



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION

Marsden High School

Aboriginal Cultural Heritage Assessment Report

13th MAY **2021**

Report to: Department of Education, School
Infrastructure NSW

LGA: City of Ryde

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INTEGRATED MANAGEMENT SYSTEM

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EXECUTIVE SUMMARY

SINSW propose to develop Marsden High School as a state of the art sporting facility, featuring an indoor centre with four courts, plus an additional 32 outdoor courts and parking. It is proposed that Marsden High School will be relocated to the Meadowbank Education [and Employment] Precinct. The proposed planning pathway includes undertaking early works under Exempt Development, rezoning of part of the site from SP2 to RE1 Public Recreation and Part of the site to E2 Environmental Conservation and for the remainder of the works to be undertaken as part of a local Development Application (DA).

Comber Consultants have been engaged to undertake Aboriginal consultation and to prepare this Aboriginal Cultural Heritage Assessment Report (ACHAR). The consultation and this report have been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

The consultation is documented in Section 5 and Appendix A of this report. Forty-Eight Aboriginal Organisations were invited to register an interest (see Section 5, Table 2, item 4.1.3). The following eight organisations responded and are now the Registered Aboriginal Parties (RAPs):

- Aragung Aboriginal Cultural Heritage Site
- Darug Custodian Aboriginal Corporation
- Didge Ngunawal Clan
- Ginninderra Aboriginal Corporation
- Kamilaroi Yankuntjatjara Working Group
- Ngambaa Cultural Connection
- Waawaar Awaa Aboriginal Corporation
- Wailwan Aboriginal Group

This report makes the following recommendations.

1. Aboriginal community consultation should continue.
2. As subsurface Aboriginal objects are predicted to exist within the study area, and it is an offence to harm such objects, test excavation should be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and in association with the Registered Aboriginal Parties.
3. The area identified within this report as Conservation Zone including and adjacent to the Archer Creek, should not be impacted upon by the proposed works and should be maintained *in situ*. During the proposed works a physical barrier should be established around the Conservation Zone and all employees, contractors and sub-contractors engaged on the proposed development of the sporting facilities be advised that the Conservation Zone is a “no-go area”.
4. If no Aboriginal objects are uncovered during the testing, the project can proceed without the need to undertake salvage. However, if Aboriginal objects are uncovered during the testing, it may be necessary to apply for a AHIP and undertake Aboriginal archaeological salvage excavations once the DA has been issued. The salvage will need to be undertaken prior to redevelopment of the site.
5. All employees, contractors/sub-contractors and anyone else working on the site should be made aware that it is an offence to harm Aboriginal objects. If any Aboriginal objects are uncovered during the course of the redevelopment of the school, all work must cease in the vicinity of that object and further advice sought from the consultant.
6. An Aboriginal heritage induction should be provided to all staff and contractors on the significance of the Aboriginal heritage of the site, including the Conservation Zone and advised of their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal heritage.
7. An interpretation strategy and plan should be developed which interprets the results of the archaeology and the Aboriginal history of the region. This should be in partnership with the RAPs. The artefacts recovered from the testing and salvage could be used in the interpretative display.
8. Should the proposed works as described in this report be altered the new proposal should be assessed and this report amended accordingly.



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1.0 INTRODUCTION

1.1. Background

SINSW propose to align with the NSW Government's commitment to developing a state of the art sporting facility, featuring an indoor centre with four courts, plus an additional 32 outdoor courts and parking. It is proposed that Marsden High School will be relocated to the Meadowbank Education [and Employment] Precinct. The proposed planning pathway includes undertaking early works under Exempt Development, rezoning of part of the site from SP2 to RE1 Public Recreation and Part of the site to E2 Environmental Conservation and for the remainder of the works to be undertaken as part of a local Development Application (DA).

To ensure that Aboriginal archaeology and cultural heritage is not adversely impacted upon by the proposal, Comber Consultants have been engaged to undertake Aboriginal consultation and to prepare this Aboriginal Cultural Heritage Assessment Report. The consultation and this report have been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

1.2. Site and description

The study area is the site of the current Marsden High School, 22A Winbourne Street, West Ryde shown in Figure 9. It is located in the City of Ryde Local Government Area (LGA) and is within the boundaries of the Metropolitan Local Aboriginal Land Council (MLALC). The study area is a mixed-use urban zone with a land area of approximately 5.5 hectares (ha).



Figure 1: Location of study area edged in red (Base image source SixMaps).



1.3. Statutory controls

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

Part 6 of the NPW Act protects all Aboriginal objects and Aboriginal Places, and states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP). An Aboriginal object and an Aboriginal Place are defined as:

Aboriginal Object

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

Aboriginal Place

The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

The study area is not an Aboriginal Place, although it is possible that subsurface Aboriginal objects may be located on the subject area and may be impacted upon by the proposed works. Therefore, archaeological testing will need to be undertaken to determine if Aboriginal objects are located on the property, and, if so, their nature and extent. Such testing must be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Prior to undertaking such testing Aboriginal consultation must be undertaken in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010). This report documents the consultation and has been written in accordance with the consultation requirements.

1.4. Objectives of the Aboriginal Cultural Heritage Assessment Report (ACHAR)

This ACHAR details the results of the Aboriginal cultural heritage consultation and provides recommendations to manage and protect Aboriginal objects within the study area before, during and after the proposed activities associated with the project.



2.0 ABORIGINAL HISTORY

The traditional custodians of the study area are the Darug whose country extended along the main east-west ridge of the Blue Mountains, the northern Blue Mountains and the Cumberland Plain in which the study area is located (Tindale 1974; Attenbrow 2010).

Research by R.H. Mathews, a pioneer linguist and anthropologist, in the early twentieth-century revealed that the Darug (or 'Dharruk' people as he referred to them) inhabited an area adjoining the 'Thurawal' (Dharawal) to the south and Gundungurra and Wiradjuri to the west. Their territory extended along the coast to the Hawkesbury River and inland to Windsor, Penrith and Campbelltown; then from the mouth of the Hawkesbury River to Mount Victoria (Mathews 1901a:140; Mathews 1901b:155). Archaeological and historical records examined in Sydney's Aboriginal Past identify three distinct groups – the coastal, hinterland and mountain Darug (Attenbrow 2010:23). The Darug of the Milperra area were from the hinterland group.

Aboriginal people have occupied the valley extending from Prospect to the coastline for at least twenty thousand years. The surrounding area was reasonably fertile and, with the resources of the river, was able to support their living needs. Anthropological studies indicate that clan sizes varied widely, consisting of between thirty to sixty people who moved through their territory using seasonal routes to access food, shelter and other resources necessary for survival as well as ceremonial sites. Generally, people camped, travelled, foraged, fished and hunted in smaller, extended family groups, coming together at times with the larger group for ceremonies and ritual combats (Attenbrow 2010: 29). These extended family units or clans consisted of up to sixty people. Each of these clans was named after the area of land where they normally resided, and to which the people had traditional links (Attenbrow 2010). The suffix "gal" was added to the place name for men of the clan and "galleon" was added for women.

The clan that lived to the north of Parramatta River and west of the upper reaches of the Lane Cove River was the Wallumede clan, with the Boromede (or Burrumatta) clan territory to the west. Both clans were of the Darug language group. The main contact between clans was during ceremonial gatherings. There were linguistic and cultural differences, as well as economic ones. There was a complicated system of kinship and totems which prevented certain types of contact. It is difficult to pinpoint exact language boundaries, as information came from early colonists, explorers and ethnographers trying to interpret Aboriginal languages (Keating 1996:1-2).

The territory of the Wallumede, located between the Parramatta and Lane Cove Rivers, was traversed by a number of streams, ponds and creeks providing diverse resources from the river and land to support their cultural and living needs. Anthropological studies indicate that clan sizes varied widely, consisting of between thirty and to sixty people who moved through their territory using seasonal routes to access food, shelter and other resources necessary for survival as well as access to ceremonial sites. People camped, travelled, foraged, fished and hunted in smaller, extended family groups, coming together at times with the larger groups for ceremonies and ritual combat (Attenbrow 2010:29).

The Aboriginal economy was dependent on harvesting resources with only very little modification to the environment, with the Parramatta River playing a central part of that economy. In contrast, Europeans quickly set about clearing the land and planting crops which prevented Aboriginal people from carrying out their traditional hunting of animals and gathering of plant foods.

Current Local Aboriginal Land Council boundaries differ from these traditional boundaries. The Local Aboriginal Land Council representing the Ryde area is the Metropolitan Local Aboriginal Land Council.



3.0 ENVIRONMENTAL CONTEXT

3.1. Topography

The study area is located within the Cumberland Plain, across an undulating plain. The Cumberland Plain consists of low rolling and steep hills and is characterised by low, gently undulating slopes on the youngest of the Triassic rocks, the Wianamatta Group (Chapman & Murphy 1989:1). Local relief on the Wianamatta Group shales is between 50 – 120m (eSPADE 2020).

The Cumberland Plain is bordered on the west by the Blue Mountains and on the east by the Georges River and headwaters of the Parramatta River. To the north is the Hornsby Plateau and to the south is the Woronora Plateau (Smith 1989a:8).

The study area is located across a sloping landform, with the highest point in the north western corner sloping down towards the south eastern corner. Archer Creek runs through the eastern portion of the study area and Parramatta River is located approximately 1.5 km to the south of the study area.

3.2. Geology and soils

The Cumberland Plain overlies the Wianamatta Group of Shales. Within the study area the Wianamatta Group of Shales overlies the Ashfield Shale (Sydney 1:100,000 Geological Map). The Ashfield formation consists of black to dark-grey shale and laminate.

Several locations on the Cumberland Plain within the vicinity of the study area contain material suitable for small stone tool manufacture, such as silcrete. The nearest known source of silcrete is located approximately 2.5km to the south east of the study area in the vicinity of Homebush Bay (Comber 2008:8). Other silcrete outcrops are located at Luddenham approximately 35km to the south west, St Clair approximately 26km to the south west, and at Erskine Park approximately 25km to the south west. Other materials used to manufacture stone tools within the Cumberland Plain include chert, tuff, quartz, basalt and quartzite. These can be found in Rickaby's Creek formation approximately 30km to the north west of the study area (Clarke & Jones 1988, Smith 1989a:9-11; 1989b:6-7).

The type of soil profile present in the landscape contributes to the vegetation found at the site, and hence resources available, as well as the level of preservation of the site. The study area is located across the Glenorie soil landscape. The Glenorie soil landscape is present north of the Parramatta River on the Hornsby Plateau in Baulkham Hills, Hornsby, Ku-ring-gai, and Ryde LGAs. Small isolated areas are found at Condell Park, Hurstville and on the Cumberland Lowlands at Rosehill (eSPADE 2020).

The Glenorie soil landscape is erosional and consists of shallow to moderately deep (<100cm) red podzolic soils on crests, moderately deep (10-150cm) red and brown podzolic soils on upper slopes; deep (>200cm) yellow podzolic soils and gleyed podzolic soils along drainage lines (eSPADE 2020). This soil profile contributes to the growth of the vegetation described below.

3.3. Stream order modelling

Stream order can be used to predict Aboriginal land use patterns. A first order stream is the smallest and is a small tributary that flows into and feeds larger streams but does not normally have any water flowing into it. The joining of two first order streams creates a second order stream and when two second order streams join they form a third order stream. In addition, first and second order streams generally form on steep slopes and flow quickly until they slow down and meet the next order waterway. First order streams are intermittent (Horton 1945; Strahler 1952).

Modelling undertaken by McDonald and Mitchell (1994) on the Cumberland Plain indicates that stream order can be used to predict areas of archaeological potential. The model hypothesis is that in any particular climate and landscape, a threshold catchment area is necessary to allow permanent stream flow or the establishment of waterholes with extended longevity (i.e. months to years). The critical point where these conditions are met appears to be at the junction of two second or third order streams. Such a location is likely to contain more complex sites with a high density of artefacts, whilst second and third order streams are also likely to contain large sites within 100 metres of the watercourse.



Archer Creek, a first order stream and northern tributary of Parramatta River runs through the north-eastern portion of the study area, as shown in Figure 122 and Figure 133 below. Archer Creek flows from Brush Farm Park, approximately 1 km to the north of the study area. First order streams are intermittent streams. Aboriginal objects and sites may still be located in proximity to first order streams, however they may be less complex than those located in proximity to second and third order streams.

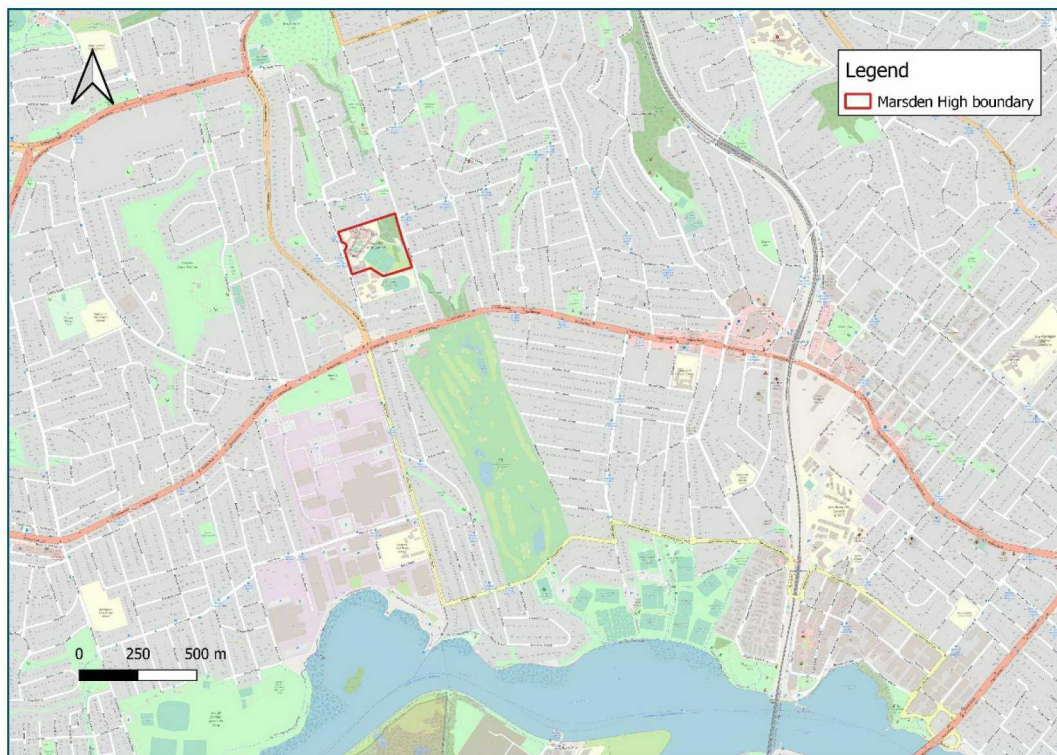


Figure 2: Location of Archer Creek in north west corner of study area, and proximity to Parramatta River. (Base map source OSM Standard)

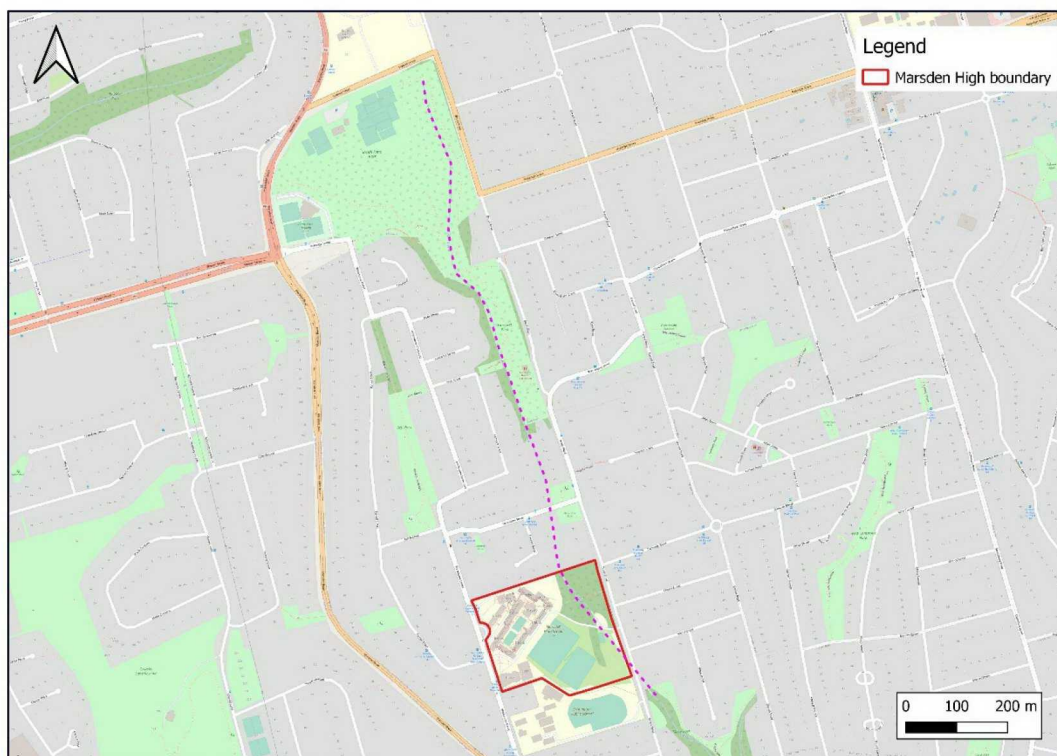


Figure 3: Northern portion of Archer Creek shown in dashed purple. (Base map source OSM Standard)



3.4. Vegetation

The vegetation of the Cumberland Plain was mapped by Benson (1979 & 1981) and the NSW National Parks and Wildlife Service (2002). Historically the undulating slopes of the Cumberland Plain would have supported a tall open forest of Cumberland Plain Woodland.

Prior to the clearance of vegetation by Europeans, tall open-forest (wet sclerophyll forest) would have been found across the Epping region. The dominant tree species includes Sydney blue gum (*Eucalyptus saligna*) and blackbutt (*E. pilularis*). Other species include turpentine (*Syncarpia glomulifera*), grey ironbark (*E. paniculata*), white stringybark (*E. globidea*) and roughbarked apple (*Angophora floribunda*). Pittosporum (*Pittosporum undulatum*) and coffee bush (*Breynia oblongifolia*) are common understorey species (Benson 1980, eSPADE 2020).

Such a vegetation community would have provided a variety of edible plant species and plants suitable for artefact manufacture. In addition, Cumberland Plain vegetation provided habitat for a variety of marsupials and birds whilst the River and Creeks would have provided fish, eels and yabbies.

3.5. Current land use and disturbance

The 1943 aerial below (Figure 144) shows the site as largely undeveloped but mostly cleared. A few dwellings are located within the study area and the land appears to be utilised for agricultural purposes. The school was constructed in 1959 (Phillip Bongers, Marsden High School, pers comm 2020).

At present, the site comprises low rise school buildings within the north western portion of the site. A school assembly area and sports courts are located in the centre of the school buildings in the north west. The north eastern portion of the site contains a creek line and vegetation. The southern portion of the study area contains sporting fields.

