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ABORIGINAL DUE DILIGENCE ASSESSMENT

"STRATHEDEN PROJECT"

783 Manilla Road, Tamworth NSW 2340

March 2024

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ABN 63 061 919 003

DOCUMENT CONTROL

<i>Project Name</i>	Stratheden Rezoning Project
<i>Proponent</i>	Bath Stewart Associates
<i>Project Reference</i>	18/231
<i>Report Number</i>	18/231 – Due Diligence Assessment of 783 Manilla Road
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Revision History			
Version Number	Date	Authority	Details
0	January 2019	Peter Taylor	Initial Issue
1	November 2022	Peter Taylor	Additional Land included
2	March 2024	Peter Taylor	Additional land included.

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1. Introduction

1.1 Development Background

SMK Consultants were engaged by Bath Stewart Associates to undertake a range of assessments associated with the development of part of the land associated with the property of Stratheden and adjoining land. The following provides a list of Lots included in the proposed development footprint.

Table 1: Subject Site Property Description

Lot	Deposited Plan
1, 2, & Part 3	997767
341	622077
12	245544
3 & 5	209387
Part Lot 4	212658
Part Lot 708	1252037
Part 3	DP212658
777	1158251

The development proposal involves a re-zoning of part of the properties associated with the above Lots. The land is located on the northern edge of Tamworth along the Manilla road and is within surrounding areas of rural residential and primary production land. A locality plan of the project area is presented in figure 1.

The proposal has been under consideration for several years. During this period, Lot 777 in DP1158251 has been purchased and is now included in the overall development proposal. This Lot was not assessed for Archaeological sites in previous surveys of the area. This report provides a Due Diligence Assessment of this additional Lot.

An aerial image of the boundary of the survey area for 783 Manilla Road is presented in figure 2.

