Residential Development of Lots 1 & 8 DP 30211, Riverstone NSW

Aboriginal Cultural Heritage Assessment Report

Prepared for
Elite International Development Pty Ltd
May 2018
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<td>ACHAR</td>
<td>Aboriginal Cultural Heritage Assessment Report</td>
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<td>AHIP</td>
<td>Aboriginal Heritage Impact Permit</td>
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<td>AHIMS</td>
<td>Aboriginal Heritage Information Management System</td>
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<td>ARD</td>
<td>Archaeological Research Design</td>
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<td>ATR</td>
<td>Archaeological Technical Report</td>
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<td>DECCW</td>
<td>(Former) Department of Environment Climate Change and Water</td>
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<td>Eco Logical Australia Pty Ltd</td>
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<td>Local Environmental Plan</td>
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<td>PAD</td>
<td>Potential Archaeological Deposit</td>
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Executive summary

Eco Logical Australia (ELA) has been engaged by Elite International Development Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) and accompanying Archaeological Technical Report (ATR) for the proposed residential development of adjacent lots (Lot 1 and 8 DP 30211) within the suburb of Riverstone NSW, within the boundary of the Blacktown City Council Local Government Area (LGA). This assessment report has been undertaken to identify Aboriginal objects and other cultural heritage values within the project areas in support of an application for an Aboriginal Heritage Impact Permit (AHIP) as required under Part 6 of the National Parks and Wildlife Act 1974 for the proposed works.

The proposed development includes the establishment of two precincts (A & B), containing up to 270 dwellings within Lots 1 and 8 DP 30211, Riverstone NSW. Activities associated with the proposed development include earthworks, roadworks, and civil infrastructure works.

Aboriginal community consultation was undertaken for the project following the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010b). The consultation registration process resulted in the registration of 15 different Registered Aboriginal Parties (RAPs) for the project.

An archaeological survey was conducted in order to identify any previously unregistered sites, any sensitive landforms that may have archaeological potential, and areas of disturbance. No previously unregistered sites were recorded as a result of the survey, but the survey did result in the identification of areas of disturbance and archaeological potential within Lot 1 DP 30211. It was determined that the entire Lot 8 DP 30211 had been significantly disturbed by residential development and current land use. The survey also determined that within Lot 1 DP 30211, a large area within the southern portion of the lot and a smaller area in the eastern portion had also been significantly impacted by both residential and commercial development. It was assessed that these areas showing moderate to high levels of disturbance contained low to nil archaeological potential.

A test excavation program was conducted at two locations along the northern boundary of Lot 1 DP 3021. The test excavations revealed the presence of two previously unidentified Aboriginal sites within the two study areas, AHIMS #45-5-4956 (Riverstone Road 1) and, AHIMS# 45-54957 (Riverstone Road 2). Both sites were determined to be of low archaeological significance and will be totally impacted by the proposed development.

An AHIP will be sought for the area of Lot 1 DP 30211 containing Precinct B only. No further heritage assessment and archaeological mitigation is warranted.

The ACHAR complies with the OEH Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)

Based on the findings of this Aboriginal Cultural Heritage Assessment (ACHA) and the archaeological investigation the following is recommended:

Recommendation 1 – Aboriginal sites are protected

All registered AHIMS sites are protected by the National Parks and Wildlife Act 1974. Unless they are subject to an Aboriginal Heritage Impact Permit (AHIP), no earth works or soil disturbance in these areas can occur without an approved AHIP or defence under the Act.
Recommendation 2 – AHIP

An AHIP application will be lodged with the NSW Office of Environment and Heritage for the portion of Lot 1 DP 30211 containing Precinct B and the Aboriginal sites within (Riverstone Road 1 and Riverstone Road 2).

Recommendation 3 – No AHIP warranted, works may proceed with caution

The entirety of Lot 8 DP 30211 and the portion of Lot 1 DP 30211 containing Precinct A was found to be heavily disturbed by residential development and current landscape use. No AHIP is warranted at this location.

Recommendation 4 – General Measures

- Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, the OEH must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.

- In the extremely unlikely event that human remains are found, works should immediately cease and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the OEH may also be contacted at this time to assist in determining appropriate management.
1 Introduction

1.1 Background
Eco Logical Australia (ELA) has been engaged by Elite Developments Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support the development application and any other approvals required in advance of the proposed subdivision and residential development of Lots 1 and 8 DP 30211 in Riverstone NSW. Both lots are part of the Riverstone East precinct within Sydney’s Northwest Growth Centre. Heritage investigation is required prior to the planned works and this report will support the planning proposal and any planning approvals that may be required.

Proposed activates associated with the residential development include earthworks, roadworks, and civil infrastructure works.

1.2 Location of the proposed works
Riverstone NSW is located within the Blacktown Local Government Area, approximately 50 kilometres northwest of the Sydney CBD.

The proposed residential development in Riverstone is comprised of two adjacent lots, Lot 1 and 8 DP 30211, and will involve the subdivision and construction of up to 270 dwellings across two Precincts (A & B). The total size of the area is approximately 12.6 hectares (Figures 1 & 2).

1.3 Purpose and aims
According to the Office of Environment and Heritage (OEH) the investigation and assessment of Aboriginal cultural heritage is undertaken to explore the harm of a proposed activity on Aboriginal objects and declared Aboriginal places and to clearly set out which impacts are avoidable and which are not. Harm to significant Aboriginal objects and declared Aboriginal places should always be avoided wherever possible. Where such harm cannot be avoided, proposals that reduce the extent and severity of this harm should be developed.

This Aboriginal cultural heritage assessment report (ACHAR) has been carried out in accordance with the guidelines outlined in Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) This ACHAR presents the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment. The ACHAR will support either test excavation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010a) or an application made to OEH for an Aboriginal Heritage Impact Permit (AHIP).

The aims of the ACHAR are to:

- Identify any previously unknown Aboriginal sites or objects within the study area through archaeological assessment and test excavation and Aboriginal community consultation;
- Determine the scientific, historic, aesthetic, and cultural significance of the study area;
- Identify any archaeological constraints and propose any potential mitigation measures;
- Determine if an AHIP is required.
1.4 Authorship

This ACHAR has been prepared by Tyler Beebe with the assistance from Lorien Perchard, Archaeology Consultants with ELA, with review by Alistair Grinbergs, ELA’s Principal Consultant.

Tyler Beebe has a Bachelor of Arts (Anthropology cum laude) from Hamline University in the USA and a MA (Environmental and Cultural Heritage) from The Australian National University. Lorien Perchard has a Bachelor of Arts and Science (Archaeology Honours) from the University of Queensland. Alistair Grinbergs has a Bachelor of Arts (Archaeology Honours) from the Australian National University and a Graduate Diploma of Applied Science (Cultural Heritage Management) from the University of Canberra.
Figure 1: Study area
Figure 2: Indicative development plan (Courtesy of Diversi)
1.5 Statutory control and development context

1.5.1 National Parks and Wildlife Act 1974 (NSW)

Aboriginal cultural heritage in NSW is afforded protection under the provisions of the National Parks and Wildlife Act 1974 (NSW) [NPW Act]. The Act is administered by the Office of Environment and Heritage (OEH) which has responsibilities under the legislation for the proper care, preservation and protection of ‘Aboriginal objects’ and ‘Aboriginal places’.

Under the provisions of the NPW Act, all Aboriginal objects are protected irrespective of their level of significance or issues of land tenure. Aboriginal objects are defined by the Act as any deposit, object or material evidence (that is not a handcraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains). Aboriginal objects are limited to physical evidence and may be referred to as ‘Aboriginal sites’, ‘relics’ or ‘cultural material’. Aboriginal objects can include scarred trees, artefact scatters, middens, rock art and engravings, as well as post-contact sites and activities such as fringe camps and stockyards. The OEH must be notified on the discovery of Aboriginal objects under section 89A of the NPW Act.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to destroy, deface, damage, or move them from the land. The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c) as adopted by the National Parks and Wildlife Regulation 2009 (NPW Regulation) made under the NPW Act, provides guidance to individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects. This Code also determines whether proponents should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the Act. This code of practice can be used for all activities across all environments. The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP. However, if an Aboriginal object is encountered in the course of an activity work must cease and an application should be made for an AHIP.

The Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010a) assists in establishing the requirements for undertaking test excavation as a part of archaeological investigation without an AHIP, or establishing the requirements that must be followed when carrying out archaeological investigation in NSW where an application for an AHIP is likely to be made. OEH recommends that the requirements of this Code also be followed where a proponent may be uncertain about whether or not their proposed activity may have the potential to harm Aboriginal objects or declared Aboriginal places.

AHIMS database

The Aboriginal Heritage Information Management System (AHIMS) is a statutory register managed by the OEH under section 90Q of the NPW Act. The AHIMS manages information on known Aboriginal sites, including objects as defined under the Act.

1.5.2 Heritage Act 1977 (NSW)

The Heritage Act 1977 (NSW) is a statutory tool designed to conserve the environmental heritage of NSW and is used to regulate development impacts on the state’s heritage places, buildings, works, relics, moveable objects or precincts that are important to the people of NSW. These include items of Aboriginal and non-Aboriginal heritage significance. Where these items have particular importance to the state of NSW, they are listed on the State Heritage Register (SHR).
Identified heritage items may be protected by means of either Interim Heritage Orders (IHO) or by listing on the State Heritage Register (SHR). Proposals to alter, damage, move or destroy places, buildings, works, relics; moveable objects or precincts protected by an IHO or listed on the SHR require an approval under section 60.

Archaeological features and deposits are afforded statutory protection by the ‘relics provision section 139[1] of the Act (as amended in 1999). Under this section it is illegal to disturb or excavate any land knowing or suspecting that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. In such cases, an excavation permit under section 140 is required. Note that no formal listing is required for archaeological relics; they are automatically protected if they are of local significance or higher.

Heritage registers
The Heritage Branch of OEH maintains registers of heritage sites that are of State or local significance to NSW. The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the Heritage Act 1977 (NSW). The State Heritage Inventory (SHI) is an amalgamated register of items on the SHR, items listed on LEPs and/or on a State Government Agency’s Section 170 register and may include items that have been identified as having state or local level significance. If a particular site does not appear on either the SHR or SHI this does not mean that the site does not have heritage significance as many sites within NSW have not been assessed to determine their heritage significance. Sites that appear on either the SHR or SHI have a defined level of statutory protection.

Key Aboriginal sites, including post contact sites, can be protected by inclusion on the SHR. The Heritage Council nominates sites for consideration by the Minister for Environment and Heritage.

1.5.3 Environmental Planning and Assessment Act 1979 (NSW)
The Environmental Planning and Assessment Act 1979 (NSW) [EP&A Act] requires that consideration is given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under Part 5.1), requiring the approval of the Minister for Planning.
- Minor or routine developments, requiring local council consent, are usually undertaken under Part 4. In limited circumstances, projects may require the Minister’s consent.
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

The EP&A Act also controls the making of environmental planning instruments (EPIs) such as Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs). LEPs commonly identify, and have provisions for the protection of local heritage items and heritage conservation areas.

Local Environmental Plans (LEPs) are prepared by local councils to guide planning and management decisions in the Local Government Areas (LGAs) and establish the requirements for the use and development of land. The study area falls within the Blacktown LEP 2015, the study area also falls under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. These documents contain provisions to conserve and protect cultural heritage resources, with specific reference to Aboriginal cultural heritage and historical heritage.
1.5.4 State Environment Planning Policy (Sydney Region Growth Centres) 2006
The aims of the SEPP are to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area. Amongst other things, this SEPP provides for comprehensive planning for growth centres, provision of infrastructure, protection and enhancement of land with natural and cultural heritage value, provides land use and development controls that will contribute to the conservation of biodiversity and controls in order to protect the health of the waterways in growth centres.

Land that is zoned under this SEPP is not subject to the provisions of any environmental planning instrument (other than a State environmental planning policy or regional environmental plan)

1.5.5 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (BCC Growth Centre DCP)
This DCP has been prepared under the Environmental Planning and Assessment Act, 1979. It has been prepared to provide additional objectives, controls and guidance to applicants proposing to undertake development in the Blacktown City Council Growth Centre Precincts.