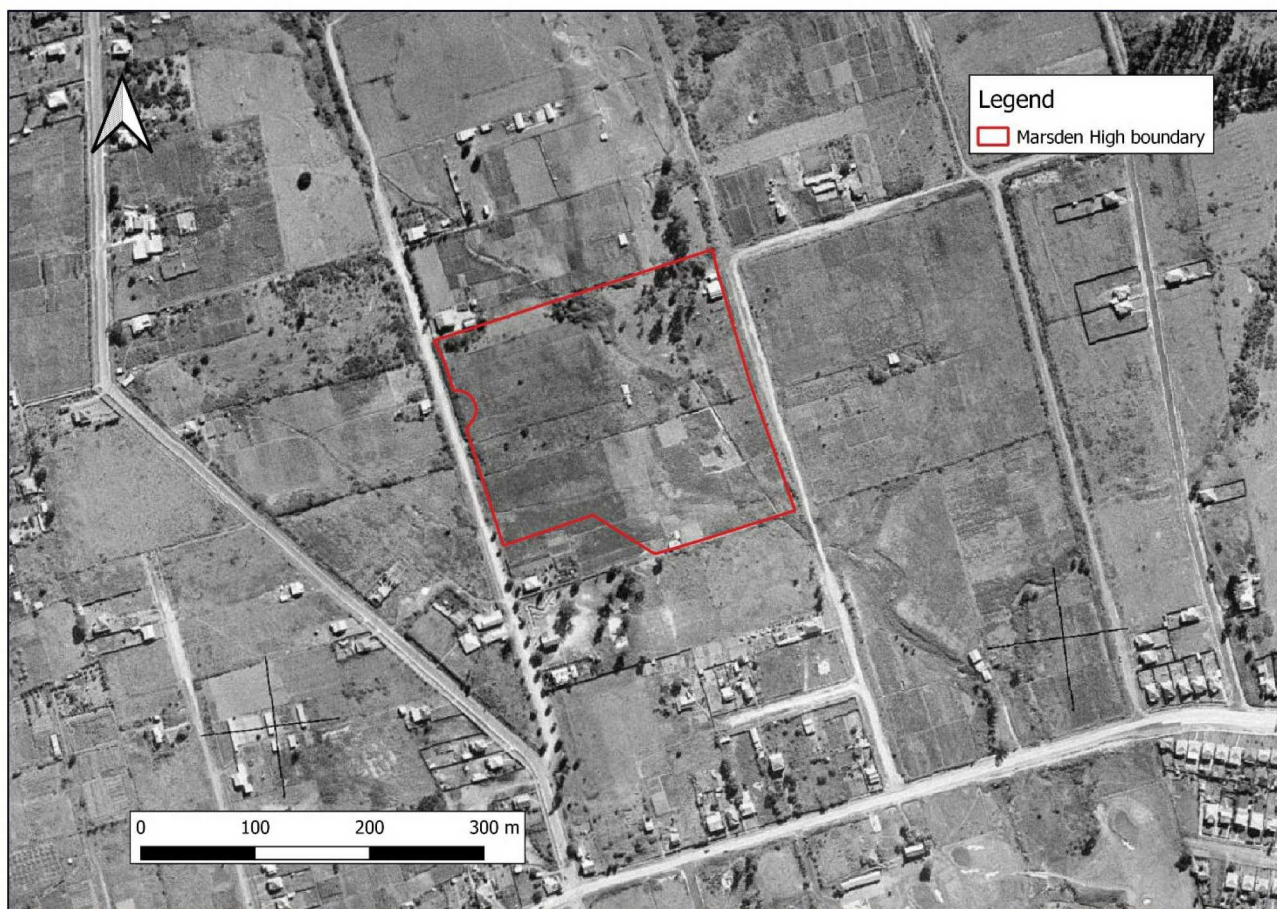


Figure 4: 1943 aerial with study area outlined in red (Sixmaps)



4.0 ARCHAEOLOGICAL CONTEXT

4.1. The Cumberland Plain

Many surveys have been undertaken in the Sydney region which indicate the richness of the archaeological resources and which provide information about Aboriginal occupation within the region. Attenbrow (2010) has excavated a range of sites within the Sydney Basin. The aim of her study was to identify local geographic variation and temporal changes in the subsistence patterns and material culture of the people of this area. She excavated sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Darling Mills State Forest, Winston Hills, Vaucluse and Cumberland Street in the Rocks. Dates for initial occupation vary from approximately 10,000 years BP at Darling Mills to approximately 450 years BP at Cumberland Street, The Rocks.

One of the oldest dated occupation for the Sydney region is 15,000 years BP from the Shaws Creek K2 rock shelter on the Nepean River (Kohen, Stockton & Williams 1984; Nanson et al 1987). However, these dates must be considered in association with environmental data related to sea level rises. The Sydney region that we know today was vastly different to the landscape of 15,000 years ago.

The period of maximum glaciation was 15,000 – 18,000 years BP. Therefore, the date of the K2 rock shelter and Attenbrow's Darling Mills site indicate that Aboriginal people lived throughout a period of extreme environmental change. During this period, sea levels were up to 130m below current levels (Nutley 2006:1). About 10,000 years ago as temperatures began rising at the end of the last ice age, the polar ice started melting and sea levels rose. The rising sea levels forced people to abandon coastal sites and move inland, with the result that the oldest coastal sites were inundated.

By about 6,000 years ago rising water levels had flooded the coastal plain forming the Sydney landscape that we know today. The vast majority of sites in the Sydney region date to around 5,000 years BP, after sea levels had stabilised. Whilst research into submerged indigenous sites is now being undertaken (Nutley 2006), there are few sites in the Sydney area that are known to date beyond 10,000 years BP. Therefore, research undertaken to date has focused on subsistence patterns and cultural change, e.g. Attenbrow (2010).

However, many archaeological surveys have been conducted within the Sydney region, particularly on the Cumberland Plain in relation to Environmental Impact Statements. As a result of these studies, which were occasioned by the burgeoning urban expansion extending into the Cumberland Plain, the NPWS recognised the need for a coherent study of the area to fully assess the impact of urbanisation on the natural and cultural heritage of the Cumberland Plain. Smith (1989a) was commissioned by the NPWS to undertake an Aboriginal Site Planning Study to be utilised in the management of Aboriginal sites on the Cumberland Plain. Prior to her study, 307 sites had been recorded on the Cumberland Plain, mainly open artefact scatters (297) with four scarred trees, one carved tree, four axe-grinding grooves and a Mission site (the Blacktown Institute). Smith (1989a:2) added 79 open sites and 29 isolated finds from field surveys related to her study.

Smith's (1989a:3) analysis indicated that site location and site densities were influenced by the availability of water and raw materials. She concluded that other factors such as topography, natural vegetation and soil types did not influence site location. She also identified that the majority of sites recorded have been in the northern sector of the Cumberland Plain, during site surveys of areas threatened by development (Smith 1989a:21). Her field studies (1989a & 1989b:10) confirmed that site densities in the southern Cumberland Plain appear to be lower overall to site densities on the northern Plain.

Since Smith's study, there has been a dramatic increase in development in Western Sydney, resulting in a great deal more archaeological survey and excavation (Comber 1990, 1991, 2006a,b&c, 2008, 2010a&b, 2011, 2015, 2016, 2017, 2019, 2020 McDonald 1989, 2002 & 2005a; Comber & Stening 2018, 2019; Comber & Norman 2020). This further work has indicated the complexity in the archaeological record that was not previously recognised. For example, sites on permanent water are more complex than sites on ephemeral drainage lines with major confluences being prime site locations. However, McDonald (2005a) reports that archaeological sites are found in a range of landscapes and that their condition is dependent on the amount of impact from European land practices.

McDonald's (2005a) report demonstrates the dynamic nature of stone tool technologies on the Cumberland Plain. She reviewed previous work within a theoretical framework to identify intra and inter-regional variation. She not only identified change over time in the stone tool technology, but the manner in which "stone technologies were organised



in relation to landscape" (McDonald 2005a:np). Her report provides a framework to tentatively date sites through technological analyses and to identify cultural changes.

Her study also indicated that the surface representation of a site on the Cumberland Plain does not necessarily reflect the actuality of that site. Of the excavations conducted by her, sub-surface deposits were present even when there was no surface indication of a site. According to McDonald (2005a:5), "despite artefacts being rare or completely absent on the surface at each of the sites investigated, all six sites were found to contain intact archaeological deposit. Almost 500 square metres were excavated during this Project and almost 35,000 artefacts retrieved." McDonald (2005) also considers that Aboriginal occupation was focussed on the major river systems and characterised by mobility between a small number of sites. As a result of her various studies and applying stream order modelling she (2005) further predicts that the density and complexity of archaeological sites will vary according to stream order, as follows:

- Fourth-Fifth order creeks (or rivers): Archaeological evidence will be more complex and possibly stratified, reflecting more permanent and repeated occupation on major creeks.
- Third order creeks: Evidence of more frequent occupation such as knapping floors or higher artefact densities will be found in the lower reaches of tributary creeks.
- Second order creeks: Sparse archaeological evidence will be found which indicates occasional use and/or occupation.
- First order creeks: Due to the intermittent nature of water flow only very sparse evidence would be found in the headwaters of upper tributaries such as background artefact scatter.

Kohen's studies at Penrith confirmed the importance of fifth order creeks and rivers. He recorded over 50 sites in the Penrith area which included open artefact scatters, axe grinding grooves and rock shelters. Kohen (1997:7) indicates that sites occurring throughout the Penrith area "are particularly likely to occur adjacent to the rivers and creeks. The distribution of raw materials associated with the manufacture of stone tools suggests that chert and basalt were carried or traded east from the river gravels and that silcrete was traded or carried from sources near South Creek and Eastern Creek, west towards the Nepean flood plain".

Comber (2006a & b) also recorded open artefact scatters and scarred trees within the Cumberland Plain. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2010c) and PL9 (2010d). At PL9 she retrieved more than 1,500 artefacts, including backed blades and an edge ground axe. Her work confirms McDonald's (2005) and Kohen's predictive model that sites are more likely to occur adjacent to the rivers and high order creeks. These excavations (Comber 2010c & d) at Penrith Lakes further indicates the possibility that sub-surface archaeological deposits will remain despite disturbance by non-Aboriginal activities and the complexity of such sites. Surveys (2006a & b) undertaken prior to the excavations recorded the areas as being disturbed by agricultural activities. They had been grazed, ploughed, planted with crops and a dam constructed. Only a small number of artefacts were recorded on the surface but over 2,500 artefacts retrieved during excavation.

A survey undertaken by Comber (2008a) and subsequent excavations undertaken by Stening (2011) at Doonside demonstrated that although no surface artefacts were recorded (Comber 2008) substantial subsurface deposits did exist on the site with over 1,000 artefacts being recovered from a highly disturbed context (Stening 2011). This site was located beside Eastern Creek an important 4th or 5th order creek. It is an important watershed with extensive evidence of Aboriginal occupation.

Excavations undertaken by Comber at the Parramatta North Urban Transformation site (PNUT), which currently contains the Cumberland Hospital and is located on the Parramatta River near Domain Creek and Toongabbie Creek has yielded extensive evidence of Aboriginal occupation. Due to historic ploughing and topdressing no artefacts were observed on the surface. However, over 3,000 artefacts have been recovered from the current program of testing.

Similar results were found at the site of Parramatta Square. The site is located within the centre of Parramatta and had contained office buildings, ancillary services and hardstand prior to demolition. The archaeological excavations revealed extensive evidence of Aboriginal occupation including hearths, despite the lack of surface evidence.

AHMS (2012) and Navin Officer (2014) undertook assessments for the concept approval for the Sydney Intermodal Terminal at Moorebank identifying a number of Potential Archaeological Deposits. Testing undertaken by Artefact (2016) for Stage 1 of the Intermodal Terminal uncovered 28 objects indicating a low level of Aboriginal occupation on a maximal upper slope ridge. The testing revealed two phases of occupation. Artefact (2016) undertook further



assessment for Stage 2 without identifying any areas of Aboriginal archaeological potential. The Sydney Intermodal Terminal is located approximately 15km to the west of the current study area on the western bank of the Georges River in an environmental landscape impacted by flooding. The results of this testing indicates that evidence of Aboriginal occupation can still remain despite later disturbance and particularly despite repeated inundation from maximal flood events.

AHMS (2013) undertook an assessment of the New Brighton Golf Course at Moorebank, on the Georges River. The area contained a former swamp and was on the floodplain of the Georges River. Test excavations revealed a highly disturbed landscape and uncovered one Aboriginal object.

In 1984 Haglund undertook an archaeological survey between King Georges Road Beverly Hills and Heathcote Road, Moorebank in respect of the F5. She located on open artefact scatter and one isolated find. The open artefact scatter was located on the banks of the Georges River at Hammondville, which is approximately 15km to the south west of the present study area whilst the isolated find was located approximately 2kms to the west of the Georges River. Haglund (1984) summarised work undertaken to date in the south Sydney area noting that "The known sites are mostly by, or close to, the Georges River in sandstone cliffs or outcrops". These sites included hand stencils and engravings and middens (Haglund 1984:3).

Archaeological investigations within the Sydney Basin have established reliable Carbon 14 dating evidence of Aboriginal occupation dating from the Pleistocene but (14,700BP at Cranebrook Terrace). The majority of sites however have been dated to less than 5,000 years. The absence of earlier dates is due to the effect of sea level rises c6,000 years ago. The influx of seawater over former coastal plains would have forced people into the new confines of the Sydney Basin (Nutley 2006). This 'intensification', or increased population, was then associated with an increase in the physical evidence of post 5,000BP occupation now being recorded through archaeological investigation.

The model of occupation developed for the Cumberland Plain indicates that reliable water is a prime factor in the choosing of site locations by Aboriginal people. More complex higher density sites will be located at the confluence of several water bodies whilst evidence of frequent occupation will be located in the lower reaches of tributaries. However, evidence will still be located in areas with seasonal creek lines, but it will sparse and less complex. Ground disturbance will impact on surface evidence, but subsurface evidence may still be located in areas of high disturbance and in areas subjected to flooding.

4.2. Ryde

To date, archaeological investigation within the vicinity of the study area has been limited, with little systematic research or fully comprehensive archaeological site survey work being conducted. Many of the surveys that have been carried out have been site selective, having been conducted prior to development.

A search of AHIMS for the broader Ryde region indicate that only a small number of assessments have been undertaken nearby, resulting in only a few sites being recorded. It should be noted that the small number of sites registered with AHIMS is a result of this lack of assessment, not a lack of potential Aboriginal archaeological sites.

The AHIMS search, measuring approximately 9km north-south and 7km east-west, identified 54 registered Aboriginal sites. One site, 45-6-3022, has restrictions applied. AHIMS confirmed that this site was not within the vicinity of the current study area. The results of the extensive AHIMS search are included in Table 3 below and are shown in Figure 155 and Figure 166. One registered Aboriginal site is located within 1km of the study area, AHIMS number 45-6-2309. Further information on this site is provided below.



Site type	No. of sites
Art (Pigment or Engraved)	2
Artefact	23
Artefact, Shell	2
Grinding Groove	1
Modified Tree (Carved or Scarred)	1
Potential Archaeological Deposit (PAD)	10
Potential Archaeological Deposit (PAD), Artefact	1
Restricted	1
Shell	2
Shell, Artefact	11
TOTAL	54

Table 1: AHIMS search results

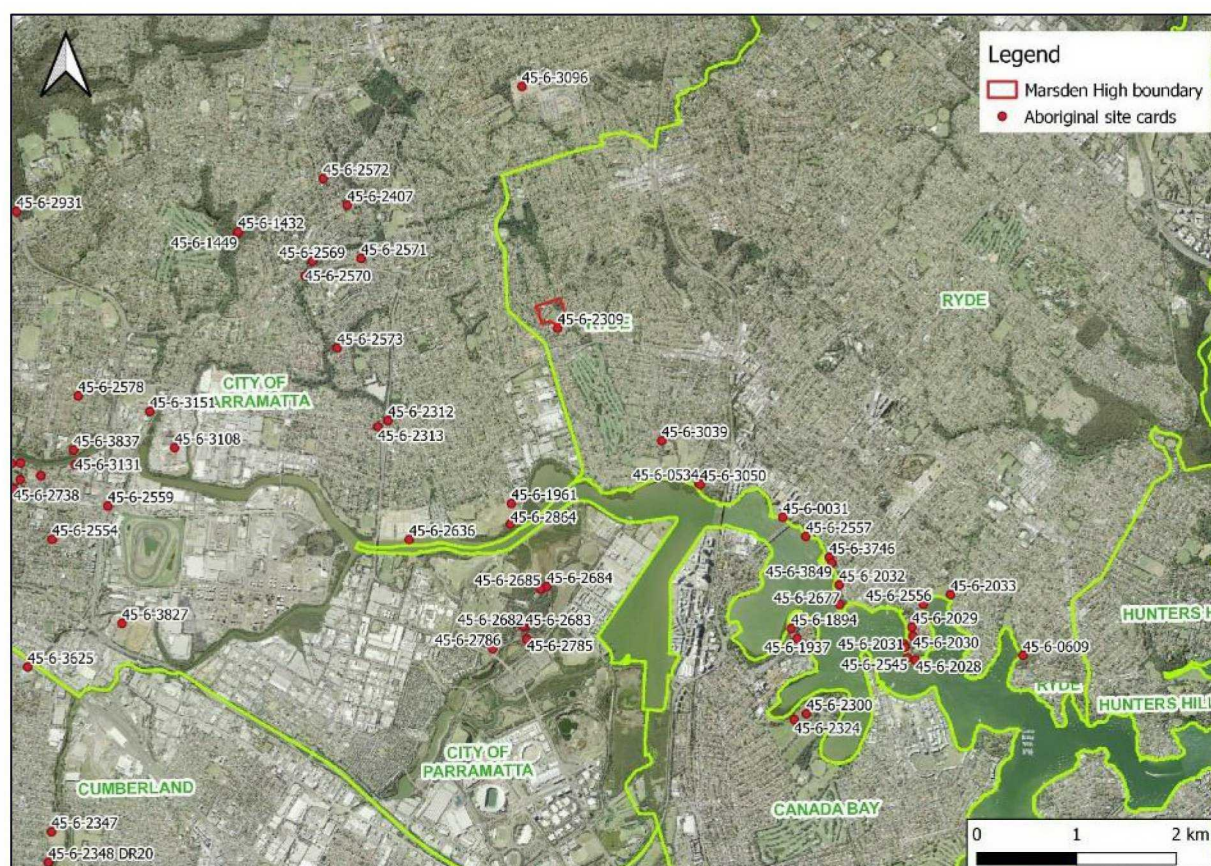


Figure 5: AHIMS search results, study area edged in red



Figure 6: AHIMS site 45-6-2309 shown in relation to the study area

45-6-2309

This site was registered in January 1992 and is located on the property directly to the south of the current study area, at Ermington Public School. The site consists of a shell midden with several artefacts in a very disturbed condition. The artefact materials include red silcrete, quartz and chert. The site is approximately 30 m from an un-named creek that has been enclosed in a concrete pipe.

City of Ryde – Aboriginal Site Management Report (Aboriginal Heritage Office 2011)

The Aboriginal Heritage Office (AHO) prepared an Aboriginal Site Management Report for the City of Ryde LGA in 2011. The aims of the report were to:

- Identify, access and re-record all known Aboriginal sites located in the Council area, where possible,
- Provide a planning document for conserving Aboriginal cultural heritage values,
- Provide a schedule for conservation works.

The report identified 56 recorded Aboriginal sites on the AHIMS register for the LGA, discounting sites which had been recorded twice and sites without sufficient information to be relocated. While an analysis of Aboriginal social values of the City of Ryde LGA was not within the scope of the report, the AHO found that the area contained high cultural significance (AHO 2011:21).

The report divided the LGA into three Management Areas. Area 1, named 'Lane Cove River', is located across a band of land across the northern and eastern side of the LGA. Area 2, named 'Central Plateau', is the higher plateau area of the centre and west of the LGA and is the most developed section. Area 3, named 'Parramatta River', is the sloping land bordering the Parramatta River along the south of the LGA (AHO 2011:25).

The study area is located within Area 2, the Central Plateau. Much of the surface geology is shale (as identified in Section 6.2), which preserves less obvious evidence of Aboriginal presence than the sandstone dominated slopes of the other areas (AHO 2011:25). One site was identified in this area, AHIMS 45-6-2309. This site is located directly south of the current study area.



The report found that most sites did not require any additional management works beyond regular monitoring, that is, every 12 months as a minimum or 6 months for more sensitive sites. The report recommended that land managers continue to support initiatives to expand their management of Aboriginal heritage, particularly undertaking measures in regard to education and training, and site management and protection (AHO 2011:30).

4.3. Study area

There are no registered Aboriginal sites within the study area and the study area is not an Aboriginal place.



5.0 CONSULTATION

Table 1 summarises the consultation undertaken in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*. The letters and emails are attached at Appendix A.

