Aboriginal Archaeological Due Diligence Assessment

Proposed Residential Rezoning

Ralston Avenue, Belrose, New South Wales

Report to

Matthews Civil Pty Ltd

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1.0 Introduction

1.1 Background

This *Aboriginal Archaeological Due Diligence Assessment* (AADDA) has been prepared for *Matthews Civil Pty Ltd* to inform a Rezoning Proposal currently being finalised for submission to *Warringah Council* (Council) for an approximately 18 hectare parcel of land located off Ralston Avenue at Belrose, New South Wales. The objectives of this study have been to identify any potential Aboriginal archaeological heritage constraints that may exist for the proposal, and to guide how the future rezoning of the land can be achieved in a way that will avoid adversely impacting upon the Aboriginal archaeological heritage values of the place.

The general location of the study area at Belrose is illustrated in **Figure 1.1**. Comprising Lot 1 in DP 1139826, the layout and existing condition of the land is shown in the recent aerial photograph presented here as **Figure 1.2**.

1.2 The Rezoning Proposal

The proposal is to subdivide the land into approximately 169 residential allotments ranging in size from 550 sqm to >1,000 sqm. A subdivision plan that has been developed for the rezoning proposal is presented here as **Figure 1.3**.

1.3 Planning Context and Heritage Controls

The *Warringah Local Environmental Plan 2000,* as amended (WLEP) and *Development Control Plan* (DCP 2012) provides the overarching framework for Council's development controls for all land to which the WLEP applies. These documents include provisions for the protection and conservation of Aboriginal objects, sites and places of heritage significance (including archaeological sites) within development planning.

In particular, they outline that before consent is granted for development that may affect a heritage item (including Aboriginal sites and objects), or may be carried out within the vicinity of a heritage item, the extent to which development may affect its heritage significance is to be assessed and the measures proposed to conserve the heritage significance of the item (or whether any known or potential archaeological site would be adversely affected) needs to be adequately addressed.

In addition, the WLEP and DCP also identify that on receipt of an application for consent to development that is likely to have an impact on an Aboriginal site or place of Aboriginal cultural

significance, the consent authority must notify the MLALC and take into consideration any comments provided by this organisation in response to the proposal.

1.4 Statutory Heritage Contexts and Controls

1.4.1 Introduction

Two principal pieces of legislation provide automatic statutory protection for Aboriginal heritage and the requirements for its management in New South Wales: These are:

- The *National Parks and Wildlife Act 1974* (NPW Act); and
- The *Environmental Planning and Assessment Act 1979*.

1.4.2 National Parks and Wildlife Act 1974

The **NSW Office of Environment and Heritage** (**OEH**) is the principal government agency with responsibility for the protection and management of Aboriginal archaeological sites and Aboriginal cultural heritage values. The **OEH** forms part of the ***NSW Department of Premier and Cabinet***.

The NPW Act was amended through the *National Parks and Wildlife Amendment Act 2010*. The majority of the Aboriginal heritage management objectives and protection provisions of the NPW Act remain largely the same as they were originally established in 1974. However, a number of the amendments and administration functions of the NPW Act that have implications for the current project are summarised below:

- The Director-General (**DG**) of the **OEH** is responsible for the protection and conservation of Aboriginal objects and declared Aboriginal places in NSW.
- Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm.
- Harm is defined under the Act to mean destroying, defacing, damaging or moving an Aboriginal object from the land.
- Under Section 86 of the NPW Act, it is an offence to knowingly, or cause or permit harm to an Aboriginal object (or Aboriginal place) without prior written consent from the DG of the **OEH**.
- There are a number of defences and exemptions to the offence of harm under the NPW Act. One of these is that harm is carried out under the terms and conditions of an approved Aboriginal Heritage Impact Permit (**AHIP**).
- Section 87 of the NPW Act also provides for defences to harm done to an Aboriginal object if *due diligence* has determined that no Aboriginal object would be harmed, compliance with

regulations or an approved *code of practice* was followed, and if it is shown as a *low impact act* and/or an (unintended) omission.

- The NPW Act establishes the **DG** of the **OEH** as the decision-maker for **AHIP** applications.
- The OEH requires effective consultation with Aboriginal people as a fundamental component of the **AHIP** assessment process.
- AHIPs are issued under Section 87 and Section 90 of the NPW Act. Recent amendments to the administration of the NPW Act allow for the issuance of approvals that combine Sections 87 and 90 submissions in certain circumstances to streamline and make more effective the implementation of the NPW Act.
- Section 5 of the NPW Act defines an Aboriginal object 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 is a statutory concept, meaning that it is any place (land, landscape element, or building etc) that is declared to be an Aboriginal place (under Section 84 of the Act) by the Minister administering the NPW Act because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture.
- A declared Aboriginal Place may or may not contain Aboriginal objects.
- The protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure.
- Section 89A of the NPW Act requires that the **DG** be notified of the location of any newly identified Aboriginal site or object which is then registered with the **OEH** *Aboriginal Heritage Information Management Service* (**AHIMS**) database.

In summary, the NPW Act:

- Is the primary legislation for the protection of Aboriginal cultural heritage in NSW and gives the **DG** the responsibility for the appropriate care, preservation and protection of Aboriginal objects and places.
- Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them. An **AHIP** is required if impacts to Aboriginal objects and/or places cannot be avoided. An **AHIP** is a defence to a prosecution for harming Aboriginal objects and places if the harm was authorised by the **AHIP** and the conditions of that **AHIP** were not contravened.

- The Act includes a 'strict liability' offence for harm to Aboriginal objects and places. Defences from prosecution include a low impact activity or demonstration of due diligence conducted in accordance with the **OEH Due Diligence Code of Practice**.
- However, if an Aboriginal object is encountered in the course of an activity (where an **AHIP** has not been approved) work must cease and an application must be made to the **DG** for an **AHIP**. An **AHIP** application must be accompanied by an assessment that is completed in accordance with the **OEH Code of Practice.**
- Consultation with Aboriginal communities is required under Part 8A of the NPW Regulation 2009 and is to be conducted in accordance with the **OEH Aboriginal Heritage Consultation Requirements for Proponents 2010** where **AHIPs** are sought.

1.4.3 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (**EPA Act**) establishes the statutory planning framework for environmental and land use planning in NSW through *State Environmental Planning Policies* (**SEPPs**), *Regional Environmental Plans* (**REPs**) and *Local Environmental Plans* (**LEPs**).

The EPA Act also establishes the framework for Aboriginal heritage values to be formally assessed in landuse planning and development consent processes. The Act has three main parts of relevance to Aboriginal cultural heritage. These are:

- Part 3 that governs the preparation of planning instruments (**SEPPs, REPs** and **LEPs**).
- Part 4 which relates to the development assessment process for local government (consent) authorities; and
- Part 5 which relates to activity approvals by governing (determining) authorities.

The **OEH** is an approval body under Part 5 of the **EPA Act** and may in many circumstances require formal consideration of a variety of cultural and community factors that may include potential impacts to significant Aboriginal anthropological, archaeological, and cultural and historical values to have been adequately addressed as part of their assessment process.

1.5 Aboriginal Heritage Assessment Methodology

1.5.1 Reporting Standards and Guidelines

This AADDA 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.[1]
- NSW Department of Environment, Climate Change & Water. (DECCW) 2010a (September). Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales. DECCW. Sydney.
- NSW Department of Environment, Climate Change & Water. (DECCW) 2010b (September). Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. DECCW. Sydney.[2]
- NSW Heritage Office. 1996. NSW Heritage Manual. NSW Heritage Office and the Department of Urban Affairs and Planning. Sydney (revised 2002).
- NSW Heritage Office. 2005. Historical Archaeology Code of Practice. NSW Department of Planning. Sydney.

1.5.2 Aboriginal Liaison

- To initiate consultation with the *Metropolitan Local Aboriginal Land Council* (MLALC) with regards to rezoning proposal.
- To incorporate the views, possible concerns, and management recommendations provided by the MLALC into the current study.