The Growth Centres SEPP and the relevant Precinct Plan (Schedule 8 – Riverstone East Precinct) provide the statutory planning controls for development in the precinct. The Blacktown Local Environmental Plan 2015 and the Blacktown Development Control Plan 2006 do not apply to land that a Precinct Plan applies to, except where specifically referred to in the Growth Centres SEPP and this DCP.

Blacktown City Council is the consent authority for all development in the Precincts to which the DCP applies unless otherwise authorised by the Environmental Planning and Assessment Act 1979. Council will use this DCP in its assessment of development applications.

The objectives in the DCP for Aboriginal and European Heritage are to:

a) Manage Aboriginal heritage values to ensure enduring conservation outcomes.
b) Ensure areas identified as archaeologically or culturally significant are managed appropriately.

The controls in the DCP are as follows:

1. Development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).
2. Developments or other activities that will impact on Aboriginal heritage may require consent from the Department of Environment, Climate Change and Water (DECCW) under the National Parks and Wildlife Act 1974 and consultation with the relevant Aboriginal communities.
3. Any development application that is within or adjacent to land that contains a known Aboriginal cultural heritage site, as indicated on the Aboriginal cultural heritage sites figure, in the relevant Precinct Schedule, must consider and comply with the requirements of the National Parks and Wildlife Act, 1974.
4. Where the necessary consents have already been obtained from the DECCW, the development application must demonstrate that the development will be undertaken in accordance with any requirements of that consent.
5. Applications for subdivision and building on the properties identified on the European cultural heritage sites figure, in the relevant Precinct’s Schedule, are to be accompanied by a report from a suitably qualified heritage consultant detailing the results of archaeological investigations undertaken to confirm the presence of archaeological material relating to the heritage site. Where
archaeological material is identified, the proposal is to address the requirements of the Heritage Act 1977.

Notes: Any works, development or other activity that will impact on a known site of Aboriginal cultural heritage significance may require approval under the National Parks and Wildlife Act 1974, in addition to any approval requirements of Council under the relevant Precinct Plan. Applicants should consult with DECCW to determine requirements for assessment and approval where developments or other works are to be carried out on or near Aboriginal heritage sites identified on the Aboriginal cultural heritage sites figure, in the relevant Precinct Schedule. (Page 18 BCC Growth Centre Precincts Development Control Plan.

The following controls for Aboriginal heritage were listed in Schedule 8 – Riverstone East precinct of the DCP.

Due Diligence

In order to ensure that a person who undertakes activities that may harm Aboriginal objects exercises due diligence, a due diligence assessment will be required for those activities.

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales is designed to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they need to apply for an Aboriginal heritage impact permit (AHIP) under the National Parks and Wildlife Act 1974. The Code of Practice outlines a five step assessment process:

Step 1. Establish whether the activity will disturb the ground surface or any culturally modified trees.

Step 2. Establish whether there are any (a) relevant confirmed site records on the Aboriginal Heritage Information Management System (AHIMS) sites database or any other sources of information of which a person is already aware, and (b) landscape features that are likely to indicate the presence of Aboriginal objects.

Step 3. Establish whether harm to any Aboriginal objects or landscape features identified in Step 2 can be avoided by the proposed activity;

Step 4. Undertake further desktop assessment and visual inspection to establish whether there are Aboriginal objects present or whether they are likely.

Step 5. Undertake further investigation and impact assessment if required. Investigations to support an AHIP application are to be undertaken in consultation with Aboriginal stakeholders including the Darug Aboriginal Cultural Heritage Assessments and the Darug Custodian Aboriginal Corporation.

Consultation and Interpretation

A subdivision development application (DA) is to detail opportunities for ongoing consultation and interpretation of Aboriginal heritage values.

1.5.6 Environment Protection and Biodiversity Conservation Act 1999 (Cth)

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (Cth) [EPBC Act] establishes a process for assessing the environmental impact of activities and developments where ‘matters of national environmental significance’ (MNES) may be affected. The EPBC Act defines ‘environment’ as both natural and cultural environments and therefore includes Aboriginal cultural heritage.
Under Part 9 of the EPBC Act, any action that is likely to have a significant impact on a matter of National Environmental Significance (known as a controlled action under the Act), may only progress with approval of the Commonwealth Minister for the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC), now the Department of Environment.

The EPBC Act defines ‘environment’ as both natural and cultural environments and therefore includes Aboriginal and non-Aboriginal historic cultural heritage items. Under the Act protected heritage items are listed on the National Heritage List (items of significance to the nation) or the Commonwealth Heritage List (items belonging to the Commonwealth or its agencies). These two lists replaced the Register of the National Estate (RNE). The RNE has been suspended and is no longer a statutory list however, it remains as an archive.

The Australian Heritage Database is a register that includes places on the World Heritage List, National Heritage List, Commonwealth Heritage List and RNE. A search of the Australian Heritage Database on 18 July 2017 by ELA did not identify any listed places in the study area.

*Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*

The purpose of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* [Heritage Protection Act] is the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters that are of particular significance to Aboriginal people in accordance with Aboriginal tradition.

Under the Heritage Protection Act the responsible Minister can make temporary or long-term declarations to protect areas and objects of significance under threat of injury or desecration. In certain circumstances the Act can override state and territory provisions, or it can be implemented in circumstances where state or territory provisions are lacking or are not enforced. The Act must be invoked by or on behalf of an Aboriginal or Torres Strait Islander or organisation.
2 Description of the area

2.1 Soil types and landforms

The study area is within the Cumberland Plain physiographic region. The Cumberland Plain is characterised by gently undulating low hills and plains atop the Wianamatta Group of Triassic period sedimentary shales.

The topography within the study area is characterised by the gentle slopes and floodplains of First ponds Creek. The development location is located just to the east of First Ponds Creek (Lots 1 and 8 DP 30211). At this location First Ponds Creek would be considered a variable 2nd / 3rd order stream. Second order streams are waterways with intermittent flow and occasional pools resulting from rainfall. In order to maintain a permanent flow and to generate permanent waterholes a junction of two 2nd order streams or a 3rd order stream is required. Third order streams and above are likely to have a permanent stream flow and/or waterholes. First Ponds Creek flows flow north joining the Killarney Chain of Ponds which eventually flows into South creek, not far from its junction with the Hawkesbury River.

The underlying geology within the vicinity of our study areas consist mainly of Bringelly Shale. Common to the Cumberland Plain, Bringelly Shale is part of the late Triassic Wianamatta group of shales. Quaternary Alluvium can be found within our study areas along First Ponds Creek. Quaternary Alluviums is derived from the Wianamatta group of shales and is often associated with the creeks and floodplains of the Cumberland Plain.

Soil landscapes are largely determined by the underlying geology. The soil landscape located within the study area are of the Blacktown Residual (REbt) soil landscape (Figure 3). The Blacktown soil landscape consists of shallow to moderately deep soil with relatively low susceptibility to erosion. In general the soil profile of this landscape is comprised of a friable brownish black loam (A1 horizon) typically to 30cm depth, followed in turn by hard setting brown clay loam (A2 horizon), strongly pedal, mottled brown light clay (B horizon) and grey plastic mottled clay (B3 or C horizon).
Figure 3: Soil landscapes and hydrology of the study area
2.2 Ethnohistoric context

Dates of the earliest occupation of the continent by Aboriginal people are subject to continued revision as more research is undertaken. The earliest undisputed radiocarbon date from the region comes from a rock shelter site north of Penrith on the Nepean, known as Shaws Creek K2, which has been dated to 14,700 +/- 250 BP (Attenbrow 2002). However, dates of more than 40,000 years have been claimed for artefacts found in gravels of the Cranebrook Terrace on the Nepean River and have indicated the potential early Aboriginal occupation of the Sydney region (Nanson et al. 1987; Stockton 1993; Stockton & Holland 1974).

Determining the population of Aboriginal people at the time of European contact is notoriously difficult. Firstly, Aboriginal people were mobile and largely avoided contact with Europeans. Further, many Aboriginal people perished from introduced diseases such as smallpox, as well as violent clashes with early settlers, so the population statistics gathered in the colony's early years may not be reliable. Population estimates for the greater Sydney region, including the lower Blue Mountains, generally range from 4,000 – 8,000 at the time of European contact. The western Cumberland Plain population specifically, has been estimated to be between 500 – 1,000 people at that time, which translates to an approximate minimum population density of 0.5 people / km (Kohen 1995).

At the time of European settlement, the Cumberland Plain was thought to be close to the intersection of a number of language group (tribal) boundaries. There is considerable debate over the extent and nature of territorial boundaries in the Sydney Basin. This is due in part to the absence of ethnographic and linguistic study at the time of contact and the scarcity of adequate historical documentation and anthropological interest until well after settlement of the region (McDonald 2007). The linguistic evidence from the Sydney region indicates the presence of five discrete language groups at European contact (Capell 1970, Dawes 1970, Mathews 1897, 1901, Matthews and Everitt 1900, Threlkeld in Fraser 1892, Tindale 1974, Troy 1990). As the evidence is sketchy, there are conflicting views on how it can be interpreted.

As greater expanses of land were occupied by settlers towards the end of the eighteenth century, tensions boiled over and resistance to white settlement became increasingly violent. In 1790, station raids led by Koori leader Pemulwuy and his son Tedbury saw the use of arson to destroy buildings and burn crops, and numerous assaults on livestock and settlers themselves. A period of armed resistance by Aboriginal people in the Parramatta areas and beyond began in 1799 and was known as the ‘Black Wars’. The violence diminished only with the death of Pemulwuy in 1802.

It was in the context of this conflict that in April 1814 William Shelley, a trader and former London Missionary Society missionary, wrote to Governor Macquarie with a proposal for educating Aboriginal people. Macquarie seized upon the proposal and commenced establishment of a ‘Black Native Institution of NSW’ at Parramatta. More children came to be educated at the Parramatta Institution over the coming years, with the school’s enrolment reaching more than 20 students at some periods. During this time, Macquarie also made the first land grant to Aboriginal people, granting 30 acres to Colebee and Nurragingy on Richmond Road in 1816. The settlement on and around the land grant flourished and by the 1820s it had become known as the ‘Black Town’ (OEH website: State Heritage Register listing, Blacktown Native Institution). In 1823, the Institution was moved by Governor Brisbane (who succeeded Macquarie as Governor on 1 December 1821) to land adjoining the new settlement along Richmond Road at Black Town. Whilst the structures no longer exist, the site of the former institution was listed on the SHR in November 2011.

The Blacktown Native Institute holds high social value for the Aboriginal community as a key site symbolising dispossession, child removal and enduring links to the land. For some members of the
Aboriginal community it represents a landmark in Aboriginal-European relations, symbolising the continuing need for reconciliation and cultural understanding.
3 Consultation

As part of the Aboriginal cultural heritage assessment (ACHA) for the proposed works, Aboriginal consultation has been undertaken and is ongoing following the Aboriginal Cultural Heritage Consultation Requirements for Proponents’ (DECCW 2010b) guidelines.

Consultation with registered Aboriginal parties for this Aboriginal cultural heritage assessment has been conducted in line with the OEH Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010b). This has ensured that Aboriginal stakeholders have been able to register and therefore be fully engaged on all aspects relating to cultural heritage for this project.

The OEH consultation requirements follow four clear consultation stages. The following chapter outlines the process ELA used to fully consult with Aboriginal people on this development proposal.

3.1 Stage 1 – Notification of project proposal and registration of interest

3.1.1 Placement of advertisement in local newspaper

An advertisement was placed in the Blacktown Advocate on 2 August 2017 inviting interested Aboriginal stakeholders to register to be consulted in relation to the proposed stormwater infrastructure works (Appendix B).

