

Submission
No 475

INQUIRY INTO IMPACT OF THE WESTERN HARBOUR TUNNEL AND BEACHES LINK

Organisation: Metropolitan Local Aboriginal Land Council

Date Received: 18 June 2021



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NSW Government

18th June 2021

Re: MLALC Submission Western Harbour and Beaches Link

Dear NSW Government,

I as CEO of Metropolitan Local Aboriginal Land Council (MLALC) we would like provide submission on the proposed Western Harbour and Beaches Link.

MLALC as the legislated representative body for all Aboriginal people and responsible for protection and preservation of Aboriginal Culture Heritage for 24 Local Government Areas that includes the entire area of the proposed Western Harbour and Beaches Link we provided the following;

1. MLALC acknowledges that the project will be taking place on and or through Gannagal (Manly Southern beaches area of Northern Beaches LGA) and Gammarigal (Mossman, Willoughby .& North Sydney LGA's)
2. Gannagal and Gammarigal Culture is one of the oldest cultures in existence of humanity and their sites predate many worlds historical societies such as Egyptians, Aztecs or Hebrews and we feel it should given same value of protection and preservation rather than a project cost or contestability.
3. MLALC seeks to ensure that all Gannagal and Gammarigal Culture Heritage is protected and preserved. MLALC is concerned that planned works in some locations adjoin and or are in close proximity to registered Culture Heritage Sites eg Wakehurst Parkway.
4. MLALC is aware as per annexure A of Aboriginal Culture Heritage studies that attest and prove that the Western Harbour and Beaches Link has the potential to destroy and or desecrate Gannagal and Gammarigal Culture Heritage.

For MLALC this project provides a opportunity for NSW Government to value and affirm its commitment to preserving and protecting Aboriginal culture Heritage and in this case specifically Gannagal and Gammarigal Culture Heritage.

MLALC now requests that NSW Government ensures the proposed project prioritises protection and preservation of Gannagal and Gammarigal Culture Heritage and undertakes to ensure that it will not be desecrated.

Should you need and or require any additional information please feel free to request via

Yours In Unity

Nathan Moran
CEO MLALC

Annexure A

Background Paper: Aboriginal Heritage and the Western Harbour and Beaches Link Project

Authors: Larissa Penn, John Berry, Kristina Dodds

Date 18th June 2021

Introduction – Project Scoping Information

“The Lower North Shore area of Sydney area has a rich indigenous heritage dating back 4500. There is evidence of Aboriginal occupation throughout the study area. Aboriginal occupation focused on accessing resources from diverse ecological areas, seasons and conditions. Occupation sites, hunting, travel and inter-clan contact would have been associated with coastal areas, smaller rivers, creeks and swamps. Aboriginal people have left us with a rich cultural heritage, both tangible and intangible, which needs to be preserved”¹

The Sydney area has a rich indigenous heritage. Aboriginal occupation focused on accessing resources from diverse ecological areas, seasons, and conditions. Occupation sites, hunting, travel and inter-clan contact would have been associated with coastal areas, smaller rivers, creeks and swamps. (7)

Regarding the Western Harbour and Warringah Freeway Upgrade Project: “There is evidence of Aboriginal occupation along and around the project alignment, with areas of plentiful food resources associated with shorelines, riparian zones and adjacent areas including Berry’s Bay, Yurulbin Park and the Sydney Harbour foreshore. During urban development, many of these areas were covered by fill, concealing original formations. Some evidence of Aboriginal occupation may also be present along movement pathways, meeting and camping sites, which were often associated with ridgelines”. ²

Regarding the Beaches Link and Gore Hill Extension: “There is evidence of Aboriginal occupation throughout the study area, with areas of plentiful food resources associated with shorelines, riparian zones and adjacent areas including Clive Park, Burnt Bridge Creek and Flat Rock Creek. During urban development, many of these areas have been covered by fill, concealing original formations. Some

¹ EIS Beaches Link (BL) Chapter 15.3.1 Ethnographic and archaeological context.

² EIS Western Harbour Tunnel and Warringah Freeway (WHT), Chapter 15; Aboriginal Cultural Heritage

evidence of Aboriginal occupation may also be present along movement pathways, meeting and camping sites, which were often associated with ridgelines.”³

Site surveys were carried out in May, June and August 2017 by a qualified archaeologist accompanied by a representative of the Metropolitan Local Aboriginal Land Council. Aboriginal site officers were also engaged for archaeological field inspections in January 2018. Additional assessments were carried out with nominated site officers representing the Metro Metropolitan Local Aboriginal Land Council in August 2018, February 2020 and September 2020. During these surveys, site officers were provided an opportunity to comment on the potential for Aboriginal cultural material to be present within the study area, the cultural significance of any Aboriginal cultural heritage sites identified during the survey and proposed management recommendations, including recommendations for further assessment. ⁴

Regulatory Framework and Consultation

The Western Harbour Tunnel and Beaches Link EIS’s State:

The requirement to consider potential impacts on Aboriginal cultural heritage, including objects and places, is given effect through the following guidelines:

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010d)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment and Heritage, 2011a)
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010b)
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW, 2010c).

The *Procedure for Aboriginal Cultural Heritage Consultation and Investigation* (PACHCI) (Roads and Maritime, 2011) specifically tailors and applies the requirements of these guidelines to its road projects.