Table 2: Consultation undertaken in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

Step	Task Requirement	Action	Date of action	Outcome
4.1.1	Identify if native title exists in relation to the project area.	We searched the National Native Title Register for land claims and registered Indigenous Land Use Agreements	14/4/2021	There are no Native Title Claimants or holders and there are no Indigenous Land Use Agreements
4.1.2	Ascertain, from reasonable sources of information, the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places. Compile a list of Aboriginal people who may have an interest for the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places	We wrote to the following organisations seeking the names of any Aboriginal people or organisations who may hold cultural knowledge: <ul style="list-style-type: none"> Metropolitan Local Aboriginal Land Council City of Ryde Council Greater Sydney Local Land Services (GSLLS) Heritage NSW Office of Registrar, Aboriginal Land Rights Act 1983 NTS Corporation 	4/2/2021	Office of Registrar, <i>Aboriginal Land Rights Act 1983</i> responded on 4/2/2021 and advised that there were no Registered Aboriginal owners. Ryde City Council responded on 10/02/2021 and advised that Council did not have contacts for Indigenous groups specific to Ryde LGA. Heritage NSW responded on 23 February 2021 and provided a list of 48 Aboriginal stakeholder groups who may have an interest in the project. (The list included 59 entries but 11 of these were duplicates.)
4.1.3	Written notification and advertisement: Write to the Aboriginal people whose names were obtained in step 4.1.2 and the relevant LALC(s) to notify them of the proposed project. Placed a notice in the local newspaper circulating in the general location of the proposed project, explaining the project and its exact location. Notification by letter and newspaper must include: (a) the name and contact details of the proponent (b) a brief overview of the proposed project that may be the subject of an application for an AHIP, including the	We placed an advertisement in News Local Digital Edition. We wrote to the following organisations/people identified in 4.1.2 <ul style="list-style-type: none"> A1 Indigenous Services Amanda Hickey Cultural Services Aragung Aboriginal Cultural Heritage Site Assessments B.H. Heritage Consultants Badu Barking Owl Aboriginal Corporation Biamanga Bilinga Butucarbin Aboriginal Corporation Callendulla Clive Freeman Darug Aboriginal Cultural Heritage Assessments Darug Boorooberongal Elders Aboriginal Corporation Darug Custodian Aboriginal Corporation Darug Land Observations 	Ad in paper 4/2/2021 with a response by 22/02/2021 Email sent on 24/02/2021 with response date of 10/03/2021	We received responses from the following: <ul style="list-style-type: none"> Lilly Carroll & Paul Boyd, Didge Ngunawal Clan Phil Khan, Kamilaroi Yankuntjatjara Working Group Krystle Carroll-Elliott, Ginninderra Aboriginal Corporation James Eastwood, Aragung Aboriginal Cultural Heritage Site Justine Saunders, Darug Custodian Aboriginal Corporation Phill Boney, Wailwan Aboriginal Group Kaarina Slater, Ngambaa Cultural Connection Rodney Gunther, Waawaar Awaa Aboriginal Corporation



Step	Task Requirement	Action	Date of action	Outcome
	<p>location of the proposed project</p> <p>(c) a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP and to assist the Director-General of OEH in his or her consideration and determination of the application</p> <p>(d) an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity</p> <p>(e) a closing date for the registration of interests</p>	<ul style="list-style-type: none"> • Dharug • Dhinawan Culture & Heritage Pty Ltd • Didge Ngunawal Clan • DJMD Consultancy • Eric Keidge • Galamaay Cultural Consultants (GCC) • Ginninderra Aboriginal Corporation • Goobah Developments • Goodradigbee Cultural & Heritage Aboriginal Corporation, • Gulaga • Jerringong • Kamilaroi Yankuntjatjara Working Group • Metropolitan Local Aboriginal Land Council • Minnamunnung • Munyunga • Mura Indigenous Corporation • Murramarang • Murrumbul • Ngambaa Cultural Connections • Nundagurri • Pemulwuy CHTS • Thauaira • Thoorga Nura • Tocomwall • Waawaar Awaa Aboriginal Corporation • Wailwan Aboriginal Group • Walbunja • Walgalu • Wingikara • Wori Woilywa • Wullung • Wurrumay Pty Ltd • Yerramurra 		
4.1.4	A minimum of 14 days from the date the letter was sent or notice published in the newspaper to register an interest.	Closing date for registration of interest included in the notification letters and notice in the newspaper was at least 14 days from the date the letters were sent and notices appeared in the newspapers.	<p>Ad in paper 4/2/2021 with a response by 22/02/2021</p> <p>Email sent 24/2/21 with a response date of 10/03/2021</p>	<p>See above for the organisations who responded.</p> <p>Letters and advertisement included closing dates</p>
4.1.5	Must advise Aboriginal people who are registering an interest	<p>RAP's informed by:</p> <ul style="list-style-type: none"> • letter email 	24/02/2021	No RAPs asked for their details to be withheld from MLALC/HNSW



Step	Task Requirement	Action	Date of action	Outcome
	that their details will be forwarded to HNSW and the LALC unless they specify that they do not want their details released.	<ul style="list-style-type: none"> advertisement 	4/2/2021	
4.1.6	Make a record of the names of each Aboriginal person who registered an interest. Provide a copy of that record and copy of the notification from step 4.1.3 to the relevant Heritage NSW and LALC within 28 days of closing date for registration of interest.	List of RAP's compiled and sent to Heritage NSW and MLALC	11/03/2021	Letters sent
4.1.7	LALCs holding cultural knowledge relevant to determining the significance of Aboriginal objects and places in the proposed project area who wish to register an interest to be involved in consultation must register their interest as an Aboriginal organisation rather than individuals.	Metropolitan LALC is a Registered Aboriginal Party to be involved in consultation (refer to 4.1.6)		MLALC registered
4.1.8	Where an Aboriginal organisation representing Aboriginal people, who hold cultural knowledge has registered an interest, a contact person for that organisation must be nominated. Aboriginal cultural knowledge holders who have registered an interest may indicate they have appointed a representative to act on their behalf. Where this occurs, the registered Aboriginal party must provide written confirmation and contact details of those individuals to act on their behalf.			See 4.1.3 above
4.2	Presentation of information about the proposed project.	Information about project forwarded to all RAPs with 28 days to respond.	Sent on 11/03/2021 with a response date of 13/04/2021	Information forwarded



Step	Task Requirement	Action	Date of action	Outcome
4.3.1-4.3.2	Notification of proposed assessment methodology	Methodology sent to all RAPS.	Sent on 11/03/2021 with a response date of 13/04/2021	Responses received from <ul style="list-style-type: none"> • Rodney Gunther, Waawaar Awaa Aboriginal Corporation 14/3/2021 • Justine Coplin, Darug Custodian Aboriginal Corporation 16/3/2021 • Phil Khan, Kamilaroi Yankuntjatjara Working Group 23/03/2021 • Jamie Eastwood, Aragung Aboriginal Cultural Heritage Site Assessments 16/03/2021 • Ngambaa Cultural Connections 15/03/2021
4.3.3	Gathering information about cultural significance			Cultural information provided by some RAPS and included in significance assessment.
4.4	Review of draft cultural heritage assessment report	ACHAR sent to all RAPS for review and comment.	ACHAR sent on 14/04/2021 with responses due on 12/05/2021	The following RAPS responded and were all in support of the ACHAR <ul style="list-style-type: none"> • Waawaar Awaa – Rodney Gunther 14/04/2021 • Aragung - _Jamie Eastwood 19/04/2021 • Ngaamba Cultural Connections-Kaarina Slater 22/04/2021 • Didge Ngunawal Clan - Lilly Carroll, 22/04/2021

As a result of the above consultation the following organisations are Registered Aboriginal Parties:

- Metropolitan Local Aboriginal Land Council
- Aragung Aboriginal Cultural Heritage Site Assessments
- Darug Custodian Aboriginal Corporation
- Didge Ngunawal Clan
- Ginninderra Aboriginal Corporation
- Kamilaroi Yankuntjatjara Working Group
- Ngambaa Cultural Connection
- Waawaar Awaa Aboriginal Corporation
- Wailwan Aboriginal Group

No confidential, culturally sensitive or restricted information was identified.



6.0 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

7.1 Preamble

Significance assessment is the process whereby sites or landscapes are assessed to determine their value or importance to the community.

A range of criteria have been developed for assessing the significance which embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

Following are the criteria which will be used to assess the significance of the study area.

7.2 Criteria

Social value (sometimes termed 'Aboriginal' value) which refers to the spiritual, traditional, historical or contemporary associations or attachments which the place or area has for the present day Aboriginal community.

Historic value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community.

Scientific value refers to the importance of a landscape, area, place, or objects because of its potential to provide information which is of value in scientific analysis and the ability to answer scientific or technical research questions.

Aesthetic value refers to the sensory, scenic and creative aspects of the place.

Representativeness refers to whether the site demonstrates the principle characteristics of that site and is a good representative example of that site type.

Rarity refers to the degree to which such a site is known elsewhere and whether the site is uncommon, rare or endangered.

7.3 Criteria

Social Values

The artefacts predicted to be on located on the site will provide evidence of Aboriginal occupation, representing the past for the local Aboriginal community, and providing a direct link to their ancestors.

'The area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites.' (DCAC)

Historic Values

The study area is predicted to contain significant historic values.

Scientific Values

The study area has the potential to yield further Information through detailed scientific and archaeological research into the nature of Aboriginal occupation and techniques utilised in subsistence activities. It has the potential to contain sub-surface archaeological deposits.

Aesthetic Values

The site does not contain Aboriginal aesthetic values, however, after excavation the objects uncovered might meet this criterion.

Representative Values

Until the excavation has been completed it is not known if the site contains representative values.

**Rarity Values**

Until the excavation has been completed it is not known if the site contains rarity values.

6.1. Statement of significance

The area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites. The artefacts predicted to be located on the site will provide evidence of Aboriginal occupation, representing the past for the local Aboriginal community, and providing a direct link to their ancestors. The current site contains a portion of Archer Creek, a tributary of the Parramatta River, and is therefore considered to be an area of archaeological potential. The study area has the potential to yield further information through detailed scientific and archaeological research into the nature of Aboriginal occupation and techniques utilised in subsistence activities. It has the potential to contain sub-surface archaeological deposits. The current site does not contain Aboriginal aesthetic values, however, after excavation any objects uncovered may meet this criterion. Until the excavation has been completed it is not known if the site contains representative or rarity values.



7.0 PROPOSED ACTIVITY

The Department of Education through School Infrastructure NSW (SINSW) propose to relocate Marsden High School to the Meadowbank Education [and Employment] Precinct. A robust Business Case is being developed in order to repurpose the Marsden High School site to a community sports facility. At present, two draft masterplan options have been developed for the study area, shown below in Figure 107.

The proposed works have not yet been finalised; however, the works will involve extensive ground disturbance including, but not limited to:

- Demolition of the existing school buildings and facilities in the north western portion of the study area.
- Cut and fill to modify site levels. There is a substantial fall of between 3-7m across the study area, comprising both natural topography and existing civil benches for school buildings and landscaping. Modification of levels will be limited by using existing site levels as much as possible.
- Landscaping.
- Construction of sports courts across the majority of the study area.
- Indoor sporting facility and car parking in the north western portion of the study area.
- Construction/upgrade of service infrastructure.
- Within the north eastern portion of the study area, natural site levels will largely remain undisturbed as these are in an ecologically protected area.



Figure 7: Masterplan option 2 (Cox Architects 2021)



8.0 AVOIDING AND MINIMISING HARM

8.1. Impacts

The proposed development will involve impact to the study area. The proposed works listed in Section 7 above are proposed to be developed on top of the existing site to minimise ground surface disturbance, although the proposed development will require the re-levelling of existing site bench levels.

As the area has been assessed as having the potential to contain subsurface Aboriginal archaeological deposits, further measures will be required in order to mitigate potential impacts to Aboriginal heritage values.

8.2. Mitigation

Archaeological test excavation

As subsurface Aboriginal objects are predicted to exist within the study area, and it is an offence to harm such objects, testing, and, if necessary, salvage excavation is proposed as a mitigation measure, as avoidance of the potential deposits is not possible. The information gained from archaeological excavation contributes to our knowledge and understanding of Aboriginal occupation. This knowledge can then be passed down to future generations through education programs and interpretation. Such strategies will contribute to building and maintaining social cohesion within the Aboriginal and broader community and protecting cultural values for future generations. Archaeological sites are valued by the Aboriginal community for more than their archaeological/scientific values. Such sites reflect both the physical and spiritual presence of ancestors on country. It is therefore important that as much information as possible is obtained to ensure recognition of Aboriginal heritage and to pass this information on to future generations.

Conservation Zone

The north eastern portion of the study area, including and adjacent to Archer Creek, contains a landform with archaeological potential. This area, shown in Figure 18 below has been maintained and managed by Council and the school and has been designated as a Conservation Zone for both natural and cultural heritage values.



Figure 8: Conservation Zone shown in red hatch



9.0 RECOMMENDATIONS

The following recommendations are based on:

- Legal requirements under the terms of the *National Parks & Wildlife Act 1974* (as amended), which states that it is an offence to harm or desecrate an Aboriginal place or object without first gaining a permit under Part 6 of the *National Parks & Wildlife Act 1974*.
- Consultation with the Registered Aboriginal Parties as detailed in this report.
- Research into the archaeological record for the Cumberland Plain and the study area.
- Results of the assessment as outlined in this report.

IT IS THEREFORE RECOMMENDED THAT:

- 1) Aboriginal community consultation should continue.
- 2) As subsurface Aboriginal objects are predicted to exist within the study area, and it is an offence to harm such objects, test excavation should be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and in association with the Registered Aboriginal Parties. This testing can be undertaken without an AHIP.
- 3) The area identified within this report as Conservation Zone including and adjacent to the Archer Creek, should not be impacted upon by the proposed works and should be maintained *in situ*. During the proposed works a physical barrier should be established around the Conservation Zone and all employees, contractors and sub-contractors engaged on the proposed development of the sporting facilities should be advised that the Conservation Zone is a “no-go area”.
- 4) If no Aboriginal objects are uncovered during the testing, the project can proceed without the need to undertake salvage. However, if Aboriginal objects are uncovered during the testing, it may be necessary to apply for a AHIP and undertake Aboriginal archaeological salvage excavations once the DA has been issued. The salvage will need to be undertaken prior to redevelopment of the site.
- 5) All employees, contractors/sub-contractors and anyone else working on the site should be made aware that it is an offence to harm Aboriginal objects. If any Aboriginal objects are uncovered during the course of the redevelopment of the school, all work must cease in the vicinity of that object and further advice sought from the consultant.
- 6) An Aboriginal heritage induction should be provided to all staff and contractors on the significance of the Aboriginal heritage of the site, including the Conservation Zone and advised of their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal heritage.
- 7) An interpretation strategy and plan should be developed which interprets the results of the archaeology and the Aboriginal history of the region. This should be in partnership with the RAPs. The artefacts recovered from the testing and salvage could be used in the interpretative display.
- 8) Should the proposed works as described in this report be altered the new proposal should be assessed and this report amended accordingly.
- 9) In the unlikely event that Aboriginal burials or skeletal material are unexpectedly uncovered, work should cease in the vicinity of the skeletal remains and the consultant immediately contacted. The area should be cordoned and protected from unauthorised access. The consultant will determine if the skeletal remains are human or animal. If human, the consultant will contact the RAPs, the Police and Heritage NSW.



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APPENDIX A: CONSULTATION

4.1.1 Identify if Native Title exists

We searched the National Native Title Register on 14th April 2021 and again on 5th May 2021 for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements

The results indicate that there are no Native Title Claimants or holders and there are no Indigenous Land Use Agreements.

Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR contains determinations of native title made by:

- the High Court of Australia
- the Federal Court of Australia
- or a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Further [information about the NNTR](#) is available.

Tribunal file no.	<input type="text"/>
Federal Court file no.	<input type="text"/>
Short name	<input type="text"/>
Case name	<input type="text"/>
State or Territory	<input type="text" value="ALL"/> ▼
Registered Native Title Body Corporate*	<input type="text"/>
Representative A/TSI body area	<input type="text"/>
Local government area	<input type="text" value="Ryde City Council"/>
Determination type	<input type="text" value="ALL"/> ▼
Legal process	<input type="text" value="ALL"/> ▼
Determination outcome	<input type="text" value="ALL"/> ▼
Determination date between	<input type="text"/> and <input type="text"/>
Sort by	<input type="text" value="Determination date"/> ▼
<input type="button" value="Search >"/>	

*Please note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

No results for current search criteria



4.1.2 Ascertaining the names of people who may hold cultural knowledge

We wrote to the following organisations. Copy of the email follows.

- Heritage NSW
- Metropolitan Local Aboriginal Land Council
- The Registrar, *Aboriginal Land Rights Act 1983* for a list of Aboriginal owners
- Native Title Services Corporation Limited (NTSCORP Limited)
- The City of Parramatta Council
- Local Land Services

From: [David Nutley](#)
To: HERITAGEMailbox@environment.nsw.gov.au; Information@ntscorp.com.au; metrolalc@metrolalc.org.au; gs.service@lls.nsw.gov.au; cityofryde@ryde.nsw.gov.au
Bcc: [Jillian Comber](#)
Subject: Aboriginal Cultural Heritage Consultation - Marsden High School, West Ryde
Date: Thursday, 4 February 2021 2:41:00 PM
Attachments: [image002.png](#)

MARSDEN HIGH SCHOOL, 22A WINBOURNE STREET, WEST RYDE

Title Details: 1/220808

The Department of Education through School Infrastructure NSW (SINSW) is planning to repurpose the current site of Marsden High School at 22A Winbourne Street, West Ryde within the City of Ryde Local Government Area. The proposed redevelopment will be assessed as a State Significant Development (SSD).

Comber Consultants have been engaged by SINSW to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. As required, I am writing to you to ascertain if you are aware of Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. If so, I would be pleased if you could forward their contact details to me.

Please provide your response by Monday 22 February 2021 to:

David Nutley Comber
 Consultants
 76 Edwin Street North CROYDON,
 NSW 2132
David.nutley@comber.net.au M:
 0408 76 553

DAVID NUTLEY

DIRECTOR
 ARCHAEOLOGIST
 HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
 T 02 9799 6000 F 02 9799 6011 M 0408 76 553
 E david.nutley@comber.net.au
www.comber.net.au





Responses to 4.1.2



04 February 2021

By email: David.nutley@comber.net.au

David Nutley
Comber Consultants
76 Edwin Street North
CROYDON NSW 2132

Dear David,

**Request - Search for Registered Aboriginal Owners – Marsden High School,
22A Winbourne Street, West Ryde.**

We refer to your email dated 04 February 2021 seeking the identification of Aboriginal organisations and people who may have an interest in the proposed redevelopment of Marsden High School at 22A Winbourne Street, West Ryde New South Wales.

Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

We suggest you contact the Metropolitan Local Aboriginal Land Council on (02) 8394 9666 or via email nmoran@metrolalc.org.au as they may wish to participate.

Yours sincerely

Rachel Rewiri
Project Officer
Office of the Registrar, Aboriginal Land Rights Act 1983



From: Michael Edwards <MichaelM@ryde.nsw.gov.au>
Sent: Wednesday, 10 February 2021 4:38 PM
To: David Nutley
Subject: RE: Aboriginal Cultural Heritage Consultation - Marsden High School, West Ryde

David,

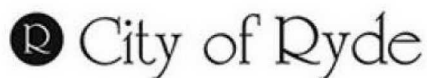
Thank you for your email enquiry. I do not have any specific contacts for Indigenous groups specific to the Ryde LGA.

I would suggest making contact with the MLALC who may be able to identify any appropriate persons or groups.

Regards,

Michael Edwards
Heritage Advisor

Michael Edwards
Heritage Officer (Wed & Fri)
URBAN STRATEGY
P 0299528321
E MichaelM@ryde.nsw.gov.au
W www.ryde.nsw.gov.au



Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)
North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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Reference: DOC21/63853-1

Dr Jillian Comber,
Comber Consultants
79 Edwin Street
North Croydon NSW 2132
jillian.comber@comber.net.au

RE: Request for information on Aboriginal stakeholders for an Aboriginal cultural heritage assessment for the proposed "redevelopment of the Marsden High School, 22a Winbourne Street, West Ryde, NSW".

Dear Jillian,

Thank you for your letter of 4 February 2021 about Aboriginal cultural heritage consultation for proposed for the proposed "redevelopment of the Marsden High School, 22a Winbourne Street, West Ryde, NSW, within the Ryde local government area. I appreciate the opportunity to provide input.

Please find enclosed a list of known Aboriginal parties for the Ryde local government area (Attachment 1) that we consider likely to have an interest in the proposal. Note this is not an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (the CRs).

We would also like to take this opportunity to remind the proponent and consultant to:

- Ensure that consultation is fair, equitable and transparent. If the Aboriginal parties express concern or are opposed to parts of or the entire project, we expect that evidence will be provided to demonstrate the efforts made to find common ground between the opponents and the proponent.

52 Martin Place Sydney ■ GPO Box 5341 Sydney NSW 2001 ■ P: (02) 9228 5555 ■ F: (02) 9228 3935 ■ dpc.nsw.gov.au

If you have any questions about this advice, please do not hesitate to contact me via paul.houston@environment.nsw.gov.au or 02 68835361.

