



Aboriginal Heritage Due Diligence Assessment Maryfields Estate, Campbelltown

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Cover Photo: Site overview, Maryfields Estate, Campbelltown

Table of Contents

Document Controls	i
Table of Contents	ii
Tables	iii
Figures	iii
Plates	iii
Summary	iv
1. Introduction	1
2. Aims	1
3. Scope	4
4. Location	4
5. Proposed Works	4
6. Regulatory and Assessment Framework	5
6.1 The National Parks and Wildlife Act 1974 (NSW)	5
6.2 The National Parks and Wildlife Regulation 2009 (NSW)	5
7. Consultation with the Aboriginal Community	8
8. Due Diligence Assessment	9
9. Conclusion	23
10. Recommendations	24
10.1 Recommendation 1	24
10.2 Recommendation 2	24
10.3 Recommendation 3	24
11. References	26
12. Appendix 1	27
13. Appendix 2	29
14. Appendix 3	30

Tables

Table 1. AHIMS search results (ID#107682) for sites located within 5km x 5km of the subject area	9
Table 2. Inspection data for the subject area	17
Table 3. Site Maryfields AS1	20
Table 4. Site Maryfields PAD1	21

Figures

Figure 1. Regional location of the subject area (Source: Niche 2013)	2
Figure 2. Localised extent of the subject area. (Source: Niche 2013)	3
Figure 3. Due diligence process under the Code (Source: OEH 2010)	7
Figure 4. AHIMS sites in proximity to the study area (Source: OEH and Niche)	11
Figure 5. Soil landscape mapping in relation to the subject area (Source: NSW Lands Department)	15
Figure 6. Geology mapping in relation to the subject area (Source: NSW Lands Department)	16
Figure 7. Results of the field survey and locations of Aboriginal heritage sites (Niche 2013)	22

Plates

Plate 1. Subject area overview (Niche 2013)	18
Plate 2. Exposure and visibility near the creekline (Niche 2013)	19
Plate 3. Partial ground-edge axe at site Maryfields AS1 (Niche 2013)	20
Plate 4. Area of PAD (Niche 2013)	21

Summary

This report presents the results of an Aboriginal due diligence assessment of a proposed residential and business zone development at Maryfields Estate, Campbelltown, NSW. It has been prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* and the *National Parks and Wildlife Regulation 2009*.

The purpose of the assessment was to determine whether any Aboriginal objects or sites are located within or in close proximity to the subject area. If such sites were present, appropriate measures to avoid and/or minimise any impact would be required.

The due diligence assessment involved a consideration of background and contextual information and a visual inspection of the subject area with representatives from Cubitch Barta Native Title Claimants Aboriginal Corporation. A representative of the Tharawal Local Aboriginal Land Council was also sought though Niche was advised that no representatives were available to attend the inspection.

The majority of land in the subject area has low potential for Aboriginal sites or objects due to the topography; distance from water sources or due to previous land disturbance, however, the land adjacent to the unnamed creekline has high potential to contain Aboriginal sites and/or objects. This land is less disturbed and in proximity to a water source.

An inspection of the subject area located one Aboriginal heritage site, Maryfields AS1, which contained a broken ground-edge axe. The site inspection also located an area of potential archaeological deposits (PAD), Maryfields PAD1, adjacent to Maryfields AS1.

Maryfields PAD1 has been identified in an area earmarked as a future business precinct. If future ground disturbance within Maryfields PAD1 cannot be avoided, an Aboriginal Heritage Impact Permit will be required.

Our recommendations are summarised as follows:

Recommendation 1 - It is recommended that the Proponent avoids harm to both Maryfields AS1 and Maryfields PAD1 by making modifications to the project concept plan. Modifications would be required as the concept plan (Master Plan Drawing A2-112) indicates the location of Maryfields AS1 and Maryfields PAD1 would be within the proposed Business Zone area.

Recommendation 2 - If harm to Maryfields AS1 cannot be avoided, the artefact must be collected. To do this the Proponent must have an AHIP issued under s.90 of the *National Parks and Wildlife Act, 1974*.

Recommendation 3 - As it is not currently possible to assess the extent or nature of harm to Maryfields PAD1 additional archaeological investigations would be required if the proposed works result in impacts. It is recommended that additional investigations include a sub-surface test excavation program within Maryfields PAD1. If the results of the sub-surface testing confirm the presence of Aboriginal objects, the Proponent would need an AHIP issued under s.90 of the *National Parks and Wildlife Act, 1974* for works to proceed.

1. Introduction

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by the Association of Franciscan Order of Friars Minor on behalf of Association of Franciscan Order of Friars Minor to prepare an Aboriginal heritage due diligence assessment of proposed development activities at Maryfields Estate, Campbelltown (the subject area).

The proposed development at Maryfields Estate, Campbelltown, will incorporate the development of moderate density residential areas as well as business zones. The development will include the construction of multiple buildings and infrastructure, such as roads, and subsurface services.

