



DESKTOP ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT

Lot 21, DP1077442, 1225 Eumungerie Road, Burroway, NSW.

June 2014

Report Prepared by
OzArk Environmental & Heritage Management Pty Ltd
for Geolyse Pty Ltd
on behalf of
Mr Malcolm White



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DOCUMENT CONTROLS

Proponent	Malcolm White		
Client	Geolyse Pty Ltd		
Project No / Purchase Order No	1026		
Document Description	Desktop Aboriginal Heritage Due Diligence Assessment		
	Name	Signed	Date
Clients Reviewing Officer			
Clients representative managing this document	OzArk Person(s) managing this document		
	Dr Jodie Benton		
Location	OzArk Job No.		
	579		
Document Status V3.0 FINAL	Date		
Draft V1.1 Author to Editor OzArk 1st Internal (Series V1.X = OzArk internal edits)	V1.0 SR to JB 11.06.14 V1.1 JB to SR edits 12.06.14		
Draft V2.0 Report Draft for release to client (Series V2.X = OzArk and Client edits)	V2.0 OzArk to Geolyse 12.6.14		
FINAL once latest version of draft approved by client	V3.0 FINAL OzArk to Geolyse 13.06.14		
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EXECUTIVE SUMMARY

OzArk Environmental & Heritage Management has been commissioned by Geolyse Pty Ltd (the Client) on behalf of Mr Malcom White (the Proponent) to complete a Due Diligence Desktop report for the proposed subdivision of Lot 21 DP 1077442 at 1225 Eumungerie Road, Burroway NSW. The Proponent is preparing a Development Application for the proposed rural residential subdivision of this land.

Due to the fact that the Project Site has undergone considerable disturbance with a history of agricultural use, the Aboriginal heritage Due Diligence Assessment for this project was able to be completed at desktop level.

Based on the review and application of the NPW Regulations 2009 and the Due Diligence Code of Practice, Aboriginal heritage has been determined to pose no constraint to the proposed subdivision of Lot 21 DP 1077442.

In the event that Aboriginal artefacts are located anywhere during the course of the project, The Unanticipated Finds Protocol in **Appendix 3** should be followed.

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1 INTRODUCTION

1.1 BRIEF DESCRIPTION OF THE PROPOSAL

OzArk Environmental & Heritage Management (OzArk) has been commissioned by Geolyse Pty Ltd (the Client) on behalf of Mr Malcolm White (the Proponent) to complete a due diligence desktop assessment of Lot 21 DP 1077442, Eumungerie Road, Burroway NSW (**Figure 1**).

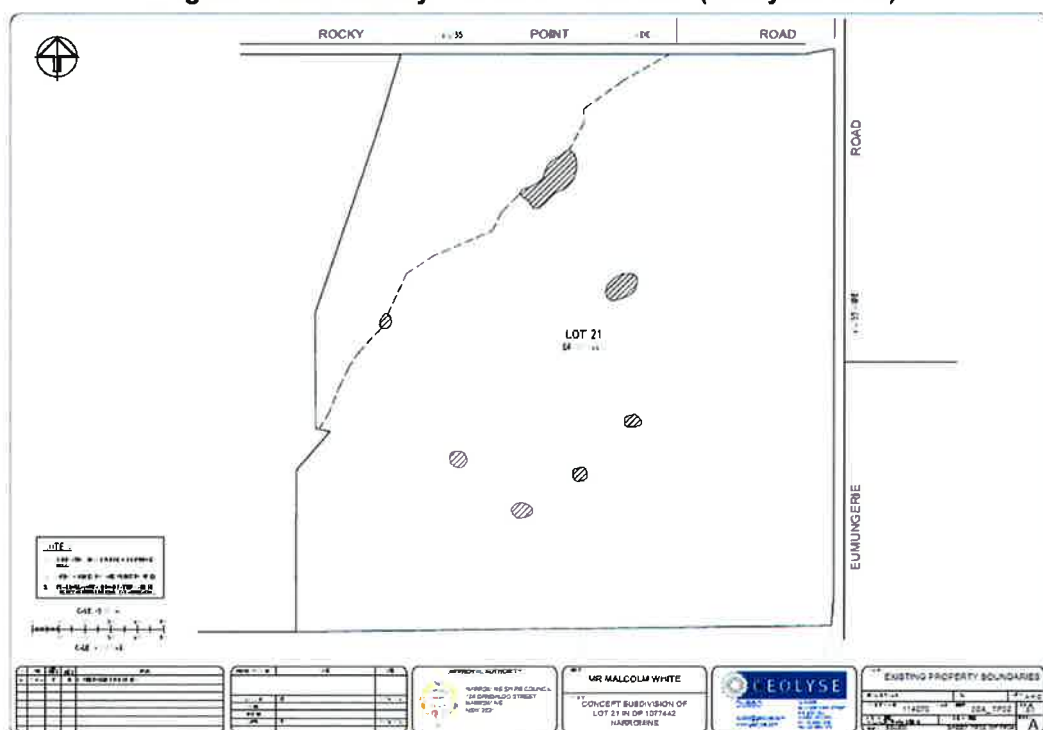
The Proponent is preparing a Development Application for the rural residential subdivision of Lot 21 Eumungerie Rd, Burroway NSW, located within the Narromine Local Government Area (LGA).