3.1.2 Written request for information about Aboriginal organisations

ELA on behalf of the proponent undertook a registration process for Aboriginal people with knowledge of the area. ELA wrote to the following organisations (as per 4.1.2 Aboriginal Cultural Heritage Consultation Requirements for Proponents’ guidelines (DECCW 2010b) on 17 July 2017, in order to identify Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects:

- The relevant OEH regional office (Regional Operations Group, Metropolitan Department of Planning and Environment)
- The Deerubin Local Aboriginal Land Councils
- The Registrar, Aboriginal Land Rights Act 1983
- The National Native Title Tribunal
- Native Title Services Corporation Limited (NTSCORP Limited)
- Blacktown City Council
- The Greater Sydney Catchment Management Authority.

Details of the letters and organisational responses are included in Appendix B.

3.1.3 Letters to Aboriginal organisations

As per 4.1.3 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents’ guidelines (DECCW 2010b), ELA wrote to the Aboriginal organizations identified through the above process on 27 July 2017, inviting them to register an interest in the project. The registration closing date was set as 18 August 2017.

Details of the letters, advertisement, and responses are included in Appendix B.

Registrants became the Registered Aboriginal Parties (RAPs) for the project. Table 1 below details the RAP’s for the project.
Table 1: Registered Aboriginal Parties

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Contact Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Archaeology Service INC (AAS)</td>
<td>Andrew Williams</td>
</tr>
<tr>
<td>Biamanga</td>
<td>Seli Storer</td>
</tr>
<tr>
<td>Callendulla</td>
<td>Corey Smith</td>
</tr>
<tr>
<td>Darug Aboriginal Cultural Heritage Assessments</td>
<td>Gordon Morton/ Celestine Everingham</td>
</tr>
<tr>
<td>Darug Aboriginal LandCare</td>
<td>Des Dyer</td>
</tr>
<tr>
<td>Darug Land Observations</td>
<td>Gordon Workman</td>
</tr>
<tr>
<td>Deerubbin Local Aboriginal Land Council</td>
<td>Kevin Cavanagh/Steve Randall</td>
</tr>
<tr>
<td>Goobah Developments</td>
<td>Basil Smith</td>
</tr>
<tr>
<td>Gulaga</td>
<td>Wendy Smith</td>
</tr>
<tr>
<td>Kamiloroi-Yankuntjatjara Working group</td>
<td>Phil Kahn</td>
</tr>
<tr>
<td>Murramarang</td>
<td>Roxanne Smith</td>
</tr>
<tr>
<td>Muragadi Heritage Indigenous Corporation</td>
<td>Jesse Johnson and Vicky Lee Paddison</td>
</tr>
<tr>
<td>Tocomwall</td>
<td>Scott Franks</td>
</tr>
<tr>
<td>Widescope Indigenous Group</td>
<td>Steven Hickey and Donna Hickey</td>
</tr>
<tr>
<td>Didge Ngunawal Clan</td>
<td>Lillylea Carroll/Paul Boyd</td>
</tr>
</tbody>
</table>

3.2 Stage 2 and Stage 3 - Presentation of information about the proposed project and gathering information about cultural significance

3.2.1 Project information and methodology

Following the registration of Aboriginal parties ELA presented the proposed project information, and the survey and test excavation methodology. This information was sent to the RAPs on 7 September 2017, with a close of review period on 6 October 2017.

A response supporting the methodology was received from 11 of the registered Aboriginal parties.

Table 2: Draft methodology response

<table>
<thead>
<tr>
<th>Aboriginal Organisation</th>
<th>Draft Methodology Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darug Land Observations (DLO)</td>
<td>Supports the methodology, strongly believes that the recovered artefacts should be reburied on Country (the study area).</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Aboriginal Archaeology Services Inc.(AAS)</td>
<td>AAS agrees with the methodology, would like to see the recovered artefacts put on display at the local library or government office for educational purposes.</td>
</tr>
<tr>
<td>Darug Aboriginal Land Care (DALC)</td>
<td>DALC agrees with the methodology and ask that the recovered artefacts be reburied on site out of harms way.</td>
</tr>
<tr>
<td>Gulaga CHTS</td>
<td>Gulaga accepts and agrees with the methodology.</td>
</tr>
<tr>
<td>Kamaroi-Yankuntjatjara Working Group (KYWG)</td>
<td>KYWG is happy with it and supports all ELA’s recommendations and management plan for the recovered artefacts.</td>
</tr>
<tr>
<td>Widescope</td>
<td>Widescope agrees with the methodology.</td>
</tr>
<tr>
<td>Murramarang</td>
<td>Murramarang supports the methodology</td>
</tr>
<tr>
<td>Biamanga</td>
<td>Biamanga supports the methodology</td>
</tr>
<tr>
<td>Cullendulla</td>
<td>Cullendulla supports the methodology</td>
</tr>
<tr>
<td>Goobah</td>
<td>Goobah supports the methodology</td>
</tr>
<tr>
<td>Darug Aboriginal Cultural Heritage Assessments (DACHA)</td>
<td>DACHA supports and agrees with the methodology.</td>
</tr>
</tbody>
</table>

3.2.2 Archaeological Survey

The archaeological survey was undertaken on 23 August 2017 by ELA archaeologist Tyler Beebe, with Steve Randall from the Deerubbin Local Aboriginal Land Council.

The survey resulted in the identification of areas of both disturbance and areas of archaeological potential. Areas of archaeological potential were identified within both locations. Further details of the archaeological survey can be found in the accompanying Archaeological Technical Report (ATR).

![Figure 4: Area of archaeological potential within Lot 1 DP 30211](image1)

![Figure 5: Area of archaeological potential within Lot 1 DP 30211](image2)
3.2.3 Archaeological test excavation

Aboriginal archaeological test excavations were undertaken by ELA archaeologists and representatives of the Registered Aboriginal Parties (Table 3) between the 6th and 8th November 2017. Representatives of the RAP groups participated in all aspects of the field program and undertook activities such as excavation, sieving and recording. Refer to the accompanying ATR for detailed results and recommendations.

Table 3: Archaeological test excavation participants (RAPs)

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deerubbin Local Aboriginal Land Council (DLALC)</td>
<td>Steven Knight</td>
</tr>
<tr>
<td>Didge Ngunalwal Clan</td>
<td>Tanya Laughton and Jack Thomson</td>
</tr>
<tr>
<td>Aboriginal Archaeology Services Inc.</td>
<td>Andrew Williams</td>
</tr>
<tr>
<td>Darug Land Observations</td>
<td>Luke Balaam</td>
</tr>
</tbody>
</table>

3.3 Stage 4 – Review of draft cultural heritage report

A copy of the draft ACHAR was provided to Aboriginal stakeholders 21 December 2017 for a 28 day review and comment period. Summary comments and cultural information received from stakeholders can be found below, and included in full in Appendix C.

Table 4: Aboriginal stakeholders response to draft ACHAR

<table>
<thead>
<tr>
<th>Aboriginal Organisation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darug Aboriginal Land Care</td>
<td>Agree with the recommendations, methodology and test excavation program</td>
</tr>
<tr>
<td>Darug Land Observations</td>
<td>Support the recommendations in the reports</td>
</tr>
<tr>
<td>Kamiloroi-Yankunjatjara Working Group</td>
<td>Supports the recommendations</td>
</tr>
<tr>
<td>Darug Aboriginal Cultural Heritage Assessments</td>
<td>Happy with the reports</td>
</tr>
<tr>
<td>Biamanga</td>
<td>Supports the report recommendations</td>
</tr>
<tr>
<td>Cullendulla</td>
<td>Supports the report recommendations</td>
</tr>
<tr>
<td>Goobah Developments</td>
<td>Supports the report recommendations</td>
</tr>
<tr>
<td>Murrumurang</td>
<td>Supports the report recommendations</td>
</tr>
</tbody>
</table>
4 Summary and analysis of background information

4.1 AHIMS search

Two separate searches of the AHIMS register was undertaken by ELA on the 18 July 2017. A search covering Lot 1 DP 30211 with a buffer of 1km at the Riverstone location resulted in the identification of 19 AHIMS sites. The site types identified within the search area are listed in Table 5.

Table 5: Aboriginal site types recorded within 1 km of AHIMS search areas

<table>
<thead>
<tr>
<th>Site Type</th>
<th>Number of sites</th>
<th>Percentage of all sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artefact</td>
<td>10</td>
<td>53%</td>
</tr>
<tr>
<td>PAD</td>
<td>6</td>
<td>31%</td>
</tr>
<tr>
<td>PAD with Artefact</td>
<td>2</td>
<td>11%</td>
</tr>
<tr>
<td>Artefact, PAD, and Modified Tree (Carved or Scarred)</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td>Total number of sites</td>
<td>19*</td>
<td>100%</td>
</tr>
</tbody>
</table>

* five sites are listed as partially or totally destroyed

There are no previously registered sites located within the two study area locations.

It should be noted that AHIMS site records do not necessarily provide an accurate indication of the total archaeological resource within a given study area. If an area has not been subject to assessment or conditions did not allow for detection, sites will not be recorded. Archaeological deposits may not have a visible surface expression of artefacts. Sites data provided does not always include updated information on sites that may have been subject to impacts. Additionally, comprehensive information about objects analysed as part of archaeological excavation is generally not entered onto AHIMS site records. This information can usually be located via excavation reports listed in the AHIMS catalogue. Furthermore, location data can have discrepancies based on recording methods.

4.2 Previous archaeological studies

A number of archaeological investigations have been conducted in the area over the past 30 years as response to the planning and rapid development of the Northwest Growth Centre. The results of some of the key assessments within the vicinity of the study area are detailed in Table 6 below.

Table 6: Aboriginal archaeological assessments completed in the vicinity of the study area

