Dear Ms McCartney,

Re: 163 Tallawong Road, Rouse Hill
Aboriginal Heritage Due Diligence Assessment

Introduction

This letter-report presents the results of an Aboriginal heritage due diligence assessment for the land parcel Lot 44 DP 30186 known as 163 Tallawong Road, Rouse Hill.

The two hectare (approx.) land parcel is currently the subject of a Development Application to Blacktown City Council for residential development. This assessment has been prepared to accompany the DA.

Legislative Context

Aboriginal objects are protected under the National Parks and Wildlife Act 1974 (NPW Act) with significant penalties for the offence of harm – whether or not the offence was committed knowingly. The Act does not refer to “Aboriginal sites”, however it is generally understood that the term refer to the locations where Aboriginal objects are known to occur.

Harm is defined to mean destroying, defacing or damaging an Aboriginal object or Aboriginal place, or moving an object from the land. Part 6 of the Act distinguishes a knowing offence of harm from a strict liability offence of harm. There are a number of defences and exemptions to the offence of harm. A defence against the strict liability offence of harm is a demonstration of due diligence (i.e. such as this letter-report) or where the activity is trivial, negligible or of low impact. A key defence against the knowing offence of harm is the possession of an Aboriginal Heritage Impact Permit (AHIP) issued under section 90 of the Act. An application for an AHIP must include a comprehensive Aboriginal Cultural Heritage Assessment and evidence of Aboriginal consultation undertaken in accordance with clause 80C of the National Parks and Wildlife Regulation 2009.

The Land

The land parcel is a two hectare rural - residential block generally in the western part of the Riverstone East Growth Centre Precinct. The land comprises a residence, stable and sheds with
associated fenced paddocks. At least three farm dams were observed as well as shallow drainage channels and a cut and filled flat yard area.

The land gently slopes to the south west. The adjacent land to the south includes an intermittent drainage depression which becomes a first order drainage line at the rear of the block. The drainage line flows to First Ponds Creek which is located approximately 400 metres to the south west.

**Approach**

This assessment follows the NSW Office of Environment and Heritage (OEH) guideline *Due Diligence Code of Practice for the Assessment of Aboriginal Objects in NSW* (DECCW 2010). Due diligence assessment is a high-level appraisal of whether Aboriginal objects, including “Aboriginal sites”, are known to occur or are considered likely to occur in light of local archaeological character and environmental factors.

The due diligence assessment method includes:

- review of the Aboriginal Heritage Information Management System (AHIMS) site register held by the Heritage Division of OEH;
- review of relevant Aboriginal heritage assessment reports relevant to the area, particularly the Riverstone East Precinct Aboriginal Heritage Study undertaken for the Department of Planning;
- consideration of environmental aspects normally considered as sensitive for Aboriginal site occurrence; and
- a visual inspection for familiarisation purposes.

Data from these tasks are presented and assessed in this due diligence report.

In the event that Aboriginal objects are found to be present or likely1 to occur and may be impacted by proposed development, a more detailed assessment prepared in consultation with Aboriginal parties is required for an AHIP application under section 90 of the NPW Act.

**The Archaeology of Aboriginal Sites in the Local Area**

The land occurs within the traditional country of the Darug-speaking Aboriginal people which extends across most of the Cumberland Plain and west into the Blue Mountains.

Earliest evidence of Aboriginal occupation dates from the alluvial sediments at Windsor dated to around 15,000 years2 as well as from Shaws Creek KII excavations near Yarramundi on the western

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1 “ Likely to occur” is defined here as one or more artefacts expected to occur in each square metre of ground. While the presence of isolated stone artefacts cannot be definitively ruled out anywhere in the landscape, this report follows the OEH guidelines for a *reasonable depth of investigation* to make an assessment.

side of the Nepean River\textsuperscript{3} where a radiocarbon date of 14,700 before present was obtained from the lower occupation level. Aboriginal occupation has been dated to over 40,000 years at many sites throughout Australia including the famous site of Lake Mungo in western NSW. Evidence for Aboriginal occupation 65,000 years ago in the Northern Territory has been recently reported\textsuperscript{4}. Aboriginal occupation more than 6,000 years ago in the Sydney Basin may well have been focussed on now-drowned river valleys and the coastal fringe at least 45 km to the east of the present day coastline.