The *Native Title Act 1993* (Cth) and *Aboriginal Land Rights Act 1983* (NSW) provide a framework for the protection of native title rights on certain Crown lands. There are no Crown lands subject to a native title claim within the footprint of the project.”

Crown Land

It should be noted that Crown Land will be impacted and according to the Crown Lands submission the land will need to be acquired as part of the project. The arrangements

³ <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-8862%2120201220T232636.121%20GMT> Page 15-7

⁴ <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-8862%2120201220T232636.121%20GMT> page 15-5

regarding the Crown Land acquisitions are not clear to the community and the community has been informed by council that these acquisitions are made in confidence and cannot provide further information. It has to be questioned why Crown Land which is supposed to be reserved for the public is being sold without public transparency and whether the use of the land meets the requirements under the act.

An Inquiry into Crown Lands⁵ was held in 2016 and the Committee Chair stated “It also became evident during the inquiry that the traditional custodians of the land are not adequately consulted on important Crown land decisions by the NSW Government.”

The following recommendations are relevant:

“Recommendation 1: That the NSW Government consider additional legislative protections to ensure Local land is retained as public land and managed in the public interest.” Crown Lands to be used as part of this project will see a significant degradation in environmental and usability over the period of the project and it is not clear if they will be returned to the community.

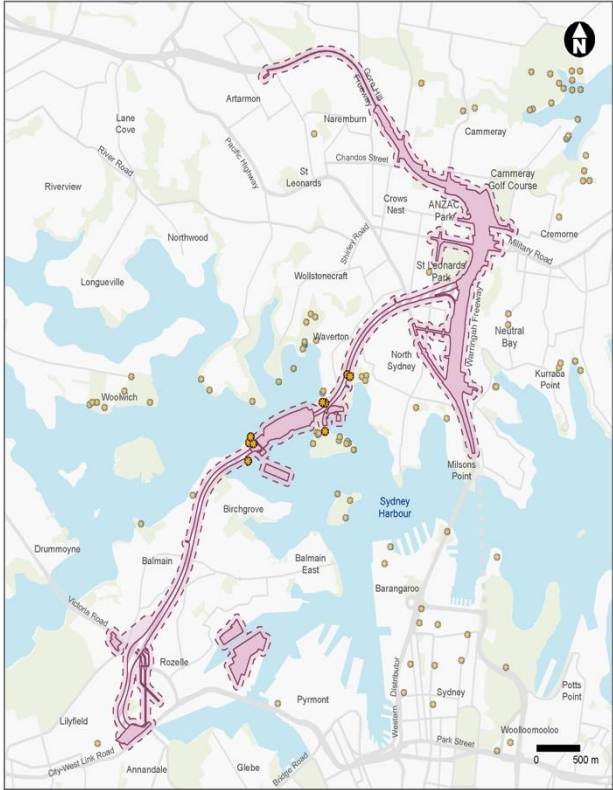
“Recommendation 18: That the NSW Government ensure the new Crown land legislation recognises the fact of prior and continuing Aboriginal custodianship of Crown land and operates together with the *Aboriginal Land Rights Act 1983*.” Whilst some consultation has been done the project prioritises infrastructure use over the Aboriginal Heritage of the land and environment.

“Recommendation 10: That the Department of Industry – Lands undertake a digitisation project of maps identifying Crown land in New South Wales and publicly release an accurate register of Crown land.” Crown land is almost impossible for the community to identify without paying large sums of money. Some lots have been identified however others are not publicly classified within the project footprint.

With limited information the community have been able to determine that Crown Land will be impacted at Balls Head, Berry’s Bay, Flat Rock Gully and Clive Park however additional sites are impacted across the project footprint such as Cammeray Golf Course and St Leonards Park.




Impacted Sites – Beaches Link and Gore Hill Freeway

⁵ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2404/161013%20Final%20Report.pdf>



Legend

Construction features

-  50 metre area around construction footprint
-  Construction footprint
-  Tunnel

AHIMS sites



-  AHIMS site within 50 metres of the construction footprint
-  AHIMS site over 50 metres from the construction footprint

Figure 15-1 AHIMS sites in the region around the project ⁶

Flat Rock Creek PAD (45-6-3361) – the EIS relies heavily of an assessment of sites that have been discovered at this location but ignores the fact that there is a high likelihood of undiscovered sites and the importance of Flat Rock in terms of “place” value. It was also not clear if the information regarding the extent of works, landfill history of the site and considerable geological and hydrology considerations were available at the time of assessment. In this way this location appears to be **Under Assessed**. The EIS states that a potential archaeological deposit would not be impacted by the project however the main temporary dive site (5 years) will be located across and interrupt the creek where the deposit is located. Flat Rock Creek will experience substantial changes and impacts at this location including relocation in part, considerable drawdown, impacts from 70 heavy vehicles and hour on the adjacent road and the potential of significant contamination. Both during construction and during operation there will be a large volume of wastewater flushed down the creek from Artarmon (due to considerable drawdown in a high hydrology environment)– the large volumes may impact any deposits currently existing. It is not clear whether assessors had access to the substantial EIS information around hydrology and geology in the area that is now available via the EIS. Impacts have been limited to an assessment only 50 metres around the project and one site is located just outside this area. In the case of the major temporary dive site for the project in Flat Rock Gully this is problematic as the extent of works planned, in a catchment area and old tip site, means a significant risk area being impacted further away than 50 meters. The EIS demonstrates that the remnant bushland of Flat Rock Gully below (East of the site) the site may also be significantly disturbed – this area is relatively untouched and there is a high chance of unidentified sites. The area appears to hold greater historic and cultural significance than is covered in the assessment. The EIS reviews the site on the basis of the importance of the identified sites only and not it’s “place” importance. There is a growing body of evidence that Flat Rock Gully was highly important to the Cammeraygal and this should be taken into account with the suitability of placing a dive site in this location re-assessed. Much of the natural and cultural heritage in this area has already been lost – what remains should be protected.