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Key Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Blacktown</td>
<td>In 1985, Kohen completed one of the earlier surveys of the area. The survey was for four areas of industrial land within the city of Blacktown. A total of 25 sites were located comprising 9 isolated artefacts, 15 small surface scatters (&gt;50 artefacts) and one larger surface scatter of over 50 artefacts (1985:31).</td>
</tr>
<tr>
<td>Archaeological Assessment</td>
<td></td>
</tr>
<tr>
<td>Kohen (1985)</td>
<td></td>
</tr>
<tr>
<td>Assessment</td>
<td>Key Findings</td>
</tr>
<tr>
<td>------------</td>
<td>--------------</td>
</tr>
<tr>
<td><strong>Residential Development of lots 1 &amp; 6 DP30211 in Riverstone NSW – ACHAR</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Assessment</strong></td>
<td><strong>Key Findings</strong></td>
</tr>
<tr>
<td>Kohen found that the potentially significant sites in the area were more likely to be located adjacent to creek lines and on ridge tops (1985:39). Where there are ridge tops adjacent to and above the flood zone of a creek line the potential for sites increases (1985:31).</td>
<td></td>
</tr>
<tr>
<td>Archaeological Assessment at Rouse Hill Development Area Sewage Master Plan</td>
<td>In 2002, McDonald completed an archaeological assessment of indigenous cultural heritage values for the Rouse Hills Development Area Sewage Master plan for GHD on behalf of RDI. The study involved a desktop review of two trunk drainage lands along Eastern, South and Killarney Chain of Ponds Creeks. The study found 46 areas within the trunk lands as having low levels of existing disturbance and having good potential to preserve intact archaeological sites, including 14 areas along Eastern Creek (McDonald, 2002:4). The study recommendations that any proposed impacts to areas identified as having good archaeological potential including those along Eastern Creek development should be avoided. Where it cannot be avoided, development should be preceded by subsurface investigation in order to undertake an assessment of Aboriginal heritage. Registered AHIMS sites should be avoided (McDonald, 2002:18).</td>
</tr>
<tr>
<td>Riverstone West Precinct, Aboriginal archaeological heritage assessment</td>
<td>This report was prepared for North West Transport Hub to meet the requires of the Growth Centres Commission’s Riverstone West Precinct Working Group, a 273 hectare parcel of land (GML, 2008:1). The study area is bound by the Blacktown – Richmond Railway on the east side, Bandon Road to the north, Eastern Creek to the west and Garfield Road to the south. The study noted the considerable number of sites recorded in the area in the past and tried to reconcile the number of the sites as duplicate recordings by different consultants. Recommendations from the study included reconciling the existing recorded sites in the study area into 10 artefact / open camp sites and 1 isolated artefact. An additional three open campsites were recorded, 2 isolated finds and 2 PADs45-5-0313 included the previously recorded site 45-5-0582 and IF5 and artefact recorded around the roots of a fallen tree. The site was identified as having low significance and sensitivity. The study recommended that any sites identified with the moderate to high sensitivity be conserved in situ. Sites identified of low archaeological sensitivity were also recommended for conservation, but where this could not be achieved a section 90 permit would be required. (GML, 2008:83-84).</td>
</tr>
<tr>
<td>Aboriginal Heritage Assessment – Alex Avenue and Riverstone Growth Centre Precincts</td>
<td>ENSR conducted Aboriginal heritage assessments of two precincts within the Northwest Growth Centre, the Alex Avenue and Riverstone Precincts. The study identified 37 Aboriginal sites, 25 within the Riverstone Precinct and 12 in the Alex Avenue Precinct. The site types consisted of isolated findspots, artefact scatters, potential archaeological deposits, natural silcrete occurrences, and two potentially scarred trees (ENSR 2008). The assessment identified multiple sites of high archaeological significance, including the A7 Archaeological Complex site along First ponds Creek. ENSR also suggested that the areas of natural silcrete occurrences represented only a handful of areas where this raw material could be obtained in the Cumberland Plain and utilised by Aboriginal people for stone tool production (ENSR 2008).</td>
</tr>
</tbody>
</table>
Assessment | Key Findings
---|---
Archaeological Report for 81 Riverstone Parade, Riverstone | AHMS prepared an archaeological report for 81 Riverstone Parade, Riverstone north of the current study area. Riverstone Parade Pty Ltd propose to develop the area for industrial and commercial development. The land is bound by Richmond railway line on the east, Bandon Road and Riverstone Sewerage Processing Plant to the north, Eastern Creek to west and Garfield Road to the south. The report was used to support an AHIP application to the OEH to develop Riverstone West. The proposal has a riparian corridor 100m from Eastern Creek that will not be developed, thus conserving sites 45-5-0580 (which also comprises 45-5-3635 and 3642). Sites 45-5-2525 and 45-5-3633 will also be conserved (AHMS, 2014: 116-117).
This report included a comprehensive desktop of work undertaken in the area and included for the first time the results of the 2009 test excavation program completed by AHMS in the area which involved test pits along four transects and one long machine strip trench along the north bank of Eastern Creek to test for the existence of human burials.
The findings of the test excavation were that a total of 91 1m² test pits were excavated along the slopes and alluvial flats on the north side of Eastern Creek. Test pits were excavated along five transects (A-E) at a regular spacing. A total of 610 artefacts were recovered from the 91 test pits at an average of 6.5 artefacts/m². Twelve test pits contained >10 artefacts/m² approaching a medium density, while 3 test pits had > 50 artefacts/m² a high density of artefacts (see Figure 7 for results of the test excavation program). These three test pits were part of a row of 6 test pits (all contained >10 artefacts/m²) which had sandy levee deposits adjacent to Eastern Creek at a distance of 90-100m from the creek bank and are thought to relate to site 45-5-0580. The assemblage was dominated by silcrete, thought to be of late Holocene in age and taken from the natural silcrete occurring on nearby ridgelines and potentially river cobbles as well. (AHMS, 2014: 92-99).
No remains or burials were uncovered in the strip trench of 250m x 4.5m adjacent to Eastern Creek. 26 stone artefacts were recovered from the strip trench, with an average density of 0.023/m² of the strip trench, suggesting this method was far less likely to recover stone artefacts from a large strip trench, with little, if none sieving of soil deposits using this method.
AHMS determined that the test program showed the hill slopes were generally disturbed and shallow at less than 20cm deep with some naturally occurring silcrete and some Aboriginal objects. These sites were deemed to probably relate to #45-5-0313. The alluvial flats contained deeper soils 50-80cm, with thick clay loam plough soil, overlying an A2 horizon, in turn over basal clays. (AHMS, 2014: 92-93).
Based on the findings of previous investigations and results of the test excavation program completed in 2009 the study identifies an area of moderate potential for archaeological material to be found within 100m of Eastern Creek and high potential for archaeological material to be found on elevated terraces or levees within this 100m buffer from the creek (AHMS, 2014: 112).
The development of the Riverstone Parade property will result in direct and indirect impact to 10 Aboriginal objects/sites comprising 45-5-0312, 0313, 0582, 3637, 3641, 0360 (which includes 2527), 2530, 2532, 2533, 3632, 3634, 3636 and 3640. Following issue of an AHIP AHMS considered it unlikely that mitigation such as test or salvage excavation would be
### Assessment and Key Findings

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Key Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Development of lots 1 &amp; 8 DP30211 in Riverstone NSW – ACHAR</td>
<td>required prior to construction, given the disturbed nature and low significance of these sites. Site 4-5-0580 was determined to have high archaeological significance, which will be avoided by the proposed works. If works would occur here, the study recommended that the site should be salvaged (AHMS, 2014: 122).</td>
</tr>
<tr>
<td>Riverstone East Growth Centre Precinct Aboriginal Cultural Heritage Assessment AHMS (2015)</td>
<td>AHMS were commissioned by the NSW Department of Planning and Environment to undertake an Aboriginal cultural heritage assessment of the Riverstone East Precinct of the Northwest Growth Centre. A map showing areas of potential archaeological deposit across the precinct was developed and recommendations for further work across the entire precinct were made, including targeted test excavations.</td>
</tr>
<tr>
<td>Riverstone Wastewater Lead-ins Project, Salvage of A7 Archaeological Complex (AHIMS# 45-5-4311) AAJV (2016)</td>
<td>AAJV conducted salvage excavations at archaeological site A7 Archaeological Complex (AHIMS# 45-5-4311). Two areas of the site were expected to be impacted by the installation of two wastewater lead-ins into the primary wastewater trunk located on First Ponds Creek. This site is currently located between our two study areas on First ponds Creek. The excavations at Salvage area 1 resulted in the recovery of 126 artefacts consisting of flakes, heat shatter debitage, and retouched flakes. Overall low artefact densities in conjunction with the small artefact size and observed soil profiles indicate that this was a secondary deposition with artefacts being washed into the area from another location. Excavations at Salvage Area 2 revealed a disturbed soil profile and resulted in the recovery of a single silcrete core. The low artefact number and the disturbed soil profile suggest that the artefact bearing deposit was most likely removed sometime in the past (AAJV 2016).</td>
</tr>
<tr>
<td>S94 Stormwater Infrastructure Upgrades, Riverstone and Area 20 Precincts ELA (2017)</td>
<td>Eco Logical Australia (ELA) has been engaged by the Blacktown City Council to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) and accompanying Archaeological Technical Report for the proposed stormwater infrastructure upgrade at three locations at Riverstone, Schofields, and Rouse Hill NSW. Archaeological survey was conducted at the three locations and testing was undertaken at Area 20 Basins at Rouse Hill. The test excavation program consisted of thirty-seven (37) 50 x 50cm test pits excavated along four transects in order to investigate the extent of site RH/SP16. The thirty seven test pits were a combination of 31 Stage 1 and 6 Stage 2 excavation pits. The result was the recovery of 75 artefacts for an average of 2 artefacts per 50cm2. An AHIP application will be lodged with the NSW Office of Environment and Heritage for the land containing AHIMS site #45-5-2807. Application for an AHIP has been undertaken.</td>
</tr>
</tbody>
</table>
4.3 Previous archaeological studies within the study area

4.3.1 Aboriginal Archaeological Due Diligence Assessment (APEX Archaeology 2017)

In May 2017, Apex Archaeology undertook an Aboriginal due diligence assessment of our current study area locations. A report was prepared in accordance with the DECCW 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. There findings are presented below.

A site visit conducted within the study area (Lot 1 & 8, DP 30211) identified a moderate to high degree of ground disturbance throughout the central portions of the study area. These disturbances were mainly related to the importation of sands and the excavation of soils related to the creation and maintenance of an area for horse agistment and training.

No previously unrecorded sites were identified as part of the assessment.

Several areas of the study area are located within an area of moderate to high Archaeological Potential as defined by Figure 3.5 within the Riverstone East, Schedule 8 Development Control Plan (Figure 7). As a result it was assessed that the extreme northern and western portions of the study area have a moderate potential for a sub-surface archaeological deposit to be present at these locations. An Aboriginal cultural heritage assessment was recommended (Apex Archaeology 2017).

4.3.2 Archaeological Assessment (ELA 2017)

ELA conducted an archaeological assessment of the two study areas in November 2017 to inform the ACHAR. The assessment included an archaeological survey and test excavation program.

An archaeological survey was conducted in order to identify any previously unregistered sites, any sensitive landforms that may have archaeological potential, and areas of disturbance. No previously unregistered sites were recorded as a result of the survey, but the survey did result in the identification of areas of disturbance and archaeological potential. The entire Lot 8 DP 30211 was determined to be heavily disturbed from residential development and current landscape use. The majority of Lot 1 DP 30211 was also found to be significantly disturbed. The entire southern portion of the lot is currently being used for horse adjustment which has resulted in significant disturbances resulting from erosion, landscape modifications, and artificial dam constructions. The eastern portion of the lot was also found to be significantly disturbed from residential development and current landscape use. Two locations along the northern boundary of the lot were determined to be less disturbed and were identified as having archaeological potential.

A test excavation program was conducted at the two locations within Lot 1 DP30211. The testing program was conducted under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010a). The test excavations were carried out over a three day period with ELA archaeologists and four representatives of the registered Aboriginal Parties (RAPs).

The test excavation program consisted of 33 Stage 1 test pits. All test pits were 50cm² in size and resulted in the retrieval of 8 lithic artefacts. Low density subsurface artefact scatters were identified at both testing locations, resulting in the identification of two new Aboriginal sites Riverstone Road 1 (AHIMS# 45-5-4956), Riverstone Road 2 (AHIMS# 45-5-4957). Due to the very low artefact numbers and low site integrity, the sites were assessed as having low scientific and archaeological significance.
Figure 6: AHIMS sites within 1 km of study areas
Figure 7: Schedule 8 - Riverstone East Precinct, Aboriginal cultural heritage sensitivity map (study area highlighted in red)
4.4 **Analysis**

Analysis of the background information presented in the preceding chapters allows an assessment of the cultural heritage values within the project area to be made. Combining data from historical/ethnographic sources, landscape evaluation and archaeological context provides an insight into how the landscape was used and what sort of events took place in the past.

Artefact scatters are the predominate archaeological site type found within the study area and immediate surrounds. Site types found in other regions such as grinding grooves, engravings, and rock shelter sites are largely absent due to the lack of suitable rock outcroppings and the underlying geology of the area.

Access to freshwater would have influenced Aboriginal landscape use. First Ponds Creek, a variable 2nd / 3rd order creek, is located directly west of the study area locations and most likely would have been a focal point for resource procurement. Previous assessments have found lithic artefacts found within close proximity to this creek indicating that it was also a place of tool production and/or maintenance.

In total, two archaeological sites containing Aboriginal Cultural heritage values have been recorded within the study area. The identified sites are listed in Table 7 and described below.

**Table 7: Aboriginal archaeological sites within the study area**

<table>
<thead>
<tr>
<th>Site name</th>
<th>AHIMS #</th>
<th>Coordinates</th>
<th>Site Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverstone Road 1</td>
<td>45-5-4956</td>
<td>304021E 6271819N</td>
<td>Artefact scatter</td>
</tr>
<tr>
<td>Riverstone Road 2</td>
<td>45-5-4957</td>
<td>304175E 6271903N</td>
<td>Artefact scatter</td>
</tr>
</tbody>
</table>

**Riverstone Road 1 (AHIMS# 45-5-4956)**

This site is situated on a hill crest approximately 400 metres east of First Ponds Creek and 100 metres west of an unnamed drainage line. The site consisted of the recovery of six artefacts from 15 test excavation squares. The artefacts were all silcrete and included a core and broken flake fragments. Site integrity is low with a low density subsurface archaeological deposit existing at this location. The site was assessed as to having low archaeological potential due to its lack of integrity and its low artefact density.