Yours sincerely

Paul Houston
Aboriginal Heritage Planning Officer
Aboriginal Cultural Heritage Regulation - Northern
Heritage NSW
Department of Premier and Cabinet
23 February 2021



ATTACHMENT A

Table 1: List of Aboriginal stakeholder groups within the Ryde LGA. - that may have an interest in the project; provided as per the "OEH Aboriginal cultural heritage requirement for proponents 2010".

Organisation/ Individual	Contact Name	Email Address/ Fax / Phone	Postal Address	Additional information
Organisation/ Individual	Contact Name	Email Address/ Fax / Phone	Postal Address	Additional information
Metropolitan Local Aboriginal Land Council	Nathan Moran	(02) 83949666 officeadmin@metrolalc.org.au	PO Box 1103 Strawberry Hills NSW 2016	
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	02 9410 3665 or 0422 865 831	Unit 9, 6 Chapman Avenue, Chatswood, NSW 2067	
Darug Land Observations	Jamie Workman and Anna Workman	0418 494 951 0413 687 279 daruglandobservations@gmail.com	PO Box 173, Ulladulla, NSW 2539	
A1 Indigenous Services	Carolyn Hickey	0411 650 057 cazadirect@live.com	10 Marie Pitt Place Glenmore Park 2745 NSW.	
Eric Keidge	Eric Keidge	04311 66423	11 Olsson Close Hornsby Heights NSW 2077	
Kamilaroi Yankuntjatjara Working Group	Phil Khan	0434 545 982 philipkhan.acn@live.com.au	78 Forbes Street, Emu Plains, NSW 2750	
Tocomwall	Scott Franks	0404 171 544	PO Box 76, Caringbah NSW 1495	
Amanda Hickey Cultural Services	Amanda Hickey	0434 480 588 amandahickey@live.com.au	57 Gough st emu plains 2750	
Dhinawan Culture & Heritage Pty Ltd	Stephen Fields	0411232285 dhinawan.ch@gmail.com		

Gunyu	Kylie Ann Bell	gunyuuchts@gmail.com		
Walbunja	Hika Te Kowhai	0402 730 612 walbunja@gmail.com		
Badu	Karia Lea Bond	0476 381 207	11 Jeffery Place, Moruya, NSW 2537	
Goobah Developments	Basil Smith	0405 995 725 goobahchts@gmail.com	66 Grantham Road, Batehaven NSW, 2536	
Wullung	Lee-Roy James Boota	0403 703 942	54 Blackwood Street, Gerringong, NSW, 2534	
Yerramurra	Robert Parson	yerramurra@gmail.com		
Nundagurri	Newton Carriage	nundagurri@gmail.com		
Murrumbul	Mark Henry	murrumbul@gmail.com		
Jerringong	Joanne Anne Stewart	0422 800 184 jerringong@gmail.com		
Pemulwuy CHTS	Pemulwuy Johnson	0425 066 100 pemulwuyd@gmail.com	14 Top Place, Mt Annan	
Bilinga	Simalene Carriage	bilingachts@gmail.com		
Munyunga	Kaya Dawn Bell	munyangchts@gmail.com		
Wingikara	Hayley Bell	wingikarachts@gmail.com		
Minnamunnung	Aaron Broad	0402 526 888	1 Waratah Avenue, Albion Park Rail NSW 2527	
Walgali	Ronald Stewart	walgaluchts@gmail.com		
Thauaira	Shane Carriage	thauairachts@gmail.com		



Gunyu	Kylie Ann Bell	gunyuachts@gmail.com		
Walbunja	Hika Te Kowhai	0402 730 612 walbunja@gmail.com		
Badu	Karia Lea Bond	0476 381 207	11 Jeffery Place, Moruya, NSW 2537	
Goobah Developments	Basil Smith	0405 995 725 goobahchts@gmail.com	66 Grantham Road, Batehaven NSW, 2536	
Wullung	Lee-Roy James Boota	0403 703 942	54 Blackwood Street, Gerringong, NSW, 2534	
Yerramurra	Robert Parson	yerramurra@gmail.com		
Nundagurri	Newton Carriage	nundagurri@gmail.com		
Murrumbul	Mark Henry	murrumbul@gmail.com		
Jerringong	Joanne Anne Stewart	0422 800 184 jerringong@gmail.com		
Pemulwuy CHTS	Pemulwuy Johnson	0425 066 100 pemulwuyd@gmail.com	14 Top Place, Mt Annan	
Bilinga	Simalene Carriage	bilingachts@gmail.com		
Munyunga	Kaya Dawn Bell	munyangchts@gmail.com		
Wingikara	Hayley Bell	wingikarachts@gmail.com		
Minnamunnung	Aaron Broad	0402 526 888	1 Waratah Avenue, Albion Park Rail NSW 2527	
Walgalu	Ronald Stewart	walgalchts@gmail.com		
Thauaira	Shane Carriage	thauairchts@gmail.com		
Dharug	Andrew Bond	dharugchts@gmail.com		
Gulaga	Wendy Smith	gulagachts@gmail.com		
Callendulla	Corey Smith	cullendullachts@gmail.com		
Murramarang	Roxanne Smith	murramarangchts@gmail.com		
DJMD Consultancy	Darren Duncan	darreniohnduncan@gmail.com		
Butucarbin Aboriginal Corporation	Jennifer Beale	(02)9832 7167 butuheritage@gmail.com	PO Box E18, Emerton, NSW 2770	
Didge Ngunawal Clan	Lillie Carroll Paul Boyd	0426 823 944 didgequnawalclan@yahoo.com.au	33 Carlyle Crescent Cambridge Gardens NSW 2747	
Ginninderra Aboriginal Corporation	Steven Johnson and Krystle Carroll	0406991221 Ginninderra_corp@gmail.com	PO BOX 3143 Grose Vale NSW 2754	
Wailwan Aboriginal Group	Philip Boney	0436 483 210 waarian12@outlook.com		
Barking Owl Aboriginal Corporation	Mrs Jody Kulakowski (Director)	0426 242 015 barkingowlcorp@gmail.com	2-65/69 Wehlow St. Mt Druitt	
Thoorga Nura	John Carriage (Chief Executive Officer)	0401 641 299 thoorganura@gmail.com	50B Hilltop Crescent, Surf Beach, 2536, NSW	
Darug Boorooberongal Elders Aboriginal Corporation	Paul Hand (chairperson)	0456786738 paulhand1967@gmail.com	PO.Box 14 Doonside NSW 2767	
B.H. Heritage Consultants	Ralph Hampton Nola Hampton	0435 785 138 0401 662 531 hamptonralph46@gmail.com	184 Captain Cook Drive Willmot 2770 NSW 95 Mount Ettalong Road Umina Beach 2257 NSW	



		kinghampton@77gmail.com		
Ngambaa Cultural Connections	Karina Slater	0417861882 ngambaaculturalconnections@hotmail.com	6 Natchez Crescent, Greenfield Park NSW 2167	
Goodradigbee Cultural & Heritage Aboriginal Corporation,	Caine Carroll	0410974236 goodradigbee1@outlook.com	1 Morilla Road, East Kurrajong NSW 2758	
Mura Indigenous Corporation,	Phillip Carroll	0448824188 mura.indigenous@bigpond.com	11 Nargal Street Flinders NSW 2529	
Aragung Aboriginal Cultural Heritage Site Assessments	Jamie Eastwood	0427793334 0298323732 James.eastwood@y7mail.com	33 Bulolo Drive Whalan NSW 2770	
Waawaar Awaar Aboriginal Corporation	Rodney Gunther	0410580962 Waawaar.awaar@gmail.com	15 Bungonia Street Prestons NSW 2170	
Wori Woilywa	Daniel Chalker	woriwoilywa@gmail.com 0409006216	261 Mockingbird Rd Pheasants Nest NSW 2574	
Darug Custodian Aboriginal Corporation	Justine Coplin	0414 962 766 justinecoplin@optusnet.com.au	PO Box 81, Windsor NSW 2756	
Wailwan Aboriginal Group	Phillip Boney	0436 483 210 waarian12@outlook.com		
Barking Owl Aboriginal Corporation	Mrs Jody Kulakowski (Director)	0426 242 015 barkingowlcorp@gmail.com	2-65/69 Wehlow St. Mt Druitt	
Darug Boorooberongal Elders Aboriginal Corporation	Paul Hand (chairperson)	0456786738 paulhand1967@gmail.com	PO.Box 14 Doonside NSW 2767	
B.H. Heritage Consultants	Ralph Hampton	0435 785 138 0401 662 531	184 Captain Cook Drive Willmot 2770	
	Nola Hampton	hamptonralph46@gmail.com kinghampton@77gmail.com	NSW 95 Mount Ettalong Road Umina Beach 2257 NSW	
Ngambaa Cultural Connections	Karina Slater	0417861882 ngambaaculturalconnections@hotmail.com	6 Natchez Crescent, Greenfield Park NSW 2167	
Goodradigbee Cultural & Heritage Aboriginal Corporation,	Caine Carroll	0410974236 goodradigbee1@outlook.com	1 Morilla Road, East Kurrajong NSW 2758	
Mura Indigenous Corporation	Phillip Carroll	0448824188 mura.indigenous@bigpond.com	11 Nargal Street Flinders NSW 2529	
Aragung Aboriginal Cultural Heritage Site Assessments	Jamie Eastwood	0427793334 0298323732 James.eastwood@y7mail.com	33 Bulolo Drive Whalan NSW 2770	
Waawaar Awaar Aboriginal Corporation	Rodney Gunther	Waawaar.awaar@gmail.com	15 Bungonia Street Prestons NSW 2170	
Clive Freeman	Clive Freeman	Mob:0437721481 Home Number: 02-44421117 clive.freeman@y7mail.com	6 Dhugan Close Wreck Bay Aboriginal Community JBT 2540	
Galamaay Cultural Consultants (GCC)	Robert Slater	Mob:0401 871 526 galamaay@hotmail.com	121 Robert Street, Tamworth NSW 2340	
Wurrumay Pty Ltd	Kerrie Slater and Vicky Slater	0421077521 wurrumay@hotmail.com	89 Pyramid street, Emu Plains NSW 2750 PO Box 414 Emu Plains NSW 2750	
Tocomwall	Scott Franks	0404 171 544	PO Box 76, Caringbah NSW 1495	
Biamanga	Seli Storer	biamangachts@gmail.com		



Thoorga Nura	John Carriage (Chief Executive Officer)	0401 641 299 thoorganura@gmail.com	50B Hilltop Crescent, Surf Beach, 2536, NSW	
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4.1.3 to 4.1.8 Newspaper Advertisement

The following advertisement was placed in News Local digital edition of public notices for 30 days from 4/2/2021 with a closing date of 3 April 2021.

ABORIGINAL CULTURAL HERITAGE

Date listed: 4/2/2021

NOTIFICATION AND REGISTRATION OF ABORIGINAL INTERESTS
MARSDEN HIGH SCHOOL, 22A WINBOURNE STREET, WEST RYDE
Title Details: 1/220808

The Department of Education through School Infrastructure NSW (SINSW), propose the preparation of an Aboriginal Cultural Heritage Assessment Report and will possibly undertake excavation prior to redevelopment of the current site of Marsden High School at 22A Winbourne Street, West Ryde within the City of Ryde Local Government Area.

The proposal is to be assessed as a State Significant Development (SSD) under Part 4 Division 4.7 of the Environmental Planning and Assessment Act 1979. This requires Aboriginal community consultation to be undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.

Registrations of interest are sought from Aboriginal people who hold cultural knowledge relevant to determining the significance of any potential Aboriginal objects at this location. This will assist in the assessment of the proposal by the NSW Department of Planning, Industry and Environment.

Please note that the details of Aboriginal people or organisations who register an interest will be forwarded to Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC). If you do not want your details forwarded to the MLALC, please specify in your letter when registering an interest that you do not want your details forwarded to the MLALC.

Comber Consultants Pty Ltd has been appointed to undertake the archaeological assessment and consultation.

You can register, indicating the nature of your interest by phone or in writing to:

David Nutley
Comber Consultants
76 Edwin Street North
CROYDON, NSW 2132
David.nutley@comber.net.au
M: 0408 76 553

REGISTRATIONS MUST BE RECEIVED BY COB MONDAY 22 February 2021



4.1.3 to 4.1.8 Notification of project

We wrote to people/organisations whose names were obtained in step 4.1.2 and the relevant Local Aboriginal Land Council to notify them of the proposed project. Copies of the emails and letters appear below.

We wrote to:

cazadirect@live.com; amandahickey@live.com.au; James.eastwood@v7mail.com;
hamptonralph46@gmail.com; baduchts@gmail.com; barkingowlcorp@gmail.com;
biangachts@gmail.com; bilingachts@gmail.com; butuheritage@gmail.com; cullendullachts@gmail.com;
clive.freeman@v7mail.com; paulhand1967@gmail.com; justinecoplin@optusnet.com.au;
daruglandobservations@gmail.com; gharugchts@gmail.com; ghinawan.ch@gmail.com;
didgengunawalclan@yahoo.com.au; darrenjohnduncan@gmail.com; galamaay@hotmail.com;
Ginninderra.corp@gmail.com; goobahchts@gmail.com; goodradigbee1@outlook.com;
murrumbul@gmail.com; gunyuuchts@gmail.com; gulagachts@gmail.com; Phil Khan
 [\(philipkhan.acn@live.com.au\)](mailto:(philipkhan.acn@live.com.au)); officeadmin@metrolalc.org.au; bilingachts@gmail.com;
mura.indigenous@bigpond.com; murramarangchts@gmail.com; murrumbul@gmail.com;
ngambaaculturalconnections@hotmail.com; nundagumri@gmail.com; pemulwuydi@gmail.com;
thoorganura@gmail.com; scott@tocomwall.com.au; Waawaar.awaa@gmail.com; waarlan12@outlook.com;
walbunja@gmail.com; walgachts@gmail.com; wingikarachts@gmail.com; worwoolywa@gmail.com;
wurumay@hotmail.com; yerramurra@gmail.com

Subject:

ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010
Marsden High School, 22a Winbourne Street, West Ryde, NSW

The Department of Education through School Infrastructure NSW (SINSW) is planning to repurpose the current site of Marsden High School at 22A Winbourne Street, West Ryde within the City of Ryde Local Government Area. The proposed redevelopment will be assessed as a State Significant Development (SSD). The development includes (provide brief description of proposal). A map showing the location of the study area is attached.

Heritage NSW has advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal person or organisations who may hold cultural knowledge relevant to the study area.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring." Therefore, responding to this invitation will not be a guarantee of work.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC). If you do not want your name forwarded to MLALC, please let me know.

Please forward your response to:

David Nutley
Comber Consultants
76 Edwin Street North
Croydon NSW 2132
david.nutley@comber.net.au
PH: 0408 976 553
Fax: (02) 9799 6011

Please send your response by Wednesday 10th March.



4.1.6 Responses received to notification

We received responses to the notification from the organisations listed below. Copies of those responses follow.

- Lilly Carroll & Paul Boyd, Didge Ngunawal Clan
- Phil Khan, Kamilaroi Yankuntjatjara Working Group
- Krystle Carroll-Elliott, Ginninderra Aboriginal Corporation
- James Eastwood, Aragung Aboriginal Cultural Heritage Site
- Justine Saunders, Darug Custodian Aboriginal Corporation
- Phill Boney, Wailwan Aboriginal Group
- Kaarina Slater, Ngambaa Cultural Connection
- Rodney Gunther, Waawaar Awaa Aboriginal Corporation



Re: Marsden High School, 22a N



Lilly Carroll <didgenyunawalclan@yahoo.com.au>

To ✓ David Nutley

Cc ✓ Jillian Comber

You replied to this message on 25/02/2021 10:00 AM.

Hi Dave

DNC Like to register an interest into Marsden High School 22 Winborne St West Ryde.

Kind regards Paul

From: philip khan <philipkhan.acn@live.com.au>

Sent: Thursday, 25 February 2021 7:52 AM

To: David Nutley <david.nutley@comber.net.au>

Subject: RE: Marsden High School, 22a Winbourne Street, West Ryde, NSW

Hi David,

Thank you for informing us that **Comber Consultants** will be involved in an Aboriginal Cultural Heritage Assessment at **Marsden High School, 22a Winbourne St, West Ryde, NSW** & that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

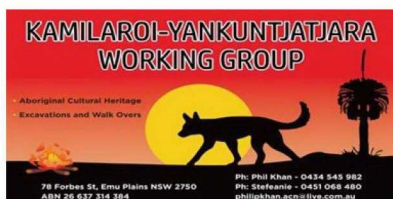
As a senior Aboriginal person for the past 40yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.

I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982 or Stefeanie on 0451068480.

Kind Regards
Phil Khan





Re: Marsden High School, 22a Winbourne Street, West Ryde, NSW



Ginninderra Aboriginal Corporation <ginninderra.corp@gmail.com>

To: David Nutley

You replied to this message on 25/02/2021 9:26 AM.

Reply Reply All Forward

Wed 24/02/2021 9:26 PM

Hi David,

Thank you for your email.

Please register Ginninderra Aboriginal Corporation for the above mentioned project.

All of our site officers have their white cards/insurances, and have extensive experience in surveys, excavations, sieving and recording of archaeological information.

We prefer to be contacted by email on ginninderra.corp@gmail.com. The postal address for Ginninderra AC is Po [box 3143 Grose Vale NSW 2753](#).

I myself will be the contact, and my mobile number is [0451016224](tel:0451016224).

Please let me know if there is anything else you require.

Krystle :)

Kind regards,

Krystle Carroll-Elliott
Ginninderra Aboriginal Corporation
M: [0451016224](tel:0451016224)
E: ginninderra.corp@gmail.com

☐ We acknowledge the Traditional Owners of Country throughout Australia and recognise their connection to land, water, and community. We pay our respects to them, their cultures, and to Elders past and present.

Re: Marsden High School, 22a Winbourne Street, West Ryde, NSW



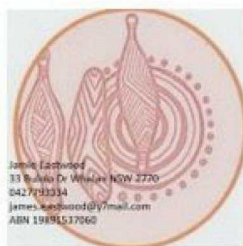
James Eastwood <james.eastwood@y7mail.com>

To: David Nutley

You replied to this message on 25/02/2021 2:21 PM.

Reply Reply All Forward

Thu 25/02/2021 1:01 PM



Dear David

Thank you for your recent invitation to register a interest towards **Aboriginal Cultural Heritage Consultation for Proponents 2010 Marsden High School 22a Winborne Street West Ryde**. Aragung Aboriginal Cultural Heritage Site Assessments Is glad to accept your invitation and would like to register a expression of interest in the above mention project . Aragung would like to be considered for participation in all aspects of this project.

Kind regards
Aragung
Co/ Jamie Eastwood



DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0414962766 Justine Coplin
EMAIL: justinecoplin@optusnet.com.au

Attention Comber Consultants

Date: 250221

Subject: Marsden High School, 22a Winbourne Street, West Ryde, NSW

Dear Jillian

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The West Ryde area is an area that our group has a vast knowledge of, we have worked and lived in for many years, this area is significant to the Darug people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner Darug group for the past 40 plus years.

Therefore we would like to register our interest for full consultation and involvement in the above project area.

Please contact us with all further enquiries on the above contacts.

Regards





Re: Marsden High School, 22a Winbourne Street, West Ryde, NSW



Phillip Boney <Waarlan12@outlook.com>

To David Nutley



You replied to this message on 25/02/2021 4:09 PM.

Reply

Reply All

Forward



Thu 25/02/2021 3:35 PM

Hey Uncle Dave,

It's Phil here. So happy to hear from you, I would like to register my interest in all aspects of this project and hopefully be successful to be working with you mob again.

High regards, Phil

Wailwan Aboriginal Group

Re: Marsden High School, 22a Winbourne Street, West Ryde, NSW



Rodney Gunther <waawaar.awaa@gmail.com>

To David Nutley



You replied to this message on 2/03/2021 2:47 PM.

Reply

Reply All

Forward



Tue 2/03/2021 11:18 AM



Workers Insurance Certificate of Currency 2022 (1).pdf
28 KB



Certificate of Currency.pdf
10 KB

Hi David,

Please register Waawaar Awaa Aboriginal Corporation for the proposed Aboriginal Cultural Heritage Assessment (ACHA) for the proposed development at Marsden High School at 22A Winbourne Street West Ryde.

