

Due Diligence Aboriginal Archaeological Assessment

84 Tallawong Road, Rouse Hill, NSW
Lot 63 in DP 30186



Proposed Residential Subdivision

Report to
Benefit Group

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3 August 2017

Aboriginal archaeological assessment – 84 Tallawong Road, Rouse Hill

Document control

Project Name	Due Diligence Aboriginal Archaeological Assessment. 84 Tallawong Road, Rouse Hill, NSW. Lot 63 in DP 30186. Proposed Residential Subdivision
Client Name	Benefit Group
Recipient	Tarun Chadha
Status	Final (Draft 31 July 2017)
Issue Date	3 August 2017
Prepared by	Dominic Steele
Approved by	Tarun Chadha

Terms and abbreviations

Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010	Guidelines developed by OEH to guide formal Aboriginal community consultation undertaken as part of an Aboriginal Cultural Heritage Assessment (ACHA).
Aboriginal Heritage Impact Permit (AHIP)	Statutory instrument the Director General of the Office of Environment and Heritage (OEH) issues under Section 90 of the National Parks and Wildlife Act 1974 to allow the investigation (when not in accordance with certain guidelines), impact and/or destruction of Aboriginal objects.
Aboriginal object	A statutory term defined under the National Parks and Wildlife Act 1974 as, ‘any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains’.
AHIMS Aboriginal Heritage Information Management System (AHIMS)	The Office of Environment and Heritage (OEH) maintains the Aboriginal Heritage Information Management System (AHIMS) which includes: information about Aboriginal objects that have been reported to the Director General, Department of Premier and Cabinet; information about Aboriginal Places which have been declared by the Minister for the Environment to have special significance with respect to Aboriginal culture archaeological reports.
Alluvial	Referring to sediment deposited by channelled stream and creek flow or overbank (flood) flow.
Artefact	Any product made by human hands or caused to be made through human actions.
B.P.	Before Present. The ‘Present’ is defined as 1950.
Crest	A landform element that ‘stands above all, or almost all points in the adjacent terrain’ (Speight 2009:29).
Department of Environment, Climate Change and Water (DECCW)	Now known as the Office of Environment and Heritage (OEH).
Department of Planning and Infrastructure (DPI)	The Consent Authority for development applications made in accordance with Part 3A of the Environmental Planning and Assessment Act 1979.
Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW	OEH guidelines outlining the first stage of a two stage process in determining whether Aboriginal objects and/or areas of archaeological interest are present within a subject area. The findings of a due diligence assessment may lead to the development of a ACHA
Effective (survey) Coverage	Quantified estimate of the areas in which surface archaeological materials have been ‘detectable’ (exposed on the ground surface).
Environmental Assessment (EA)	Document summarising the assessment of environmental impacts of a development for approval under the Environmental Planning and Assessment Act 1979.
Environmental Planning and Assessment Act 1979	Statutory instrument that provides planning controls and requirements for environmental assessment in the development approval process.
Exposure	Areas of land where natural ground surfaces are exposed through processes such as soil erosion, sparse vegetation cover, and disturbance. The percentage of ground exposures recorded in different landforms contained within a study area are used to calculate effective archaeological survey coverage.
Flat (land form)	Planar landform element that is neither a crest nor a depression that is level or very gently inclined (Speight 2009:22).
Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage	Guidelines developed by OEH to inform the structure and content of an Aboriginal Cultural Heritage Assessment (ACHA).
Isolated Find	An isolated find is usually considered a single artefact or stone tool. The term “object” is used in the ACHA, to reflect the definitions of Aboriginal stone tools or other products in the National Parks and Wildlife Act 1974.
Lower Slope	Slope element not adjacent below a crest or flat but adjacent above a flat or depression (Speight 2009:21).
Mid Slope	Slope element not adjacent below a crest or flat and not adjacent above a flat or depression (Speight 2009:21).
National Parks and Wildlife Act 1974	The primary piece of legislation for the protection of Aboriginal cultural heritage in NSW. Part 6 of this Act outlines the protection afforded to and offences relating to disturbance of

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	Aboriginal objects. The Act is administered by OEH.
Office of Environment and Heritage (OEH)	The OEH is responsible for managing the Aboriginal Heritage (and other) provisions of the National Parks and Wildlife Act 1974.
Potential Archaeological Deposit (PAD)	Areas assessed as having the potential to contain Aboriginal objects. PADs are commonly identified on the basis of landform types, surface expressions of Aboriginal objects, surrounding archaeological material, disturbance, and a range of other factors. While not defined in the National Parks and Wildlife Act 1974, PADs are generally considered to retain Aboriginal objects and are therefore protected and managed in accordance with that Act.
Proponent	A corporate entity, Government agency or an individual in the private sector which proposes to undertake a development project.
RAP	Registered Aboriginal Party.
Upper Slope	Slope element adjacent below a crest or flat and not adjacent above a flat or depression (Speight 2009:21).
Visibility	Refers to the degree to which the surface of the ground can be observed. This may be influenced by natural processes such as wind erosion or the character of the native vegetation, and by land use practices.

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Report summary

This due diligence Aboriginal archaeological assessment has been completed in consultation with *Deerubbin Local Aboriginal Land Council* and has been prepared on behalf of *Benefit Group* who propose to subdivide and redevelop for residential purposes an approximately 2.1 ha parcel of land (comprising Lot 63 in DP 30186) located at 84 Tallawong Road in Rouse Hill, NSW.

Methods & objectives

This report has followed the *Office of Environments & Heritage's* (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (2010) with the objectives of identifying potential Aboriginal archaeological heritage constraints that may exist for the proposal and guiding, if they exist, how these matters are to be managed according to the requirements of the *National Parks & Wildlife Act 1974*.

Previous research

Searches of AHIMS (by Lot and DP) indicate that no Aboriginal sites or objects have been recorded on the property itself. However, two sites have been recorded within 200m and are located on properties situated to the east of the study area. on gently sloping ridge crest and upper slope landforms within two properties fronting onto Cudgegong Road. These comprise AHIMS #45-5-3924 (RH/A20P 09) and AHIMS #45-5-3925 (RH/A20P 10) which consist of three artefacts and one isolated find respectively. The original site descriptions and dimensions recorded for both of these find localities do not suggest these archaeological sites continue onto the Tallawong Road property

Field survey

No Aboriginal sites, objects or isolated finds have been identified on the property, and no areas of potential Aboriginal archaeological sensitivity have been identified in the course of preparing this report, and via consultation with the DLALC. There are no landscape features contained within the study area that may indicate (or ay increase the likelihood for) the presence of Aboriginal objects other than a low order drainage line. The gentle slopes contained within the study area are archaeologically unremarkable and have been disturbed as a result of widespread market gardening.

