

Appendix I

Aboriginal Heritage Due Diligence Assessment

Stage 1 - Lot 1 DP 1253903, Barton Ave Wallerawang

Aboriginal Cultural Heritage Due Diligence Assessment
Lithgow City Council LGA NSW

October 2020



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Document Controls

Proponent	Timberfix		
Client	Timberfix		
Document Description	Stage 1 - Lot 1 DP 1253903, Barton Ave Wallerawang Aboriginal Cultural Heritage Due Diligence Assessment		
Clients Representative Managing this Document	AREA Person(s) Managing this Document		
	Phil Cameron (PJC)		
Location: Clients>Integrated Consulting> lot 1 DP1253903 Barton Ave Wallerawang	AREA Job No: QU0357		
Document Status: Draft	Version	Date	Action
Series V1.X = internal edits	V1.0	24/09/2020	AD to Nick Harrop (NH)
	V1.1	25/09/2020	AREA Internal Edit
	V1.2	11/10/2020	PJC – QMS
Series V2.X = Client internal edits	V2.0	11/10/2020	AREA to Client
	V2.1	29/10/2020	Edits received from Client's representative
FINAL when draft is approved by client	V3.0	29/10/2020	Final submitted
Prepared For	Prepared By		
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EXECUTIVE SUMMARY

Timberfix (the proponent) proposes to subdivide the property at 19 Barton Avenue, Wallerawang NSW (Lot 1 DP 1253903).

AREA Environmental Consultants & Communication (AREA) have been engaged by Timberfix to conduct an Aboriginal cultural heritage Due Diligence assessment for the proposed subdivision. The assessment has been conducted in accordance with *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) for the proposed subdivision of 19 Barton Avenue.

No Aboriginal objects or areas of potential archaeological depots were identified during the site inspection, within the study area.

Due diligence has been applied through a desktop assessment and field survey. Further assessment is not considered to be a reasonable step. Works can proceed to Stage 2 of the proposal.

If any objects of suspected Aboriginal heritage origin are encountered during the proposed work, work in the area of the find should cease and the unanticipated finds protocol (Appendix B) should be followed.

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1 Introduction

1.1 Background

Timberfix (the proponent) proposes to subdivide the property at 19 Barton Avenue, Wallerawang NSW (Lot 1 DP 1253903).

AREA Environmental Consultants & Communication (AREA) have been engaged by Timberfix (the client) to conduct an Aboriginal cultural heritage Due Diligence assessment for the proposed subdivision. The assessment has been conducted in accordance with *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) for the proposed subdivision of 19 Barton Avenue (study area;

).

Figure 1-1: Locality of the study area



1.2 Project description

19 Barton Avenue (Lot 1 DP 1253903) is in Wallerawang approximately 10 km north west of Lithgow in the Central Tablelands of NSW. The study area is bounded by Barton Avenue to

the north and east, Wallerawang Public School to the south and residential housing fronting Lyon Parade to the west.

The project will be conducted in two stages.

- Stage 1 will involve an initial constraints assessment in the form of a due diligence investigation to identify whether or not Aboriginal objects are in the study area and determine whether or not the proposed subdivision is likely to harm Aboriginal objects (if present).
- Stage 2 will involve further assessment if Aboriginal objects are identified in stage 1. This report will be intended to provide supporting documentation for the DA application.

This report outlines the due diligence report process conducted under stage 1.

1.3 Local environment

The study area is located within the village of Wallerawang in the Central tablelands NSW. The landscape of the study area and surrounds are typically broad rolling hills and rises with wide valleys and low gradient swampy streamlines.

