

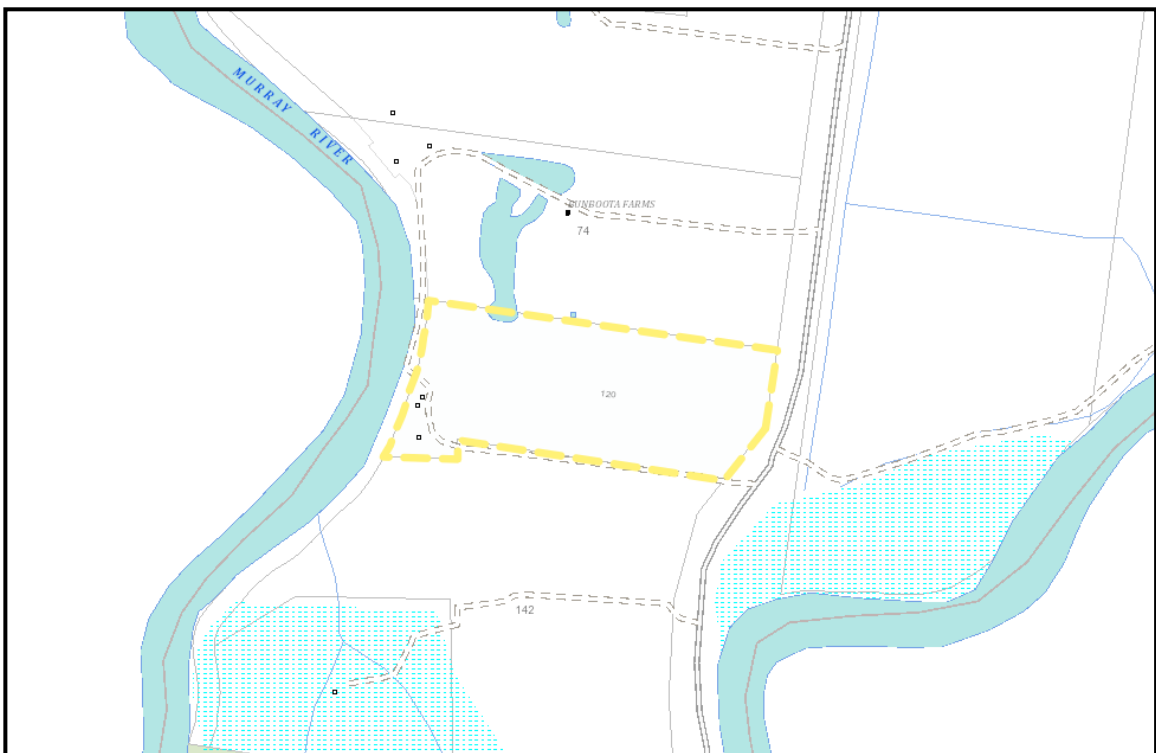
## DUE DILIGENCE ASSESSMENT

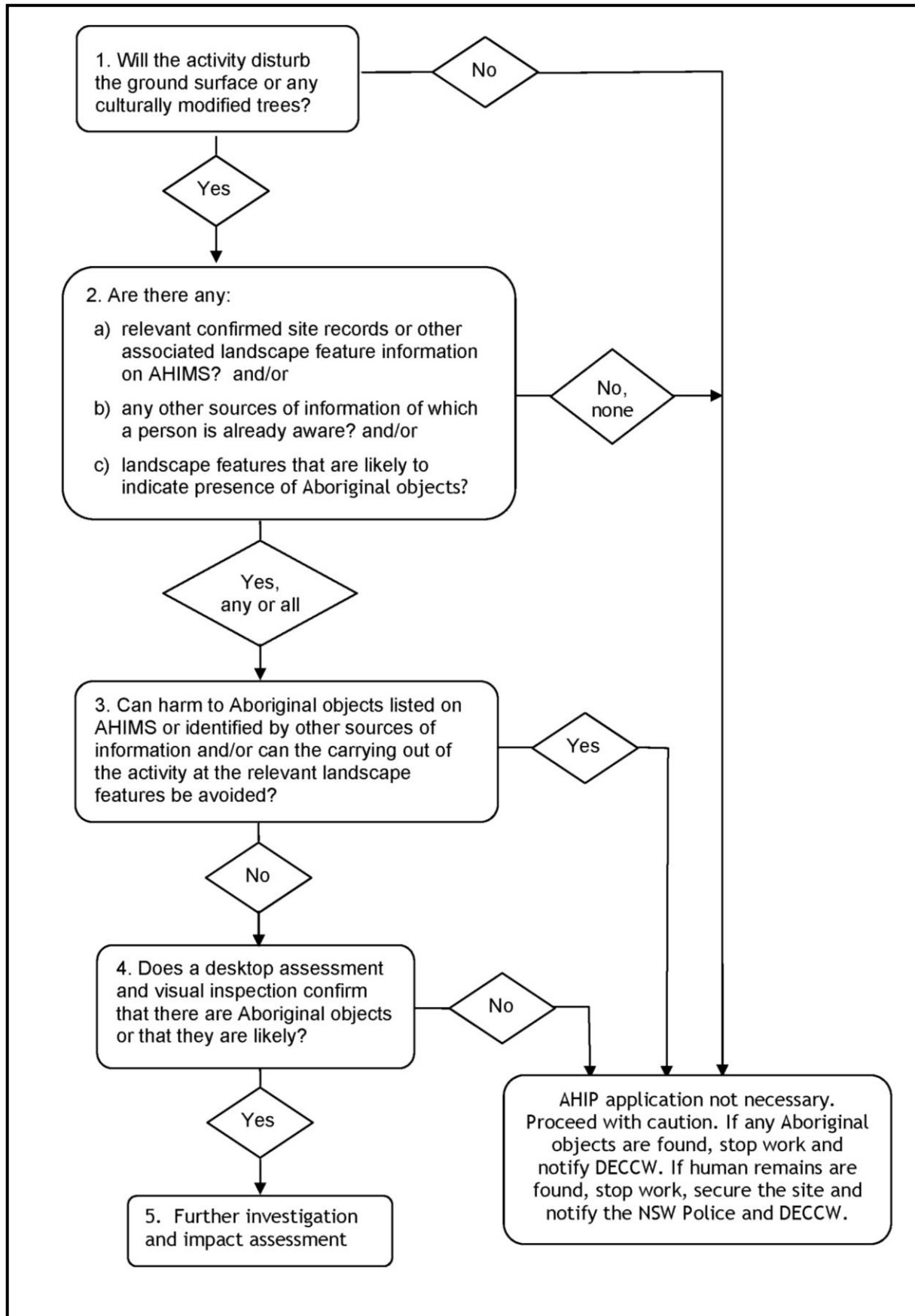
*In accordance with the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales'*