Figure 1: Locality Plan

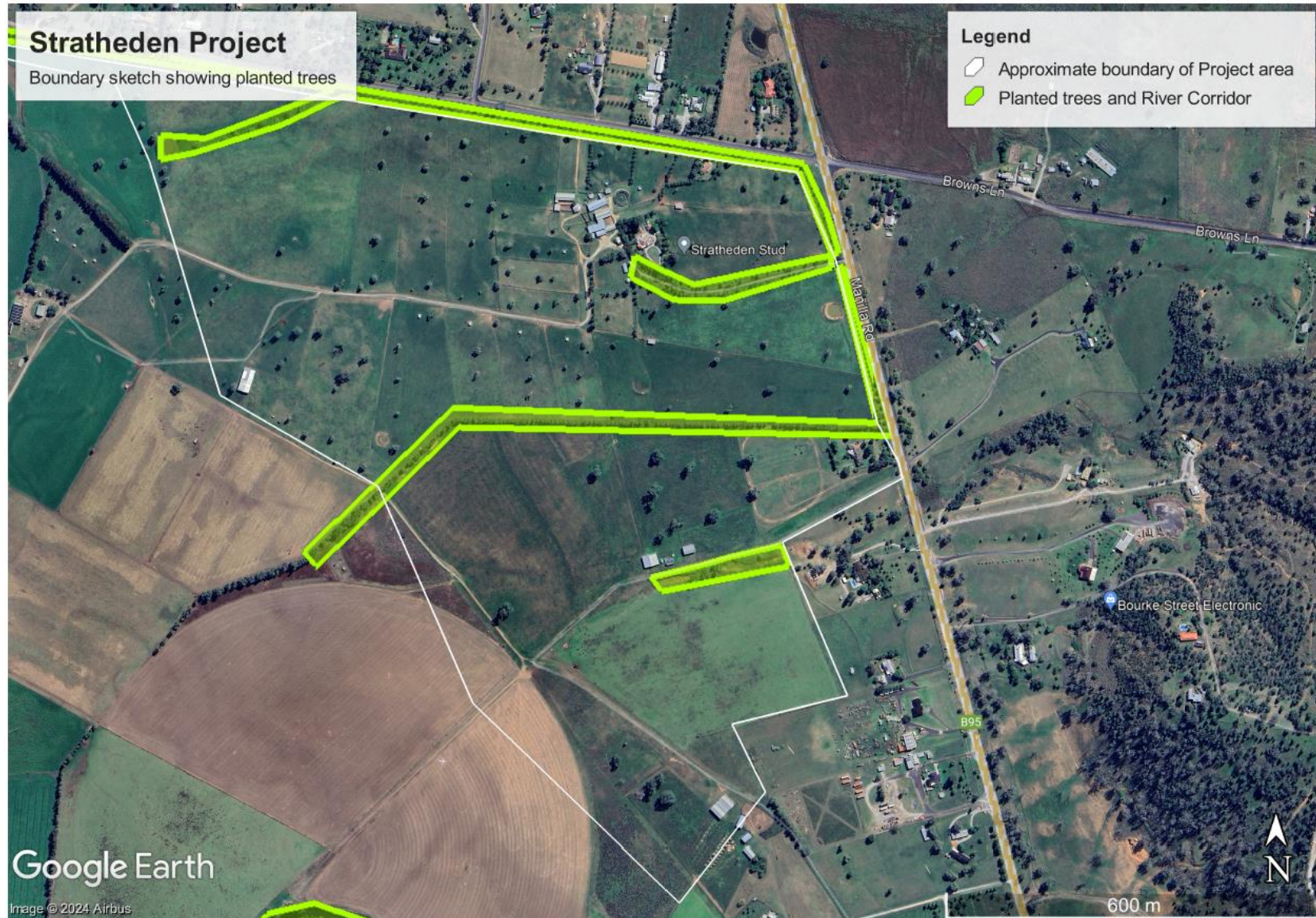


Figure 2: Aerial image showing boundary of 783 Manilla Road.



1.2 Scope and Purpose of Investigation

The scope of this report is to assess the potential impact of the proposed development in relation to Archaeological and Heritage Sites. This has been undertaken through a process of a Due Diligence Assessment.

As part of the project, an assessment is required to determine whether Heritage sites are present within the project area and if so, how to manage these heritage sites.

A recommended first step in determining whether further investigation (ACHAR) is required is to undertake a due diligence process in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

1.2.1 Due Diligence Methodology

To follow legislative guidelines, a due diligence assessment process follows the process listed below:

- Determine the characteristics of the work to be undertaken to determine whether disturbance will result from the work;
- AHIMS Register search – a search of the AHIMS to ascertain if there are any known sites within or adjacent to the subject area;
- Assessment of Landscape – assess the study area to determine whether there is potential for aboriginal objects to be present or remain if the area has been previously disturbed;
- Desktop assessment and visual inspection – Physically inspect the proposed development site for artefacts or signs of aboriginal artefact presence;
- If aboriginal artefacts are located, further assessment is required to determine whether the aboriginal object would be disturbed as a result of the development proposal;
- If the works can avoid harm to the aboriginal object or disturbance to the landscape features around the aboriginal object, the works can proceed without an aboriginal heritage impact permit (AHIP);
- If disturbance of the aboriginal object will occur as a result of the development, prepare an aboriginal cultural heritage assessment report and submit this with an Aboriginal Heritage Impact Permit application to DPE-Heritage prior to any disturbance of the site;
- If disturbance to the area is not considerable and there is no presence of aboriginal artefacts or other signs in the area to be affected by the development, a standard summary of the work is to be prepared and the development can proceed subject to approvals. Development can proceed with caution. If any aboriginal objects are found, stop work and notify DPE-Heritage.