There are no specific expectations that the property would have attracted intensive or repeated use by people in the past that would have involved activities that would have created substantial archaeological deposits. It is more likely that the land may have been visited sporadically by people over time as they moved to and from more attractive places in the landscape with a wider range of resources closer to the main creek lines in the area.

Recommendations

On the basis of the above considerations, it is concluded that the 84 Tallawong Road redevelopment proposal is not going to have an adverse impact upon the Aboriginal archaeological and cultural heritage values of the place and that no Aboriginal archaeological or cultural heritage constraints are apparent for the proposal proceeding as planned subject to the implementation of the management recommendations provided below.

- Future redevelopment of the land will not impact upon any *identified* Aboriginal archaeological sites or objects, and the *potential* for undetected Aboriginal archaeological items to occur within the study area is assessed to be *low*. There are therefore no identified Aboriginal archaeological (scientific) constraints to the proposal proceeding as intended and that no further Aboriginal archaeological heritage input is warranted.
- In the (largely) unexpected circumstance that any Aboriginal objects are unearthed as a result of construction works in the future, it is recommended that activities should temporarily cease within the immediate vicinity of the find locality, be relocated to other areas of the subject site (allowing for a curtilage of at least 50m), and the OEH be contacted to advise on the appropriate course of action to allow the *Deerubbin Local Aboriginal Land Council* to record and collect the identified item(s).

1.0 Introduction

1.1 Background

This due diligence Aboriginal archaeological assessment has been completed in consultation with *Deerubbin Local Aboriginal Land Council* (DLALC) and prepared on behalf of *Benefit Group* who propose to subdivide and redevelop for residential purposes an approximately 2.1 ha parcel of land (comprising Lot 63 in DP 30186) located at 84 Tallawong Road in Rouse Hill, NSW.

Figure 1.1: Study area at 84 Tallawong Road and surrounding semi-rural landscape in this part of Rouse Hill (Google 2017)



Figure 1.2: Existing condition of the land with key site features including a house and numerous outbuildings and yard (with orchard) occupying the western quarter of the block, and ploughed market garden plots/grazing paddocks (with a water retention dam) taking in the rear three-quarters of the study area (Six Maps 2017)



The following archaeological assessment has been prepared in accordance with the methods that are outlined in the *Office of Environment and Heritage (OEH) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010). The primary objectives of this assessment have been to identify potential Aboriginal archaeological constraints that may exist for the land redevelopment proposal, and subject to findings, to guide how future impacts to known or suspected Aboriginal archaeological sites or objects can be avoided or mitigated according to the requirements of the *National Parks and Wildlife Act 1974*.

1.2 Redevelopment proposal

Redevelopment plans for the property were not available at the time of writing this report. It is assumed that the future demolition of the existing buildings on the site, and subsequent site preparation works (excavation, grading, filling and levelling) and construction will disturb or destroy any subsurface archaeological profiles with the potential to contain Aboriginal objects that may occur on the land.

1.3 Statutory context and controls

1.3.1 NPW Act 1974 & NPW Regulation 2009

Two primary pieces of legislation provide statutory protection for Aboriginal heritage and the requirements for its management in NSW. These are the *National Parks and Wildlife Act 1974* (as amended) and the *National Parks and Wildlife Regulation 2009*. The NPW Act protects Aboriginal heritage (places, sites and objects) and the Regulation provides a framework for undertaking activities and exercising due diligence. The *Office of Environment and Heritage* (OEH) has the responsibility for the protection of Aboriginal sites, objects, places and cultural heritage values in NSW that are managed through the provisions of the NPW Act which was amended through the *NPW Act Amendment Act 2010*. Key points of the amended Act are as follows:

- Part 6 of the NPW Act provides protection for Aboriginal objects and places by establishing offences of harm which is defined to mean destroying, defacing, damaging or moving an Aboriginal object. Aboriginal objects are defined by the NPW Act as ‘*any deposit, object or material evidence (not being a handicraft for sale) relating to Indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains*’.
- A declared Aboriginal Place this is of special significance to Aboriginal people and culture is a statutory concept (and may or may not contain Aboriginal objects as physical/tangible evidence) and protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure.
- It is an offence (under s.86) of the NPW Act to knowingly, or cause or permit harm to an Aboriginal object (or place) without prior written consent from the DG of the OEH. Defences against offence of harm under the NPW Act include that harm is carried out under the terms and conditions of an approved Aboriginal Heritage Impact Permit (AHIP) or that the proponent has exercised due diligence in respect to Aboriginal heritage. The ‘due diligence’ defence (s.87[2]), states that if due diligence has been exercised to ascertain that no Aboriginal object are likely to be harmed as a result of the activities proposed, then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed.

1.3.2 Local controls

The study area is located within the North-West Growth Centre's Riverstone East Precinct, and situated on the south-western boundary of Area 20 of BCC's Growth Centre Precincts. As described and illustrated in later sections of this report, although the property has no previous Aboriginal archaeological sites or objects recorded on it, the land parcel is located within the vicinity of previously reported sites and the BCC Growth Centre DCP 2010 (amended 2016) heritage requirements apply to the site.

Figure 1.3: Aboriginal cultural heritage sites mapped on Schedule 4, Area 20 Precinct (Cudgegong Road Station) (Figure 2.2, P.5)



BCC is the consent authority for all development in the Precinct unless otherwise authorised by the EP&A Act 1979. To this end, BCC require proponents to consider the effect of proposed developments on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place before granting development consent following the development controls below:

- 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.

1.4 Assessment method and objectives

This report has been prepared in accordance with the following heritage recording, assessment and reporting guidelines and standards that are endorsed by the OEH:

- Australia ICOMOS. 2002 (Revised). The Burra Charter. The Australia ICOMOS Charter for Places of Cultural Significance. Australia ICOMOS Inc.
- NSW Department of Environment, Climate Change & Water. (DECCW September 2010). Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. DECCW. Sydney.

