

UNEXPECTED HERITAGE FINDS PROTOCOL AND MANAGEMENT PLAN

President Private Hospital

**Lot 1 DP 841502, Lot 23 & 24a
DP 26995, Lot 53 & 54 DP 29493**

**369 – 381, President Ave, 61 -65 Hotham Rd
& 2-4 Bidurgal Ave
Kirrawee, NSW
(Sutherland Shire LGA)**

AMAC

Archaeological

Acknowledgement Of Country

Macquarie Health would like to acknowledge the Traditional Custodians of the Eora Nation and pay respect to their cultural heritage, beliefs and continuing relationship with the land.

Macquarie Health would also like to acknowledge the post contact experiences of Aboriginal peoples who have attachment to the Sydney area.

“We pay our respect to the Elders – past, present and future – for they hold the memories, traditions, culture and hopes of Aboriginal Peoples in the area”.

Macquarie Health recognises the role of the registered Aboriginal parties in the management of the Aboriginal cultural heritage sites, landscape features and values of this project.

Archaeological Management and Consulting Group
For Macquarie Health

Version 2

4 Novemebr 2025

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Archaeological

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Final			

Cover Image:

A well cut into sandstone bedrock at 183 George Street Sydney, AMAC Group, 9th December 2015, digital image 1104

NPW Act 1974

- Protects places, objects and material evidence of Aboriginal cultural heritage significance
- AHIP required to impact sites with Aboriginal Cultural Heritage Significance

Heritage Act 1977

- Protects items of historical or non-Aboriginal heritage
- Significance is assessed against standard criteria
- Local or State significant deposits, artefacts, objects or material evidence are considered 'relics'
- Permits required to impact relics

EP&A Act 1989

Protects both Aboriginal and non-Aboriginal heritage for State Significant Development projects.

INTRODUCTION

PURPOSE

This document is a guide for personnel at the proposed development at Lot 1 DP 841502, Lot 23 & 24a DP 26995, Lot 53 & 54 DP 29493, at the combined street address 369-381 President Avenue, Kirrawee, NSW (the site). In the event that unexpected heritage items are discovered relating to Aboriginal or non-Aboriginal cultures or their human remains. This protocol is active from the start of works on site but is particularly important during excavation.

In NSW, the heritage and cultural value of 'objects,' 'relics' and 'human remains' are protected by several laws. This document provides appropriate hold points and heritage management strategies to ensure compliance and minimise the risk of penalties to individuals and organisations.

SCOPE

Site personnel should use this protocol to identify unexpected heritage finds and determine what, if any, further work is necessary to remain compliant with the Acts for Aboriginal and Non-Aboriginal Heritage and Human Remains in NSW: *Heritage Act 1977, National Parks and Wildlife Act 1974 and Coroner's Act 2009*.

This document is not an Archaeological Assessment (Heritage Act 1977) A Baseline Archaeological Assessment was not prepared for this site but unexpected finds are possible. This Unexpected Heritage Finds Protocol is a guide for personnel in case of said discovery.

This document is not an Aboriginal Cultural Heritage Assessment, an Aboriginal Archaeological technical Report or Due Diligence Aboriginal Archaeological Assessment (NPW Act 1974). Such documents were prepared for this site (AMAC Group, May 2021) and they found that Aboriginal archaeological and cultural heritage material is unlikely but unexpected finds are always possible. This Unexpected Heritage Finds Protocol is a supplement to those documents. **However these previously prepared documents included consultation under the HNSW guidelines, this process shall be maintained by regular contact with the Registered Aboriginal Parties (once every six months via email) for the duration of planning, construction and operation of activities on the site.**

PREPARATION

This document was prepared by Martin Carney (AMAC Group), who is qualified as Excavation Director in accordance with the Heritage NSW Excavation Director Criteria and Mr Benjamin Street Director of Indigenous Heritage at AMAC Group.

RESPONSIBILITIES

All contractors on site are accountable for following this protocol.

There are significant penalties under the *National Parks and Wildlife Act 1974* for disturbing sites of Aboriginal cultural heritage significance, in particular when a project has not carried out its due diligence under the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010)*.

It is an offence under the *Heritage Act 1977* to knowingly disturb a relic (item of State or local heritage significance) without the correct approvals in place.