A further process is adopted during the investigation, construction work or maintenance of works if an object is found or disturbed. This is referred to as the ***unanticipated finds protocol***. This process is outlined below:

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- *Not further harm the object;*
- *Immediately cease all work at the particular location;*
- *Secure the area so as to avoid further harm to the Aboriginal object;*
- *Notify NSW Heritage as soon as possible on 131 555, providing any detailed of the Aboriginal object and its location;*
- *Do not recommence any work at the particular location unless authorised in writing by DPE Heritage.*

In the event that bones or human remains are identified, all work is to cease and NSW Police are to be contacted immediately.

1.3 Landuse history

783 Manilla Road area has been historically cleared and farmed for grazing and production of a range of crops. Records and advice from the Client and resident indicated that clearing for agricultural purposes occurred prior to 1990. Selected mature trees were retained and additional tree corridors have been planted around the boundary and within the property.

Cultivation and production of a range of crops for hay and grazing pastures is undertaken on a rotational basis.

At present, the land supports a homestead, various sheds, planted trees and a horse paddock. The house was constructed in the period between 1984 and 1993 according to historical aerial images.

The open paddock area currently supporting horses has a history prior to the homestead being constructed. Based on aerial images, the paddock was irrigated and planted for pasture production and possibly hay production.

The trees to the immediate north of the homestead were planted after the house was constructed. Only two old mature trees are present on the property.

Vegetation around the homestead varies considerably. The area is mown and maintained as part of the landscaping associated with the homestead and shed complex.

Historical images of this property show a trotting track and various other ground disturbances within the 2.5 Ha grazing paddock to the west of the house. The area includes only two older mature trees.

Figure 3: Homestead at 783 Manilla Road.**Figure 4: Horse paddock to west of Homestead.**

2. Aboriginal History

The Kamilaroi people were the first to call the Tamworth region home, with some of their history recorded on rock art that is preserved across the region. The Kamilaroi Nation is one of the four largest Indigenous nations in Australia; a unique culture that has contributed greatly to regional history and community.

Previous studies in the region have identified the history of the Gamilaroi people in the local area. Research suggests that the Mooni and Goonoo Goonoo tribes occupied the greater Tamworth Region.

The study area consists of open landscape on the eastern gentle slopes of the Peel River to the immediate north of Tamworth. The property does not include any significant rock features or mountain ranges that are known to support Aboriginal sacred places and art. The Upper Moore Creek and associated ranges is noted as an area of significance to Aboriginal people. This is located to the east of the development site.

The Peel River would have historically provided a source of water. This would provide a travelling route through the region. No known or recognised significant Aboriginal meeting sites are recorded or have been previously identified on the land that is included in the proposed development area.

The Peel River would have provided a secure source of water for travelling families of aboriginals moving through the area. The potential for archaeological sites along the River

bank area is significant. The potential for archaeological sites away from the river area is reduced as the area would have been used less frequently. However; there is potential for random artefact scatters or deposits, including scar trees on the proposed development area. These may consist of random scatters of artifacts, such as flints.

Previous regional studies have been undertaken to examine specific development sites for the presence of Aboriginal artefacts or sites. The history of the Aboriginal community in the region is partly recorded in these previous studies. Such studies rely upon documentation from explorers of the region which date back to 1917.

There is a limited amount of recorded history that provides specific details of significant meeting sites or trading locations. Based on available information, these would have been to the east of Tamworth in range areas. The Peel River Valley would be retained as common tribal area to potentially avoid disputes from travel or visiting family groups.

3. Previous Studies

In August 2022, an Archaeological Technical Report was prepared for the property of Stratheden. The survey covered most of the property at 777 and 815 Manilla Road. This followed a site inspection by the Tamworth Local Aboriginal Land Council (LALC) in May 2022. The study area did not include 783 Manilla Road as this property was not included in the project area in 2022.

The LALC located two sites on the land surveyed. Site 1 was located within the central part of the overall Stratheden project area. This site consisted of an isolated find of a piece of chert core. Site 2 consisted of a scarred tree on an old mature tree to the immediate north of the hay shed on Lot 708 DP1252037.

