Re: 9, 9R and 13 Shackel Road, Bangor NSW: Aboriginal Heritage Due Diligence Assessment.

Dear Henry,

Extent Heritage was commissioned by Moma Pty Ltd to undertake an Aboriginal heritage due diligence assessment for the proposed development of 9 Shackel Road, Bangor, NSW. This letter report provides the details and results of a desktop assessment and site inspection of the subject area.

A review of the environmental context and previous archaeological assessments suggests that there is low risk of the study area containing Aboriginal archaeological material, primarily due to disturbance from past land use. A site inspection undertaken as part of this assessment confirmed the disturbance and did not identify any Aboriginal sites, objects or places. It is therefore considered that the proposed development will have a low likelihood of causing harm to Aboriginal objects.

Taking the above conclusions into consideration, the following recommendations are made with regard to Aboriginal cultural heritage:

- The subject area has been previously disturbed and is considered to have a low potential for Aboriginal objects to be present. However, the nature of disturbance does not preclude the potential for other isolated finds, a common site type across the region, even in disturbed contexts. In the event of unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during construction, all works in the vicinity should cease and the proponent should determine the subsequent course of action in consultation with a heritage professional and/or the Office of Environment and Heritage (OEH) as appropriate. A process of consultation with Aboriginal community representatives would also be required.

- This document may be summarised within and/or appended to a Development Application, Statement of Environmental Effects (SEE) or Review of Environment Factors (REF). If any Aboriginal objects are later identified within the proposed activity area, this report cannot however be used to support an application for an Aboriginal Heritage Impact Permit (AHIP). Such an application would require more detailed investigation involving a formal process of Aboriginal community consultation and the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR).
• If human remains are discovered, the Coroners Act 2009 requires that all works should cease and the NSW Police and the NSW Coroner’s Office should be contacted. Traditional or contemporary (post-contact) Aboriginal burials which occur outside of designated cemeteries are protected under the National Parks and Wildlife Act 1974 and should not be disturbed. Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect the find and recommend an appropriate course of action. Should the remains prove to be Aboriginal in origin, notification of OEH and the Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

Please note that this letter report is an initial investigation of constraints and opportunities pertaining to identified existing and potential Aboriginal objects in the immediate vicinity of the subject area. It is not an ACHAR and is not sufficient to support an application for an Aboriginal Heritage Impact Permit (AHIP), in accordance with section 90 of the National Parks and Wildlife Act 1974.

Should you have any questions or concerns please do not hesitate to contact me on (02) 9555 4000.

Yours Sincerely,

Dr Alan Williams FSA MAACAI • Aboriginal Heritage Team Leader
Background and Purpose of Document

In NSW, Aboriginal objects, whether recorded or as yet undiscovered, are afforded statutory protection under the National Parks and Wildlife Act 1974. Under Section 86 of the Act it is an offence to disturb, destroy or deface Aboriginal objects without the approval of the Director General of the Office of Environment and Heritage (OEH). A breach of Section 86 of the National Parks and Wildlife Act 1974 could result in prosecution and fines in excess of $1 million. The OEH provides a series of guidelines as a framework for identifying and managing Aboriginal heritage and the cultural heritage interests of Aboriginal parties within development planning contexts. The Due Diligence process is the first step and is outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010) guidelines; and is intended to identify whether or not a proposed activity is likely to harm Aboriginal objects. Further information on Legislation is provided in Appendix 1.

Extent Heritage has been commissioned by Moma Pty Ltd to undertake an Aboriginal heritage due diligence assessment to support a DA submission for subdivision and residential development of 9, 9R and 13 Shackel Road (Lot 1 DP 1047691 and Lots 50 & 51 DP 1170531) located in Bangor, within the Sutherland Shire Local Government Area (Figure 1 and Figure 2).

This letter report provides the details and results of a desktop assessment and site inspection undertaken for the study area.

Existing Environment

The study area is located within the Lucas Heights Soil Landscape (OEH 2016). This is a residual landscape that is characterised by gently undulating crests, ridges and plateau surfaces of the Mittagong Formation (alternating bands of shale and fine-grained sandstone). Local relief is typically >30m with slope gradients of <10%. Dominant soils situated on crests and ridgelines include greyish brown fine sandy loam overlying sandy clay loam. On crests and plateau surfaces, usually 10-20 cm of hard-setting loam overlies yellow pedal clay, which extends to depths of ~1m. Ironstone is an abundant inclusion, especially in elevated areas.