The *Due Diligence Code of Practice* (DECCW 2010) is a step by step method that encourages a precautionary approach when carrying out activities that may harm Aboriginal objects by ‘*taking reasonable and practical measures to determine whether your actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm*’ (ibid:4). The steps in the due diligence processes which individuals and organisations need to take in order to identify whether or not Aboriginal objects are, or are likely to be, present in an area, to determine whether or not their activities are likely to harm Aboriginal objects (if present), and to determine whether an AHIP application is required are:

1. Step 1 - Determining if the activity will disturb the ground surface or any culturally modified trees
2. Step 2a - Database search of the Aboriginal Heritage Information Management System (AHIMS) and other known information sources to identify if there are previously recorded Aboriginal objects or places in a study area
3. Step 2b - Landscape assessment through identification of landscape features including, land within 200 metres of water, dune systems, ridge tops, headlands, land immediately above or below cliff faces and/or rock shelters/caves
4. Step 3 - Impact avoidance assessment
5. Step 4 - Desktop assessment and visual inspection to identify if Aboriginal objects present (and whether an AHIP is required)

Aboriginal consultation is not required for investigations under the Code (DECCW 2010:3). However, the Code does specify that if the initial assessment identifies that Aboriginal objects will or are likely to be harmed by a proposed activity (such as land redevelopment), then further investigation and impact assessment is required. Where an Aboriginal Heritage Impact Permit (AHIP) is sought from the OEH, it will require the completion of a full program of Aboriginal community consultation to prepare a comprehensive archaeological and cultural heritage assessment to support the AHIP. In general terms, following a due diligence assessment where an AHIP application is not required, an activity should proceed with caution. If Aboriginal objects are identified

during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

1.5 Aboriginal consultation

The *NSW Aboriginal Land Rights Act 1983* establishes the *NSW Aboriginal Land Council* and Local Aboriginal Land Council's and the Act requires these organisations to take action to protect Aboriginal culture and heritage in the Council's area and to promote awareness in the community of the culture and heritage of Aboriginal people in the Council's area [ALR Act 1983, s52 (1) (m)]. The study area at Rouse Hill falls within the *Deerubbin Local Aboriginal Land Council's* administration boundaries.

A field survey and recording of the 84 Tallawong Road property was completed by DSCA and DLALC Sites Officer Steve Randall on 19 July 2017. A draft copy of this report was provided to the DLALC for review and comment prior to finalisation. A cultural heritage statement that has been prepared for the study area by the DLALC is attached (**Appendix 1**).

1.6 Report Outline

This report presents the following:

- An introduction to the project (**Section 1.0**).
- An overview of the environmental setting of the study area (**Section 2.0**).
- A review of previous Aboriginal heritage studies undertaken in the local landscape (**Section 3.0**).
- A summary of the findings of a site inspection and recording of the property (**Section 4.0**).
- An assessment of the archaeological impact of the proposal (**Section 5.0**).
- Conclusions and Aboriginal archaeological management recommendations (**Section 6.0**).
- Sources and references cited in this report (**Section 7.0**).

2.0 Environmental setting

2.1 Landform, topography, soils and drainage

The study area comprises a section of gently inclined slope with an elevation ranging between 60m and 52m ASL, and is located within the South Creek sub-catchment of the Hawkesbury-Nepean River system. Principal watercourses situated nearby and distant to the property consist of First Ponds Creek that is located about 750m to the west of the site, Second Ponds Creek that is located over 1km to the east, and Eastern Creek that is located approximately 3km to the west of the study area.

The 1:100,000 Penrith Geological Series Sheet 9030 indicates that the site is underlain by Middle Triassic period Wianamatta Group Ashfield Shale. The lithology of this material is described as shale, carbonaceous claystone, claystone, laminating, fine to medium-grained lithic sandstone, rare coal and tuff.

The property is also located within the Blacktown Soil Landscape which is a residual landscape characterised by gently undulating rises where local relief is typically up to 30m with slopes less than 5% and broad rounded crests and ridges and gently inclined slopes. Soils are typically shallow but hard-setting duplex soils, comprising thin clay loam topsoil (A¹ horizon) usually <50cm deep, over heavy clays (B horizon). Bannerman and Hazelton 1990:28 report red and brown podzolic soils occur on crests and grade to yellow podzolic soils on lower slopes and in drainage lines. On crests and ridges, soil profiles will typically consist of up to 30cm of friable brownish black loam overlying 10-20cm of hard-setting brown clay and up to 90cm of brown mottled light clay.

The site has been fully cleared of its original native vegetation. Prior to European settlement, the country is likely to have supported open and/or dry sclerophyll forest. Remnant stands of bushland remain along the main creek corridors within the local landscape.

Figure 2.1: Study area in 1914 (left) and 1977 (right). The general layout of the farm buildings and planting/grazing lots has remained consistent over this time (Blacktown Maps Online 2017)



2.2 Archaeological implications

The precise age of the Blacktown soils group B horizon clays in any given landscape on the Cumberland Plain is unlikely to be precisely established but is generally considered to pre-date the known period of Aboriginal occupation of Australia whereby only the upper A horizon soil components of the profile have the potential to contain Aboriginal objects. These soils are also comparatively shallow and are often subject to extensive processes of soil deflation and erosion, particularly following vegetation clearance and land disturbance, which tends to expose rather than bury former land surfaces onto which Aboriginal objects may have been discarded by people in the past. It has been rightly pointed out (Extent December 2016:3) that this is a contributing factor to the large number of surface Aboriginal artefacts recorded on this soil type across the region mindful that is uncommon for these soil profiles to contain deep and stratified (or old) archaeological deposits.

The *Due Diligence Code* (DECCW 2010:11) notes that Aboriginal objects are often associated with particular landscape features as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. Certain landforms and landscape positions are known to have attracted repeated or long-term Aboriginal occupation (and likely to retain archaeological evidence of past Aboriginal visitation and use), and Code notes the five landscape features below which are likely to indicate the presence or increase the likelihood of Aboriginal objects:

- Within 200m of waters.
- Within a sand dune system.
- On a ridge top, ridge line or headland.
- Within 200m below or above a cliff face.
- Within 20m of or in a cave, rock shelter, or a cave mouth.

The Blacktown soil profiles of the study area have been long since cleared of their original vegetation and been disturbed across the western quarter of the property by building and extensively reworked elsewhere on the block by historical and modern ploughing, planting and cultivation and irrigation control. The simple slopes contained within the property are also situated comparatively distant from the main watercourses in the local landscape, noting that locations within 100m of these major creek lines have been found in places to be archaeologically sensitive in the Rouse Hill area.