1.2 PROPOSED WORKS

The Proponent has submitted a Development Application to the Narromine Shire Council for the subdivision of the subject land at Lot 21 DP 1077442. The subdivision has been designed to create 19 lots ranging in size from 20.0Ha to 28.2Ha. The developer would also construct bitumen public roads for access to each of the lots. Ground disturbance will take place within the Study Area; however the land has been previously disturbed by agricultural/ pastoral activities.

Figure 2 below presents plans created by the Proponent and submitted to the Narromine Shire Council by the Client.

Figure 1: Site locality- Lot 21 DP 1077442 (Geolyse: 2014)



2 SUBJECT AREA

The Subject Area covers approximately 430 hectares and includes all of Lot 21, DP 1077442. It is bounded to the east by Eumungerie Road and to the north by Rocky Point Road, Burroway NSW (**Figure 1**).

2.1.1 Environmental Settings / Disturbance

The subject land comprises a relatively flat area, approximately 260 m AHD (Australian Height Datum), located, at its closest, approximately 3.7kms east- of the Macquarie River. Native vegetation has been cleared for agricultural practices (ploughing and grazing) however it was likely to have supported Box woodland in the past. Scattered trees are present over the part of the Subject Area however there are no endemic species remaining according to a statement provided by the land owner (**Appendix 1**).

The aerial photograph (**Figure 2**) demonstrates the overall cleared nature of the land with remaining vegetation consisting mostly of isolated trees or sparse stands and grasses.

This parcel of land has been subject to agricultural uses for the past 13 years at least, and has undergone moderate disturbance during this time. As outlined in the statement from the owner, the property has been used for grazing and fodder cropping for over a decade and during that time several dams have been constructed.

3 ABORIGINAL HERITAGE ASSESSMENT

The Aboriginal heritage assessment for this project is being undertaken at desktop level due to the considerable level of disturbance the Project Site has suffered from a history of agricultural use.

It is as a result of these levels of prior disturbance, an approach under the DECCW (2010) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* was considered appropriate for this project. This approach has included a search of the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) (**Appendix 2**).

3.1 LOCAL ARCHAEOLOGICAL CONTEXT

According to Tindale's map of tribal boundaries (1974) the Study Area falls within the northern boundaries of Wiradjuri country, as defined by the boundary of the Wiradjuri language group. The Wiradjuri are typically described as one of the largest language groups or tribal nations within New South Wales consisting of many individual groups with various dialects.

The Wiradjuri tribal area covers a considerable area of New South Wales which is situated within the Murray Darling Basin and extends across three general physiological regions: the highlands or central tablelands in the east, the riverine plains in the west and the transitional western slopes zone in-between. The Wiradjuri tribal area also extends across a number of districts within New South Wales including Mudgee, Bathurst, Dubbo, Parkes, West Wyalong, Forbes, Orange, Junee, Cowra, Young, Holbrook, Wagga Wagga, Narrandera, Griffith and Mossgiel (Tindale 1974).

Prior to 1985, no systematic, regional based archaeological studies had been undertaken within the district of Dubbo encompassing Narromine. There were, nonetheless, many sites recorded, generally by interested locals or amateurs. In the late nineteenth and early twentieth century, individuals such as Milne, Gresser and to a lesser extent Garnsey, recorded site data and made collections of artefacts thereby contributing to the body of archaeological data now available to the researcher. These are Pearson (1981), Koettig (1983, 1985), Balme (1986) in the Dubbo, northern-central rivers and upper Macquarie regions respectively and the NPWS WRA Brigalow Belt South Bioregion Assessment (Purcell 2000) and OzArk (2007). Together these provide baseline data for placing past Aboriginal sites within a regional landscape context, analysing patterns of Aboriginal site type location in relation to landform and resources, as well as providing comment on how landscape post formation processes (i.e. erosion or sediment accumulations) may affect which is observable in the archaeological record.