An Archaeologist from OzArk re-investigated the area in a detailed examination of the property. The Archaeologist noted that the chert core was an isolated find and not part of any significant site. The Archaeologist provided the opinion that the scarred tree was non-cultural and therefore was not a scar. However, the report prepared by OzArk indicated that both sites were to be registered as requested by the LALC.

No other artefacts or markings were identified within the study area by the Archaeologist.

4. Aboriginal Heritage Information Management System (AHIMS)

As part of the standard Due Diligence process, AHIMS is used to determine whether any recorded Aboriginal sites are located within the development footprint or surrounds.

A basic search of the AHIMS with a 200m radius of the development area was undertaken on 2 April 2024. A copy of this search is presented in appendix 1. This search was based on the property at 783 Manilla Road. The search would provide details of any recorded sites within the property and a 200m radius.

This search indicated that there are no Aboriginal sites or places recorded near the location of the proposed development.

It is noted that the two sites as discussed above, are registered in the system in addition to multiple sites within Tamworth. These sites are more than 200m outside of the boundary of 783 Manilla Road.

The results of this search were in part expected on the basis that little or no detailed searches of the area have been undertaken. If they have, the data from any records have not been uploaded to AHIMS other than the two sites identified in 2022 and the Tamworth sites.

5. Field Investigation

A field investigation was undertaken across 783 Manilla Road for the purpose of examining the two mature trees and the soil surface within the property. The investigation involved on-foot traverses across the land to specifically locate any scattered artefacts similar to that identified by the LALC.

No artefacts were found during this inspection. The potential for finding scattered artefacts in a cultivation paddock is extremely limited. The cultivation works would scatter or bury such artefacts as they generally would consist of a dropped or discarded implements such as a small piece of stone or an axe head which had been worn out by use.

None of the mature trees included any markings that could be attributed to a man-made scar that would have been made more than 50-years ago. Neither of the trees had any marking with potential to be an Aboriginal made scar.

6. Conclusion

The following presents a summary of the site investigation:

- A search on the AHIMS database and site visit identified no recorded artefacts sites within 1 km of the development area;
- Previous studies in the area have noted two sites that intended to be registered in the AHIMS data base. Both sites are to be protected and not disturbed, unless an Aboriginal Heritage Impact Permit is obtained;
- No new artefact sites were identified during field investigations undertaken as part of this project.

The result of this investigation has therefore determined that the likelihood of disturbing sites or objects of aboriginal cultural significance as a result of civil works resulting from the proposed rezoning of 783 Manilla Road, is unlikely.

On this basis, it can be concluded that there is no specific requirement to engage an Archaeologist to undertake a more detailed investigation of the subject site in the form of an ACHAR. The risk of the proposed development requiring an Aboriginal Heritage Impact Permit as a result of the need to remove, relocate or destroy a site of Aboriginal artefacts or significance is considered minor.

If any Aboriginal object is discovered and/or harmed in at any stage of work within the subject site, the Proponent must follow the unanticipated finds protocol as outlined above. This would result in management of such a site in consultation with Heritage NSW who would also involve the Tamworth Local Aboriginal Land Council representatives and Elders.

Appendix 1: Basix AHIMS Search



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Stratheden

Client Service ID : 878472

SMK Consultants Pty Ltd - Moree

Date: 02 April 2024

P O Box 774

Moree New South Wales 2400

Attention: Peter Taylor

Email: ptaylor@smk.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 783 MANILLA ROAD OXLEY VALE 2340 with a Buffer of 200 meters, conducted by Peter Taylor on 02 April 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

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

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

Important information about your AHIMS search

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

Level 6, 10 Valentine Ave, Parramatta 2150
Locked Bag 5020 Parramatta NSW 2124
Tel: (02) 9585 6345

