

3.0 Determining Investigative Requirements

The first step in the Due Diligence process is determining if Due Diligence is required in the first place. The following steps address this requirement.

3.1 Is the Activity Part State Significant?

State Significant Development (SSD) or State Significant Infrastructure (SSI) is covered in the *Environmental and Assessment Act 1979* (EP&A Act) under Parts 4 and 5. State significant Development follows a different approvals path to most development and does not use the Due Diligence Code when assessing Aboriginal Heritage.

The Proposed Development is not a Part SSI or SSD.

3.2 Is the Activity Exempt?

Due Diligence is still applied to activities considered as complying or exempt development under the EP&A Act. However, only certain activities are considered exempt under the NP&W Act Regulations. These exempt activities are defined as:

- *Aboriginal people and their dependants when carrying out non-commercial traditional cultural activities;*
- *Any emergency fire fighting or bush fire hazard reduction work within the meaning of the Rural Fires Act 1997 that is authorised or required to be carried out under that Act;*
- *Emergency activities carried out under the State Emergency and Rescue Management Act 1989 that are reasonably necessary in order to avoid an actual or imminent threat to life or property;*
- *Works by, or directed by, authorised EPA officers to protect or conserve Aboriginal objects; and*
- *Anything specifically required or permitted under the express terms of a conservation agreement entered into under Division 12 of Part 4 of the NPW Act.*

The Proposed Development is not any of the above exempt activities.

3.3 Will Harm be Trivial or Negligible?

Trivial or negligible harm is defined by the NP&W Act as activities that do not disturb or damage an Aboriginal object, such as picking up and replacing an artefact, damaging one through simple recreational activities or through standard maintenance activities on a regular home.

The Proposed Development is not a trivial or negligible undertaking.

3.4 Will the Activity Impact a Known Site or Place?

Declared Aboriginal places can only have works undertaken within their boundaries following an AHIP application. These places are registered with EPA and are protected under the NP&W Act. Additionally, if previous investigations of the site have located Aboriginal objects and impact cannot be avoided (determined by later steps), then an AHIP will be required.

The project area is not part of an Aboriginal Place.

The project area did not contain any sites from the AHIMS database.

3.5 Is the Activity Recognised as Low Impact?

Certain low impact activities are allowed under the Regulations to the NP&W Act and therefore do not require a Due Diligence Assessment. However, these actions cannot be undertaken if they will impact a known site and do not provide a proponent with the authority to knowingly impact a site or place.

Section 80B of the Regulations state that the following are considered low impact activities:

(1) It is a defence to a prosecution for an offence under section 86 (2) of the Act, if the defendant establishes that the act or omission concerned:

(a) was maintenance work of the following kind on land that has been disturbed:

- (i) maintenance of existing roads, fire and other trails and tracks,*
- (ii) maintenance of existing utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines), or*

(b) was farming and land management work of the following kind on land that has been disturbed :

- (i) cropping and leaving paddocks fallow,*
- (ii) the construction of water storage works (such as farm dams or water tanks),*
- (iii) the construction of fences,*
- (v) the construction of irrigation infrastructure, ground water bores or flood mitigation works,*
- (vi) the construction of erosion control or soil conservation works (such as contour banks), or*

(c) was farming and land management work that involved the maintenance of the following existing infrastructure:

- (i) grain, fibre or fertiliser storage areas,*
- (ii) water storage works (such as farm dams or water tanks),*
- (iii) irrigation infrastructure, ground water bores or flood mitigation works,*
- (iv) fences,*

- (v) erosion control or soil conservation works (such as contour banks), or
- (d) was the grazing of animals, or
- (e) was an activity on land that has been disturbed that comprises exempt development or was the subject of a complying development certificate issued under the Environmental Planning and Assessment Act 1979, or
- (f) was mining exploration work of the following kind on land that has been disturbed:
 - (i) costeaning,
 - (ii) bulk sampling,
 - (iii) drilling, or
- (g) was work of the following kind:
 - (i) geological mapping,
 - (ii) surface geophysical surveys (including gravity surveys, radiometric surveys, magnetic surveys and electrical surveys), but not including seismic surveys,
 - (iii) sub-surface geophysical surveys that involve downhole logging,
 - (iv) sampling and coring using hand-held equipment, except where carried out as part of an archaeological investigation, or

Note. Clause 3A of this Regulation provides that an act carried out in accordance with the Code of Practice for Archaeological Investigation in NSW is excluded from meaning of harm an objects or place for the purposes of the Act.

- (h) was the removal of isolated, dead or dying vegetation, but only if there is minimal disturbance to the surrounding ground surface, or
- (i) was work of the following kind on land that has been disturbed:
 - (i) seismic surveying,
 - (ii) the construction and maintenance of ground water monitoring bores, or
- (j) was environmental rehabilitation work including temporary silt fencing, tree planting, bush regeneration and weed removal, but not including erosion control or soil conservation works (such as contour banks).⁴⁰

The Proposed Development is not considered a low impact activity under the Regulations.

3.6 Is an Industry Specific Code to be Used?

Certain industries have developed their own recognised Codes of Practice for undertaking Aboriginal Due Diligence. These Codes can substitute for the EPA Code of Practice when used properly.

⁴⁰ National Parks and Wildlife Regulation 2009, Section 80B

An Industry Specific Code of Practice is not to be used.

3.7 The Next Step

Based on the steps above, Ainsworth Heritage believes that the Due Diligence process is required due to the Proposed Development's nature and impact and therefore the EPA *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* will be used to guide the assessment of the Development.

4.0 Consultation

Although the EPA *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* does not require consultation with Aboriginal Groups to be undertaken, in order for a Due Diligence assessment to be as accurate as possible, it is advisable to seek advice from the Local Aboriginal Land Council (LALC).

The LALC is the Aboriginal body with the legislated duty to protect Aboriginal objects and places within its jurisdiction. These Councils are made up of members of the local Aboriginal peoples and are able to provide both advice and site officers who can assist with field surveys.

Proponents must also understand that a LALC is not always composed of a single tribal group and often overlaps areas from several tribes, with various tribes represented on more than one Land Council. This can, at times, lead to confusion for proponents, so at this initial stage of investigations, dealing with the relevant LALC is the simplest option for the proponent.

However, in areas where a Native Title Claim has been approved, the Native Title Holders are authorised to speak for country and are the legislated body for Aboriginal Cultural heritage in their area.

The Development lies within the Illawarra LALC area and does not fall within the bounds of a native title claim.