Locally, the Dubbo district has seen over 600 sites recorded on the OEH AHIMS, the majority of which are artefact sites such as open artefact scatters or isolated stone artefact finds, followed by scarred trees. Other site types include grinding groove sites, burials or middens.

Several previous studies have been undertaken to the north of Dubbo. Firstly is Koettig, who surveyed a large area of land surrounding Troy Junction (Koettig 1983: Fig. 2). This survey determined archaeological sensitivity based on landform and limited survey. The current Study Area resembles the landform category described as “gently sloping land without noticeable features” (Koettig 1983: 14). It was determined that such areas in the vicinity of Dubbo, including Narromine, would not be expected to have a high frequency of sites and any remaining sites would be affected by ploughing.

4 APPLICATION OF THE DUE DILIGENCE CODE OF PRACTICE

4.1 INTRODUCTION

In late 2010, changes were made to the National Parks and Wildlife Act 1974 (NPW Act 1974) via the Omnibus Bill. As of October 2010, the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010) was instituted to assist developers to exercise the appropriate level of caution when carrying out activities that could cause harm to Aboriginal heritage.

4.2 DEFENCES UNDER THE NPW REGULATIONS 2009

The first step before application of the Due Diligence process itself is to determine whether the proposed activity is a “low impact activity” for which there is a defence in the NPW regulations 2009. The exemptions are listed in Section 7.5 of the Regulations (DECCW 2010: 6). The activities of the landholder do not fall into any of these exemption categories. Therefore the Due Diligence process must be applied.

Relevant to this process is the assessed levels of previous land-use disturbance.

The regulations (DECCW 2010: 18) define disturbed land as follows:

Land is 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 include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, 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) and construction of earthworks.

4.3 APPLICATION OF THE DUE DILIGENCE CODE TO THE PROPOSED SUBDIVISION OF LOT 21 DP 1077442

To follow the generic Due Diligence process, a series of steps in a question answer flowchart format (DECCW 2010: 10) are applied to the project impacts and study area and the responses documented.

The following paragraphs address this due diligence for the subdivision Lot 21 DP1077442 in Burroway.

Step 1. Will the activity disturb the ground surface or any culturally modified trees?

Yes the activity will disturb the ground. Go to Step 2.

Step 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?

Landscape features noted here include (DECCW 2010):

- Within 200m of waters, or
- Located within a sand dune system, 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.

- a) A search of the AHIMS database revealed no previously recorded sites in the Study Area. The AHIMS Web Service search covered the following area, Lot 21 DP1077442 with a Buffer of 200m (**Appendix 2**).
- b) No. It is noteworthy that Aboriginal community consultation is not a formal requirement of the Due Diligence process (DECCW 2010 Section 5), however the Proponent may wish to consider undertaking consultation if it will be of assistance in the decision making process.

Due to the moderate levels of disturbance over the Project Site, this is not considered to be a necessary step.

- c) The Study Area is located approximately 3.8km from a permanent water source, the Macquarie River. As well as this, agricultural practices undertaken on the land such as ploughing/ cropping and dam construction (as stated by the land owner, **Appendix 1**), determines that the land at Lot 21 has been disturbed under the DECCW's definition of 'disturbed land', previously defined in **Section 4.2** of this assessment. Despite the presence of remnant trees, the land owner's statement noting that there are no endemic species present and that no trees bare scars, infers that an inspection of the trees by a specialist should not be required. It is noted here, however, that the site type "scarred trees" can only be covered off under this desktop assessment by reliance on the landholder statement as OzArk have not had first-hand observation of the Study Area. Under this proviso, we arrive at a 'no' answer to this question.

The 'no' answer for Question 2 a-c, removes the project from the Due Diligence Process at this step, moving it through to this outcome (DECCW 2010: 10):

AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify OEH (Office of Environment and Heritage). If human remains are found, stop work, secure the site and notify NSW Police and OEH.

5 MANAGEMENT RECOMMENDATIONS

Based on the review above and application of the NPW Regulations and the Due Diligence Code, Aboriginal heritage has been determined to pose no constraint to the proposed subdivision and surface impacts on Lot 21 DP 1077442.

A desktop assessment of the Study Area has demonstrated that it has a very low likelihood of containing intact Aboriginal sites or objects based on the level of disturbance the land has undergone for over a decade due to agricultural uses. The landform within the Subject Area has also been assessed as having little archaeological potential. As a result no further archaeological assessment is required.

However, in the event that an Aboriginal artefact is located anywhere during the course of the project, all works in that area should cease immediately and the OEH should be contacted for advice on how to proceed. A generic unanticipated finds protocol has been attached in **Appendix 3**.

6 REFERENCES

- | | |
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