DEFINITIONS & ABBREVIATIONS

Aboriginal Archaeology	Archaeological material related to the occupation of Australia by its First Nation peoples, both before and after the arrival of Europeans.
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" <i>NPW Act 1974</i>
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AMAC Group	Archaeological Management and Consulting Group
Archaeological feature	Archaeological material which may or may not be considered a 'relic' in terms of the <i>Heritage Act 1977</i> .
<i>Coroners Act 2009</i>	New South Wales <i>Coroners Act 2009</i>
<i>EP&A Act 1974</i>	New South Wales <i>Environmental Planning and Assessment Act 1974</i>
Excavation Director	Person(s) endorsed by Heritage NSW who meet the Heritage NSW Excavation Director Criteria (Sep 2019) to oversee historical archaeology.
<i>Heritage Act 1977</i>	New South Wales <i>Heritage Act 1977</i>
Heritage NSW	State government body for historical archaeology, built heritage and Aboriginal cultural heritage. Heritage NSW is a delegated authority for the NSW Heritage Council. Formerly: Heritage Division, Heritage Branch.
Historical Archaeology	The study of the past using physical evidence with historical sources.
Human Remains	'The body or the remains of the body (or any part of the body or remains of the body) of the person.' <i>Coroners Act 2009</i> . Usually skeletal remains (bones) of human origin confirmed by a specialist.
<i>NPW Act 1974</i>	New South Wales <i>National Parks and Wildlife Act 1974</i>
RAPs	Registered Aboriginal Parties
Relic	"any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance" <i>Heritage Act 1977</i>
SHR	State Heritage Register
Unexpected Heritage Find	An object, relic, place or item discovered which may have heritage value but is not identified by the Baseline Archaeological Assessment, Statement of Heritage Impact, Aboriginal Due Diligence Assessment or other heritage documentation.
Work	Archaeological material, usually structural, which may be related to road and rail infrastructure and is not considered a relic in terms of the <i>Heritage Act 1977</i> , however may retain an archaeological significance independent of the statutory definitions. The interpretation of a 'work' has been defined in consultation with the Heritage NSW.

SITE SUMMARY

Lot 1 DP 841502, Lot 23 & 24a DP 26995, Lot 53 & 54 DP 29493, at the combined street address 369-381 President Avenue, Kirrawee, NSW

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) was commissioned by Macquarie Health Corporation in March 2020, to prepare an Aboriginal Cultural Heritage Assessment Report for the proposed redevelopment at Lot 1 DP 841502, Lot 23 & 24a DP 26995, Lot 53 & 54 DP 29493, at the combined street address 369-381 President Avenue, Kirrawee, NSW.

An Aboriginal Cultural Heritage Assessment has been prepared in response to requirement 8 of the Secretary's Environmental Assessment Requirements (SEARs) for State Significant Development (SSD-10320).

Requirement 8:

- *Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.*
- *Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).*
- *Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.*
- *Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.*
- *The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.*

Test excavation was undertaken over 2 days 21/4/21 – 22/4/21. The programme was conducted under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales and consisted of the excavation of 7 test trenches (50cm x 50cm).

The proposed development will impact the entire study area. In review of the test excavation results, during which little intact soils were found to be

present, the study area was found to be absent of any Aboriginal objects and/or deposits or features of cultural and archaeological significance. Therefore, further investigation was not warranted, and further works are not necessary, and works may proceed with caution.

Consultation for the ACRAR report was undertaken in accordance with the Office of Environment and Heritage and National Parks and Wildlife Act 1974: Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), as part of the Aboriginal Cultural Heritage Assessment and a programme of test excavation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010).

The study site is that piece of land described as Lot 1 of the Land and Property Information, Deposited Plan 841502, Lot 23 & 24a DP 26995 and Lot 53 & 54 DP 29493 forming the following street addresses 369 – 381, President Ave, 61 -65 Hotham Rd and 2-4 Bidurgal Ave Kirrawee in the Parish of Sutherland, County of Cumberland (Figures 3.1–3.2).

Address	Lot	Deposited Plan
369-391 President Ave, Kirrawee	1	841502
61 Hotham Rd, Kirrawee	23	26995
65 Hotham Rd, Kirrawee	24A	26995
2 Bidurgal Ave, Kirrawee	53	29493
4 Bidurgal Ave, Kirrawee	54	29493

The study area is located within the Port Hacking topographic zone. The site lies on the Hornsby Plateau on Hawkesbury Sandstone and consists of undulating to rolling low hills (slopes 5-25%). The topography also contains in areas very steep hills.