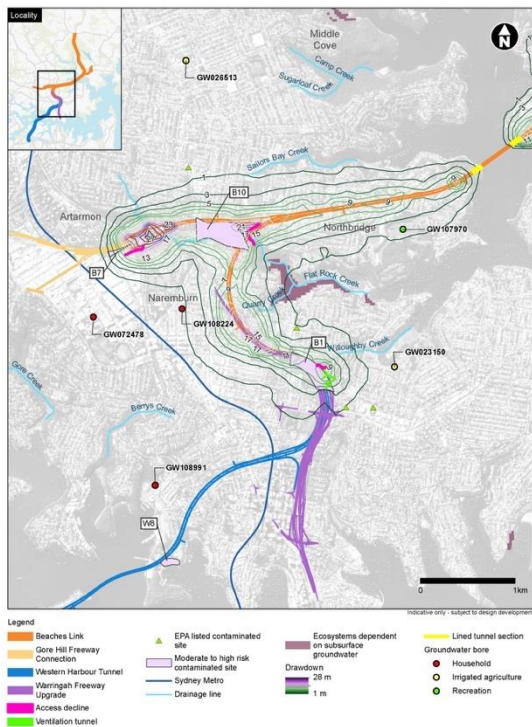
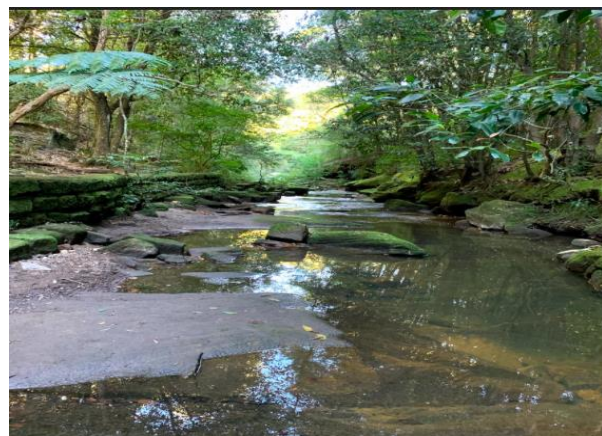


Figure 6-1 Predicted drawdown in the water table at the end of tunnel construction (south), June 2028 (project only) ⁷



⁶ EIS (WHT) Chapter 15

⁷ EIS BL App N: Groundwater. pg 91

Clive Park (45-6-3012), (45-6-0654) (45-6-0996): Several rock shelters are rated as **Highly Significant** with risk of potential impacts rated as negligible due to vibration and minor due to settlement. However, the major works which will extend from the edge of the Clive Park will create extensive noise and vibration over the 4.5 year period of dredging and immersed tube tunnel works. These rock shelters are substantial, have long over hanging rock ledges and may have been very significant for the Cammeraygal who were known as the ceremonial leaders in Sydney (see emergent research). Local knowledge also identifies the presence of submerged sites (fish traps) at this location - however this has not yet been explored via an assessment. More information being researched about the possible historic and cultural significance of the area can be found below. Concerningly the Clive Park Area has been assessed as N/A under historical significance. This appears to be ontraded by the historical record which would indicate a high level of historic significance.



Other sites potentially impacted by Beaches Link are:

Artarmon Park artefact scatter (45-6-3599) & Artarmon Park PAD (45-6-3362) – these sites have been rated as low-moderate or no significance and it is stated that the risk of potential impacts nil. However, it should be noted that they are within the project footprint and the creek will be subject to wastewater discharge.

Burnt Bridge Creek PAD (45-6-3363): the significance of the site is rated as **N/A**. There is a potential archaeological deposit and a rock shelter. The impact is rated as not significance however more information is needed with regard to the site – any deposits in and around the creek may be impacted by extensive impacts around water flow and drawdown which have been predicted elsewhere in the EIS.