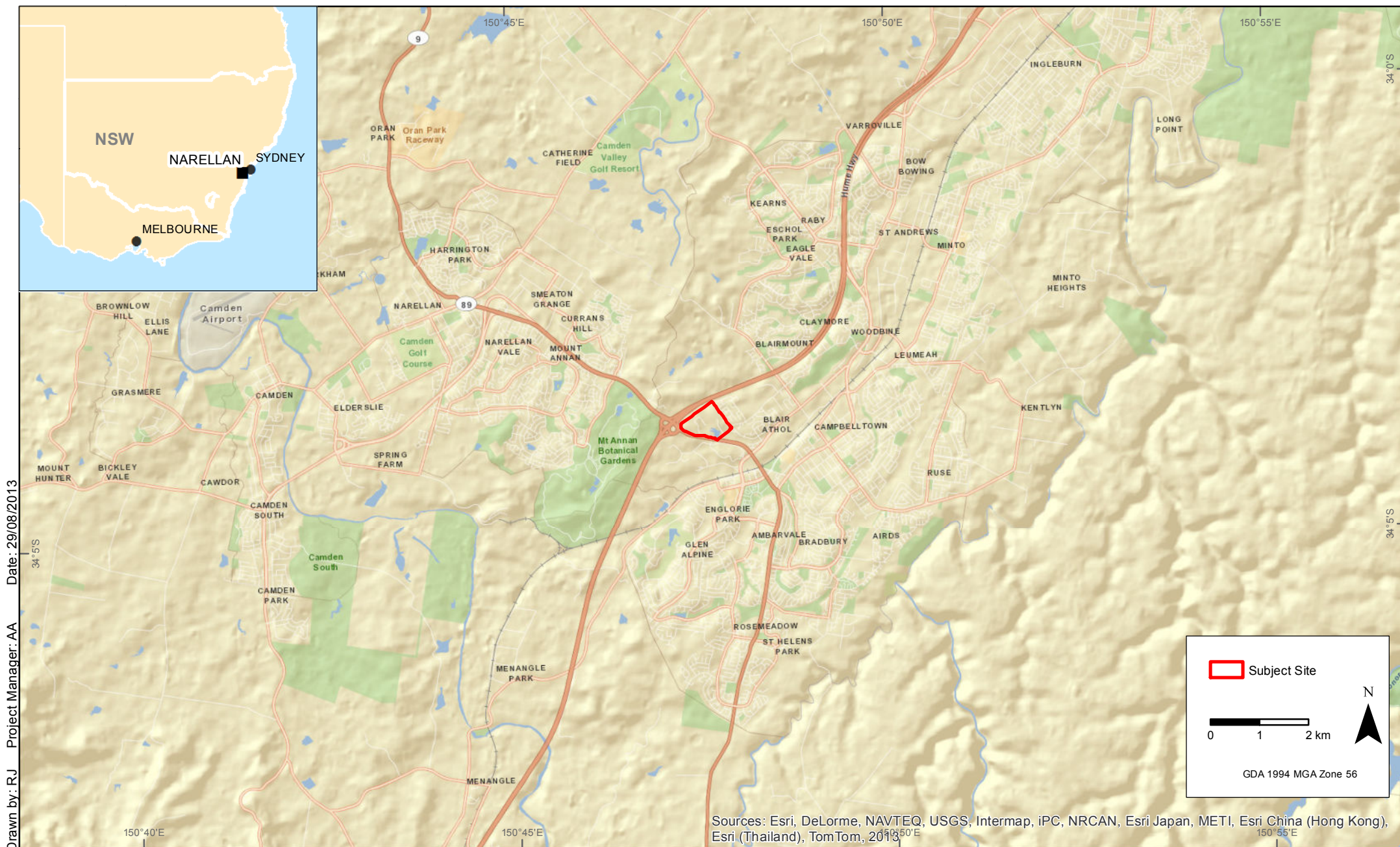
The purpose of this assessment was to determine the presence or likely presence of Aboriginal objects and sites and whether additional Aboriginal heritage assessment work was required. This assessment was therefore prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* ('the Due Diligence Code') to ensure compliance with the requirements for managing Aboriginal heritage under the *National Parks and Wildlife Act 1974*.

This report has been prepared by Amanda Atkinson (Archaeologist, Niche) and has been reviewed by Cameron Harvey (Heritage Team Leader, Niche).

2. Aims

The aims of this assessment were to:

- ☐ Implement the process for assessing Aboriginal heritage due diligence as established by the Due Diligence Code. This assessment would determine if the proposed works would, or could, cause harm to Aboriginal objects and sites and;
- ☐ If Aboriginal objects or sites were present, provide appropriate recommendations to avoid and/or minimise any impacts in accordance with the requirements for managing Aboriginal heritage in New South Wales under the *National Parks and Wildlife Act 1974*.