1.5.3 Background Research and Assessment

- To undertake background research into the location and nature of any previously recorded Aboriginal archaeological sites (and/or areas of potential Aboriginal cultural heritage sensitivity) known to be present either within the boundaries of the subject land or in immediately adjacent areas. This has included a search of the OEH AHIMS Sites Register for the project.
- To provide on the basis of the above Aboriginal archaeological and cultural heritage document review, a predictive model that outlines the potential Aboriginal archaeological sensitivity of the land relative to the rezoning proposal.

[1] The Burra Charter establishes nationally accepted principles for the conservation of places of cultural significance.
[2] A flow chart explaining how to follow the OEH due diligence process is appended to this report (**Appendix 1**). The principles and objectives of this best-practice assessment and action approach underpin the Aboriginal heritage component of this report.

1.5.4 Site Inspection and Evaluation

- To outline the rationale and methods that have been employed to support the recently completed October 2012 site inspection and recording of the study area.
- To provide a summary of the observations recorded during the site inspection, and an evaluation of the results of the fieldwork.

1.5.5 Analysis, Evaluation and Report

- To prepare an AADDA that includes an evaluation of the results of the site inspection, and a discussion of the Aboriginal archaeological and cultural heritage management conclusions that have been developed for the rezoning proposal.
- To provide appropriate Aboriginal cultural heritage management options and recommendations that establishes a framework for the ongoing protection of any documented and/or potential Aboriginal archaeological sites (or areas of potential cultural heritage sensitivity) to guide the proposal.

1.6 Report Outline

This AADDA presents the following:

- An introduction to the project (**Section 1.0**).
- A review of the environmental context of the study area including geology, topography, hydrology, vegetation and soils. This section also includes a summary landuse history of the site and its surrounds to place in context how landscape conditions can assist in the development of archaeological/cultural heritage sensitivity predictive statements as a management tool in rezoning and development planning (**Section 2.0**).
- A review of the results of previous Aboriginal heritage studies undertaken in the local Belrose landscape, and a predictive model of the likely Aboriginal archaeological evidence that may be present/survive within the boundaries of the subject site (**Section 3.0**).
- A summary of the observations recorded during the recently completed October 2012 site inspection (**Section 4.0**).
- The conclusions that have been developed for the project that are based upon the results of the above background research, and the results of the site inspection and evaluation. This is

presented in the form of an *Aboriginal Heritage Impact Statement* relative to the Ralston Avenue residential rezoning proposal (**Section 5.0**).

- The provision of Aboriginal cultural heritage management recommendations and strategies relative to the rezoning proposal (**Section 6.0**).
- Sources and references cited in this report (**Section 7.0**).

Figure 1.1: General Location of the Study Area at Belrose (Source: Google Maps 2010).

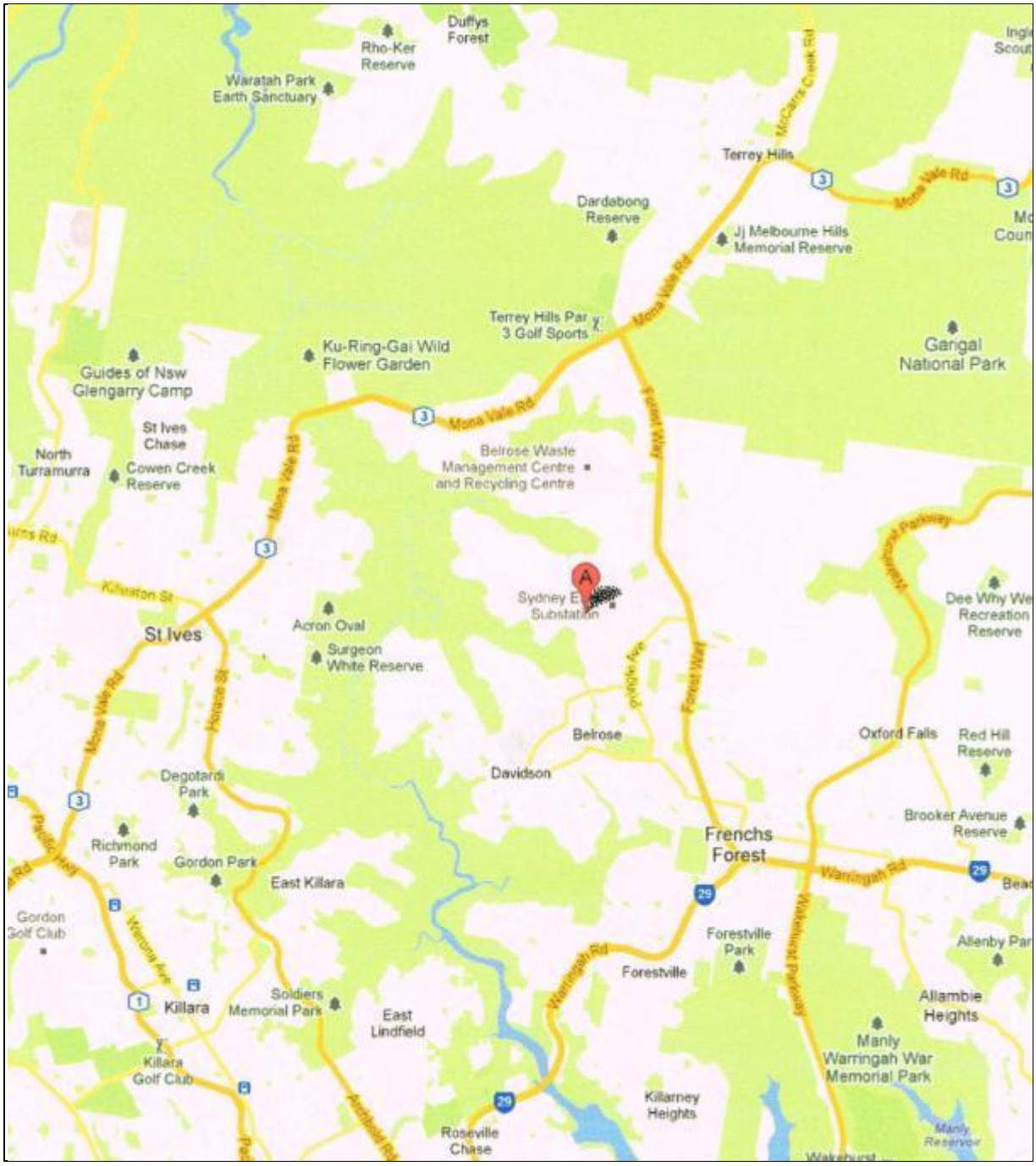
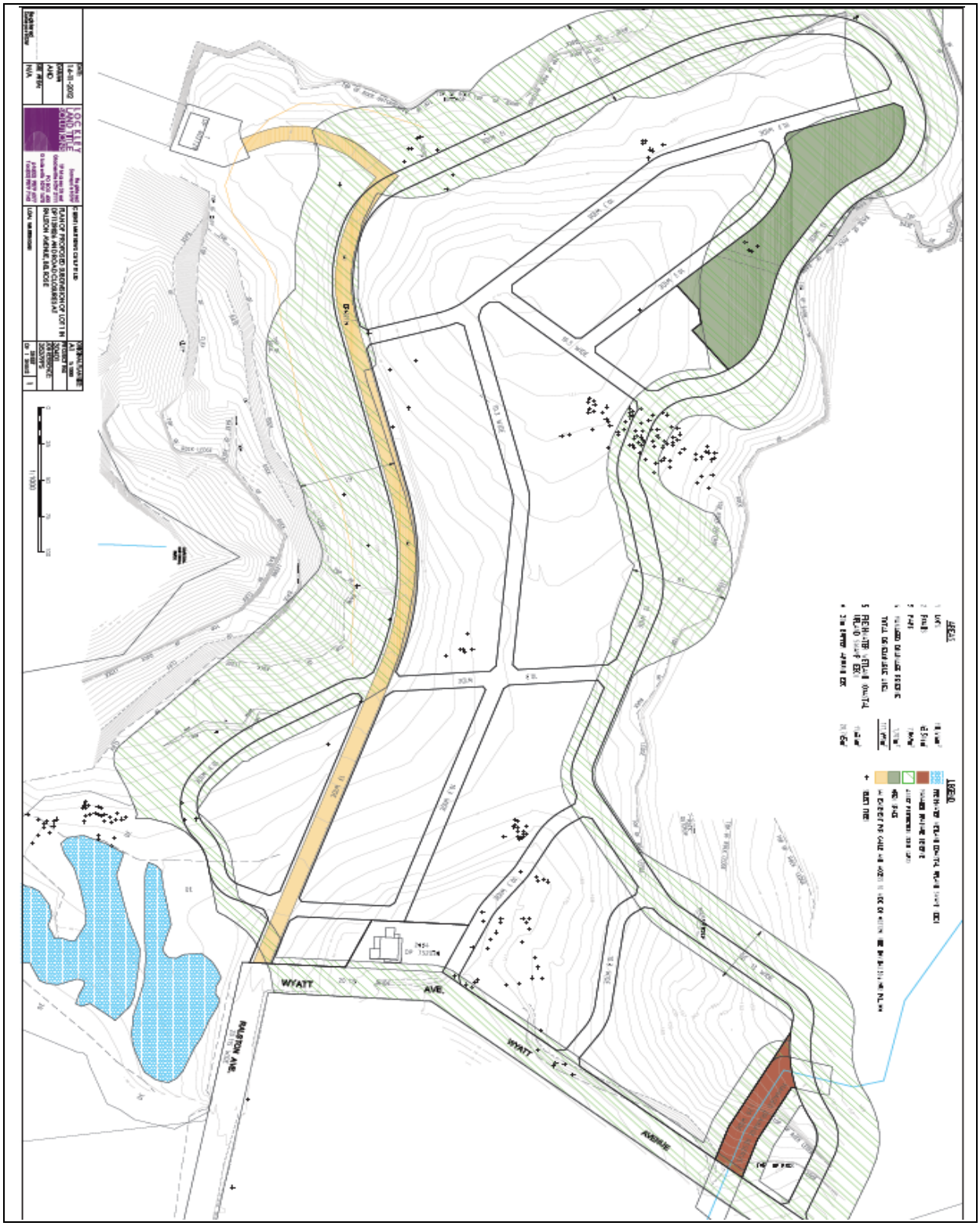

