance of the following existing infrastructure—
 - (i) grain, fibre or fertiliser storage areas,
 - (ii) water storage works (such as farm dams or water tanks),
 - (iii) irrigation infrastructure, ground water bores or flood mitigation works,
 - (iv) fences,
 - (v) erosion control or soil conservation works (such as contour banks), or
 - (d) was the grazing of animals, or
 - (e) was an activity on land that has been disturbed that comprises exempt development or was the subject of a complying development certificate issued under the [Environmental Planning and Assessment Act 1979](#), or
 - (f) was mining exploration work of the following kind on land that has been disturbed—
 - (i) costeaning,
 - (ii) bulk sampling,
 - (iii) drilling, or

(g) was work of the following kind—

- (i) geological mapping,
- (ii) surface geophysical surveys (including gravity surveys, radiometric surveys, magnetic surveys and electrical surveys), but not including seismic surveys,
- (iii) sub-surface geophysical surveys that involve downhole logging,
- (iv) sampling and coring using hand-held equipment, except where carried out as part of an archaeological investigation, or

Note—

Clause 5 of this Regulation provides that an act carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* is excluded from the meaning of **harm** an object or place in the Act.

- (h) was the removal of isolated, dead or dying vegetation, but only if there is minimal disturbance to the surrounding ground surface, or
 - (i) was work of the following kind on land that has been disturbed—
 - (i) seismic surveying,
 - (ii) the construction and maintenance of groundwater monitoring bores, or
 - (j) was environmental rehabilitation work, including temporary silt fencing, tree planting, bush regeneration and weed removal, but not including erosion control or soil conservation works (such as contour banks).
- (2) Subclause (1) does not apply in relation to harm to an Aboriginal culturally modified tree.
- (3) In this clause, **Aboriginal culturally modified tree** means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by a person who is not an Aboriginal person, has been scarred, carved or modified by an Aboriginal person by—
- (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or
 - (b) the deliberate modification, by traditional methods, of the wood of the tree.
- (4) For the purposes of this clause, land is **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.

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 any thing referred to in paragraphs (a)–(g).

An important qualification is that the 'low impact act' must be undertaken on 'disturbed land', which is defined in the NPW Regulation as land that 'has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable' (clause 58(4)). The assumption is that this disturbance will have resulted in the removal of any Aboriginal objects. On this basis, it may appear that few activities undertaken by Council or external applicants would be subject to either Due Diligence Aboriginal Heritage Assessment or the closely aligned procedures of the Aboriginal Heritage Management Strategy.

However the information available for Woollahra LGA demonstrates that Aboriginal objects and substantial intact Aboriginal archaeological deposits can, and are known to, survive below and between areas that would be defined as 'disturbed land'. This is particularly true of the extensive sand bodies which underly much of the Woollahra area. A cautious approach should therefore be taken as recommended below.

- The NPW Regulation exemption for 'low impact acts' in 'disturbed land' does not mean that there is no requirement for consideration of the potential Aboriginal heritage impacts of a proposed activity. The exemption applies only to the strict liability offence for harm to Aboriginal objects under s86(2) of the NPW Act 1974. It **does not apply** to the offence for knowingly harming Aboriginal objects under s86(1) of the NPW Act. The implications of this are as follows:
 - For **all proposed activities**, the proponent needs to first establish whether a known Aboriginal object may be harmed by the activity by searching the AHIMS Register (this is incorporated into the Aboriginal Heritage Sensitivity map on the Council GIS). If the activity is close to a known site and may potentially impact that site, then Due Diligence Aboriginal Heritage Assessment is required to determine whether harm may occur, or could be avoided.
 - Even if the activity does not appear to have potential to harm a known Aboriginal object, the proponent could still be guilty of an offence under s86(1) if an Aboriginal object is exposed and subject to harm during construction. If Aboriginal objects are uncovered during development activities, they remain protected under s86(1) and works would need to cease until appropriate management procedures (such as seeking an Aboriginal Heritage Impact Permit) can be determined. This can create lengthy delays. The strong preference for both heritage protection and project efficiency is to identify and manage potential impacts as much as possible prior to construction.
- The exemption for 'low impact acts' in 'disturbed land' does not apply to Aboriginal scarred trees whether or not they are 'known' through recording on the AHIMS Register (there are currently no scarred trees registered within Woollahra LGA).
- The exemption only applies to 'low impact acts' **on** 'disturbed land'. It does not apply to other activities on 'disturbed land'. For example, constructing a house on land defined under the Regulation as 'disturbed' is not an exempt activity because it is not a low impact activity.