Vegetation within the surrounding landscape consists of extensively cleared open-woodland. Small isolated remnants of the original vegetation contain, most commonly, scribbly gum (*Eucalyptus rossii*), snow gum (*Eucalyptus pauciflora ssp. pauciflora*), brittle gum (*Eucalyptus mannifera ssp. mannifera*), broad-leaved peppermint (*Eucalyptus dives*), and red stringybark (*Eucalyptus macrorhyncha ssp. macrorhyncha*). Grass understoreys are characteristic with common species including tussock grass (*Poa labillardieri*), blown grass (*Agrostis avenacea*), wallaby grass (*Danthonia spp.*) and kangaroo grass (*Themeda australis*). Shrubs of wattle (*Acacia spp.*), guinea flower (*Hibbertia spp.*) and tea-tree (*Leptospermum spp.*) are also present (King 1993). The study area is located approximately 200 metres from Lake Wallace which is fed by the Cox River. A regional context is provided in **Error! Reference source not found.**

Table 1-1: Regional context of the study area

Criteria	Value
Interim Biogeographic Regionalisation for Australia (IBRA Region)	Sydney Basin, Capertee Sub Region
State	New South Wales
Local Government Area	Lithgow Council LGA
Nearest town / locality	Wallerawang
Accessed from nearest town by	Barton Road
Land use / disturbance	Vacant lot
Nearest Waterway	200 m Lake Wallace
Australian Height Datum (AHD)	900 AHD
Surrounding land use	Grazing, state forests, coalmining, power stations, shale quarries and residential urban use.
Local Aboriginal Land Council (LALC)	Bathurst LALC
Parish	Lidsdale
County	Cook

1.4 Project personnel

This due diligence assessment has been prepared by Anna Darby, Environmental Consultant AREA. Nick Harrop Project Manager AREA provided project management and reviewed this report. The qualifications of the project personnel are listed in Table 1-2.

Table 1-2: AREA staff contributing to this risk assessment

Name	Position	CV Details
Nick Harrop	Project Manager	Bachelor of Arts (Hons) in Prehistoric and Historic Archaeology. University of Sydney Master of Teaching. University of New England National Railtrack Safety Induction (ARTC and John Holland Inductions) WHS White Card Cert 4 in 4WD training (Nationally recognised training)
Anna Darby	Environmental consultant	Bachelor of Arts and Bachelor of Science (Archaeology, Paleoanthropology and Forensic Science). University of New England Bachelor of Science (Honours). University of New England WHS White Card RIW Card

2 Archaeological Context

2.1 Local archaeological context

The results of cultural heritage database searches are presented in this section. The objective of these searches is to identify any existing, recorded Aboriginal heritage within the subject site and to provide archaeological context for the proposal.

2.1.1 Database search results

The results of the database searches are summarised in Table 2-1. No sites of Aboriginal heritage are recorded within the study area. The study area is within the Warrabinga-Wiradjuri #7 native title claim.

A search of the Aboriginal Heritage Information Management System (AHIMS) was conducted on 28 August 2020 (Client ID: 531192). The AHIMS search provides archaeological context for the area and identifies whether any previously recorded Aboriginal sites are located within or near the study area. A total of 18 Aboriginal sites were recorded within the search area, with most sites recorded as the site type, 'Artefact' (n=12). The distribution of recorded sites is shown in

Figure 2-1. The full list of results is provided in Appendix A.

Table 2-1: Summary of database searches for Aboriginal cultural heritage

Database	Date of Search	Parameters	Results
Aboriginal Heritage Information Management System (AHIMS) Client ID: 526588	28/08/20	GDA94 Zone 55 225418 – 229418 mE 6296894 – 6300894 mS	A total of 18 recorded sites are within the search area (Error! Not a valid result for table.). No sites are within the study area; one site is located 250 m west of the study area.
Lithgow LEP 2014	19/08/20	Schedule 5: Environmental Heritage	No items relevant to Aboriginal heritage within the study area are listed on the LEP.
Native Title Vision https://nntt.maps.arcgis.com/	19/08/20	NSW	The study area is within the Warrabinga-Wiradjuri #7 native title claim (Tribunal No. Nc2018/002)
State Heritage Register http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx	19/08/20	Lithgow LGA	No items relevant to Aboriginal heritage within the study area are listed on the State Heritage Register