Duffys Forest
Rho-Ker Reserve
Waratah Park Earth Sanctuary
Terrey Hills
Dardabong Reserve
Jj Melbourne Hills Memorial Reserve
Terrey Hills Par 3 Golf Sports
Ku-Ring-Gai Wild Flower Garden
Guides of Nsw Glengarry Camp
Ganigal National Park
St Ives Chase
North Turramurra
Cowen Creek Reserve
Belrose Waste Management Centre and Recycling Centre
Mona Vale Rd
Forest Way
Sydney E Substation
Acron Oval
St Ives
Surgeon White Reserve
Dee Why We Recreation Reserve
Belrose
Davidson
Oxford Falls
Red Hill Reserve
Degotardi Park
Brooker Avenue Reserve
Richmond Park
Gordon Park
East Killara
Frenchs Forest
Warringah Rd
Gordon Golf Club
Forestville Park
Forestville
Allenby Par
Killara
Soldiers Memorial Park
East Lindfield
Allambie Heights
Manly Warringah War Memorial Park
Killara Golf Club
Killarney Heights
Roseville Chase
Manly Reservoir

Figure 1.2: Existing Condition of the Study Area at Belrose - Comprising Lot 1 in DP 1139826 (Source: Department of Land and Property Information).

Figure 1.3: Proposed Rezoning & Subdivision of Lot 1 in DP 1139826 at Ralston Avenue, Belrose.



2.0 Environmental Context

2.1 The Environment and Aboriginal Archaeological Patterning

The environment influenced both the availability of resources to Aboriginal people in the past, and strongly determines what types of archaeological sites are likely to be located (and/or will survive) when land is inspected to assess potential Aboriginal archaeological sensitivity in contemporary subdivision and development circumstances. Namely:

- The distribution and availability of resources (such as drinking water, plant and animal foods, stone materials used for artefact manufacture, and wood and vegetable fibres used for other tool production and maintenance needs) were influenced by the nature of soils, the composition of vegetation cover, and other climactic characteristics including temperature and rainfall.
- The location of different types of archaeological sites (such as open campsites, scarred trees, axe grinding grooves and rock engravings etc) are also influenced by these factors, along with a range of other features which are specific to different land-systems and bedrock geologies.
- The nature and extent to which land has been subject to impacts as a consequence of historic landuse practices will define what types of Aboriginal archaeological evidence is likely to survive.

Assessing the environmental context of a study area is therefore an important procedure in understanding past Aboriginal land use practices and/or predicting Aboriginal archaeological site distribution patterns, in particular, in the absence of documentary records that can be used as a reference and guide. The information presented below is considered to be relevant to the assessment of the potential Aboriginal archaeological sensitivity of the land at Ralston Avenue.

2.2 Site Context, Topography, Geology, Soils, Hydrology & Vegetation

The proposed subdivision area (see **Figure** 1.3) consists of a relatively flat plateau landform that extends out to the west from existing residential areas to the east. The site perimeters to the north, west and south comprise gentle to steep sloping sandstone escarpments that constitute the main APZ's for the land. The majority of the study area is native bushland, and is crossed in places by a pattern of informal vehicle, bike and horse tracks.

Travers Bushfire & Ecology Pty Ltd (2012) have prepared an ecological survey of the land that identifies the potential presence (or absence) of threatened flora and fauna species, endangered

ecological communities, and significant habitat that may be affected by the proposal. The following description of the vegetation across the study area is adapted from that study.

Seven vegetation structures have been identified on the land, which conform to five distinct communities. These comprise:

- Coastal Sandstone Heath and comprising - Low Heath and Tall Heath variations.
- Sydney Sandstone Ridgetop Woodland and comprising - Low Open Forest and Open Forest variations.
- Disturbed areas - Cleared, Managed, Landscaped or Weed Plume.
- Upland Coastal Swamp (formally Sandstone hanging Swamp).
- Sandstone Gully Forest.

A total of two hundred and ninety nine (299) flora species were observed within the study area during the survey. This number comprised 226 native species and 73 exotic species. It should be noted that the majority of exotic species were only recorded adjacent to the Ralston Avenue entrance into the subdivision area, around the existing residence or adjacent to prominent tracks. The remainder of the subdivision area contained very few weeds. During the investigations, two (2) threatened flora species were sighted, *Tetratheca glandulosa* and *Grevillea caleyi.*

Low heath vegetation occurs near to the centre of the site to the north of Ralston Avenue and consists of Fabaceae plants generally to a height of between 1-3m. There is a dominance of shrub species and herbaceous groundcovers that are generally dense. The species diversity within this community is generally lower than the Forest communities.

Tall heath communities occur to the south and along the northern edge of Ralston Avenue, and within the northwest portion of the study area. This vegetation has a dominance of *Allocasuarina distyla* with several other heath species. The average height of vegetation within this community is 2.S-Sm.

Low Open Forest occurs around the fringes on higher degrees of sloping land in addition to small patches within the central portion of the site. Whilst the community is diverse with a mix of upper strata species, an area containing *E. luehmanniana* (which is a rare species) is prevalent only within approximately 100m north and south of Ralston Avenue. This vegetation community has a high proportion of heath species in the lower layers of vegetation with a low proportion of grass species, and trees typically to a height of between S-10m. Prevalent tree types include *Corymbia gummifera* (Red Bloodwood), *Eucalyptus piperita* (Sydney Peppermint), *Eucalyptus haemastoma* (Scribbly Gum),

Eucalyptus luehmanniana (Yellow top Ash), *Angophora hispida* (Dwarf Apple) and *Angophora crassifolia.* Shrubs include *Allocasuarina distyla* (Scrub She-oak), Banksia, Hakea, Lemon Scented Tea-tree, and Grevillea. Groundcovers include Lesser Flannel Flower, Curly Sedge, *Xanthorrhoea media* subsp. *media* (Forest Grass Tree), and *Patersonia sericea* (Wild Iris).