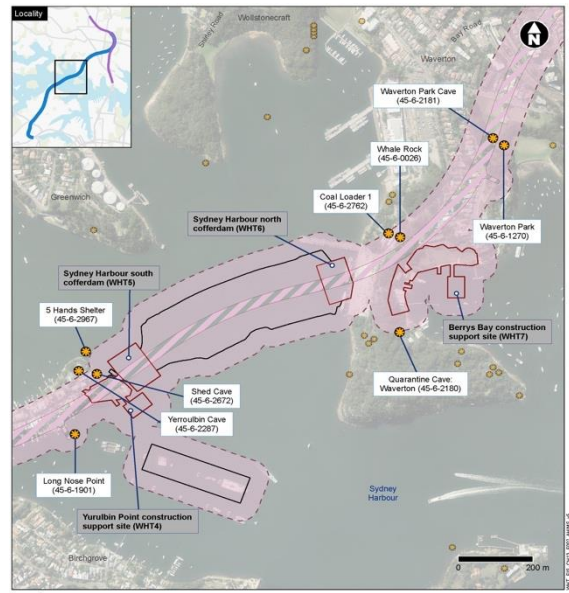
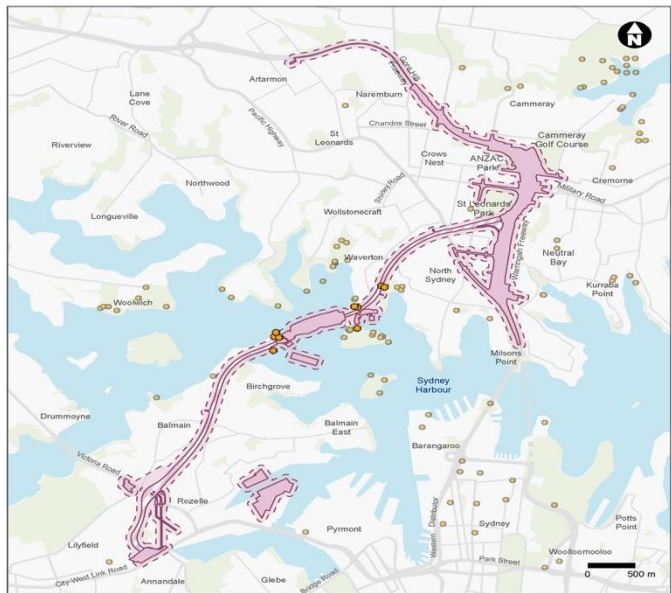
Wakehurst Engraving MAN 104 (45-6-3032): the significance of this site appears to have been rated of low significance due to damage. It is not clear whether the cultural significance has been taken into account. Indirect vibration and settlement is expected to impact this site.

Rock engraving (Garigal National Park) (45-6-2940): this site has been rated as **Highly Significant** and will suffer from indirect impacts such as settlement and vibration according to **the EIS**

Frenchs Forest; Bantry Bay; Wakehurst Parkway (45-6-0662): This site is rated as overall **Not Assessed** but will suffer from direct impact because of the project. The site was not able to be inspected during the site visit.

Bantry Bay Aboriginal Engraving Site (45-6-0655): this site has been rated as **Highly Significant** and will be affected by changes to the visual setting and vibration during construction.

Figure 15-1 AHIMS sites in the region around the project & Figure 15-2 AHIMS sites within 50 metres of the project construction footprint– Western Harbour Tunnel⁸



Waverton Park Cave (45-6-2181): A shelter and midden rated as **Highly Significant** with a moderate risk of impact due to vibration and settlement.

Waverton Park (45-6-1270): Rated as **Highly Significant** with a risk of impact due to vibration.

Coal Loader 1 (45-6-2762): Rated as Moderately Significant with an indirect vibration risk. A large platform will be erected for building the immersed tube tunnel directly adjacent to this site and the tunnel construction will be directly below it. It should be noted that there is a moderate to high risk of submerged sites being disturbed at this location.

Quarantine Cave: Waverton (45-6-2180): this site has been rated as **Highly Significant** with a risk of vibration damage

⁸ EIS (WHT) Chapter 15

5 Hands Shelter (45-6-2967): rated as **moderate to highly significant**. There is a risk of indirect vibration impact.

Yerroulbin Cave (45-6-2287): rated as **moderate to highly significant**. There is a risk of indirect vibration impact.

Long Nose Point 1, 9 Numa Street, Birchgrove (45-6-1901): rated as **moderate to highly significant**. There is a risk of indirect vibration impact.

Shed Cave (45-6-2672):): rated as **moderate to highly significant**. There is a risk of indirect vibration impact and settlement.

Whale Rock (45-6-0026): Perhaps the most well-known site on the Lower North Shore of Sydney, the site has been rated as **Highly Significant** with risks associated with indirect vibration and settlement (10mm). The tunnels pass directly under this site.



Figure 2. Aboriginal petrolyth/ engraving at Balls Head, photographed c.1900. SLNSW

Submerged and Undiscovered Sites

The Western Harbour Tunnel EIS states “Any potential submerged Aboriginal archaeological sites are likely to have very high scientific significance due to the potential to yield information that would contribute to an understanding of New South Wales’ natural and cultural history. Submerged Aboriginal archaeological sites and Pleistocene Aboriginal archaeological sites are both, on their own, rare site types within a New South Wales context and the identification of submerged Pleistocene landscapes and associated Aboriginal archaeological resources would be an extremely rare discovery within Australia”⁹.

⁹ EIS Western Harbour Tunnel and Warringah Freeway Upgrade (WHT) EIS Page 15-13.

There is a moderate to high risk that there are unknown submerged sites between Yulumbin Point and Waverton where dredging will take place, Berry's Bay and White Bay.