Archaeological test excavation is excluded from the definition of harm if undertaken in compliance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* and the

Regulation (clause 5).⁶ There are a number of restrictions on where and how such excavations can take place. Most notably they cannot be used for the investigation of places of suspected historical (i.e. post-contact) Aboriginal heritage, or areas such as deep sand bodies where mechanical excavation techniques may be required. In these cases, an Aboriginal Heritage Impact Permit (AHIP, see below) is required for archaeological test excavation. Archaeological test excavations (whether under an AHIP or the Code of Practice) can occur prior to the submission or determination of a development application, and therefore their results can be considered as part of the development application assessment. Any further impacts including archaeological salvage excavation, or the collection or impact of Aboriginal objects, requires a separate AHIP which can only be applied for once development approval is provided, and would take place as a condition of development consent.

If harm to Aboriginal objects cannot be avoided, an AHIP is required, which can be issued under s90 of the NPW Act by the Chief Executive of Heritage NSW. AHIPs can be issued for specific Aboriginal objects or for areas of land. All AHIP applications must be accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) and, with the exception of applications for archaeological test excavation, can only be submitted in conjunction with evidence of development approval. The ACHAR documents the archaeological assessment of the study area and proposed impacts, in accordance with current guidelines.⁷ The assessment must include full documentation of a prescribed process of Aboriginal community consultation in accordance with the National Parks and Wildlife Regulation 2019 (clause 60).⁸ As part of this process, Aboriginal people and organisations can register as 'Registered Aboriginal Parties' which provides them with a right to review and comment on aspects of ACHARs and AHIP applications, and to provide advice on Aboriginal cultural and historical significance.

In many cases Council will be dealing with the process outlined above but there are some exceptions. These include projects deemed to be of State Significance under Part 4 Division 4.7 of the *Environmental Planning & Assessment Act*, as well as some activities which are assessed 'in-house' by state government authorities on land which they own. In addition to the fact that Councils are not the determining authority in these cases, State Significant Developments in particular do not require AHIPs under the NPW Act, but do require a process of investigation broadly parallel to that under the Act, as outlined above.

NSW Heritage Act 1977

The *NSW Heritage Act 1977* is the principal document governing the management of heritage items in NSW. The Heritage Act is administered by Heritage NSW within the Department of Premier and Cabinet, and gives statutory protection to items listed on the State Heritage Register and to 'relics'. The Heritage Act also allows the Minister, or councils under delegated authority, to make interim heritage orders for items of local heritage significance (s25). It is an offence to harm an item that is

⁶ See DECCW 2010b.

⁷ See www.environment.nsw.gov.au/licences/archinvestigations.htm

⁸ As detailed in DECCW 2010c; see www.environment.nsw.gov.au/licences/consultation.htm

on the State Heritage Register or subject to an interim heritage order except in accordance with an approval granted under s60 of the Act.

The Act protects all historical archaeological 'relics' in New South Wales. A 'relic' is defined as:

any deposit, artefact, object or material evidence that:

a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

b) is of State or local heritage significance.

Under the Heritage Act it is an offence to harm a relic. If a proposed activity will result in harm to a relic, it is necessary to apply for an Excavation Permit under s140 of the Act, or s60 if the relevant land is also listed on the State Heritage Register. An Excavation Permit is issued by the Heritage Council of New South Wales, based on the assessment of a valid application and an accompanying historical archaeological assessment.

The Heritage Act also regulates the establishment of heritage registers, under which places of Aboriginal heritage significance (both pre- and post-European contact) can be listed. Heritage NSW maintains the State Heritage Register (SHR) which lists items which are deemed to be of State significance. In addition the State Heritage Inventory (SHI) which includes items of local and State significance listed by local Councils and other state government agencies. Items are generally listed on the SHI after investigation in a local government heritage study. These are then listed on an Environmental Heritage Schedule attached to Local Environmental Plans which requires the potential heritage impact of proposed developments to be assessed. It should be noted however that local government heritage studies have, until recently, rarely considered Aboriginal heritage and particularly not post-contact Aboriginal heritage places, and consequently few have been listed by any Councils in NSW.