**Riverstone Road 2 (AHIMS# 45-5-4957)**

Riverstone Road 2 was a scatter containing only two artefacts situated on an eastern facing slope above an unnamed drainage line. The 19 test excavation squares placed across the landform revealed a moderate degree of disturbance associated with past tree clearing activities and erosion. Site integrity is low with a low density subsurface archaeological deposit existing at this location. The site was assessed as to having low archaeological potential due to its low artefact density and degree of subsurface disturbance.
Figure 8: AHIMS #'s 45-5-4956 & 45-5-4957 site extent
5 Cultural heritage values and statement of significance

The *Australia ICOMOS Burra Charter 1999* provides guidance for the assessment, conservation and management of places of cultural significance. Cultural significance is defined in the Burra Charter as “a concept which helps in estimating the value of places”. The places that are likely to be of significance are those which help an understanding of the past or enrich the present, and which will be of value to future generations” (ICOMOS Burra Charter 1988:12). The Burra Charter provides a definition of cultural significance as “aesthetic, historic, scientific, social or spiritual value for past, present or future generations”. Aboriginal cultural heritage sites can be assessed through the application of these five principle values.

- **Social or cultural value** (assessed only by Aboriginal people);
- **Historical value**;
- **Scientific/archaeological value** (assessed mostly by archaeologists/heritage consultants);
- **Aesthetic value**;
- **Spiritual value**.

This section presents an assessment of Aboriginal cultural heritage values based on these principles.

5.1 **Description of cultural heritage values**

The review of background information and information gained through consultation with Aboriginal people should provide insight into past events. These include how the landscape was used and why the identified Aboriginal objects are in this location, along with contemporary uses of the land. The following descriptions of cultural heritage values are drawn from the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

**Social or cultural value** refers to the spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them.

**Historic value** refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Historic places do not always have physical evidence of their historical importance (such as structures, planted vegetation or landscape modifications). They may have ‘shared’ historic values with other (non-Aboriginal) communities and include places of post-contact Aboriginal history.

**Scientific (archaeological) value** refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information (Australian ICOMOS 1988).

**Aesthetic value** refers to the sensory, scenic, architectural and creative aspects of the place. It is often closely linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use (Australian ICOMOS 1988).

**Spiritual value** is a more recent inclusion in the Burra Charter, dating from 1999. Australia ICOMOS has not defined this value.
5.2 **Aboriginal cultural assessment**

5.2.1 **Social or cultural significance**

Aboriginal cultural values can only be determined through consultation with the Aboriginal community. All Aboriginal sites are considered to have cultural significance to the Aboriginal community as they provide physical evidence of past Aboriginal use and occupation of the area. Aboriginal cultural significance may include social, spiritual, historic and archaeological values, and is determined by the Aboriginal community.

Following review of the draft ACHAR, cultural values identified by the Aboriginal community will be included in this section.

5.2.2 **Aesthetic significance**

As noted above aesthetic significance is often closely linked to social and cultural significance. Generally aesthetic significance is considered to mean the visual beauty of a place. Examples of archaeological sites that may have high aesthetic values include rock art sites or sites located in visually pleasing environments (NSW NPWS 1997: 11).

The site does not appear to meet this criterion.

5.2.3 **Historic significance**

No historic associations with ‘place’ were identified during the course of the background research and field survey.

The study area does not appear to meet this criterion.

5.2.4 **Scientific significance**

As with cultural, historic, and aesthetic significance; scientific significance can be difficult to establish. Certain criteria must therefore be addressed in order to assess the scientific significance of archaeological sites. Scientific significance contains four subsets; research potential, representativeness, rarity and educational potential. These are outlined below.

**Research Potential:** is the ability of a site to contribute to our understanding of Aboriginal occupation locally and on a regional scale. The potential for the site to build a chronology, the level of disturbance within a site, and the relationship between the site and other sites in the archaeological landscape are factors which are considered when determining the research potential of a site.

**Representativeness:** is defined as the level of how well or how accurately something reflects upon a sample. The objective of this criterion is to determine if the class of site being assessed should be conserved in order to ensure that a representative sample of the archaeological record be retained. The conservation objective which underwrites the ‘representativeness’ criteria is that such a sample should be conserved (NSW NPWS 1997: 7-9).

**Rarity:** This criterion is similar to that of representativeness, it is defined as something rare, unusual, or uncommon. If a site is uncommon or rare it will fulfill the criterion of representativeness. The criterion of rarity may be assessed at a range of levels including local, regional, state, national and global (NSW NPWS 1997: 10).

**Educational Potential:** This criterion relates to the ability of the cultural heritage item or place to inform and/or educate people about one or other aspects of the past. It incorporates notions of intactness, relevance, interpretative value and accessibility. Where archaeologists or others carrying out cultural heritage assessments are promoting/advocating the educational value of a cultural heritage item or place
it is imperative that public input and support for this value is achieved and sought. Without public input and support the educative value of the items/places is likely to not ever be fully realised (NSW NPWS 1997: 10).

5.2.5 Spiritual significance
This has not been identified through consultation. The study area does not appear to meet this criterion.

5.3 Statements of significance
The study area contained two identified Aboriginal archaeological sites as defined under the *National Parks and Wildlife Act 1974*. Significance assessment has focused on the intactness, representativeness, and research potential of these sites.

**Riverstone Road 1 (AHIMS# 45-5-4955)**

This site consisted of a low density scatter situated on a hill crest 400 metres east of First ponds Creek. The site represents a commonly occurring site type in the region. Test excavations revealed a moderate degree of disturbance associated with past tree clearing and landscape use. Site integrity is low and exhibited low archaeological potential. Further investigations of the area would not contribute to our understanding of Aboriginal landscape use in the area. Based on the intactness, representativeness, and research potential, the site is determined to have low archaeological significance.

**Riverstone Road 2 (AHIMS# 45-5-4956)**

This site is located on the slopes overlooking an unnamed drainage line. Riverstone Road 2 consisted of an artefact scatter of only two artefacts. The site represents a commonly occurring site type in the region. Test excavations revealed a moderate degree of disturbance associated with past tree clearing and erosion. This site was assessed as having low archaeological potential. Further investigations of the area would not contribute to our understanding of Aboriginal landscape use in the area. Based on the intactness, representativeness, and research potential, the site is determined to have low archaeological significance.
6 Development proposal activity

Elite Development Pty Ltd propose residential development works at Lots 1 and 8 DP 30211 within the Riverstone East Precinct in Riverstone NSW. The residential development is in response to the rapid growth and development of Sydney’s Northwest Growth Centre. Activities associated with the proposed works include bulk earthworks and landscape modifications associated with residential development.

Assessed impact to Aboriginal sites identified within the study area locations are shown in Table 8.

Table 8: Potential harm from proposed works

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Site Name</th>
<th>Type/degree of harm</th>
<th>Consequence of harm</th>
<th>Significance of harm</th>
</tr>
</thead>
<tbody>
<tr>
<td>45-5-4956</td>
<td>Riverstone Road 1</td>
<td>Direct/Total</td>
<td>Total loss of value</td>
<td>Low</td>
</tr>
<tr>
<td>45-5-4957</td>
<td>Riverstone Road 2</td>
<td>Direct/Total</td>
<td>Total loss of value</td>
<td>Low</td>
</tr>
</tbody>
</table>

6.1 Consideration of Ecologically Sustainable Development

6.1.1 Principles of ESD

Ecological Sustainable Development (ESD) is defined by the Australian Government as ‘using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased’ (Australian Government, Department of the Environment and Energy website).

ESD is contained in both Commonwealth (EPBC Act 1999) and NSW statutes. Section 6 (2) of the Protection of the Environment Administration Act 1991 (NSW) lists the principals of ESD as:

a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

ii. an assessment of the risk-weighted consequences of various options,

b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
i. polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,

ii. the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

iii. environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

6.2 **Cumulative Impact Assessment**

Cumulative impact of any development on Aboriginal sites assesses the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area. For example if an artefact scatter is destroyed in the course of a proposed development, how many site artefact scatters are likely to remain in that area and how will the destruction of that site affect the overall archaeological evidence remaining in that area. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will affect our ability to understand past Aboriginal land uses, will result in an incomplete archaeological record and will negatively affect intergenerational equity.

**Effect on the Proportion of this Type of Aboriginal Site in the Area**

One method of calculating the proportion of this site type remaining in the area is to use the results of an AHIMS search. A searches of the AHIMS register was undertaken by ELA on the 18 July 2017. A search covering Lot 1 DP 30211 with a buffer of 1km at the Riverstone location resulted in the identification of 19 AHIMS sites A breakdown of site features is presented in Table 9 below.

<table>
<thead>
<tr>
<th>Site Type</th>
<th>Number of sites</th>
<th>Percentage of all sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artefact</td>
<td>10</td>
<td>53%</td>
</tr>
<tr>
<td>PAD</td>
<td>6</td>
<td>31%</td>
</tr>
<tr>
<td>PAD with Artefact</td>
<td>2</td>
<td>11%</td>
</tr>
<tr>
<td>Artefact, PAD, and Modified Tree (Carved or Scarred)</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total number of sites</strong></td>
<td><strong>19</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Of the previously registered sites within the search parameters of the study area, five (15%) have been listed as partially or totally destroyed.

The proposed works to be completed within the study area will impact on two Aboriginal sites (AHIMS #’s 45-5-4956 and 45-5-4957). These sites have been assessed as having low archaeological significance.
7 Avoiding and or mitigating harm

The two identified sites within the study area have been considered in relation to the proposed residential development. Impact to the sites may be unable to be avoided due to the requirement for bulk earthworks, roadworks, and civil infrastructure works. The recommended mitigation measures for the two sites are shown in Table 10 below.

Table 10: Impacts and mitigation measures

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Site Name</th>
<th>Significance</th>
<th>Recommended action</th>
</tr>
</thead>
<tbody>
<tr>
<td>45-5-4956</td>
<td>Riverstone Road 1</td>
<td>Low</td>
<td>No archaeological mitigation required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>AHIP</strong> Aboriginal heritage impact permit (AHIP) required prior to commencement of works affecting the site.</td>
</tr>
<tr>
<td>45-5-4957</td>
<td>Riverstone Road 2</td>
<td>Low</td>
<td>No archaeological mitigation required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>AHIP</strong> Aboriginal heritage impact permit (AHIP) required prior to commencement of works affecting the site.</td>
</tr>
</tbody>
</table>

7.1 Summary of Aboriginal sites for which AHIP is being sought

Two Aboriginal archaeological sites as defined under the *National Parks and Wildlife Act 1974* are situated within the two study area and will be impacted by the proposed development.

An AHIP is sought for part of Precinct B within Lot 1 DP 30211 (*Figure 9*) and for the Aboriginal objects within the sites identified in Table 11 below.

Table 11: Sites where AHIPs are being sought

<table>
<thead>
<tr>
<th>AHIMS #</th>
<th>Site Name</th>
<th>Scope of AHIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>45-5-4956</td>
<td>Riverstone Road 1</td>
<td>Total impact</td>
</tr>
<tr>
<td>45-5-4957</td>
<td>Riverstone Road 2</td>
<td>Total impact</td>
</tr>
</tbody>
</table>
Figure 9: Lot 1 DP30211 AHIP application area
Management recommendations

Based on the findings of this Aboriginal Cultural Heritage Assessment (ACHA) and the archaeological investigation the following is recommended:

**Recommendation 1 – Aboriginal sites are protected**

All registered AHIMS sites are protected by the National Parks and Wildlife Act 1974. Unless they have been granted a previous Aboriginal Heritage Impact Permit (AHIP), no earth works or soil disturbance in these areas without an approved AHIP or defence under the Act.

**Recommendation 2 – AHIP**

An AHIP application will be lodged with the NSW Office of Environment and Heritage for a portion of Lot 1 DP 30211 containing Precinct B and the Aboriginal sites within (Riverstone Road 1 and Riverstone Road 2).

