



# Heritage Due Diligence Assessment

## Lot 5 DP 823737, 257 Hermitage Road, Pokolbin NSW

Visual Inspection Dates: 13 November 2014 and 14<sup>th</sup> November, 2014

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Prepared by:

**RPS AUSTRALIA EAST PTY LTD**

PO Box 428  
Hamilton PO Box 428  
Hamilton NSW 2303

T: +61 2 4940 4200  
F: +61 2 4961 6794  
E: [newcastle@rpsgroup.com.au](mailto:newcastle@rpsgroup.com.au)

Client Manager: Matthew Doherty  
Report Number: PR124712  
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Prepared for:

**BELFORD LAND CORPORATION**

C/: JBA Urban Planning Consultants Pty Ltd  
PO Box 375  
North Sydney NSW 2059

T: (02) 9956 6962  
E: [GKirkby@jbaurban.com.au](mailto:GKirkby@jbaurban.com.au)

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## Executive Summary

RPS has been engaged by Belford Land Corporation to prepare a Heritage Due Diligence Assessment for Lot 5 DP 823737, 257 Hermitage Road, Pokolbin, NSW in the Singleton Local Government Area (LGA).

This assessment has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (DECCW 2010) which requires reasonable and practicable steps be taken to: identify whether or not Aboriginal objects are, or are likely to be, present in an area; determine whether or not their activities are likely to harm Aboriginal objects (if present); and determine if an Aboriginal Heritage Impact Permit is required (DECCW 2010:2).

A search of the AHIMS database was undertaken for a one kilometre radius surrounding the Project Area. One Aboriginal site was identified within the north-west boundary of the Project Area, AHIMS#37-6-0819, an artefact scatter.

A visual inspection of the Project Area was conducted on Thursday 13 November 2014 and Friday 14 November, 2014 by RPS Cultural Heritage Consultant Jo Nelson. The area was generally cleared with trees and scrubby vegetation existing around drainage lines. The Project Area had been subject to moderate levels of disturbance associated with previous stock grazing, construction of a vehicle access track, fencing, dam construction, and erosion around drainage lines.

The site is surrounded by a combination of native vegetation, cleared lands, commercial wineries and accommodation properties. A previously constructed access track runs through the Project Area from the north-west and south-east boundaries. The western boundary is bordered by Old North Road and Hermitage Road runs along the north boundary. The southern sections of the Project Area are bounded by an existing vineyard and commercial winery.

A pedestrian survey of the site was undertaken over the two days in order to identify if Aboriginal objects were present in the Project Area. The survey began at the south-east end of the Project Area, utilising a vehicle to cross the larger areas of densely grassed paddocks. All drainage lines were inspected. The pedestrian survey encompassed the perimeter of each drainage area. Wherever vegetation allowed, each drainage line area was either transected from bank to bank or along the centre of the drainage line.

No Aboriginal objects or places were identified within the Project Area and therefore an Aboriginal Heritage Impact Permit (AHIP) is not required for the proposed activity. A search of the relevant historic/non-Indigenous heritage databases were also undertaken, but no heritage items identified in the Project Area.

The following recommendations are made in relation to the proposed activity:

### Recommendation 1

All relevant project staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction.

### Recommendation 2

This due diligence assessment must be kept by Belford Land Corporation so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.

**Recommendation 3**

If unrecorded Aboriginal object/s are identified in the Project Area during works, then all works in the immediate area must cease and the area should be cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

**Recommendation 4**

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

**Recommendation 5**

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.

## Terms, Definitions, and Abbreviations

| Abbreviation/<br>Term | Meaning                                                                                                                                                                                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aboriginal Object     | "any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains" (DECCW 2010:18). |
| Aboriginal Place      | "a place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture" (DECCW 2010:18). Aboriginal places have been gazetted by the minister.                                                                                                                  |
| Activity              | A project, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 EP&A Act 1979).                                                                                                                                                                               |
| AHIMS                 | Aboriginal Heritage Information Management System                                                                                                                                                                                                                                                                                  |
| AHIP                  | Aboriginal Heritage Impact Permit                                                                                                                                                                                                                                                                                                  |
| DECCW                 | Department of Environment, Climate Change and Water (is now the Office of Environment and Heritage – OEH)                                                                                                                                                                                                                          |
| Disturbed Land        | "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." (DECCW 2010:18).                                                                                                                                                           |
| Due Diligence         | "taking reasonable and practical steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm" (DECCW 2010:18)                                                                                                                                           |
| EP&A Act              | <i>Environmental Planning and Assessment Act 1979 (NSW)</i>                                                                                                                                                                                                                                                                        |
| GDA                   | Geodetic Datum Australia                                                                                                                                                                                                                                                                                                           |
| Harm                  | "destroy, deface, damage an object, move an object from the land on which it is situated, cause or permit an object to be harmed." (DECCW 2010:18)                                                                                                                                                                                 |
| LGA                   | Local Government Area                                                                                                                                                                                                                                                                                                              |
| NPW Act               | National Parks and Wildlife Act 1974 (NSW)                                                                                                                                                                                                                                                                                         |
| NPW Regulation        | <i>National Parks and Wildlife Regulation 2009 (NSW)</i>                                                                                                                                                                                                                                                                           |
| OEH                   | Office of Environment and Heritage (formerly DECCW)                                                                                                                                                                                                                                                                                |
| PAD                   | Potential Archaeological Deposit                                                                                                                                                                                                                                                                                                   |
| Project Area          | Project Area is the area subject to the desktop study in this report                                                                                                                                                                                                                                                               |

|      |                               |
|------|-------------------------------|
| LALC | Local Aboriginal Land Council |
| LEP  | Local Environment Plan        |

## I.0 Introduction

RPS has been engaged by Belford Land Corporation (the proponent) to prepare a Heritage Due Diligence Assessment. The purpose of a due diligence assessment is to demonstrate that reasonable and practicable measures were taken to prevent harm to an Aboriginal object or place and has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) ("Due Diligence Code).

This report has outlined the relevant environmental and archaeological context, landforms, landscape features, disturbances, legislative context and the nature of the proposed activity. This information has been considered in formulating the recommendations.

### I.1 The Project Area

This due diligence assessment has been prepared for the area subject to the proposed activity and herein is referred to as the "Project Area." The Project Area is located at Pokolbin in the Singleton Local Government Area (LGA). The Project Area is approximately 8.7 kilometres from Branxton and is 304.9 hectares in area.