Environmental Planning & Assessment Act 1979

The way in which Aboriginal heritage is managed with respect to proposed development impacts is set out in the provisions of the *Environmental Planning & Assessment Act 1979* (the 'EP&A Act'). The EP&A Act has three main parts of direct relevance to Aboriginal cultural heritage. Namely, Part 3 which governs the preparation of planning instruments, Part 4 which relates to development assessment and consent processes and Part 5 which relates to environmental impact assessment and State Significant Infrastructure. Councils can be determining authorities in relation to their own works and often do not require the same assessment rigour as other proponents (although under the NPW Act with its strict liability provisions, Councils are still required to exercise Due Diligence and require AHIP approvals for impacts to Aboriginal objects and/or Aboriginal Places).

Part 3 deals primarily with the production of state and local environmental planning instruments which can and do involve provisions for Aboriginal heritage. For example Environmental Planning Instruments such as Local Environmental Plans (Division 3.4) and Development Control Plans (Division 3.6). Local Environmental Plans (LEPs) are now produced in accordance with a common

template (the 'Standard Instrument'). Ministerial directions made in 2009 under Part 9 Section 9.1 of the EP&A Act requires LEPs and other planning proposals to

*'contain provisions that facilitate the conservation of...Aboriginal objects or Aboriginal places...and Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area.'*⁹

Recent (2018) amendments to Part 3 (Division 3.1) have created a new strategic planning system that involves tiers of planning from Regional (Sydney) and District (Eastern City) plans to Local Strategic Planning Statements (LSPS) by local councils. The LSPS sets out, through community consultation and guided by the overarching Regional and District plans, a 20 year vision for land use within each local government area. All levels of planning address key planning priorities, among which is to 'value, protect and conserve Aboriginal heritage' (Planning Priority B10).

Part 4 deals with the process of obtaining development consent from local government authorities, including the requirement for documentation of an assessment of potential development impacts in certain cases. It also describes the process for *integrated development* (Division 5) which covers those development proposals requiring a permit or consent from a state government authority (for example from Heritage NSW in relation to Aboriginal heritage).

Future changes

Since 2013, there has been a proposal to take the Aboriginal heritage provisions out of the NPW Act and create a new, standalone Aboriginal heritage act.¹⁰ The new act would make some significant changes to the way in which Aboriginal heritage is managed under state law. However, as yet there is little detail about how the system will work in practice, nor when it will come into effect.

Legislation enabling the establishment of an Aboriginal Cultural Heritage Authority, which will establish the parameters of a new system, is yet to pass the NSW Parliament. Once passed, it is still expected to be at least several years before the new system is ready to operate.

At this stage then, there is little that can be done with respect to preparing Woollahra for any possible future changes to state Aboriginal heritage legislation, and it is not considered further in this study. However while the detail of the possible new system is still largely unknown, it is clear from public discussions to date that any new system will be based on a more detailed understanding of the known and potential Aboriginal heritage of different areas than is provided by the AHIMS Register. In particular, the new system is likely to draw on the results of projects like the current study.

⁹ See www.planning.nsw.gov.au/-/media/Files/DPE/Directions/ministerial-direction-s9-1-consolidated-list-environment-planning-and-assessment-2019-06-21.pdf?la=en

¹⁰ See www.environment.nsw.gov.au/topics/aboriginal-cultural-heritage/legislation

1.2 The role of Local Government

Local Government plays a key role in the protection and management of Aboriginal heritage, as a planning and consent authority, as a land manager, and as part of its overall role to serve the needs of local residents, which includes Aboriginal people and non-Indigenous residents for whom Aboriginal heritage is also important. Some key legal and policy imperatives for the active involvement of Council which underpin the current study are:

- Council as a land manager is subject to the legal requirements of the *National Parks and Wildlife Act 1974*, the *National Parks and Wildlife Regulation 2019* and the *Environmental Planning and Assessment Act 1979*.
- Council as a consent authority is required by Section 5.10(8) of the Woollahra LEP 2014 to consider the effects of a proposed development on Aboriginal heritage, before granting development consent.
- Council as a planning authority has a stated aim to conserve Aboriginal heritage under Planning Priority 5 of the 2020 Woollahra Local Strategic Planning Statement,¹¹ which aligns with similar aims in the Regional plan (Objective 13) and District plan (Priority E16) under which it sits.¹²

Local Environmental Plans

Since 2006 all Local Environmental Plans (LEPs) have conformed to a single template (the 'standard instrument'). As such, the LEP heritage provisions are standardised and are not able to react to specific local conditions. Under standard Dictionary definitions two types of Aboriginal heritage are defined and recognised in the LEP:

Aboriginal object: has the same definition as the *National Parks & Wildlife Act*.