From an archaeological perspective, this soil landscape is often dominated by potential archaeological deposits (PADs) and rock art - both commonly associated with rockshelters that are reflective of the underlying sandstone found in the broader region. Axe grinding grooves are also commonly found within proximity to water sources, and are generally constrained to the valley floors and ravines where sandstone caves and overhangs occur. On the surrounding Cumberland Plain, common site features include artefact scatters, isolated finds, culturally modified trees and/or potential archaeological deposits.

Particular landforms are known to have been favoured locations for repeated or long-term occupation by Aboriginal people in the past, and are therefore more likely to retain archaeological evidence. OEH specifies five landscape features which are likely to indicate the presence of Aboriginal objects (OEH, 2010):

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

The study area is not located on any of these landform types. It composed predominantly of a moderately inclined mid-slope ranging from 104-108 m ASL. The study area is situated ~500m north of the Woronora River, adjacent to Bangor bypass.

Archaeological Context

South Sydney has been the subject of interest by amateur enthusiasts from the late 1800s (e.g. Campbell 1899, Harper 1899, Etheridge and Whitelegge 1907). This early work focussed on artefact collection, and identification of rock art and rockshelters along the coast line. Modern archaeological investigations commenced in the 1960s and included excavation at places such as Gymea Bay (Megaw and Wright 1966), Henry Lawson Drive rockshelter (White & Wienke 1975), the Royal National Park, Kurnell Headland and Botany Bay (Megaw 1965, 1966, 1967, 1968a, 1974; Megaw and Roberts 1974). More recently, much of our current knowledge of Aboriginal occupation of this area comes from survey and excavations undertaken through compliance-based archaeological investigations, often associated with urban development.

Archaeological studies of specific relevance to the assessment of the study area are presented in Table 1. Generally, the previous studies have identified the foreshores of major watercourses including the Georges River and Woronora River as having high Aboriginal archaeological sensitivity. They also find that disturbance from previous land use including vegetation clearance, vehicle impacts, urban development and supporting infrastructure has significant effects on the survivability of Aboriginal objects and areas of archaeological potential.
### Table 1. Previous archaeological studies undertaken within the local region.

<table>
<thead>
<tr>
<th>Author (Year)</th>
<th>Purpose of investigation</th>
<th>Key Findings</th>
<th>Location</th>
<th>Approximate distance from Study Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Dallas Consulting Archaeologists (MDCA) (2015)</td>
<td>Aboriginal heritage assessment</td>
<td>The northern part of the study area, and area west of the Sydney water reservoir, were characterised by flat landforms. In the south, the moderately sloping land contained sandstone outcrop consisting of boulders up to 2-3m in height. The study area was assessed as having nil-low Aboriginal archaeological sensitivity, due to significant disturbance from historical land use, vehicle impacts and vegetation clearance.</td>
<td>Proposed 15ha residential subdivision, New Illawarra Road, Bardon Ridge</td>
<td>2 km southwest.</td>
</tr>
<tr>
<td>MDCA (2012)</td>
<td>Aboriginal Archaeological Assessment and European Heritage Review &amp; Statement of Heritage Impact.</td>
<td>No Aboriginal sites identified. The study area had been subject to historic disturbance. It was recommended that prior to any earthworks, an Aboriginal Cultural Heritage Assessment be prepared, including consultation with the Aboriginal community.</td>
<td>Bate Bay Road, Kurnell</td>
<td>12.5 km east</td>
</tr>
<tr>
<td>Therin Archaeological Consulting (2006)</td>
<td>Aboriginal Heritage Assessment</td>
<td>No Aboriginal sites identified. Evidence of Aboriginal occupation was considered unlikely as the property had been extensively disturbed.</td>
<td>Lot 4 DP402878, 153 Caravan Head Road, Oyster Bay</td>
<td>6 km northeast</td>
</tr>
<tr>
<td>Archaeological Management and Consulting Group (AMAC) (2016)</td>
<td>Aboriginal Heritage Due Diligence Assessment</td>
<td>The property was situated on a large sandstone outcrop, in an area of disturbance with no evidence of Aboriginal activity. The site was assessed as having low potential for artefacts to be present.</td>
<td>325 Fowler Road, Illawong</td>
<td>3 km northwest</td>
</tr>
<tr>
<td>MDCA (2004)</td>
<td>Sutherland Shire Council Aboriginal Cultural Heritage</td>
<td>The foreshore was identified as an area of high archaeological sensitivity.</td>
<td>Georges River and Woronora River</td>
<td>Included the current study area</td>
</tr>
<tr>
<td>Author (Year)</td>
<td>Purpose of investigation</td>
<td>Key Findings</td>
<td>Location</td>
<td>Approximate distance from Study Area</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Kelleher Nightingale Consulting Pty Ltd (2012)</td>
<td>Aboriginal Archaeological Survey Report</td>
<td>No sites identified.</td>
<td>Section of Alfords Point Road between the southern abutment of Alfords Point Bridge and Brushwood Drive, Menai</td>
<td>6 km northwest</td>
</tr>
<tr>
<td>Kayandel Archaeological Services (2010)</td>
<td>Aboriginal Cultural Heritage Assessment</td>
<td>112 Aboriginal sites recorded between the Georges River estuary and Liverpool Weir (including Towra Point and the Cooks River). The Georges River foreshore was identified as an area of high archaeological sensitivity. Background research identified that middens were most common type of site identified in this area (79), followed by artefacts (21), pigment art (20), engraved art (3), Potential Archaeological Deposit (3), scarred trees (3), grinding grooves (1) and a burial (1).</td>
<td>Georges River</td>
<td>3 km north</td>
</tr>
</tbody>
</table>
AHIMS Search