Regional Project Location

Maryfields Estate, Campbelltown- Biodiversity Constraints Assessment

FIGURE 1



Drawn by: RJ Project Manager: AA Date: 29/08/2013

Site map
Maryfields Estate, Campbelltown- Biodiversity Constraints Assessment

FIGURE 2

3. Scope

To satisfy the requirements of the Due Diligence Code the scope of our assessment included the following tasks:

- ☐ A desktop review of previous studies and reports relevant to the subject area;
- ☐ A search of the Aboriginal Heritage Information Management System (AHIMS) maintained by the Office of Environment and Heritage (OEH) to identify known Aboriginal objects and sites within the subject area;
- ☐ A search of the State Heritage Register, State Heritage Inventory and Local Environmental Plan Heritage Schedules;
- ☐ A search of the World Heritage List, the National Heritage List and the Commonwealth Heritage List;
- ☐ Consideration of the landscape context and land use history;
- ☐ Physical inspection of the subject area;
- ☐ Assessment of the significance of any identified Aboriginal sites/objects; and
- ☐ Provision of management recommendations to avoid/mitigate impact on any affected Aboriginal sites/objects.

4. Location

The study area is located on Narellan Road, adjacent the Hume Highway, at Campbelltown, NSW within the Campbelltown Local Government Area (LGA) (Figure 1). The study area comprises approximately 44.5 hectares of mostly cleared paddocks that have been grazed by cattle. The study area also supports a watercourse and associated drainage line, patches of native vegetation and isolated native trees and a number of buildings and access roads associated with The Bethlehem Monastery.

5. Proposed Works

The proposed works involve the re-zoning of the property into future spaces for redevelopment, including;

- ☐ Four areas of moderate density residential housing;
- ☐ Two areas of business zone, which would include industrial buildings and activities; and
- ☐ Associated infrastructure, such as roads and sub-surface services.

The project concept plan is included as Appendix 1 for reference.

6. Regulatory and Assessment Framework

6.1 The National Parks and Wildlife Act 1974 (NSW)

The *National Parks and Wildlife Act 1974* (NSW) (the ‘NPW Act’) is the primary piece of legislation for the protection of Aboriginal cultural heritage in New South Wales. The Office of Environment and Heritage (OEH) administer the NPW Act. The NPW Act provides statutory protection for Aboriginal objects by making it illegal to harm Aboriginal objects and Aboriginal places, and by providing two tiers of offence against which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. The NPW Act defines Aboriginal objects and Aboriginal places:

Aboriginal object means 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.

Aboriginal place means any place declared to be an Aboriginal place under section 84.

The highest tier offences are reserved for knowledgeable harm of Aboriginal objects or knowledgeable desecration of Aboriginal places. Second tier offences are strict liability offences—that is, offences regardless of whether or not the offender knows they are harming an Aboriginal object or desecrating and Aboriginal place—against which defences may be established under the *National Parks and Wildlife Regulation 2009* (NSW) (the ‘NPW Regulation’). Section 87 of the NPW Act establishes defences against prosecution under s.86 (1), (2) or (4). The defences are as follows:

- ☐ An Aboriginal Heritage Impact Permit (AHIP) authorising the harm (s.87(1))
- ☐ Exercising due diligence to establish Aboriginal objects will not be harmed (s.87(2))
Due diligence may be achieved by compliance with requirements set out in the *National Parks and Wildlife Regulation 2009* (the NPW Regulation) or a code of practice adopted or prescribed by the NPW Regulation (s.87(3))
- ☐ Undertaking “low impact” activities (s.87 (4)).

AHIP’s are issued under Section 90 of the NPW Act. They may be issued subject to conditions or unconditionally, in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

6.2 The National Parks and Wildlife Regulation 2009 (NSW)

The NPW Regulation 2009 (cl.80A) assigns the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (NSW Department of Environment, Climate Change and Water 2010)(the Code) as one of the codes of practice that can be complied with pursuant to s.87 of the NPW Act. In

2010, the NSW *Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects* published by NSW Minerals Council Ltd and based on the Due Diligence Code was gazetted as an industry specific code of practice that can be complied with pursuant to s.87 of the NPW Act.

In addition the NPW Regulation describes “certain low impact activities” in s.80B in conjunction with the presence of disturbed land. Disturbed land is defined by cl.80B (4) as “disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable”. Examples given in the notes to cl.80B (4) include “construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)”.

6.2.1 The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (the Code) describes the process that must be followed and the actions that must be taken by a proponent, and the site conditions that must be satisfied, to show due diligence in the consideration of potential harm to Aboriginal objects.