The Illawarra LALC was contacted on Monday the 10th of September 2012 and Brad Brevis, a board member of the LALC, and representative of the Widjabul Land Claim investigated the development area and located one site, but was unable to view all areas due to dense grass cover. He requested that the unsighted areas be re-investigated prior to development.

The Illawarra LALC (board member Brad Brevis) was contacted by phone Monday the 10th of September 2012 with information emailed the following day outlining the project and request for a sites officer and review of the future draft report.

A sites officer (Jon Kirby) was dispatched to undertake the inspection on the 4th of October 2012. Following the site inspection the site inspection report was forwarded to Ainsworth Heritage on the 8th of November 2012 (the full report is available in Appendix A). Ainsworth Heritage requested clarification of several points within the report from the LALC on the 9th of November, but due to email issues, the information request was sent again on the 19th in case the original had not arrived.

5.0 Due Diligence Assessment

As the earlier steps identified that a Due Diligence assessment was required, the EPA *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* was used to guide the following steps.

5.1 Ground Disturbance and Marked Trees

The first step in the Due Diligence process is to determine if the Development will harm and known marked tree or if ground disturbance will be undertaken. Ground disturbance by machines or otherwise has a higher likelihood of disturbing Aboriginal sites, as sites can be laid down over successive generations, leaving deposits at depths that can remain undisturbed even in heavily modified areas. Even in areas where disturbance has occurred, Aboriginal objects are still protected from harm.

As the Development will cause ground disturbance, an AHIMS search must be undertaken (Go to 5.2).

No known marked trees are present.

5.2 AHIMS Search

The EPA AHIMS (Aboriginal Heritage Information Management System) database contains information on the known Aboriginal sites within NSW, with new sites reported to AHIMS as they are discovered. AHIMS is a useful tool in providing archaeological context for an area, as well as assisting in determining if there are known sites within the development's footprint.

An AHIMS search was undertaken for an area around the site, extending out to 11km and returned 120 number of sites, which are listed in the following table:

Number	Name	Type
52-2-1791	DQ1;	Artefacts
52-5-0050	Barren Grounds Nature Reserve	Artefacts
52-5-0066	Minnamurra River;	Art
52-5-0136	Minnamurra (Minnamurra 1)	Stone Arrangement
52-5-0252	Dunmore 2;	Artefacts
52-5-0255	Dunmore 5;	Artefacts
52-5-0264	Railway Parade;	Artefacts, Shell
52-5-0470	South Kiama Drive PAD 2	Potential Archaeological Deposit
52-5-0493	WDRA_AX_37	Artefacts
52-5-0494	WDRA_AX_38	Artefacts
52-5-0043	Woodhill	Artefacts
52-5-0055	Foxground	Art
52-5-0065	Minnamurra River;	Grinding Grooves
52-5-0190	Koona Bay 1; Albion Park;	Artefacts, Shell
52-5-0427	Budderoo track Grooves	Grinding Grooves
52-5-0517	South Kiama Drive PAD2	Potential Archaeological Deposit
52-5-0162	Minnamurra River; Gainsborough Estate;	Artefacts, Shell
52-5-0199	Killalea Beach; S.R.A.; Albion Park;	Artefacts, Shell
52-5-0253	Dunmore 3	Artefacts
52-5-0420	ILC1	Artefacts
52-5-0441	HC 2 and PAD3	Artefacts

Number	Name	Type
52-5-0469	South Kiama Drive PAD 1	Potential Archaeological Deposit
52-5-0515	Calderwood PAD 1	Potential Archaeological Deposit
52-2-1159	Karro Bay;Albion Park;	Artefacts, Shell
52-5-0168	Minamurra;Minamurra Spit 1;	Artefacts, Shell
52-5-0169	Minamurra;Bass Point SRA;	Artefacts, Shell
52-5-0213	Dunmore Midden	Artefacts, Shell
52-5-0251	Dunmore 1	Artefacts
52-5-0397	TEST PITTING AREA 15	Artefacts
52-5-0400	TEST PITTING AREA 13	Artefacts
52-5-0431	Tullimbar Village PAD3	Potential Archaeological Deposit
52-5-0440	Tullimbah Village PAD4	Potential Archaeological Deposit
52-5-0451	MR-IF-1, Kiama	Artefacts
52-5-0514	Kiama Ramps PAD2	Potential Archaeological Deposit
52-5-0046	Site 2	Art
52-5-0049	Grinding groove site	Grinding Grooves
52-5-0116	Dunmore;Killalea;	Artefacts, Shell
52-5-0117	Minnamurra;	Artefacts
52-5-0120	Carrington Falls;	Grinding Grooves
52-5-0160	Minnamurra;	Artefacts, Shell
52-5-0201	Dunmore Midden Shellharbour Waste Disposal Dump	Artefacts
52-5-0221	Kurrura point;	Artefacts, Shell
52-5-0235	Tabbagong;	Grinding Grooves
52-5-0240	Min 1;	Artefacts, Shell
52-5-0310	EGP 3-34;Stockyard Mountain;Eastern Gas Pipeline;	Artefacts
52-5-0348	Foxground	Aboriginal Ceremony and Dreaming
52-5-0439	Tullimbah Village PAD2	Potential Archaeological Deposit
52-5-0495	WDRA_AX_39	Artefacts
52-5-0526	Minnamurra River Shell Midden 1 (MR 1)	Artefacts, Shell
52-5-0560	Nellies Glen/2	Waterhole
52-5-0044	Site 1	Art
52-5-0052	Woodhill	Artefacts
52-5-0071	Jerrara;Kiama;	Modified Tree
52-5-0112	Minnamurra;	Artefacts, Shell
52-5-0166	Shell Harbour Shell Harbour 1	Artefacts
52-5-0228	Macquarie Rivlet 2;	Artefacts
52-5-0241	Minnamurra Site 1;	Artefacts, Shell
52-5-0242	Minammurra Site 2;	Artefacts, Shell
52-5-0256	Barren Grounds Site 1	Art, Artefacts
52-5-0349	North Kiama Cemetery	Burials
52-5-0447	Foxground 1	Art
52-5-0522	HC1, Tullimbah	Artefacts
52-5-0051	Open site	Artefacts
52-5-0059	Jamberoo;	Stone Arrangement
52-5-0072	Minnamurra Glengowrie	Artefacts, Shell
52-5-0159	Tabbagong;Tabbagong 1;	Artefacts, Shell
52-5-0167	Minnamurra;Minnamurra Spit 2;	Artefacts, Shell
52-5-0200	Minnamurra;S.R.A.;Albion Park;	Artefacts, Shell
52-5-0243	Green ThreeMinnamurra Golf Course;	Artefacts, Shell
52-5-0254	Dunmore 4;	Artefacts
52-5-0300	DQ2;	Modified Tree
52-5-0311	EGP 3-35;Eastern Gas Pipeline;	Artefacts