ABN 34 945 244 274
Email: ahims@environment.nsw.gov.au
Web: www.heritage.nsw.gov.au

SMK Consultants Pty Ltd - Moree

P O Box 774

Moree New South Wales 2400

Attention: Peter Taylor

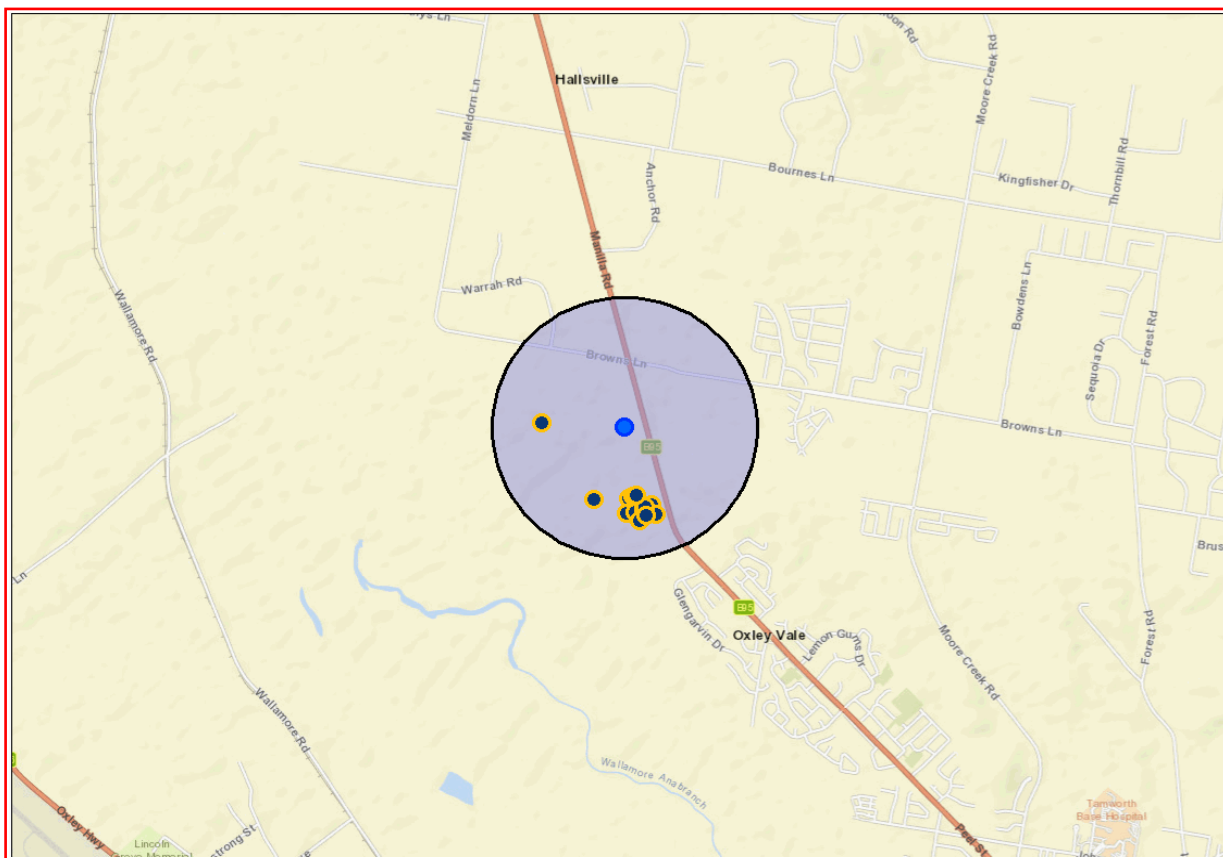
Email: ptaylor@smk.com.au

Date: 02 April 2024

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 783 MANILLA ROAD OXLEY VALE 2340 with a Buffer of 1000 meters, conducted by Peter Taylor on 02 April 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

14	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.
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