Open Forest occurs immediately to the west and south of the Sydney East Substation and at the terminal end of Ralston Avenue. This vegetation could be a combination of either Sydney Sandstone Ridgetop Woodland or Duffy's Forest (an endangered ecological community), and has an Open Forest structure but taller than the Low Open Forest, generally above 10m tall. It contains a mixture of heath understorey species with a moderate dominance of sclerophyllous species. Taller Eucalypt species dominate such as *Eucalyptus punctata* (Grey Gum), *Corymbia gummifera* (Red Bloodwood), *Angophora costata* (Smooth-barked Apple), *Allocasuarina littoralis* (Black She-oak), and *Eucalyptus sieberi* (Silver top Ash). This community also comprises a partially grassy understorey unlike the low heath and tall heath vegetation communities. Shrubs include Wattle and Banksia, and groundcovers include *Tetratheca ericifolia* (Black-eyed Susan) and *Lomandra gracilis.*

Disturbed areas occur largely within the centre of the site adjacent to the intersection of some major tracks, managed grounds and the residential lot, and around other built structures and the weed plume along the edge of Ralston Avenue near the existing gate. The vegetation in these locations contains shrub and heath vegetation with no trees and a grassy and annual understorey. This vegetation community is impacted by walking/driving tracks, and a high proportion of annuals, exotic grasses and Pampas Grass.

Sandstone Heath occurs in two small areas, one approximately 200-250m south of Ralston Avenue (or 300-350m south of the existing residence), and the second is a small remnant approximately 50m to the north of Ralston Avenue, at the terminal (western) end of the road. This community is regionally significant and may be more extensive in the local area near the northern boundary of the study area. Sandstone Gully Forest occurs in steeper portions of land to the south of Ralston Avenue generally outside of the study area. This is an open forest structure of Eucalypts, Angophoras and Corymbias with a moderately heathy understorey and some herbs, forbs and ferns in the ground layer. Trees are usually between 10-20m in height.

The study area contains a combination of two principal soil landscapes that comprise the erosional Lambert Soil Landscape and the colluvial Hawkesbury Soil Landscape. Largely characterised by Hawkesbury Sandstones of the Triassic Period, the soils of the central subdivision area are generally shallow to skeletal with some small sandstone outcrops occurring in places across parts of the site that are surrounded by steeper sandstone topography that falls away to the north, west and south around the perimeter of the property.

A number of minor drainage lines cross the site, and some have channelized as a result of channelized flows from Ralston Avenue, and some fire-trails that also extend into the nearby National Park. Of particular note is the Coastal Upland Swamp community that are groundwater dependent ecosystems. This vegetation community occurs in patches to the south of Ralston Avenue, and in the northern portion of the study varying in size with a total area of 1.53ha. The largest area to the south of Ralston Road is 1.27 ha in size.

3.0 Aboriginal Archaeological and Cultural Heritage Context

3.1 Sydney Regional Aboriginal Heritage Overview

3.1.1 The People

Over thirty named Aboriginal groups are recorded to have occupied the Sydney region in 1788. Attenbrow (2010) provides a review of what we know of these people at this time. While most of the earliest European observations derive from the coastal strip around the settlement at Sydney Cove, a number also come from Sydney's north. Key points provided by these historical records include:

- People are recorded to have belonged to several different language groups across the Sydney Basin at Contact. These included the Guringai to the north, the Darug (predominately) to the west, the Tharawal (predominately) to the south, with lands occupied by the Darkinjung and Gandangara converging to the northwest and southwest respectively.
- Groups that are recorded to have been associated with the lands of Sydney northern shore included the Carigal, Cammeraigal, Gayimal, and Cannaigal who are believed to have belonged to the larger Guringai language group.
- Various different spellings for these named groups exist in the literature, and the precise land boundaries that may have existed between individual groups in the past is not precisely known in many cases.
- Groups appear to have comprised multiple extended families ranging in size from 30 to 70 people or more, through which they appear to have had connections to specific areas of land.
- Groups are documented to have been organised around complex social, economic, spiritual and land-use inter-clan relationships that operated in 1788.
- It appears that individual groups/clans had specific primary access rights to resource zones provided by the coast, river, and inland areas, but would have routinely interacted with each neighbouring clan/group as day by day needs dictated.
- It appears that several dialect or language boundaries existed at Contact around the Sydney region between the coastal or 'saltwater' people and the inland or 'woods' groups, and that Sydney (coastal and hinterland) clans were bi-or multi–lingual.
- It is estimated that approximately 1,500 (or more) Aboriginal people occupied the inland zone away from the coast between Broken Bay and Botany Bay to the Blue Mountains at Contact (Kohen & Lampert 1988:345).

- The lives of the people who formed some of the Aboriginal groups who lived immediately around Sydney Cove in 1788 are documented to have been devastated as a result of massive death rates from introduced disease and from rapid land dispossession.
- There is evidence that some aspects of the 'traditional' lives of groups who lived in areas more distant or 'remote' from Sydney, such along the northern beaches and into the hinterland, continued well into the historic period.
- However, while we have more detailed records for early interactions between Aboriginal people and the British at places such as Manly, we know relatively little about how people lived in the more rugged sandstone country 'hidden away' from the coastal strip during the earliest years. Most European records north of the Harbour date to when the land on the peninsula was more extensively explored and mapped from the mid 1790s.

3.1.2 Aboriginal Archaeological Site Types, Frequency and Survival

Over 5,000 Aboriginal archaeological sites have been registered with the OEH AHIMS Sites Register in the greater Sydney region to date. Despite the extensive impacts that have accompanied over 220 years of post-Contact European occupation and land development, Aboriginal archaeological sites have been located in all types of landforms and include:

- Shell midden deposits contained within both sandstone rock shelters of suitable size that provided protection to people in the past during possibly inclement weather conditions etc, and also in open contexts, most often in coastal/estuarine foreshore environments and/or adjacent to principal watercourses.
- Painted and drawn art images in (primarily) sandstone overhangs/shelters.
- Engraved images and axe grinding grooves created on the surfaces of usually flat rock platforms that are more predominant in Hawkesbury Sandstone landforms.
- Open campsites that are commonly represented by the presence of durable materials such as flaked (and occasionally ground) stone artefact scatters reflective of often repeated site use of both short and long term duration.
- Occasional scarred and (rarer) carved trees. Most trees of a sufficient age to possess evidence for Aboriginal scarification have since died naturally and/or have been long-since felled during the post-Contact historical period.

- Some stone arrangements, waterholes, burials, and mythological sites reported to have been present in the landscape over time. Details for many of these types of sites are however often scant in the OEH AHIMS Sites Register.
- A number of post-Contact historical Aboriginal campsites that are documented to occur in and around the Sydney region.

As outlined below, the most common types of Aboriginal heritage sites that occur within the Warringah landscape surrounding the property at Belrose consist of rock shelters/overhangs containing painted art and occupation deposits, rock engravings, and axe grinding grooves.

3.1.3 An Archaeological Summary of Aboriginal Occupation of the Sydney Region

Aboriginal people have inhabited the Sydney region for at least 30,000 years. A Pleistocene sand body on the Parramatta River has been identified to underlie parts of the City, and an area of this old landform at the eastern edge of the CBD has been archaeologically excavated in three different locations with one site (on George Street) returning possibly the oldest date for the first Aboriginal occupation of the region (see McDonald 2007:36-37). A site at Cranebrook Terrace has produced an older date of c.41,000 BP (Nanson et al 1987), but the precise association of the deposits from which this date has been obtained and Aboriginal artefacts is debated.

Pleistocene sheltered occupation sites occur in the Blue Mountains and its foothills. One of these (Kings Tableland) has been dated to approximately 22,000 BP (Stockton & Holland 1974, Kohen et al 1984). Two dates ranging from 10,000 to 12,000 BP have also been reported for an open campsite at Regentville, while a rock shelter on Darling Mills Creek (at West Pennant Hills) has a date of a little over 10,000 years for first occupation.

The earliest dated coastal sites are located at Burrill Lake that shows evidence for first occupation approximately 20,000 years ago (Lampert 1971), and at Bass Point which is dated to some 17,000 years ago (Bowdler 1970). Both of these sites would have been occupied at a time when the sea level was much lower and the present coastline would have formed part of an inland environment drained by a series of rivers and streams. There are no other coastal Aboriginal sites of comparable age known at present.