Number	Name	Type
52-5-0350	WKIF1	Artefacts
52-5-0413	Duke -9	Artefacts
52-5-0434	Tullimbah PAD1	Potential Archaeological Deposit
52-5-0492	WDRA_AX_36	Artefacts
52-5-0561	Blue Pool	Waterhole
52-5-0047	Site 3	Art
52-5-0118	Dunmore;	Artefacts
52-5-0309	EGP 3-33;Minnamurra River 1;Eastern Gas Pipeline;	Artefacts
52-5-0559	carrington point/1	Grinding Grooves
52-5-0576	PASA 38	Potential Archaeological Deposit
52-5-0588	CP-IF-02	Artefacts
52-5-0629	CP-S-03	Artefacts
52-5-0630	CP-S-04	Artefacts
52-5-0633	CP-S-07	Artefacts
52-5-0636	CP-S-10	Artefacts
52-5-0640	CP-S-14/CP-PAD-05	Artefacts
52-5-0590	CP-IF-04	Artefacts
52-5-0591	CP-IF-05	Artefacts
52-5-0597	CP-IF-13	Artefacts
52-5-0598	CP-IF-14	Artefacts
52-5-0603	CP-IF-18	Artefacts
52-5-0634	CP-S-08	Artefacts
52-5-0635	CP-S-09/CP-PAD-03	Artefacts
52-5-0638	CP-S-12	Artefacts
52-5-0589	CP-IF-03	Artefacts
52-5-0592	CP-IF-06	Artefacts
52-5-0595	CP-IF-11	Artefacts
52-5-0604	CP-PAD-01	Artefacts
52-5-0631	CP-S-05	Artefacts
52-5-0596	CP-IF-12	Artefacts
52-5-0627	CP-S-01	Artefacts
52-5-0587	CP-IF-01	Artefacts
52-5-0594	CP-IF-08	Artefacts
52-5-0599	CP-IF-15	Artefacts
52-5-0600	CP-IF-16	Artefacts
52-5-0601	CP-IF-10	Artefacts
52-5-0637	CP-S-11/CP-PAD-04	Artefacts
52-5-0566	G2BA3	Artefacts
52-5-0593	CP-IF-07	Artefacts
52-5-0609	G2B A8 (Omega Lane)	Artefacts
52-5-0628	CP-S-02	Artefacts
52-5-0632	CP-S-06/CP-PAD-02	Artefacts
52-5-0647	Koona Bay 2	Shell
52-5-0648	Sufa 3	Artefacts
52-5-0529	Calderwood 1	Artefacts
52-5-0570	G2BA7	Artefacts, Potential Archaeological Deposit
52-5-0577	PASA 39	Potential Archaeological Deposit
52-5-0639	CP-S-13	Artefacts

Table 1: AHIMS Sites

Table 2 shows that the majority of sites (approximately 75%) located contain artefactual materials, with other site types showing a relatively even number of sites, with Potential Archaeological Deposits (PADs) being somewhat more common. This would indicate that within the project area, most sites encountered would contain artefacts, with other site types being relatively uncommon. However, the closest site, 52-5-0059, known as Jamberoo, is a stone arrangement, located half a kilometre to the north-west. This site would likely have been accessed by the ridge on which the property lies, along with the creek which it is located on.

Site Type	Number
Aboriginal Ceremony and Dreaming	1
Art	6
Art, Artefacts	1
Artefacts	65
Artefacts, Potential Archaeological Deposit	1
Artefacts, Shell	21
Burials	1
Grinding Grooves	6
Modified Tree	2
Potential Archaeological Deposit	11
Shell	1
Stone Arrangement	2
Waterhole	2
Aboriginal Ceremony and Dreaming	1

Table 2: Site Types

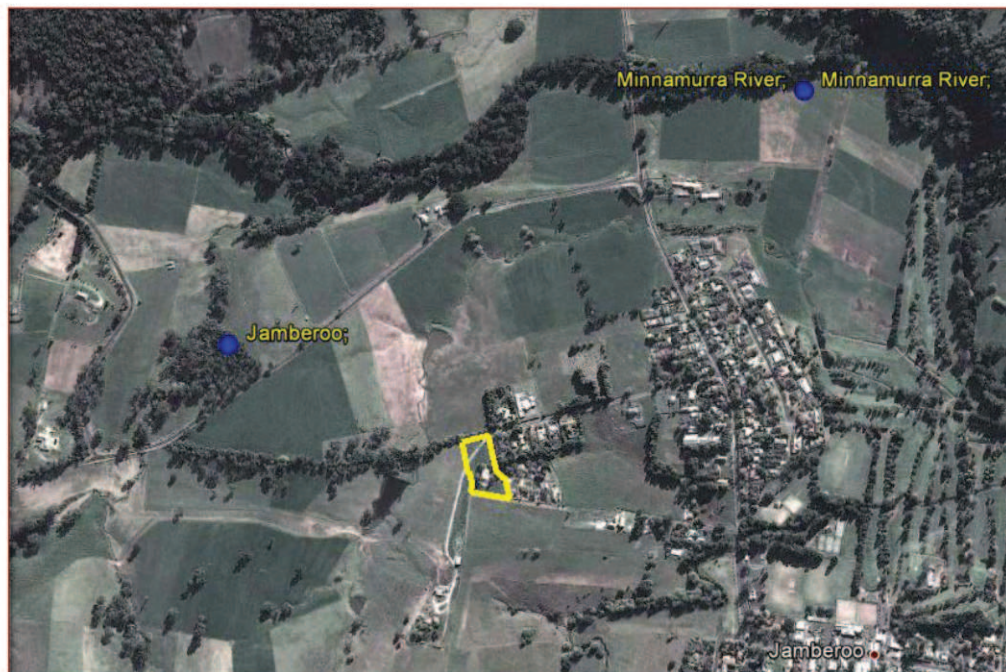


Figure 17: Nearby AHIMS Site Locations

None of the AHIMS sites returned will be impacted by works on the current development.

5.3 Landscape Analysis

A landscape analysis is undertaken to determine if the area in which the Proposed Development lies is one in which additional Aboriginal objects are likely to be found. Certain landscapes, especially those in proximity to water, are more likely to contain sites than other landscapes and therefore this step is used to determine the potential for the Proposed Development to contain additional sites.