**Recommendation 3 – No AHIP, works can proceed with caution**

The entirety of Lot 8 DP 30211 and the portion of Lot 1 DP 30211 containing Precinct A was found to be heavily disturbed by residential development and current landscape use. No AHIP is warranted at this location.

**Recommendation 4 – General Measures**

- Aboriginal objects are protected under the NPW Act regardless if they are registered on AHIMS or not. If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, the OEH must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval under a section 90 AHIP should then be sought if Aboriginal objects are to be moved or harmed.

- In the extremely unlikely event that human remains are found, works should immediately cease and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the OEH may also be contacted at this time to assist in determining appropriate management.
9 References


Department of Environment, Climate Change and Water (DECCW), 2010a. Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Hurstville, NSW.


DECCW, 2010c. Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, Hurstville, NSW.


Appendix A : Consultation Log
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to OEH requesting contact information on any Aboriginal People with an interest in the proposed project/Holding cultural knowledge of the project area</td>
<td>Office of Environment and Heritage (OEH)</td>
</tr>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to Deerubbin LALC (CEO) requesting contact information on any Aboriginal people with an interest in the proposed project or who hold cultural knowledge relevant to the project area. We also invited them to register their interest in the project.</td>
<td>Deerubbin LALC</td>
</tr>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to ORALRA requesting contact information on any Aboriginal people with an interest in the proposed project or who hold cultural knowledge relevant to the project area.</td>
<td>Officer of the Registrar of Aboriginal Land Right Act (ORALRA)</td>
</tr>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to NTS Corp requesting contact information on any Aboriginal People with an interest in the proposed project/holding cultural knowledge of the project area.</td>
<td>Native Title Service Corporation (NTS Corp)</td>
</tr>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to NNTT requesting contact information on any Aboriginal People with an interest in the proposed project/holding cultural knowledge of the project area.</td>
<td>National Native Title Tribunal (NNTT)</td>
</tr>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to Blacktown City Council requesting contact information on any Aboriginal people with an interest in the proposed project or who hold cultural knowledge relevant to the project area.</td>
<td>Blacktown City Council</td>
</tr>
<tr>
<td>17/07/2017</td>
<td>ELA wrote to the Greater Sydney Catchment Management Authority requesting contact information on</td>
<td>Greater Sydney Catchment Management Authority</td>
</tr>
</tbody>
</table>
any Aboriginal people with an interest in the proposed project or who hold cultural knowledge relevant to the project area.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/08/2017</td>
<td>ELA published a notice of Aboriginal stakeholder consultation for the project in the Blacktown Advocate newspaper.</td>
<td>Blacktown Advocate newspaper</td>
</tr>
<tr>
<td>21/7/2017</td>
<td>Notice of Stakeholder consultation invitations</td>
<td>Stakeholder list provided by OEH</td>
</tr>
<tr>
<td>7/09/2017</td>
<td>ELA sent out a survey and test excavation draft methodology to all parties</td>
<td>All RAPs</td>
</tr>
<tr>
<td>21/12/2017</td>
<td>ELA sent out draft Aboriginal cultural heritage report</td>
<td>All RAPs</td>
</tr>
</tbody>
</table>

Organizational responses

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>27/07/2017</td>
<td>Provided a list of Aboriginal People with a potential interest in the project</td>
<td>OEH</td>
</tr>
<tr>
<td>18/07/2017</td>
<td>Based on the records held by the National Native Title Tribunal as at 18 July 2017, it would appear that there are no Indigenous Land Use Agreements, Scheduled or Registered Native Title Claims or Determined Claims over this LGA.</td>
<td>National Native Title Tribunal</td>
</tr>
<tr>
<td>1/08/2017</td>
<td>The NSW OEH has advised us that their consultation list for this purpose is confidential and may only be obtained by the OEH. Advised us to contact the OEH</td>
<td>Deerubbin LALC</td>
</tr>
<tr>
<td>24/07/2017</td>
<td>A search of the register did not result in the identification Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983. It was suggested that you contact the Deerubbin LALC</td>
<td>Officer of the Registrar of Aboriginal Land Right Act (ORALRA)</td>
</tr>
<tr>
<td>Date</td>
<td>Contact organisation</td>
<td>Contact Person</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------</td>
<td>---------------------------</td>
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<tr>
<td>27/07/2017</td>
<td>Aboriginal Archaeology Service INC (AAS)</td>
<td>Andrew Williams</td>
</tr>
<tr>
<td>27/07/2017</td>
<td>Amanda Hickey Cultural Services</td>
<td>Amanda Hickey</td>
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<td>Badu</td>
<td>Karia Lea Bond</td>
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<td>27/07/2017</td>
<td>Biamanga</td>
<td>Seli Storer</td>
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<td>Bidjawong Aboriginal Corporation</td>
<td>James Carroll</td>
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<td>Bilinga</td>
<td>Simalene Carriage</td>
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<td>27/07/2017</td>
<td>Bilinga Cultural Heritage Technical Services</td>
<td>Robert Brown</td>
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<tr>
<td>27/07/2017</td>
<td>Butucarbin Aboriginal Corporation</td>
<td>Jennifer Beale</td>
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<td>27/07/2017</td>
<td>Cullendulla</td>
<td>Corey Smith</td>
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<td>Darug Aboriginal Cultural Heritage Assessments</td>
<td>Celestine Everingham, Gordon Morton</td>
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<td>Darug Aboriginal LandCare</td>
<td>Des Dyer</td>
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<td>Darug Custodian Aboriginal Corporation</td>
<td>Justine Coplin</td>
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<td>27/07/2017</td>
<td>Darug Land Observations</td>
<td>Gordon Workman</td>
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<td>27/07/2017</td>
<td>Darug Tribal Aboriginal Corporation</td>
<td>Not provided</td>
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<td>27/07/2017</td>
<td>Deerubbin Local Aboriginal Land Council</td>
<td>Kevin Cavanagh</td>
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<tr>
<td>Date</td>
<td>Group</td>
<td>Names</td>
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<td>27/07/2017</td>
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<td>Andrew Bond</td>
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<td>Athol Smith, Ricky Fields</td>
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<td>Didge Ngunawal Clan</td>
<td>Lillylea Carroll, Paul Boyd</td>
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<td>Darren Duncan</td>
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<td>Minnamunnung</td>
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<td>Kaya Dawn Bell</td>
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<td>Walgalu</td>
<td>Ronald Stewart</td>
</tr>
<tr>
<td>Date</td>
<td>Organization</td>
<td>Person</td>
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<td>Steven Hickey and Donna Hickey</td>
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<td>Robert Parson</td>
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<td>Patricia Hampton</td>
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<td>Christopher Payne</td>
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Registered Aboriginal Parties

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<td>Biamanga</td>
<td>Seli Storer</td>
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</tr>
<tr>
<td>Cullendulla</td>
<td>Corey Smith</td>
<td>17/08/2017</td>
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<tr>
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<td>Des Dyer</td>
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<td>Kevin Cavanagh</td>
<td>02/08/2017</td>
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<td>Gordon Workman</td>
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<td>Scott Franks</td>
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<td>Steven/Donna Hickey</td>
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<td>Paul Boyd / Lillylea Carroll</td>
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Responses to draft methodology

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Responses to Draft ACHAR

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Appendix B : Consultation Stage 1 Detail
17 July 2017

Mr Wright,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone- Fee Proposal

Eco Logical Australia (ELA) has been engaged by Diversi Creative Engineering Solutions (Suite 103, 29-31 Solent Circuit, Baulkham Hills NSW 2153) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 30211 & Lot 8 DP 30211 in Riverstone NSW and Lot 2 DP 1208526 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

Proponents must provide the opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places relevant to the proposed project area to be involved in the assessment process. The information provided through this process will assist the OEH to assess the cultural significance of objects and places that are the subject of an AHIP application.

As per Section 4.1.2 of the OEH Aboriginal cultural heritage consultation requirements for proponents (2010) we would appreciate if you would provide us with a contact list of Aboriginal people registered with your organisation who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area identified above.

The project area falls within the Desrubbin Local Aboriginal Land Council (DLALC) and Blacktown City Council. Eco Logical Australia Pty Ltd will be contacting Desrubbin directly as part of this consultation.

It would be appreciated if you could provide your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 8536 8883 or email tylerb@ecoaus.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe

Archaeology Consultant
Eco Logical Australia
(02) 8536 8883
Study Areas

Lot 1 and 8 DP30211 Riverstone NSW
Lot 2 1208526 Schofields NSW
Blacktown City Council,
PO Box 83
Blacktown, NSW 2148
Council@blacktown.nsw.gov.au

17 July 2017

To Whom It May Concern,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone- Fee Proposal

Eco Logical Australia (ELA) has been engaged by Diversi Creative Engineering Solutions (Suite 103, 20-31 Solent Circuit, Baulkham Hills NSW 2153) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 30211 & Lot 8 DP 30211 in Riverstone NSW and Lot 2 DP 1203520 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

Proposents must provide the opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places relevant to the proposed project area to be involved in the assessment process. The information provided through this process will assist the OEH to assess the cultural significance of objects and places that are the subject of an AHIP application.

As per Section 4.1.2 of the OEH Aboriginal cultural heritage consultation requirements for proponents (2010) we would appreciate if you would provide us with a contact list of Aboriginal people registered with your organisation who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area identified above.

The project area falls within the Larrakia Local Aboriginal Land Council (LALC) and Blacktown City Council. Eco Logical Australia Pty Ltd will be contacting LALC directly as part of this consultation.

It would be appreciated if you could provide your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 8536 8883 or email tylerb@ecoaus.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe

Archaeology Consultant
Eco Logical Australia
(02) 8536 8883
Local Land Services, Greater Sydney
Catchment Management Authority
Level 4, 2-8 Station Street
Penrith, NSW 2750
gs.service@lls.nsw.gov.au

17 July 2017

Mr Wright,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone- Fee Proposal

Eco Logical Australia (ELA) has been engaged by Diversi Creative Engineering Solutions (Suite 103, 2C-31 Solent Circuit, Baulkham Hills NSW 2153) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 30211 & Lot 9 DP 30211 in Riverstone NSW and Lot 2 DP 1208526 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

Proponents must provide the opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places relevant to the proposed project area to be involved in the assessment process. The information provided through this process will assist the OEH to assess the cultural significance of objects and places that are the subject of an AHIP application.

As per Section 4.1.2 of the OEH Aboriginal cultural heritage consultation requirements for proponents (2010) we would appreciate if you would provide us with a contact list of Aboriginal people registered with your organisation who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area identified above.

The project area falls within the December 2010 Local Aboriginal Land Council (DLALC) and Blacktown City Council. Eco Logical Australia Pty Ltd will be contacting DLALC directly as part of this consultation.

It would be appreciated if you could provoke your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 8538 8833 or email tylerb2@ecous.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe
Archaeology Consultant
Eco Logical Australia
(02) 8538 8833
17 July 2017

To Whom It May Concern,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone- Fee Proposal

EcoLogical Australia (ELA) has been engaged by Diversi Creative Engineering Solutions (Suite 103, 29-31 Solent Circuit, Baulkham Hills NSW 2153) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 20211 & Lot 6 DP 30211 in Riverstone NSW and Lot 2 DP 1209528 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

Proponents must provide the opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places relevant to the proposed project area to be involved in the assessment process. The information provided through this process will assist the OEH to assess the cultural significance of objects and places that are the subject of an AHIP application.

As per Section 4.1.2 of the OEH Aboriginal cultural heritage consultation requirements for proponents (2010) we would appreciate if you would provide us with a contact list of Aboriginal people registered with your organisation who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area identified above.