Three further sites dated to around 12,000–8,500 BP that consist of a shell midden at Kurnell (Doughboy Head 1 – Smith et al 1990) dated to c.12,000 BP, an open occupation site dated to approximately 9,300 BP at Discovery Point (close to Tempe House - McDonald CHM 2005:56), and a open campsite (containing a cooking hearth) identified at the Prince of Wales Hospital in Randwick

that has returned a dated to c.8,400 BP (Godden Mackay Logan 1997:25-26) provide indications about how people lived around the time of sea level fluctuations and subsequent stabilisation along during this period.

The majority of dated Aboriginal archaeological sites in the region are however within the last 2,500 to 3,000 years. Available evidence suggests that the early occupation of the Sydney landscape was not intensive nor included large groups of people, and that around 5,000-6,000 years ago (when sea levels had stabilized at the present levels) more intensive use of the landscape by Aboriginal people subsequently began. Many open sites situated away from the coast appear likely to have been first occupied in the last 1,500 years before Contact.

3.1.4 Sydney Rock Engravings

Systematic attempts to locate and record Aboriginal art sites in the Sydney Basin began during the 1890s, with information on rock engravings in particular being gathered and published from that time by people such as R.H. Mathews and W.D. Campbell. Earlier work had been carried out in Port Jackson by George Angus in the mid to late 1840s. A century later from the mid 1930s to the 1960s, F.D. McCarthy (then Curator of Anthropology at the *Australian Museum*) carried out extensive field trips in the Sydney region to assess the archaeological resources of the area (including rock engravings) which were recognised even at that time to be increasingly threatened by development.

No historical descriptions exist for Aboriginal people in Sydney making rock engravings, and no records recount Aboriginal people telling Europeans who had made them or what they may have signified. However, rock engraving continued to be made in Sydney after 1788. Numerous images (engraved and painted) of European sailing ships, soldiers, guns, cattle, along with other European subjects and objects survive in the landscape.

Much of the interpretation of the engravings (and painted art sites) in the Sydney region is based on comparisons that have been made over time with areas for which more information has survived and/or where the art tradition (painting and/or engraving) had or has continued.

In 1990, it was estimated that around 2,000 rock engravings (consisting either of individual motifs and/or multiple figures) were known to occur around the sandstone landscapes of the Sydney region (Clegg and Stanbury 1990:2). Probably less than half of these were reported to have been recorded in any detail, and of these only a very few were well known. Additional engravings have been discovered since that time, but few have been documented in detail.

The numbers of figures (images or motifs) present at rock engraving sites in the Sydney region ranges from single items to over 150, and most of these have been created in a style commonly known as '*Simple Figurative'* where motifs are simple outlines, and sometimes in-filled.

Maynard's (1976) model predicts that this art (and its style) is a relatively recent (Holocene) phenomenon. And this position is generally supported by this region's broader archaeological context. As McDonald (2007) demonstrates, Maynard's original definition still provides a good general description of the Sydney region's art:

> *'.....the style is dominated by figurative motifs ... the majority of* [these] *... conform*[ing] *to a pattern of crude naturalism. Whether the motif is engraved or painted, in outline or solid form, it usually consists of a very simple silhouette of a human or animal model. Most portrayals are strongly standardised. Human beings are depicted frontally, animals and birds in profile, snakes and lizards from above. Normally only the minimum visual requirements for recognition of the motif are fulfilled by the shape of the figure' (*Maynard 1976:200-1*)*

Most Sydney engravings appear to have been created by a technique that is commonly referred to as 'conjoined-puncturing'. This is where a series of pits or punctures were first made, possibly along an outline drawn on the surface of the sandstone platform perhaps with ochre and/or scratched with a stick or stone. The 'pits' are generally between 2mm and 5mm deep and at some sites overlap in places to form a continuous groove, whilst in others they may be spaced between 2cm and 5cm apart and have been subsequently abraded to create a distinctive U-shaped groove that is approximately 0.3cm to 1cm deep and 0.5cm to 1.0cm wide.

The types of implements used to create engravings is not precisely known, although it is likely that a range of materials were used as engraving tools including sharp pieces of bone, wood and stone before the introduction of steel implements from Contact. McCarthy (1976) reports on a piece of basalt with three abraded and rounded edges with striations that were located on a rock platform with engravings at Lake Conjola.

The range of engraved motifs at sites in the Sydney region is diverse and includes:

- Human figures and footprints (mundoes).
- Anthropomorphs (human-like composite figures).
- Land mammals (including kangaroos/wallabies, dingo's, wombats, echidnas, koalas, possums, gliders etc) and their tracks.
- Marine animals (including fish, sharks, whales, eels, dolphins, turtles, stingrays and jellyfish).

- Items such as axes, shields, spears, clubs, fishing lines and canoes.

Art styles, meaning and variation of Sydney rock engravings (and painted sites) have been studied for a long time. It is unclear what the rock engravings of the region originally symbolised. However, in light of nineteenth century descriptions of initiation ceremonies and totemic associations, many engraved figures could be interpreted as having being produced in a spiritual or religious context.

None of the engraved sites in the Sydney district have been directly dated. However, a number of studies argue that the *Simple Figurative* engravings around the Sydney landscape are likely to be between 5,000 and 200 years old, with engravings continuing to have been made after colonisation.

Most engraved images in the Sydney region are generally homogenous in style and technique. However, some regional stylistic variations are nevertheless evident. For example, McMah (1965) identified a trend along the coast from north to south in the way kangaroos were depicted. In the north, kangaroo engravings have a single foreleg, hind-leg and ear (a profile view) whereas in the south, a high proportion (90%) has two forelegs, two hind-legs, and two ears.[3] The vast majority (97%) of these engraved images are in outline only.[4] There is also a tendency towards further 'realism' in the southern part of the range in the increased frequency of the depiction of claws on the feet and of the genitalia being shown on these engraved figures.

Although less clear, there is apparent a trend in the distribution of engraved motifs in the region for an increase from north to south in motifs depicting (possible) 'food' animals such as kangaroos/wallabies, emus, birds and fish (and other marine animals), where the proportional representation in motifs depicting human figures and weapons is greater to the south (Tracey 1974;23).

The boundary separating the land to the north of Botany Bay from that to the south broadly correlates with the historically recorded boundary between the Tharawal language group and the coastal (and inland) Darug.

3.2 Local Aboriginal Archaeological Context

3.2.1 OEH AHIMS Aboriginal Sites Register Search

A search of the OEH AHIMS Aboriginal Sites Register for a block of land measuring approximately 3km by 2km and centred on the middle of the subject land revealed that no Aboriginal archaeological

[3] There are two known exceptions to this, a macropod located just south of Port Jackson with four legs, and another near the Lane Cove River (JMCHM 2007).

[4] .The only consistently in-filled engravings in general terms in Sydney are 'culture heroes' which are generally decorated with series of pecked lines of dots. Intaglio forms (i.e. fully pecked infill) are extremely rare.

sites had previously been located, recorded and registered with the OEH within the proposed Ralston Avenue study area. The 10 recorded Aboriginal heritage sites identified within this search parameter consisted of 9 rock engravings and 1 rock shelter with art. The closest of these sites are a rock engraving (AHIMS Site #45-6-007) located on Wanniti Street approximately 850m to the south of the property, and three other engravings (AHIMS Sites #45-6-245-247) some 1,200m further to the south at the Frenchs Forest Cemetery

In a wider context, a shelter with art and potential archaeological deposit (AHIMS Site #45-2-0354) was recorded in 1992 on a private house block on the southern side of Dawes Road to the east of Forest Way. This shelter was recorded at the time to have contained at least six faded red and white hand stencils and some possible additional faded red and black drawings (Byrne 1992:5). Further to the northeast on a parcel of MLALC owned land on Morgan Road, a number of Aboriginal engravings have previously been recorded (see Steele 2004) including a kangaroo and nine associated footprints (AHIMS Site #45-6-1219), a human figure and footprints (AHIMS Site #45-6-2196), and two elliptical shaped shield motifs (AHIMS Site #45-6-2197).

3.3 Aboriginal Archaeological Site Prediction

Predictive models of Aboriginal archaeological site location attempt to identify areas of relative archaeological/cultural heritage sensitivity (high, moderate and low etc) as a tool that can be used for the planning and management of known Aboriginal sites and places of potential sensitivity within future development and/or land-use modification circumstances.

