

Statement of Heritage Impact

**Proposed Industrial Subdivision Lot 1 DP995228 into two Lots
and Ancillary Works**

Hunter Street Muswellbrook



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CONTENTS

1. Introduction

- 1.1. Purpose
- 1.2. Methodology and Limitations
- 1.3. Author

2. Historical Analysis

- 2.1. Overview

3. Description

- 3.1. Description of the former Oak Milk Factory

4. Significance

- 4.1. Heritage Listings
- 4.2. Heritage items in the Vicinity of the Proposed Work
- 4.3. Legislative Constraints
- 4.4. Statement of Significance

5. Proposed Works

6. Heritage Impact Assessment

- 6.1. Heritage Impact Statement

7. Recommendations and Conclusions

8. Appendix A – AHIMS Report

1. Introduction

1.1 Purpose

This report has been prepared to accompany a DA to assess the heritage impact of the proposed subdivision of Lot 1 DP995228 into two separate parcels of land located in Hunter Street Muswellbrook

This heritage impact assessment will consider the impact of the proposed subdivision on the heritage significance of the former Oak Milk factory in accordance with the requirements of the Muswellbrook Local Environmental Plan (LEP) 2009.

The former Oak Milk Factory is listed as a local heritage item on the Muswellbrook Local Environmental Plan (LEP) 2009.

1.2 Methodology and Limitations

The methodology used in the preparation of this Statement of Heritage Impact is in accordance with the principles and definitions as set out in the guidelines to the Australia ICOMOS Burra Charter and the NSW Office of Environment 'Statements of Heritage Impact' guidelines.

The assessment is based on site inspections and reference to the following key heritage studies. No additional historical research has been undertaken.

- *State Heritage Inventory accessed 13 April 2025*

This report does not take into consideration historical archaeological impacts. A search of the AHIMS register located no sites within a 50m buffer of the subject site. Please refer to Appendix A for a copy of this report.

1.3 Author

The report was prepared by Vivian Sioutas, Heritage Architect with over 20 years' experience in built heritage conservation advice.