It would be appreciated if you could provide your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 6956 8883. Please forward your response to Tyler Beebe, PO Box 01082, Queen Victoria Building, Sydney, NSW 1230 or email tylerb@ecosus.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe

Archaeology Consultant
Eco Logical Australia
(02) 6956 8883
Native Title Services Corporation,
Level 1, 44-70 Rosehill Street,
Ryde, NSW 2112
PO Box 2105
Strawberry Hills NSW 2292
information@ntscorp.com.au

17 July 2017

To Whom It May Concern,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone—Fee Proposal

EcoLogical Australia (ELA) has been engaged by DiverseCreative Engineering Solutions (Suite 103, 29-31 Solent Circuit, Baulkham Hills NSW 2153) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 30211 & Lot 5 DP 30211 in Riverstone NSW and Lot 2 DP 1208526 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

We therefore seek information from NTSC on any Aboriginal people or organisations that may hold knowledge in relation to Aboriginal objects or Aboriginal places in the Blacktown area to assist us to develop a register of Aboriginal parties for the purposes of consultation under the applicable guidelines. We are also in the process of advertising for the Aboriginal consultation process in the local press.

The project area falls within the Deepwater Local Aboriginal Land Council (DLALC) and Blacktown City Council. EcoLogical Australia Pty Ltd will be contacting DLALC directly as part of this consultation.

It would be appreciated if you could provide information on any Aboriginal people or organisations who we should invite to register for consultation. It would be appreciated if you could provide your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 8536 8083. Please forward your response to Tyler Beebe, PO Box C1052, Queen Victoria Building, Sydney, NSW 1230 or email tylerb@ecologica.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe

Archaeology Consultant
EcoLogical Australia
(62) 8536 8683
Native Title Tribunal,
New South Wales – Sydney Office
Level 16, Law Court Building, Queens Square
Sydney, NSW 2000
GPO Box 9073
enquiries@nntt.gov.au

17 July 2017

To Whom It May Concern,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone - Fee Proposal

EcoLogical Australia (ELA) has been engaged by DiversiCreative Engineering Solutions (Suite 103, 20-31 Solani Circuit, Baulkham Hills NSW 2153) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 30211 & Lot 8 DP 30211 in Riverstone NSW and Lot 2 DP 1208525 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

We therefore seek information from the NTT on any Aboriginal people or organisations that may hold knowledge in relation to Aboriginal objects or Aboriginal places in the Blacktown area to assist us to develop a register of Aboriginal parties for the purposes of consultation under the applicable guidelines. We are also in the process of advertising for the Aboriginal consultation process in the local press.

The project area falls within the Deemubbing Local Aboriginal Land Council (DLALC) and Blacktown City Council. EcoLogical Australia Pty Ltd will be contacting Deemubbing directly as part of this consultation.

It would be appreciated if you could provide information on any Aboriginal people or organisations who we should invite to register for consultation. It would be appreciated if you could provide your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 8536 8583. Please forward your response to Tyler Beebe, PO Box 1082, Queen Victoria Building, Sydney, NSW 1230 or email tylerb@ecous.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe

Archaeology Consultant
EcoLogical Australia
(62) 8536 8583
Ms Susan Harrison  
Senior Team Leader Planning  
Greater Sydney Region  
Regional Operations  
PO Box 044 Parramatta NSW 2124

18 July 2017

Dear Susan,

RE: Aboriginal cultural heritage assessment for Lot 2 Boundary Road, Schofields and 14 & 28 Clarke Street, Riverstone

Eco Logical Australia (ELA) has been engaged by Diversi Creative Engineering Solutions (Suite 103, 29-31 Solent Circuit, Rouse Hill NSW 2155) to conduct an Aboriginal Cultural Heritage Assessment for proposed subdivision of Lot 1 DP 30211 & Lot 8 DP 30211 in Riverstone NSW and Lot 2 DP 1205220 in Schofields NSW (Figure 1).

Due to the presence of sensitive landscape features within the development areas the properties will be subject to an Aboriginal cultural heritage assessment in support of a future Aboriginal Heritage Impact Permit (AHIP) to the Director General of the Office of Environment and Heritage (OEH). Consultation will be undertaken in line with the OEH guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010.

We therefore seek information from the OEH on any Aboriginal people or organisations that may hold knowledge in relation to Aboriginal objects or Aboriginal places in The Blacktown Local Government Area to assist us to develop a register of Aboriginal parties for the purposes of consultation under the applicable guidelines. We are also in the process of advertising for the Aboriginal consultation process in the local press.

The project area falls within the Darrubbin Local Aboriginal Land Council (DLALC) and the Blacktown City Council. Eco Logical Australia Pty Ltd will be contacting Darrubbin Council directly as part of this consultation.

It would be appreciated if you could provide information on any Aboriginal people or organisations who we should invite to register for consultation. It would be appreciated if you could provide your response by 28 July 2017. If you have any further questions in relation to the upcoming Aboriginal consultation process I can be contacted on 8536 8883. Please forward your response to Tyler Beebe, Suite 1, Level 1, 101 Sussex Street, Sydney NSW 2000 or email tbeebe@ecologial.com.au. I thank you for your attention in this matter.

Yours sincerely,

Tyler Beebe

Archaeology Consultant  
Eco Logical Australia  
(02) 9536 8883
Responses from organisations contacted in section 4.1.2 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents’ (DECCW 2010)
LIST OF ABORIGINAL STAKEHOLDERS FOR THE GREATER SYDNEY BRANCH HELD BY OEH FOR THE PURPOSES OF THE ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

These lists are provided to proponents in accordance with section 4.1.2 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the “Consultation Requirements”) which commenced on 12 April 2010.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposed and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.


Under the Consultation Requirements, a proponent is required to provide Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and custom
- recognize their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country
- have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.

Please note: the placement of an organisation’s name on any OEH Aboriginal stakeholder list for the Consultation Requirements does not override a proponent’s requirement to also advertise in the local newspaper and seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 50C of the National Parks and Wildlife Regulation 2006.

How to use this list

1. Determine which Local Government Area(s) (LGA/s) your project area falls into
2. Identify which organisations and individuals on the list have an interest in the LGA/s relevant to your project – identified in column 6 of the list
3. Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project

Do not reproduce the attached list in publically available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.
24 July 2017

Tyler Beebe
ECO Logical Australia
Suite 1, Level 1
101 Sussex Street
SYDNEY NSW 2000

Dear Tyler,

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 17 July 2017 regarding an Aboriginal Cultural Heritage Assessment within the Schofields and Riverstone areas of NSW.

I have searched the Register of Aboriginal Owners and the project areas described do not have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (ALRA).

I suggest that you contact the Deerubbin Local Aboriginal Land Council on 02 4724 5600. They may also be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely,

Megan Mebberson
Senior Project Officer
Office of the Registrar, ALRA
Dear Tyler Bebe,

Thank you for your search request received on 18 July 2017 in relation to the above area, please find your results below.

Please note: Where the area identified to be searched is indistinct, generalised, or is for a freehold parcel, the results provided may relate to the Local Government Area (LGA) or Local Aboriginal Land Council (ALC).

Please note: Records held by the National Native Title Tribunal as at 18 July 2017 indicate that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area – Blacktown City Council LGA.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- Schedule of Native Title Determination Applications
- Register of Native Title Claim
- National Native Title Register
- Register of Indigenous Land Use Agreements
- Notified Indigenous Land Use Agreements

For more information about the Tribunal’s registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our website.

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal’s database.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the “Area covered by claim” section of the relevant Register extract or Schedule extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is not confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact me on the number below or on the free call number 1800 640 501.

Regards,

Enquiries
National Native Title Tribunal
Freewall 1800 640 501
Email enquiries@nntt.gov.au
Website www.nntt.gov.au

Celebrating 25 Years of Native Title Recognition www.nativeTitle25.com.au

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Advertisement published in the Blacktown Advocate on 2 August 2017

**Notice of Aboriginal Stakeholder Consultation**

Proposed residential sub-division of Lot 2 DP1208526 Schofields and 14 and 28 Clarke Street (Lot 1 DP30211 and Lot 6 DP30211) Riverstone NSW, Blacktown Local Government Area, for Diversi Creative Engineering Solutions, c/o Eco Logical Australia, Suite 1, Level 1, 101 Sussex Street, Sydney 2000. Eco Logical Australia (ELA) on behalf of Diversi Engineering is undertaking Aboriginal stakeholder consultation for a residential sub-division of two parcels of land within Schofields and Riverstone NSW. ELA seeks Aboriginal people or organisations wishing to register an interest to be consulted for an Aboriginal cultural heritage assessment. The proposed project may be subject to an Aboriginal Heritage Impact Permit (AHIP). Consultation will assist the applicant in preparation of an AHIP if required, and assist the Office of Environment and Heritage (OEH) in their consideration and determination of the application.

Interested Aboriginal organisations or people having cultural knowledge relating to this area are invited to register their interest to be consulted in writing to:

Tyler Beebe
Eco Logical Australia Suite 1, Level 1, 101 Sussex Street, Sydney NSW 2000
tylerb@ecoaus.com.au
Telephone: 02 8536 8683
Fax: 02 9294 0717

Expressions of interest should include current contact details. Closing date for registration is Friday 18th August 2017. Please note that under OEH guidelines registration for consultation does not guarantee employment.
Letters sent to Aboriginal people listed as having an interest in the Blacktown LGA as identified through section 4.1.2 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents’ (DECCW 2010)
Dear Aboriginal Stakeholder,

Notice of Aboriginal Stakeholder Consultation

Eco Logical Australia (ELA) has been engaged by Diversi Consulting (PO Box 8662, Baulkham Hills NSW 2153, Contact: Mr. David Geraci) to conduct an Aboriginal Cultural Heritage Assessment for the proposed sub-division and residential development of Lot 2 DP1208528 in Schofields, and adjacent Lots 1 DP30211 and Lot 8 DP30211 in Riverstone NSW. Both of these areas fall within the Blacktown Local Government Area (LGA). See map below.

This letter is an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the area of the proposed project to register an interest in a process of community consultation with Diversi regarding the proposed subdivision and development works. Your contact details have been provided to ELA by the Office of Environment and Heritage (OEH) as a person / or group who may have a cultural interest in the proposed project.

The purpose of the community consultation with Aboriginal people is two-fold:

1. To assist Diversi in understanding the cultural significance of the project areas and to determine the likelihood of Aboriginal sites or objects being present within the project areas.
2. In the preparation of an application for a potential Aboriginal Heritage Impact Permit (AHIP) application, should this be required, and to assist the Director General of the OEH in their consideration and determination of the application.

Interested Aboriginal organisations or people having cultural knowledge relating to this area are invited to register their interest to be consulted in writing to: Tyler Beebe, Eco Logical Australia, Suite 1, Level 1, 101 Sussex Street, Sydney NSW 2000 - email: archaeology@ecologicaus.com.au - telephone: 32 8330 8083 by: Friday 16 August 2017.

Please note under the consultation requirements your details will be forwarded to the OEH and the Local Aboriginal Land Council (LALC) upon receipt of your registration of interest. If you do not wish to have your details forwarded on to the LALC please notify ELA when registering your interest in the proposed project. In addition, also note that under OEH guidelines registration for consultation does not guarantee employment.

Kind Regards,

Tyler Beebe

ELA Archaeology Consultant
29th July 2017

RE: Lot 2 DP1208526 in Schofields, and adjacent Lots 1 DP30211 and Lot 8 DP30211 in Riverstone NSW.

Aboriginal Archaeology Service is seeking primary involvement in all consultation meetings and fieldwork for the above-mentioned project. AAS immediate family has lived in the area from 1897 and retains local and oral history on behalf of its first nation people. We have no objection to our information being provided to the Office of Environment and Heritage and the Local Aboriginal Land Council.

AAS can assist with input that can be incorporated into a written assessment of cultural values of the area. We are also able to provide fit staff to assist with work that may involve physical labour. We can provide our schedule of rates and copies of relevant certificates of currency for business insurances on request.

All correspondence should be emailed to AAS.info@bigpond.com and andie81@bigpond.com or to the above postal address. The area is an important part of our culture and valued by our family.

Yours truly

Andrew Williams
Darug Aboriginal LandCare
(Uncle Des Dyer)

Tyler Beebe
Archaeologist
Eco Logical Australia
Suites 1 Level 1, 101 Sussex St
Sydney 2000
NSW

Re: Schofields & Riverstone

Dear Tyler,

Darug Aboriginal Land care / Uncle Des Dyer. Have no objections to the planned development.