Waawaar Awaa Aboriginal Corporation is a local organisation situated in South Western Sydney.

Waawaar Awaa Aboriginal Corporation site officers are young and fit and have the skills, relevant experience to undertake any archaeological fieldwork.

Waawaar Awaa Aboriginal Corporation has the necessary certificates of currency (attached).

Best form of contact for reports is by email and also can ring the mobile.

Looking forward to working with you.

regards

Rodney Gunther
0410 580 962



Re: Marsden High School, 22a Winbourne Street, West Ryde, NSW



Kaarina Slater <Ngambaaculturalconnections@hotmail.c

To David Nutley

Reply

Reply All

Forward



Thu 25/02/2021 5:27 PM

You replied to this message on 26/02/2021 11:46 AM.

Ngambaa Cultural Connection would like to register an interest for the above project @ winbourne street. West rude

Experienced indigenous site officer & current insurances.

Cheers

Kaarina Slater
Manager
0422 729 117



4.1.6 Sending list of RAPs to HNSW and MLALC



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION
ABORIGINAL – HISTORIC – MARITIME

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T 02 9799 6000 F 02 9799 6011
enquiries@comber.net.au
www.comber.net.au

DIRECTORS
DR JILLIAN COMBER | 0418 788 802
DAVID NUTLEY | 0408 976 553

11 March 2021

Heritage NSW

Email: heritagemailbox@environment.nsw.gov.au

Marsden High School: Notification of Registered Aboriginal Parties (Step 4.1.6)

This letter is being sent as notification of Registered Aboriginal Parties (Step 4.1.6) in accordance with 4.1.6 of the with *Aboriginal Cultural Heritage Consultation Requirements 2010* for the proposed Marsden High School development.

Attached please find copies of the advertisement placed in the local newspaper and the email notification sent to stakeholders.

Registration of interest was received from the following eight organisations:

Date	Name and Organisation	Contact Details	Method of Registration
24/02/2021	Ginninderra Aboriginal Corporation Krystle Carroll Elliott	Ginninderra.corp@gmail.com	Email
25/02/2021	Aragung Aboriginal Cultural Heritage Site James Eastwood	james.eastwood@y7mail.com	Email
25/02/2021	Darug Custodian Aboriginal Corporation Justine Saunders	justinecoplin@optusnet.com.au	Email
25/02/2021	Didge Ngunawal Clan Lilly Carroll	didgengunawalclan@yahoo.com.au	Email
25/02/2021	Kamilaroi Yankuntjatjara Working Group Phil Khan	philipkhan.acn@live.com.au	Email
25/02/2021	Ngambaa Cultural Connection Kaarina Slater	ngambaaculturalconnections@hotmail.com	Email
25/02/2021	Wailwan Aboriginal Group Phil Boney	Waarlan12@outlook.com	Email
02/03/2021	Waawaar Awaa Aboriginal Corporation Rodney Gunther	Waawaar.awaa@gmail.com	Email

Yours sincerely

David Nutley
Director/Archaeologist



76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T 02 9799 6000 F 02 9799 6011
enquiries@comber.net.au
www.comber.net.au

DIRECTORS
DR JILLIAN COMBER | 0418 788 802
DAVID NUTLEY | 0408 976 553

11 March 2021

Mr Nathan Moran
Chief Executive Officer
Metropolitan Local Aboriginal Land Council
36-38 George St
Redfern NSW 2016

Dear Nathan

Marsden High School: Notification of Registered Aboriginal Parties (Step 4.1.6)

This letter is being sent as notification of Registered Aboriginal Parties (Step 4.1.6) in accordance with 4.1.6 of the with *Aboriginal Cultural Heritage Consultation Requirements 2010* for the proposed Marsden High School development.

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Date	Name and Organisation	Contact Details	Method of Registration
24/02/2021	Ginninderra Aboriginal Corporation Krystle Carroll Elliott	Ginninderra.corp@gmail.com	Email
25/02/2021	Aragung Aboriginal Cultural Heritage Site James Eastwood	james.eastwood@y7mail.com	Email
25/02/2021	Darug Custodian Aboriginal Corporation Justine Saunders	justinecoplin@optusnet.com.au	Email
25/02/2021	Didge Ngunawal Clan Lilly Carroll	didgegunawalclan@yahoo.com.au	Email
25/02/2021	Kamilaroi Yankuntjatjara Working Group Phil Khan	philipkhan.acn@live.com.au	Email
25/02/2021	Ngambaa Cultural Connection Kaarina Slater	ngambaaculturalconnections@hotmail.com	Email
25/02/2021	Wailwan Aboriginal Group Phil Boney	Waarlan12@outlook.com	Email
02/03/2021	Waawaar Awaa Aboriginal Corporation Rodney Gunther	Waawaar.awaa@gmail.com	Email

Yours sincerely

David Nutley
Director/Archaeologist



4.3 Presentation of Methodology and gathering cultural information.

The following letter was sent to all RAPs on Thursday 11th March 2021 describing the proposed project and the proposed methodology



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION
ABORIGINAL – HISTORIC – MARITIME

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DIRECTORS
DR JILLIAN COMBER | 0418 788 802
DAVID NUTLEY | 0408 976 553



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION
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DIRECTORS

DR JILLIAN COMBER | 0418 788 802

DAVID NUTLEY | 0408 976 553

A.2021

11th March 2021

TO ALL REGISTERED ABORIGINAL PARTIES

Marsden High School, West Ryde

Presentation of project information and methodology

School Infrastructure NSW (SINSW) is developing a robust Business Case in order to repurpose the Marsden High School site to a community sports facility. The Department of Education through School Infrastructure NSW (SINSW) proposes to relocate Marsden High School to the Meadowbank Education [and Employment] Precinct. At present, two draft masterplan options have been developed for the study area, shown below in Figure 3 and Figure 4.

The study area is the site of the current Marsden High School, 22A Winbourne Street, West Ryde, shown in Figure 1 and edged in red. It is located in the City of Ryde Local Government Area (LGA) and is within the boundaries of the Metropolitan Local Aboriginal Land Council (MLALC). The study area is a mixed-use urban zone with a land area of approximately 5.5 hectares (ha).



Figure 1: Location of study area edged in red

Comber Consultants have been engaged to undertake consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Consultation Requirements). The purpose of consultation is to inform all Registered Aboriginal Parties (RAPs) about the project and the proposed archaeological methodology. It is also to inform and assist the Department of Planning, Industry and Environment (DPIE) to consider and determine an Aboriginal Heritage Impact Permit (AHIP) application and to ascertain if there is any significant Aboriginal cultural heritage within the study area.



The proposed works have not yet been finalised; however, the works will involve extensive ground disturbance including, but not limited to:

- Demolition of the existing school buildings and facilities in the north western portion of the study area.
- Cut and fill to modify site levels. There is a substantial fall of between 3-7m across the study area, comprising both natural topography and existing civil benches for school buildings and landscaping. Modification of levels will be limited by using existing site levels as much as possible.
- Landscaping.
- Construction of sports courts across the majority of the study area.
- Indoor sporting facility and car parking in the north western portion of the study area.
- Construction/upgrade of service infrastructure.
- Within the north western portion of the study area, natural site levels will largely remain undisturbed as these are in an ecologically protected area.

Archer Creek, a northern tributary of the Parramatta River runs through the north eastern portion of the study area. The Aboriginal Archaeological Due Diligence Assessment prepared by Comber Consultants in 2021 recommended that no works be undertaken in this area. As the proposal does not include ground surface impacts in this area, archaeological excavation is not required for this part of the study area.

The study area contains archaeological potential and it is proposed to undertake a program of archaeological testing and, if required, salvage excavation. The proposed methodology for the testing excavation follows. Could you please review and provide any comments? Please let me know if you would prefer any changes or a different methodology.

In accordance with the Consultation Requirements could you also please advise me of the following:

- Are you aware of any archaeological sites on or near the property?
- Can you advise me of the significance of the area?
- Do you have any cultural concerns or issues that should be addressed?
- Is there any confidential or culturally sensitive information that you would prefer is not detailed in the Aboriginal Cultural Heritage Assessment Report?

Could you please provide any comments by **Tuesday 13th April** in writing or by phone to:

David Nutley
76 Edwin St North
Croydon NSW 2132
M: 0408 976553
Email: david.nutley@comber.net.au

Thank you for your involvement in this project. Please do not hesitate to contact me if you would like any further information.

Kind regards,

Senior Archaeologist/Heritage Consultant



MARSDEN HIGH SCHOOL, WEST RYDE EXCAVATION METHODOLOGY

The testing is to be undertaken prior to the demolition of any buildings. Two areas of Potential Archaeological Deposit (PAD), PAD 1 and PAD 2, have been identified, as shown in Figure 2 below. Test excavation will be undertaken within PAD 1 and PAD 2, following removal of hard stand.

Testing is to be undertaken in accordance with requirements 15-17 (pp24-28) of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, as follows:

Notification

At least 14 days' notice will be provided to Heritage NSW, before commencement of the testing as detailed in requirement 15c to: heritagemailbox@environment.nsw.gov.au

Method

As detailed in requirement 15b, a test sampling strategy has been developed that provides a framework for PAD 1 and PAD 2. The strategy must be in accordance with requirement 16a.

1. Test excavation units will be placed on a systematic grid appropriate to the scale of the PAD being investigated e.g. 10m intervals, 20m intervals, or other justifiable and regular spacing.
2. Any test excavation point will be separated by at least 5m.
3. Test excavation units will be excavated using hand tools only.
4. Test excavations will be excavated in 50cm x 50 cm units.
5. Test excavation units will be combined and excavated as necessary to understand the site characteristics. They will generally be combined to form a 1m x 1m trench, however:
 - i. The maximum continuous surface area of a combination of test excavation units at any single excavation point conducted in accordance with point 1 (above) will be no greater than 3 m²
 - ii. The maximum surface area of all test excavation units will be no greater than 0.5% of the PAD being investigated.
6. Where the 50 cm x 50 cm excavation unit is greater than 0.5% of the area then point 5 (ii) (above) does not apply.
7. The first excavation unit will be excavated and documented in 5 cm spits. Based on the evidence of the first excavation unit, 10 cm spits or sediment profile/stratigraphic excavation (whichever is smaller) may then be implemented.
8. All material excavated from the test excavation units will be wet sieved using a 3mm aperture wire-mesh sieve.
9. Test excavation units will be excavated to at least the base of the identified Aboriginal object-bearing units, and must continue to confirm the soils below are culturally sterile.
10. Photographic and scale drawings will be undertaken.
11. Test excavation units will be backfilled immediately following completion of the test excavations.
12. If Aboriginal objects are uncovered a Site Recording Form will be completed and sent to the Aboriginal Heritage Information Management System (AHIMS).
13. Following test excavation, an Aboriginal Site Impact Recording form will be completed and submitted to the AHIMS Registrar as soon as practicable, for each AHIMS site that has been the subject of test excavation.



Figure 2: PAD 1 shown edged in orange, PAD 2 shown edged in green, no go zone shown in red



Figure 3: Masterplan option 1 (Cox Architects 2021)





The following responses were received to the information and methodology sent to all RAPs on Thursday 11 March 2021



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163 Leanne Watson
0414962766 Justine Coplin
EMAIL: mulgokiwi@bigpond.com / justinecoplin@optusnet.com.au

Attention: Comber Consultants

Date:150321

Subject: Marsden High School, West Ryde

Dear David

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

Our group promotes Darug Culture and works on numerous projects that are culturally based as a proud and diverse group. It has been discussed by our group and with many consultants and researches that our history is generic and is usually from an early colonists perspective or solely based on archaeology and sites. These histories are adequate but they lack the people's stories and parts of important events and connections of the Darug people and also other Aboriginal people that now call this area home and have done so for numerous generations.

This area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites.

Landscapes and landforms are significant to us for the information that they hold and the connection to Darug people. Aboriginal people (Darug) had a complex lifestyle that was based on respect and belonging to the land, all aspects of life and survival did not impact on



the land but helped to care for and conserve land and the sustenance that the land provided. As Darug people moved through the land there were no impacts left, although there was evidence of movement and lifestyle, the people moved through areas with knowledge of their areas

and followed signs that were left in the landscape. Darug people knew which areas were not to be entered and respected the areas that were sacred.

Knowledge of culture, lifestyle and lore have been part of Darug people's lives for thousands of years, this was passed down to the next generations and this started with birth and continued for a lifetime. Darug people spent a lifetime learning and as people grew older they passed through stages of knowledge, elders became elders with the learning of stages of knowledge not by their age, being an elder is part of the kinship system this was a very complicated system based on respect.

Darug sites are all connected, our country has a complex of sites that hold our heritage and past history, evidence of the Darug lifestyle and occupation are all across our country, due to the rapid development of Sydney many of our sites have been destroyed, our sites are thousands of years old and within the short period of time that Australia has been developed pre contact our sites have disappeared.

The Aboriginal cultural heritage consultation requirements for proponents Section 4.1.8 refers to "Aboriginal organisations representing Aboriginal people who hold cultural knowledge". Recent consultation meetings have revealed that many of these Aboriginal organisations and individuals do not hold cultural knowledge of the Western Sydney area. The increasing involvement of such parties in cultural heritage management means that genuine local Aboriginal organisations are unable to properly care for our cultural heritage.

Many Aboriginal organisations listed in the OEH response letter do not contribute to the Aboriginal community of Western Sydney. Individuals listed in the OEH response letter do not represent the community and while they may be consulted with, should not be employed for their own personal financial benefit.

Our organisation is committed to providing benefits back to our local Aboriginal community through such measures as funding the local Aboriginal juniors' touch football team, painting classes for the local children and donating money to various charities. Employment in cultural heritage activities is source of income that organisations such as ours can use to contribute to beneficial activities and support within the community.

Darug custodian Aboriginal Corporation's site officers have knowledge of Darug land, Darug Culture, Oral histories, landforms, sites, Darug history, wildlife, flora and legislative requirements. We have worked with consultants and developers for many years in Western



Sydney (Darug Land) for conservation, site works, developments and interpretation/education strategie.

Darug Custodian Aboriginal Corporation have received and reviewed the report for Marsden High School, West Ryde

We support the recommendations set out in this report.

Please contact us with all further enquiries on the above contacts.

Regards

Justine Coplin

From: Kaarina Slater <Ngambaaculturalconnections@hotmail.com>

Sent: Monday, 15 March 2021 1:12 PM

To: David Nutley <david.nutley@comber.net.au>; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; Phillip Boney <Waarlan12@outlook.com>; Rodney Gunther <waawaar.awaa@gmail.com>; Ginninderra Aboriginal Corporation <ginninderra.corp@gmail.com>; lilly carroll <didgengunawalclan@yahoo.com.au>; justinecoplin@optusnet.com.au; James Eastwood <james.eastwood@y7mail.com>

Cc: Jillian Comber <jillian.comber@comber.net.au>

Subject: Re: Marsden High School consultation

Hi David

Hope all is well

I've have read and agree with the above Methodology for the project.

I have ancestral & Knowledge of Country to the project area.

Experienced Indigenous Site Officer

Current Insurances

Kaarina slater
0422 729 117
NCC



From: Rodney Gunther <waawaar.awaa@gmail.com>
Sent: Sunday, 14 March 2021 10:13 PM
To: David Nutley; Jillian Comber
Subject: Re: Marsden High School consultation
Attachments: Workers Insurance Certificate of Currency 2022 (1).pdf; Certificate of Currency.pdf

Hi David,

Waawaar Awaa Aboriginal Corporation supports the draft Marsden High School Methodology for the following reasons:

- Testing of PAD 1 and possible salvage if warranted.
 - Testing of PAD 2 and possible salvage if warranted.
 - Use of a 3mm sieve - wet sieving proposed.
 - **Avoidance of Archer Creek** (red zone area) being a northern tributary of the Parramatta River that runs through the north eastern portion of the study area recommended as **no works** will be undertaken in this area and **no ground surface impacts** will occur in this part of the study area.
1. **Could you provide indicative mapping showing location of proposed transects and test pit locations if they have been identified.**

In accordance with the Consultation Requirements could you also please advise me of the following:

- Are you aware of any archaeological sites on or near the property? - **Only from the information you have provided and the AHIMS 5 km search data.**
- Can you advise me of the significance of the area? - **The study is near Archer Creek and would have been a resource for Aboriginal people in traditional times.**
- Do you have any cultural concerns or issues that should be addressed? - **Only if testing identifies, rare, unique or sensitive Aboriginal objects including Human remains.**
- Is there any confidential or culturally sensitive information that you would prefer is not detailed in the Aboriginal Cultural Heritage Assessment Report? - **Only if testing identifies, rare, unique or sensitive Aboriginal objects including Human remains.**

Please find attached Waawaar Awaa Aboriginal Corporations Workers Compensation and Public Liability Insurances for the proposed testing excavations for PAD 1 and 2.

Waawaar Awaa Aboriginal Corporation cultural knowledge holder, Barry Gunther will assist in addressing any concerns if any going forward.

Looking forward to working with you on this project.

regards

Rodney Gunther
0410 580 962



From: [James Eastwood](#)
To: [David Nutley](#)
Subject: Response
Date: Tuesday, 16 March 2021 1:40:09 PM



Dear David

Thank you for your recent email ***RE: Marsden High School West Ryde - Presentation of Information and Methodology*** .

Aragung Aboriginal Cultural Heritage Site Assessments has review the above information prepared by Comber Consultants and agrees and supports all information sated in the presentation of information and methodology.

Aragung considers Archaeological investigation such as Marsden High School West Ryde to be vitally important not only for First Nation indigenous People, as such investigation provides direct tangible ancestral evidence to our heritage , but also such investigation provides a bridging tool to reconciliation and education for the wider community and our shared local histories.

As the project subject area is closely associated to near by Archer Creek a tributary of the Parramatta River - (Burramattgal River) which is held highly for its cultural significance by the Burramattagal of the Darug People, and given that evidence from previous recorded site associate closely to the project area - Aragung feels strongly that the potential for remaining Aboriginal archaeological deposit will be high.

As a Aboriginal Community member of Parramatta in association to the city of Ryde , a First Nation Indigenous Person who has traditional ancestry heritage connection to the project area, Aragung would like to be considered for involvement in all future aspects of this project .

Kind Regards
Aragung
Co/Jamie Eastwood



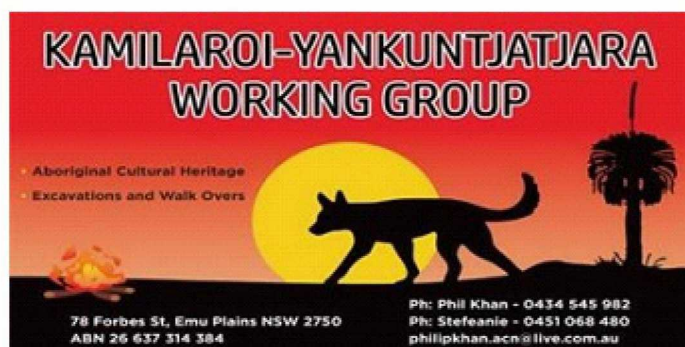
Hi David,

Thank you for your methodology report, we agree & support all your recommendations regarding Marsden High School.

We look forward to working with you & the team on this project.

Kind Regards

Phil Khan

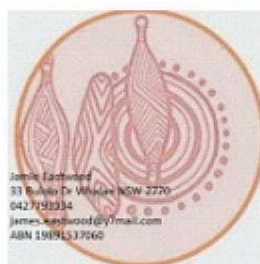




4.4 Review of draft cultural heritage assessment report

The draft Aboriginal Cultural Heritage Assessment Report was sent to all RAPs on 14/04/2021 for review and comments with responses due on 12/05/2021.

From: James Eastwood <james.eastwood@y7mail.com>
Sent: Monday, 19 April 2021 9:01 AM
To: David Nutley
Subject: Draft Report



Attention : Comber

Consultants

Date

19/04/21

Subject: Marsden High School Aboriginal Cultural Heritage Assessment Report

Dear David

Aragung Aboriginal cultural Heritage Site Assessments have received and reviewed the Aboriginal Cultural Heritage Report for Marsden High School West Ryde.

Aragung supports and agrees to all recommendations , methodology and mitigation measures stated and set out in the above report prepared by Comber Consultants .

As Aragung has a Traditional cultural connection to the project area, Aragung would like to be considered for future involvement in the above project .

Please be advise that Aragung posses all up to date Necessary Insurance for field work and can provided these details upon request.