Former Oak
Milk Factory

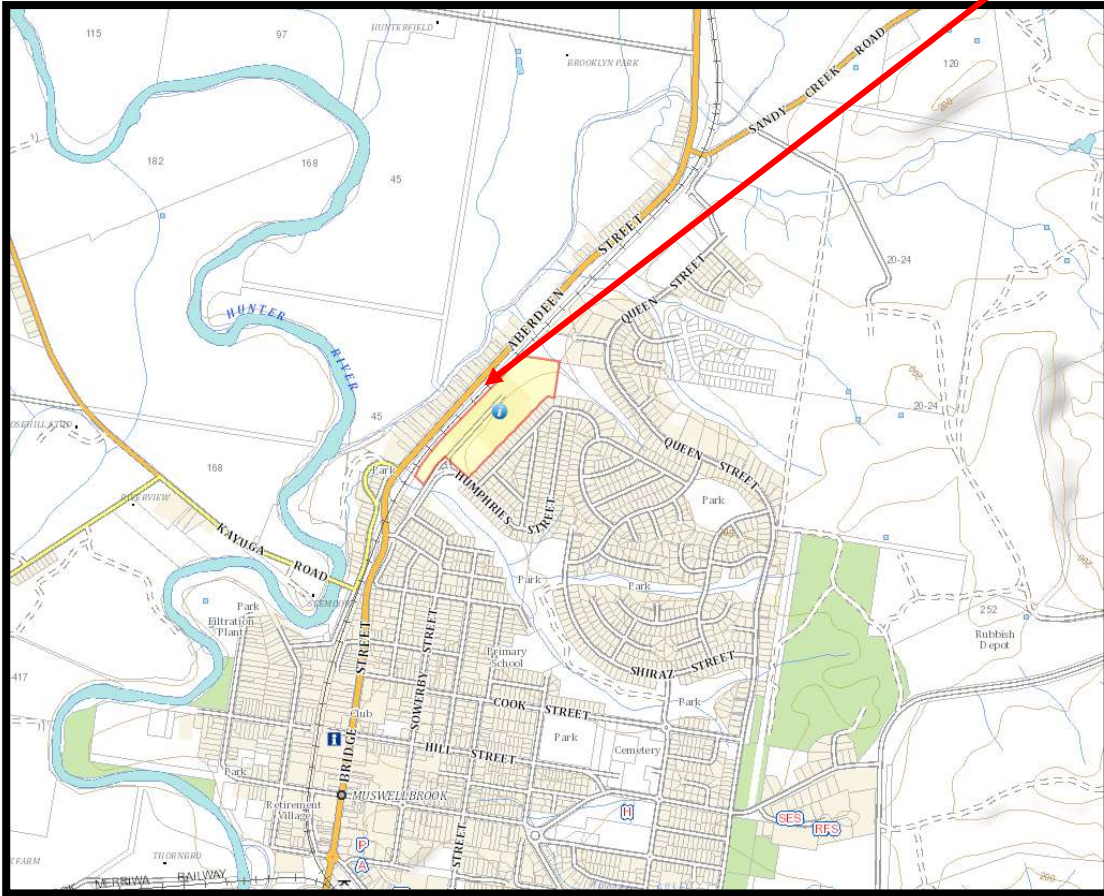


Figure 1 Map indicating the location of the former Oak Milk Factory (Lot 1 DP995228(source: Six Maps)

2. Historical Analysis

2.1 Overview

Source: State Heritage Inventory and The Oak and The Dairy Industry from the Beginning by P.D Scarr¹

Raymond Terrace Co-Operative Dairy Company

The origins of the Oak Milk brand began in 1903 with the establishment of the Raymond Terrace Co-Operative Dairy Company. A prospectus for the Co-Operative was drawn up and a canvas began for shareholders, a decision being made that as soon as capital of £1,400 was raised, a start on the erection of a factory would be made.

A site known as McPherson's Paddock at Raymond Terrace was chosen and purchased for £272. Mr Scobie was the architect for the building. Tenders were called on 31 March 1903 with W Mitchell being the successful contractor with a price of £1,379 on the condition he complete the work by August 1903.

Arrangements were made with Messrs Waugh and Josephson of Sydney for the necessary machinery for the sum of £1,670, capable of making 30 tons of butter per week. The power supplied for driving the refrigeration equipment and factory equipment was derived from steam engines with a coal fired 30 h.p. multi tubular boiler.

The Raymond Terrace Co-operative Dairy opened on 6 November 1903. The company's butter was sold under three brands according to its quality. This was ultimately determined by the quality of the cream received and varied considerably in the early stages.

Brands used were 'Oak' as the choicest quality (named after the English Oak tree denoting strength and quality). Ash as first grade and Fim as second grade. All registered initially as a trademark in the Trademarks Office of the Commonwealth. With the passing of the Dairy Industry Act in 1915, the Company's product was then required to be registered under the new Act.

Muswellbrook Factory

The Muswellbrook factory was designed by the Hunter Valley Co-operative Dairy Company to meet greatly increased milk production from the Upper Hunter. Construction of the factory commenced in 1945 and continued through to 1953 and included milk treatment sections, condensing room, drying rooms, butter room, refrigeration, boilers, laboratory and an employee's amenities block. Production of

¹ <https://www.patersonhistory.org.au/resources/oakdairyhistory.pdf>

dairy products, in particular powdered milk, continued at the factory until June 1994 when, as a division of Australian Co-operative Foods Ltd, operation ceased.

Utilising much of the stainless-steel equipment, the factory area has been recently converted to wine production by Simon Gilbert Wine Services.

3. Description

3.1 DESCRIPTION OF the former Oak Milk Factory

Source: State Heritage Inventory

Architect: Richard Wildridge, Sydney
Builder: Frank Burge, East Maitland
Architectural Style: Inter-War Functional
Construction Years: 1945-1953

Iron framed, small pane hopper windows in horizontal bands

Internal modifications for wine production, reuse of stainless-steel vessels and fittings.