These models are generally based upon information including the types of landscape units contained within a study area, the results of previous Aboriginal archaeological and cultural heritage investigations undertaken in the surrounding landscape, the distribution of previously recorded sites along with their known nature, integrity, and potential composition, and upon an understanding of traditional Aboriginal land-use patterns (where possible) as guided by contemporary Aboriginal communities.

The following Aboriginal archaeological site predictive model for Ralston Avenue study area was prepared on the basis on the above background heritage review, and prior to the commencement of the current site inspection and assessment of the land:

- *Rock Engravings*: The distribution of engraved sites relates to the occurrence of suitable rock outcrops common in sandstone formations that were used by Aboriginal people in the past for

the creation of engraved images. A considerable number of engraving sites are known to occur in the local Warringah landscape.

Engravings can occur in groups with numerous depictions of animals, human figures, possible spiritual motifs, and other images of equipment such as shields etc, or single depictions, that generally are found to occur on extensive level sandstone platforms along with smaller ledges and rock exposures.

II *Axe Grinding Grooves*: These are grooves which resulted from the manufacture and/or maintenance of the working edge of some stone tools such as axe/hatchet heads by people in the past. They may be found where suitable sandstone is exposed in, or adjacent to, creeks or on elevated platforms where wet-grinding techniques are possible adjacent to natural rock holes and shallow 'basins'.

As for rock engravings, axe/hatchet grinding grooves may occur in large 'clusters' that serves to facilitate their ready recognition, or may conversely comprise isolated items that are often difficult to detect within certain light conditions.

III *Open Camp Sites*: These sites are likely to occur on dry and relatively flat landforms along or adjacent to both major and minor watercourses, along with foreshore zones. However, repeatedly or continuously occupied sites are more likely to be located on elevated ground situated at principal creek confluences in the local landscape.

Surface scatters of flaked stone artefacts (or potentially durable food remains such as animal and fish bone or shell) 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.

IV *Isolated Artefacts*: These items occur without any associated evidence for prehistoric activity or occupation. Isolated finds 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.

V *Scarred Trees*: These sites are the result of bark or wood removal to make shields, shelter, canoes containers or carving designs into the exposed wood. These sites have rarely survived early timber clearance, bush fires and timber cutting. The definite ascription of scarring on a tree to an Aboriginal origin is not always possible. Europeans often removed bark for roofing material and stock watering troughs. Other scars may be the result of surveyor and property owner blazes, lightning strikes or cockatoo pecking. Unless the tree is at least 150 years old the scarring is unlikely to have an Aboriginal origin.

4.0 October 2012 Site Inspection

4.1 Introduction

An inspection of the Ralston Avenue site was undertaken in fine weather on the 2nd of October 2012 by DSCA archaeologists Mr Dominic Steele and Mr Adrian Dreyer. The field assessment was assisted by Project Manager, Mr Bob Stewart.

4.2 Site Inspection and Recording Methods

The site inspection was undertaken on foot and according to accepted field and reporting methods (sees NPWS 1997 and OEH 2010). This included:

- The documentation of observations that included a consideration of landforms on the property, topography, existing vegetation; the nature of sandstone/ground exposures/visibility; and the extent of visible disturbance.
- Photography using a Nikon D-200 digital camera and scale bars as needed.
- The use of a Garmin e-Trex handheld GPS to plot noteworthy features.
- The use of air photographs and property plans to correlate field observations.

In general, the inspection used the existing roads and trails that cross the site as a series of baselines from which perpendicular transects to the north and south (in most cases) were made at 20m to 40m intervals where field conditions allowed that extended to the site perimeters (APZ's) that are generally defined by steep sandstone escarpments, benches and cliff lines.

4.3 Field Observations

Indicative images of the land at Ralston Avenue are provided below by **Figures 4.1** to **4.12**. These photographs can be broadly grouped into three according to the types of archaeological visibility that they illustrate:

- Cleared fire trails and informal walking/horse tracks.
- Sandstone surfaces around the site perimeters that are largely confined to the designated APZ's that will remain unaffected by the rezoning proposal.
- Minor sandstone exposures and ground erosion areas adjacent to tracks that characterise the majority of the central zone of the subject site.

A view looking east along a sealed section of Ralston Avenue road extension back towards Elm Avenue is presented in **Figure 4.1**. This existing road (and its easement) will provide one of the main entry points into the proposed rezoned land from the residential areas of Belrose to the east. As

illustrated in this photograph, service lines (electricity) run under the bitumen road, and in places along its alignment storm water drains and culverts run north-south (perpendicular) under the road corridor that gather water run-off from the various drainage lines on the land during periods of heavy/extended rain.

Indicative views of how much of the vegetation cover appears along the southern side of the study area is indicated in **Figures 4.2** and **Figure 4.3**. In the foreground of these images the grass and shrub cover is low, and this increases in height and density further to the south as the topography gets steeper within the southern APZ's. Few sandstone exposures are evident in these portions of the site to the south of Ralston Avenue.

The type of ground visibility that is provided by the various cleared fire trails and utility access tracks that occur on the land can be seen in **Figure 4.4**. This track at the south western end of the property leads to an existing brick electrical sub-station and overhead power pylons, and is largely outside of the study area. Nevertheless, the ground surfaces that are exposed characterise those that are prevalent in this part of the land that consist of shallow sandy and clay soils with minor sandstone exposures consisting of irregular broken rubble materials.

A view looking towards the south western side of the Ralston Avenue site is provided by **Figure 4.5**. The vegetation cover here is dense before the timber canopy is reached..

Two indicative views of the sandstone escarpments that characterise the south western and western boundaries of the subject site are presented in **Figures 4.6** and **4.7**. These sandstone elements consist of relatively flat tabular surfaces that drop-off steeply in a series of benches and scarps down into MLALC land and then the National Park below. These sandstone formations in these locations broadly define the designated APZ's, and will remain unaffected by the rezoning proposal.

Most of the topography in the central study area (comprising the plateau land) is characterised by flat to gently sloping/undulating ground with variable vegetation cover over shallow sandy and rocky soils. In places, relatively small sandstone outcrops occur in the form of smooth to corrugated horizontal surfaces and/or jumbled boulders and benches. An example of the former is illustrated in **Figure 4.8**. The prevalent leaf-litter cover that occurs over most of these exposures is evident.

Two indicative views of the sandstone platforms and escarpments that characterise the north and north-eastern boundaries of the study area are presented in **Figures 4.9** and **4.10**. Again, these sandstone landforms consist of relatively flat tabular surfaces that drop-off steeply in benches and

vertical cliff. These sandstone elements also define the designated APZ's, and will remain unaffected by future development.

Views of the existing fire trails that lead into Garigal National Park at the eastern end of the study area are presented in **Figures 4.11** and **4.12**. These types of cleared tracks will provide a basis from which internal road patterns to service the rezoned land will be created.

Figure 4.1: A View Looking Southeast along Ralston Avenue.

Figure 4.2: Looking Southeast over the APZ from Ralston Avenue.

Figure 4.3: A View of the Central Southern Part of the Site Looking South over the APZ.

Figure 4.4: Track at the South Western End of the Study Area Looking South.

Figure 4.5: A View of the South Western End of the Study Area.

Figure 4.6: Sandstone Exposure at the South Western End of the Study Area Looking West.

Figure 4.7: Sandstone Exposures at the Western Side of the Study Area Looking West.

Figure 4.8: Indicative Vegetation & Sandstone in the Centre of the Land Looking East.

Figure 4.9: Looking North over the APZ at the Northeast of the Site.

Figure 4.10: Looking West over the APZ at the Northeast of the Site.

Figure 4.11: Fire Trail Junction at the Eastern End of the Study Area Looking East.

Figure 4.12: Fire Trail Leading into Garigal National Park Looking Southwest.

5.0 Summary and Conclusions

5.1 The Proposed Ralston Avenue Rezoning & Potential Impacts

The proposed rezoning of the Ralston Avenue land will affect the flatter portions of the central plateau area that forms a characteristic part of the local landscape in this part of Belrose. This topography is characterised by shallow and stony sandy soils with limited sandstone exposure. The steeper Hawkesbury sandstone landforms that are characterised by a combination of horizontal platforms and escarpments with shelving benches that generally define the perimeters of the property are largely contained within the designated APZ's for the proposal and will remain unaffected by future residential housing construction.

