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NPWS CPPD-CENTRAL

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CONSENT #2188

**NATIONAL PARKS AND WILDLIFE ACT 1974
SECTION 90**

C O N S E N T

**CONSENT TO CARRY OUT THE DESTRUCTION OF AN
ABORIGINAL OBJECT/PLACE**

WHEREAS the Aboriginal objects described in Schedule "A" are situated upon the land described in Schedule "B", and which constitute Aboriginal objects within the meaning of Section 90 of the National Parks and Wildlife Act 1974, and WHEREAS application has been made by:

**CSR Limited
Locked Bag 6
Chatswood NSW 2057**

FOR CONSENT to destroy those Aboriginal objects in the course of:

Proposed industrial development, CSR Lands, Erskine Park

NOW I, Lisa Corbyn, Director-General of the Department of Environment and Conservation, in pursuance of Section 90 of the said Act, and subject to the Conditions hereunder set out DO HEREBY CONSENT to the destruction of the said Aboriginal objects by the said applicant.

TERMS AND CONDITIONS OF THIS CONSENT

This Consent is issued subject to General Terms and Conditions covering all archaeological Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to Destroy Aboriginal objects all of which conditions are detailed in the attached pages.

DATED at Sydney this **23rd** day of August 2005

**Issued for the Director-General of
Department of Environment and Conservation**

SCHEDULE A:

EPTA3 (# 45-5-3028), being an open artefact scatter with associated subsurface archaeological deposit.

EPTA4 (# 45-5-3029), being an open artefact scatter with associated subsurface archaeological deposit.

EPTA5 (# 45-5-3030), being an open artefact scatter with associated subsurface archaeological deposit.

EPTA6 (# 45-5-3031), being an open artefact scatter with associated subsurface archaeological deposit.

EPTA10 (# 45-5-3032), being an open artefact scatter with associated subsurface archaeological deposit.

EPTA11 (# 45-5-3033), being an open artefact scatter with associated subsurface archaeological deposit.

EPQ1 (# 45-5-2992), being an open artefact scatter with associated subsurface archaeological deposit.

EPQ2 (# 45-5-2512), being an open artefact scatter with associated subsurface archaeological deposit.

EPQ3 (# 45-5-2513), being an open artefact scatter with associated subsurface archaeological deposit.

EPQ4 (# 45-5-2514), being an open artefact scatter with associated subsurface archaeological deposit.

EPQ5 (# 45-5-2515), being an open artefact scatter with associated subsurface archaeological deposit.

EPQ6 (# 45-5-2516), being an open artefact scatter with associated subsurface archaeological deposit.

EP-I 1 (# 45-5-3034), being an isolated artefact.

EP-I 2 (# 45-5-3035), being an isolated artefact.

EP-I 3 (# 45-5-3036), being an isolated artefact.

SCHEDULE B:

EPTA3 is located with an approximate grid reference of AGM 294160-6254370 (Prospect 1:25 000). Please refer attached map.

EPTA4 is located with an approximate grid reference of AGM 294850-6253540 (Prospect 1:25 000). Please refer attached map.

EPTA5 is located with an approximate grid reference of AGM 295170-6253570 (Prospect 1:25 000). Please refer attached map.

EPTA6 is located with an approximate grid reference of AGM 295210-6253410 (Prospect 1:25 000). Please refer attached map.

EPTA10 is located with an approximate grid reference of AGM 293580-6253610 (Prospect 1:25 000). Please refer attached map.

EPTA11 is located with an approximate grid reference of AGM 293340-6253690 (Prospect 1:25 000). Please refer attached map.

EPQ1 is located with an approximate grid reference of AGM 296600-62551750 (Prospect 1:25 000). Please refer attached map.

EPQ2 is located with an approximate grid reference of AGM 296050-6255690 (Prospect 1:25 000). Please refer attached map.

EPQ3 is located with an approximate grid reference of AGM 296100-6255750 (Prospect 1:25 000). Please refer attached map.

EPQ4 is located with an approximate grid reference of AGM 296480-6255800 (Prospect 1:25 000). Please refer attached map.

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EPQ5 is located with an approximate grid reference of AGM 296320-6255900 (Prospect 1:25 000). Please refer attached map.

EPQ6 is located with an approximate grid reference of AGM 296580-6255120 (Prospect 1:25 000). Please refer attached map.

EP-I 1 is located with an approximate grid reference of AGM 295260-6253400 (Prospect 1:25 000). Please refer attached map.

EP-I 2 is located with an approximate grid reference of AGM 295190-6253500 (Prospect 1:25 000). Please refer attached map.

EP-I 3 is located with an approximate grid reference of AGM 295240-6253710 (Prospect 1:25 000). Please refer attached map.

SPECIAL TERMS AND CONDITIONS

- 1 This consent does not apply to skeletal material. Should any bone suspected of being human be uncovered during the works, these should cease and the Department contacted immediately.