4. Significance

4.1 Heritage Listings

The following statutory heritage listings apply to the former Oak Milk Factory (Lot 1 DP995228):

- Muswellbrook Local Environmental Plan (LEP) 2009
 - Oak Milk Factory (Item no. 197)

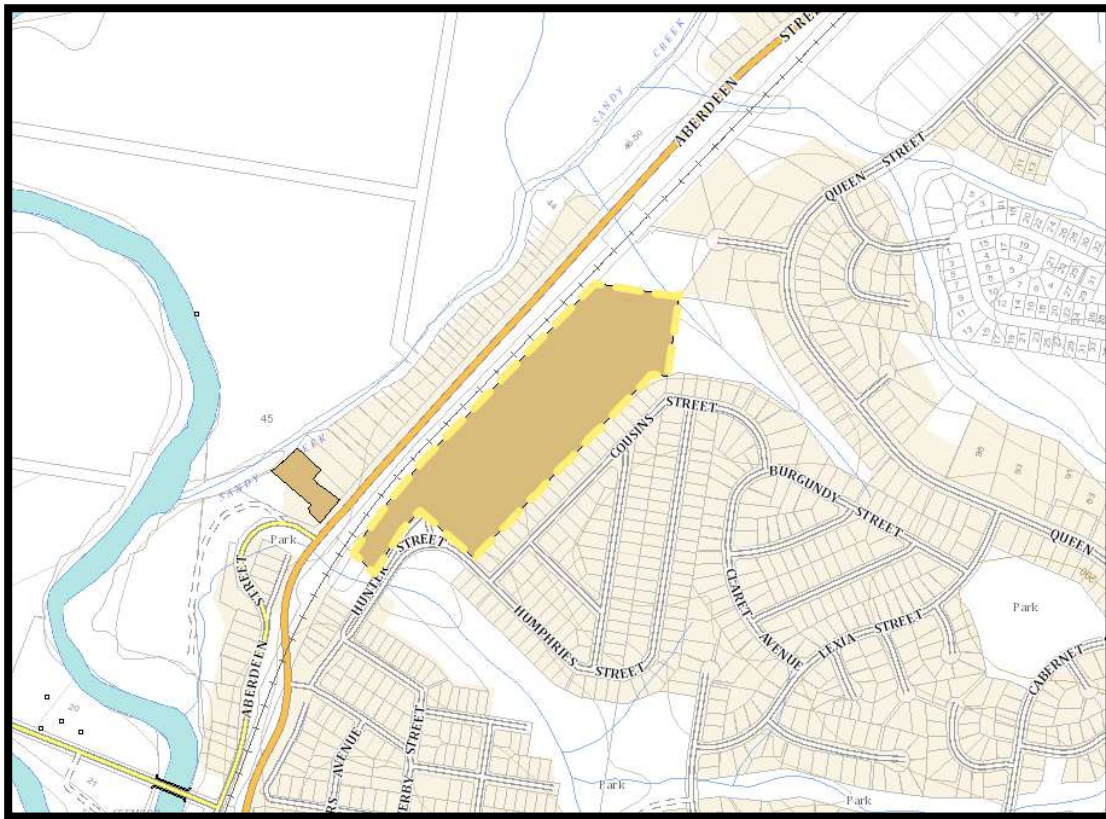


Figure 2: Heritage Listings Map – Former Oak Milk Factory Hunter Street Muswellbrook (Source: NSW Planning Portal) Site outlined by dotted yellow lines.

4.2 Heritage Items in the Vicinity of the Proposed Work

The proposed works are in the vicinity of the following heritage item listed on the Muswellbrook LEP 2009:

- Former Butter Factory, 14-15 Aberdeen Street Muswellbrook (Item no I51)

4.3 Legislative Constraints

Heritage Act 1977

The former Oak Milk Factory, Hunter Street Muswellbrook is NOT listed on the State Heritage Register. Therefore Section 57 of the Heritage Act 1977 does not apply.

Division 9 of the Heritage Act 1977 is applicable to any land in NSW where excavation or disturbance is likely to result in the discovery or exposure of a relic.

Muswellbrook LEP 2009

Section 5.10(4) of the LEP requires Council to consider the effect of any proposed development on the heritage significance of the item, site, conservation area and heritage in the vicinity of the proposed work.

This heritage impact assessment considers the effect of the proposed works on the heritage significance of the item, site, conservation and heritage items in its vicinity.

Muswellbrook DCP

This document provides detailed heritage and conservation planning guidelines to ensure that development applications are assessed on the basis of heritage significance and desired heritage outcomes.