The local relief varies from 40m – 200m. In these areas, slopes can have a moderate incline to precipitous. Crests and ridges are convex and narrow at 300m wide. Rock outcrops occur as horizontal benches and broken scarps are present. Nearby valleys are likely to be narrow and incised. This topographic zone is associated with the Gymea (gy) soil landscape. The study area is located along a slope and drainage line.

The geology of the study area consists of Hawkesbury Sandstone – a quartz sandstone with minor shale and laminate lenses. These are the dominant geological formations of the Sydney Basin. As part of this geological unit, it is situated within a shale lens of claystone and siltstone. (Figure 5.4).

The Gymea soil profile is known to be shallow to moderately deep (30-100m) consisting of yellow earths and earthy sands as well as siliceous sands along drainage lines. The soil ranges between strongly acidic pH levels to slightly. This is common within sands. The soil materials are found to have low erodibilities due to effective drainage as well as being held together by high organic matter. Therefore, surface movement is found to be stable amongst the sandy soils, while being slightly reactive with depth.

The study area is located on a peninsula bounded by the South Pacific Ocean. The ocean has been a drainage outlet creating a number of bays and inlets forming the peninsula. The following major water bodies have been identified along with their distance from the study area; Gymea Bay (SE, 2km), North West Arm (S, 2km), Woolooware Bay (NE, 4.9km), Oyster Bay (N, 2.9km) and Woronora River (W, 3.2km). Other minor watercourses have been identified including; Savilles Creek (SW, 1.2km), Temptation Creek (SW, 1.8km), Campbells Creek (S, 1.4km), Dents Creek (S, 700m), Coonong Creek (SE 1.1km) and Yowie Gully (E, 1.2km).

These surrounding watercourses would have made this a resource rich area with both estuarine as well as fresh and saltwater bodies. The boundary of the aforementioned water bodies would have extended further in the past such as Dents Creek extending further north prior to development within the area (Figure 5.4). Past aerials indicate an unknown minor tributary running southwest to southeast through the study area (Figure 5.5).

The vegetation found in the study area is no longer in a native state and is comprised of a variety of introduced and noxious types of vegetation. This movement away from the natural vegetation is a result of previous land clearing for farming and development.

The natural vegetation would have been woodland and open dry sclerophyll forests. Areas closer to ridges and upper slopes would have been low open woodlands. The common plant communities within these areas would have consisted of red bloodwood, yellow bloodwood, scribbly gum, grey gum and old man banksia. Sheltered areas would have contained silvertop ash, Sydney peppermint and smooth-barked apple with an understorey of christmas bush, forest oak and she-oak and grass trees.

The testing programme involved the excavation of seven test trenches (50cm x 50cm). These were situated across the north east and west of the site. Test trenches were proposed evenly across the study area, however this was not possible due to significant ground cover and structures and previous bulk excavation.

The soil profile encountered was generally consistent with the disturbed Gymea soil landscape, of which shallow to moderately deep yellow earthy sands were observed. There were, however, soil considerable variations due to past land use of the site. This was apparent with introduced fill in the expected location of the A horizon. The absence of the A horizon and significant disturbance of the B and C horizons.

Test excavation indicated a high level of disturbance across the study area. At least 5-10cms of introduced fill was present in each test trench, with a mixture of fill and B horizon continuing as deep as 45cms. ATT4 was abandoned due to the present of a water pipe and bedrock was reached by 15cms and 22cms respectively in ATT5 and ATT7. This shallow profile may have been due to earlier post settlement land use, with variation in ground level visible in Figures 7.1-7.5. The variation in ground level is a result of significant removal of varying amounts of the pre-settlement soil horizon. This is clearly evident across the southern half (carpark) and eastern extremity of the site where current ground

levels are up to three metres below the level of B and C horizons and bedrock encountered in testing.

No Aboriginal archaeological and cultural material/ deposits were located as a result of the programme of test excavation. Further investigation is not warranted, and works may proceed with caution.

NPW Act 1974

- Protects places, objects and material evidence of Aboriginal cultural heritage significance
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Heritage Act 1977

- Protects items of historical or non-Aboriginal heritage
- Significance is assessed against standard criteria
- Local or State significant deposits, artefacts, objects or material evidence are considered 'relics'
- Permits required to impact relics

EP&A Act 1989

- Protects both Aboriginal and non-Aboriginal heritage for State Significant Development projects.