Figure 2-1: Aboriginal sites recorded on AHIMS within 2 km of the study area

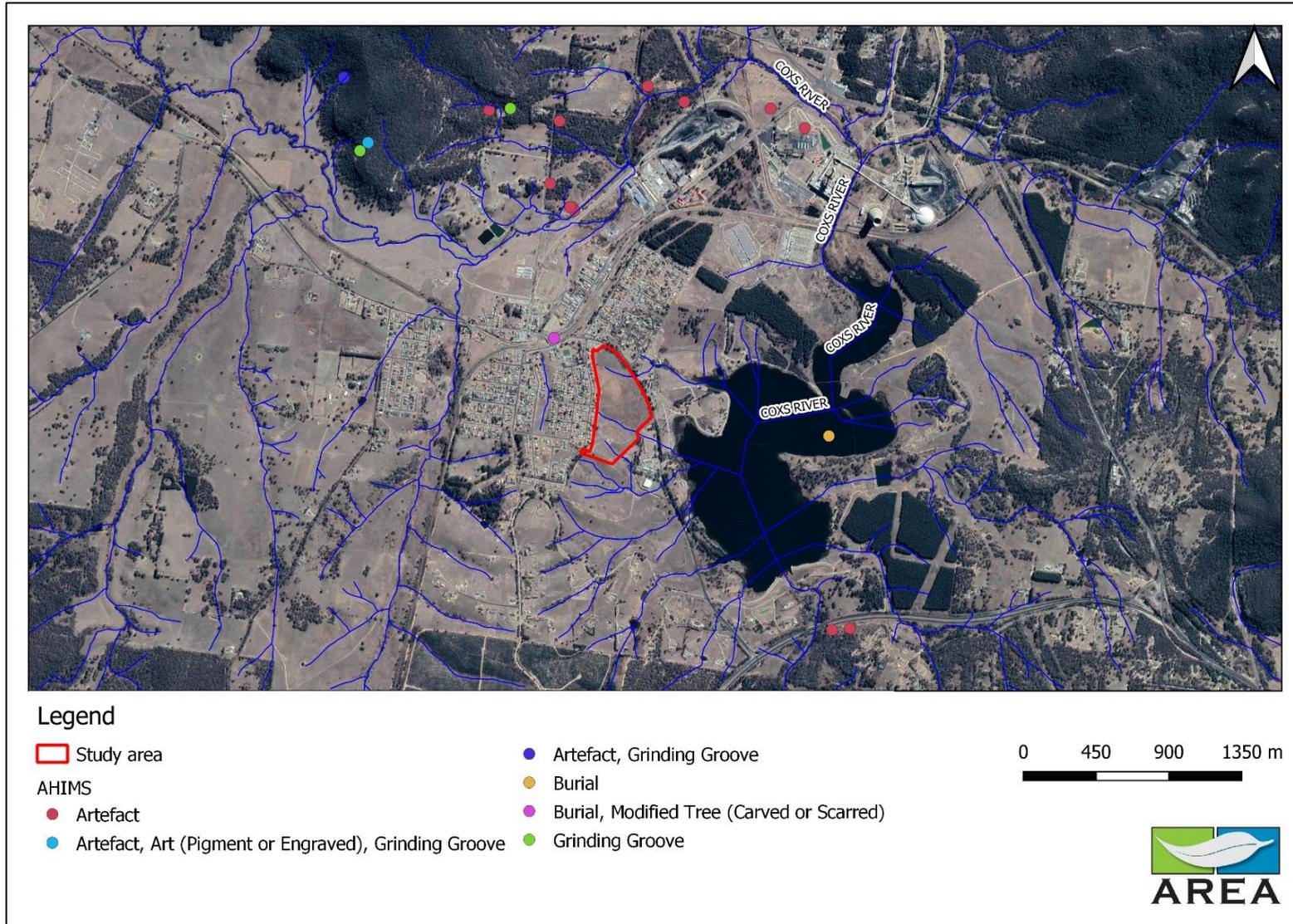
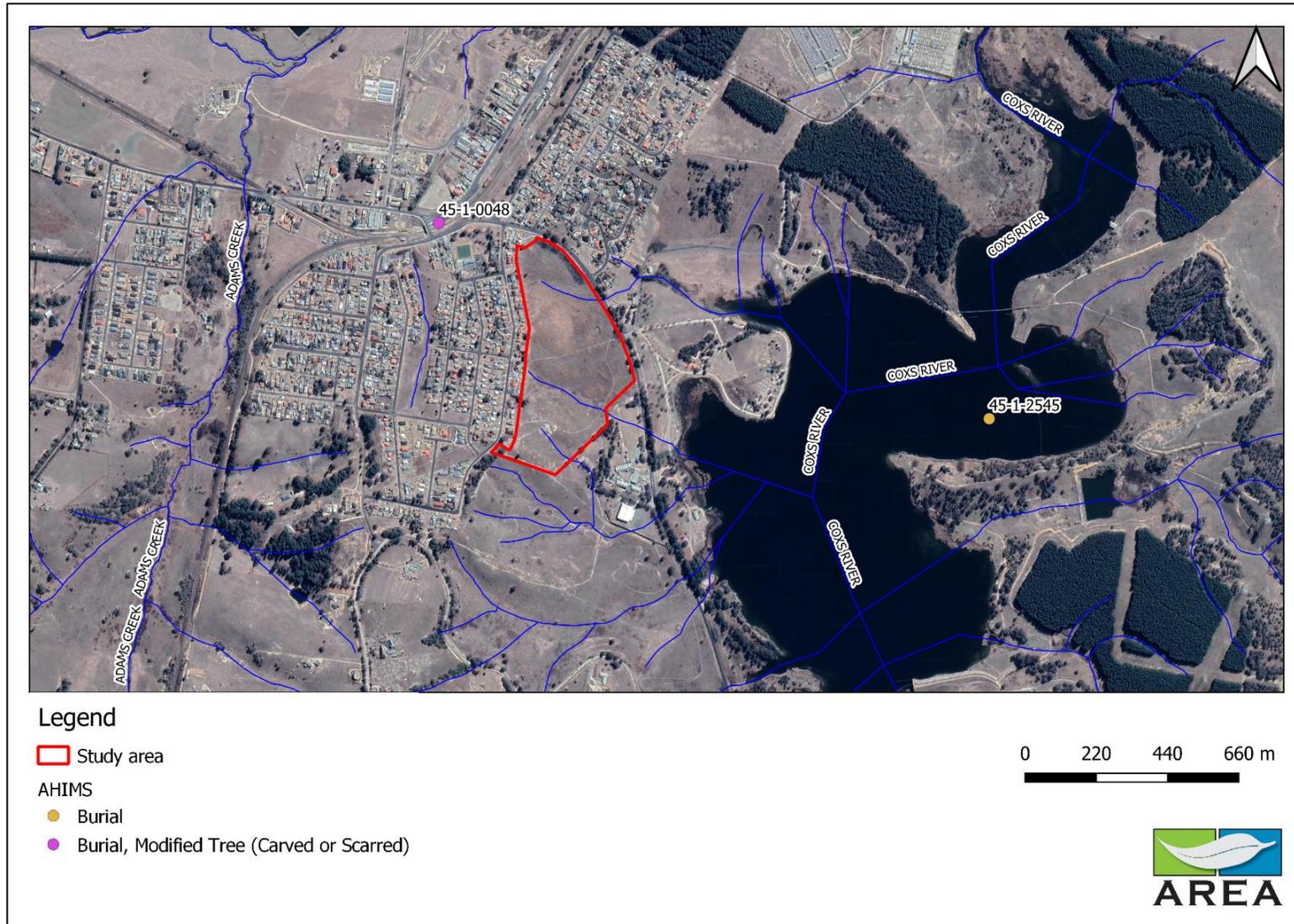