Australian Institute of Architects Register of Significant 20th Century Building in NSW

The Oak Factory is listed as a notable 20th Century building on the Australian Institute of Architects list. This is a non-statutory register with no legal, heritage or planning implications imposed on the land or property owner.

4.4 Statement of Significance

Statement of Significance from the State Heritage Inventory for the former Oak Milk Factory:

Historically the building has regional significance as an indicator of an outmoded production process, only 50 years old. Aesthetically, the building is representative of type at a state level with regional rarity. Scientifically, it is representative of surviving examples of its type elsewhere although there are few survivors. It has regional scientific significance for its potential to reveal information which could contribute to an understanding of the rapid expansion of dairy-related secondary industry in the early and mid-20th century in the Upper Hunter Valley and for its equally rapid decline. It is an indicator of the processes used and scale of operation.

5 Proposed Work

Scope of Works

Proposed subdivision of Lot 1 DP995228 into two parcels of land.

Physical works are proposed are as follows:

- 2.4m high screening fence between Lot 3001 and 3002. Lap and a cap paling fence construction
- Demolition of Shed 1, Shed 2 and Warehouse 2
- Works relating to the existing 4 dwellings (as existing services come from the 'Former Oak Factory'
 - Proposed sewer extension and easement to drain sewage 3m wide to the existing 4 dwellings on proposed Lot 3002. Connect existing four dwelling to new SHM easement to drain sewage 3m wide.
 - Connect new poly water service for 4 existing dwellings. Existing water pipes would be cut and new service out to Hunter Street (as a temporary connection until a DA for future residential development on proposed Lot 3002)
 - New water service and meter for 4 existing dwellings 32mm to be confirmed with MSC.
 - New electrical/NBN service to 4 existing dwellings
 - Access to dwellings – minor upgrade of access to 4 existing dwellings via a new connection from the new residential driveway road.
- Minor stormwater works as a result of proposed intersection road works (i.e. road drainage pits relocated)- as detailed in SWC drawings. All other site stormwater will remain unchanged as result of the proposed subdivision.
- Road access point to proposed Lots 3001 and 3002 to be dedicated to Council (as public road – 1,175 meters square).
- Upgrade of intersection road to the front gate including turning swept path IN and OUT for semi-trailors.
- Flooding – A restriction on the Title - such that no building works will be permitted within the 1% AEP area as shown on the plans and in the flooding report.

This heritage impact assessment will consider the impact of future development on the new allotments as subdivision is the first step and catalyst of redevelopment.

For further information please refer to the MM Hyndes Bailey and Co Proposed Subdivision drawing dated 16 April 2025.



Figure 3: Current Lot Boundary



Figure 4: Proposed lot boundaries - diagrammatic only (Refer to survey plan by MM Hynes Bailey and Co for accurate location of proposed boundaries)