The Office of Environment and Heritage maintains the Aboriginal Heritage Information Management System (AHIMS), a database of known and registered Aboriginal sites in NSW. A search of AHIMS was carried out on 13 December 2016 (Ref No. 258639), encompassing a 1 km buffer centred on the study area. The full search results are listed in Appendix 3 and shown in Figure 3. There are 5 registered sites within the search area, none of which are located in the study area. This low number of registered AHIMS sites does not necessarily mean that there are a low number of Aboriginal sites present within the area, it is more likely a representation of the few studies and surveys that have been undertaken in this area to date.

In the AHIMS system, sites are recorded with one or more of 20 site features, which summarise the nature of each site. Table 2 provides a summary of the AHIMS search. Out of the 5 sites, the most common registered site features surrounding the study area relate to Art (pigment or engraving) and PADs, followed by grinding grooves (see Figure 3 for details). Based on the details provided by the AHIMS search, all of the sites are associated with rockshelters and/or watercourses. The axe grinding grooves are located ~500 m south of the study area, adjacent to the Woronora River. The registered rock art and PAD sites are located 1.2 - 1.3 km south of the study area, and are associated with rockshelters.

Table 2. Summary of site features for the AHIMS search results.

<table>
<thead>
<tr>
<th>Site features</th>
<th>Number of Site Features</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art (Pigment or Engraved)</td>
<td>2</td>
<td>40.00</td>
</tr>
<tr>
<td>Grinding Groove</td>
<td>1</td>
<td>20.00</td>
</tr>
<tr>
<td>Potential Archaeological Deposit (PAD)</td>
<td>2</td>
<td>40.00</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>5</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

Site Inspection

The study area was inspected by Alistair Hobbs on the 14 December 2016. The properties inspected included 9, 9R and 13 Shackel Road (Lot 1 DP 1047691 and Lots 50 & 51 DP 1170531). The study area covered ~0.58 ha and was investigated for the presence of Aboriginal objects/sites, or the potential for them to occur. Inspection covered all parts of the study area, with a focus given to areas providing ground exposure to determine the presence of objects and/or disturbance levels.

The study area comprised a relatively small strip of land, situated between the Bangor bypass and existing residential houses from Dandarbong Ave, Pyree St and Shackel Rd. Topography comprised a moderately inclined mid-slope increasing in elevation north towards Pyree St (Plate 1 and Plate 2). Ground surface visibility was generally low (<5%) due to vegetation coverage, including trees and thick scrub (Plate 3 and Plate 4). The trees appeared relatively young and revealed no evidence of cultural modifications. An existing unsealed track runs in a westerly direction through the study area (Plate 5), and provided a number of good exposures. These exposures revealed a truncated soil profile with only the units beneath the topsoil (sandstone and ironstone gravels) present (Plate 6). A series of drainage ditches with concreted heads, run north-south under the existing properties and into the study area (Plate 7 and Plate 8). These drainage ditches discharge into a larger swale, parallel to contour of the slope, most likely constructed with the formation of the bypass. The area along the northern boundary, directly behind the existing properties, has also been landscaped (Plate 9 and Plate 10). These previous disturbances have impacted the natural soil profile in the study area and are considered to have reduced the potential for these areas to contain Aboriginal objects. Natural erosion and previous disturbance associated with the construction of adjacent existing residential properties, and the bypass has impacted the study area, and left little intact soil profile (and
associated archaeological material) in the study area. Based on observations, it is considered that previous disturbance has impacted the upper A1 horizon across much of this property, and reduced the likelihood of finding any in-situ Aboriginal objects.