3.0 Aboriginal Archaeological Context

3.1 Archaeology in the Cumberland Plain

The first predictive models developed to explain Aboriginal site location in the Cumberland Plain (Haglund 1986, Kohen 1986, Smith 1989 etc) have been progressively refined over time and a summary of ongoing archaeological research in the northern Cumberland Plain using data gathered from excavations in the Rouse Hill Development Area (RHDA) by White & McDonald (2010:32-34) highlights the influence stream order, landforms, distance from water, site aspect, geology, and past vegetation regimes are likely to have effected archaeological site location, complexity and composition:

'Stream Order: Water supply is often thought to be a significant factor influencing peoples' land-use strategies. Large and/or permanent water supplies may have supported large numbers of people and/or long periods of occupation while small and/or ephemeral water supplies may have been able to support only small numbers of people and/or transient occupation.

The stream order method identifies the smallest tributary stream as 1st order, two 1st order streams to join to form a 2nd order stream, two 2nd order streams join to form a 3rd order stream, two 3rd order streams join to form a 4th order stream and so on.

Landform: 'Creek Flats' are flood plains with flat to gently inclined surfaces, adjacent to streams. 'Terraces' are former flood plains but no longer [are] frequently flooded and occur at higher elevations than flats. 'Ridges' occur at the top of slopes, forming watersheds. 'Hillslopes' are roughly subdivided into lower, middle and upper to describe their relative position in valleys. Lower slopes comprise the lower third of slopes above valley floors, mid-slopes comprise the middle third of valley slopes between valley floors and ridge tops, and upper slopes comprise the upper third of slopes below ridge tops.

Distance From Water: Proximity to water was previously thought to be a primary determinant of site location on the Cumberland Plain. Distance from water is considered here in relation to stream order.

Previous studies on the Cumberland Plain indicated that 'sites' would be clustered within 50m of water.

Aspect: The orientation of open land surfaces may have influenced people's choices of artefact discard locations: north-facing slopes tend to be drier and provide shelter from colder southeast or southwest winds. Slopes facing northeast receive morning sun in winter and are sheltered from hot afternoon sun in summer.

Geology: Geology defines landforms and drainage, influences habitat formation and provides different resources such as sandstone suitable for grinding, and diversity of plant resources. Within the RHDA, the Wianamatta group of shales forms an undulating topography, and overlies Hawkesbury sandstone which is exposed on some lower slopes and along larger streams as platforms, low ledges, boulders and (rarely) rockshelters.

Distance to Silcrete Sources: Silcrete is the predominant artefact lithology in the RHDA, with silicified tuff predominant in only a few stratigraphically deeper [excavated] assemblages which are technologically similar to late Pleistocene or early Holocene assemblages from Parramatta. Numerous studies have shown the effects of increasing distance from stone sources on attributes of lithic assemblages, as people used various strategies to conserve available lithic supplies when distant from quarries – ‘distance-decay theory’. One conservation strategy could have been to discard fewer artefacts, therefore resulting in lower artefact densities with increasing distance from known lithic sources’.

Figure 3.1: Stream order – tributary hierarchy according to Strahler (1957)

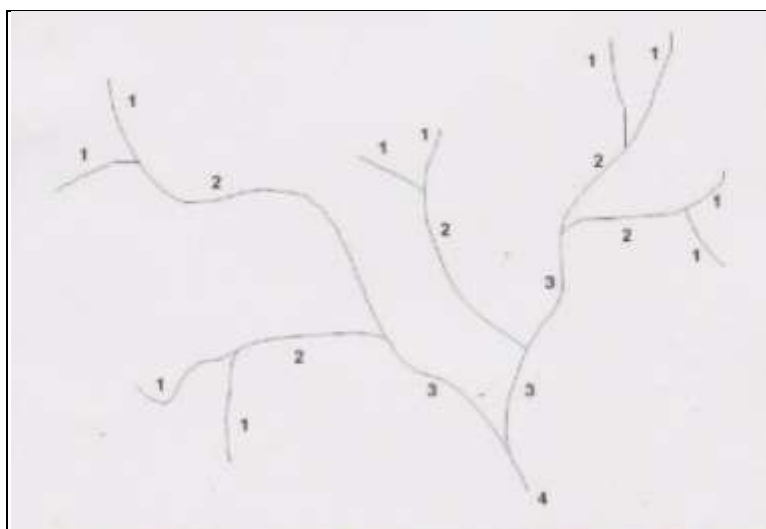


Figure 3.2: Stream order and expected archaeological evidence

Landscape unit	Evidence/activity
1st order stream	Archaeological evidence will be sparse and reflect little more than a background scatter
Middle reaches of 2nd Order Stream	Archaeological evidence will be sparse but include one-off camp locations, single episodes and knapping floor
Upper reaches of 2nd order stream	Archaeological evidence will have a relatively sparse distribution and density. These sites contain evidence of localised one-off behaviour
Lower reaches of 3rd order stream	Archaeological evidence for frequent occupation. This will include repeated occupation by small groups, knapping floors and evidence of concentrated activities
Major creek lines 4th order streams	Archaeological evidence for more permanent or repeated occupation. Sites will be complex and may be stratified with a high distribution and density
Creek junctions	This landscape may provide foci for site activity, the size of the confluence in terms of stream rankings could be expected to influence the size of the site, with the expectation of there being higher artefact distribution and density
Ridge top locations between drainage	Ridge Tops will usually contain limited archaeological evidence, although isolated knapping floors or other forms of one off occupation may be in evidence

The above research demonstrates stream order and landform are important factors influencing artefact density and distribution and this finding supports Smith’s (1989) general prediction that artefacts will occur in all landform units but would tend to have higher artefact densities in areas associated with larger streams than smaller watercourses. However, contrary to earlier occupation models, creek flats were found by the above research to have fairly low artefact densities, possibly because they were low-lying and poorly drained and/or because flooding may have removed artefacts. Factors influencing artefact density include:

- Stream order, with higher order streams tending to have higher artefact densities and more continuous distributions than lower order streams. Most 1st order landscapes have very low mean artefact densities, but the available data indicate that distance from water and aspect does not affect artefact distribution here. Most 2nd and higher order landscapes have higher artefact densities and more continuous artefact distributions suggesting a threshold between 1st order landscapes and those associated with more reliable streams.
- Landform, with higher densities occurring on terraces and lower slopes, and with sparse discontinuous scatters on upper slopes;
- aspect on lower slopes associated with larger streams, with higher artefact densities occurring on landscapes facing north and northeast; and
- Distance from water, with higher artefact densities occurring 51–100m from 4th order streams, and within 50m of 2nd order streams.