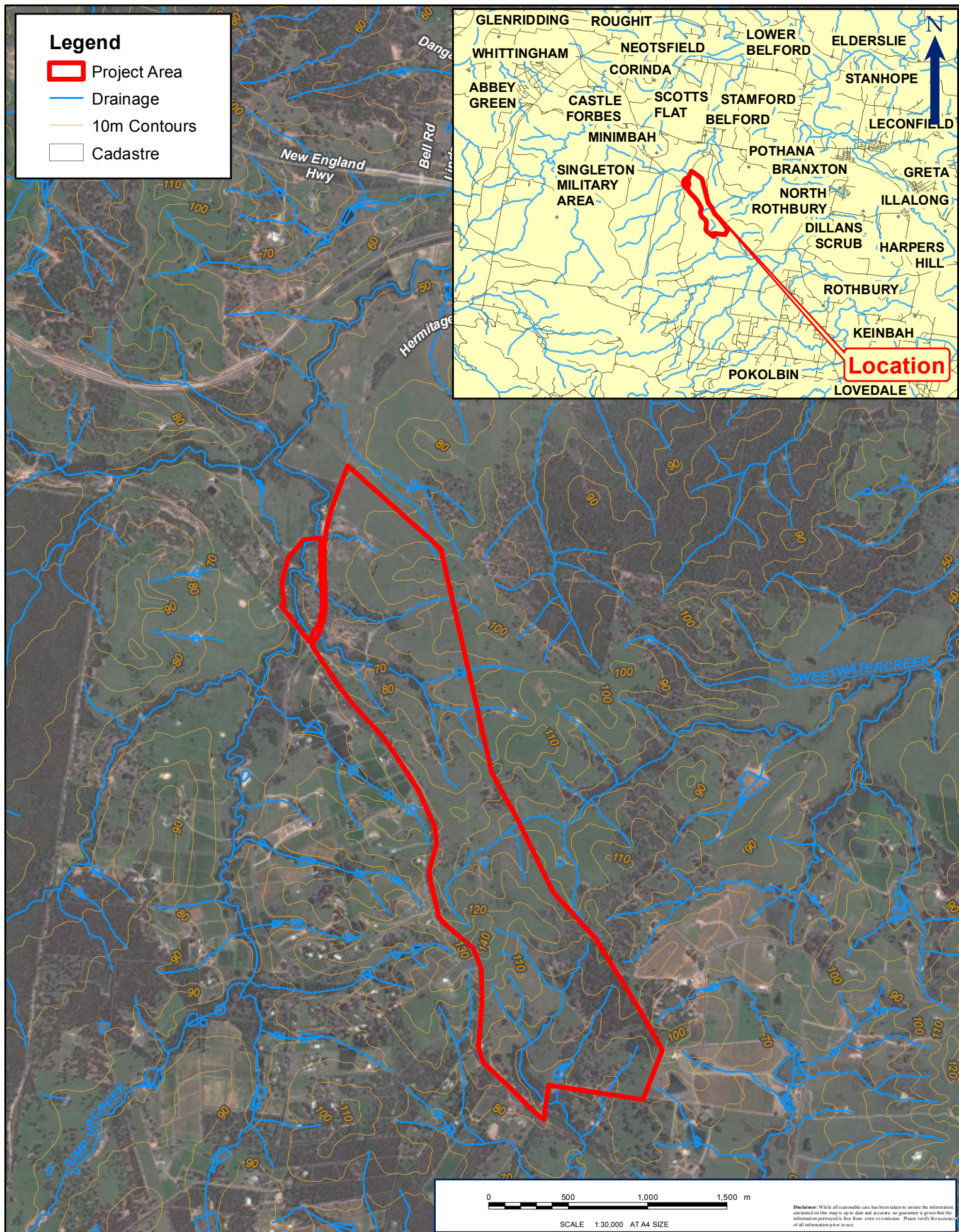
### I.2 The Proposed Activity

The proposed activity is to rezone the 304.9 ha site from RU1 Primary Production to RU4 Primary Production Small Lots. The planning proposal also seeks to permit a range of lot sizes ranging in area from 2 to 9 ha to permit approximately 50 lots to facilitate tourism, horticulture, viticulture and rural residential purposes (JBA 2014).

### I.3 Authorship and Acknowledgements

This report was prepared by RPS Cultural Heritage Consultant Jo Nelson. The report was reviewed by Tessa Boer-Mah, Newcastle Cultural Heritage Manager.





**Figure 1: Project Area**

|                                  |                          |                         |
|----------------------------------|--------------------------|-------------------------|
| CLIENT: Belford Land Corporation | LOCATION: Pokolbin       | DATUM: GDA94            |
|                                  | JOB NO.: PR 124712       | PROJECTION: MGA Zone 56 |
|                                  | PURPOSE: HERITAGE        | Data Sources: RPS       |
|                                  | Technician: Natalie Wood | Date: 11/12/2014        |



## 2.0 Legislative Context

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Although there are a number of Acts protecting and managing cultural heritage in New South Wales (see **Appendix 1**); the primary ones which apply to this report include:

- *National Parks & Wildlife Act 1974*
- *National Parks & Wildlife Regulation 2009*

In brief, the *National Parks & Wildlife Act 1974* protects Aboriginal heritage (places, sites and objects) within NSW; the *National Parks and Wildlife Regulation 2009* provides a framework for undertaking activities and exercising due diligence.

### 2.1 *National Parks & Wildlife Act 1974*

The *National Parks & Wildlife Act 1974* (NPW Act) protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- "A person must not harm or desecrate an object that the person knows is an Aboriginal object" s86(1),
- "A person must not harm an Aboriginal object" s86(2)
- "A person must not harm or desecrate an Aboriginal place" s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

**Harm** under the NPW Act is defined as any act that: destroys defaces or damages the object; moves the object from the land on which it has been situated; and/or causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed); or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The '**due diligence**' defence (s87(2)), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Project Area (subject area of the proposed activity), then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed.

#### Notification of Aboriginal Objects

Under section 89A of the NPW Act Aboriginal objects (and sites) must be reported to the Director-General (now Chief Executive) of OEHS within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

### 2.2 *National Parks and Wildlife Regulation 2009*

The *National Parks and Wildlife Regulation 2009* ("NPW Regulation") provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The NPW Regulation 2009 outlines

the recognised due diligence codes of practice which are relevant to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

## 2.3 Due Diligence and Codes of Practice

The aims of a due diligence assessment are to:

- assist in avoiding unintended harm to Aboriginal objects;
- provide certainty to land managers and developers about appropriate measures for them to take;
- encourages a precautionary approach;
- provides a defence against prosecution if the process is followed; and
- results in more effective conservation outcomes for Aboriginal cultural heritage.

One of the benefits of the due diligence provisions are that they provide a simplified process of investigating the Aboriginal archaeological context of an area to determine if an Aboriginal Heritage Impact Permit (AHIP) is required.

Under the s80A *National Parks & Wildlife Regulation* 2009 ("NPW Regulation") a number of due diligence codes are recognised.

This report has been written to meet the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010) ("Due Diligence Code") *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010).

This publication sets out a minimum benchmark for acceptable due diligence investigations to be followed. The purpose of the code is set out reasonable and practical steps in order to:

- (1) identify whether or not Aboriginal objects (and places) are, or are likely to be, present in an area
- (2) determine whether or not their activities are likely to harm Aboriginal objects (if present)
- (3) determine whether an AHIP application is required. (DECCW 2010:2)

Investigations under the code include the following:

- A search of the Aboriginal Heritage Information Management System (AHIMS) database to identify if there are previously recorded Aboriginal objects or places in the Project Area,
- Identification of landscape features including, land within 200 metres of water, dune systems, ridge tops, headlands, land immediately above or below cliff faces and/or rock shelters/caves,
- Desktop assessment including a review of previous archaeological and heritage studies and any other relevant material,
- Visual inspection of the Project Area to identify if there are Aboriginal objects present, and
- Assessment as to whether an AHIP is required.

This report has complied with the requirements of the code listed above. Other requirements under the code are outlined below.

**Aboriginal consultation** is not required for an investigation under the due diligence code (DECCW 2010:3). However, if the due diligence investigation shows that the activities proposed for the area are likely to harm objects or likely objects within the landscape, then an Aboriginal Heritage Impact Permit will be required with full consultation.

A record of the due diligence procedure followed must be kept to ensure it can be used as a defence from prosecution (DECCW 2010:15).

Following a due diligence assessment (where an AHIP application was not required), an activity must proceed with caution. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

## **2.4 Aboriginal Community Consultation**

Aboriginal community consultation is not a formal requirement of the due diligence process: therefore the proponent is not obliged to undertake Aboriginal community consultation.

Aboriginal community consultation was not undertaken for this due diligence assessment.

## 3.0 Environmental Context

Aboriginal heritage due diligence requires that available knowledge and information is considered. The purpose of reviewing the relevant environmental and heritage information is to assist in identifying whether Aboriginal sites or places are present within the Project Area. The environmental context forms part of the desktop assessment required under the Due Diligence Code (DECCW 2010:12-13).

### 3.1 Local Environment

An understanding of environmental context is important for the predictive modelling of Aboriginal sites, as well as, for their interpretation. The local environment provided natural resources for Aboriginal people, such as, stone (for manufacturing stone tools), food and medicines, wood and bark (for implements such as shields, spears, canoes, bowls, shelters, amongst others), as well as, areas for camping and other activities. The nature of Aboriginal occupation and resource procurement is related to the local environment and it therefore needs to be considered as part of the cultural heritage assessment process.