The EPA *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* notes that areas of development that are within certain landscape features are likely to contain additional materials. These area are:

Criteria	Site Notes
Within 200m of waters	Site is NOT within 200m of water
Located within a sand dune system	Not applicable
Located on a ridge top, ridge line or headland	Site lies along a ridge line
Located within 200m below or above a cliff face	Not applicable
Within 20m of or in a cave, rock shelter, or a cave mouth	Not applicable

Table 3: Probability Areas

As the proposed Development lies on a ridge, the next step is to proceed with the Due Diligence Assessment in 5.4, as AHIMS results were positive for the nearby area and the landscape has a higher probability of sites being present.

5.4 Previous Reporting

The AHIMS database also links into the EPA's library of previous Archaeological reports, many of which can be accessed for use in assessments. The reports provided a more detailed contextual overview of the nearby area and allow for further investigation into the proposed development's potential to contain additional Aboriginal Cultural Heritage.

Several previous studies, which had investigated areas in the general region in which the proposal lies (but not within the project area, as no archaeological or heritage studies had been undertaken there in the past), were examined. These reports included:

- Silcox, R. 1990. *Archaeological Assessment Of Aboriginal And Historic Sites On The Proposed North Kiama By-Pass Between Dunmore And Bombo, Kiama, New South Wales*. Report to CONNELL WAGNER NSW Pty Ltd.

Investigated the Kiama bypass corridor located approximately 6km distance east from project area. Silcox was able to re-record three already registered sites as well as locating a new site, a 10mx10m scatter of shell with two stone artefacts, likely the remains of a midden or campsite. Additionally, he identified two areas as Potential Archaeological Deposits (PAD's), however, no sub-surface investigation was undertaken to confirm this.⁴¹

- Williams, D. 1994. *An Archaeological Survey Of Three Proposed Optus Communications Tower Compounds Near Kiama, South Coast, NSW. (A Report To Optus Communications)*. Williams Barber Archaeological Services. ACT.

Investigated three communication tower locations, one on Saddleback Mountain (2.75km north east from the project area), and the other two to the west of Kiama, located 5km

⁴¹ Silcox, R. 1990. *Archaeological Assessment Of Aboriginal And Historic Sites On The Proposed North Kiama By-Pass Between Dunmore And Bombo, Kiama, New South Wales*. Report to CONNELL WAGNER NSW Pty Ltd. p.11

distance east from project area. Despite determining that the locations investigated had the potential to contain Aboriginal sites, no sites were located, with this negative result attributed the poor surface visibility at each site.

- Lee, E. 1999. *A Report Of The Archaeological Assessment For The Proposed Gas Main, Minnamurra To Kiama, Nsw*. A Report to AGL.

Investigated a proposed gas main located 8km distance east from project area, running from Minnamurra to Kiama. No sites were located, as the survey was primarily through residential areas.⁴²

- Navin, K. 2000. *Elambra Estate, Gerringong, NSW. Archaeological Survey for Aboriginal Sites*. Navin Officer Heritage Consultants Pty Ltd. ACT.

Investigated a proposed 22 hectare urban development located 13km south-east of the project area. Only two isolated artefacts were recorded, a single quartz flake and an indeterminate volcanic flake, although an area of potential was located that was just outside the survey's boundaries.⁴³

- Gollan, K. 1981. *An Archaeological Survey of the Tabbagong subdivision, Minnamurra/Kiama Planning Workshop*.

Investigated a proposed residential subdivision between Minnamurra and Kiama, now known as Kiama Downs, located 7km east from project area. Found a large and intact shell midden located on a basaltic mid-slope, which contained numerous silcrete artefacts and Gollan noted that the site needed to be protected due to its intact nature.⁴⁴

- Hamm, G. 1999. *An Archaeological Assessment Of Optical Fibre Route From Kiama To Jamberoo ,South Coast New South Wales*. Telecom Australia, External Constructions Branch. Concord West, NSW.

Investigated a fibre optic cable route located from 1.7km to 6.5km south east from project area. No sites were recorded during the survey, likely due to the narrow path surveyed.⁴⁵

- Saunders, P. 2004. *Cedar Grove Estate, Kiama Archaeological Survey*. Archaeological Heritage Surveys, ACT.

Investigated a proposed 6.7 hectare residential development, located 7km south-east from project area. No sites were located during the survey, with the report concluding that this was likely due to previous disturbance of the site by European activities.

- Smith, L and Navin, K. 2007. *Kiama to Jerrara 33kV Feeder 7007 Cultural Heritage Assessment*. Navin Officer Heritage Consultants Pty Ltd. ACT.

Investigated a refurbishment of the power feeder line located from 4km to 7.5km east of project area. No sites were located, but note was made of a former Corroboree ground located 300m north of the corridor surveyed, approximately 4.7km west of the current project area.⁴⁶

⁴² Lee, E. 1999. *A Report Of The Archaeological Assessment For The Proposed Gas Main, Minnamurra To Kiama, Nsw*. A Report to AGL. p.10

⁴³ Navin, K. 2000. *Elambra Estate, Gerringong, NSW. Archaeological Survey for Aboriginal Sites*. Navin Officer Heritage Consultants Pty Ltd. ACT. p.10

⁴⁴ Gollan, K. 1981. *An Archaeological Survey of the Tabbagong subdivision, Minnamurra/Kiama Planning Workshop*. pp. 14-15

⁴⁵ Hamm, G. 1999. *An Archaeological Assessment Of Optical Fibre Route From Kiama To Jamberoo ,South Coast New South Wales*. Telecom Australia, External Constructions Branch. Concord West, NSW. p.6

⁴⁶ Smith, L and Navin, K. 2007. *Kiama to Jerrara 33kV Feeder 7007 Cultural Heritage Assessment*. Navin Officer Heritage Consultants Pty Ltd. ACT. p.28

- Wheeler, J. and Leslie, F. 2006. *Princes Highway, South Kiama, Nsw Aboriginal Heritage Impact Assessment For Proposed Development Of An Onload & Offload Ramp*. AHMS, Sydney.

Investigated a proposed onload ramp and offload ramp for the Princess Highway located 8.5km south-east and 7.5km east of the project area. No sites were located at either ramp, however, a PAD was identified at each site for later investigation.⁴⁷

- Campbell, L. and Wheeler J. 2007. *Proposed Offload Ramp, Princes Highway, South Kiama, NSW. Aboriginal Archaeological Test Excavation Report*. AHMS, Sydney.

