

18 July 2022

Murray River Council
52 Perricoota Road,
Moama NSW 2731

Via Email

Dear Sir/Madam,

**Re: Aboriginal Heritage Due Diligence Assessment
Murray River Bank (Victorian Side) at Private Mooring No YJ018, East Moama**

This letter seeks to provide a Due Diligence Assessment in accordance with Section 8 of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* in support of a proposal for retrospective approval for the development of a pontoon and single mooring structure with associated anchor points along the northern bank of the Murray River. It is understood that the pontoon was constructed in 2009 for a previous owner.

The subject site is located below the top of bank level of the Murray River (Lot 269 in DP1193769) on the eastern bank of the Murray River. The subject site on the Victorian side is located at Private Mooring YJ018, Moama East. Although located on the Victorian side of the Murray River, as the area of works is located below the top side of the bank and as such the land is located within New South Wales.

1. Due Diligence Assessment

Matters regarding Aboriginal Cultural Heritage have been generally assessed as part of the proposed works consistent with the requirements of Clause 5.10 of the Murray Local Environmental Plan 2011 (LEP)

A basic searches of the AHIMS database has been completed around the area of works (see attached). This search recorded no archaeological items within or within proximity to the works area.

Notwithstanding, it is appropriate to consider the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales ("the Guidelines") prepared by the (former) Department of Environment, Climate Change and Water (2010) to determine the likelihood of any unrecorded items being present. Section 8 of these guidelines sets out the generic due diligence process. The provisions of Section 8 of the Due Diligence Code of Practice are addressed in the table below:

Table 1 Due diligence assessment (adapted from Section 8 of the Due Diligence Code of Practice)

Step	Response
Step 1 – Will the activity disturb the ground surface or any culturally modified trees?	Yes, there is ground disturbance associated with the construction works undertaken, however the land is situated in an area of established river access and is substantially disturbed. There are no culturally modified trees on the subject land.
Step 2a – Search the AHIMS database and use any other sources of information of which you are already aware	There are no recorded archaeological sites on the AHIMS database or on the Heritage Map in the LEP within or immediately adjoining the subject land.
Step 2b – Activities in areas where landscape features indicate the presence of Aboriginal objects	The subject land is located adjacent to the Murray River, which is an identified and known landscape feature that may indicate previous occupation by traditional landowners. Notwithstanding, the area of proposed works has been previously disturbed and is not expected to contain any items of Aboriginal cultural significance.
Step 3 – Can you avoid harm to the object or disturbance of the landscape feature?	As outlined above, the development site is not expected to contain any items of Aboriginal cultural significance that warrant avoiding.
Step 4 – Desktop assessment and visual inspection	Not applicable. As above.
Step 5 – Further investigations and impact assessment	Not required

The due diligence assessment above concludes that the proposal is not likely to adversely affect any matters of Aboriginal Cultural Heritage. In the event that the applicant does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed.

Should you have any queries please contact the undersigned directly on 6021 0662 or david@habitatplanning.com.au.



David Hunter
Director