### 3.2 Geology and Soils

Aboriginal people often made stone tools using siliceous, metamorphic or igneous rocks and therefore understanding the local geology can provide important information regarding resources in a Project Area. The nature of stone exploitation by Aboriginal people depends on the characteristics of the source, for example whether it outcrops on the surface (a primary source), or whether it occurs as gravels (a secondary source) (Doelman et al. 2008).

The Project Area is located predominantly on the Maitland Group Landscape with the Branxton Formation to the north and the Mulbring Siltstone to the south. This landscape is characterised by undulating landforms, low hills and gullies and associated drainage lines. The main soils are characterised by Yellow Podzolic soils on midslopes with Red Podzolic soils on hillcrests. Alluvial soils at a depth of 0-20 centimetres occur along drainage lines with siliceous sands to a depth of 70 centimetres along the creek flats and valleys. The topsoil of the Yellow Podzolic is a brown sandy loam and reaches a depth of 0-20 centimetres. Yellow Podzolic subsoils are of light brown clays and yellow and grey mottles. The topsoil of the Red Podzolic soils are of a dark reddish brown fine sandy loam, at 0-25 centimetres with a change to brown sandy loam after 25 centimetres. The subsoils of the Red Podzolic soils are reddish brown clay with a change to yellowish light brown clay and orange/grey mottle.

### 3.3 Topography and Hydrology

The Project Area is located approximately 1.26 kilometres west of Sweetwater Creek. Jump-up Creek is located north-west of the Project Area, but also passes through the north-west section of the Project Area, west of Hermitage Road. Local and ephemeral sources of water could have been sourced by Aboriginal people from first and second order streams. There are several previously constructed farm dams across the Project Area. The elevation of the study area ranges between 70 and approximately 140 AHD (Australian Height Datum).

### 3.4 Flora and Fauna

The purpose of this section is to provide an indication of the types of flora and fauna resources which were likely to have been available to Aboriginal people in the past. It is based on broad scale vegetation mapping for NSW (Keith 2006) and does not replace more detailed studies undertaken for the Project Area.

Past Aboriginal inhabitants of the area are likely to have encountered Central Hunter Ironbark, Spotted Gum and Grey Box forest, with remnants of Central Hunter Swamp Oak forest area north and south of the Project Area. The north-west section and border of the Project Area is dominated by a line of Hunter Valley River Oak forest.

This vegetation community provides rich habitat for a variety of animals and would have also provided potential food and raw material sources for Aboriginal people. Typical animals inhabiting this vegetation community include an abundance of wading and shore birds, kangaroos, wallabies, as well as a variety of lizards and snakes, birds, as well as rats and mice. The bones of these animals have been recovered from archaeological excavations of Aboriginal sites suggesting that they were sources of food (Attenbrow 2003:70-76), although the hides, bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

### **3.5      Synthesis of Environmental Context**

The Project Area may possibly have provided a suitable place for resources for Aboriginal people due to the likely presence of terrestrial flora and fauna resources; however, previous land use practices are likely to have affected the material evidence of Aboriginal occupation.

## 4.0 Heritage Context

The purpose of reviewing the relevant heritage information is to assist in identifying whether Aboriginal objects or places are present within the Project Area. The heritage context forms part of the desktop assessment required under the Due Diligence Code (DECCW 2010:12-13)

### 4.1 Aboriginal Heritage Information Management System (AHIMS)

A search was undertaken on the OEH Aboriginal Heritage Information Management System (AHIMS) on 6 November 2014 (**Table 1** and **Figure 2**) using Lot and DP numbers with a one kilometre buffer zone. The search results indicated previously recorded Aboriginal objects and sites within the one kilometre zone of the Project Area. One of these sites, AHIMS#37-6-0819 an artefact scatter, was located within the Project Area:

**Table 1 Summary of AHIMS Sites within the one kilometre buffer zone**

| Sites             | Frequency | Percent |
|-------------------|-----------|---------|
| Isolated finds    | 6         | 33.3    |
| Artefact scatters | 7         | 38.8    |
| PAD               | 5         | 27.7    |
| <b>Total</b>      | <b>18</b> |         |

Source: AHIMS 6 November 2014

AHIMS#37-6-0819 will be re-inspected and evidence of this artefact scatter may be identified. This site is closely associated with a drainage line, Jump-Up Creek, therefore other drainage lines will be considered in the Project Area pedestrian survey.

### 4.2 Historic Heritage Register Searches

#### 4.2.1 NSW State Heritage Inventory

The State Heritage Inventory is maintained by the Heritage Branch of the Office of Environment & Heritage (NSW). It contains State non-Indigenous heritage information including:

- State Heritage Register
- Section 170 Heritage Items
- Locally significant items

A search of the State Heritage Inventory database on 12 November 2014 revealed that there were no items or places in the Project Area of the Pokolbin locality.

#### 4.2.2 Singleton and Cessnock Local Environmental Plan

Each Local Government Area (LGA) in NSW is required to create and maintain an LEP that identifies and conserves Aboriginal and Historic heritage items. These items are protected under the NP&W Act 1974 and the Heritage Act 1977.

The site is located within the boundary of the Singleton LGA, however the Cessnock LGA was also considered in the search due to the Project Area's close proximity to Cessnock LGA. Pokolbin has several listings within Schedule 5 of the Cessnock LEP (2011).

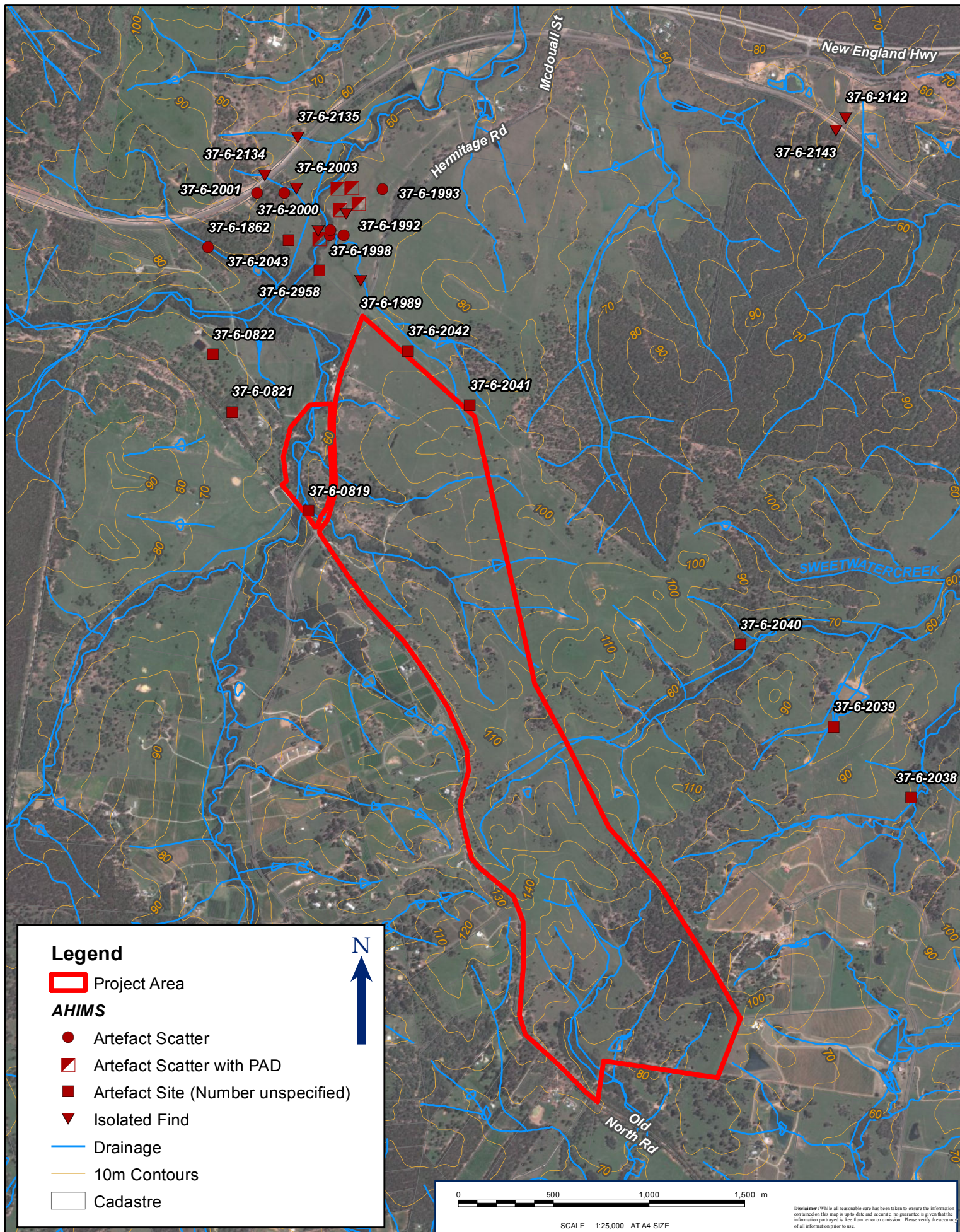
Schedule 5 of the Singleton Local Environmental Plan (LEP 2013) provides a list of historic items that have been listed by the council as having heritage value. In some cases items of Aboriginal cultural heritage are also listed. There were no items or places within or adjacent to the Project Area.