Should you have any further enquirers please do not hesitate to contact Aragung via email or phone on the above address

Kind regards
Aragung
Co/ Jamie Eastwood.



From: Rodney Gunther <waawaar.awaa@gmail.com>
Sent: Wednesday, 14 April 2021 6:00 PM
To: David Nutley <david.nutley@comber.net.au>
Subject: Re: FW: Marsden High School consultation

Hi David,

Waawaar Awaa Aboriginal Corporation supports the draft ACHAR for the Marsden High School considering the following:

- Archaeological investigation within the vicinity of the study area has been limited, with little systematic research or fully comprehensive archaeological site survey work being conducted.
- Many of the surveys that have been carried out have been site selective, having been conducted prior to development.
- A search of AHIMS for the broader Ryde region indicate that only a small number of assessments have been undertaken nearby, resulting in only a few sites being recorded.
- The small number of sites registered with AHIMS is a result of this lack of assessment, not a lack of potential Aboriginal archaeological sites.
- AHIMS site 45-6-2309 is a significant site showing Aboriginal occupation of the area.
- Testing of PAD 1 and possible salvage if warranted.
- Testing of PAD 2 and possible salvage if warranted.
- **Avoidance of Archer Creek** (red zone area) being a northern tributary of the Parramatta River that runs through the north eastern portion of the study area recommended as **no works** will be undertaken in this area and **no ground surface impacts** will occur in this part of the study area.
- Include Metropolitan LALC as a RAP in the Registration list and change the total of RAPs to nine.
- Update notification information with Heritage NSW regarding RAP list total and inclusion of Metro LALC.
- Prefer the term Aboriginal group rather than Aboriginal owners.

To better inform the cultural values of the area Waawaar Awaa Aboriginal Corporation requests to be involved in the testing excavation works and any proposed salvage works (relevant insurances attached).

regards

Rodney Gunther
Barry Gunther



By email dated 13/05/2021 we provided the following response to Rodney Gunther's requests:

From: David Nutley
Sent: Thursday, 13 May 2021 3:14 PM
To: Rodney Gunther
Subject: RE: FW: Marsden High School consultation

Dear Rodney

Thank you for your email of 14th April and your comments in support of the ACHAR for Marsden High School.

As you correctly advised, the Metropolitan Local Aboriginal Land Council (MLALC) is among the RAPs for this project. MLALC has now been added to the full list of RAPs for this project on page 16, bringing the total number of RAPs to 9.

Your preference for the use of 'Aboriginal groups' in place of 'Aboriginal owners' is also noted. In section 2, Aboriginal History, the use of the term 'traditional owners' in the first sentence has now been replaced by 'traditional custodians' of the study area. Where the report refers to the Aboriginal Land Rights Act 1983 (see section 5.0, item 4.1.2 of this report on page 17), the term 'owners' is retained as that is the term used in the current legislation.

Please let me know if you have any questions about the above.

Regards

David

DAVID NUTLEY

DIRECTOR
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW. 2132
T 02 9799 6000 F 02 9799 6011 M 0408 976 553
E david.nutley@comber.net.au
www.comber.net.au



Comber Consultants acknowledges the traditional custodians of the land on which we work and pay our respects to Elders past and present.



From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Thursday, 22 April 2021 7:42 PM
To: David Nutley
Cc: Gina Gou
Subject: Re: Marsden High School consultation

Hi David

DNC Agrees to all that has been proposed
for Marsden high school consultation

Knowledge holder of proposed land
Fully experienced site officer
Fully insured
0426823944

[Sent from Yahoo Mail for iPhone](#)

On Thursday, April 22, 2021, 5:19 pm, Kaarina Slater <Ngambaaculturalconnections@hotmail.com> wrote:

On behalf of Ngambaa Cultural connections I've have read and agree with the above Methodology for the project.

I have ancestral & Knowledge of Country to the project area.

Experienced Indigenous Site Officer

Current Insurances

Kaarina Slater
0422 729 117
 NCC

From: Kaarina Slater <Ngambaaculturalconnections@hotmail.com>
Sent: Thursday, 22 April 2021 5:20 PM
To: David Nutley; Metropolitan Council (metrolalc@metrolalc.org.au); Phil Khan (philipkhan.acn@live.com.au); Phillip Boney; Rodney Gunther; Ginninderra Aboriginal Corporation; lilly carroll; justinecoplin@optusnet.com.au; James Eastwood
Cc: Gina Gou
Subject: Re: Marsden High School consultation

On behalf of Ngambaa Cultural connections I've have read and agree with the above Methodology for the project

I have ancestral & Knowledge of Country to the project area.

Experienced Indigenous Site Officer

Current Insurances

Kaarina Slater
0422 729 117
 NCC



APPENDIX B: TECHNICAL REPORT: ABORIGINAL ARCHAEOLOGICAL ASSESSMENT



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION

Marsden High School

Aboriginal Archaeological Assessment

29 January **2021**

Report to: School Infrastructure NSW

LGA: City of Ryde

Version: B.2021





DOCUMENT CONTROL

PROJECT NO.: IS395 STATUS: FINAL

REV	DATE	PREPARED BY	EDITED BY	APPROVED BY
A	22/01/2021	Veronica Norman	Dr Jillian Comber	Dr Jillian Comber
B	29/01/2021	Veronica Norman	Dr Jillian Comber	Dr Jillian Comber

ACKNOWLEDGEMENTS

- I would like to thank Phillip Bongers, Marsden High School, who provided assistance with the field inspection and provided information on the history and development of the school.
- The history included in Section 5 has been compiled using information provided by Caroline Plim, B.A., DipLoc&Applied History.

INTEGRATED MANAGEMENT SYSTEM

Comber Consultants has a certified integrated management system to the requirements of ISO 9001 (quality), ISO 14001 (environmental), ISO 45001 (health and safety) and AS/NZS 4801 (health and safety). This is your assurance that Comber Consultants is committed to excellence, quality, and best practice and that we are regularly subjected to rigorous, independent assessments to ensure that we comply with stringent Management System Standards.





EXECUTIVE SUMMARY

The Department of Education through School Infrastructure NSW (SINSW) proposes to relocate Marsden High School to the Meadowbank Education [and Employment] Precinct. A robust Business Case is being developed in order to repurpose the Marsden High School site to a community sports facility. It is proposed that the Business Case will be submitted to Treasury for funding approval. The final Business Case will be required to complete an optioneering exercise which must consider alternative scenarios based on the service needs of the local community area and proposed site.

The proposed planning pathway includes undertaking early works (2-4 outdoor courts) under Exempt Development, rezoning of the site from SP2 to RE1 and for the remainder of the works to be undertaken as part of a local Development Application (DA).

To ensure that significant Aboriginal cultural heritage is not impacted upon by the project Comber Consultants have been engaged to undertake this Aboriginal Archaeological Due Diligence Assessment.

The environmental and archaeological data provided in this report indicates that the study, Marsden High, West Ryde, has the potential to contain subsurface Aboriginal objects. Under the *National Parks & Wildlife Act 1974*, it is an offence to harm such objects. Therefore, this report makes the following recommendations:

1. The area identified within this report as Conservation Zone including and adjacent to the Archer Creek, should not be impacted upon by the proposed works and should be maintained *in situ*. A physical barrier should be established around the Conservation Zone and all staff advised that the Conservation Zone is a “no-go area”.
2. Aboriginal community consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* should be undertaken. Such consultation can take up to four months to be completed. An Aboriginal Cultural Heritage Assessment Report (ACHAR) will need to be prepared which details the results of the consultation and the archaeological assessment. The archaeological report will need to be appended to the ACHAR.
3. As subsurface Aboriginal objects are predicted to exist within the study area, and it is an offence to harm such objects, test excavation should be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and in association with the with the Registered Aboriginal Parties.
4. If Aboriginal objects are uncovered during the testing, Aboriginal archaeological salvage excavations will need to be undertaken once the DA has been issued. The salvage will need to be undertaken prior to redevelopment of the site.
5. If no Aboriginal objects are uncovered during the testing, the project can proceed without the need to undertake salvage. However, all employees, contractors/sub-contractors and anyone else working on the site should be made aware that it is an offence to harm Aboriginal objects. If any Aboriginal objects are uncovered during the course of the redevelopment of the school, all work must cease in the vicinity of that object and further advice sought from the consultant.
6. An Aboriginal heritage induction should be provided to all staff and contractors on site on the significance of the Aboriginal heritage of the site, including the Conservation Zone and advised of their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal heritage.



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1.0 INTRODUCTION

1.1. Background

School Infrastructure NSW (SINSW) is developing a robust Business Case in order to repurpose the Marsden High School site to a community sports facility. It is proposed that the Business Case will be submitted to Treasury for funding approval. The final Business Case will be required to complete an optioneering exercise which must consider alternative scenarios based on the service needs of the local community area and proposed site.

SINSW proposes to align with the NSW Government's commitment to developing a state of the art sporting facility, featuring an indoor centre with four courts, plus an additional 32 outdoor courts and parking. It is proposed that Marsden High School will be relocated to the Meadowbank Education [and Employment] Precinct. The proposed planning pathway includes undertaking early works (2-4 outdoor courts) under Exempt Development, rezoning of the site from SP2 to RE1 and for the remainder of the works to be undertaken as part of a local Development Application (DA).

To ensure that significant Aboriginal cultural heritage is not impacted upon by the proposal Comber Consultants have been engaged to undertake this Aboriginal Archaeological Due Diligence Assessment Report. This report is written in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH). The environmental and archaeological data provided in this report indicates that the study area, Marsden High School, West Ryde, has the potential to contain subsurface Aboriginal objects. Under the *National Parks & Wildlife Act 1974*, it is an offence to harm such objects.

1.2. Location and description

The study area is the site of the current Marsden High School, 22A Winbourne Street, West Ryde, shown in Figure 9 edged in red. It is located in the City of Ryde Local Government Area (LGA) and is within the boundaries of the Metropolitan Local Aboriginal Land Council (MLALC). The study area is a mixed-use urban zone with a land area of approximately 5.5 hectares (ha).



Figure 9: Location of study area edged in red



2.0 LEGISLATION

2.1. National Parks & Wildlife Act 1974

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

Part 6 of the NPW Act protects all Aboriginal objects and Aboriginal Places, and states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP). An Aboriginal object and an Aboriginal Place are defined as:

Aboriginal Object

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

Aboriginal Place

The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

The study area is not an Aboriginal Place, although it is possible that subsurface Aboriginal objects may be located on the subject area and may be impacted upon by the proposed works. Therefore, it will be necessary to apply for an AHIP.

To obtain an AHIP, it is necessary to undertake archaeological testing in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010), prior to applying for a permit. To obtain an AHIP, consultation must be undertaken with the Aboriginal community in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010). A Research Design which clearly outlines the proposed methodology for the salvage will also need to be prepared in consultation with the Aboriginal community.

Undertaking consultation and obtaining a permit is a lengthy process. Following is an outline of the minimum time required:

Activity	Approximate time required
Aboriginal community consultation in accordance with OEH's <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> and commencement of Aboriginal Cultural Heritage Assessment Report (ACHAR).	12 weeks minimum (3½ months)
Preparation of AHIP application with relevant information for submission to Heritage NSW. Documents to be forwarded to Heritage NSW: <ul style="list-style-type: none"> • AHIP application • This Aboriginal archaeological report • Report coversheet • Aboriginal Cultural Heritage Assessment Report (detailing the Aboriginal community consultation. This can only be completed once the consultation has been finalised). • This Aboriginal archaeological due diligence report. 	1 day
Receipt of permit from Heritage NSW who have a service guarantee to issue the permit 8 weeks from the date of receipt of all information. After submitting the AHIP application, if Heritage NSW request further information, the clock stops and the 8 weeks recommences once they receive the further information. Our experience is that it takes a lot longer than 8 weeks for the AHIP to issue	8 weeks minimum
TOTAL TIME REQUIRED	Approximately 6 months minimum



2.2. Heritage Act 1977

State Heritage Register

s31 of the NSW Heritage Act 1977 provides for the establishment and maintenance of the State Heritage Register by the Heritage Council. s32 allows the Minister to direct the listing of an item which is of State heritage significance and sets out the procedure for listing an item. Aboriginal sites can be listed on the State heritage register if they are of State heritage significance. Such places can include Mission sites and cemeteries.

The current study area is not listed on the State Heritage Register.



3.0 METHODOLOGY

This project was conducted in three stages, being background research, field survey and report preparation, as detailed below.

Stage 1: Background Research

Prior to the field component of this project, the Aboriginal Heritage Information Management System (AHIMS) was searched on 14 December 2020. A copy is attached as Appendix A. Site data, associated documents and archaeological survey reports held by AHIMS were reviewed. Environmental information relating to Aboriginal land use was also researched. Such research facilitated an understanding of the potential nature of sites and site patterning in the region, which enabled a predictive statement to be made. It also provided an archaeological and environmental context within which a significance assessment could be made, if any Aboriginal sites were located during a field survey.

Stage 2: Site Inspection

The archaeological site inspection was undertaken on Tuesday 15 December 2020 by Veronica Norman and Agata Calabrese, archaeologists, Comber Consultants.

Stage 3: Report preparation

Further archaeological research was conducted, where necessary, to clarify the results of the survey. This report was then compiled and provided to SINSW.



4.0 PROPOSAL

The Department of Education through School Infrastructure NSW (SINSW) propose to relocate Marsden High School to the Meadowbank Education [and Employment] Precinct. A robust Business Case is being developed in order to repurpose the Marsden High School site to a community sports facility. At present, two draft masterplan options have been developed for the study area, shown below in Figure 10 and Figure 11.

The proposed works have not yet been finalised; however, the works will involve extensive ground disturbance including, but not limited to:

- Demolition of the existing school buildings and facilities in the north western portion of the study area.
- Cut and fill to modify site levels. There is a substantial fall of between 3-7m across the study area, comprising both natural topography and existing civil benches for school buildings and landscaping. Modification of levels will be limited by using existing site levels as much as possible.
- Landscaping.
- Construction of sports courts across the majority of the study area.
- Indoor sporting facility and car parking in the north western portion of the study area.
- Construction/upgrade of service infrastructure.
- Within the north western portion of the study area, natural site levels will largely remain undisturbed as these are in an ecologically protected area.



Figure 10: Masterplan option 1 (Cox Architects 2021)



Figure 11: Masterplan option 2 (Cox Architects 2021)



5.0 ABORIGINAL HISTORY

The traditional owners of the study area are the Darug whose country extended along the main east-west ridge of the Blue Mountains, the northern Blue Mountains and the Cumberland Plain in which the study area is located (Tindale 1974; Attenbrow 2010).

Research by R.H. Mathews, a pioneer linguist and anthropologist, in the early twentieth-century revealed that the Darug (or 'Dharruk' people as he referred to them) inhabited an area adjoining the 'Thurawal' (Dharawal) to the south and Gundungurra and Wiradjuri to the west. Their territory extended along the coast to the Hawkesbury River and inland to Windsor, Penrith and Campbelltown; then from the mouth of the Hawkesbury River to Mount Victoria (Mathews 1901a:140; Mathews 1901b:155). Archaeological and historical records examined in Sydney's Aboriginal Past identify three distinct groups – the coastal, hinterland and mountain Darug (Attenbrow 2010:23). The Darug of the Milperra area were from the hinterland group.

Aboriginal people have occupied the valley extending from Prospect to the coastline for at least twenty thousand years. The surrounding area was reasonably fertile and, with the resources of the river, was able to support their living needs. Anthropological studies indicate that clan sizes varied widely, consisting of between thirty to sixty people who moved through their territory using seasonal routes to access food, shelter and other resources necessary for survival as well as ceremonial sites. Generally, people camped, travelled, foraged, fished and hunted in smaller, extended family groups, coming together at times with the larger group for ceremonies and ritual combats (Attenbrow 2010: 29). These extended family units or clans consisted of up to sixty people. Each of these clans was named after the area of land where they normally resided, and to which the people had traditional links (Attenbrow 2010). The suffix "gal" was added to the place name for men of the clan and "galleon" was added for women.

The clan that lived to the north of Parramatta River and west of the upper reaches of the Lane Cove River was the Wallumede clan, with the Boromede (or Burramatta) clan territory to the west. Both clans were of the Darug language group. The main contact between clans was during ceremonial gatherings. There were linguistic and cultural differences, as well as economic ones. There was a complicated system of kinship and totems which prevented certain types of contact. It is difficult to pinpoint exact language boundaries, as information came from early colonists, explorers and ethnographers trying to interpret Aboriginal languages (Keating 1996:1-2).

The territory of the Wallumede, located between the Parramatta and Lane Cove Rivers, was traversed by a number of streams, ponds and creeks providing diverse resources from the river and land to support their cultural and living needs. Anthropological studies indicate that clan sizes varied widely, consisting of between thirty and to sixty people who moved through their territory using seasonal routes to access food, shelter and other resources necessary for survival as well as access to ceremonial sites. People camped, travelled, foraged, fished and hunted in smaller, extended family groups, coming together at times with the larger groups for ceremonies and ritual combat (Attenbrow 2010:29).

The Aboriginal economy was dependent on harvesting resources with only very little modification to the environment, with the Parramatta River playing a central part of that economy. In contrast, Europeans quickly set about clearing the land and planting crops which prevented Aboriginal people from carrying out their traditional hunting of animals and gathering of plant foods.

Current Local Aboriginal Land Council boundaries differ from these traditional boundaries. The Local Aboriginal Land Council representing the Ryde area is the Metropolitan Local Aboriginal Land Council.



6.0 ENVIRONMENTAL CONTEXT

6.1. Topography

The study area is located within the Cumberland Plain, across an undulating plain. The Cumberland Plain consists of low rolling and steep hills and is characterised by low, gently undulating slopes on the youngest of the Triassic rocks, the Wianamatta Group (Chapman & Murphy 1989:1). Local relief on the Wianamatta Group shales is between 50 – 120m (eSPADE 2020).

The Cumberland Plain is bordered on the west by the Blue Mountains and on the east by the Georges River and headwaters of the Parramatta River. To the north is the Hornsby Plateau and to the south is the Woronora Plateau (Smith 1989a:8).

The study area is located across a sloping landform, with the highest point in the north western corner sloping down towards the south eastern corner. Archer Creek runs through the eastern portion of the study area and Parramatta River is located approximately 1.5 km to the south of the study area.

6.2. Geology and soils

The Cumberland Plain overlies the Wianamatta Group of Shales. Within the study area the Wianamatta Group of Shales overlies the Ashfield Shale (Sydney 1:100,000 Geological Map). The Ashfield formation consists of black to dark-grey shale and laminate.

Several locations on the Cumberland Plain within the vicinity of the study area contain material suitable for small stone tool manufacture, such as silcrete. The nearest known source of silcrete is located approximately 2.5km to the south east of the study area in the vicinity of Homebush Bay (Comber 2008:8). Other silcrete outcrops are located at Luddenham approximately 35km to the south west, St Clair approximately 26km to the south west, and at Erskine Park approximately 25km to the south west. Other materials used to manufacture stone tools within the Cumberland Plain include chert, tuff, quartz, basalt and quartzite. These can be found in Rickaby's Creek formation approximately 30km to the north west of the study area (Clarke & Jones 1988, Smith 1989a:9-11; 1989b:6-7).

The type of soil profile present in the landscape contributes to the vegetation found at the site, and hence resources available, as well as the level of preservation of the site. The study area is located across the Glenorie soil landscape. The Glenorie soil landscape is present north of the Parramatta River on the Hornsby Plateau in Baulkham Hills, Hornsby, Ku-ring-gai, and Ryde LGAs. Small isolated areas are found at Condell Park, Hurstville and on the Cumberland Lowlands at Rosehill (eSPADE 2020).

The Glenorie soil landscape is erosional and consists of shallow to moderately deep (<100cm) red podzolic soils on crests, moderately deep (10-150cm) red and brown podzolic soils on upper slopes; deep (>200cm) yellow podzolic soils and gleyed podzolic soils along drainage lines (eSPADE 2020). This soil profile contributes to the growth of the vegetation described below.

6.3. Stream order modelling

Stream order can be used to predict Aboriginal land use patterns. A first order stream is the smallest and is a small tributary that flows into and feeds larger streams but does not normally have any water flowing into it. The joining of two first order streams creates a second order stream and when two second order streams join they form a third order stream. In addition, first and second order streams generally form on steep slopes and flow quickly until they slow down and meet the next order waterway. First order streams are intermittent (Horton 1945; Strahler 1952).