Undertook test pitting investigations on the PAD's identified in the 2006 report. The test trench returned the following artefacts:

"Analysis of the stones identified a total of 16 definite and probable artefacts thinly distributed throughout the trench (Figure 4.3). The stone used to make the artefacts included:

- *Tuff (4 artefacts);*
- *Chert (2 artefacts);*
- *Silcrete (3 artefacts);*
- *Quartz (3 artefacts);*
- *Fine grained silicious (2 artefacts); and*
- *Chalcedony (2 artefacts).*

*No cortex was found on the stones so identification of stone sources (ie. quarries or river pebbles) could not be determined. The assemblage was dominated by pieces broken from flakes, often referred to as 'debitage'. No formal types or finished implements were identified among the assemblage."*⁴⁸

From the reports above, it is clear that archaeological material from past Aboriginal activity is prevalent within the valley, however, due to the lack of research on inland sites, there is less background information on which to draw conclusions. However, it can be expected that on ridgelines, especially those terminating at a water source and on benches and terraces suitable for camping in those areas, that Aboriginal artefactual material will be present.

5.5 Site Survey

In order to assess the areas of higher potential in the proposed development, which may be impacted, a surface survey of those areas was undertaken on Thursday the 4th of October 2012. The survey was undertaken by Jon Kirby of the Illawarra LALC.

5.5.1 Methodology

The field survey aimed to investigate the areas of higher probability by undertaking a foot survey the site where landscape and vegetation permitted.

⁴⁷ Wheeler, J. and Leslie, F. 2006. *Princes Highway, South Kiama, Nsw Aboriginal Heritage Impact Assessment For Proposed Development Of An Onload & Offload Ramp*. AHMS, Sydney. pp.31-36

⁴⁸ Campbell, L. and Wheeler J. 2007. *Proposed Offload Ramp, Princes Highway, South Kiama, NSW. Aboriginal Archaeological Test Excavation Report*. AHMS, Sydney. p.30

Each transect was walked with areas of high potential surveyed first (such as the ridgeline), , with areas of lesser potential surveyed last. Although each future lot was walked, heavy grass cover precluded total survey effectiveness.

The survey of the project area noted that there was some new vegetation growth along the property margins, but that the majority of the site was cleared. Additionally, there were surface finds of local rock, which included sandstone, silcrete, black quartz, in addition to imported blue metal.

The site was noted to be heavily disturbed in parts, from past land clearing and agricultural uses, limiting the potential of the site to contain additional materials.

5.5.2 Constraints

The site survey was constrained by the following conditions:

- Heavy grass cover limited ground surface visibility to be less than 5% in most areas;
- No sub-surface excavations were undertaken.

Although the effective area surveyed seems relatively low it does provide effective data on where any additional cultural heritage could remain on site. This level of visibility is common for the NSW coast in which visibility and site access rarely allow for greater than 25% effective area coverage.

With this information, it can be determined that had the site had forested vegetation patterns in the past, Aboriginal access to, and use of the site would have been limited to occasional passage through the site, north towards the Minnamurra valley due to better camping areas being located to the north, closer to water and to the Stone arrangement located there.

5.5.3 Results

No new sites were located during

5.5 Avoiding Impact

Avoiding impact upon areas of high potential or known sites is a critical step in progressing a development project, as at this stage, if impact can be avoided, costly and time consuming AHIP applications can be avoided, as well as protecting the heritage in question.

In order to avoid the impact, the nature of the impact must be understood and then options for avoidance presented.

5.4.1 Impact Assessment

Currently, the site development plan for the project, indicates that the known sites will be avoided and the nature of the development allows a general impact assessment to be made for the site based on the following types of urban development:

- Building and Services Sites. Although these areas suffer heavy disturbance, good zoning plans can protect known sites;

- Access Routes. These area suffer intense and localised disturbance, but re-routing can be used to protect sites; and
- Environmental Areas, can be utilised to protect known sites within their boundaries.

Each type of work, excepting the environmental would involve site preparation, causing high level of surface and sub-surface disturbance, impacting both known and potential sites. This disturbance to known sites would trigger an AHIP, as it would in areas of expected high probability.

For each of the impacts listed, the impact by that type of development, should the site be in an area undergoing that development on sites is rated as:

- None – No impact from works;
- Low – Mainly indirect impact from nearby works, with most or all elements of significance will be unaffected in the long term;
- Moderate – Indirect impact and some direct impact from nearby works, with some elements of the site, which contribute to its significance, altered, damaged or removed;
- High – Direct impact upon the site from works, with most or all of the sites significant elements damaged or destroyed or the site being moved from its original location;
- Total – Site destroyed by works and all elements which contribute to significance destroyed or removed; and
- Some – Impact expected but cannot yet be categorised, with impact on significant elements of the site possible, but not yet known.

Site No.	Type	Building	Access	Environmental
NA	Ridgeline	Moderate	Low	None

Table 4: Impacts on known sites and Areas

5.4.2 Alternate Design options

The best option for the design an placement of future house lots is to have them located off the central spine of the ridge wherever possible, as this would limit impact upon the ridge line itself.

5.4.3 Impact Avoidance Conclusions

Due to the limited lack of sites and the disturbed nature of the terrain, the placement of the housing blocks in avoiding the centre line of the ridge should be sufficient to avoid impact upon any potential Aboriginal cultural heritage.

6.0 Conclusions

Following the steps of the Due Diligence process, it was determined that the proposed development could Proceed with Caution and reference Chapter 8, due to impact upon known sites being avoided, no site being located in the development areas, and though the project possess features related to some archaeological potential, no sites were located in the areas to be impacted.

Therefore, Ainsworth Heritage believes that the proponent should be allowed to Proceed With Caution, as long as the guidelines in Chapter 8 are followed.

As part of the guidelines, advice is provided regarding unexpected finds and the requirements for AHIPs, should such a find be made on the site. The proponent will need to ensure that they are familiar with the Proceed With Caution guidelines and when and where AHIPS and Stop Work Procedure are to be implemented to ensure that there is no breach of the Nation Parks and Wildlife Act.

7.0 National Parks and Wildlife Act

The *NSW National Parks and Wildlife Act, 1974* (NP&W Act) is the main statutory instrument for the protection of Aboriginal Cultural Heritage within NSW. The NP&W Act's Aboriginal Cultural Heritage provisions are administered by the Environmental Protection Agency (EPA – formerly known as DECCEW or OEH), part of the Department of Premier and Cabinet, and the provisions of Part 6 of the NP&W Act must be satisfied for to consent to any development that may affect Aboriginal Cultural Heritage.

The NP&W Act specifies an Aboriginal Object as

...any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.⁴⁹

Several offences relating to Aboriginal objects by people unauthorised to do so are identified within Section 86 as follows:

(1) *A person must not harm or desecrate an object that the person knows is an Aboriginal object.*

Maximum penalty:

(a) in the case of an individual—2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or

(b) in the case of a corporation—10,000 penalty units.