A search of Schedule 5 of the Cessnock Local Environmental Plan (LEP 2011) identified items in the Pokolbin area; however these items are located one kilometre and more from the Project Area and therefore place no constraints for the activity.

### **4.3      Synthesis of Historic Heritage**

The search of historic heritage databases identified no items of historic heritage significance within the Project Area.





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 241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303  
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#### 4.4 Archaeological and Heritage Literature Review

A review of previous archaeological and heritage reports has been undertaken to inform this due diligence assessment.

***AMBS, Kurri-Redbank Feeder 953/95R Upgrade: Aboriginal Heritage Assessment, Hunter Valley, NSW.***

Australian Museum Business Services (AMBS) was engaged by EnergyAustralia (EA) to prepare an Aboriginal heritage assessment for the proposed upgrade to the 132kV Kurri-Redbank Feeder 953/95R. The proposed upgrade comprised the installation of approximately 115 concrete poles at 55 locations along a 54km easement between Kurri and Redbank (near Singleton), Hunter Valley, NSW.

A search of the AHIMS database was undertaken on the 8<sup>th</sup> April, 2009 and identified 69 sites within the local area. The results of this study indicated that approximately 82% of sites were located within 200 metres of a watercourse. It was expected that sites were also likely to occur in flat, open depression, simple slope and crest landforms.

An Aboriginal cultural heritage site survey was undertaken between the 4<sup>th</sup> and 8<sup>th</sup> May, 2009 by Tessa Boer-Mah and Ngaire Richards, accompanied by Aboriginal community representatives. Survey units for the study area described the conditions under which the sites identified; some areas of the easement were covered in thick grass which reduced ground visibility and effective coverage. As such the easement was also assessed for archaeological sensitivity.

A total of 65 sites, 321 flaked stone artefacts, one ground stone hatchet and one grinding slab were identified during this survey. Site types comprised mainly of artefact scatters (n=41), isolated finds (n=19), artefact scatters with PADs (n=4) and one grinding slab site. Two of these sites had been previously recorded AHIMS#37-6-1905 and 37-6-1019.

***RPS, 2013. RMS Stage 2 PACHCI for the Intersection Upgrade of Wine Country Drive and Littlewood Road, Cessnock LGA***

RPS was engaged by the Roads & Maritime Services (RMS) to prepare a Stage 2 Aboriginal Archaeological Survey Report for the intersection upgrade of Littlewood Road and Wine Country Drive in the Cessnock Local Government Area (LGA).

An initial visual inspection of the Project Area was conducted on 29 August 2013 with the purpose of identifying new and revisiting pre-existing Aboriginal Cultural Heritage Sites. The Project Area was situated on a highly disturbed landform which was the result from previous road, drain and fencing construction, rubbish as well as previous clearing of vegetation. The drain was located along the western side of the Wine Country Drive Road verge.

An attempt was made to relocate AHIMS site #37-6-2254, but this was unsuccessful due to dense grass cover. As a result the grass cover was cut to approximately 200 millimetres and a subsequent visual inspection was undertaken on 22 October 2013. The subsequent visual inspection also did not re-identify any of the Aboriginal objects associated with site #37-6-2254. It was highly likely that the Aboriginal objects had eroded naturally into the drain and washed away.

***RPS, 2014. Heritage Due Diligence Assessment For the Proposed Water Recycling Facility, Huntlee***

RPS was engaged by Huntlee Water to prepare a Heritage Due Diligence Assessment for the proposed Water Recycling Facility at the recently rezoned Huntlee Residential Development at North Rothbury (the Project Area). The Project Area is located in the Cessnock Local Government Area (LGA).

A desktop study was undertaken with reference to the local environment, previous archaeological work and the Aboriginal Heritage Information Management System database which showed that there were seven previously recorded sites within one kilometre of the Project Area, but none were identified in the Project Area. The nearest AHIMS site, #37-6-2207, was 930 metres to the north of the Project Area. The visual inspection of the Project Area was conducted on 20 February 2014 and undertaken by Jeremy Hill RPS Cultural Heritage Consultant. The visual inspection was conducted on foot (pedestrian) and revealed that the Project Area had been highly modified by vegetation clearing, housing, track, fencing and dam construction. It was concluded there was low potential for subsurface Aboriginal objects and the visual inspection did not identify any Aboriginal objects on the soil surface, as such it is considered that there is no likelihood of *in situ* artefacts within the Project Area.

#### 4.5 Synthesis of Heritage Context

A review of the AHIMS data and previous archaeological work in the area suggests that the wider area may have been rich in resources, especially in close proximity to a reliable water source. The AHIMS data shows that past Aboriginal communities made use of the Pokolbin area including inland permanent and temporary water sources such as creeks. With regards to creeks and inland waterways, elevated portions of land away from the inundated areas would be considered favourable locations for occupation by Aboriginal people and therefore have the potential to contain stone artefacts, PAD sites and modified trees, however this generally depends on the level of vegetation and ground disturbance. Previous studies suggest that this area was not regularly occupied by Aboriginal people especially for locations further away from watercourses. In addition, previous disturbances in the area make the potential for finding *in situ* deposits of Aboriginal objects low.

## 5.0 Visual Inspection and Field Results

A visual inspection of the Project Area was undertaken to identify whether Aboriginal objects are present on the ground surface or are likely to be present below the ground surface. In accordance with the Due Diligence Code a qualified archaeologist undertook the visual inspection (DECCW 2010:12-13,

### 5.1 Visual Inspection

The visual inspection of the Project Area was conducted on Thursday 13<sup>th</sup> and Friday 14<sup>th</sup> November, 2014 by Jo Nelson, RPS Cultural Heritage Consultant. The visual inspection was conducted on foot (pedestrian).

The survey began at the south-east end of the Project Area, utilising a vehicle to cross open areas of densely grassed paddocks (Plate 1). An initial inspection of the site was undertaken to identify drainage lines and landform types and how best to inspect these areas (**Table 2**). A pedestrian survey method was then utilised on to inspect watercourses and areas of exposure to identify if Aboriginal objects were present (Plate 2, Plate 3 and Plate 4). Wherever clearings or exposures were observed within the densely grass paddocks, a pedestrian survey was undertaken along those features. . All drainage lines were inspected. A pedestrian survey encompassed the perimeter of each drainage area. Wherever vegetation allowed, a foot survey transecting from bank to bank or following the line of drainage, was undertaken.

There was no permanent water source within the Project Area, and no permanent water sources within a one kilometre boundary of the Project Area. There were multiple ephemeral drainage lines identified in the Project Area, the most prominent of these being Jump-Up Creek in the north-west corner of the Project Area. this creek was dry at the time of the survey.