Most Aboriginal sites in the Cumberland Plain comprise flaked stone artefacts occurring within, or eroding from the topsoil layer of duplex soils. Examples of flaked stone artefacts are presented in photographs 1-3 below. Most stone artefacts are produced by the controlled breakage of certain highly siliceous stone types to form sharp edged flakes which can be further chipped into implement forms like scalpel blades. Most Aboriginal stone artefact sites comprise the manufacturing by-products of stone tool manufacture which appear (to the trained eye) as concentrations of stone flakes, implements and cores. The amount of this material can differ, reflecting the type of past Aboriginal activity in a location or the amount of times a place was used in the past. Greatest concentrations of stone artefact material are typically associated with reliable water sources or natural occurrences of artefact quality stone. One type of stone commonly used for stone artefact manufacture is “silcrete”. Cobbles of silcrete from an ancient fluvial soil formation can be found on the Riverstone ridge on high areas along McCullough Street and other high ridge areas generally between the railway and Windsor Road. The study area does not occur on one of these cobble bearing landforms, although silcrete gravel is known to occur in the topsoil alongside First Ponds Creek.

While there are many other types of Aboriginal sites, the question of whether stone artefact sites occur on the land is the primary focus of this due diligence assessment.

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Examples of Cumberland Plain Aboriginal Stone Artefacts (not occurring within the land)

Photograph 1. Aboriginal Stone Artefacts - Silcrete Flakes (Werrington)

Photograph 2. Aboriginal Stone Artefacts: silcrete “backed blade” retouched flakes (Stanhope Gardens)

Photograph 3. Indurated mudstone/tuff core (Pitt Town)

Have Aboriginal Sites been Recorded on the Land?

Aboriginal sites are typically recorded by archaeologists undertaking studies for development assessments, or in the course of research. Sites may also be recorded by any other person who may be interested in doing so. The NPW Act requires sites to be reported to OEH in the prescribed manner. All such site records are compiled into the Aboriginal Heritage Management Information System (AHIMS). While Aboriginal sites typically cover an area of land, locational information in the AHIMS database is limited to a single coordinate point. This means that an AHIMS “dot on a map” which appears outside a land parcel boundary could actually indicate a site with length and width dimensions extending into the land parcel. Relevant information about Aboriginal site size needs to be obtained from the “site card” for each site where sites occur close to land of interest. Relevant information can also be obtained from archaeological reports lodged with AHIMS, details of which are sometimes linked to Aboriginal site records.

A search of the AHIMS Aboriginal site database for this due diligence assessment was conducted on 19 June 2018 (Client Service ID: 351506; Figure 2). No Aboriginal sites have been previously recorded within the land. The closest AHIMS records are 45-5-4899 and 45-5-5030 located between 290 and 320 metres to the south on a comparable landform. Site 45-5-4899 comprised 10 silcrete artefacts in a surface silt wash assumed by the recorder to have been in secondary context on 125 Tallawong Road. Site 45-5-5030 comprised approximately 13 stone artefacts over the rear portion of 131 Tallawong Road, including two from the surface and 11 from 27 archaeological test pits. A full report on this test excavation was not available for review. These sites are typical of other discrete artefact occurrences in the midst of otherwise archaeologically barren exposures observed by Baker Archaeology is recent inspections along Tallawong and Cudgegong Roads. The two sites highlight the potential for Aboriginal stone artefact sites to occur sporadically in all parts of the landscape, in contrast to the reliable and consistent artefact occurrence within 200 metres of perennial creeks.
The section of First Ponds Creek located 400 metres to the south west of the study area has been identified as a complex of open stone artefact sites generally referred to as the “A7 Complex (AHIMS site 45-5-4311). This site was identified by me as highly significant in a Growth Centre Precincts Aboriginal heritage study in 2008 due to a particular surface exposure of silcrete stone artefacts which had high representative value. Archaeological excavations were conducted in the area by AECOM in 2015 in association with Sydney Water pipeline planning. Test excavations indicated a sparse assemblage of stone artefacts within the topsoil. At AECOM’s ‘salvage area 1’ a 24 square metre open area excavation of revealed a low density deposit of six artefacts per square metre. This is consistent with test excavation results across a broad area within 200 metres of First Ponds Creek on Garfield Road East (AHIMS site 45-5-4849) located 1.2 km to the north west by Baker Archaeology in 2016-2017. These results demonstrate a very low density of stone artefacts in the environmental zone considered of highest sensitivity. This in turns suggests that any archaeological evidence outside of the sensitive zone (> 200 metres from First Ponds Creek) would be rare, isolated and not part of a coherent archaeological stone artefact distribution. The study area falls more than 200 metres beyond the archaeologically sensitive zone and is therefore of negligible archaeological sensitivity.