(2) *A person must not harm an Aboriginal object.*

Maximum penalty:

(a) in the case of an individual—500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or

(b) in the case of a corporation—2,000 penalty units.

(3) *For the purposes of this section, circumstances of aggravation are:*

(a) that the offence was committed in the course of carrying out a commercial activity, or

(b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.

(4) *A person must not harm or desecrate an Aboriginal place.*

Maximum penalty:

(a) in the case of an individual—5,000 penalty units or imprisonment for 2 years, or both, or

(b) in the case of a corporation—10,000 penalty units.

(5) *The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.*

⁴⁹ <http://www.legislation.nsw.gov.au/viewtop/inforce>. Accessed 05-08-2010.

(6) Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.

(7) A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.

(8) If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).⁵⁰

Only when consent has been granted to a person by OEH can any of the above actions be undertaken. OEH can at any time grant or withdraw a permit should they believe it necessary to do so.

The above statutory requirements make it abundantly clear that any actions that harm and Aboriginal object are breaches of the act.

However, the following are considered defences under the Act:

(1) It is a defence to a prosecution for an offence under section 86 (1), (2) or (4) if the defendant shows that:

(a) the harm or desecration concerned was authorised by an Aboriginal heritage impact permit, and

(b) the conditions to which that Aboriginal heritage impact permit was subject were not contravened.

(2) It is a defence to a prosecution for an offence under section 86 (2) if the defendant shows that the defendant exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed.

(3) The regulations may provide that compliance with requirements specified in the regulations, or in a code of practice adopted or prescribed by the regulations, is taken for the purposes of subsection (2) to constitute due diligence in determining whether the act or omission constituting the alleged offence would harm an Aboriginal object.

(4) It is a defence to a prosecution for an offence under section 86 (2) if the defendant shows that the act or omission constituting the alleged offence is prescribed by the regulations as a low impact act or omission.

The application process and AHIPs themselves are discussed in Appendix 2.

⁵⁰ <http://www.legislation.nsw.gov.au/viewtop/inforce>. Accessed 05-05-2011.

8.0 Proceed With Caution Management Guide

The following Management Guide for Proceeding With Caution is designed to ensure that the proponent of the Development is able to undertake the proposed works without impacting upon Aboriginal heritage.

8.1 Training and Communication

All on site workers and managers need to be provided with this section of the assessment in order to assure that they are familiar with the site, its cultural heritage and how to avoid impacting upon that cultural heritage.

In order to assure this is done, a register of workers will need to be kept, recording inductions, with the signatures of the workers involved. The inductions will need to address all of the material covered in this chapter prior to an individual or group commencing work on the site.

8.2 On Site Monitoring

Site monitoring by an Archaeologist or LALC Sites Officer should be undertaken for the site during ground disturbing works along the ridgelines, as some potential in these areas remains. Should items be located, the standard Stop Works Procedure (see 8.7) must be implemented.

The archaeologist or LALC site officer will need to work closely with the project supervisor on site to direct works to ensure no impact occurs. It must be clearly understood that at no time can the project supervisor make demands of the archaeologist/site officer that would put potential or known Aboriginal cultural heritage at risk. Additionally, if the archaeologist/site officer determines that the Stop Work Procedure must be implemented, work must cease on the area in question until such time as it is safe to do so.

8.3 Stop Work Procedure

Heritage and archaeological assessments may, at times, fail to identify a heritage issue and this normally relates to potential (sub-surface) archaeological resources or those that could not be located due to site or survey constraints. Note that any works which may reveal or disturb archaeological resources require an AHIP from EPA.

If any unexpected archaeological resources, whose disturbance is not covered under a current AHIP, the following Stop Work Procedure should be followed:

STOP WORK	Immediately
CONTACT	A qualified archaeologist as soon as possible
NOTIFY	The archaeologist should notify the RVC's Heritage Officer, the Aboriginal Stakeholder Groups and EPA
ASSESS	The archaeologist in conjunction with EPA and the Aboriginal Stakeholder Groups should assess the significance of the resource and recommend a course of action eg: • Protect and avoid; or

	• Investigate, record and remove; or • Excavate, record and preserve
APPLY	To EPA for an AHIP if necessary
RECOMMENCE	Only when EPA has approved a course of action

Table 5: Stop Work Procedure

Should the work being undertaken be of a large nature, it is possible in some instances to isolate the discovered site and continue working without further disturbing the site. See the Type Policies (Section 7.4) for details regarding what courses of action should be followed in each particular case.

8.4 Illawarra LALC Response

As no response had been received from the Illawarra LALC prior to the completion of the assessment, Ainsworth Heritage recommends that should any response not concur with these recommendations of John Roberts initial advice, the recommendations should be reviewed to ensure that they be reworked to include the LALC's requests.

8.5 Sites Types for Unexpected Finds

Artefact Concentration, Isolated Artefacts and Open Campsites

These sites represent places of aboriginal occupation. *"These sites are mostly surface scatters of stone, sometimes near fireplaces. Recent studies have shown them to have significant scientific and cultural value."*⁵¹ These sites can also indicate where further sub-surface archaeological materials may be encountered,

Should a concentration of artefacts or an isolated artefact be identified, follow the Stop Works Procedures. Additionally, any work with the potential to impact the site should also stop until the site can be properly investigated and the standard Stop Work Policy followed, until such time as it is properly recorded and OEHL has agreed to the planned management and/or mitigation of impact to the site.

These sites are often the location of PADS and should be treated as such until test pitting can determine if a PAD is present or not.

Carved Stones

These ceremonial markers can be important sign posts within the landscape for Aboriginal people. Should stone exhibiting linear or spiral patterning, not consistent with weathering or fractures caused by slasher/dozer blades, the stone should be treated as a site until it is determined otherwise.

Should a carved stone be identified, follow the Stop Works Procedures. Additionally, any work with the potential to impact the site should also stop until the site can be properly investigated and the standard Stop Work Policy followed until such time as it is properly recorded and OEHL has agreed to the planned management and/or mitigation of impact to the site.

⁵¹ Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

Quarries

Quarries will exist where stone of sufficient quality and usefulness can be found. Should an Aboriginal quarry be identified, follow the Stop Works Procedures. Additionally, any work with the potential to impact the site should also stop until the site can be properly investigated and the standard Stop Work Policy followed until such time as it is properly recorded and OEH has agreed to the planned management and/or mitigation of impact to the site.

Burials

Should any human remains or any unidentifiable bone material be encountered during any works on the project area, **all work must stop immediately** and the site should be protected from additional disturbance.