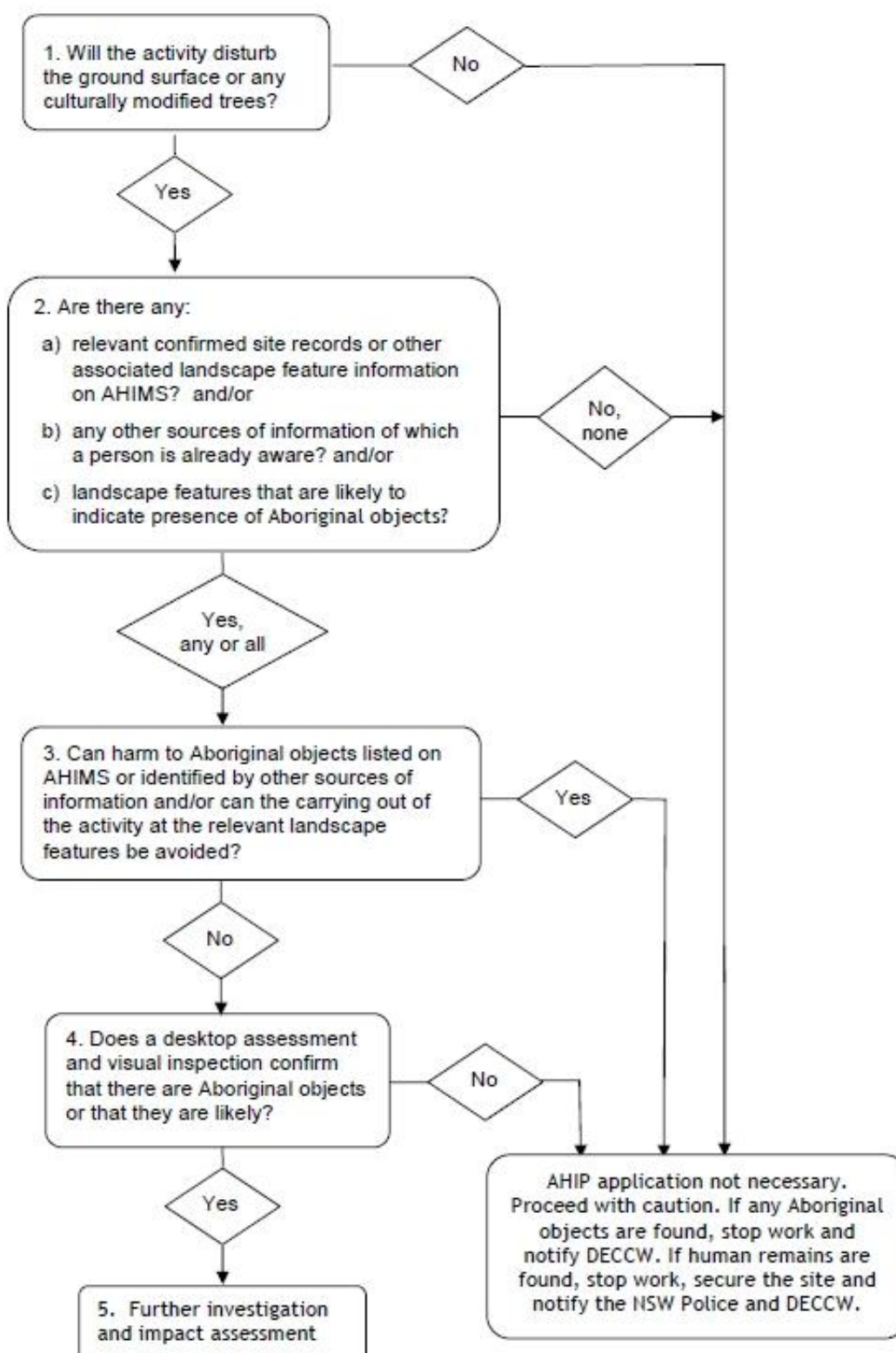
The Due Diligence Code sets out a basic framework with the following steps followed in order to make an assessment of whether or not proposed activities may impact Aboriginal objects:

- Step 1. Will the activity disturb the ground surface?*
- Step 2a. Search the AHIMS database.*
- Step 2b. Use any other sources of information of which you are already aware.*
- Step 2c. Are there any activities in areas where landscape features indicate the presence of Aboriginal objects?*
- Step 3: Assess whether the activity can avoid impact to any identified Aboriginal objects or areas of significant potential.*
- Step 4: Desktop assessment and visual inspection*
- Step 5. Further investigations and impact assessment*

The process set out in the Code involves consideration of harm to Aboriginal objects at increasing levels of detail, with additional information incorporated at each step and used to support the decisions being made. If the proposed activities are not “low impact activities” (a defence for which is provided under the Regulation) the considerations result in a determination of whether or not:

- ☐ further approval (an AHIP) under the NPW Act is required (from which the project is exempt as it is being undertaken under Part 3A), or;
- ☐ Due Diligence obligations for the protection of Aboriginal objects are discharged by the process under the Code.

Figure 3. Due diligence process under the Code (Source: OEH 2010)



7. Consultation with the Aboriginal Community

Consultation with the local Aboriginal community at the due diligence assessment stage is not mandatory to satisfy the Due Diligence Code, however local Aboriginal groups were invited to participate in the site inspection.

An invitation was extended to Tharawal Local Aboriginal Land Council (LALC) to participate in the site inspection. Tharawal LALC were initially contacted via telephone seeking the availability of a representative for the proposed for the site inspection to take place on 14 August 2013. Niche were advised, via email dated 7 August 2013 from Donna Hipwell (Acting CEO TLALC) that no personnel were available on that date (Appendix 2).

Glenda Chalker of Cubbitch Barta Native Title Claimants Aboriginal Corporation approached Niche about participating in the site inspection. A mutually suitable date for the site inspection was agreed on as being 21 August 2013. Niche approached TLALC via email on 9 August 2013 again seeking a TLALC representative for the site inspection on this revised date. No response was received (Appendix 3).

Glenda Chalker and Kirsty-Lee Chalker, representatives of Cubbitch Barta Native Title Claimants Aboriginal Corporation participated in the site inspection.