### **120 Benarca-Forest Road, Moama - Lot 1/-/DP1154923 Crown Land - Lot 113/-/DP39915**

This Due Diligence Assessment follows the process outlined in Section 8 of the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales'.

The proposal is to legalize the existing replacement pontoon located on Lot 113 of DP (Crown Land), which abuts Lot 1 of DP1154923. The pontoon has been located on the land since 2013, and was implemented in order to replace the previous dilapidated structure which was located approximately 30m east and no longer evident.



***Generic Due Diligence Process***

***Step 1. Will the activity disturb the ground surface?***

*If the activity will disturb the ground surface or any culturally modified trees then check the AHIMS database – step 2a.*

The subject application will not result in any works on the property, or the removal of vegetation. No culturally modified trees are located within the site, or are to be disturbed.

The proposed development therefore will not trigger this step; however, as the land was altered previously, this assessment has been continued.

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

*Go to step 2b.*

An AHIMS search has been completed for the subject land of Lot 113/-/DP39915, which has been attached within Appendix 1.

The AHIMS search result with a 50-metre buffer indicated (0) Aboriginal sites are recorded in or near both lots, and (0) Aboriginal places declared in or near the property.

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

*Consequently, if your proposed activity is:*

- *within 200m of waters<sup>7</sup>, or*
- *located within a sand dune system<sup>8</sup>, or*
- *located on a ridge top, ridge line or headland, or*
- *located within 200m below or above a cliff face, or*
- *within 20m of or in a cave, rock shelter, or a cave mouth*

*and is on land that is not disturbed land (see Definitions) then you must go to step 3.*

*If after completing steps 2a and 2b it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, you can proceed with caution without applying for an AHIP.*

The subject land is located within 200m of the Murray River.

The land upon which the existing structure is located has been disturbed. No further works are required to install the structure.

All existing trees are plain and show no evidence of aboriginal use in the past.

Based on the proximity of the land to one of the significant landforms identified above and the extent of previous works undertaken, a site assessment has been undertaken by

the Moama Local Aboriginal Land Council to further determine probability of Aboriginal artefacts. As evident by this inspection report, and past land uses, it is likely that the existence of indigenous objects/artefacts is minimal.

Step 2a determined the likelihood of Aboriginal artifacts in the location be nil or minimal. No harm is present.

Step 2b concluded that the location of the subdivision is within proximity to a landscape feature as listed: within 200m of waters.

Continued assessment onto step 3 is only necessary if the activity is occurring on land which has not been disturbed in the past, or contains known Aboriginal objects.

As the land has undergone disturbance in the past due to erosion, development, and works for this structure, and has no known Aboriginal artefacts within the site, no further assessment is required. See attached Moama Local Aboriginal Land Council site inspection report for further information.

In accordance with Section 8 of the generic *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* process, the development is considered to not require an Aboriginal Heritage Impact Permit.

In accordance with the *National Parks and Wildlife Act 1974*, if any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- Not further harm the object;
- Immediately cease all work at the particular location;
- Secure the area so as to avoid further harm to the Aboriginal object;
- Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location;
- Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

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 1



Office of  
Environment  
& Heritage

## AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : S7074

Client Service ID : 583476

Planright Surveying - Echuca

21 Nish Street

Echuca Victoria Victoria 3564

Attention: Adam Thompson

Email: athompson@planright.net.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 113, DP:DP39915 with a Buffer of 50 meters, conducted by Adam Thompson on 15 April 2021.