Soils included a sandy loam in areas that were vegetated, with occasional sandy clay loam, and exposed clay B horizon on eroded exposures, particularly at dam sites, at some drainage lines and across the vehicle track. Ground surface exposures along these areas were approximately 85%. Ground surface exposure along heavily vegetated drainage lines was approximately 0-10% due to dense leaf and branch litter (Plate 5). Surface exposures did occur infrequently across the paddocks generally around the base of tree trunks, along tracks, in sparsely vegetated drainage lines (Plate 6) or where stock had scoured the ground surface (Plate 7). Ground surface visibility across open areas of the Project Area was approximately 0-5% where grass growth was dense and approximately 5-10% where grass growth was shorter due to mechanical cutting (Plate 8).

AHIMS site #37-6-0819 was re-inspected on Thursday, 13 November, 2014. The artefact scatter was not located. Disturbances across the site included a fence line and pipe line. Ground surface visibility was low at approximately 10% due to vegetation and dense grass growth. Ground surface exposure was 0-5% due to dense leaf and branch litter.

### 5.2 Visual Inspection Field Results and Summary

The ground surface visibility in the open area was a survey constrained due to long and dense grass growth; however, exposures throughout the Project Area provided selected areas of high ground surface visibility. The study area was disturbed by vegetation clearance, previous animal grazing, dam construction, fencing, vehicle access track and water wash erosion along drainage lines. The absence of permanent water sources along with the moderate level of ground disturbance may have influence on the presence of Aboriginal objects within the study area. Ground disturbance and the desktop study, indicate that the study area may have a low potential for Aboriginal heritage sites or objects. Archaeological sensitivity for the majority of the Project Area was assessed to be low (**Table 2**). Although no artefacts were observed at AHIMS#37-6-0819, it is still a registered site and therefore is protected under the NP&W Act.

Table 2 Summary of site survey process

| Subject Area                | Survey Area                                    | Landform/s                                 | Survey Unit Area (m) | Ground Surface Visibility | Archaeological Sensitivity | Survey Type                                                                                              |
|-----------------------------|------------------------------------------------|--------------------------------------------|----------------------|---------------------------|----------------------------|----------------------------------------------------------------------------------------------------------|
| Jump-up Creek               | Creek line and banks                           | Ephemeral creek line                       | 150                  | Low                       | Low                        | Foot survey and visual inspection                                                                        |
| Vehicle access track        | Along the full length of the access track      | Undulating hills and ephemeral creek lines | 4400                 | Low                       | Low                        | Vehicle and foot survey, and visual inspection                                                           |
| Previously constructed dams | Dam banks and immediate surrounding perimeters | Dam and bank and associated drainage line  | 40-63                | Moderate                  | Low                        | Foot survey and visual inspection                                                                        |
| Open paddocks               | Ground surface along paddocks                  | Undulating hills                           | variable             | Low                       | Low                        | Foot survey and visual inspection                                                                        |
| Ephemeral creek Bank        | Creek banks                                    | Drainage line                              | 10-680               | Low                       | Low                        | Foot survey and visual inspection                                                                        |
| Ephemeral creek lines       | Creek line                                     | Drainage line                              | 10-45                | Low to moderate           | Low                        | Foot survey and visual inspection where vegetation was sparse enough for access across the drainage line |

## 6.0 Impact Assessment

The purpose of a due diligence assessment is to identify whether Aboriginal objects are present, or likely to be present, in the Project Area; to determine whether proposed activities are likely to harm Aboriginal objects (if present) and to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required.

The project involves the rezoning of a parcel of land from RU1 Primary Production to RU4 Primary Productions Small Lots.

The results of the AHIMS#37-6-0819 search revealed an artefact scatter adjacent to the boundary in the north-east corner of the Project Area. Although no artefacts were observed at AHIMS#37-6-0819 during the pedestrian re-inspection undertaken on 13 November, 2014, it is still a registered site and therefore is protected under the NPW Act. This site will not be impacted by the proposed rezoning, however, in the design for the future development application (DA); this site should be avoided. If AHIMS#37-6-0819 cannot be avoided as part of the DA; then an AHIP application will need to be lodged with the Office of Environment and Heritage.

The visual inspection undertaken by RPS, on 13 and 14 November, 2014 indicate that there are no previously unrecorded Aboriginal objects in the Project Area. No artefacts were found during the inspection. No raw material suitable for the production of Aboriginal stone tools was observed. One Aboriginal site was located within the Project Area. The potential for other such sites is considered to be low due to the level of disturbance and landscape context of the study areas



## 7.0 Conclusions and Recommendations

This report has considered the available environmental and archaeological information for the Project Area, the land condition, as well as, the nature of the proposed activities. The ground surface visibility in the open area was a survey constraint due to dense grass growth, leaf and branch litter. The study area was disturbed by vegetation clearance and previous animal grazing, dam construction, fencing, vehicle access track and water wash erosion along drainage lines. The absence of permanent water sources, ground disturbances and desktop study, indicate that the Project Area has a low potential for Aboriginal heritage sites or objects.

Although no artefacts were observed at AHIMS#37-6-0819, it is still a registered site and therefore is protected under the NPW Act. If AHIMS#37-6-0819 cannot be avoided as part of the DA; then an AHIP application will need to be lodged with the Office of Environment and Heritage.

The following recommendations are made in relation to the proposed activity:

### Recommendation 1

Aboriginal site AHIMS#37-6-0819 is registered in the Project Area, while it does not place a constraint on the rezoning; this area should be avoided in the design for the future development application (DA). If AHIMS#37-6-0819 cannot be avoided as part of the DA; then an AHIP application will need to be lodged with the Office of Environment and Heritage at this time.

### Recommendation 2

All relevant Belford Land Corporation staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction.

### Recommendation 3

This due diligence assessment must be kept by Belford Land Corporation so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.

### Recommendation 4

If unrecorded Aboriginal object/s are identified in the Project Area during works, then all works in the immediate area must cease and the area should be cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

### Recommendation 5

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

#### **Recommendation 6**

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.

## 8.0 References

- Attenbrow, V. 2003. *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records*: UNSW Press.
- DECCW. 2010. "Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales." in *Part 6 National Parks and Wildlife Act 1974*, edited by Department of Environment Climate Change & Water.
- Doelman, T., R. Torrence, V. Popov, M. Ionescu, N. Kluyev, I. Pantyukhina, P. White, and M. Clements. 2008. "Source selectivity: An assessment of Volcanic Glass Sources in the Southern Primorye Region, Far East Russia." *Geoarchaeology: An International Journal* 23:243-73.
- Keith, D. 2006. *Ocean Shores to Desert Dunes: The Native Vegetation of New South Wales and the ACT*. Sydney: Department of Environment and Conservation NSW.
- AMBS, Kurri-Redbank Feeder 953/95R Upgrade: Aboriginal Heritage Assessment, Hunter Valley, NSW.
- RPS, 2013. RMS Stage 2 PACHCI for the Intersection Upgrade of Wine Country Drive and Littlewood Road, Cessnock LGA, NSW.
- RPS, 2014. Heritage Due Diligence Assessment For the Proposed Water Recycling Facility, Huntlee, NSW.

## 9.0 Plates



**Plate 1 General landscape with dam**



**Plate 2 Drainage line floor sample**





**Plate 3 Soil profile sample along drainage lines**



**Plate 4 Ground surface sample along exposed sections of drainage lines**





**Plate 5 Ground surface sample along heavily vegetated drainage lines banks**



**Plate 6 Ground surface exposure along sparsely vegetated drainage lines**



**Plate 7 Ground surface exposure in paddock area as a result of pastoral activity**



**Plate 8 Ground surface sample in the heavily grassed open paddocks**

# Appendix I

## Legislative Requirements

## Summary of Statutory Controls

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

### COMMONWEALTH

#### Aboriginal & Torres Strait Islander Heritage Protection Act 1984 (ATSIHIP Act )

The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

It would appear that the intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation, and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

### STATE

It is incumbent on any land manager to adhere to state legislative requirements that protect Aboriginal Cultural heritage. The relevant legislation in NSW includes but is not limited to the summary below.