UNEXPECTED HERITAGE FINDS

WHAT IS AN UNEXPECTED HERITAGE FIND?

An 'unexpected heritage find' can be defined as an object, item, relic, structure or place that may have archaeological or heritage significance but has not been previously identified in, predicted or assessed by the existing heritage documentation for the site and is not covered by an existing permit (NPW Act 1974 or Heritage Act 1977). These finds may be accidentally discovered during works on the site and require a hold-point to assess if they have heritage value.

Pictures and descriptions of the various types of "unexpected heritage finds" are provided below.

WE HAVE AN UNEXPECTED HERITAGE FIND, WHAT NEXT?

Stop work in the affected area and contact AMAC Group. Once we have been notified of the nature of the unexpected heritage find, we will determine whether the find is a 'relic' under the Heritage Act 1977, or if the find is an 'object' under the NPW Act 1974. If so, Heritage NSW should be notified and in some cases a permit may be required to resume works in the affected area.

Or, an unexpected heritage find may not meet the threshold of significance to be considered a 'relic.' Some heritage finds may also be considered a 'work' rather than a 'relic.' A suitably qualified archaeologist will advise.

The flowchart on page 14 of this document details steps to take.

LEGISLATIVE CONTEXT

In NSW, heritage finds are protected by several acts under different circumstances. Historical or non-Aboriginal heritage items, that is heritage typically related to the British colonial occupation of the State of NSW, are managed under the Heritage Act 1977. Aboriginal Heritage is protected under the NPW Act 1974. There are also obligations for human remains under the Coroner's Act 2009.

If a project is an approved State Significant Development, the EP&A Act 1989 alters the administration of the Heritage Act 1977 and NPW Act 1974 but does not change how heritage items are identified, if they are significant, or how they are reported to Heritage NSW.

TYPES OF UNEXPECTED FINDS

Masonry buildings:
Walls,
footings,
floors and
foundations.

- Brick
- Sandstone
- Cement
- Can be bonded with mortar, cement, mud or unbonded.



Sandstone wall footing (top view)



Sandstone wall footing (side view)



Brick footing (top view)

TYPES OF UNEXPECTED FINDS

Timber buildings: Timber Posts and Postholes

- Usually three or more small circular or rectangular backfilled pits in a row
- May contain a demolished timber post.
- May indicate an historic allotment fence line or a timber dwelling



Timber post (left) and a series of partly excavated postholes (right)

Drains

- Sandstone, brick or timber lined
- Closed box, barrel or ovoid drains or open dish/spoon drains
- Can be bonded with mortar or unbonded



Basic open brick drain (left) Sophisticated open brick drain (left)



Brick and stone closed drain inside a backfilled trench (section view)

TYPES OF UNEXPECTED FINDS

Wells and Tanks

- Can be lined or unlined
- Usually lined with brick
- May be covered with timber
- Usually circular but can also have a beehive shape



Timber seal above brick well (left) partly excavated brick well (right).

Paved Surfaces and Roads

- Brick, tiles, cement or sandstone
- May be dressed stone and laid in a pattern or rubble / irregular blocks without a pattern.



Sandstone rubble paving partly excavated (top view)

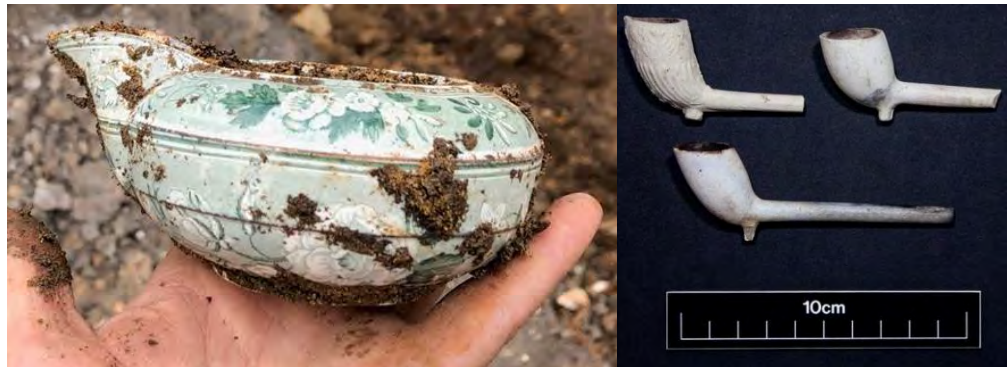


Brick paving (top view)