A series of sandstone outcrops and escarpments run along the southern boundary of the study area, generally ranging from 1m – 1.5 m in height (Plate 11 and Plate 12). These were investigated for rockshelters, grinding grooves and evidence of engravings. Due to the small size of the outcrops, no rockshelters were identified, while inspection of exposed outcrops found no rock art or engravings.

Overall, no Aboriginal objects or sites were identified during the site visit. Based on the location of the study area and the nature of previous disturbance, it is considered that potential archaeological deposits are of low-very low likelihood to be present.

Conclusions and Recommendations

The study area comprised a moderately inclined mid-slope situated between Bangor bypass and Dandarabong Ave, Pyree St and Shackel Rd. Based on the environmental and archaeological background of the region, it is considered the main evidence of past Aboriginal occupation would be in the form of rockshelters, grinding grooves, rock art and/or PADs, all commonly found within close proximity to water. The study area is >500m from the nearest water source, and has limited sandstone outcropping, all reducing the potential for cultural materials to be present.

A site inspection did not identify any Aboriginal objects or areas of archaeological potential. Visibility was variable and often limited, but several exposures were found across the study area, and no Aboriginal objects were discerned. It is considered that if significant sites were to be present, they would have been evident in these exposures. Sandstone exposures were present, but investigation similarly found no evidence of past Aboriginal activity. Based on these findings, the proposed development is considered to have low risk of harming Aboriginal objects (see Table 3). Therefore, it is considered that work may proceed with caution, and in accordance with the recommendations below:

- The subject area has been previously disturbed and is considered to have a low potential for Aboriginal objects to be present. However, the nature of disturbance does not preclude the potential for other isolated finds, a common site type across the region, even in disturbed contexts. In the event of unexpected Aboriginal objects, sites or places (or potential Aboriginal objects, site or places) are discovered during construction, all works in the vicinity should cease and the proponent should determine the subsequent course of action in consultation with a heritage professional and/or the Office of Environment and Heritage (OEH) as appropriate. A process of consultation with Aboriginal community representatives would also be required.

- This document may be summarised within and/or appended to a Development Application, Statement of Environmental Effects (SEE) or Review of Environment Factors (REF). If any Aboriginal objects are later identified within the proposed activity area, this report cannot however be used to support an application for an Aboriginal Heritage Impact Permit (AHIP). Such an application would require more detailed investigation involving a formal process of Aboriginal community consultation and the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR).

- If human remains are discovered, the Coroners Act 2009 requires that all works should cease and the NSW Police and the NSW Coroner’s Office should be contacted. Traditional
or contemporary (post-contact) Aboriginal burials which occur outside of designated cemeteries are protected under the *National Parks and Wildlife Act 1974* and should not be disturbed. Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect the find and recommend an appropriate course of action. Should the remains prove to be Aboriginal in origin, notification of OEH and the Local Aboriginal Land Council will be required. Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. 
**Table 3. Response to the OEH due diligence questions.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
<th>Proceed to question</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the activity disturb the ground surface or any culturally modified trees?</td>
<td>Yes, the proposed activity consists of residential development within the study area, and will result in ground disturbance. No culturally modified trees were identified within the study area; the activity will not disturb any such trees.</td>
<td>2.</td>
</tr>
<tr>
<td>2a. Are there any relevant confirmed site records or other associated landscape feature information on AHIMS?</td>
<td>No. The AHIMS database does not record any sites within the study area. The nearest site is &gt;500m away.</td>
<td>2b.</td>
</tr>
<tr>
<td>2b. Are there any other sources of information of which a person is already aware?</td>
<td>Yes. The Sutherland Shire Council Aboriginal sensitivity mapping highlighted the area as having moderate archaeological sensitivity. Being in a sensitivity area does not necessarily mean that an Aboriginal place or an Aboriginal object exists on a property, however it provides an indication on whether further investigation is required before development can take place. This due diligence has undertaken such investigation and considered the level of disturbance, along with the lack of geological formations needed for shelter, etc, reduces the potential for Aboriginal cultural material to be present.</td>
<td>2c.</td>
</tr>
<tr>
<td>2c. Are there any landscape features that are likely to indicate presence of Aboriginal objects?</td>
<td>No. There are no landscape features which are known to contain the presence of significant Aboriginal objects within, or in the vicinity of, the subject area.</td>
<td>3.</td>
</tr>
<tr>
<td>3. Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?</td>
<td>N/A. No Aboriginal objects, or cultural materials have been identified within the study area. As such, the potential for harm to Aboriginal cultural materials through the development is considered low-very low.</td>
<td>4.</td>
</tr>
<tr>
<td>4. Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?</td>
<td>No Aboriginal objects or cultural deposits were identified during a site inspection. Assessment and inspection of the study area indicates that it has been subject to previous disturbance through vegetation clearance, use of the land for pasture and cultivation, and the installation of surrounding roads and houses. This disturbance is likely to have substantially impacted the survivability of any archaeological remains of past Aboriginal occupation (if present), and to have reduced the likelihood of the presence of Aboriginal objects today. In combination with the desktop assessment, it is considered that the potential for significant Aboriginal cultural materials to be present is considered low to very low.</td>
<td>Further assessment not required, works may proceed with caution.</td>
</tr>
</tbody>
</table>
REFERENCES