8. Due Diligence Assessment

Is the proposed activity a low impact activity as defined by the Regulation?

No.

The proposed activity is the rezoning of the subject area and is not an activity defined by the Regulation.

Step 1. Will the activity disturb the ground surface?

Yes.

While the rezoning activity itself will not cause ground disturbance, future development within the subject area has potential to cause ground disturbance. The following surface impacts may be associated with future development in the subject area:

- ☐ Four areas of moderate density residential housing;
- ☐ Two areas of business zone, which would include industrial buildings and activities; and
- ☐ Associated infrastructure, such as roads and sub-surface services.

Step 2a. Are there any relevant confirmed site records or other associated landscape feature information on AHIMS?

Yes.

An extensive AHIMS search was conducted on 6 August, 2013 (AHIMS search ID #107682). The search covered an area of approximately 5 km x 5 km that encompassed the subject area. There are 12 previously recorded Aboriginal archaeological sites within the search area but no sites within the subject area. The closest registered sites are Artefact Scatter 52-2-3061 and Artefact Scatter with PAD 52-2-3636. These are located approximately 450 m to the southwest and 500 m to the west of Maryfields Estate, respectively. The AHIMS search results are presented in Table 1 and shown in Figure 4.

Table 1. AHIMS search results (ID#107682) for sites located within 5km x 5km of the subject area

Site ID	Site Name	Site Type
52-2-1725	IF 2	Isolated Find
52-2-3058	IF7	Isolated Find
52-2-3061	UWS 4	Artefact Scatter
52-2-3062	UWS 5	Artefact Scatter
52-2-3636	MA 1 & PAD MA 1 (Campbelltown)	Potential Archaeological Deposit and Artefact Scatter
52-2-3739	CG-1A-06	Isolated Find
52-2-3740	CG-1A-07	Isolated Find

52-2-3741	CG-1A-08	Isolated Find
52-2-3742	CG-1A-09	Isolated Find
52-2-3743	CG-1A-10	Isolated Find
52-2-3748	CG-OCS-10	Isolated Find
52-2-3749	CG-OCS-11	Isolated Find



Aboriginal Heritage Management System (AHIMS) Data
Maryfields Estate, Campbelltown- Biodiversity Constraints Assessment

FIGURE 4

Step 2b. Are there any other sources of information of which a person is already aware?

Yes.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) establishes two registers for listing exceptional natural and cultural places that contribute to Australia's national identity - the National Heritage List (NHL) and the Commonwealth Heritage List (CHL) (<http://www.environment.gov.au/heritage/places/national/index.html>).

The NHL lists places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places. NHL listed places are protected by Australian Government laws and special agreements with state and territory governments and with Indigenous and private owners. The EPBC Act requires that approval be obtained before any action takes place that could have a significant impact on the national heritage values of a NHL place.

The CHL lists natural, Indigenous and historic heritage places which are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority; and which the Minister is satisfied have one or more Commonwealth Heritage values.

- ☐ Searches of the NHL and CHL were undertaken on the 8 August, 2013. No listed items are located within the subject area.

8.1.1 NSW State Heritage Register

The State Heritage Register (SHR) holds items that have been assessed as being of State Significance to New South Wales. The State Heritage Inventory (SHI) contains items that are listed on Local Environmental Plans and/or on a State Government Agency's Section 170 registers (NSW Office of Environment and Heritage Website - www.heritage.nsw.gov.au/index.html - accessed 19 January 2013). An assessment of heritage significance is required for items greater than 50 years in age. Items appearing on either the SHR or SHI have been granted a defined level of statutory protection under NSW legislation.

Searches of the SHR and SHI were completed on the 8 August 2013;

- ☐ 'Stations of the Cross', Campbelltown is referenced in the SHI as a place of heritage significance in the Campbelltown Local Environmental Plan.

8.1.2 Campbelltown City Council Local Environmental Plan (LEP)

Each Local Government Area (LGA) is required to create and maintain a Local Environmental Plan (LEP) that identifies Aboriginal and non-Aboriginal heritage items. These items are protected under the EP&A Act 1979 and the Heritage Act 1977.

A search of the Campbelltown LEP (2002) was undertaken on the 8 August 2013. No Aboriginal heritage items listed on the LEP are located within, or in close proximity to, the subject area. One item of Non-Aboriginal heritage is listed within the subject area;

- ❑ 'Stations of the Cross', Campbelltown is listed on the Campbelltown LEP (2002) as being of regional significance.

Step 2c. Are there landscape features that are likely to indicate the presence of Aboriginal objects?

Yes.

8.1.3 Soil Landscapes, Geology and Hydrology

Several soil landscapes are found within the subject area. The Blacktown residual soil dominates the study area with an area of Luddenham erosional soil landscape in the north-western corner of the subject area (Bannerman and Hazelton 1990). The Blacktown residual soil landscape is characterised by shallow to moderately deep soils on crests, upper slopes and well-drained areas. The moderately deep soils of the Blacktown residual soil is suitable for maintaining intact sub-surface archaeological deposits. The geology of the subject area is characterised by gently undulating rises of the Wianamatta group shales and Hawkesbury shales. It is not likely that rock shelters, with or without evidence of human occupation, will occur in this landscape.