#### National Parks and Wildlife Act 1974 (NPW Act)

The NPW Act provides statutory protection for all Aboriginal heritage, places and objects (not being a handicraft made for sale), with penalties levied for breaches of the Act. This legislation is overseen by the Office of Environment and Heritage (OEH), and specifically the Chief Executive (formerly the Director-General) of OEH. Part 6 of this Act is the relevant part concerned with Aboriginal objects and places, with Section 86 and Section 90 being the most pertinent. In 2010, this Act was substantially amended, particularly with respect to Aboriginal cultural heritage requirements. Relevant sections include:

#### Section 86

This section now lists four major offences:

- (1) A person must not harm an object that the person knows is an Aboriginal object;
- (2) A person must not harm an Aboriginal object;
- (3) For the purposes of s86, "circumstances of aggravation" include:
  - (a) The offence being committed during the course of a commercial activity; or
  - (b) That the offence was the second or subsequent offence committed by the person;
- (4) A person must not harm or desecrate an Aboriginal place.



Offences under s86 (2) and (4) are now strict liability offences, i.e., knowledge that the object or place harmed was an Aboriginal object or place needs to be proven. Penalties for all offences under Part 6 of this Act have also been substantially increased, depending on the nature and severity of the offence.

### Section 87

This section now provides defences to the offences of s86. These offences chiefly consist of having an appropriate Aboriginal Heritage Impact Permit (AHIP), not contravening the conditions of the AHIP or demonstrating that due diligence was exercised prior to the alleged offence.

### Section 87A & 87B

These sections provide exemptions from the operation of s86; Section 87A for authorities such as the Rural Fire Service, State Emergency Services and officers of the National Parks & Wildlife Service in the performance of their duties, and s87B for Aboriginal people performing traditional activities.

### Section 89A

If a person knows of the location of an Aboriginal object or place that has not been previously registered and does not advise the Director-General (now Chief Executive) of that object or place within a reasonable period of time, then that person is guilty of an offence under this Section of the Act.

### Section 90

This section authorises the Director-General (now Chief Executive) to issue an AHIP.

### Section 90A-90R

These sections govern the requirements relating to applying for an AHIP. In addition to the amendments to the Act, OEH have issued three new policy documents clarifying OEH's requirements with regards to Aboriginal archaeological investigations: *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and *Code of Practice for Archaeological Investigations in NSW*. The Consultation Requirements formalise the consultation with Aboriginal community groups into four main stages, and includes details regarding the parties required to be consulted, advertisements inviting Aboriginal community groups to participate in the consultation process, requirements regarding the provision of methodologies, draft and final reports to the Aboriginal stakeholders and timetables for the four stages. The Due Diligence Code of Practice sets out the minimum requirements for investigation, with particular regard as to whether an AHIP is required. The Code of Practice for Archaeological Investigation sets out the minimum requirements for archaeological investigation of Aboriginal sites.

### Aboriginal Heritage Impact Permits (AHIP)

OEH encourages consultation with relevant Aboriginal stakeholders for all Aboriginal Heritage Assessments. However, if an Aboriginal Heritage Impact Permit (AHIP) is required for an Aboriginal site, then specific OEH guidelines are triggered for Aboriginal consultation.

### Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010, the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) were issued by OEH (12 April 2010). These consultation requirements replace the previously issued Interim Community Consultation Requirements (ICCR) for Applicants (Dec 2004). These guidelines apply to all AHIP applications prepared after 12th April 2010; for projects commenced prior to 12th April 2010, transitional



arrangements have been stipulated in a supporting document, Questions and Answers 2: Transitional Arrangements.

The ACHCRs 2010 include a four stage Aboriginal consultation process and stipulate specific timeframes for each state. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. Stage 1 includes the identification of Aboriginal people who may have an interest in the Project Area and hold information relevant to determining the cultural significance of Aboriginal objects or places. This identification process should draw on reasonable sources of information including: the relevant OEH EPRG regional office, the relevant Local Aboriginal Land Council(s), the Registrar of Aboriginal Owners, Aboriginal Land Rights Act (1983), the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s), and the relevant catchment management authority. The identification process should also include an advertisement placed in a local newspaper circulating in the general location of the Project Area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest (EoI) for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled from the EoI's, they need to be consulted in accordance with ACHCR's Stages 2, 3 and 4.

#### Environmental Planning & Assessment Act 1979 (EP&A Act)

This Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Within the EP&A Act, Parts 3, 4 and 5 relate to Aboriginal heritage.

Part 3 regulates the preparation of planning policies and plans. Part 4 governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement. Part 5 regulates government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency. The National Parks & Wildlife Service is a Part 5 authority under the EP&A Act.

In brief, the NPW Act provides protection for Aboriginal objects or places, while the EP&A Act ensures that Aboriginal cultural heritage is properly assessed in land use planning and development.

Heritage Act 1977

This Act protects the natural and cultural history of NSW with emphasis on non-indigenous cultural heritage through protection provisions and the establishment of a Heritage Council. Although Aboriginal heritage sites and objects are primarily protected by the *National Parks & Wildlife Act 1974*, if an Aboriginal site, object or place is of great significance, it may be protected by a heritage order issued by the Minister subject to advice by the Heritage Council.

Other legislation of relevance to Aboriginal cultural heritage in NSW includes the *NSW Local Government Act 1993*. Local planning instruments also contain provisions relating to indigenous heritage and development conditions of consent.

## Appendix 2

### AHIMS Search

RPS Australia East Pty Ltd -Hamilton

Date: 06 November 2014

Accounts Payable Fortitude Valley PO Box 237

Brisbane Queensland 4006

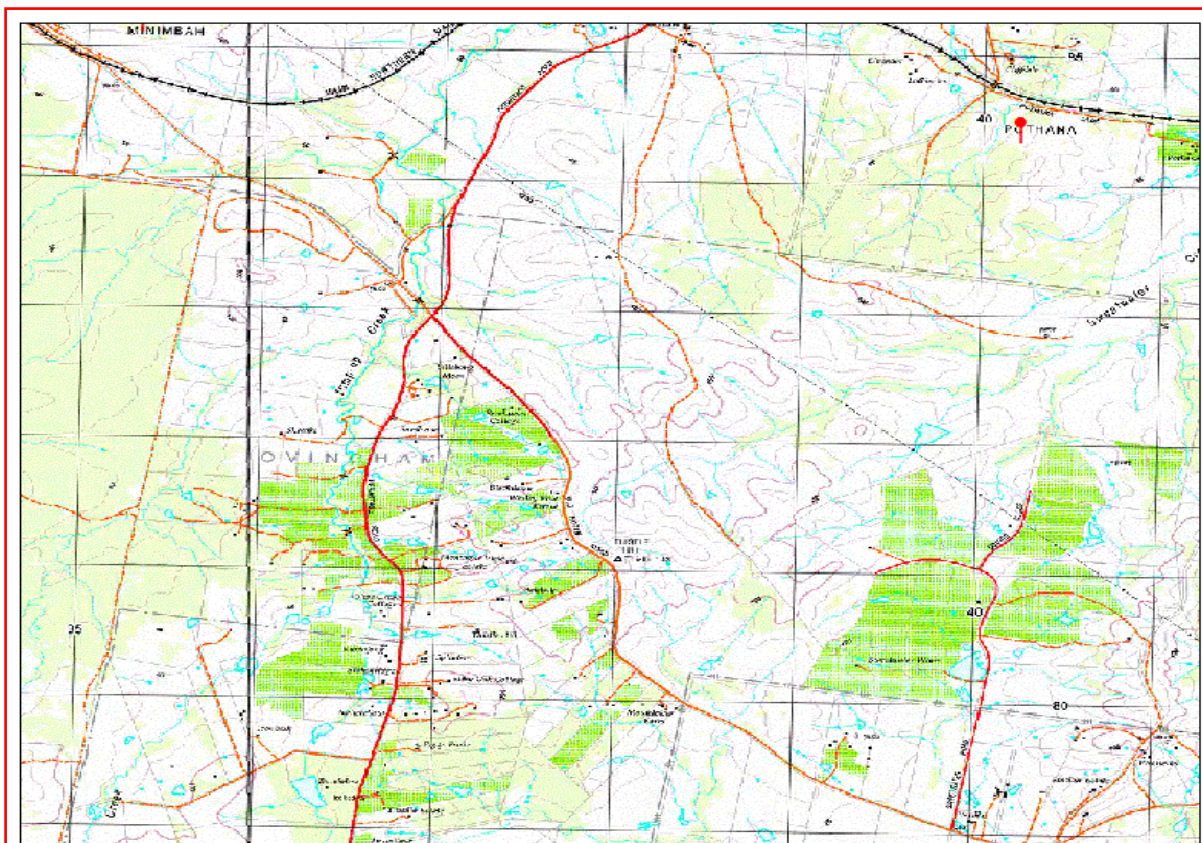
Attention: Cultural Heritage Team Administrator