Navin Officer 2006, Botany Bay 132kV Electricity Cable Project: Cultural Heritage Assessment, Report to Molino Stewart Pty Ltd


Figure 1. Location of the study area.
Figure 2. Proposed development within the study area.
Figure 3. AHIMS search results.
Site Photographs

Plate 1. View north west into the study area from Shackel Rd

Plate 2. View east along eastern part of the study area.

Plate 3. View southeast showing typical vegetation coverage in the study area.

Plate 4. View south showing typical vegetation coverage in the study area.

Plate 5. View west along access track showing typical ground coverage

Plate 6. Detail of ground exposure and erosion along the access track.
Plate 7. View east showing bridge over a drainage ditch.

Plate 8. Detail of concreted head of one of the drainage ditches.

Plate 9. Landscaping undertaking along the northern boundary of the study area.

Plate 10. Landscaping undertaking along the northern boundary of the northwest part of the study area.

Plate 11. Sandstone outcropping within the southwest part of the study area.

Plate 12. Sandstone outcropping identified just outside the southern boundary of the study area.
Appendix 1: Legislation
Commonwealth Legislation

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 was enacted at a Federal level to preserve and protect areas (particularly sacred sites) and objects of particular significance to Aboriginal Australians from damage or desecration. Steps necessary for the protection of a threatened place are outlined in a gazetted Ministerial Declaration (Sections 9 and 10). This can include the preclusion of development.

As well as providing protection to areas, it can also protect objects by Declaration, in particular Aboriginal skeletal remains (Section 12). Although this is a Federal Act, it can be invoked on a State level if the State is unwilling or unable to provide protection for such sites or objects.

Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 provides for the protection of natural and cultural heritage places. The Act establishes (amongst other things) a National Heritage List (NHL) and a Commonwealth Heritage List (CHL). Places on the NHL are of natural or cultural significance at a national level and can be in public or private ownership. The CHL is limited to places owned or occupied by the Commonwealth which are of heritage significance for certain specified reasons.

Places listed on the NHL are considered to be of State and local heritage value, even if State or local various heritage lists do not specifically include them.

The heritage values of places on the NHL or the CHL are protected under the terms of the EPBC Act. The Act requires that the Minister administering the EPBC Act assess any action which has, will have, or is likely to have, a significant impact on the heritage values of a listed place. The approval (or rejection) follows the referral of the matter by the relevant agency’s Minister.

Native Title Act 1993

The Native Title Act 1993 provides recognition and protection for native title. The Act established the National Native Title Tribunal to administer native title claims to rights and interests over lands and waters by Aboriginal people. The Tribunal also administers the future act processes that attract the right to negotiate under the Native Title Act 1993.

The Act also provides for Indigenous Land Use Agreements (ILUA). An ILUA is an agreement between a native title group and others about the use and management of land and waters. ILUAs were introduced as a result of amendments to the Native Title Act in 1998. They allow people to negotiate flexible, pragmatic agreements to suit their particular circumstances.

An ILUA can be negotiated over areas where native title has, or has not yet, been determined. They can be part of a native title determination, or settled separately from a native title claim. An ILUA can be negotiated and registered whether there is a native title claim over the area or not.
NSW State Legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that environmental and heritage impacts are considered by consent authorities prior to granting development approvals. The relevant sections of the EP&A Act are:

- Part 4: Development that requires consent under consideration of environmental planning instruments.
- Part 5: An assessment process for activities undertaken by Public Authorities and for developments that do not require development consent but an approval under another mechanism.