Archaeological test excavations have been previously undertaken at the University of Western Sydney (UWS), on the opposite side to the subject area of Narellan road. These excavations were undertaken on similar landforms (undulating plains) and soil landscapes (Blacktown soil landscape) to those that exist within the subject area. The UWS archaeological excavations recovered artefacts from the A-Horizon soils, usually contained within the top 20 cm of soil (Austral Archaeology 2013). The presence of a low-density artefact scatter was recorded at the UWS site and similar results are expected within the PAD at the subject site.

The subject area is situated approximately 4 km north-east of the Nepean River. An unnamed creek runs through the southern portion of the study area. The creekline has been modified further upstream by the construction of the Hume Highway therefore it no longer flows; at the time of the site survey, some areas of the creek held small amounts of water. The creekline is well defined so it is probable that prior to the development of the Hume Highway, the creek would have been a permanent or semi-permanent water source therefore increasing the likelihood that it was utilised by humans in the past and nearby land may contain evidence of past human occupation and/or activity. The presence of this creekline is considered to increase the likelihood of the potential of Aboriginal sites and/or archaeological deposits within the subject area.

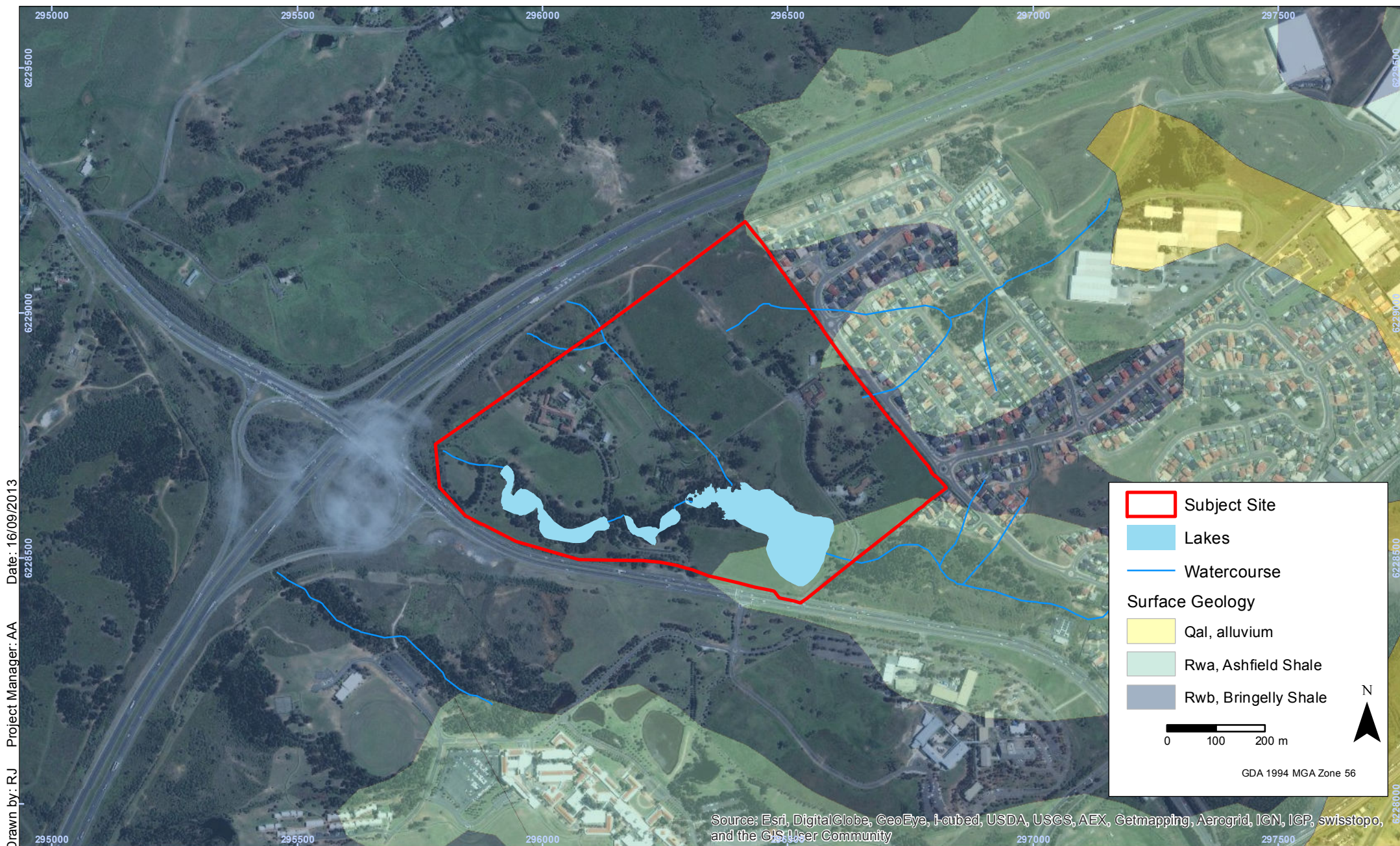
8.1.4 Land Use History

The subject area has had multiple uses including the site of a monastery and its associated activities and it has been used for low-intensity livestock grazing. A transmission line runs through the north-west corner of the subject area. The land has been cleared for pastoral use, however has not been modified significantly. The creekline which runs through the southern portion of the subject area has been modified further upstream and within the subject area, however there are sections of the creekline which remain unmodified.