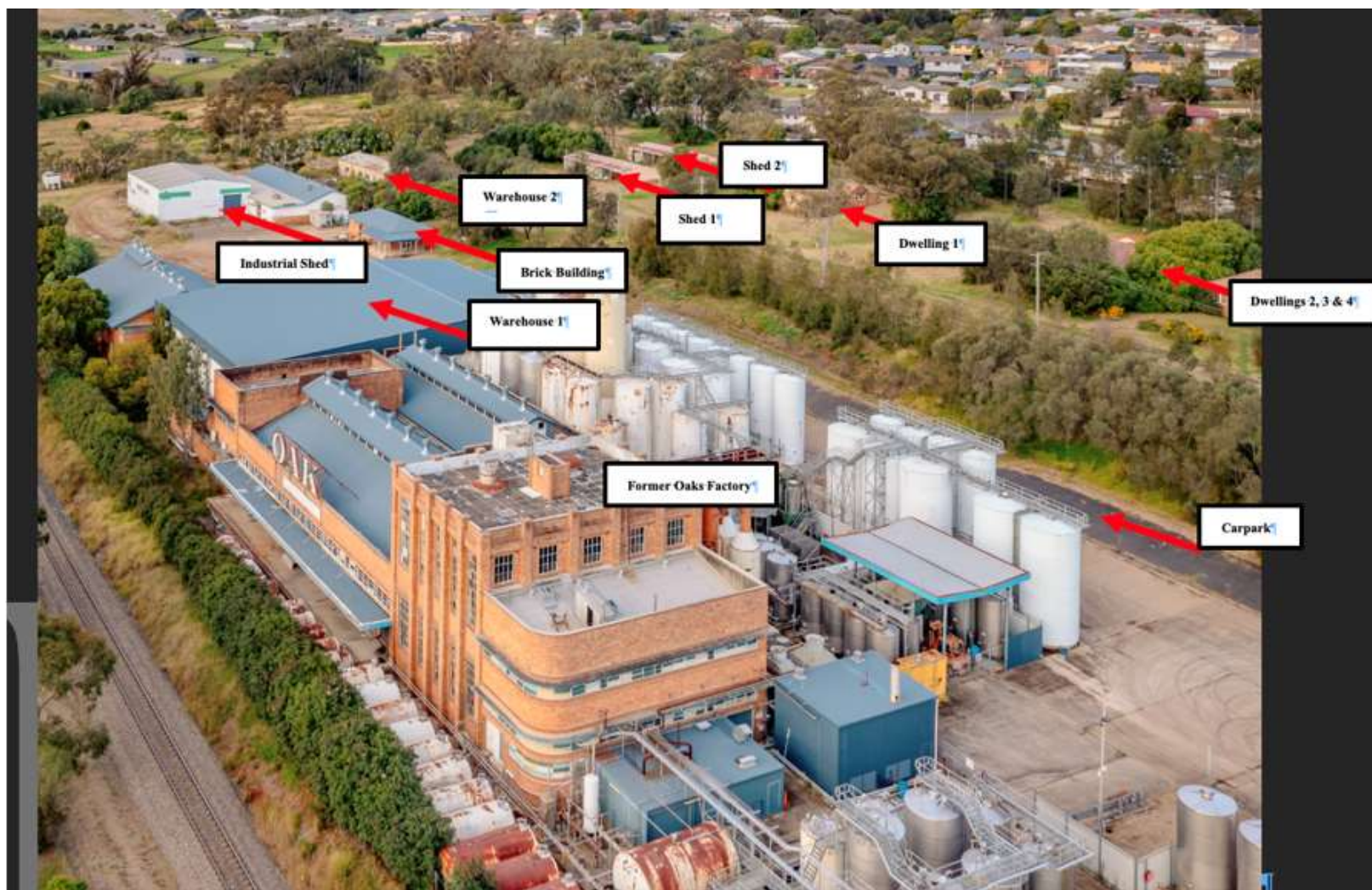


Figure 5: Oblique view identifying buildings on the site



Figure 6: Inter War Functional Oak Factory Building which is the focus of the heritage listing on the site. (View looking towards the NNE)



Figure 7: Rear of the main factory building



Figure 8: Oblique view showing the separation between the main factory buildings, houses at rear on same site and adjacent residential development. The red line shows approximate location of proposed subdivision



Figure 9: Oblique view towards rear of main Oak factory showing approximate location of proposed subdivision boundary



Figure 10: Buildings to the northeast of the main Oak factory building. These two buildings will remain on the same lot as the main factory building.



Figure 11: Three residential buildings will be on the new, separate lot



Figure 12: This group of buildings, one residence and 3 sheds will also be on the new, separate lot.



Figure 13: 2.4m Paling fence is proposed between the two new lots



Figure 14: Shed 1 on left hand side and Shed 2 on right of image (Source: CSTS report)



Figure 15: Partial interior of Shed 1(Source: CSTS report)

6 Heritage Impact Assessment

6.1 HERITAGE IMPACT STATEMENT

The Muswellbrook Council Inventory Sheet for the former Oak Milk Factory focusses on the main Inter Way Functional factory building and does not mention any of the ancillary buildings on the site.

Definition of heritage impacts

The following heritage impact assessment considers indirect and direct impacts resulting from the proposal. Direct impacts are physical alterations or changes to significant building from the proposed work. Indirect or visual impacts are changes to views, vistas or setting of a heritage place from the proposed work.