Email: clh@rpsgroup.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 5, DP:DP823737 with a Buffer of 1000 meters, conducted by Cultural Heritage Team Administrator on 06 November 2014.**

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:

|    |                                                                       |
|----|-----------------------------------------------------------------------|
| 25 | 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 \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit 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 be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage 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.



RPS Australia East Pty Ltd -Hamilton

Accounts Payable Fortitude Valley PO Box 237

Brisbane Queensland 4006

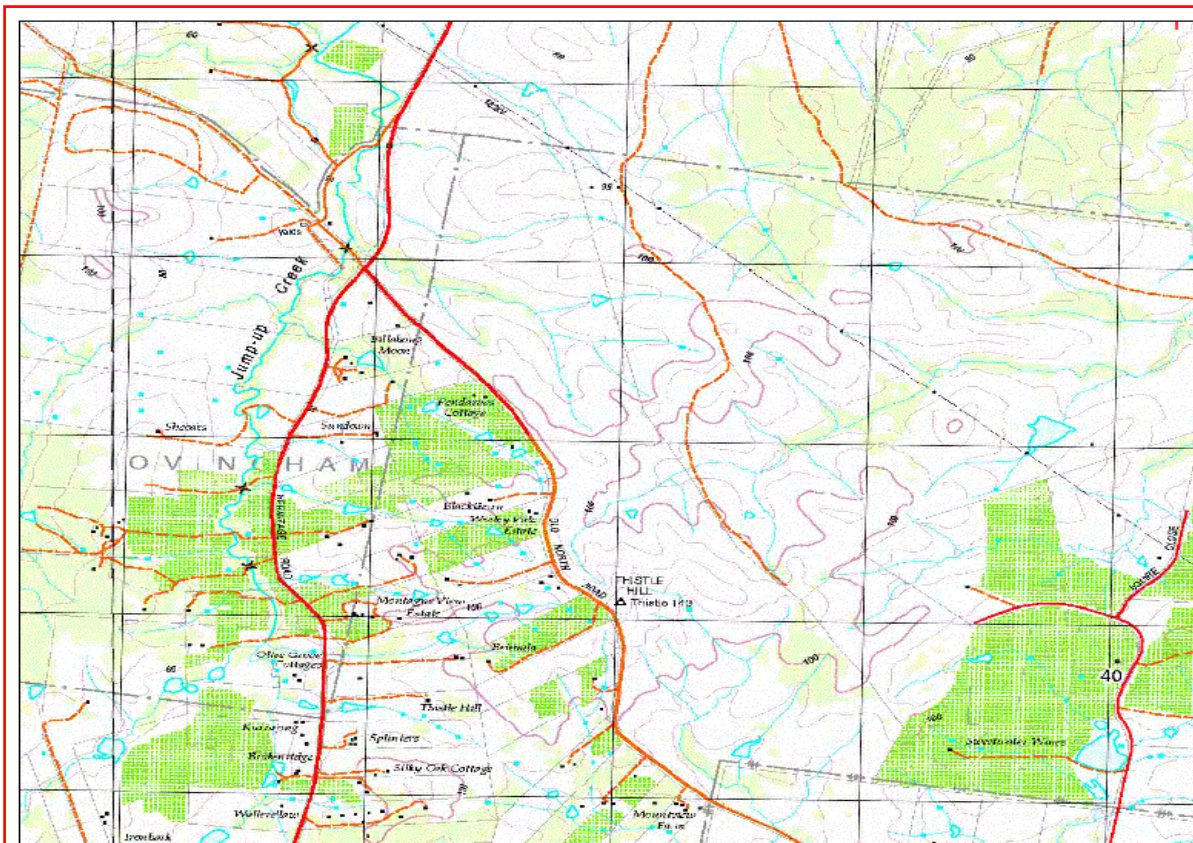
Attention: Cultural Heritage Team Administrator

Email: clh@rpsgroup.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 336664 - 339236, Northings : 6379960 - 6384131 with a Buffer of 200 meters, conducted by Cultural Heritage Team Administrator on 07 November 2014.**

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:

|   |                                                                       |
|---|-----------------------------------------------------------------------|
| 6 | 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 \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit 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 be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage 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.



RPS Australia East Pty Ltd -Hamilton

Accounts Payable Fortitude Valley PO Box 237

Brisbane Queensland 4006

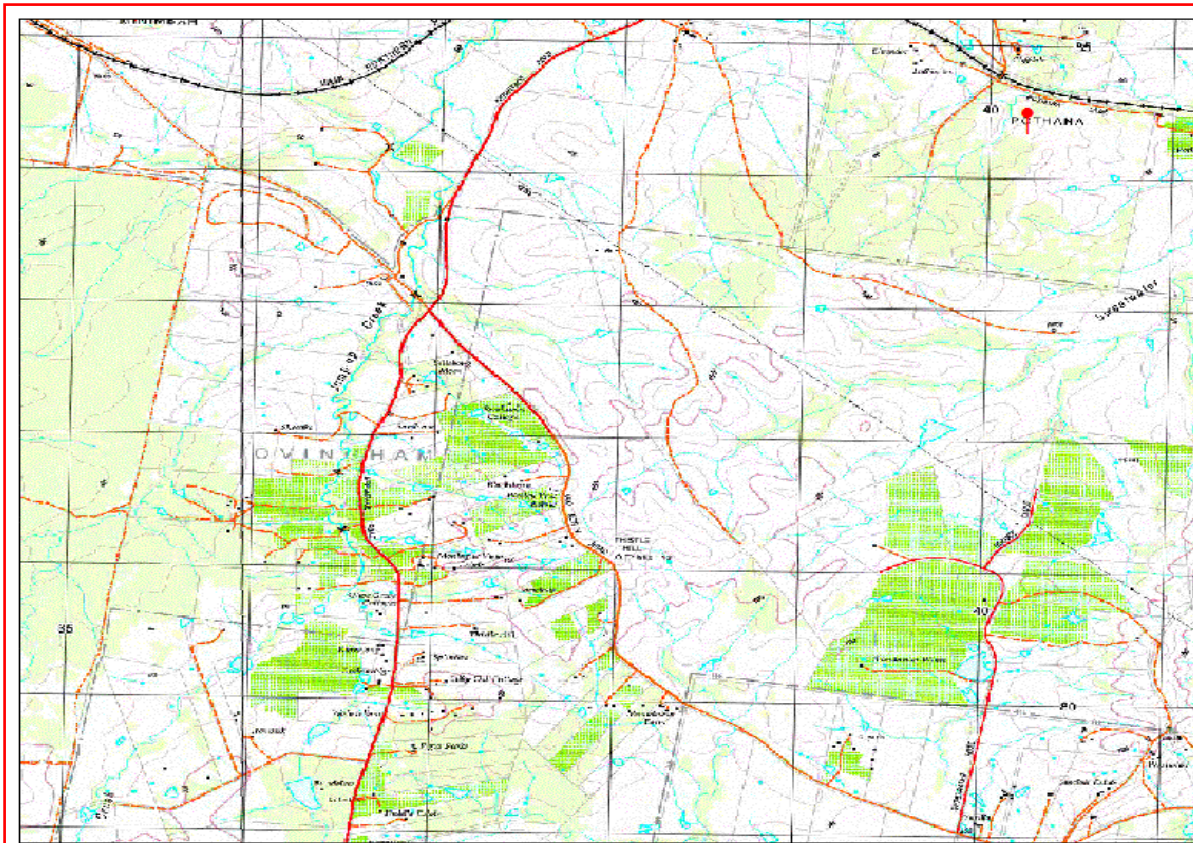
Attention: Cultural Heritage Team Administrator

Email: clh@rpsgroup.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 336664 - 339236, Northings : 6379960 - 6384131 with a Buffer of 1000 meters, conducted by Cultural Heritage Team Administrator on 07 November 2014.**

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:

|    |                                                                       |
|----|-----------------------------------------------------------------------|
| 30 | 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 \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit 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 be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage 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.