The NSW Police should be contacted and the Police will then work with OEH to determine whether or not the remains are of Aboriginal origin. Further works on site will need to be undertaken in accordance with Police and/or OEH guidance and, in the case that the remains are Aboriginal, the local Aboriginal groups.

8.6 Additional LALC Management Requests

Any Aboriginal artefacts identified during construction should remain in their place; if this is not possible then a care and control process should be discussed with the relevant Aboriginal stakeholders.

This request would fall under the purview of any AHIP application, as monitoring and Due diligence to not allow for the removal of materials from a site. In such instances, avoidance would need to be practices, and where impossible, an AHIP would need to be applied for.

The Developer should enter into discussion with the Aboriginal community regarding employment opportunities created throughout this project.

Although the developer has this opportunity, should the lots be sold of to individual owners for construction, any such opportunity would be limited, as individual owners would likely contract to separate construction companies.

The Developer should enter into discussion with community, giving consideration to promote Aboriginal Heritage and artwork through Signage.

Though this too exists as a possibility, the small nature of the project area, coupled with the lack of identifiable Aboriginal archaeology for interpretation, would likely preclude any such action.

Bibliography

Reports

Campbell, L. and Wheeler J. 2007. *Proposed Offload Ramp, Princes Highway, South Kiama, NSW. Aboriginal Archaeological Test Excavation Report*. AHMS, Sydney.

Gollan, K. 1981. *An Archaeological Survey of the Tabbagong subdivision, Minamurra/Kiama Planning Workshop*.

Hamm, G. 1999. *An Archaeological Assessment Of Optical Fibre Route From Kiama To Jamberoo ,South Coast New South Wales*. Telecom Australia, External Constructions Branch. Concord West, NSW.

Lee, E. 1999. *A Report Of The Archaeological Assessment For The Proposed Gas Main, Minnamurra To Kiama, NSW*. A Report to AGL.

Navin, K. 2000. *Elambra Estate, Gerringong, NSW. Archaeological Survey for Aboriginal Sites*. Navin Officer Heritage Consultants Pty Ltd. ACT.

Silcox, R. 1990. *Archaeological Assessment Of Aboriginal And Historic Sites On The Proposed North Kiama By-Pass Between Dunmore And Bombo, Kiama, New South Wales*. Report to Connell Wagner NSW Pty Ltd.

Smith, L and Navin, K. 2007. *Kiama to Jerrara 33kV Feeder 7007 Cultural Heritage Assessment*. Navin Officer Heritage Consultants Pty Ltd. ACT.

Wheeler, J. and Leslie, F. 2006. *Princes Highway, South Kiama, Nsw Aboriginal Heritage Impact Assessment For Proposed Development Of An Onload & Offload Ramp*. AHMS, Sydney.

Williams, D. 1994. *An Archaeological Survey Of Three Proposed Optus Communications Tower Compounds Near Kiama, South Coast, NSW*. (A Report To Optus Communications). Williams Barber Archaeological Services. ACT.

Young, G.W. 1982. *Soils of the Illawarra Region*. University of Illawarra.

Legislation and Standards

Australia ICOMOS Burra Charter;

OEH's Aboriginal Cultural Heritage Standards & Policies Kit;

Due Diligence Assessment for Downes Place, Jamberoo. Ainsworth Heritage.

OEH's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*;

OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*;

OEH's *Draft Code of Practice for Archaeological Investigation in NSW*;

James Semple Kerr's *The Conservation Plan*

The NSW Heritage Branch's *Conservation Management Documents*; and

The NSW Heritage Branch's *Assessing Heritage Significance*.

NSW National Parks and Wildlife Act 1974

Websites

<http://www.parishmaps.lands.nsw.gov.au> Image No. 14926903.

<http://kiama.com.au/pages/history/>. Accessed 25/09/2012.

<http://kiamalocalhistory.wordpress.com>. Accessed 25/09/2012.

http://www.samuseum.sa.gov.au/page/default.asp?site=2&page=TIN_Tribal.

<http://www.legislation.nsw.gov.au/viewtop/inforce>.

Appendix 1: Consultation Correspondence

AINSWORTH HERITAGE

ARCHAEOLOGIST-MATT ALEXANDER

OWNER- GEOFFRY DOWNES

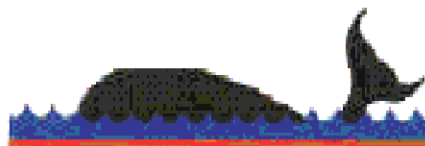
REPORT

ABORIGINAL DUE DILIGENCE ASSESSMENT

Lot 125 DP 834573 DOWNES PLACE JAMBEROO

ABORIGINAL SITE OFFICER

JON KIRBY 4 OCTOBER 2012



SURVEY AIM

Conduct an Aboriginal Archaeological due diligence Assessment to identify Aboriginal Artefacts and cultural sites at lot 125 Downes Place, Jamberoo

SURVEY EXAMINATION

Jon Kirby- 4 October 2012

I met with the owner of the property Geoffrey Downes. He explained that his property and surrounding properties had been cleared and ploughed and that his grandfather was the original owner of the property.

I completed a visual inspection on foot of Lot 1 first; the ground had been disturbed, cleared and divided into 8 lots. Visibility was poor due to the long grass; however I was able to identify, sandstone, silcrete, black quartz and blue metal for drainage. Along the fence line in the back left hand corner I found a couple of silcrete flakes.

Lot 2 behind the pool area, visibility was poor due to the long grass.

Lot 3 around the cottage the ground had been disturbed and cleared.

Lot 4, 5, 6 & 7 Visibility was poor due to the long grass; however I was able to identify some sandstone, silcrete, black quartz and blue metal for drainage.

Lot 8 there were big rocks of brown Silcrete, sandstone, black quartz and blue metal for drainage.

OUTCOME

The lots are highly disturbed in some places with rock material brought in from other places. Visibility was poor due to the long grass; there were some sandstone and silcrete outcrops. Lots 6, 7 & 8 are near the old highway to Robertson and close to the creek.

No artefacts were identified during the survey.

RECOMMENDATION

- Test pits are recommended
- Any excavation work carried out on this site will require Aboriginal site monitoring.
- Any Aboriginal artefacts identified during construction should remain in their place; if this is not possible then a care and control process should be discussed with the relevant Aboriginal stakeholders.
- The Developer should enter into discussion with the Aboriginal community regarding employment opportunities created throughout this project.
- The Developer should enter into discussion with community, giving consideration to promote Aboriginal Heritage and artwork through Signage.