Soil Landscapes
Maryfields Estate, Campbelltown- Biodiversity Constraints Assessment

FIGURE 5



Hydrology and Geology
Maryfields Estate, Campbelltown- Biodiversity Constraints Assessment

FIGURE 6

Step 3: Can the harm or the activity be avoided?

Potentially.

The subject area has undergone varying degrees of disturbance since settlement, including pastoral uses, the construction and operation of the monastery, and the installation of powerlines (See 8.1.4). Sections of the subject area however would potentially be undisturbed by these impacts and therefore may contain Aboriginal objects.

The presence of landforms known to indicate the potential for Aboriginal objects (e.g. the creekline noted in 8.1.3) have also been identified. Prior to this assessment, however, no known Aboriginal objects had been recorded in the subject area.

Harm to any Aboriginal objects discovered during this assessment could potentially be avoided through such actions as modifications to the project concept plan.

Step 4: Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?

The subject area was inspected by Amanda Atkinson (Niche archaeologist), Glenda Chalker (Cubbitch Barta) and Kirsty-Lee Chalker (Cubbitch Barta) on 21 August 2013. One Aboriginal archaeological object and one area of potential archaeological deposit (PAD) were identified during the inspection. The topography of the subject area was dominated by an undulating plateau of variable elevation. Vegetation was primarily grassland with small pockets of native vegetation along the creekline. Ground surface visibility was generally very poor across the subject area. A summary of the landform features is found in Table 2.

Table 2. Inspection data for the subject area

Landform	Disturbance Type	Visibility %	Exposure %
Creekline	Grazed paddock & native vegetation	5%	5%
Ridgelines	Grazed paddock	1%	1%
Lower Slopes	Grazed paddock	2%	1%
Mid Slopes	Grazed paddocks	1%	1%
Upper Slopes	Grazed paddocks	1%	1%



Plate 1. Subject area overview (Niche 2013)



Plate 2. Exposure and visibility near the creekline (Niche 2013)

The subject area has been disturbed through the clearing of dense vegetation and the use of the property for low intensity livestock grazing. Buildings and roads also exist on the subject area which have created additional ground disturbance. The majority of land in the subject area has low potential for Aboriginal sites or objects due to the topography; distance from water sources or due to previous land disturbance, however, the land adjacent to the unnamed creekline has high potential to contain Aboriginal sites and/or objects. This land is less disturbed and in proximity to a water source.

One Aboriginal object was located on the creek terrace. The object was a broken stone axe (Plate 3). An area of PAD was also designated along the northern side of the creekline. Details of these finds are outlined in table 3.

Table 3. Site Maryfields AS1



Site 1: Maryfields AS1	
Location	56 H E: 296331 N: 6228748 Maryfields AS1 is an isolated artefact located on a creek terrace adjacent to an unnamed creekline. The creek terrace also contains an area of PAD.
Vegetation	The area containing the site has been mostly cleared for low intensity grazing however some clusters of native vegetation still exist. The area is heavily eroded by surface wash and varies from good to poor condition.
Water	Historically, the closest source of permanent water is the unnamed creek adjacent to the site. The Nepean River is located approximately 4 km from the site.
Site Description	The site comprises of 1 artefact, located on an ants nest. The total site covers an area of 10 m ² contained within an area of PAD; the PAD is approximately 1000 m ² . The assemblage includes one broken basalt axe. The broken axe measures 60 mm (l) x 50 mm (w). The edge has been ground and shows signs of usewear along 50% of the ground edge.
Potential Archaeological Deposit	An area approximately 1000 m ² within the site has been designated as PAD. The erosion around the site suggests that at least a 30 cm deep residual soil may contain stratified archaeological remains.
Photos	 <p>Plate 3. Partial ground-edge axe at site Maryfields AS1 (Niche 2013)</p>

Table 4. Site Maryfields PAD1

Site 1: Maryfields PAD 1	
Location	56 H E: 296148 N: 6228914 (centre of PAD). Maryfields PAD1 is a potential archaeological deposit located adjacent to a creekline and is associated with Aboriginal site Maryfields AS1.
Vegetation	The PAD area is mostly cleared however there are some areas of intact native vegetation. The surface is covered in dense grass with very few areas of exposure. The area is intact, with minimal erosion near the edge of the creek. The PAD is in excellent condition.
Water	Historically, the closest source of permanent water is the unnamed creek adjacent to the site. The Nepean River is located approximately 4 km from the site.
Site Description	The PAD area extends 50 m to the north from the unnamed creekline and is approximately 100 m in length. The area was determined to contain PAD as it is associated with an Aboriginal site, it has intact soils and is on a sensitive landform which is similar to landforms within 1 km of this PAD which were confirmed as containing sub-surface Aboriginal artefacts. The northern side of the creek contains a slight rise overlooking the creek, whereas the southern side is low lying and prone to flooding, therefore only the northern side of the creek is considered to have potential to contain intact archaeological deposit.
Potential Archaeological Deposit	An area of approximately 1000 m ² contains PAD. The excellent condition of the area and erosion nearby suggest that the top 30 cm of soil may contain stratified archaeological deposit.
Photos	 <p>Plate 4. Area of PAD (Niche 2013)</p>

Step 5. Further investigations and impact assessment

Further assessment and impact assessment is required at this site to confirm whether sub-surface Aboriginal objects occur within the area PAD area (See Figure 7). A final detailed concept design for the development will be required to complete the impact assessment.