The authors concluded that the evidence suggests people preferred slightly elevated, well-drained locations in the lower parts of valleys where such locations would have received winter sun and shelter from southerly and south-westerly winds. With respect to what the extent archaeological landscape ‘types’ could be distinguished, it was suggested that landscapes associated with ephemeral water supplies could be distinguished from landscapes associated with more substantial and/or permanent water supply (higher order streams).

3.2 Local archaeological context

3.2.1 Previous studies

A review of previous archaeological reports has been undertaken to inform this due diligence assessment and has considered the studies below.

Riverstone East Priority Growth Area: Aboriginal Cultural Heritage Assessment (AHMS 2015)

AHMS undertook an Aboriginal archaeological and cultural heritage assessment of the Riverstone East precinct and surveyed lands situated largely to the north east of the Tallawong Road property.

Figure 3.3: Archaeological mapping of the Riverstone East landscape (AHMS 2015: Figure 32). In this map, areas not highlighted are considered to have low archaeological probability (AHMS December 2016:12)



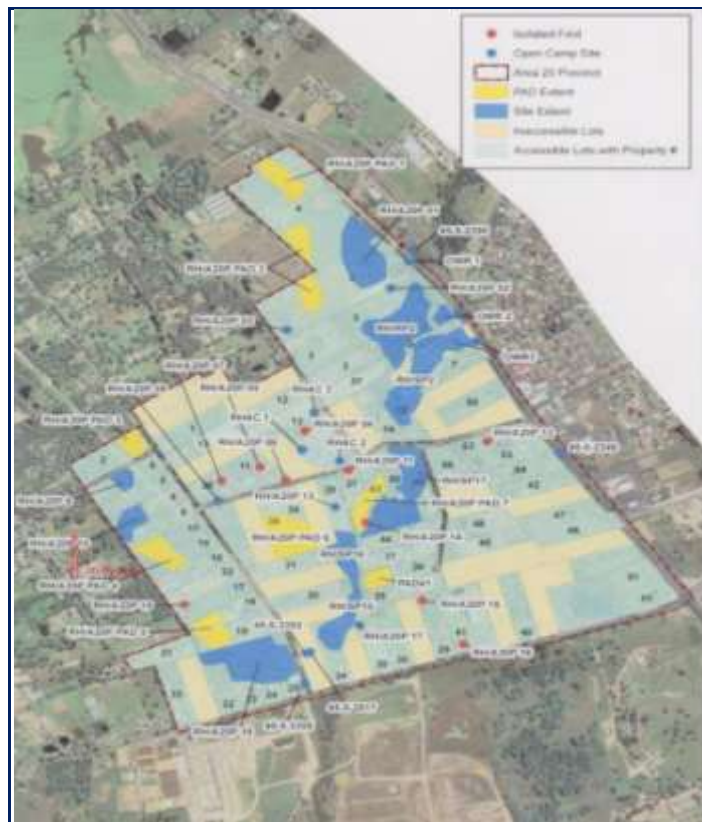
Approximately 109 hectares (22 properties) out of a total study area of 659 hectares were accessible during the site survey that recorded nine new sites including isolated Aboriginal objects and low density artefact scatters. The study ultimately identified a total of 26 Aboriginal object/sites, of which eight had been destroyed. Of the remaining sites, six were considered to have high local significance, two of moderate significance and the remaining eighteen to be of low significance. The results of the survey were consistent with other local studies which demonstrated more complex and significant sites occurred along First Ponds Creek.

Area 20 Precinct – North-West Growth Centre (KNC 2010)

This study comprised desktop research, field survey and significance assessment and identified 19 Aboriginal archaeological sites and eight PADs. The majority of the sites were located on slopes or flats in the vicinity of Second Ponds Creek, and sites were also located on ridge lines and slopes adjacent to ridge crests (in areas that had been subject to minimal or no ground disturbance in the historical period). Large and high-artefact density sites along Second Ponds Creek were assessed as being of high significance.

As described further below, during the survey for this study, two Aboriginal sites (AHIMS #45-5-3924 and 3925) were located along a ridge rest immediately to the east of the current study area (within 200m) and comprised an artefact scatter of three stone flakes at the former location and an isolated find at the latter that were assessed as having moderate significance.

Figure 3.4: Aboriginal heritage sites and areas of potential archaeological deposit in the Area 20 Precinct (KNC 2010: Figure 7)



Alex Avenue and Riverstone Growth Centre Precincts (ENSR AECOM 2008a, 2008b)

This study identified 37 Aboriginal archaeological sites; 25 within Riverstone and 12 within Alex Avenue. These sites included 18 isolated finds, five low density artefact scatters, and three natural silcrete occurrences. Sites that were assessed to be of high scientific significance occurred in two areas; surrounding RAA 23 and adjacent to First Ponds Creek and within a large clearing around First Ponds Creek near the corner of Clarke Street and Guntawong Road (referred to as the A7 Archaeological Complex). ENSR AECOM (2008b) also undertook an assessment for water-related infrastructure within these precincts which included sections of First Ponds Creek, Killarney Chain of Ponds and Eastern Creek. A total of 21 sites were identified (including seven isolated finds, five background scatters, three artefact scatters, four PADs and eight scarred trees).

3.2.2 Database searches and known information sources

The Aboriginal Heritage Information Management System (AHIMS) is a database that is operated by the OEH and regulated under section 90Q of the *National Parks and Wildlife Act 1974* (NPW Act as amended). AHIMS contains information about registered Aboriginal archaeological sites (Aboriginal site/objects as defined under the NPW Act) and declared Aboriginal places (as defined under the NPW Act) in NSW.