Impact	Definition
Major	Actions that would have a long-term and substantial impact on the significance of a heritage item. Actions that would remove key historic building elements, key historic landscape features, or significant archaeological materials, thereby resulting in a change of historic character, or altering of a historical resource. These actions cannot be fully mitigated.
Moderate	This would include actions involving the modification of a heritage, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures. The impacts arising from such actions may be able to be partially mitigated.
Minor	Actions that would results in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item. The impacts arising from such actions can usually be mitigated.
Negligible	Actions that would results in very minor changes to heritage items.
Neutral	Actions that would have no heritage impact.
Positive	Actions that would benefit the heritage item.

Proposed Subdivision

Component	Factors to Consider	Response
Heritage Significance	Retains the significance of the item including the ability to demonstrate the historic use of the item including the ability to demonstrate the historic use of the item and to continue any significant cultural practices and uses of the item.	<p>The main factory building is the focus of the heritage listing and significance on the site.</p> <p>The E4: General Industrial zoning for this parcel of land will remain unchanged following the proposed subdivision. This will allow the ongoing use of the former Oak Milk factory and its conversion into warehouse, food premises or industrial purposes; such uses are similar to the original dairy processing plant for which the building was originally constructed.</p> <p>The proposed subdivision will not affect views to the front and side elevations of the main factory building from Aberdeen Street or from the north or south as the street frontage and lot boundaries to the front of the site will remain unchanged.</p> <p>The remaining dairy infrastructure including hoppers, bottling lines, evaporation and refrigeration plant and gas boiler will all remain on the same lot as the main factory building. This will ensure the ability to understand the historic use of the site as a dairy processing plant is retained.</p>
	Maintains any relationships between key elements which are significant to the heritage item, including any historically significant boundaries, fence lines or plantings, built fabric, landscape design, natural features and archaeological remains.	<p>The historic use of the site was as a dairy processing and bottling plant, there are no significant plantings, natural features or fence lines associated with this use.</p> <p>The relationship between the key elements – main factory building and associated infrastructure will remain unchanged following the proposed subdivision, as they will all remain on the same lot and DP.</p> <p>Ancillary buildings that were not constructed during the Inter-War period will be located on the proposed, new lot to the rear. These buildings comprise non-significant residential dwellings (4 in total) and concrete blockwork sheds.</p>
	Retains any buffer areas which protect the item from visually unsympathetic development, pollution, vibration or vandalism.	The proposed subdivision includes a buffer zone to the rear of the main factory building.

		<p>The main elevation of the factory is orientated towards Aberdeen Street and the building turns its back on the rear of the existing lot. The building was not designed to be viewed from the rear. This is evidenced by the plant and infrastructure that dominates the rear of the main building.</p> <p>The existing topography provides a natural separation along the proposed new lot boundaries, there is a distinct change in ground levels along the tree line to the southeast of the unnamed road through the middle of the site.</p> <p>Single storey residential development on the proposed Lot 2 will not be visible from Aberdeen Street due to the height of the Oak factory building and associated hoppers and dairy infrastructure to its rear.</p> <p>Residential subdivision has already occurred up to the rear boundary of Lot 1 DP995228. This has had no impact on the significant views or cultural significance of the main Oak Factory as this development is also not visible from the front, main elevation of the main Oak Factory.</p>
Setting and Views	<p>Retains key views that are significant to the heritage item including:</p> <ul style="list-style-type: none"> • From public viewing points and • From the heritage item to outside elements where there is an important visual, historical or functional link 	<p>Views to the main, front elevation of the Inter-War Functional building will not be affected by the proposed subdivision, these are the principal views from the public domain.</p> <p>The proposed subdivision will also not affect any views from the heritage item. There are no significant views to the rear of the building which is the location of the proposed subdivision. This is evidenced by the fact that all the dairy infrastructure is located to the rear and is between the main factory and proposed subdivision.</p>
	Recognises the original orientation, setbacks, traditional access points and historic subdivision pattern.	The Main Oak Factory is orientated towards Aberdeen Street. The original orientation, setback and access points will not be affected by the proposed subdivision.
Curtilage	Keeps significant associated elements on one title with the heritage item	The main factory and associated infrastructure will be retained on the one title.
	Retains the ability to interpret the historical use, design, layout and significant cultural practices associated with the item	As previously mentioned, the main factory building and remaining dairy infrastructure will be retained on a single property title ensuring the historic use will be retained.