# AHIMS Web Services (AWS)

## Extensive search - Site list report

Your Ref Number : 124712 JN

Client Service ID : 153851

| SiteID    | SiteName              | Datum            | Zone                                                           | Easting | Northing | Context   | Site Status | SiteFeatures                                                        | SiteTypes      | Reports       |
|-----------|-----------------------|------------------|----------------------------------------------------------------|---------|----------|-----------|-------------|---------------------------------------------------------------------|----------------|---------------|
| 37-6-0819 | WP 7 (Greta)          | AGD              | 56                                                             | 336800  | 6382880  | Open site | Valid       | Artefact : -                                                        | Open Camp Site | 102646        |
|           | <u>Contact</u>        | <u>Recorders</u> | Michael Green                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-0821 | WP 9 (Greta)          | AGD              | 56                                                             | 336400  | 6383400  | Open site | Valid       | Artefact : -                                                        | Open Camp Site | 4564,102646   |
|           | <u>Contact</u>        | <u>Recorders</u> | Michael Green                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1862 | Minimbah 32/A (M32/A) | GDA              | 56                                                             | 336380  | 6384450  | Open site | Valid       | Artefact : 6                                                        |                |               |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Peter Kuskie                                                |         |          |           |             |                                                                     |                |               |
| 37-6-0822 | WP 10 (Greta)         | AGD              | 56                                                             | 336300  | 6383700  | Open site | Valid       | Artefact : -                                                        | Open Camp Site | 4564,102646   |
|           | <u>Contact</u>        | <u>Recorders</u> | Michael Green                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-2041 | KR36                  | GDA              | 56                                                             | 337751  | 6383623  | Open site | Valid       | Artefact : -                                                        |                | 102402        |
|           | <u>Contact</u>        | <u>Recorders</u> | Australian Museum Consulting (AM Consulting),Ms.Tessa Boer-Mah |         |          |           |             |                                                                     |                |               |
| 37-6-2042 | KR37                  | GDA              | 56                                                             | 337427  | 6383908  | Open site | Valid       | Artefact : -                                                        |                | 102402        |
|           | <u>Contact</u>        | <u>Recorders</u> | Australian Museum Consulting (AM Consulting),Ms.Tessa Boer-Mah |         |          |           |             |                                                                     |                |               |
| 37-6-2043 | KR38                  | GDA              | 56                                                             | 336801  | 6384491  | Open site | Valid       | Artefact : -                                                        |                |               |
|           | <u>Contact</u>        | <u>Recorders</u> | Australian Museum Consulting (AM Consulting),Ms.Tessa Boer-Mah |         |          |           |             |                                                                     |                |               |
| 37-6-1989 | Belford South 1       | GDA              | 56                                                             | 337177  | 6384277  | Open site | Valid       | Artefact : 1                                                        |                | 101565,102402 |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1990 | Belford South 2       | GDA              | 56                                                             | 337017  | 6384514  | Open site | Valid       | Artefact : 8                                                        |                | 101565,102402 |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1991 | Belford South 3       | GDA              | 56                                                             | 337090  | 6384514  | Open site | Valid       | Artefact : 66                                                       |                | 101565,102402 |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1992 | Belford South 4       | GDA              | 56                                                             | 337169  | 6384683  | Open site | Valid       | Artefact : 138,<br>Potential<br>Archaeological<br>Deposit (PAD) : - |                | 101565,102402 |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1993 | Belford South 5       | GDA              | 56                                                             | 337293  | 6384755  | Open site | Valid       | Artefact : 3                                                        |                | 101565,102402 |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1994 | Belford South 6       | GDA              | 56                                                             | 337101  | 6384625  | Open site | Valid       | Artefact : 1                                                        |                | 102402        |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |
| 37-6-1995 | Belford South 7       | GDA              | 56                                                             | 337071  | 6384650  | Open site | Valid       | Artefact : 150,<br>Potential<br>Archaeological<br>Deposit (PAD) : - |                | 101565,102402 |
|           | <u>Contact</u>        | <u>Recorders</u> | Mr.Giles Hamm                                                  |         |          |           |             |                                                                     |                |               |

Report generated by AHIMS Web Service on 06/11/2014 for Cultural Heritage Team Administrator for the following area at Lot : 5, DP:DP823737 with a Buffer of 1000 meters. Additional Info : For Report. Number of Aboriginal sites and Aboriginal objects found is 25

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# AHIMS Web Services (AWS)

## Extensive search - Site list report

Your Ref Number : 124712 JN

Client Service ID : 153851

| SiteID    | SiteName         | Datum | Zone | Easting | Northing | Context   | Site Status | SiteFeatures                                                       | SiteTypes      | Reports           |
|-----------|------------------|-------|------|---------|----------|-----------|-------------|--------------------------------------------------------------------|----------------|-------------------|
| 37-6-1996 | Belford South 8  | GDA   | 56   | 337057  | 6384761  | Open site | Valid       | Artefact : 35,<br>Potential<br>Archaeological<br>Deposit (PAD) : - |                | 101565,10240<br>2 |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-1997 | Belford South 9  | GDA   | 56   | 337134  | 6384765  | Open site | Valid       | Artefact : 4, Potential<br>Archaeological<br>Deposit (PAD) : -     |                | 101565,10240<br>2 |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-1998 | Belford South 10 | GDA   | 56   | 337019  | 6384544  | Open site | Valid       | Artefact : 28                                                      |                | 101565,10240<br>2 |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-1999 | Belford South 11 | GDA   | 56   | 336964  | 6384499  | Open site | Valid       | Artefact : 18,<br>Potential<br>Archaeological<br>Deposit (PAD) : - |                | 101565            |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-2000 | Belford South 12 | GDA   | 56   | 336957  | 6384537  | Open site | Valid       | Artefact : 1                                                       |                | 101565            |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-2001 | Belford South 13 | GDA   | 56   | 336636  | 6384737  | Open site | Valid       | Artefact : 2                                                       |                | 101565            |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-2002 | Belford South 14 | GDA   | 56   | 336778  | 6384738  | Open site | Valid       | Artefact : 3                                                       |                | 101565            |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-2003 | Belford South 15 | GDA   | 56   | 336841  | 6384760  | Open site | Valid       | Artefact : 1                                                       |                | 101565            |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |
| 37-6-2134 | Belford Rail 1   | GDA   | 56   | 336678  | 6384829  | Open site | Valid       | Artefact : 1                                                       |                |                   |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> | 3510,3658         |
| 37-6-2135 | Belford Rail 2   | GDA   | 56   | 336848  | 6385027  | Open site | Valid       | Artefact : 1                                                       |                |                   |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> | 3654              |
| 37-6-2958 | KR64             | GDA   | 56   | 336964  | 6384332  | Open site | Valid       | Artefact : -                                                       |                |                   |
|           | <u>Contact</u>   |       |      |         |          |           |             |                                                                    | <u>Permits</u> |                   |

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