The Beaches Link and Gore Hill Extension EIS also acknowledges the likely existence of unknown Aboriginal sites - which could be at risk due to the project and which would be difficult to mitigate or may unknowingly be destroyed. "There is evidence of Aboriginal occupation throughout the study area, with areas of plentiful food resources associated with shorelines, riparian zones and adjacent areas including Clive Park, Burnt Bridge Creek and Flat Rock Creek. During urban development, many of these areas have been covered by fill, concealing original formations. Some evidence of Aboriginal occupation may also be present along movement pathways, meeting and camping sites, which were often associated with ridgelines." ¹⁰

The study area is likely to have undiscovered submerged Aboriginal archaeology. For example, "The pronounced rock outcrops at about 20 metres depth close to Seaforth Bluff are considered to have moderate to high potential for the presence and survival of inundated rock shelters. The possibility of unindicted rock shelters requires further investigation and rock shelters at Seaforth be protected from damage or destruction. There is a moderate to high potential for submerged aboriginal heritage at Pearl Bay (west of Spit West Reserve) and the area between Clive Park and Beauty Point."¹¹

The EIS identifies several areas in the study area with the potential for Aboriginal sites "The Lower North Shore portion of the study area includes several parks and reserves including St Leonards Park, ANZAC Park, Cammeray Golf Course, Artarmon Park and Artarmon Reserve, as well as the Flat Rock Reserve and the surrounding alluvial terraces and exposed sandstone outcrops. These parks and reserves have been subject to less intensive disturbance and may have increased potential for Aboriginal sites."¹² Destruction of unknown aboriginal heritage at these and other sites cannot be ruled out.

"At the Wakehurst Parkway landscape region, there are sections of undisturbed remnant landscapes in two locations within or in close proximity to the project (Garigal National Park and Manly Dam Reserve)..... The Wakehurst Parkway landscape region is particularly significant because of the Hawkesbury Sandstone and its association with known Aboriginal rock engravings."¹³

Further Research

Much research has been undertaken in the community to further understand the historic significance of these area's to the Cammeraygal People. This research may also speak to the Cultural Significance of the area's under threat. It is understood the Sydney Harbour Trust is also undertaking formal research into the Cammeraygal. This is in part due to there being no recognised descendants of the Cammeraygal in the area but also a loss of historic records. This knowledge gap however is not reason to decimate areas of site and place importance particularly where so much damage and loss has already occurred. In fact, remaining sites and areas of importance need to be further researched and protected for future generations. What has been known for some time is that the Cammeraygal were a people of great significance to the Sydney region who held ceremonial rights and were treated with great respect. Given that colonial settlement of the Lower North Shore was slow there are numerous accounts of Cammeraygal living

¹⁰ EIS BL Ch15, Pg 7,8, 15.3 Existing environment, 15.3.1 Ethnographic and archaeological context,

¹¹ EIS BL Ch 15.3.4 Potential submerged Aboriginal sites Pg 17

¹² EIS BL Ch 15 15.3 Existing environment

¹³ EIS BL Ch15 5.3.2 Environmental and landscape context

traditionally well into our colonial history. Perhaps it was the very presence of the “fearsome” Cammeraygal that slowed that progress well into the mid-1800’s. What results is a unique record of co-habitation however that was not to last into the 1900’s nor was it a positive thing for the original inhabitants of the land with evidence of considerable disease and what the European inhabitants described as an increasing struggle for survival. The “official account” is that by the 1830’s there were no Cammeraygal living in the area however this is contradicted by records which indicate there were active groups living on the land up until the late 1800’s. There is strong evidence that the Cammeraygal People lived and may have conducted ceremonies at Balls Head and Clive Park and that they were heavily reliant on Flat Rock Gully and Middle Harbour as a source of food, shelter and fresh water. This research is emerging as many records have been lost however the significance of these areas need further consideration in light of the now published 20,000 paged Environmental Impact documents and cumulative impact that may be experienced across the project’s footprint. An application has been made and accepted for a Federal Heritage Review of Naremburn and Long Bay Gully (which incorporates Flat Rock Gully) based on their cultural significance, natural and built heritage. A sample of research regarding the Cammeraygal of the “North Shore” can be seen here:

1. **Records vary regarding evidence of Aboriginal occupation of the area from 4500 to 6000 years:** *“As the sea level rose again over thousands of years and it began to stabilise near its present level around 6,000 years ago, the first real evidence of Aboriginal occupation in the Willoughby area appears in the archaeological record. It is likely that the rising sea would have destroyed many of the earlier sites, while others remain intact, in situ, in a watery grave..”*¹⁴
2. **1788 approx. First Fleet Painting Description notes:** *“This man’s name is Cammeraygal the chief of the most powerful Tribe that we at present know of in New South Wales. He holds two fighting spears and a Fizgig in one hand and two throwing sticks in the other”*¹⁵
3. **Early Settlement: Cammeraygal are well recognised as ceremonial leaders:** *“It is written in history that Cammeraygal were the main clan in the region that held the initiation ceremonies for the men and were feared, but also looked up to. The Cammeraygal were known over a very wide area and early historians wrote and drew of their ritual ceremonies. Early paintings show the Cammeraygal tooth removal ceremony.”*¹⁶
4. **1794 The North Shore was known as Cammeraygal Land:** *“In 1794, the year before the remarkable initiation ceremony that Collins recorded, the first European habitation was erected on Cammeraygal land...”*¹⁷
5. **1792 (reflection)– Cammeraygal preside over ceremonies:** *“The fate of Carradah’s (Cammeraygal) people is unclear. The illustrations that accompanied Collins’ published description of the ceremony at Yoo-lahng show as many as 15 Cammeraygal men presiding in the ritual. While they may still have held on to their power within the network of Sydney clans, they were unable to prevent the steady seizure of land that followed the departure of the cautious Governor Phillip in 1792. A year before the initiation ceremony was enacted at Yoo-lahng in 1795, 30 acres of Cammeraygal land directly across the harbour at Kirribilli had been given to the ex-convict Samuel Lightfoot. Between 1792 and 1795, 21 225 acres [8590 hectares] of ‘Crown’ land were ‘granted’ to individual Europeans around Sydney.”*¹⁸