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



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

0 Aboriginal sites are recorded in or near the above location.

0 Aboriginal places have been declared in or near the above location. \*





# **Moama Local Aboriginal Land Council**

## **Site Survey Report**

**(SSR 061)**

**Prepared for: Planright**

**Name: Claire Tunbridge**

**Project: Aboriginal Site Survey**

**Location: Lot 113, 120 Benarca Forest Road, Moama NSW 2731**

**DP: 39915**

**Prepared by:**

**Name: Phillip Hudson**

**On Behalf of:**

**Moama Local Aboriginal Land Council**

**Phone: 0354826071**

**Email: [admin@moamalalc.com.au](mailto:admin@moamalalc.com.au)**

**ABN: 95 659 710 168**

## Purpose

The purpose of this site survey report is to provide details on the findings and recommendations relating site surveys conduct at **120 Benarca Forest Road, Moama**. NSW 2731. This report is intended for the purpose of informing your organization of the site survey findings and recommendations as to what future action that Moama LALC believes should be taken in respect to this project. This report is not intended for the purpose of providing your organization with approval to harm (destroy, deface, or damage) or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which is has been situated which is an offence under the *National Parks and Wildlife Act 1974*.

## Background

The Moama LALC was contacted by **Planright**, on **08/04/2021** to conduct site survey investigations at **120 Benarca Forest Road Moama**. NSW 2731 The Moama LALC forwarded **Planright** a Sites Work Engagement Letter inclusive of a LALC Sites Work Schedule of Fees. This letter was agreed upon by your organization and signed off. Completed works on **08/04/2021**. The following member/s were involved in the Sites Work Surveys:

<u>Name</u>	<u>Title (Position)</u>	<u>Date(s) on Site</u>	<u>Location(s)</u>
Phillip Hudson	Site Officer	08/04/2021	120 Benarca Forest Road Moama NSW 2731

The total sites work costs for the project(s) **was \$320** plus \$500 for this report excluding GST, total cost **\$820** plus GST.

## Site Work Summary

1. Provide a general description of the landscape and known local history of the area surveyed. Insert maps if available.
2. Provide a general description of the type of investigations conducted (e.g. Walk Overs, Sub Surface Testing, Archeological Survey's, and Research – Knowledge Holders etc.).
3. Provide a description of any issues, limitations or difficulties that were experienced during the project.

## Findings

During the sites work investigation the Moama LALC made the following findings:

<b><u>Finding #1</u></b>	
<b><i>Site Discovered</i></b>	NO
<b><i>Located by</i></b>	N/A
<b><i>Inspected by</i></b>	Phillip Hudson 08/04/2021
<b><i>Type and Details of Site / Possible Site</i></b>	N/A
<b><i>Details of any Disturbance / Action</i></b>	Camping rural use
<b><i>Site Risks and Required Protective Measures</i></b>	N/A
<b><i>Location / GPS</i></b>	AHIMS DP 39915
<b><i>DECCW Notified</i></b>	N/A
<b><i>Site Registered</i></b>	N/A
<b><i>Picture</i></b>	N/A
<b><i>Further Details</i></b>	Moama Local Aboriginal Land Council

## Recommendation

### No Evidence

In terms of this project, **no artefactual evidence** was identified that had Aboriginal significance. Moama Local Aboriginal Land Council will not be required for further site inspection and/or monitoring. In addition, there is nothing at this stage to halt or delay the continuation of your project works.

However, should skeletal material or anything of Aboriginal significance be exposed, during ground disturbance, work within the project area must cease immediately and contact made with the Moama LALC initially who will organize a sites worker to be in contact with your organization. As per the *National Parks and Wildlife Act 1974* it is an offence to destroy or remove anything of Aboriginal significance.

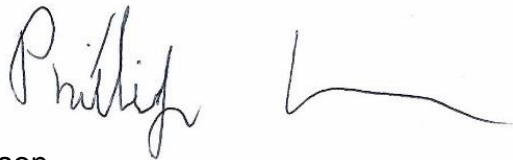


All Aboriginal cultural places in **NSW** are protected by law. Aboriginal artefacts are also protected. It is illegal to disturb or destroy an Aboriginal place. Artefacts should not be removed from site.

If requested the Moama LALC is willing to provide a brief training session to those who may be working on the site in order to ensure that they have a nominal understanding of potential Aboriginal objects/places.

Please do not hesitate to contact me if you have any queries regarding the context of this report and I will endeavor to answer them for you. On behalf of Moama LALC, I wish you well with your forthcoming project.

Kind Regards

A handwritten signature in black ink, appearing to read 'Phillip', followed by a long horizontal flourish.

Mr. Phillip Hudson  
Site Officer  
Moama Local Aboriginal Land Council  
52 Chanter Street Moama NSW 2731  
PO Box 354 Moama NSW 2731  
Email: [admin@moamalalc.com.au](mailto:admin@moamalalc.com.au)  
Phone: 0354 826 071