Conservation	Promotes conservation and continues use of the heritage item, for example, demonstrating that funds generated from the subdivision or future development will be applied to the conservation of the heritage item	<p>The main factory building, which is the focus of the heritage listing, was converted for wine production following closure of the Oak factory. It is anticipated that a similar, sympathetic future use will be sought for the factory building.</p> <p>The main factory building is in good condition and was in use until recently. The main building will continue to house a viable industrial or retail use following the proposed subdivision.</p>
	Does not limit future capacity to generate funds for ongoing conservation management	The subdivision will not limit the future capacity of the heritage item (main factory building) to generate funds for ongoing conservation and maintenance works. The building had a viable use as a wine processing plant and bar until recently.
	Supports continued public access where applicable	<p>The proposed subdivision will not limit public access to the building.</p> <p>The future use of the main factory building will determine the level of public access.</p>
	Is consistent with any CMP or CMS	There is no CMP or CMS for this site.
Impact on Heritage Items in the Vicinity	The former Butter Factory at 14-15 Aberdeen Street is approximately 175 metres from the closest boundary of the new, proposed lot.	Future residential construction on the proposed new lot will have no impact on the views, settings or heritage significance of the former Butter Factory at 14-15 Aberdeen Street Muswellbrook due to Aberdeen Street being between each location as well as the distance (approximately 175 metres) between the two sites.

Proposed Physical Works

Proposed Works	Purpose/Methodology	Heritage Impacts
2.4m high paling timber boundary fence between proposed Lots 3001 and 3002	The proposed fence will delineate the new boundary between the proposed Lots 3001 and 3002. The fence will separate the industrial and residential land uses.	<p><i>Negligible</i></p> <p>The proposed fence is:</p> <ul style="list-style-type: none"> • to the rear of the main factory building • will not affect or block views to and from the main, front elevations of the main factory building

		<ul style="list-style-type: none"> • will not cause a visual separation of buildings, machinery or other equipment associated with the former dairy use of the site • will be set back from the rear of the main factory building • the fence is light weight construction and can be removed without adverse impact to the landscape • the fence will not alter or affect any existing buildings on the site
Demolition of Shed 1, Shed 2 and Warehouse 2	<p>Shed 1, Shed 2 and Warehouse 2 are functional, purpose-built structures used to store machinery and equipment. They are timber framed and clad in corrugated iron.</p> <p>These buildings are not architecturally significance, and their use was not associated with the dairy processing on the site.</p> <p>This type of generic agricultural building is common across Muswellbrook and NSW.</p> <p>The demolition of these buildings is required due to the presence of high levels of zinc in the soil. For further details please refer to the Compaction and Soil Testing Services report dated 24/5/2024.</p>	<p><i>Negligible</i></p> <p>The demolition of the Sheds 1 and 2 and Warehouse 2 will not impact the ability to understand the former dairy use on this site. These sheds were not an integral part of the processing facility. All the remaining dairy infrastructure will be retained.</p> <p>Their demolition is required due to the concentration of zinc exceeding the adopted ecological criteria.</p>
<i>Works relating to existing 4 dwellings</i>		
Proposed stormwater extension and easement to drain sewage 3m wide to the existing 4 dwellings on proposed Lot 3002	Connect existing dwellings to new easement to drain sewage. This is required as these dwellings are currently connected from the former Oak Factory	<p><i>Neutral</i></p> <p>This work is underground, will not be visible on completion and will have no adverse heritage impact.</p>
Connect new poly water service for 4 existing dwellings	Existing water pipes from former Oak Factory will be cut and new service out to Hunter Street provided. This	<i>Neutral</i>