¹⁴ Bo-ra-ne Ya-goo-na Par-ry-boo-go, Yesterday Today Tomorrow, Aboriginal History of Willoughby, Jessica Currie, pg 9

¹⁵ Natural History Nuseu in Benard Smith & Alwyne Wheeler (eds), The Art of the First Fleet, Oxford University Press, Australia, 1988, p.42

¹⁶ Coal Loader Guide, Chapter 2 Aboriginal Heritage

¹⁷ “We will see a Town Rising, a History of North Sydney” Dr Ian Hoskins, North Sydney Council Historian, 11 June 2015

¹⁸ Aboriginal North Sydney, Leaflet Publication by North Sydney Council Heritage Centre

6. **1802 – French Expedition docked at Neutral Bay were given permission to survey the local area and purchased a flatbottomed boat. Probable painting of Clive Park and Cammeraygal.** *“Le Geographie sat outside heads- brought in and docked at Neutral Bay. They were allowed to go wherever they wanted”*¹⁹. The first vessel was joined by a second in April, 1802 called Le Naturaliste. *“As the two French vessels lay at Sydney for nearly six months, during which time the officers and men mingled freely with the population of the colony, whilst the naturalists and artists occupied themselves busily with the work of their special department.”* On review of the ships documents prior to departure the Governor wrote: *“His object was, by his orders, the collection of objects of natural history from this country at large, and the geography of Van Diemen's Land...”*. The French produced many paintings and maps - the painting below aligns with the time of this stay (April – November 1802) in Sydney and is credited to the “Freycinet Expedition” which was the name of the senior officer and later Captain of the second French ship called Le Naturaliste. Freychinet published maps and drawings on return to France. The exact location of the painting is uncertain however there is strong evidence to suggest that it is Clive Park.
7. **Flat Rock Gully was known as the Diamond Snake:** *“At one time the waters of Long Bay flowed under the Old Suspension bridge and well into Flat Rock Gully where they met the sluggish water of Flat Rock Creek. The Aborigines called it ‘Mugga’ which means diamond snake”*²⁰
8. **The name aligns with local oral history of the area: “The Legend of Flat Rock: ‘Old Timer’ who described himself as ‘over 70’ wrote, in the Suburban Herald of 20 September 1938, that his father told him of a legend about an immense python which lived in the vicinity of Flat Rock... it was so awe-inspiring in its immensity...”**²¹
9. **First settlement of the North Shore, recognition that the Cammeraygal heavily inhabited the Middle Harbour area** *“The new settlers had many contacts with the Cammeraygal as they fished around the harbour or explored inland from Middle harbour....”*²²
10. **1870’s The Aboriginal encampment at Flat Rock became known as Struggle Town:** *“In the early years of development, Central township was also known as Dog Town... Another name was Pension Town. In the 1870s there was a reference to Struggle Town but this was related to an encampment of Aborigines near Flat Rock, which name itself was often used to designate “The Township”*
11. **1878 Recognition of the great Cammeraygal and record of Cammeraygal still living in St Leonards (Naremburn) and Berry’s Bay:** *“Not everyone deferred to the tradition of old ties and nomenclature. Just five years later, on the eve of the formation of the Borough of North Sydney, local resident and prominent public servant Alexander Oliver made the remarkable suggestion that the whole place be called Cammeray instead of St Leonards or North Shore, for that was, the least recognition we can make of the great Cammeray tribe, which we have driven out of their heritage”. Who knows what those original owners thought of all the building being undertaken in the 1880’s. That there were Aboriginal people still in, St Leonards” as late as the 1870s is indisputable. Some were there as servants and stable hands. In 1878, however, a sympathetic Blues Point Resident (anticipating the sentiments of Oliver) noted the presence of an Aboriginal camp at Berrys Bay. In a remarkably modern turn of phrase this correspondent suggest that, considering the vast territory which has been wrested from these poor people without any compensation I take it would be a graceful act to allow them the privilege of pointing to one of these small islands at the entrance to the metropolis as still their own”. 9 The writer had in mind Goat Island. Instead, most of the city’s remaining Indigenous folk were moved off to La Perouse, far to the south.”*²³

¹⁹ <https://www.gutenberg.org/files/7450/7450-h/7450-h.htm#chap11>

²⁰ “The suburb of Northbridge a community history” compiled by Esther Leslie (1988) page 20 The Naremburn Story, Eric Wilschk 1988, pg 5

²¹ “The Naremburn Story”, Eric Wilschk, 1988, pg 23

²² “The West Ward”, by Nancy Booker and Ida Bennett

²³ “We will see a Town Rising, a History of North Sydney” Dr Ian Hoskins, North Sydney Council Historian, 11 June 2015