Aboriginal place of heritage significance: is an area of land identified through an Aboriginal heritage study (such as the current study), which includes pre-contact physical evidence and natural or built places of long-standing cultural significance or contemporary cultural significance. Essentially this is a very broad definition, and may include **Aboriginal Places** as defined by the *National Parks & Wildlife Act*.

There is also a provision to define 'Environmentally Sensitive Areas' (Part 3.3, Clause 2(g)) on the basis that they are of 'high Aboriginal cultural significance' though no definition is provided and there is no detail about how this significance might be established.

It should be noted that the LEP heritage provisions were ultimately written with non-Aboriginal heritage in mind. That is, for the most part, heritage that can be defined and accurately pinpointed whether as existing buildings and structures or as areas of archaeological potential based on documented historical events. The provisions which deal with this kind of 'knowable' heritage are

¹¹ Woollahra Municipal Council 2020. *Woollahra Local Strategic Planning Statement*.

¹² Greater Sydney Commission 2018. *Our Greater Sydney 2056. Eastern City District Plan – connecting communities*; Greater Sydney Commission 2018. *Greater Sydney Region Plan. A Metropolis of Three Cities – connecting people*.

not always applicable to Aboriginal heritage, which often involves lower levels of documentation, and greater levels of uncertainty about what may exist beneath the ground and where.

Aboriginal places of heritage significance can be listed and mapped on Schedule 5 (Environmental Heritage) of the Local Environmental Plan if 'agreement is reached with the Aboriginal community'. It is noted that neither the 'Aboriginal community' or the process for reaching or defining 'agreement' is outlined within the 2011 revisions or attendant practice notes. Importantly, these items need not be listed (publicly available) and this does not affect their protection. Furthermore, Aboriginal places of heritage significance can be listed on Schedule 5 but need not be mapped on the accompanying Heritage Map (unlike items of non-Aboriginal heritage significance where this is required).

Under Clause 5.10 of the LEP development consent is required from Council in the case of proposed impacts to Aboriginal objects, Aboriginal places of heritage significance, or areas containing these objects or places (Section 2), unless the applicant advises that the proposed works will not adversely affect the heritage significance of the object or place, or the works are proposed in order to conserve the object or place. This, however, does not preclude requirements to obtain Aboriginal Heritage Impact Permits under the NPW Act.

Development Control Plans

Development Control Plans (DCPs) provide another means of ensuring adequate assessment of potential impacts to Aboriginal heritage, and local enforcement of heritage protection legislation. DCPs provide more specific guidance on how development can occur within a specific part of the LGA or across the whole LGA by specifying General Controls in relation to a specific issue such as Aboriginal heritage protection. For example a DCP can spell out when an Aboriginal heritage assessment is required (e.g. in what areas/circumstances) and what such assessments must include for development applications to be assessed.

Review of Environmental Factors

Council development activities are guided by a process of environmental assessment known as a Review of Environmental Factors (REF). The amount of detail required in an REF is related to the nature and location of the proposed activity. REF provisions can be devised and revised as needed by Council to specify Aboriginal heritage provisions. However, implementation often suffers from a lack of staff training and awareness and is only effective when supplemented by a clear process.

1.3 Existing Aboriginal heritage management in the Woollahra LGA

In formulating the proposed Woollahra Aboriginal Heritage Management Strategy, we have reviewed past and current policies and practices relating to Aboriginal heritage. These are summarised below.

An assessment of prehistoric heritage of Woollahra

An assessment of prehistoric heritage was undertaken in the early 1980s, as part of an overall heritage study of the LGA.¹³ This assessment addressed archaeological remains of pre-Contact occupation of the area. The report referred to the statutory protection of such remains by the *National Parks and Wildlife Act 1974*, and the advice from NPWS (now Heritage NSW) that the locations of archaeological sites should generally not be public knowledge.

It was noted that historical development would have involved removal of much of the archaeological evidence that was once present. However, at the time of the study, there were 33 sites listed on the NPWS register (now AHIMS), and it was considered likely that further sites were present. It was recommended that positive and informed management measures were required to ensure conservation of these sites. In particular, these required Council planning staff to be aware of the nature and location (or probable location) of the sites, and the types of activities that may result in direct or indirect damage to the sites.

Recommendations for Aboriginal heritage management were incorporated into the overall heritage study.¹⁴ These were:

- Parkland, reserves, major gardens, and pockets of natural scrub should be considered to have Aboriginal archaeological potential, and this should be considered when planning or assessing works that involve modification to the vegetation or ground surface. Archaeological survey should be undertaken prior to any such works.
- An archaeologist should be engaged to relocate and assess the known sites within the LGA, and develop recommendations for their management.
- Council staff involved with the management of parks and gardens should liaise with NPWS staff to develop processes to avoid accidental damage to Aboriginal sites.