Modelling undertaken by McDonald and Mitchell (1994) on the Cumberland Plain indicates that stream order can be used to predict areas of archaeological potential. The model hypothesis is that in any particular climate and landscape, a threshold catchment area is necessary to allow permanent stream flow or the establishment of waterholes with extended longevity (i.e. months to years). The critical point where these conditions are met appears to be at the junction of two second or third order streams. Such a location is likely to contain more complex sites with a high density of artefacts, whilst second and third order streams are also likely to contain large sites within 100 metres of the watercourse.



Archer Creek, a first order stream and northern tributary of Parramatta River runs through the north-eastern portion of the study area, as shown in Figure 12 and Figure 13 below. Archer Creek flows from Brush Farm Park, approximately 1 km to the north of the study area. First order streams are intermittent streams. Aboriginal objects and sites may still be located in proximity to first order streams, however they may be less complex than those located in proximity to second and third order streams.

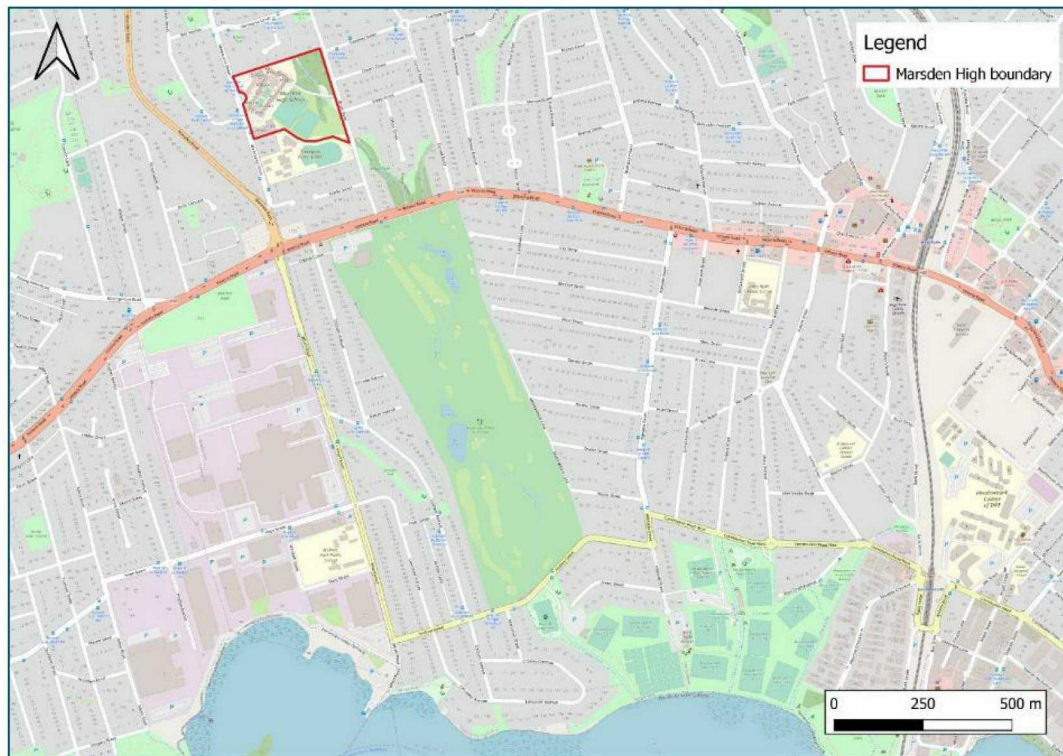


Figure 12: Location of Archer Creek in north west corner of study area, and proximity to Parramatta River.

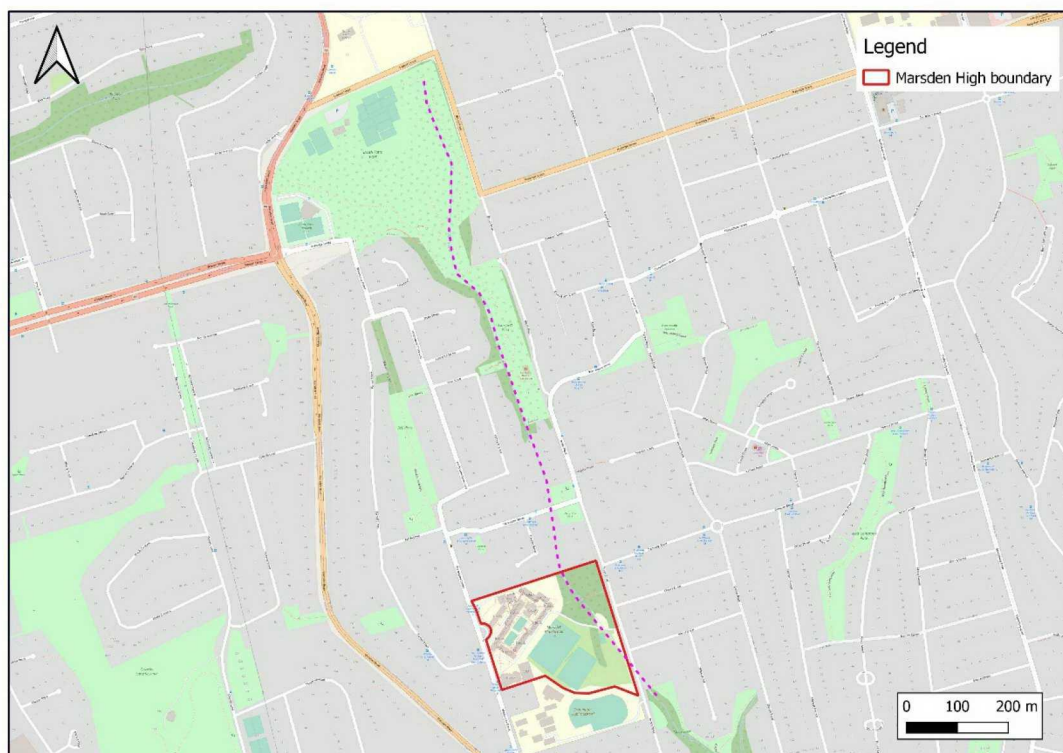


Figure 13: Northern portion of Archer Creek shown in dashed purple.



6.4. Vegetation

The vegetation of the Cumberland Plain was mapped by Benson (1979 & 1981) and the NSW National Parks and Wildlife Service (2002). Historically the undulating slopes of the Cumberland Plain would have supported a tall open forest of Cumberland Plain Woodland.

Prior to the clearance of vegetation by Europeans, tall open-forest (wet sclerophyll forest) would have been found across the Epping region. The dominant tree species includes Sydney blue gum (*Eucalyptus saligna*) and blackbutt (*E. pilularis*). Other species include turpentine (*Syncarpia glomulifera*), grey ironbark (*E. paniculata*), white stringybark (*E. globidea*) and roughbarked apple (*Angophora floribunda*). Pittosporum (*Pittosporum undulatum*) and coffee bush (*Breynia oblongifolia*) are common understorey species (Benson 1980, eSPADE 2020).

Such a vegetation community would have provided a variety of edible plant species and plants suitable for artefact manufacture. In addition, Cumberland Plain vegetation provided habitat for a variety of marsupials and birds whilst the River and Creeks would have provided fish, eels and yabbies.

6.5. Current land use and disturbance

The 1943 aerial below (Figure 14) shows the site as largely undeveloped but mostly cleared. A few dwellings are located within the study area and the land appears to be utilised for agricultural purposes. The school was constructed in 1959 (Phillip Bongers pers comm 2020).

At present, the site comprises low rise school buildings within the north western portion of the site. A school assembly area and sports courts are located in the centre of the school buildings in the north west. The north eastern portion of the site contains a creek line and vegetation. The southern portion of the study area contains sporting fields.

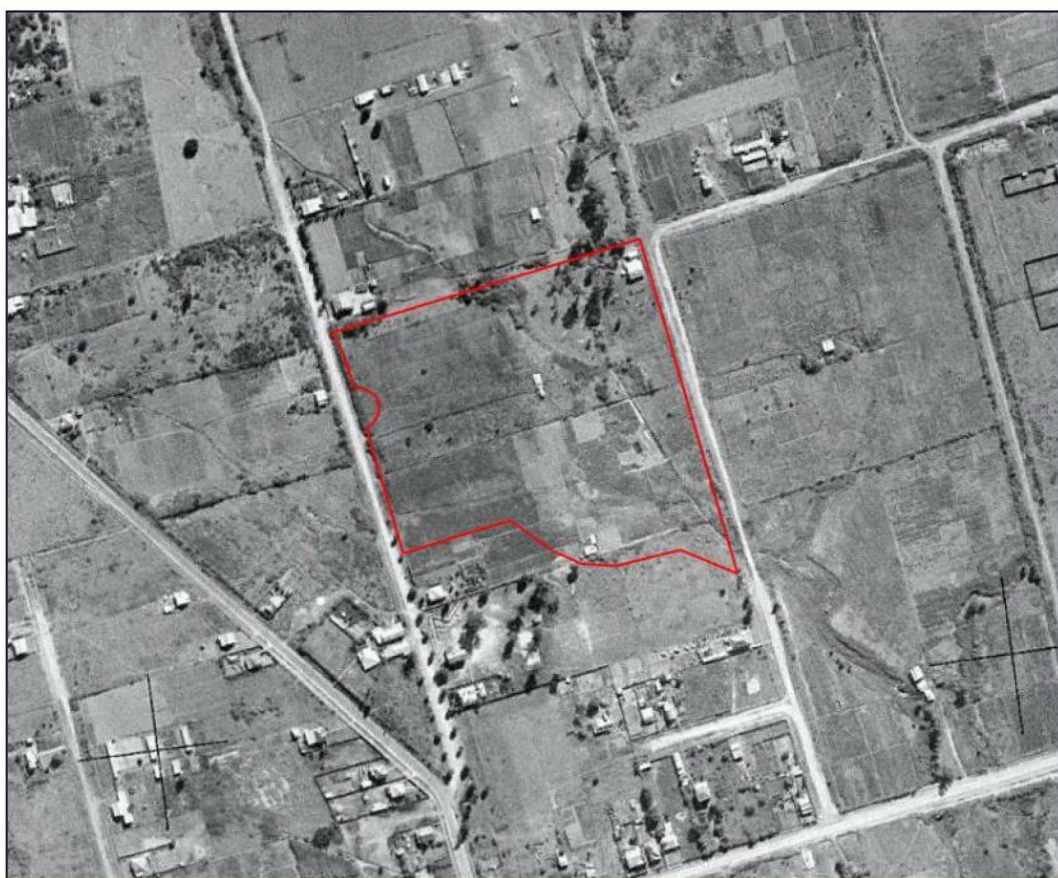


Figure 14: 1943 aerial with study area outlined in red (Sixmaps)



7.0 ARCHAEOLOGICAL BACKGROUND

7.1. The Cumberland Plain

Many surveys have been undertaken in the Sydney region which indicate the richness of the archaeological resources and which provide information about Aboriginal occupation within the region. Attenbrow (2010) has excavated a range of sites within the Sydney Basin. The aim of her study was to identify local geographic variation and temporal changes in the subsistence patterns and material culture of the people of this area. She excavated sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Darling Mills State Forest, Winston Hills, Vacluse and Cumberland Street in the Rocks. Dates for initial occupation vary from approximately 10,000 years BP at Darling Mills to approximately 450 years BP at Cumberland Street, The Rocks.

One of the oldest dated occupation for the Sydney region is 15,000 years BP from the Shaws Creek K2 rock shelter on the Nepean River (Kohen, Stockton & Williams 1984; Nanson et al 1987). However, these dates must be considered in association with environmental data related to sea level rises. The Sydney region that we know today was vastly different to the landscape of 15,000 years ago.

The period of maximum glaciation was 15,000 – 18,000 years BP. Therefore, the date of the K2 rock shelter and Attenbrow's Darling Mills site indicate that Aboriginal people lived throughout a period of extreme environmental change. During this period, sea levels were up to 130m below current levels (Nutley 2006:1). About 10,000 years ago as temperatures began rising at the end of the last ice age, the polar ice started melting and sea levels rose. The rising sea levels forced people to abandon coastal sites and move inland, with the result that the oldest coastal sites were inundated.

By about 6,000 years ago rising water levels had flooded the coastal plain forming the Sydney landscape that we know today. The vast majority of sites in the Sydney region date to around 5,000 years BP, after sea levels had stabilised. Whilst research into submerged indigenous sites is now being undertaken (Nutley 2006), there are few sites in the Sydney area that are known to date beyond 10,000 years BP. Therefore, research undertaken to date has focused on subsistence patterns and cultural change, e.g. Attenbrow (2010).

However, many archaeological surveys have been conducted within the Sydney region, particularly on the Cumberland Plain in relation to Environmental Impact Statements. As a result of these studies, which were occasioned by the burgeoning urban expansion extending into the Cumberland Plain, the NPWS recognised the need for a coherent study of the area to fully assess the impact of urbanisation on the natural and cultural heritage of the Cumberland Plain. Smith (1989a) was commissioned by the NPWS to undertake an Aboriginal Site Planning Study to be utilised in the management of Aboriginal sites on the Cumberland Plain. Prior to her study, 307 sites had been recorded on the Cumberland Plain, mainly open artefact scatters (297) with four scarred trees, one carved tree, four axe-grinding grooves and a Mission site (the Blacktown Institute). Smith (1989a:2) added 79 open sites and 29 isolated finds from field surveys related to her study.

Smith's (1989a:3) analysis indicated that site location and site densities were influenced by the availability of water and raw materials. She concluded that other factors such as topography, natural vegetation and soil types did not influence site location. She also identified that the majority of sites recorded have been in the northern sector of the Cumberland Plain, during site surveys of areas threatened by development (Smith 1989a:21). Her field studies (1989a & 1989b:10) confirmed that site densities in the southern Cumberland Plain appear to be lower overall to site densities on the northern Plain.

Since Smith's study, there has been a dramatic increase in development in Western Sydney, resulting in a great deal more archaeological survey and excavation (Comber 1990, 1991, 2006a,b&c, 2008, 2010a&b, 2011, 2015, 2016, 2017, 2019, 2020 McDonald 1989, 2002 & 2005a; Comber & Stening 2018, 2019; Comber & Norman 2020). This further work has indicated the complexity in the archaeological record that was not previously recognised. For example, sites on permanent water are more complex than sites on ephemeral drainage lines with major confluences being prime site locations. However, McDonald (2005a) reports that archaeological sites are found in a range of landscapes and that their condition is dependent on the amount of impact from European land practices.

McDonald's (2005a) report demonstrates the dynamic nature of stone tool technologies on the Cumberland Plain. She reviewed previous work within a theoretical framework to identify intra and inter-regional variation. She not only identified change over time in the stone tool technology, but the manner in which "stone technologies were organised



in relation to landscape" (McDonald 2005a:np). Her report provides a framework to tentatively date sites through technological analyses and to identify cultural changes.

Her study also indicated that the surface representation of a site on the Cumberland Plain does not necessarily reflect the actuality of that site. Of the excavations conducted by her, sub-surface deposits were present even when there was no surface indication of a site. According to McDonald (2005a:5), "despite artefacts being rare or completely absent on the surface at each of the sites investigated, all six sites were found to contain intact archaeological deposit. Almost 500 square metres were excavated during this Project and almost 35,000 artefacts retrieved." McDonald (2005) also considers that Aboriginal occupation was focussed on the major river systems and characterised by mobility between a small number of sites. As a result of her various studies and applying stream order modelling she (2005) further predicts that the density and complexity of archaeological sites will vary according to stream order, as follows:

- Fourth-Fifth order creeks (or rivers): Archaeological evidence will be more complex and possibly stratified, reflecting more permanent and repeated occupation on major creeks.
- Third order creeks: Evidence of more frequent occupation such as knapping floors or higher artefact densities will be found in the lower reaches of tributary creeks.
- Second order creeks: Sparse archaeological evidence will be found which indicates occasional use and/or occupation.
- First order creeks: Due to the intermittent nature of water flow only very sparse evidence would be found in the headwaters of upper tributaries such as background artefact scatter.

Kohen's studies at Penrith confirmed the importance of fifth order creeks and rivers. He recorded over 50 sites in the Penrith area which included open artefact scatters, axe grinding grooves and rock shelters. Kohen (1997:7) indicates that sites occurring throughout the Penrith area "are particularly likely to occur adjacent to the rivers and creeks. The distribution of raw materials associated with the manufacture of stone tools suggests that chert and basalt were carried or traded east from the river gravels and that silcrete was traded or carried from sources near South Creek and Eastern Creek, west towards the Nepean flood plain".

Comber (2006a & b) also recorded open artefact scatters and scarred trees within the Cumberland Plain. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2010c) and PL9 (2010d). At PL9 she retrieved more than 1,500 artefacts, including backed blades and an edge ground axe. Her work confirms McDonald's (2005) and Kohen's predictive model that sites are more likely to occur adjacent to the rivers and high order creeks. These excavations (Comber 2010c & d) at Penrith Lakes further indicates the possibility that sub-surface archaeological deposits will remain despite disturbance by non-Aboriginal activities and the complexity of such sites. Surveys (2006a & b) undertaken prior to the excavations recorded the areas as being disturbed by agricultural activities. They had been grazed, ploughed, planted with crops and a dam constructed. Only a small number of artefacts were recorded on the surface but over 2,500 artefacts retrieved during excavation.

A survey undertaken by Comber (2008a) and subsequent excavations undertaken by Stening (2011) at Doonside demonstrated that although no surface artefacts were recorded (Comber 2008) substantial subsurface deposits did exist on the site with over 1,000 artefacts being recovered from a highly disturbed context (Stening 2011). This site was located beside Eastern Creek an important 4th or 5th order creek. It is an important watershed with extensive evidence of Aboriginal occupation.

Excavations undertaken by Comber at the Parramatta North Urban Transformation site (PNUT), which currently contains the Cumberland Hospital and is located on the Parramatta River near Domain Creek and Toongabbie Creek has yielded extensive evidence of Aboriginal occupation. Due to historic ploughing and topdressing no artefacts were observed on the surface. However, over 3,000 artefacts have been recovered from the current program of testing.

Similar results were found at the site of Parramatta Square. The site is located within the centre of Parramatta and had contained office buildings, ancillary services and hardstand prior to demolition. The archaeological excavations revealed extensive evidence of Aboriginal occupation including hearths, despite the lack of surface evidence.

AHMS (2012) and Navin Officer (2014) undertook assessments for the concept approval for the Sydney Intermodal Terminal at Moorebank identifying a number of Potential Archaeological Deposits. Testing undertaken by Artefact (2016) for Stage 1 of the Intermodal Terminal uncovered 28 objects indicating a low level of Aboriginal occupation on a maximal upper slope ridge. The testing revealed two phases of occupation. Artefact (2016) undertook further



assessment for Stage 2 without identifying any areas of Aboriginal archaeological potential. The Sydney Intermodal Terminal is located approximately 15km to the west of the current study area on the western bank of the Georges River in an environmental landscape impacted by flooding. The results of this testing indicates that evidence of Aboriginal occupation can still remain despite later disturbance and particularly despite repeated inundation from maximal flood events.

AHMS (2013) undertook an assessment of the New Brighton Golf Course at Moorebank, on the Georges River. The area contained a former swamp and was on the floodplain of the Georges River. Test excavations revealed a highly disturbed landscape and uncovered one Aboriginal object.

In 1984 Haglund undertook an archaeological survey between King Georges Road Beverly Hills and Heathcote Road, Moorebank in respect of the F5. She located on open artefact scatter and one isolated find. The open artefact scatter was located on the banks of the Georges River at Hammondville, which is approximately 15km to the south west of the present study area whilst the isolated find was located approximately 2kms to the west of the Georges River. Haglund (1984) summarised work undertaken to date in the south Sydney area noting that "The known sites are mostly by, or close to, the Georges River in sandstone cliffs or outcrops". These sites included hand stencils and engravings and middens (Haglund 1984:3).

Archaeological investigations within the Sydney Basin have established reliable Carbon 14 dating evidence of Aboriginal occupation dating from the Pleistocene but (14,700BP at Cranebrook Terrace). The majority of sites however have been dated to less than 5,000 years. The absence of earlier dates is due to the effect of sea level rises c6,000 years ago. The influx of seawater over former coastal plains would have forced people into the new confines of the Sydney Basin (Nutley 2006). This 'intensification', or increased population, was then associated with an increase in the physical evidence of post 5,000BP occupation now being recorded through archaeological investigation.