The Darug Aboriginal Land care would like to register for this project and be consulted and take part in survey and test excavations.

We are Traditional Owner, our members have lived on Darug land for most of their lives and worked in the area. We have been Cultural Heritage Assessments for over 20 years and still do today.

Our members are family and we consult with them by Email and phone. We would like to take part in any field survey and test excavations. Attend any meetings.

We have over 20 years experience and all our works have White cards. Our preferred method of communication is by Email.

Our Site Officer, Ricky Fields 0402942572. Email fields.rr@outlook.com

All Survey test excavation and salvage works please contact him for all work matters.

We agree and understand you can give our contacted details to others. We have read the report and.

The area is an important part of our culture and valued by the community as most of the people that lived there were Darug. We can provide cultural knowledge during the survey.

Our preferred option to receive the project information is by E-mail.

Thank you
Kind regards
Des Dyer, Manager.
Email desmond4552@hotmail.com
Mobile 0408360814
27th July, 2017

Tyler Beeks
Eco Logical Australia Pty Ltd
PO BOX Q1082
QUEEN VICTORIA BUILDING NSW 1230

Notification and Registration of ALL Aboriginal Interests

RE: Proposed Subdivision of Lot 2 Boundary Road Schofields (Lot 2 DP 1208526) and 14 & 28 Clarke Street Riverstone (Lot 1 DP 30211 & Lot 8 DP 30111)

Aboriginal Archaeological & Cultural Heritage Assessment

Dear Tyler,

Please be advised that Darug Land Observations Pty Ltd is seeking to be involved in any and all consultation meetings and fieldwork.

This office specialises in Aboriginal and community consultations, and has a membership that comprises of Traditional owners from the area in question. Those retain strong story, song lines, oral history and continued contact.

We would also like to state that we do not accept or support any person or organisation that are NOT from the DAXUG Nation that comments regarding the said area.

Please also be advised that this Aboriginal organisation does not do volunteer work or attend unpaid meetings. I hope that you advise your client of this so that 'This Group', will not be discriminated against and refused paid fieldwork. ELO’s rate is $440 half day (less than 4 hours) and $880 per day (flat rate), including GST.

All correspondence should be emailed to: daruglandobservations@gmail.com and any further consultation during this project can be directed to Anna on 0413 687 279.

Yours sincerely,

Jamie Workman
Darug Land Observations Pty Ltd

Uncle Gordon Workman
Darug Elder
Dear Tyler Beebe,

Thank you for letter informing me that Eco Logical Australia has been engaged by Diversi Consulting to conduct an Aboriginal Cultural Heritage Assessment for a proposed subdivision at Lot 2 DP 1208526 in Schofields, and Lot 1 DP 30211 and Lot 8 DP 30211 in Riverstone, both of these areas are in Blacktown LGA. And that you are inviting Aboriginal Organisation to register, if they wish to be involved in the Community consultation process and Fieldwork.

Kamilaroi - Yankuntjatjara Working Group are looking forward to be working with you and your team on this project.

I have worked on hundreds of excavation jobs digging, dry and wet sieving, surveys and identifying artefacts, and I am prepared to sign a NSW sub contractor statement form if I am selected. Looking forward to be working with you and your team on this project regards Philip Khan.

As Senior Aboriginal person who has for the past forty of so years (40) actively participated in the Protection Aboriginal Cultural Heritage throughout the Sydney Basin, and particularly throughout Western Sydney, I, on behalf of the Kamilaroi - Yankuntjatjara Working Group, wish to provide to you my organisations' registration of interest.

Information in my registration of Interest:

1. I am a Senior Aboriginal and Principal of the Kamilaroi -Yankuntjatjara Working Group, and all Aboriginal entity (ABN3979702507).

2. I prefer communicating by, Mail, Telephone, and; and I am, the Principal, person to contact, and;
   My contact details are:
   Phillip Khan
   78 Forbes Street, Emu Plains NSW 2750
   Mobile 043 4545 982 email philipkhann.acn@live.com.au

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

4. I attach to this letter a copy of Kamilaroi -Yankuntjatjara Working Group's GIO Public Liability Insurance; GIO Workers Compensation Certificate. Should you wish me to provide further information, please do not hesitate to contact me on 0434545982.

Yours Sincerely,

Pollowan Phillip Khan
1 August 2017

Tyler Beebe
EcoLogical Australia
Suite 1, Level 1,
101 Sussex Street
Sydney NSW 2000
email: archaeology@ecoaus.com.au

Dear Tyler,

RE: sub-division and residential development of Lot 2 DP1208326 in Schofields and Lot 1 DP30211 and Lot 8 DP30211 in Riverstone

Registration of Interest

Thank you for your notification regarding the Registration of Interest for the opportunity to provide cultural knowledge for the above mentioned project/s. Tocomwall respectfully requests primary involvement in all consultation meetings and fieldwork associated with the project.

Tocomwall represents traditional owners associated with the project area and retains local knowledge and oral history that will add significant value to the Project’s heritage assessment. We have no objection to our contact information being provided to the Office of Environment and Heritage or the Local Aboriginal Land Council.
Tocomwall is also able to assist with input that can be incorporated into a written assessment of cultural values of the area. We employ a well-structured team with the capacity to support all necessary fieldwork for the project. We can provide our schedule of rates and copies of relevant certificates of currency for business insurances upon request.

Tocomwall is a small business that relies upon a consistent cash flow that ensures we can continue to fulfill our client’s needs. Unfortunately, the Tocomwall team is not in a position to provide volunteer work or attend meetings on a gratuitous basis. Tocomwall respectfully requests payment terms of 14 days from date of invoice. We would appreciate a copy of the contract and terms and conditions prior to commencement of the project.
Please provide all correspondence to Jennifer Norfolk at jennifer@tocomwall.com.au and info@tocomwall.com.au or to the above postal address.

Should you have any further questions regarding this RFI please contact me directly on 0407 808 628

Yours faithfully,

Jennifer Norfolk
Archaeologist

Integrating Landscape Science & Aboriginal Cultural Knowledge for our Sustainable Future
Hi Tyler,

This is Biamanga's registration of interest in the above project.

Hi Tyler,

Cullendulla wish to register their expression of interest in the above project.

Hi Tyler,

Deerubbin LALC would like to register for the abovementioned projects.

Also, the address on your letter is incorrect.

The correct address is below:

cheers

Steven Randall
Aboriginal Cultural Heritage Officer

Deerubbin Local Aboriginal Land Council
Level 1, Suite 3
291-295 High Street, Penrith NSW 2750
PO Box 40, Penrith NSW 2751
T: (02) 4724 5600 F: (02) 4722 9713 M: 0417 219 174
E: srandall@deerubbin.org.au
Residential Development of Lots 1 & 8 DP30211 in Riverstone NSW – ACHAR

Hi Tyler

Didge Ngunawal Clan would like to Register interest into Re: proposed sub-division of lot 2 Dp1208526 in Schofields and lot 1 Dp 30211 and lot 8Dp30211 in Riverstone

Didge Ngunawal Clan has lots of knowledge to the Schofields, Riverstone & vineyard area I've grown up there & my parents lived in a humpy in the bush @ Perth street vineyard with no power the humpy was made out of old tin & tree branches the floors was just dirt also my father Phillip carroll & brother Shane carroll along with a lot of other family members are buried @ Riverstone cemetery

Kind regards

Directors of DNC
Paul boyd & Lilly carroll
0426823944

Hi Tyler

This is Goobals expression of interest to register for the above project. We wish to be kept informed of any further developments and all correspondence should be sent to this email address.
Dear Tyler,

Gulaga would like to be included in the consultation process of the project at Schofields & Riverstone in Blacktown, as we are highly familiar with the area and people connected to the area. My grandparents, great grandparents and family before lived in the area west of Sydney and down along the south coast of New South Wales. My early years were spent in the western suburbs of Sydney with my family and we have a strong connection to that area as well as the South Coast.

We have a large amount of experience in excavation, dry sieving and recording.

We have a site worker who provides these services.

Gulaga has previously worked on numerous sites, including these more recent ones:

- Macarthur Memorial Park, Varroville
- Bulgarribee
- Dendrobium Mine
- Mt Gilson
- Paddocks Precinct
- Goolake Quarry
- Memoole Quarry

Our rates are $900 per day (plus GST) and we charge 80 cents per km travel.

I’m attaching certificates of insurance.

I would prefer to be contacted by phone call or text message if you wish Gulaga to go ahead with the site work.

Feel free to call me on 0401 808 988.

Looking forward to your reply.

Kind Regards,
Wendy Smith
Cultural Heritage Officer
Gulaga
To Tyler Beebe

Hi Tyler,

My name is Steven Hickey. I am a recognized cultural knowledge holder. I would like to register my interest in community consultation for the proposed sub-division and residential development in Riverstone, and Schofields NSW. My cultural connection to the project area's. I have an interest in the proposed project area's and hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and or places in the study area's.

My preferred method of contact is via Email: widescopergroup@live.com

Kind regards

Steven Hickey

Hi Tyler

This is Murramarang's expression of interest to register for the above project. We wish to be kept informed of any further developments.
14/08/2017

Attention: Tyler Beebe

Eco Logical
P.O Box G1082,
Sydney NSW 2000

Dear Tyler,

Re: Registration – Lot 2 DP 1208526 in Schofields, Lot 1 DP 30211 and Lot 8 DP 30211 in Riverstone NSW

Please register our corporation’s interest in the above project. Our family holds the cultural knowledge relevant to determining the significance of Aboriginal object(s) and or places(s) in the area of the proposed project. My grandfather (Phillip Carroll) and other family members resting place is the Riverstone Cemetery. My family lived in tin sheds in the Vineyard, Riverstone and Schofields area getting water from the well and my grandmother would sweep the dirt floor with a tree branch. My grandfather told me many stories of how he would put newspaper on the tin walls to stop the wind coming through and use newspaper as toilet paper. Our family have a long history of residents in the Riverstone area, also my aunts, uncles and cousins all attended Riverstone public school. Our family and members have worked with the RMS Wollongong on the Nelligen Bridge Project, RMS Wagga Wagga – MR56 Lachlan Valley Way. Umwelt, Extent Heritage, DSCA, RPS, Navis Officer Heritage, EMM, Niche, Apex Archaeology, Killaher Nightingale, Niche and many other archaeology company’s in the Riverstone, Schofields, Marsden Park area. My preferred contact is by email or mobile.

If you require further details please do not hesitate in contacting me, I look forward to hearing from you.

Kind regards,

Jesse Johnson (Carroll) & Vicklyee Paddison
0402313677

5 Hession Road,
Nelson NSW 2765
Email: m.ragadial@yahoo.com.au
Phone: 0402313677
## Telephone Registration

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Contact Name</th>
<th>Date Registered</th>
</tr>
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<tbody>
<tr>
<td>Darug Aboriginal Cultural Heritage Assessments</td>
<td>Celestine Everingham</td>
<td>11 August 2017</td>
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</table>
Appendix C : Consultation Stage 2 and 3 Detail
Project background and methodology sent to RAPs on 7 September 2017
Residential Subdivision of Two Parcels of Land in Riverstone and Schofields NSW

Final Methodology for Aboriginal Cultural Heritage Assessment and Sampling Strategy for Archaeological Test Excavation

Prepared for
Diversi Creative Engineering Solutions
October 2017
This report should be cited as ‘Eco Logical Australia July 2017. Residential Developments in Riverstone and Schofields NSW – Methodology for Aboriginal Cultural heritage Assessment and Sampling Strategy for Archaeological Test Excavation. Prepared for Diversi Creative Engineering Solutions.’

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd with support from Dave Gerardis from Diversi Consultants.

Disclaimer

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and Diversi. The scope of services was defined in consultation with Diversi, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information.

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Abbreviations

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<td>ACHAR</td>
<td>Aboriginal Cultural Heritage Assessment Report</td>
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