Aboriginal sites occurring through most of the wider area are associated with major watercourses such as Second Ponds Creek and First Ponds Creek. These locales were most suited to either Aboriginal camping or food gathering of sufficient frequency to yield an archaeological signature evident in detectable densities of stone artefacts within the topsoil.

The AHIMS data map on first appearance suggests a high frequency of Aboriginal sites in comparable landforms east and south of the land. Almost all of these AHIMS records reflect archaeological survey undertaken for the “Area 20” Precinct study undertaken in 2010. A number of localities were identified with single stone artefacts or up to three stone artefacts (e.g. 45-5-3765 with one artefact, 45-5-3923 with two artefacts, 45-5-3924 with three artefacts, 45-5-3925 with one artefact).

In the Area 20 report several localities in elevated contexts within several hundred metres of the study area were also identified as Potential Archaeological Deposits (PADs). No archaeological model or reasoned argument was provided to support the identification of PADs on the low ridges and elevated slopes. The standard model of archaeological sensitivity reflected in OEH guidelines

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5 ENSR AECOM (2008) Aboriginal Heritage Assessment – Alex Avenue and Riverstone Growth Centre Precincts Report to the Growth Centres Commission
7 Baker Archaeology (2017) 218-228 Garfield Road East, Riverstone: Aboriginal Cultural Heritage Assessment Report to Castle Development Group
identifies areas along creeks as sensitive, not elevated slopes and so many of the identified PADs in the Area 20 report are not warranted.

The study area falls within the Riverstone East Precinct of the North West Growth Centre, and area of consolidated planning and development zoning. A comprehensive Aboriginal heritage study was completed for the area in 2015⁹. The study area was identified as of “low to nil archaeological probability” (Figure 1) and the report recommended that no further archaeological work was necessary.

Figure 1. AHMS 2015 Figure 32 Predictive Model of Archaeological Site Location

⁹ AHMS (2015) Riverstone East Growth Centre Precinct Aboriginal Cultural Heritage Assessment Report to the Department of Planning and Environment (Figure 14)
Figure 2. AHIMS search results
Does the land occur on an Archaeologically Sensitive Landform?

Aboriginal sites are commonly associated with certain environmental contexts. In the shale-based soil of the Cumberland Plain, creek-side contexts are typically sensitive for the presence of Aboriginal stone artefacts within the topsoil. Archaeological test excavations have demonstrated that distributions of artefacts can occur undetected within the topsoil up to 200 metres or more from major creeks. Other archaeologically sensitive contexts listed in the OEH due diligence guidelines such as rockshelters and coastal dunes are not relevant here.

The study area does not occur on archaeologically sensitive landforms, being more than 400 metres north east of First Ponds Creek as discussed above.

Site Inspection

An inspection of the land was undertaken by Neville Baker on 16 June 2018. The land was observed to comprise a disturbed area of house, sheds, yards and small dams near the street frontage (Photograph 4, Photograph 5, Photograph 6) and a less disturbed area of open woodland with levelled yard and small corner dam rear of the property (Photograph 7, Photograph 8, Photograph 9).

Soil exposures occur in small areas at the front and rear of the property. Soil exposures provide opportunity to detect archaeological deposit, if present, through observing eroding stone artefacts. It is anticipated that if, like sites 45-5-4899 and 45-5-5030 described above, artefacts were present within the topsoil, they would be detected in the corner dam exposures. No artefacts were detected from the corner dam topsoil exposures.

Photograph 4. Air photo of land
Source: Google Earth Pro; Imagery 5 May 2016

Photograph 5. View south west over street frontage
Conclusions

No Aboriginal objects have been previously identified on the land.
No Aboriginal objects were observed on the land in a site inspection on 16 June 2018.
No Aboriginal objects are considered likely to occur undetected on the land.
There is no identified Aboriginal heritage constraint to proceed with proposed development. Based on the findings of this assessment there is no justification for further archaeological assessment or monitoring.
In the unlikely event that an Aboriginal object is identified, all work must stop in the general vicinity of the land and an archaeologist should be contacted to assess the object and, if confirmed, advise on the requirements for an Aboriginal Heritage Impact Permit under section 90 of the NPW Act.

yours faithfully,

Neville Baker
Director – Archaeologist

Attached: AHIMS Basic Search Results