Figure 2-2: Aboriginal sites in close proximity to the study area



2.2 Predictive modelling

Areas of archaeological potential are regarded as any sensitive landform with a reasonable level of intactness (i.e. little to no disturbance or minor ground surface disturbance only and in areas not on self-mulching soils). The definition of disturbance used here follows that of the *NPW Regulation 2009* (Clause 80B, Subclause 4). Sensitive landforms follow the definitions supplied in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010):

- within 200m of waters
- located within a sand dune system
- located on a ridge top, ridge line or headland
- located within 200m below or above a cliff face
- within 20m of or in a cave, rock shelter, or a cave mouth.

Areas nearby to waterways are typically more likely to contain Aboriginal archaeological remains. Any sections within 200 metres of waterways exposed to little or no previous impacts are more likely to contain intact sites. The eastern section of the study area is defined as a sensitive landform as defined by the Due Diligence code of practice as it is within 200 m of Lake Wallace which is a manmade post European occupation lake. Lake Wallace is fed by the Cox River which is part of the Hawkesbury-Nepean Catchment area.

The most common site within the AHIMS extensive search, 'Artefact', may occur within the study area in areas with ground surface exposures and little disturbance. Culturally modified scarred trees may occur within the study area in areas that contain remnant mature native trees. However, they may be indirectly or incidentally impacted without management and so the possibility of culturally-modified trees needs to be considered.

3 Fieldwork Results

3.1 Background to fieldwork

The fieldwork component of this assessment was undertaken on 15 September 2020 by Anna Darby of AREA. The purpose of the field assessment was to support the desktop research and to identify Aboriginal objects. Addy Watson of AREA conducted the ecological assessment simultaneously.

3.2 Methods

The study area was inspected by pedestrian survey. Particular attention was paid to exposed ground surfaces to increase the chances of locating any stone artefact scatters. All mature trees were inspected to identify culturally scars. Ground surface visibility and existing levels of disturbance were noted.

Recordings were made of ground surface visibility and existing levels of disturbance. Recording included photographs, mapping, written records and GPS coordinates.

3.2.1 Limitations

Potential sub-surface archaeological sites cannot be directly detected and the detectability of Aboriginal sites with surface remains is contingent on ground surface visibility (GSV). GSV was generally low (less than 5%) across the study area (Figure 3-5).

Wildlife within the study area was also prominent with the south east corner containing nesting magpies that were swooping. A mob of kangaroos were also present in the study area and were avoided during the field survey.

3.3 Results

The landscape within the study area consisted of moderate to steep slopes with crests appearing along the western edge of the study area (Figure 3-1: Example of low GSV in the study area)



Figure 3-2 and Figure 3-3). The area adjacent to the western boundary of the study area has been built up for residential development. The south west corner of the study area almost protrudes to Lyon Parade (Figure 3-4).

Heavy disturbance was observed throughout the study area in the form of two dams, three separate powerlines, an underground cable and clearing along the north east boundary fence (Figure 3-5). Vegetation within the study area consisted of dense grasses, brambles, a small grouping of non-native trees along the north east boundary and some remnant Eucalyptus trees, including a large Black Gum (*Eucalyptus aggregate*). A scar was observed on the southern face of the Black Gum and contained a beehive. The beehive made close inspection of the scar impossible. The tree contained some certain attributes that would identify it as an Aboriginal cultural scar i.e. mature and native tree species (Long 2005). However, the overgrown nature of the scar and the lack of evidence for the affirmative it was determined not to be a culturally modified scar tree (Figure 3-7 and Figure 3-8).

No Aboriginal objects or areas of potential archaeological depots were identified during the site inspection, within the study area.

Figure 3-1: Example of low GSV in the study area



Figure 3-2: View south west across the study area from the northern boundary



Figure 3-3: View south across the study area



Figure 3-4: View north west at the section of the study area adjacent to Lyon parade