12. **1887: Interaction between Aboriginal Encampment at Flat Rock Gully and Naremburn School:** *“They were camped down the back of the school by the creek”²⁴ and ‘It is also interesting to observe that between the two streams that form the fork of the creek, was located an Aboriginal camping place referred to in the history of St Stephen’s church, Willoughby and also identified by descendants of the early pupils of Naremburn Public School (c1817).’ (The Naremburn Story, Eric Wilsch, 1988 p3).. “records the girls of the church regularly collecting suitable items of clothing for the Aborigines at Flat Rock. The site is known as Struggle Town... stories passed down from early pupils of Naremburn Public School (opened 1887) refer to the Aborigines who camped in the bush down behind the school near the creek. This would have been on the Humphrey Evans and Robert Adams grants, just upstream from the Flat Rock crossing. One story tells of how the pupils had to leave their hats and lunches in a special vestibule. It was not rare for lunches to be stolen by Aborigines. They had a remarkable ability to carry out the thefts without detection”²⁵*
13. **1884 The Steamer “Cammeray” was launched to ferry people up Middle Harbour...***unsure if Bern’s Bay is Naremburn ie “Naremburn” at Flat Rock but this appears likely as there are no launch spots from present day St Leonards to Middle Harbour “For some time past Mr William Dunn, of Bern’s Bay, St Leonards has been engaged in building a steamboat of large capacity or the North Shore Steam Ferry Company, to be employed in the growing traffic between the metropolis and North Shore...As the vessel left the ways she was named the Cammeray, in the usual manner by the manager of the company, the early hour at which the launch took place precluding the attendance of a lady to perform the ceremony. Cammeray, it might be stated, is the aboriginal name of St Leonards”*
14. **1903 – Ferry service up Middle Harbour included a stop at Flat Rock:**
15. *Owing to the rapidly-increasing patronage accorded the excursions conducted by Mr. J. D. Nelson to Middle Harbour three steamers, the Lady Hampden, Lady Manning and Alexandra, are now placed 111 the commission. Stoppages are made at Balmoral Beach, The Spit, Pearl Bay, Bantry Bay and Flat Rock, and many elements of pleasure may be found at each of those places. A new service to the head of Middle Harbour commenced on Saturday last. The steamers all start from the new wharves at Fort Macquarie”²⁶.*
16. **14. 1916 – Reference to the “Harbour People” ie Cammeraygal of the Area and importance of Balls Head:** *“In 1916 Henry Lawson was outraged when that working waterfront, in the form of a planned coal loader, encroached upon his beloved Balls Head, the only spot of cliff and bush” that the Harbour people“ knew. As a result, he penned one of the earliest conservation protests linking preservation to community, the poem called The Sacrifice of Balls Head”²⁷ Henry Lawson was also a resident of Naremburn and regularly visited Flat Rock to write poetry– it is likely that the cave named after him today in which he wrote was a shelter for the Cammeraygal however no evidence remains. Saying it was the only place they knew was poetic licence but perhaps reflective of the fact that by Henry Lawsons time the Cammeraygal were no longer to be found*

Freycinet Expedition Painting (1802)²⁸

As described above French ships arrived on the North Shore in 1802. They stayed over in Sydney for 6 months and surveyed the area. The exact location of the painting below is not known however on close inspection locals believe that it is Clive Park. The painting depicts a large amount of activity occurring at the point from cooking to fishing to lookouts on a rock ledge above. The landforms from the wide water side plateau for cooking to the boulder to the left of the cooking spot to the layers of rock leading up to the rock

²⁴ “The Naremburn Story”, Eric Wilsch, 1988. Note school opened in 1887.

²⁵ “The Naremburn Story”, Eric Wilsch, 1988 p3

²⁶ <https://trove.nla.gov.au/newspaper/article/228530258?searchTerm=Middle%20Harbour>

²⁷ “We will see a Town Rising, a History of North Sydney” Dr Ian Hoskins, North Sydney Council Historian, 11 June 2015

²⁸ Australian Aboriginal Canoes, compiled by Michael Organ. <https://documents.uow.edu.au/~morgan/canoes.htm>

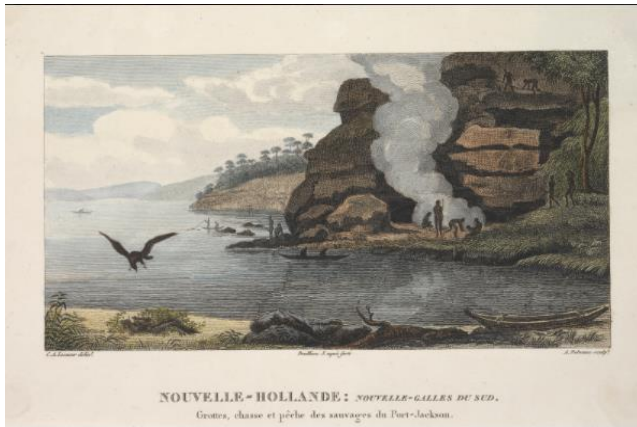
ledge (now behind trees) are clearly able to be discerned at the site. The main difference is a large boulder which may have fallen from the top of the cliff to the point. The large cave at the point is not displayed in the painting - the angle may have meant it was in shadow and not clearly visible. This is based on local knowledge and has not yet been confirmed via a site inspection however it is clear that Clive Park is a place of significance for the Cammeraygal People based on multiple sites already identified at the location. There is also local knowledge about a cave in Flat Rock Gully which appears not to be formally identified.

This is the site of 4.5 years of dredging work requiring Cofferdams – several sites are within the range of damage according to Appendix G Noise and Vibration Part 2 below.²⁹



²⁹ EIS (BL), Appendix G, noise and vibration.