TYPES OF UNEXPECTED FINDS

Artefact Scatters

- 20 or more pieces of whole or broken historical artefacts
- Can contain broken ceramic, glass, bone, leather, shell
- Household, food or personal items: soles of shoes, buttons, plates, bowls, glasses, peach pits etc
- Smoking pipes
- Animal bone
- Leather goods



Ceramic teapot (left) and smoking pipes (right)



Broken ceramic tableware and broken smoking pipes (top view)



Fragments of leather shoes (left) glass medicine bottles (right)

TYPES OF UNEXPECTED FINDS

Rubbish Pits

- Irregular shaped pits backfilled with soil and historical artefacts.
- Can contain either historic household or industrial waste: leather off cuts, ash, slag, coal, incinerator waste, fastenings, ceramic insulators.



Large irregular shaped rubbish pit with artefacts at surface.



Small rubbish pits – no artefacts visible at surface (top view)

Animal Burial

- Buried remains of domesticated animals
- Usually articulated skeletons found in rectangular pit as a result of an intentional or ceremonial burial



Burial of a domestic dog (top view)

TYPES OF UNEXPECTED FINDS

Aboriginal Objects:

Shell Midden

- Accumulation of shells either tightly packed or scattered. Shells from edible shellfish such as oyster and cockle
- Mostly found in coastal zones along beaches, headlands and estuaries
- May occur near rivers and creeks
- **Moving these objects is an offence without a permit under the NPW Act 1974.**



Partly exposed shell midden beneath grass (top view)

Aboriginal Objects:

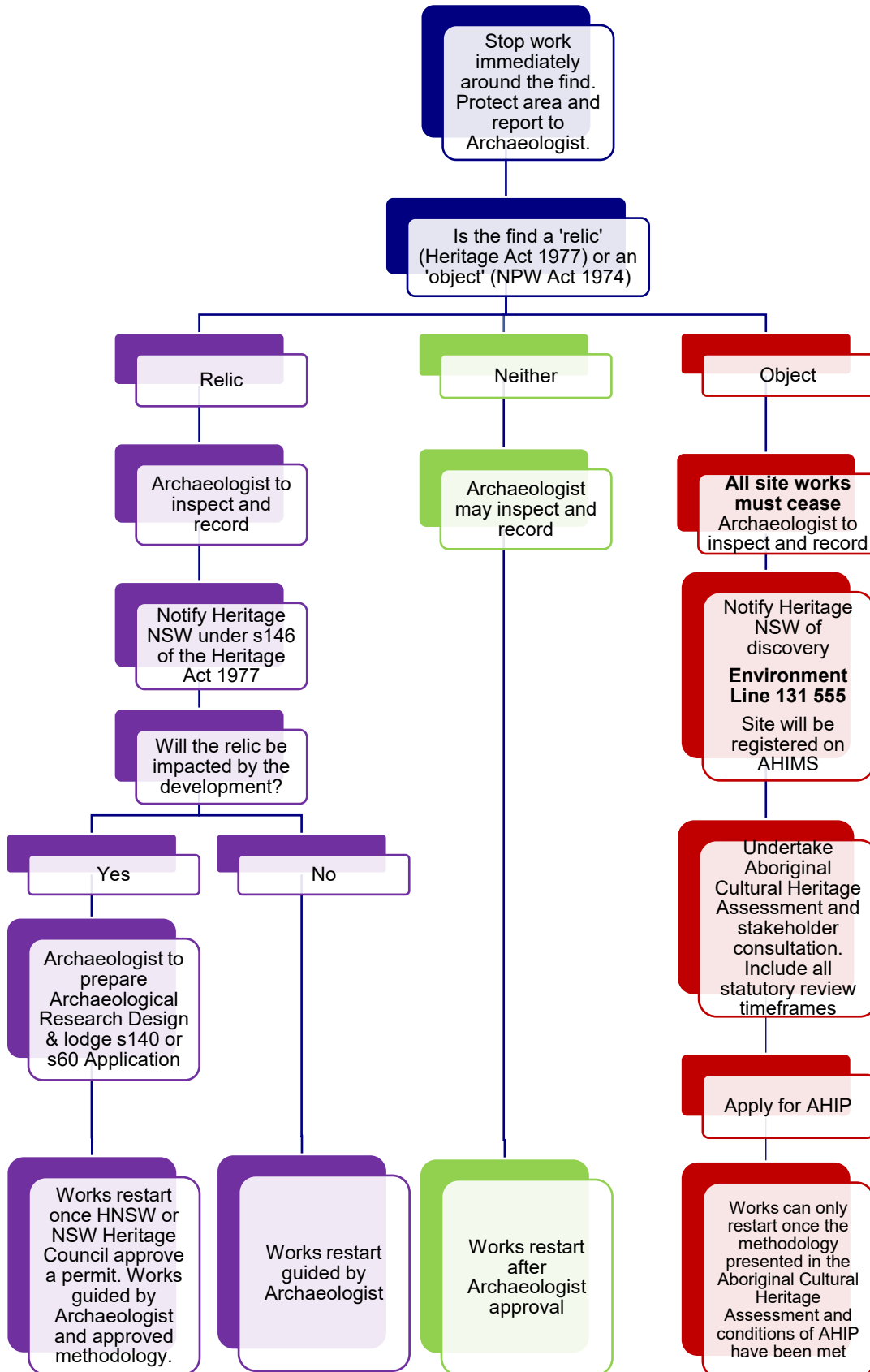
Stone Tools

- Stone or rocks which have been worked by human
- May be large (e.g 100mm in size) or very small (less than 20mm)
- **Moving these objects is an offence without a permit under the NPW Act 1974.**



A large Aboriginal 'object' a stone modified to form a tool for human use. Several small Aboriginal objects: whole or broken flakes of stone that result from tool manufacture.

UNEXPECTED HERITAGE FINDS FLOW CHART



Discovery of Human Remains

- Stop work and call NSW Police

NSW Coroners Act 2009

- Human remains less than 100 years must be reported to the State coroner and become a Forensic Case

UNEXPECTED HUMAN REMAINS

SUSPECTED HUMAN REMAINS

Bones are frequently discovered on many archaeological sites and are usually easily identified as animal bones. There are some rare contexts in which there is a higher likelihood for human remains, such as in current or historic cemeteries. The grounds around cemeteries can also contain undocumented burials. The grounds of historic hospitals can also be the location of buried human remains in particular the early colonial hospital sites. Contexts for human remains include:

- Articulated skeletal remains in undisturbed burials;
- Disarticulated skeletal remains disturbed after burial or discarded;

A suitably qualified and experienced Archaeologist can make the distinction between commonly encountered animal remains and 'suspected human remains.' However, 'suspected human remains' will always be immediately referred to NSW Police and, if necessary, a suitably experienced and qualified forensic anthropologist, or equivalent, for confirmation or to ascertain age and ancestry.

WE HAVE SUSPECTED HUMAN REMAINS, WHAT NEXT?

Stop work immediately and contact AMAC Group. We will determine if the remains are likely to be human and may seek the advice of a forensic anthropologist. If the remains are suspected to be human, NSW Police will be contacted. We will assist NSW Police in determining if the remains are likely to be an **Archaeological Case**.

The flowchart on page 17 of this document details steps to take.

LEGISLATIVE CONTEXT

Discovery of suspected human remains may be subject to different Acts and requirements, thereby triggering different notification pathways, based on the specific circumstances involved.