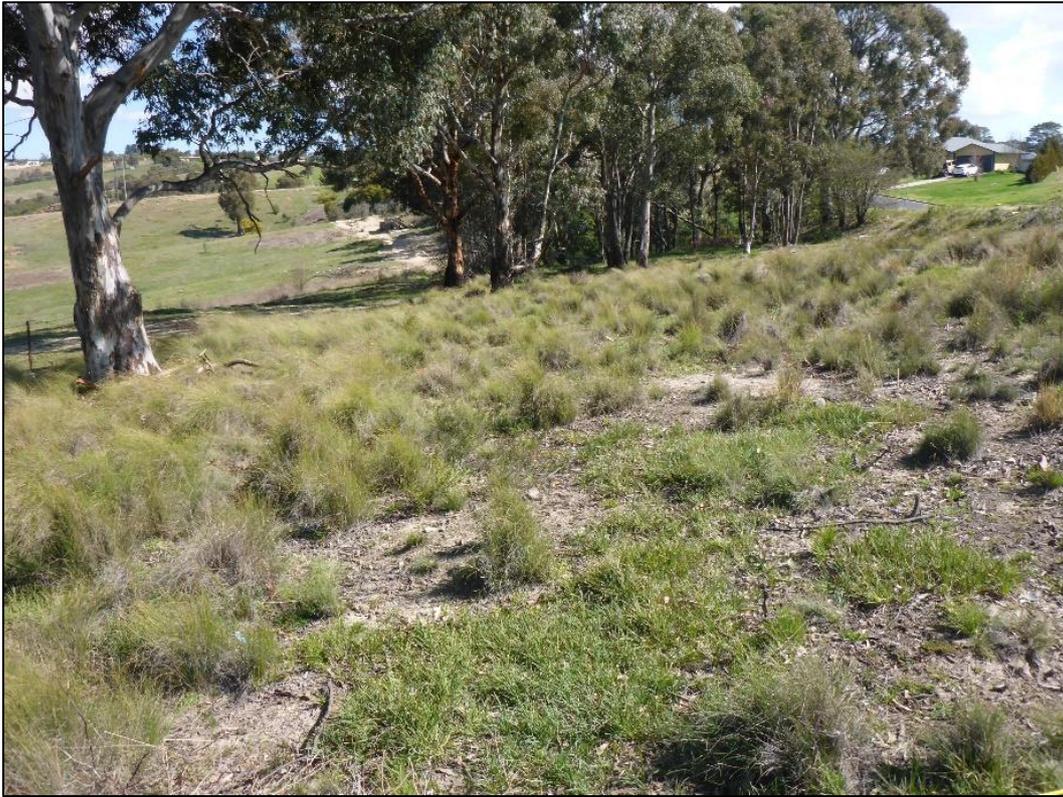


Figure 3-5: View south across the study area showing the powerlines and underground cable



Figure 3-6: View north west across the middle of the study area



Figure 3-7: View north towards the Black Gum, arrow indicates scar



Figure 3-8: Close up of the scar, facing north



3.4 Discussion

The study area contained moderate to high amounts of disturbance as evidenced by the large-scale clearing of the open woodland, powerlines and underground cable.

The results of the field work were consistent with the predictive model outlined in section 2.2. GSV was low across the study area making it difficult to identify stone artefacts. There is an ever-present possibility of stone artefacts remaining undetected where GSV is not total. It is possible that there are undetected Aboriginal sites within the subject site based on the results of the field survey and desktop assessment, however, less likelihood for intact sites. Subsurface remains are unlikely due to the high level of disturbance along much of the study area.

The Black Gum containing the scar and beehive was determined to not be of cultural origin. Close inspection of the scar was not possible due to the beehive. However, a closer inspection is unlikely to provide conclusive evidence of the origin of the scar.

No Aboriginal objects or areas of potential archaeological depots were identified within the study area.

4 Recommendations

The following recommendations are based on the on the consideration of:

- The requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010)
- The results of the background research and fieldwork
- The likely impacts of the proposed development.

No Aboriginal objects or areas of potential archaeological depots were identified within the study area.

Based on the assessment, the following recommendations are made:

- No further assessment is required, and works can progress to Stage 2
- If any objects of suspected Aboriginal heritage origin be encountered during the proposed works, work in the area of the find should cease and the unexpected finds protocols (Appendix B) should be implemented
- If suspected human remains are located during any stage of the proposed works, work must stop immediately, and the NSW police must be notified.

5 References

Department of Environment, Climate Change and Water (DECCW). (2010). *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. DECCW.

Long, A. (2005). *Aboriginal Scarred Trees in New South Wales, a Field Manual*. Department of Environment and Conservation, NSW.

King, D. P & New South Wales. (1993). *Soil landscapes of the Wallerawang 1:100 000 sheet (Lithgow, Wallerawang, Cullen Bullen, Glen Davis)*. Dept. of Conservation and Land Management, [Sydney]