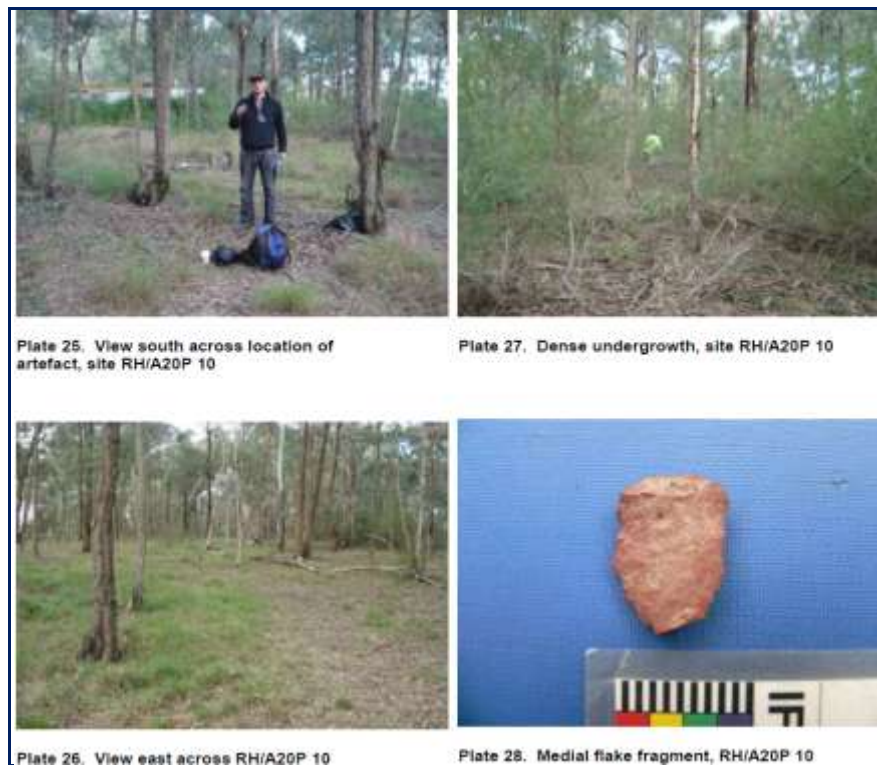
Searches of AHIMS (by Lot and DP) to identify whether any registered (known) Aboriginal sites or declared Aboriginal places occur within or adjacent to the current study area at 84 Tallawong Road, indicates that no Aboriginal sites or objects have been recorded on the property itself. However, two sites have been previously recorded within 200m and are located on properties situated to the east and comprise AHIMS #45-5-3924 (RH/A20P 09) and AHIMS #45-5-3925 (RH/A20P 10).

Figure 3.3: Site context and artefacts at AHIMS #45-5-3924 (RH/A20P 09) (KNC 2010:32)



Site RH/A20P 09 consisted of a three artefacts on a gently sloping ridge crest landform and on a (disturbed) exposure measuring approximately 20m x 30m. Exposure background material included shale/laterites, leaf litter and reddish brown clayey soil. Immediately south of the exposure on the ridge crest was a more densely grassed area that appeared to be relatively intact and was included as part of site RH/A20P 09. The site measured approximately 80m x 85m. The three artefacts consisted of a pinkish red silcrete heat shatter fragment, a red silcrete proximal flake fragment and a purplish red silcrete flake (KNC 2010:31).

Figure 3.4: Site context and artefacts at AHIMS #45-5-3925 (RH/A20P 10) (KNC 2010:34)



Site RH/A20P 10 was located on gently sloping ridge crest and upper slope landforms within two properties fronting onto Cudgegong Road. Surface visibility was very low across the site due to grass cover, understorey, and abundant leaf litter. The eastern half of the site covered the ridge crest landform, whilst the western half of the site covered the upper slope landform that sloped gently down to the west towards First Ponds Creek. The site appeared to be relatively undisturbed and measured approximately 140m north-south and 100m east-west, and a single artefact was identified towards the centre of the site on the ridge crest on a very small exposure and consisted of a purplish pink silcrete medial flake fragment (KNC 2010:32).

3.3.3 An Aboriginal land use model

Aspects of models for Aboriginal site distribution on the (northern) Cumberland Plain applicable to the current study include:

- In the headwaters of upper tributaries (i.e. first order creeks) archaeological evidence will be sparse and represent little more than a background scatter;
- Ridge top locations between drainage lines will usually contain limited archaeological evidence although isolated knapping floors or other forms of one-off occupation may be in evidence in such a location (McDonald 2000: 19).

Sites in landscapes with more permanent water have been found with evidence for repeated/multi-purpose use. Sites with more ephemeral water supply, in contrast, are typically found to be sparser and contain evidence suggestive of more localised, 'one-off', behaviour/activity. In addition, spatial patterning in flaked stone artefact distributions can, in certain circumstances, be evaluated within a three-tiered model of 'Activity Overprint Zones' incorporating 'Complex', 'Dispersed', and 'Sparse' Zones whereby:

- Complex zones will most likely exhibit overlapping knapping floors and high density concentrations of artefacts indicative of repeated, long-term occupation events.
- Dispersed zones may include knapping floors. However, these are typically spatially discrete due to less frequent occupation.
- Sparse zones will most likely exhibit consistently low frequencies/densities of artefacts. Artefact discard in these zones is likely to have resulted from discard in the context of use or loss rather than manufacture.
- Flaked stone artefact production and maintenance will generally leave a more obtrusive archaeological 'signature' than resource extraction (e.g. food collection and processing). These activities will also most likely occur closer to the residential core while resource extraction will typically occur away from it.

It can be predicted that the site may contain the following types of Aboriginal archaeological evidence:

- *Open camp sites* occur on dry and elevated hill and ridge top topographies in between drainage. However, repeatedly occupied sites are more likely to be located on elevated ground situated at principal creek confluences. Flat terrain and toe slopes close to drainage are also reported as sensitive. Surface scatters of stone artefacts may be the result of mobile hunting activities, while single or low density occurrences might relate to tool loss, tool maintenance activities or abandonment. These types of sites are often buried in alluvial or colluvial deposits and only become visible when subsurface sediments are exposed by erosion or disturbance.
- *Isolated artefacts* occur without any associated evidence for prehistoric activity and can occur anywhere in the landscape and may represent the random loss, deliberate discard or abandonment of artefacts, or the remains of dispersed artefact scatters. Manuports are items consisting of raw materials of stone that do not naturally occur within the soil profiles of a given region. Transported onto a site by Aboriginal people from sources elsewhere, these items will have subsequently been discarded before use as flaked or ground stone tools.

4.0 Site inspection

4.1 Site survey and recording methods

The site inspection reported here was undertaken according to accepted field recording methods and included recording landforms, topography and terrain, existing vegetation, the nature of ground exposures and archaeological visibility, and the extent of visible disturbance.

4.2 Results

No Aboriginal sites, objects or areas of potential Aboriginal archaeological sensitivity were identified during the site inspection reported on here. Ground cover in the form of mown and ankle high pasture grass and hard surfaces is extensive across the property and has restricted archaeological visibility. This former ground cover mainly occurs as grass and some agricultural weeds that have grown over former and now disused gardening and orchard planting and cultivation rows, or in the form of building platforms on garden landscaped surfaces. Few natural ground surfaces are thereby currently exposed, and in this regard, archaeological effective surface survey coverage has been limited.