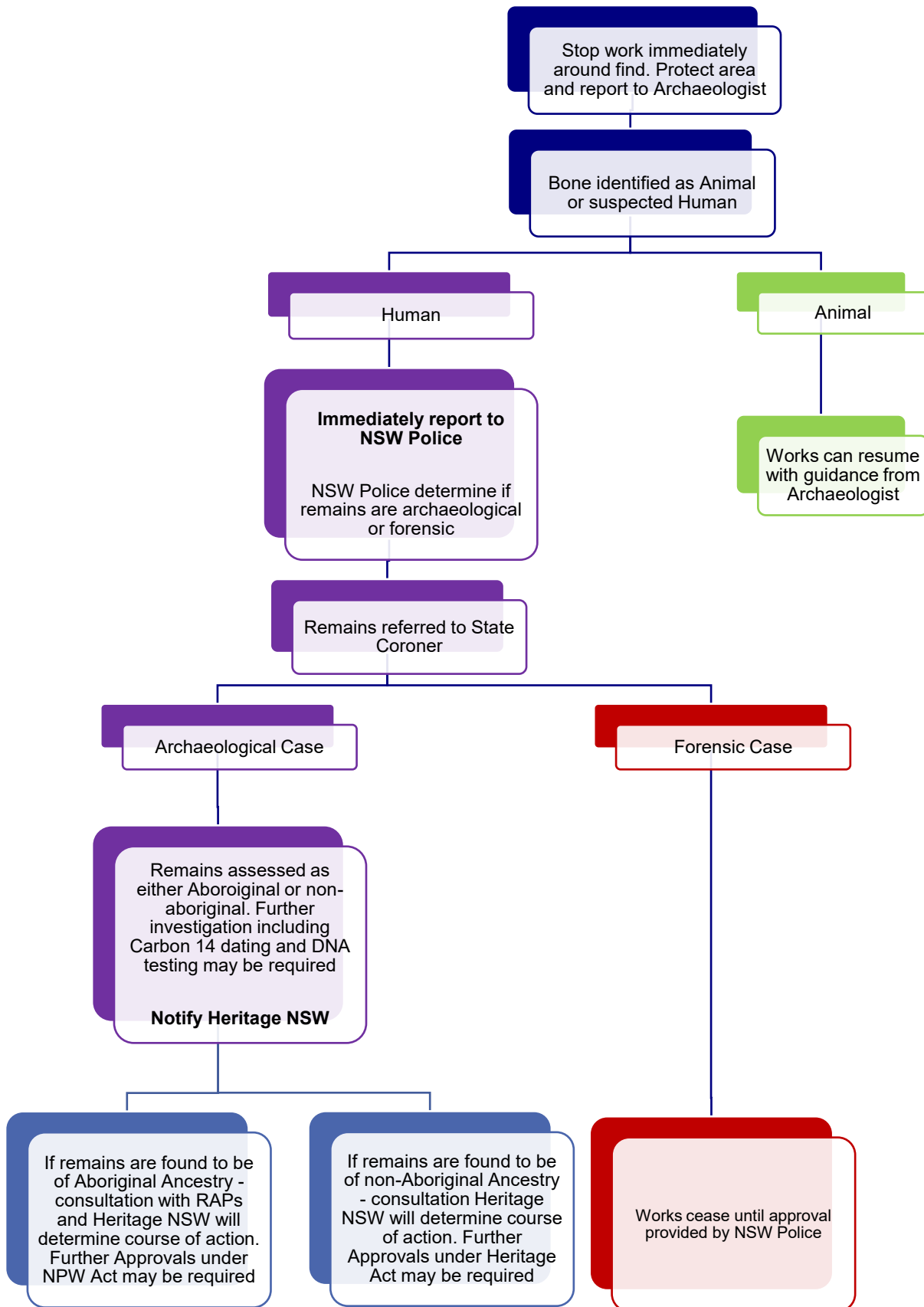
A discovery of suspected human remains less than 100 years old is a **Forensic Case** and a reportable death and the remains are under the jurisdiction of the State Coroner and the *Coroners Act 2009*.

Human remains greater than 100 years old are not reportable under the *Coroners Act 2009* and become an **Archaeological Case**. Remains that are of Aboriginal ancestry are protected by the NPW Act 1974. Remains of non-Aboriginal origin are protected by Heritage Act 1977.



Example of a recently discovered human femur, later determined to be of non-Aboriginal ancestry (thigh bone, top view)

UNEXPECTED HUMAN REMAINS FLOW CHART



CONTACTS

AMAC Group

Head Office: (02) 9568 6093
Benjamin Street

Heritage NSW

(02) 9873 8500

Environment Line

131 555

NSW Police

131 444

SUMMARY

Discovery of unexpected
archaeological find

STOP WORK IN THAT AREA

Take photos and call
archaeologist

Significant find
(Heritage Act)

Wait for
archaeological
inspection

Not significant
(Heritage Act)

With permission
from
archaeologist,
work can
continue

Aboriginal Object

Potential breach
of NPW Act –
Contact Heritage
NSW

Human Remains

Contact Local
Police