If you require any further information regarding this report, please don't hesitate to contact me on the numbers listed below.

Yours in UNITY

Sharralyn Robinson
Illawarra Local Aboriginal Land Council
CEO
Ph: 42 26 3338
Fax: 42 26 3360
M: 0410 125 463

Appendix 2: Cultural Heritage Assessments for AHIP's and Community Consultation

The provisions of Part 6 of the *National Parks and Wildlife Act, 1974* require that any action that may disturb, excavate for research (beyond sanctioned, limited test pit excavation) or remove an Aboriginal object or destroy, deface or damage an Aboriginal Place **must have a permit** issued by the Director-General, allowing such action to take place.

Should a developer continue to the development stage of the project, an Aboriginal Heritage Impact Permits (AHIP) and must be applied for and granted before any works that would affect known or potential Aboriginal sites in the proposed project area begin.

AHIP's are applied for under Section 90 of the Act and the application form for an AHIP is included in Appendix C and is also available from EPA at:

<http://www.environment.nsw.gov.au/conservation/aboriginalculture.htm#whattodo>

When submitting an AHIP application, the following material must accompany the application (one paper copy and one electronic copy of Objects 1 to 6 are required):⁵²

1. Aboriginal Heritage Information Management System (AHIMS) site numbers or, for new sites, the correctly filled out AHIMS site cards with a unique site identifier.
2. Documentation demonstrating Aboriginal community consultation (as required by the Community Consultation Guidelines for Applicants), specifically:
 - a. A consultation log, detailing the consultation undertaken;
 - b. Evidence that the applicant has written to EPA and other parties to obtain information on known Aboriginal groups to be consulted (copies of letters will be sufficient);
 - c. Evidence of advertisement or other public media seeking community input; and
 - d. The outcome of the consultation, including the views of the Aboriginal community on the methodology and impact of the proposed activities, how these views have been addressed, and any mitigation and conservation measures that have been negotiated.
3. Maps:
 - a. A topographic map (e.g. 1:25,000) clearly showing the location of the subject lands, development boundary, impact area and sites or Potential Archaeological Deposits (PADs) for which a permit is sought (aerial photographs, detailed Wooroowoolgan site maps, title plans etc. may also be provided). The map should include clear cadastre information including a lot and DP number (as identified in the application), and the local government area, parish and zone (as applicable), as well as
 - b. A map of the location of the land to be subject of the application which clearly defines the boundaries and proposed geographic extent of the application.
4. Description of research activities to be undertaken for applications, if applicable.
5. Any development consent, Environmental Impact Assessment and/or Review of Environmental Factors, if applicable.

⁵² OEH. 2009. *Supporting Information Requirements for AHIP Applications*.

6. Information about what the applicant intends to do with collected objects, for example, if objects will be transferred to the Australian Museum, or whether a care and control agreement will be sought.
7. Three paper copies, plus one electronic copy of an Aboriginal Cultural Heritage Impact Assessment Report, which conforms to the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Any archaeological surveying, site recording and research methodology that is included in the Assessment Report must be consistent with the requirements in the Standards and Guidelines Kit and the Code of Practice. The Aboriginal Cultural Heritage Impact Assessment Report must contain, but is not limited to:
 - Table of contents – Include a table of contents, including a list of tables, charts, plates, figures and appendices.
 - Summary – Unless the report is very short, include a summary or abstract at the front of the report. This should be an overview of the main findings, interpretation of the results, and recommendations.
 - Introduction – Include:
 - details of the proponent
 - explanation of the purpose of the archaeological investigation
 - project brief
 - subject area, and how this is defined
 - objectives of the assessment
 - overall project framework (development application, zoning study, etc.)
 - Investigator and contributors – Include details of the qualifications and experience of the person carrying out the investigation and a list of contributors and their affiliations, specifically: reviewers, advisors, participants in survey activities
 - Description of development proposal – Describe the proposed development, highlighting activities that have the potential to harm Aboriginal objects
 - Previous archaeological work
 - Landscape context
 - Regional character
 - Predictions
 - Sampling strategy – Provide the information set out in Requirement 5 and Section
 - Field methods – Describe how the archaeological survey, and if relevant, the archaeological test excavation, was conducted and how information was recorded, including the dates and people involved
 - Results – Describe what was found during the survey (and if relevant, archaeological test excavation). Include an interpretation of the results, a table of survey coverage data as set out in Requirement 10, and a table of findings as follows:

- Analysis and discussion – The results must be interpreted using an archaeological framework that constructs an Aboriginal settlement history of the subject area.
- The settlement history must be placed in a local and regional archaeological context.
- Use graphs, charts and tables to effectively summarise data to support the interpretations where informative.
- Scientific values and significance assessment – Identify the archaeological values and assess their significance. The assessment must be supportable and the assessment criteria must reflect best practice assessment policies as set out in the Burra Charter.
- Impact assessment – Evaluate and discuss the potential archaeological impacts of the proposal. For known sites and areas of archaeological potential, the information must also be summarised in a table as follows:
- Management and mitigation measures – Evaluate the various options for management of the archaeological impacts, and justify those that are recommended.
- Recommendations – These must be clear recommendations for the conservation of archaeological values and mitigation of impacts to the values. If further archaeological work such as salvage excavation is recommended, justification must be provided for this in the ‘Management and mitigation’ section of the report.
- References – Use Harvard style (author, date) referencing.
- Maps and figures – These must be used as necessary to support the report, as set out in the preceding requirements.
- Appendices – AHIMS and other heritage register information must be included as appendices to the report.

Additionally, the EPA publication *Guide to determining and issuing Aboriginal heritage impact permits* should be used when compiling an AHIP to ensure that the application will provide the required information in the correct format for the application to be properly assessed. This guide can be downloaded from:

<http://www.environment.nsw.gov.au/chpublications/index.htm>

Additionally, part 2.d above indicates that consultation with Aboriginal Groups will need to be undertaken in accordance with the legislated requirements as described in the EPA’s *Aboriginal Cultural Heritage Consultation requirements for proponents*. The following are the main stages and the timeframes that must accompany them:

The main phases of consultation with Aboriginal people are:

1. Informing Aboriginal people about the nature and scope of the proposal through advertisements and contacting the relevant agencies (2 weeks preparation and 4 Weeks notification);
2. Understanding what might be present in the landscape and its cultural significance (Consultation meeting at end of stage 1 and 4 weeks to respond);

3. Determining the potential impacts and the proposed strategies to deal with them (usually integrated with actions in stages 2 and 4); and
4. Reviewing the report (4 weeks to review the draft report and provide input into the final report).