Results of the field survey
Maryfields Estate, Campbelltown- Biodiversity Constraints Assessment

FIGURE 7

9. Conclusion

One Aboriginal site and one area of PAD were located within the subject area. Therefore, there are Aboriginal heritage constraints to the proposed works.

As noted in Section 6, the NPW Act provides statutory protection for Aboriginal objects by making it illegal to harm Aboriginal objects and Aboriginal places, and by providing two tiers of offence against which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. Section 87 of the Act provides Section 87 of the NPW Act establishes defences against prosecution under s.86 (1), (2) or (4). The defences are as follows:

- ☐ An AHIP authorising the harm (s.87(1))
- ☐ Exercising due diligence to establish Aboriginal objects will not be harmed (s.87(2))

This document has followed the Due Diligence Code and confirmed that the proposed activities have the potential to impact on Aboriginal sites and landscape features which indicate the likelihood of the presence of Aboriginal objects and subsurface Potential Archaeological Deposits.

10. Recommendations

The proposed works have been assessed as likely to result in harm to Aboriginal objects within the subject area or to an area of potential archaeological deposit. Therefore, the following recommendations are made.

10.1 Recommendation 1

It is recommended that the Proponent avoids harm to both Maryfields AS1 and Maryfields PAD1 by making modifications to the project concept plan. Modifications would be required as the concept plan (Master Plan Drawing A2-112) indicates the location of Maryfields AS1 and Maryfields PAD1 would be within the proposed Business Zone area. Harm could be avoided by:

- ☐ Including the locations of Maryfields AS1 and Maryfields PAD1 within the proposed Open Space Zone; and
- ☐ Ensuring that no impacts to the ground surface occur within the locations marked as Maryfields AS1 and Maryfields PAD1 (e.g. landscaping or revegetation works such as tree planting); and
- ☐ Implementing a buffer zone of 10 m around both Maryfields AS1 and Maryfields PAD1 with no ground disturbing activity to occur within that zone; and
- ☐ The buffer zone should be marked on all contraction maps as a no-go zone; and
- ☐ Maryfields AS1 must not be disturbed nor should it be relocated; and
- ☐ Maryfields AS1 and Maryfields PAD1 are fenced during all adjacent ground disturbance works and project personnel are advised to avoid the area.

10.2 Recommendation 2

If harm to Maryfields AS1 cannot be avoided, the artefact must be collected. To do this the Proponent must have an AHIP issued under s.90 of the NPW Act.

10.3 Recommendation 3

As it is not currently possible to assess the extent or nature of harm to Maryfields PAD1, additional archaeological investigations would be required if Maryfields PAD1 was to be impacted. It is recommended that additional investigations include a sub-surface test excavation program within Maryfields PAD1. The aim of the testing program would be to determine the presence/absence of sub-surface Aboriginal archaeological objects and the extent of their presence. Consultation with the local Aboriginal community would need to be conducted in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. An Aboriginal Cultural Heritage Assessment Report (ACHAR) and an Archaeological Report (AR) would have to be prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) respectively.

If the results of the sub-surface testing confirmed the presence of Aboriginal objects, the Proponent would need an AHIP issued under s.90 of the NPW Act for any impacting works to proceed.

11. References

Austral Archaeology 2013 Green Corridor, University of Western Sydney Campbelltown, NSW. Unpublished report to Landcom.

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12. Appendix 1

Project concept plan



Project Masterplan 0112

Maryfields Estate, Campbelltown- Aboriginal Heritage Due Diligence

APPENDIX 1

13. Appendix 2

Email from TLALC indicating no availability for site inspection on 14 August 2013

From: Donna Hipwell [mailto:ceo@tharawal.com.au]

Sent: Wednesday, 7 August 2013 5:08 PM

To: Amanda Atkinson

Subject: site work 14/7/13

Hi Amanda

Tharawal cannot send anybody out for site work on 14/8/13 . sorry but we will need a bit more notice.

Donna Hipwell

Acting CEO TLALC

14. Appendix 3

Email from Niche to TLALC for representative to attend site inspection on 21 August 2013

From: Amanda Atkinson
Sent: Friday, 9 August 2013 12:36 PM
To: 'Donna Hipwell'
Subject: RE: site work 14/7/13

Thanks Donna, do you have anyone available the following week? Either Tuesday, Wednesday or Thursday?

Thanks

Amanda



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Archaeologist

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