Painting from the 1802 Expedition vs Today



Painting from the 1802 Expedition vs Today showing similarities in landform and points of reference (shape of bay, shape of escarpment, large “cooking” platform, “look out area” (now behind trees), boulder to left of people etc)



Conclusion

Aboriginal heritage in and around Sydney Harbour has been impacted significantly and continuously since first settlement by industrialisation and urbanisation. The historic record tells us that the Cammeraygal People were present for some time on the North Shore of Sydney with the area slow to develop after settlement. There is evidence of Cammeraygal living on the North Shore late into the 1800's however little is known publicly about their unique history and places. The Western Harbour Tunnel and Beaches Link project alignment comes into the assessment range of at least 19 identified sites, many of these classified as "Highly Significant". The protection of these sites will be dependent on contractor's risk management procedures. Given the recent history around the destruction of a significant cave site the over reliance on procedural integrity is of great concern to the community, The cost/benefit of constructing in and around so many significant sites should be given further consideration – with such extensive works in unpredictable areas there is considerable risk that accidents will happen.

In addition, the documents acknowledge that many additional submerged and unidentified sites may be impacted due to extensive construction and dredging works at sensitive points around the Harbour and Middle Harbour. Also, the assessment has predominantly focussed on the items identified and not the cultural significance of the areas impacted i.e. Berry's Bay/ Ball's Head, Clive Park, Wakehurst Parkway and Flat Rock Gully. Crown Lands are also being used as construction and dive sites and the community have not yet been consulted nor is it clear which lands will be returned and in what condition. The EIS documents far greater impacts than were known at the time of initial assessment and there is emerging research which suggests that the places being used as construction sites hold significance not identified at the time of assessment. The cumulative impacts of these projects stand to have a detrimental impact on the collective history of the Cammeraygal People. Sadly, to date we have not been able to find a Cammeraygal representative to pass on their knowledge of country, what we have left as a community are the few places and sites of cultural heritage which tell the story. The community treasures and wants to know more about these areas. These remaining places must be protected for future generations. Dive sites and tunnelling operations are not a way to respect the rich history of the Cammeraygal who have already lost so much in the name perceived progress.

Note: We pay our respects to the traditional owners of the land on which we meet and the lands that we speak of here. We acknowledge with great respect that we are not Aboriginal or Torres Strait Islander. We are representing a community who value the knowledge and history of the land on which we live and want to know more. Our research has relied on historical accounts and a review of the EIS documentation. Our opinions are our own and we welcome further collaboration with and the knowledge of traditional owners.

Background Paper: Aboriginal Heritage and the Western Harbour and Beaches Link Project

Authors: Larissa Penn, John Berry, Kristina Dodds
Date 18th June 2021

Introduction – Project Scoping Information

“The Lower North Shore area of Sydney area has a rich indigenous heritage dating back 4500. There is evidence of Aboriginal occupation throughout the study area. Aboriginal occupation focused on accessing resources from diverse ecological areas, seasons and conditions. Occupation sites, hunting, travel and inter-clan contact would have been associated with coastal areas, smaller rivers, creeks and swamps. Aboriginal people have left us with a rich cultural heritage, both tangible and intangible, which needs to be preserved”¹

The Sydney area has a rich indigenous heritage. Aboriginal occupation focused on accessing resources from diverse ecological areas, seasons, and conditions. Occupation sites, hunting, travel and inter-clan contact would have been associated with coastal areas, smaller rivers, creeks and swamps. (7)

Regarding the Western Harbour and Warringah Freeway Upgrade Project: “There is evidence of Aboriginal occupation along and around the project alignment, with areas of plentiful food resources associated with shorelines, riparian zones and adjacent areas including Berry’s Bay, Yurulbin Park and the Sydney Harbour foreshore. During urban development, many of these areas were covered by fill, concealing original formations. Some evidence of Aboriginal occupation may also be present along movement pathways, meeting and camping sites, which were often associated with ridgelines”.²

Regarding the Beaches Link and Gore Hill Extension: “There is evidence of Aboriginal occupation throughout the study area, with areas of plentiful food resources associated with shorelines, riparian zones and adjacent areas including Clive Park, Burnt Bridge Creek and Flat Rock Creek. During urban development, many of these areas have been covered by fill, concealing original formations. Some evidence of Aboriginal occupation may also be present along movement pathways, meeting and camping sites, which were often associated with ridgelines.”³

Site surveys were carried out in May, June and August 2017 by a qualified archaeologist accompanied by a representative of the Metropolitan Local Aboriginal Land Council. Aboriginal site officers were also engaged for archaeological field inspections in January 2018. Additional assessments were carried out with nominated site officers representing the Metro Metropolitan Local Aboriginal Land Council in August 2018, February 2020 and September 2020. During these surveys, site officers were provided an opportunity to comment on the potential for Aboriginal cultural material to be present within the study area, the cultural significance of any Aboriginal cultural heritage sites identified during the survey and proposed management recommendations, including recommendations for further assessment.⁴

Regulatory Framework and Consultation

¹ EIS Beaches Link (BL) Chapter 15.3.1 Ethnographic and archaeological context.

² EIS Western Harbour Tunnel and Warringah Freeway (WHT), Chapter 15; Aboriginal Cultural Heritage

³ <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-8862%2120201220T232636.121%20GMT> Page 15-7

⁴ <https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-8862%2120201220T232636.121%20GMT> page 15-5