Where Project Approval is to be determined under Part 4 (Division 4.1) of the Act, further approvals under the National Parks and Wildlife Act 1974, are not required. In those instances, management of Aboriginal heritage follows the applicable Aboriginal assessment guidelines (the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation, July 2005) and any relevant statement of commitments included in the Development Approval.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides blanket protection for Aboriginal objects (material evidence of Indigenous occupation) and Aboriginal places (areas of cultural significance to the Aboriginal community) across NSW. An Aboriginal object is defined 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.*

An Aboriginal place is any place declared to be an Aboriginal place by the Minister for the Environment, under Section 84 of the Act.

It is an offence to disturb Aboriginal objects or places without a permit authorised by the Director-General of the Office of Environment and Heritage. In addition, anyone who discovers an Aboriginal object is obliged to report the discovery to OEH.

The operation of the NPW Act is administered by OEH. With regard to the assessment of Aboriginal cultural heritage, OEH has endorsed the following guidelines:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

Aboriginal Land Rights Act 1983
The *Aboriginal Land Rights Act 1983* allows for the transfer of ownership of vacant Crown land not required for an essential purpose or for residential land to a Local Aboriginal Land Council. These lands are then managed and maintained by the Local Aboriginal Land Council.
Appendix 2: Due Diligence Flow Chart
1. Will the activity disturb the ground surface or any culturally modified trees?
   - No
   - Yes

2. Are there any:
   a) relevant confirmed site records or other associated landscape feature information on AHIMS? and/or
   b) any other sources of information of which a person is already aware? and/or
   c) landscape features that are likely to indicate presence of Aboriginal objects?
   - No, None
   - Yes, any or all

3. Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?
   - Yes
   - No

4. Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?
   - No
   - Yes

5. Further investigation and impact assessment

   AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify DECCW. If human remains are found, stop work, secure the site and notify the NSW Police and DECCW.
Appendix 3: AHIMS Search Results
<table>
<thead>
<tr>
<th>SiteID</th>
<th>SiteName</th>
<th>Datum</th>
<th>Zone</th>
<th>Easting</th>
<th>Northing</th>
<th>Context</th>
<th>Site Status</th>
<th>SiteFeatures</th>
<th>SiteTypes</th>
<th>Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>52-3-0296</td>
<td>Woronora; Menai;</td>
<td>AGD</td>
<td>56</td>
<td>317986</td>
<td>6233360</td>
<td>Open site</td>
<td>Valid</td>
<td>Grinding Groove</td>
<td>Axe Grinding Groove</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recorders</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52-3-0769</td>
<td>Menai Z-</td>
<td>AGD</td>
<td>56</td>
<td>317286</td>
<td>6234240</td>
<td>Closed site</td>
<td>Valid</td>
<td>Art (Pigment or Engraved) : -</td>
<td>Shelter with Art</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recorders</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>52-3-0008</td>
<td>Woronora;</td>
<td>AGD</td>
<td>56</td>
<td>318376</td>
<td>6232880</td>
<td>Closed site</td>
<td>Valid</td>
<td>Art (Pigment or Engraved) : -</td>
<td>Shelter with Art</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recorders</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>52-3-1413</td>
<td>PAD 3 (Rich 1986)</td>
<td>AGD</td>
<td>56</td>
<td>317736</td>
<td>6232660</td>
<td>Closed site</td>
<td>Valid</td>
<td>Potential Archaeological Deposit (PAD) : -</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recorders</td>
<td></td>
<td></td>
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<td>52-3-1414</td>
<td>PAD 4 (Rich 1986)</td>
<td>AGD</td>
<td>56</td>
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<td>Potential Archaeological Deposit (PAD) : -</td>
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</tbody>
</table>

Contact: John Barham

Contact: Mary Dallas Consulting Archaeologists, Mrs Coryll Seaton

Contact: ASRSYS

Contact: Elizabeth Rich

Contact: Searle

Contact: Searle

Report generated by AHIMS Web Service on 13/12/2016 for Alistair Hobbs for the following area at Lot: 2, DP:DP1047691 with a Buffer of 1000 meters. Additional Info: Due Diligence.
Number of Aboriginal sites and Aboriginal objects found is 5
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