Environmental Planning Instruments

Along with the legislation detailed above, Aboriginal heritage management within the LGA is currently subject to two Environmental Planning Instruments, and the Development Control Plan that has been developed to support the Woollahra LEP.

Sydney REP (Sydney Harbour Catchment) 2005

The Aboriginal heritage management provisions of Sydney REP (Sydney Harbour Catchment) 2005 apply to

- Aboriginal objects. These are any material evidence that relates to the Aboriginal habitation of NSW.
- Places of Aboriginal heritage significance. These are places with tangible remains of pre-European occupation and/or of contemporary significance to Aboriginal people, and places with intangible significance.

¹³ Haglund 1984

¹⁴ Hughes Trueman Ludlow 1984: 120

- Potential places of Aboriginal heritage significance. These are places that are included in an inventory of heritage items that is maintained by the relevant Council, or places that the consent authority considers to have the potential to have Aboriginal heritage significance.

In general, development consent is required for any work that may affect an Aboriginal object, or a place or potential place of Aboriginal heritage significance. Consent is not required if the proponent is able to demonstrate that the proposed development would not adversely affect the significance of the object or place. In assessing the application, the consent authority must assess the potential impact on heritage significance. They should consider an Aboriginal heritage impact assessment that has been prepared in accordance with the relevant guidelines issued by Department of Environment and Conservation (now Heritage NSW) and that documents the views of local Aboriginal communities. The consent authority must confirm that any necessary consent or permit under the NPW Act has been granted, and that the local Aboriginal communities have had the opportunity to comment either as part of this process or separately.

Woollahra LEP 2014

The Aboriginal heritage management provisions of Woollahra LEP 2014 apply to:

- Aboriginal objects. These are any material evidence that relates to the Aboriginal habitation of NSW.
- Aboriginal places of heritage significance. These are places that have been identified in an Aboriginal heritage study that has been adopted by Council, and may or may not be shown on the heritage map.

In general, development consent is required for any work involving land on which an Aboriginal object is located or that is within an Aboriginal place. Consent is not required if the proponent is able to demonstrate that the proposed development would not adversely affect the significance of the object or place. If development is proposed for an Aboriginal place, the consent authority must consider the potential effect on the significance of the place, and must provide the local Aboriginal communities with an opportunity to comment on the proposal.

Woollahra DCP 2015

Further guidance on heritage impact assessment requirements is provided in Attachment 2 (Heritage Impact Statement) of Woollahra DCP 2015. This guide applies to development that may affect heritage items, heritage conservation areas, archaeological sites, and potential archaeological sites, and therefore applied largely to non-Aboriginal heritage. However, it is suggested that archaeological sites and potential archaeological sites may have Aboriginal heritage significance. This is not consistent with the LEP, where an archaeological site is defined as a place that contains one or more relics, with a relic being material evidence that relates to the non-Aboriginal settlement of NSW. The DCP guide specifies that a heritage impact statement is required for works affecting a known or potential archaeological site. In these cases, an archaeological assessment report is required.

Council guidelines

Council currently provides some additional guidance for Aboriginal heritage management through the website, summarised below.

Undertaking heritage works without consent

Council also provides clarification and guidance through the development pages of Council website. In relation to cases where development consent is not required, applicants must provide Council with their permit under the *National Parks and Wildlife Act 1974*, if this is required for the development.¹⁵

Aboriginal and Torres Strait Islander Protocols and Guidelines

Section 10.6 of Council's ATSI Protocols and Guidelines provides advice on Aboriginal community consultation.¹⁶ It is recommended that consultation regarding Aboriginal land and heritage be undertaken with the La Perouse LALC.

Aboriginal heritage

The Council website includes a page providing an indication of some of the Aboriginal heritage values of the LGA.¹⁷ The page includes brief insights into a number of aspects of Aboriginal heritage. In relation to archaeological sites, some guidance is provided for avoiding harm to these sites when visiting.

¹⁵ 'Undertaking heritage works without consent,'
https://www.woollahra.nsw.gov.au/building_and_development/development_rules/undertaking_heritage_works_without_consent

¹⁶ Woollahra Municipal Council 2019.

¹⁷ Woollahra Municipal Council n.d., 'Aboriginal heritage,'
https://www.woollahra.nsw.gov.au/community/about_our_community/history_and_heritage/aboriginal_heritage