5.2 Aboriginal Archaeological Heritage Impact Statement

The background Aboriginal archaeological heritage research, site inspection, analysis and assessment of the Ralston Avenue land undertaken for the current study indicate that:

- No *previously* documented Aboriginal archaeological sites or 'objects' are known to occur within the boundaries of the subject site and/or in immediately adjacent areas.
- No sandstone overhangs (generally created through processes of cavernous weathering and/or rock fall from extensive cliff-lines etc) suitable for habitation or use by people in the past occur on those parts of the property that will be affected by the proposal with the potential to contain occupation deposits or painted art. The limited areas of exposed sandstone bedrock across the site, outside of the landforms around the edges of the property that will be retained, is generally characterised by a mixture of small and low benches and scarps, along with eroded (and jumbled) boulders and cobbles. The type of flatter sandstone occurrences that occur only in a small number of locations on the land is illustrated in **Figure 4.8**.
- No rock engravings have been identified on the surfaces of the exposed sandstone bedrock within the property. The majority of the horizontal surfaces and vertical faces of the exposed sandstone scarps and benches in the proposed rezoning area are irregular, corrugated and heavily patinated and seemingly unsuitable (or at least unattractive) to Aboriginal people for the creation of engraved images. The majority of engravings recorded in the local landscape surrounding the site (many within Garigal and Kur-ring-gai National Parks etc) generally occur on relatively flat and smooth sandstone platforms of varying size. These are generally located in Hawkesbury Soil Landscapes as opposed to Lambert Soil Landscape contexts. While there exists the possibility for engravings to occur on the surfaces of sandstone currently obscured

by vegetation and leaf litter, this likelihood is considered to be limited and is manageable as explained below.

- No axe grinding grooves have been identified on the property. While such features may remain undetected in association with the minor drainage lines present on the site, there is no reason to expect these potential items will be numerous given the ephemeral nature of these creek-lines and the intermittent water flow they are likely to have provided in the past.
- None of the timber inspected on the property displays any evidence for cultural modification. In any case, the trees on the site consist either of sapling re-growth or relatively immature specimens that are highly unlikely to be of a sufficient age to display evidence of past Aboriginal scarification.
- No open campsites (or isolated finds of flaked stone etc) have been identified on the property. While these types of archaeological evidence can be difficult to detect in sandstone landscape contexts such as reported here, there is no reason to expect that the current study area was subject to intensive or repeated visitation and use by Aboriginal people in the past that would have created substantial and significant archaeological deposits. Mindful that while the subject site occupies a plateau, it is necessarily accessed from the main creek catchments below via steep and rugged landscape
- The proposed rezoning area itself would not seem to contain any highly valuable resources (beyond ephemeral drinking water sources), suggesting the place may have been visited sporadically by people in the past as they moved to and from more attractive landscape contexts and resource zones. These may have potentially included such areas as the catchments of Bare Creek to the west and Frenchs Creek to the south.
- No specific areas of *Potential Aboriginal Archaeological Sensitivity* relative to the rezoning proposal have been identified in the course of preparing this report. This assessment is based upon the archaeological conclusions presented in previous sections of this AADDA.

In conclusion, it is expected that any as yet undetected evidence for past Aboriginal visitation and use of the subject site that may be exposed by the proposed development will consist of either isolated items or low-density distributions of flaked/ground stone or possible rock engravings/axe grinding grooves that may be obscured by existing vegetation covers. The latter are however considered to be relatively unlikely to be present given the nature of the sandstone that characterises these areas of proposed rezoning.

5.3 Mitigation Options for the Potential Aboriginal Archaeological Resource

A number of actions can be implemented during future construction phases of the proposed residential development to mitigate impacts to the potential Aboriginal archaeological resource. These include:

- Briefing site contractors about the nature of archaeological sites and issues of potential sensitivity when sandstone surfaces previously obscured by vegetation for example are to be exposed.
- Monitoring of vegetation clearance required in open areas and initial earthworks within Asset Protection Zones being undertaken with the *Metropolitan Local Aboriginal Land Council.*
- Where any Aboriginal archaeological evidence may be exposed during the recommended program of site monitoring during construction phases, works should temporarily cease within the immediate vicinity of the find locality, be relocated to other areas of the site (allowing for an appropriate curtilage), and the OEH should be contacted and permission sought for the Land Council to record the items.
- Where Aboriginal sites may be located within proposed rezoning areas, future owners/occupants should be made aware of their presence and the legal requirements and automatic statutory protection that pertain to the management and preservation of all Aboriginal 'objects' under the terms of the *National Parks and Wildlife Act (1974)*. The configuration of the allotment may also require re-design where practicable in order to avoid impact when the location of construction footprints and asset protection zones are to be determined.
- Inclusion of *Restrictions as to User* in the *88b Instrument* preventing clearing and disturbance to bush beyond APZ's and other adverse impacts to natural values will also serve to mitigate future impacts to the potential archaeological resource.
- All efforts should be made to define *specific* and *limited* zones of impact within the proposed subdivided allotments that should be strictly adhered to throughout the course of future construction periods to limit impacts to existing vegetation and landforms.

5.4 Evaluation

On the basis of the above considerations, it is concluded that the Ralston Avenue rezoning proposal is unlikely to have an adverse impact upon the Aboriginal archaeological heritage values of the place and that no 'clear or obvious' archaeological constraints are apparent at this time for the proposal

proceeding as planned subject to the implementation of the heritage management recommendations provided below.

6.0 Management Recommendations

6.1 Basis for Recommendations

It is assessed that the Ralston Avenue residential rezoning proposal is unlikely to have an adverse impact upon the Aboriginal archaeological heritage values of the place.

It is therefore concluded that there are no Aboriginal archaeological (scientific) constraints for the proposal proceeding at this time subject to the consideration of the following conditions:

- 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*, where it is an offence to knowingly damage, deface or destroy Aboriginal sites or relics without the prior consent granted by the Director-General of the *Office of Environment and Heritage* (OEH)

6.2 Recommendations

I Based on the conclusion that the potential for as yet undetected Aboriginal or European archaeological items of significance to occur within the property that may be affected by future construction works is assessed to be limited, it is recommended that there are no Aboriginal archaeological heritage constraints to the proposed Ralston Avenue residential rezoning proposal proceeding as planned.

II In the (largely) unexpected circumstance that any Aboriginal objects are unearthed as a result of future works, 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, and the OEH and the *NSW Heritage Branch* be contacted to advise on the appropriate course of action to allow the identified item(s) to be recorded/collected in a timely fashion to ensure works schedules are maintained and balanced with statutory heritage requirements.

III A copy of this report should be forwarded to:

The Manager
Planning and Heritage Section – Metropolitan Region
Office of Environment and Heritage, Department of Premier and Cabinet
PO Box 668
PARRAMATTA, NSW, 2124

IV A copy of this report should be forwarded to:

The Chairperson

Metropolitan Local Aboriginal Land Council

PO Box 1103

STRAWBERRY HILLS, NSW, 2012

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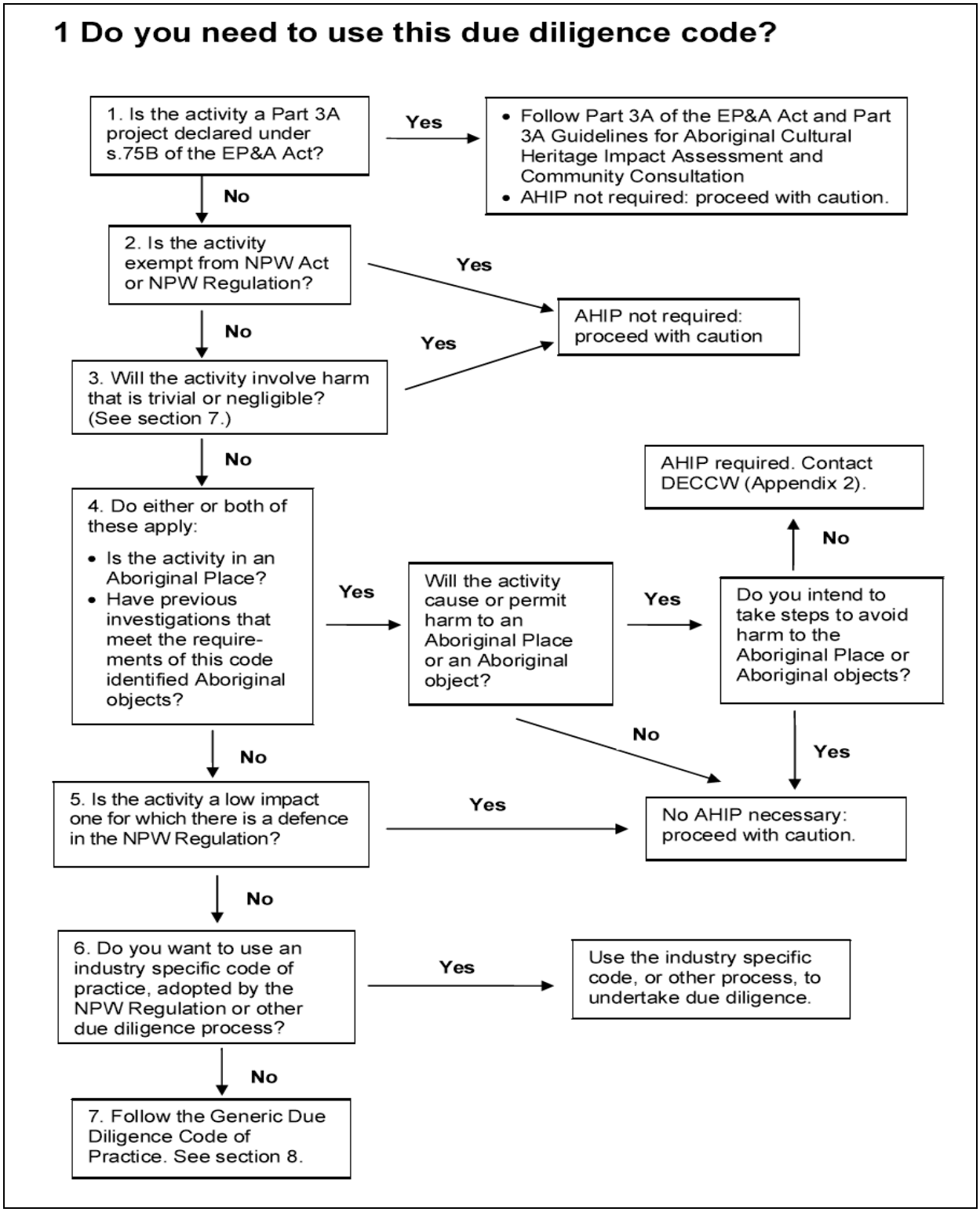
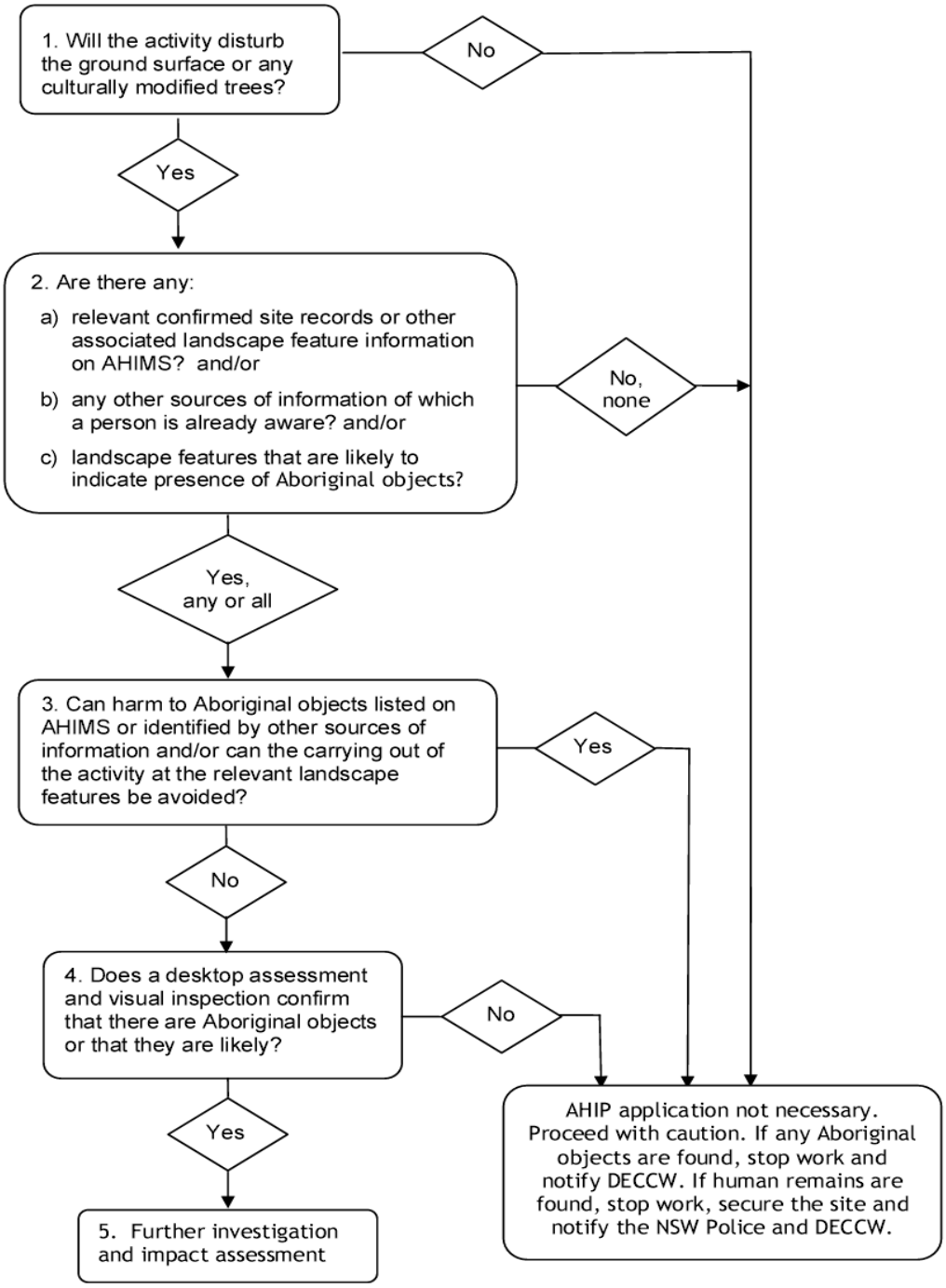
Appendix 1

OEH Due Diligence Code of Practice

Protection of Aboriginal Objects in NSW – NPWS Act 1974


1 Do you need to use this due diligence code?
1. Is the activity a Part 3A project declared under s.75B of the EP&A Act?
Yes
• Follow Part 3A of the EP&A Act and Part 3A Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation
• AHIP not required: proceed with caution.
No
2. Is the activity exempt from NPW Act or NPW Regulation?
Yes
AHIP not required: proceed with caution
No
Yes
3. Will the activity involve harm that is trivial or negligible? (See section 7.)
No
AHIP required. Contact DECCW (Appendix 2).
No
4. Do either or both of these apply:
• Is the activity in an Aboriginal Place?
• Have previous investigations that meet the require-ments of this code identified Aboriginal objects?
Yes
Will the activity cause or permit harm to an Aboriginal Place or an Aboriginal object?
Yes
Do you intend to take steps to avoid harm to the Aboriginal Place or Aboriginal objects?
No
Yes
No
5. Is the activity a low impact one for which there is a defence in the NPW Regulation?
Yes
No AHIP necessary: proceed with caution.
No
6. Do you want to use an industry specific code of practice, adopted by the NPW Regulation or other due diligence process?
Yes
Use the industry specific code, or other process, to undertake due diligence.
No
7. Follow the Generic Due Diligence Code of Practice. See section 8.

8 The generic due diligence process