	would be a temporary connection until a DA for future residential development on proposed Lot 3002. These pipes are underground and will not be visible on completion of the work.	This work is underground, will not be visible on completion and will have no adverse heritage impact.
New water service and meter for 4 existing dwellings 32mm to be confirmed with Muswellbrook Shire Council	<p>The water service and meters need to be separate from the main factory building and for each individual dwelling.</p> <p>The new water service will be underground. The water meters will be closed in close proximity to each dwelling.</p>	<p><i>Neutral</i></p> <p>This work is predominantly underground and will have no adverse heritage impact. The water meters will not be visible from the main factory building which is the focus of the heritage listing on the site.</p>
New electrical/NBN service to 4 existing dwellings	<p>It is proposed to install electrical poles and wiring along the driveway to the 4 existing dwellings within the boundary of the new Lot 3002.</p> <p>There is an existing electrical infrastructure (poles and wires) in this location.</p> <p>This work will take place to the rear of the main factory building.</p>	<p><i>Neutral</i></p> <p>The proposed electrical poles and wiring will have no physical or visual heritage impact on the significance of the former Oak Factory.</p> <p>The poles and wires will not affect views to or from the main front elevation of the building.</p> <p>The new electrical infrastructure will be located more than 50 metres from the rear of the main factory building.</p>
Access to dwellings – minor upgrade of access to 4 existing dwellings via a new connection from the new residential driveway road	<p>Changes to the existing access road are required to provide separate road access to the existing dwellings.</p> <p>The new access road will formalise the existing dirt driveway in the same location.</p>	<p><i>Neutral</i></p> <p>The proposed road access to the 4 existing dwellings will have no physical or visual heritage impact on the significance of the main factory building.</p> <p>The works are located to the rear of the heritage item at ground level.</p>
Minor stormwater works as a result of proposed intersection road works (ie road drainage pits relocated)	The proposed stormwater works are required due to the proposed road intersection changes. The work involved is the minor and involves the relocation of existing stormwater pits.	<p><i>Neutral</i></p> <p>The proposed stormwater works will take place over 150 metres from the main factory building. The works are at</p>

		ground level and will not be visible from the heritage item on the site.
New road access point to proposed Lots 3001 and 3002	<p>This proposed work is formalising the existing access to the subject site from Hunter Street. The proposed work will make the road access point compliant with current civil requirements.</p> <p>The location of the road access point will not change.</p>	<p><i>Neutral</i></p> <p>The proposed changes to the road access point are located over 150m from the main factory building.</p> <p>The works are located at ground level and to the rear of the significant building.</p> <p>There will be no physical or visual heritage impact from this work.</p>
Upgrade of intersection road to the front gate including turning swept path in and out for semi trailers	<p>Formalise the existing truck turning circle to the northeast of the main factory building.</p> <p>Create a truck turning lane from Hunter Street (to the southwest of the main factory building).</p> <p>Upgrading the intersection will improve road safety and movement of trucks on and off the subject site.</p>	<p><i>Neutral</i></p> <p>Improving road access and safety for trucks entering/exiting the subject site will support the continued use of the heritage item.</p> <p>An ongoing viable use is integral to the conservation of the heritage building and its significance.</p> <p>The works will not have any physical impact to heritage fabric or any adverse visual impact. The works will not impact any views to or from the main factory building.</p>

7 Recommendations and Conclusions

The purpose of the proposed subdivision is to enable the orderly redevelopment of the rear land parcel for residential development.

The proposed changes, including fence, new underground services, demolition of 3 ancillary buildings and road upgrades, will have a minimal heritage impact on the former Oak Factory main building which is the focus of the site's heritage listing.

Residential subdivision, and accompanying works, to the rear of the former Oak Factory will have no adverse heritage impact for the following reasons:

- Significant views to and from the principal elevation will not be altered
- The setting of the Inter-War Functional building will be retained, the subdivision, and related infrastructure, is wholly contained to the rear of the building.
- The relationship between key elements will be unaffected, the main factory and related infrastructure will remain on the one title.
- Residential construction to the rear of the site will not be visible from the main front elevation of the former Oak Mil Factory due to the height of the heritage item and associated dairy infrastructure.

The proposed subdivision and accompanying works promote sustainable development as a tool for heritage conservation as outlined in the Muswellbrook Shire Council Heritage Strategy 2023-2026. The subdivision will facilitate the new owner to invest in the existing infrastructure in the factory.

APPENDIX A



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : muswellbrook
Client Service ID : 1007992

Martine Craswell
27 View Street Woollahra
Woollahra New South Wales 2025
Attention: Martine Craswell
Email: mcrase33@gmail.com

Date: 26 May 2025

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP995228, Section : - with a Buffer of 50 meters, conducted by Martine Craswell on 26 May 2025.

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 Heritage NSW 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. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

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