The model of occupation developed for the Cumberland Plain indicates that reliable water is a prime factor in the choosing of site locations by Aboriginal people. More complex higher density sites will be located at the confluence of several water bodies whilst evidence of frequent occupation will be located in the lower reaches of tributaries. However, evidence will still be located in areas with seasonal creek lines, but it will sparse and less complex. Ground disturbance will impact on surface evidence, but subsurface evidence may still be located in areas of high disturbance and in areas subjected to flooding.

7.2. Ryde

To date, archaeological investigation within the vicinity of the study area has been limited, with little systematic research or fully comprehensive archaeological site survey work being conducted. Many of the surveys that have been carried out have been site selective, having been conducted prior to development.

A search of AHIMS for the broader Ryde region indicate that only a small number of assessments have been undertaken nearby, resulting in only a few sites being recorded. It should be noted that the small number of sites registered with AHIMS is a result of this lack of assessment, not a lack of potential Aboriginal archaeological sites.

The AHIMS search, measuring approximately 9km north-south and 7km east-west, identified 54 registered Aboriginal sites. One site, 45-6-3022, has restrictions applied. AHIMS confirmed that this site was not within the vicinity of the current study area. The results of the extensive AHIMS search are included in Table 3 below and are shown in Figure 15 and Figure 16. One registered Aboriginal site is located within 1km of the study area, AHIMS number 45-6-2309. Further information on this site is provided below.



Site type	No. of sites
Art (Pigment or Engraved)	2
Artefact	23
Artefact, Shell	2
Grinding Groove	1
Modified Tree (Carved or Scarred)	1
Potential Archaeological Deposit (PAD)	10
Potential Archaeological Deposit (PAD), Artefact	1
Restricted	1
Shell	2
Shell, Artefact	11
TOTAL	54

Table 3: AHIMS search results

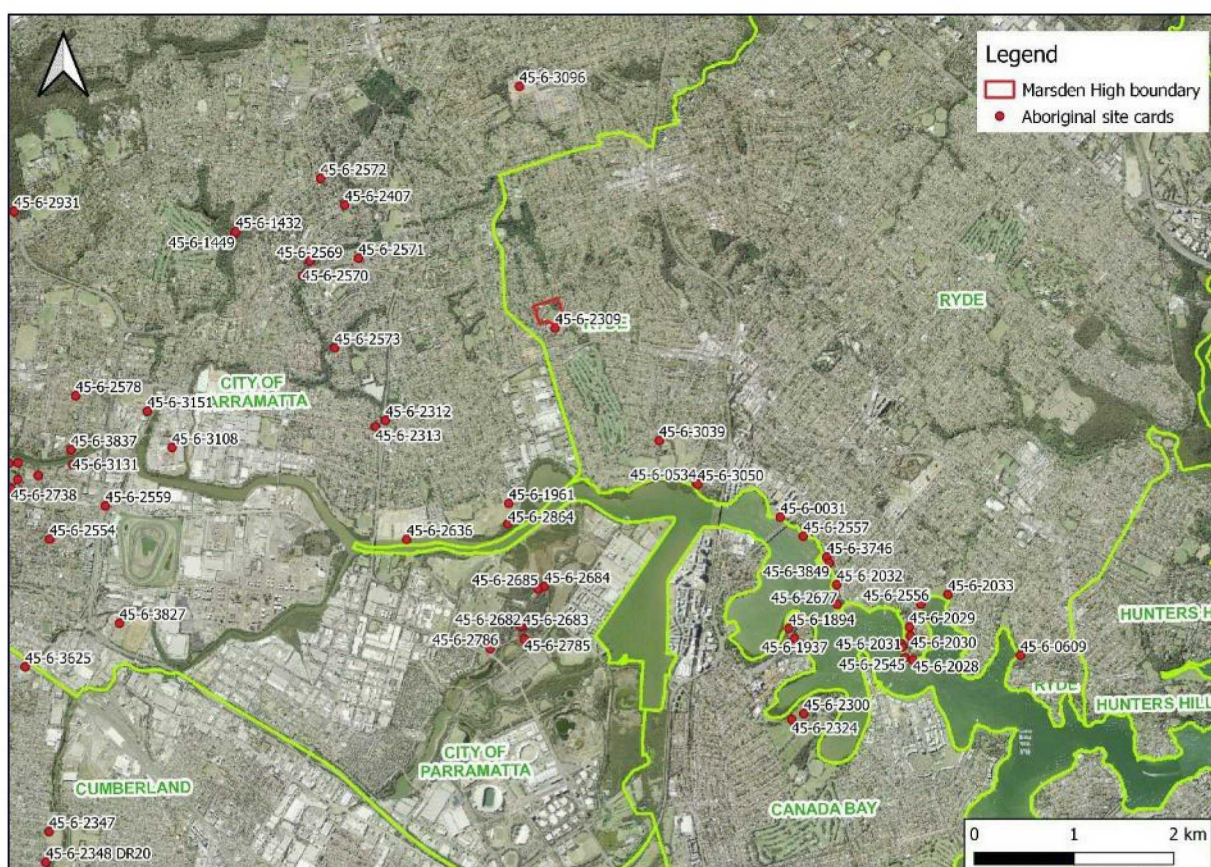


Figure 15: AHIMS search results, study area edged in red



Figure 16: AHIMS site 45-6-2309 shown in relation to the study area

45-6-2309

This site was registered in January 1992 and is located on the property directly to the south of the current study area, at Ermington Public School. The site consists of a shell midden with several artefacts in a very disturbed condition. The artefact materials include red silcrete, quartz and chert. The site is approximately 30 m from an un-named creek that had been enclosed in a concrete pipe.

City of Ryde – Aboriginal Site Management Report (Aboriginal Heritage Office 2011)

The Aboriginal Heritage Office (AHO) prepared an Aboriginal Site Management Report for the City of Ryde LGA in 2011. The aims of the report were to:

- Identify, access and re-record all known Aboriginal sites located in the Council area, where possible,
- Provide a planning document for conserving Aboriginal cultural heritage values,
- Provide a schedule for conservation works.

The report identified 56 recorded Aboriginal sites on the AHIMS register for the LGA, discounting sites which had been recorded twice and sites without sufficient information to be relocated. While an analysis of Aboriginal social values of the City of Ryde LGA was not within the scope of the report, the AHO found that the area contained high cultural significance (AHO 2011:21).

The report divided the LGA into three Management Areas. Area 1, named 'Lane Cove River', is located across a band of land across the northern and eastern side of the LGA. Area 2, named 'Central Plateau', is the higher plateau area of the centre and west of the LGA and is the most developed section. Area 3, named 'Parramatta River', is the sloping land bordering the Parramatta River along the south of the LGA (AHO 2011:25).

The study area is located within Area 2, the Central Plateau. Much of the surface geology is shale (as identified in Section 6.2), which preserves less obvious evidence of Aboriginal presence than the sandstone dominated slopes of the other areas (AHO 2011:25). One site was identified in this area, AHIMS 45-6-2309. This site is located directly south of the current study area.



The report found that most sites did not require any additional management works beyond regular monitoring, that is, every 12 months as a minimum or 6 months for more sensitive sites. The report recommended that land managers continue to support initiatives to expand their management of Aboriginal heritage, particularly undertaking measures in regard to education and training, and site management and protection (AHO 2011:30).

7.3. Study area

There are no registered Aboriginal sites within the study area and the study area is not an Aboriginal place.

7.4. Site prediction

On the basis of the environmental and archaeological information detailed above, it is expected that the following statements could be made, and the following site types could be located within the study area.

- Historic occupation and landscaping, together with evidence of construction activities relating to the school indicate that soil profiles within the study area would have been partially modified, particularly in the north eastern portion of the study area, however undisturbed topsoils may still be present. Evidence of Aboriginal occupation may be present in the A horizons and below.
- It is possible that fill will exist on the site. Such fill may have been used to level the site prior to construction and may cap subsurface archaeological deposits. Archaeological excavations throughout various urban areas in NSW clearly show that extensive subsurface evidence of Aboriginal occupation can remain despite later disturbance. Therefore, it can be predicted the study area may contain archaeological potential.
- The study area was originally located within an accessible landscape with ample resources would have been suitable for human occupation and daily activities. The close proximity to water sources, including Archer Creek, and rich flora and fauna would have provided Aboriginal people with ample opportunities for hunting, gathering and conducting daily activities. The study area would have been suitable for human occupation and activities prior to European settlement.
- The presence of registered Aboriginal sites within the Ryde region containing high levels of disturbance indicate that surface artefacts, isolated finds, *in situ* artefact deposits and shell middens may be present within the current study. The study area is within relative proximity to a silcrete source, indicating that artefacts may be fashioned from this material.
- Mature trees are present on site; however it is unlikely that culturally modified trees would be present as the 1943 aerial image indicates that the majority of the study area had been cleared.



8.0 RESULTS, IMPACT AND MITIGATION

8.1. Results

The study area was inspected on 15 December 2020 by Veronica Norman and Agata Calabrese, archaeologists Comber Consultants. Phillip Bongers, General Assistant, Marsden High School, escorted Comber Consultants around the site. The study area was inspected on foot and photographs were taken.

The study area is located across an undulating terrain. Site surface levels slope downwards from the north western corner to the south eastern corner. The surface levels across the site fall from approximately RL 42m relative to the Australian Height Datum (AHD) near the north western corner to about RL 30m, AHD on the south eastern corner (Douglas Partners 2020:3).

Survey Unit 1 (shown in blue in Figure 17), located in the north western portion of the study area, consists of the low-rise school buildings (Photograph 1), playground areas, asphalted surfaces, some vegetation and sealed and unsealed car parking areas (Photograph 2, Photograph 3, Photograph 4). The study area is located across an upper slope landform. Visibility was low-moderate across Survey Unit 1, with areas of exposures identified in areas of disturbance from vehicle movements and at the base of trees.

No Aboriginal objects were identified within Survey Unit 1. Due to the proximity to Archer Creek, and the possibility that the asphalt may be capping intact subsurface deposits, the survey unit is considered a Potential Archaeological Deposit (PAD).



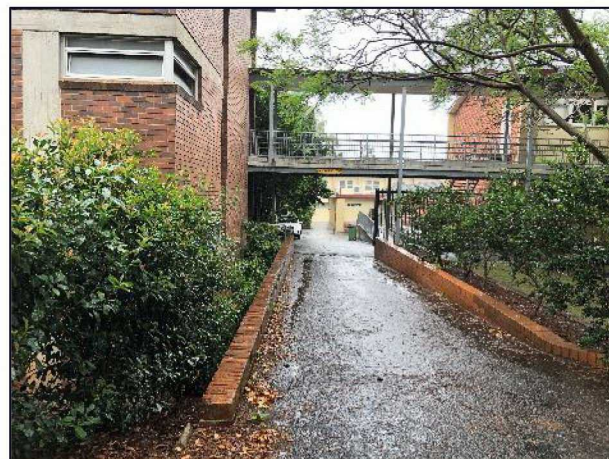
Photograph 1: View north west into school buildings



Photograph 2: View east to car park in the north western corner of study area



Photograph 3: View south west towards school buildings and sports courts



Photograph 4: View north west into school buildings



Survey Unit 2, located in the north eastern portion of the study area, consists of Archer Creek and landscaped vegetation, as well as an unsealed car park (Photograph 5 - Photograph 7). This survey unit is located across a terraced landform and a watercourse. Visibility was nil to low, with areas of exposure along the creek line covered with leaf litter and unsealed car parks covered with gravel. Archer Creek runs approximately north – south through this survey unit, and then runs through a culvert beneath the road. While the area had previously been mostly cleared, as shown in the 1943 aerial, disturbance appears to be relatively minimal in this area. Phillip Bongers advised that grading of the top portion of the creek line had previously been undertaken and the culvert constructed, however he was not aware of any further works which may have disturbed the creek line (pers comm 2020). Raised terraces, likely natural, are located on either side of the creek line (Photograph 8).

No Aboriginal objects were identified within Survey Unit 2. Due to the minimal levels of disturbance and presence of Archer Creek this area is considered a PAD.



Photograph 5: View south along Archer Creek



Photograph 6: View north to culvert at top of creek line



Photograph 7: View north towards unsealed car park



Photograph 8: View north west into school buildings

Survey Unit 3, located across the southern portion of the study area, consists of sport ovals/courts with some vegetation (Photograph 9). Phillip Bonger understands that fill has been spread across the oval, but is not aware of other major impacts to the area. The survey unit is located across a lower slope, flood plain and watercourse. To the south of the road Archer Creek runs beneath the oval. Visibility was nil to low, due to the grass cover of the oval. Areas of exposure were identified at the base of trees and in areas subject to vehicle movement. Phillip Bonger identified the portion of the study area to the east of the line of trees as being prone to heavy flooding (pers comm 2020) (Photograph 10).

No Aboriginal objects were identified within Survey Unit 3. Due to the proximity to the creek line and relatively low levels of disturbance, Survey Unit 3, with the exception of the flood plain, is considered to be an area of Potential Archaeological Deposit (PAD).



Photograph 9: View south west to oval



Photograph 10: View south towards flood plain



Figure 17: Survey units



8.2. Effective Survey Coverage

Ground surface visibility (GSV) refers to the amount of bare ground visible during the field survey. The visibility of some site types, such as open artefact scatters, is dependent upon GSV and exposure. Heritage NSW guidelines suggest that this information be presented in a table which quantifies and the local detectability (DECCW 2010:19).

Survey coverage is shown below in Table 4 and landform summary in Table 5.

Survey Unit	Landform	Survey unit area (m2)	Visibility (%)	Exposure (%)	Effective Survey Coverage (m2)	Effective Coverage (%)
1	Upper slope	22,623.000	5%	10%	113.12	0.5
2	Terrace, watercourse	10,005.000	5%	10%	50.03	0.5
3	Lower slope, floodplain, watercourse	22,047.000	5%	10%	110.24	0.5

Table 4: Survey coverage

Landform	Landform area (m2)	Area effectively surveyed	% of landform surveyed	Number of sites	Number of artefacts/features
Upper slope	22,623.000	113.12	0.5	0	0
Lower slope	9,042	100.24	1.1	0	0
Terrace	77,138	45.30	0.1	1	0
Watercourse	1,375	7.72	0.6	0	0
Floodplain	23,067	7.00	0.0	0	0

Table 5: Landform summary

8.3. Impacts

The proposed development will involve impact to the study area. The proposed works have not yet been finalised, however while the facility is proposed to be developed on top of the existing site to minimise ground surface disturbance, the proposed development is likely to require the re-levelling of existing site bench levels.

It is assumed that works will involve, but may not be limited to:

- Demolition of the existing school buildings and facilities in the north western portion of the study area
- Cut and fill to modify site levels. There is a substantial fall of between 3-7m across the study area, comprising both natural topography and existing civil benches for school buildings and landscaping. Modification of levels will be limited by using existing site levels as much as possible
- Landscaping
- Construction of sports courts across the majority of the study area
- Indoor sporting facility and car parking in the north western portion of the study area
- Construction/upgrade of service infrastructure
- Within the north western portion of the study area, natural site levels will largely remain undisturbed as these are in an ecologically protected area.

As the area has been assessed as having the potential to contain subsurface Aboriginal archaeological deposits, further measures will be required in order to mitigate potential impacts to Aboriginal heritage values.

8.4. Mitigation

Archaeological excavation

As subsurface Aboriginal objects are predicted to exist within the study area, and it is an offence to harm such objects, testing, and, if necessary, salvage excavation is proposed as a mitigation measure, as avoidance of the potential deposits is not possible. The information gained from archaeological excavation contributes to our knowledge and understanding of Aboriginal occupation. This knowledge can then be passed down to future generations through education programs and interpretation. Such strategies will contribute to building and maintaining social cohesion within the Aboriginal and broader community and protecting cultural values for future generations. Archaeological sites are valued by the



Aboriginal community for more than their archaeological/scientific values. Such sites reflect both the physical and spiritual presence of ancestors on country. It is therefore important that as much information as possible is obtained to ensure recognition of Aboriginal heritage and to pass this information on to future generations.

Heritage Conservation Zone

The north eastern portion of the study area, including and adjacent to Archer Creek, contains a landform with archaeological potential. This area, identified by this report as a Conservation Zone, is shown in Figure 18 below. This area has been maintained as a vegetated area by the council and school. The proposed works do not include redevelopment of this area for environmental and cultural purposes. Archaeological excavation is not required in this area as no ground surface impacts are proposed.



Figure 18: Conservation Zone shown in red hatch



9.0 SIGNIFICANCE ASSESSMENT

9.1. Preamble

Significance assessment is the process whereby sites or landscapes are assessed to determine their value or importance to the community.

A range of criteria have been developed for assessing the significance which embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

Following are the criteria which will be used to assess the study area.

9.2. Criteria

Social Value (sometimes termed “Aboriginal” value) which refers to the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community.

Historic Value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community.

Scientific Value refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects.

Aesthetic Value refers to the sensory, scenic, architectural and creative aspects of the place.

Representativeness refers to whether the site demonstrates the principal characteristics of that site and is a good representative example of that site type.

Rarity refers to the degree to which such a site is known elsewhere and whether the site is uncommon, rare or endangered.

9.3. Assessment

Social Values

The artefacts predicted to be on located on the site will provide evidence of Aboriginal occupation, representing the past for the local Aboriginal community, and providing a direct link to their ancestors.

Historic Values

The study area is predicted to contain significant historic values.

Scientific Values

The study area has the potential to yield further information through detailed scientific and archaeological research into the nature of Aboriginal occupation and techniques utilised in subsistence activities. It has the potential to contain sub-surface archaeological deposits.

Aesthetic Values

The site does not contain Aboriginal aesthetic values, however, after excavation the objects uncovered might meet this criterion.

Representative Values

Until the excavation has been completed it is not known if the site contains representative values.

Rarity Values

Until the excavation has been completed it is not known if the site contains rarity values.



9.4. Statement of significance

The artefacts predicted to be located on the site will provide evidence of Aboriginal occupation, representing the past for the local Aboriginal community, and providing a direct link to their ancestors. The current contains a portion of Archer Creek, a tributary of the Parramatta River, and is therefore considered to be an area of archaeological potential. The study area has the potential to yield further information through detailed scientific and archaeological research into the nature of Aboriginal occupation and techniques utilised in subsistence activities. It has the potential to contain sub-surface archaeological deposits. The current site does not contain Aboriginal aesthetic values, however, after excavation any objects uncovered may meet this criterion. Until the excavation has been completed it is not known if the site contains representative or rarity values.



10.0 RECOMMENDATIONS

The following recommendations are made on the basis of:

- Legal requirements under the terms of the *National Parks & Wildlife Act 1974* (as amended), which states that it is an offence to harm or desecrate an Aboriginal objects.
- Research into the environmental and archaeological background of the study area and its surroundings, as detailed in this report;
- Results of the site inspection and archaeological assessment as outlined in this report.

IT IS THEREFORE RECOMMENDED THAT:

9. The area identified within this report as Conservation Zone including and adjacent to the Archer Creek, should not be impacted upon by the proposed works and should be maintained *in situ*. A physical barrier should be established around the Conservation Zone and all staff advised that the Conservation Zone is a “no-go area”.
10. Aboriginal community consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* should be undertaken. Such consultation can take up to four months to be completed. An Aboriginal Cultural Heritage Assessment Report (ACHAR) will need to be prepared which details the results of the consultation and the archaeological assessment. The archaeological report will need to be appended to the ACHAR.
11. As subsurface Aboriginal objects are predicted to exist within the study area, and it is an offence to harm such objects, test excavation should be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and in association with the with the Registered Aboriginal Parties.
12. If Aboriginal objects are uncovered during the testing, Aboriginal archaeological salvage excavations will need to be undertaken once the DA has been issued. The salvage will need to be undertaken prior to redevelopment of the site.
13. If no Aboriginal objects are uncovered during the testing, the project can proceed without the need to undertake salvage. However, all employees, contractors/sub-contractors and anyone else working on the site should be made aware that it is an offence to harm Aboriginal objects. If any Aboriginal objects are uncovered during the course of the redevelopment of the school, all work must cease in the vicinity of that object and further advice sought from the consultant.
14. An Aboriginal heritage induction should be provided to all staff and contractors on site on the significance of the Aboriginal heritage of the site, including the Conservation Zone and advised of their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal heritage.



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APPENDIX A: AHIMS EXTENSIVE SEARCH