SPECIFIC CONDITIONS APPLYING TO CONSENTS TO DESTROY ABORIGINAL OBJECTS

- 1 The Consent covers only those Aboriginal objects described in the instrument of Consent and in any Schedules thereto.
- 2 In the case of Consents granted to cover development activities, the Consent is granted to cover only those circumstances described in the Schedules, and subject to there not being discovered in the course of further operations, in the progress of that development requiring the Consent, any other Aboriginal objects which will be damaged or destroyed by the continuation of the operation. (Destruction of such Aboriginal objects would require the granting of a separate Consent).
- 3 The Consent is conditional upon all relevant development approvals having been obtained.
- 4 Should the Aboriginal objects listed in Schedule 'A' above remain in existence two (2) years from the date of this document, the Consent shall be deemed to be void, and any further damage to the Aboriginal objects will require the preparation of a new Consent document.
- 5
 - (i) In the case of Consents granted in conjunction with Permits to excavate or record the Consent covers only material from the site(s) covered by the Permit to excavate.
 - (ii) A Consent so granted as in (i) above is valid for two years or until such date as excavated material must be lodged with The Australian Museum under the terms of the Permit.
 - (iii) The holder of the Consent granted as in (i) above shall furnish the Department of Environment and Conservation with a report on the activities carried out under the Consent, which report shall be part of the final report to the Department (as per Condition 3, Specific Terms and Conditions for Salvage Permits).

GENERAL TERMS AND CONDITIONS

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit.
3. A Consent covers only that area stated in the instrument of Consent and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General.

5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.
10. All reports received in connection with work carried out under a Permit or Consent shall be treated as confidential but the Department of Environment and Conservation shall have the right to copy all such reports, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit or Consent, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation and The Australian Museum, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the Department and The Australian Museum shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation, The Australian Museum, Sydney, and the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, unless permission to do otherwise has been obtained from the Department.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The Department of Environment and Conservation and The Australian Museum may supply copies of relevant reports as furnished by the holder of the Permit or Consent to local Aboriginal communities. Upon request by the Department, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interested local groups.
15. The holder of the Permit or Consent shall keep field records and a copy of all such records shall be lodged with the Department of Environment and Conservation at the termination of each field work period. A copy of all field records shall be lodged with The Australian Museum at the time the archaeological materials are deposited with the Museum.
16. The holder of the Permit or Consent shall notify the local office of the Department of Environment and Conservation at the commencement and completion of fieldwork, and shall supply to officers details of field work programs and results if requested.

17. In the event of a Permit being revoked -

a) The Person to whom that Permit was issued shall

- (i) Furnish an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
- (ii) Leave the areas, the subject of that Permit, in a condition satisfactory to the Department of Environment and Conservation within two weeks from the date of revocation of that Permit;
- (iii) furnish the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered;
- (iv) deposit any Aboriginal objects removed during work associated with the Permit, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, after these Aboriginal objects have been fully examined, or within six months from the date of revocation of that Permit whichever occurs sooner.

(b) The Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information collected under the Permit.

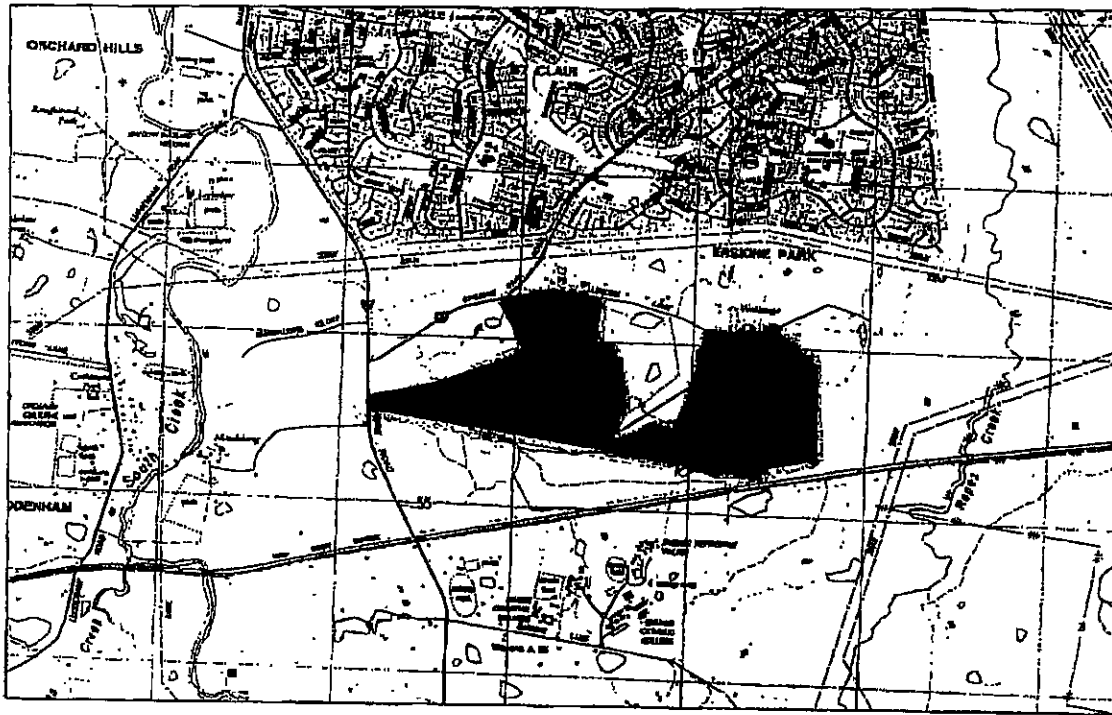


Figure 1 Erskine Park CSR lands for which Section 90 Consent to Destroy is requested
(Prospect 1:25,000 topographic map 2nd edition)



Figure 2 Erskine Park CSR lands for which Section 90 Consent to Destroy is requested
(aerial photo provided by CSR)