Appendix A: AHIMS Search Results

Results of AHIMS extensive search within 2 km of the subject site

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-1-2716	SU1a - A5	GDA	56	227585	6300837	Open site	Valid	Artefact : 19		
	Contact									
	Recorders									
45-2-2539	SU1a - A7	GDA	56	227122	6300093	Open site	Valid	Artefact : 4		
	Contact									
	Recorders									
45-1-2717	SU1a - A8	GDA	56	227130	6300072	Open site	Valid	Artefact : 1		
	Contact									
	Recorders									
45-1-2718	SU1a - A9	GDA	56	226981	6300239	Open site	Valid	Artefact : 1		
	Contact									
	Recorders									
45-1-2719	SU1a - A6	GDA	56	227105	6300095	Open site	Valid	Artefact : 1		
	Contact									
	Recorders									
45-1-2799	Brays Lane AS1	GDA	56	227039	6300622	Open site	Valid	Artefact : -		
	Contact									
	Recorders									
45-1-2800	WPS-IF1	GDA	56	228556	6300579	Open site	Valid	Artefact : -		104157,104158
	Contact									
	Recorders									
45-1-0211	S2;Wallerawang;	GDA	56	227811	6300741	Open site	Valid	Artefact : -	Open Camp Site	2300
	Contact									
	Recorders									
45-1-0247	Wallerawang Schoolhouse;	AGD	56	228240	6300510	Open site	Valid	Artefact : -	Open Camp Site	3818
	Contact									
	Recorders									
45-1-0110	W4;	AGD	56	228620	6297310	Open site	Valid	Artefact : -	Open Camp Site	1515
	Contact									
	Recorders									
45-1-0111	W3;	AGD	56	228730	6297320	Open site	Valid	Artefact : -	Open Camp Site	1515
	Contact									
	Recorders									
45-1-0010	Pipers Flat Creek;	AGD	56	225600	6300700	Closed site	Valid	Artefact : -, Grinding Groove : -	Axe Grinding Groove,Shelter with Deposit	1515
	Contact									
	Recorders									
45-1-0020	Pipers Flat Creek;	AGD	56	225750	6300300	Closed site	Valid	Artefact : -, Art (Pigment or Engraved) : -, Grinding Groove : -	Axe Grinding Groove,Shelter with Art,Shelter with Deposit	
	Contact									
	Recorders									
45-1-0021	Pipers Flat Creek;	AGD	56	225700	6300250	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	
	Contact									
	Recorders									
45-1-0022	Pipers Flat Creek;Bald Rock;	AGD	56	226630	6300510	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	

Report generated by AHIMS Web Service on 28/08/2020 for Anna Darby for the following area at Datum :GDA, Zone : 56, Eastings : 225418 - 229418, Northings : 6296894 - 6300894 with a Buffer of 0 meters. Additional Info : site visit. Number of Aboriginal sites and Aboriginal objects found is 18

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<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
	Contact	Recorders	R Miller					Permits		
45-1-0023	Pipers Flat Creek;Bald Rock;	AGD	56	226500	6300500	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact	Recorders	R Miller					Permits		
45-1-0048	Wallerawang; Lithgow;	AGD	56	226900	6299100	Open site	Valid	Burial : -, Modified Tree (Carved or Scarred) : -	Burial/s,Carved Tree	
	Contact	Recorders	David Bell,NPWS - Blackheath Office,Betty Meehan					Permits	473	
45-1-2545	Wallerowong Station Massacre	AGD	56	228600	6298500	Open site	Valid	Burial : -	Burial/s	
	Contact	Recorders	Ms.Adrienne Howe-Piening					Permits		

Report generated by AHIMS Web Service on 28/08/2020 for Anna Darby for the following area at Datum :GDA, Zone : 56, Eastings : 225418 - 229418, Northings : 6296894 - 6300894 with a Buffer of 0 meters. Additional Info : site visit. Number of Aboriginal sites and Aboriginal objects found is 18

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Appendix B: Unanticipated Finds Protocol

Unanticipated Finds Protocol

The protocol to be followed in the event previously unrecorded or unanticipated Aboriginal object(s) are encountered during the proposed works is as follows:

- All ground surface disturbance in the area of the finds should cease immediately the finds are uncovered.
- If the finds are of human remains, contact the local police.
- Seek verification of the finds from a suitably qualified person, such as a heritage consultant.
- If the finds are verified or very likely to be Aboriginal in origin notify NSW Heritage, Department of Premier and Cabinet and the relevant local Aboriginal community representatives.
- All finds should be professionally recorded and registered on appropriate databases.
- A management strategy will be required according to best practice and consultation with the local Aboriginal community. All management will require approval from the relevant determining authority.