However, aerial imagery and field verification shows that the land on the property has been used continuously for orcharding and gardening purposes for many decades, and the extent of this cultivation over the majority of the block and depth of disturbance from rotary hoeing is likely to have resulted in very few areas of intact topsoil surviving on the block.

The property appears to retain minimal archaeological potential. The probability that undetected Aboriginal objects are present within the property is assessed to be limited. The land is disturbed as a result of building, site-wide crop cultivation and rotation and drainage control, and appears to retain few or no intact subsurface soil profiles that may contain archaeology.

There are no expectations that the largely unremarkable sloping terrain on the block would have attracted *intensive* or *repeated* use by people in the past. It is more likely that the local landscape may have been visited sporadically by people over time as they moved to and from more attractive places in the local landscape that may have offered more varied and predictable resources. The site is quite distant from the main watercourses in the area (between 700m and over 1km) and its unlikely significant Aboriginal sites would be located within the study area because it is situated >200m away from these major watercourses. It is also possible the eastern ridgeline where Aboriginal objects have been previously been reported (KNC 2010) for travel.

4.3 Due diligence

Step 1. Will the activity disturb the ground surface?

The future subdivision and residential redevelopment of the land will require demolition of the existing buildings and farm features on the block and bulk earthworks and building over the majority of the property for future building.

Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware

Searches of AHIMS (by Lot and DP) to identify whether any Aboriginal sites or objects occur within or adjacent to the property indicate that none have been recorded on the property itself. However, two sites have been previously recorded within 200m (AHIMS #45-5-3924 & #45-5-3925) and are located on private properties to the east of the study area. The original site descriptions and dimensions recorded for both of these find localities do not suggest these archaeological sites continue onto the Tallawong Road property.

Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects

There are no specific landscape features contained within the study area that indicate (or increase the likelihood for) the presence of Aboriginal objects. The property comprises unremarkable gently sloping and partly low lying terrain that has historically been extensively market gardenised.

Step 3. Can you avoid harm to the object or disturbance of the landscape feature?

No identified Aboriginal objects will be impacted by the proposal.

Step 4: Desktop assessment and visual inspection

The Tallawong Road property contains land that is unremarkable on archaeological grounds in terms of the landforms it contains and retains minimal potential to have intact subsurface archaeological profiles as a result of past market gardening and other agricultural land improvements including building and excavations for water retention dams and irrigation channels for drainage control.

Step 5. Further investigations and impact assessment

It is assessed that there is a low risk of Aboriginal objects being present within the study area and no further heritage assessment of the properties reported here appears to be warranted.

Figure 4.1: The front of the block (looking east from Tallawong Road) is occupied by a brick and tile residential house, presentation garden and driveway, established orchard rows, and outbuildings to the rear. It is unlikely that intact subsurface soil profiles survive here



Figure 4.2: These planted rows have been maintained since the 1960s



Figure 4.3: Looking west back towards the outbuildings to the rear of the house fronting Tallawong Road. The grassed paddock in the foreground was used until comparatively recent times for vegetable growing



Figure 4.4: The ground levels along the southern property boundary (left foreground) appear 'natural' with shallow top soil exposed over clay and ironstone and laterite when compared with the ground surface and level to the right of this image that has been extensively shaped and reworked for market gardening



Figure 4.5: Although extensively grassed, these visibility conditions allow for the detection of Aboriginal objects



Figure 4.6: Looking north towards the large excavated water retention dam on the property. Aerial imagery shows this features has been enlarged and contoured a number of times over the years. Now grassed-over planting rows (linear mounding and furrowing) are in the centre of this image and more extensive excavation for drainage is marked by grassed up-cast spoil to the centre left



Figure 4.7: Former planted and ploughed agricultural lines dam looking north



Figure 4.8: Looking east over former market garden rows (and grazing paddocks) that comprise gently sloping and undulating terrain



5.0 Aboriginal archaeological impact assessment

5.1 Issues for consideration

The background archaeological research, site inspection, and assessment of the study area indicate that:

- No Aboriginal sites, objects or isolated finds have been identified on the property.
- There are no specific expectations that the property would have attracted intensive or repeated use by people in the past that would have created substantial archaeological deposits. It is more likely that the land may have been visited sporadically by people over time as they used the eastern ridgeline for travel and moved to and from more attractive places in the landscape with a wider range and predictability of resources.
- The site is extensively disturbed from building and agricultural activity, and no specific areas of potential Aboriginal archaeological sensitivity relative to the current subdivision and redevelopment proposal have been identified in the course of preparing this report.

5.2 Evaluation

On the basis of the above considerations, it is concluded that the 84 Tallawong Road redevelopment proposal is not going to have an adverse impact upon the Aboriginal archaeological values of the place and that no Aboriginal archaeological constraints are apparent for the proposal proceeding as planned subject to the implementation of the management recommendations provided below.

6.0 Conclusions and management recommendations

6.1 Basis for recommendations

The 84 Tallawong Road study area contains no documented Aboriginal sites or objects, or any specific areas of potential Aboriginal archaeological sensitivity as evaluated in this report. As a result, it is assessed that the proposal is unlikely to have an adverse impact upon the Aboriginal archaeological values of the place. It is therefore concluded there are no Aboriginal archaeological constraints for the proposal proceeding as planned subject to the recognition of the following considerations:

- Recognition of the legal requirements and automatic statutory protection provided to Aboriginal ‘objects’ and ‘places’ under the terms of the *National Parks and Wildlife Act of 1974* (as amended), and the views and recommendations provided by the DLALC.

6.2 Recommendations

- I Based on the conclusion that the proposed subdivision will not impact upon any *identified* Aboriginal archaeological sites or objects, and that the *potential* for undetected Aboriginal objects to occur within the property is assessed to be *low*, it is recommended that there are no *obvious* Aboriginal archaeological constraints to the proposal proceeding as intended and that no further Aboriginal archaeological heritage input is warranted.
- II In the (largely) unexpected circumstance that any Aboriginal objects are unearthed as a result of residential housing construction works in the future, it is recommended that activities should temporarily cease within the immediate vicinity of the find locality, be relocated to other areas of the subject site (allowing for a curtilage of at least 50m), and the OEH be contacted to advise on the appropriate course of action to allow the DLALC to record and collect the identified item(s).

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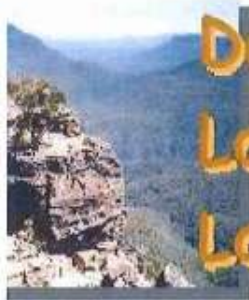
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Appendix 1

DLALC cultural heritage statement



Deerubbin Local Aboriginal Land Council

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Benefit Group

Our Ref: 2849

3.03/5 Celebration Drive (Norwest)

BELLA VISTA NSW 2153

31 July 2017

PROTECTION OF ABORIGINAL CULTURAL HERITAGE

Proposed subdivision Development

Lot 63 in DP 30186, 84 Tallawong Road,

Rouse Hill

Attention: Tarun Chadha, Principle Architect

A representative of Deerubbin Local Aboriginal Land Council accompanied consulting archaeologist Dominic Steele to inspect the abovementioned Location of 84 Tallawong Road, Rouse Hill on Wednesday, 19 July 2017. An Aboriginal cultural heritage assessment was undertaken to evaluate the likely impact the proposed subdivision development has on the cultural heritage of the land.

No Aboriginal cultural material (in the form of stone artefacts, for example) were found during the walkover of the property.

Deerubbin Local Aboriginal Land Council therefore, has no objection to the proposed development of 84 Tallawong Road, Rouse Hill.

Yours Faithfully,

Steven Randall

(Aboriginal Cultural Heritage Officer)

c.c. Miranda Firman – Office of Environment & Heritage

c.c. Dominic Steele – Dominic Steele Consulting Archaeology

Appendix 2

AHIMS site searches



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Tallawong Road

Client Service ID : 283865

Dominic Steele Archaeological Consulting

Date: 31 May 2017

21 Macgregor Street
CROYDON New South Wales 2132

Attention: Dominic Steele

Email: dsca@bigpond.net.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 63, DP:DP30186 with a Buffer of 50 meters, conducted by Dominic Steele on 31 May 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 84 tallawong

Client Service ID : 292390

Dominic Steele Archaeological Consulting

Date: 22 July 2017

21 Macgregor Street
CROYDON New South Wales 2132

Attention: Dominic Steele

Email: dsca@bigpond.net.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 63, DP:DP30186 with a Buffer of 200 meters, conducted by Dominic Steele on 22 July 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

2	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

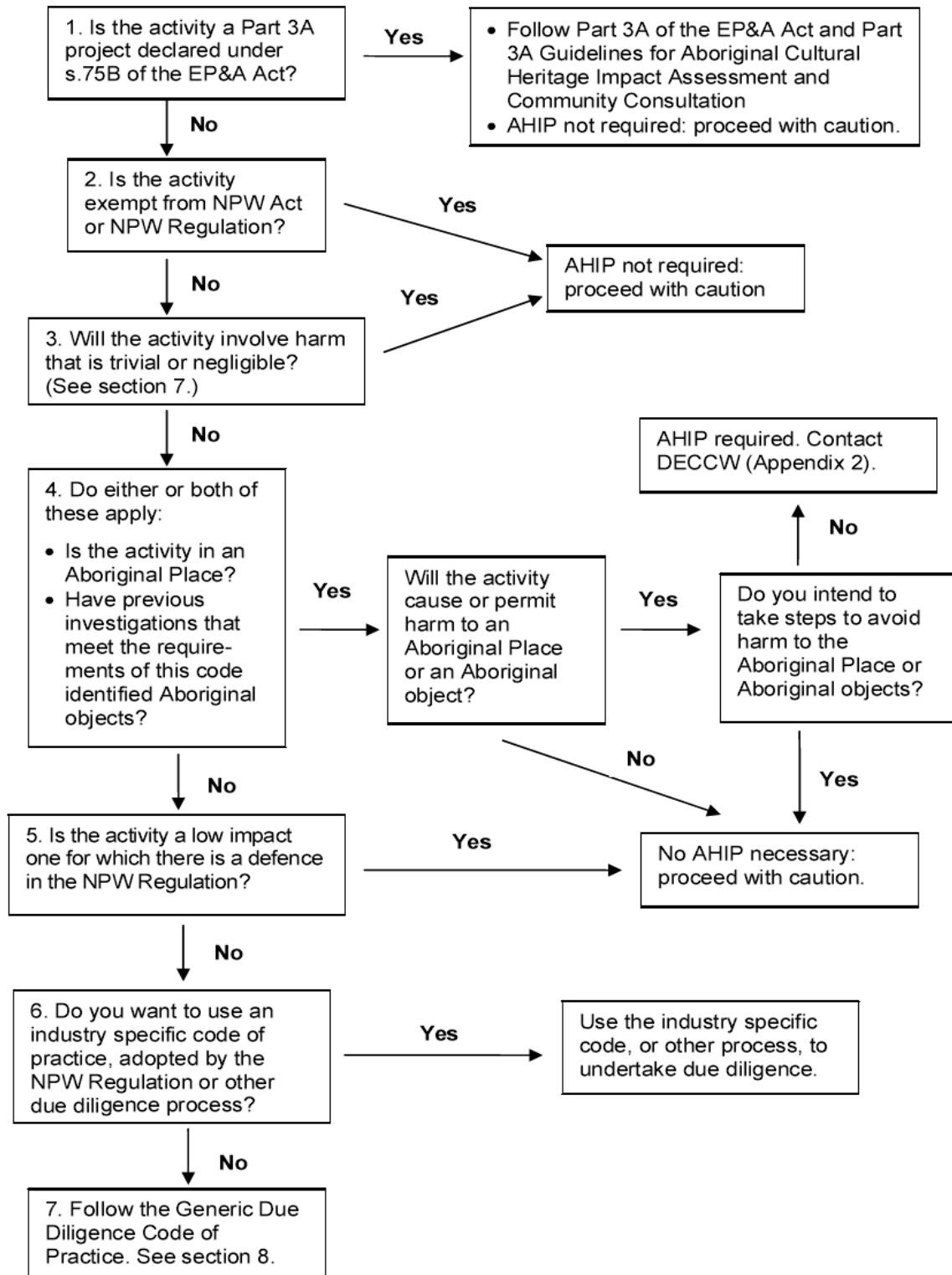
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Appendix 3

OEH due diligence - Protection of Aboriginal objects in NSW – NPWS Act 1974

1 Do you need to use this due diligence code?



8 The generic due diligence process

