

Riverwood North Urban Renewal Project – Preliminary Heritage and Archaeological Assessment

Report for Major Project
Directorate, Housing NSW

November, 2008

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DOCUMENT CONTROL SHEET

PROJECT	Riverwood North Urban Renewal Project
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BIOSIS PROJECT NO	S5198
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REPORT FOR	Major Project Directorate, Housing NSW
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REPORT TITLE:	Riverwood North Urban Renewal Project – Preliminary Heritage and Archaeological Assessment
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AUTHOR(S):	Jenni Lennox
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ACKNOWLEDGMENTS

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- Ian Edwards, Gandangara Local Aboriginal Land Council
- Mathilde Lancel (Major Project Directorate, Housing NSW)
- John Milliken (ProcureGroup)
- Melissa Starling, Sam Moody, Fenella Atkinson, Robert Suansri (Biosis Research)

ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BP	Before Present
DECC	Department of Environment and Climate Change
DEWHA	Department of Environment, Water, Heritage and the Arts
GLALC	Gandangara Local Aboriginal Land Council
NPWS	National Parks and Wildlife Service

CONTENTS

ACKNOWLEDGMENTS	II
ABBREVIATIONS	II
CONTENTS	III
SUMMARY	1
1.0 INTRODUCTION	3
1.1 Project Background.....	4
1.2 Study Area	4
1.3 Aims	5
1.4 Consultation with the Aboriginal Community.....	5
2.0 BACKGROUND INFORMATION	6
2.1 Environmental Background	6
3.0 ABORIGINAL HISTORY	8
3.1 Ethnohistory & Contact History	8
3.2 Aboriginal Heritage Register Search Results	9
3.3 Discussion and site prediction.....	9
4.0 HISTORICAL BACKGROUND	11
4.1 Heritage Register Search Results	11
5.0 ASSESSMENT METHODS	12
5.1 Archaeological Assessment – Results.....	12
5.2 Statutory Regulations.....	13
6.0 MANAGEMENT ISSUES AND RECOMMENDATIONS	16
6.1 Management Recommendations.....	16
6.2 Report Lodgement	17
STAKEHOLDER CORRESPONDENCE	26
STATUTORY REGULATIONS	27
REFERENCES	46

TABLES

Table 1: Riverwood North AHIMS search results.....	9
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FIGURES

Figure 1: Location of the study area within a regional context.....	19
Figure 2: Results of the AHIMS database search.....	20

PLATES

Plate 1: Location of Lot 37 Kentucky St at Riverwood North	22
Plate 2: General view of housing at Riverwood North. Note differing levels visible in lower left hand corner	22
Plate 3: General shot of study area at Riverwood North showing cultivation of land	23
Plate 4: General shot of buildings within the study area showing disturbances such as paths and trees	23
Plate 5: Trees noted by Ian Edwards as being of cultural significance to Aboriginal people at teh study area	24

SUMMARY

Major Project Directorate, a division of Housing NSW, is planning to redevelop a site at Riverwood North to provide medium density housing and to replace old housing stock with new. Biosis Research was engaged to undertake a preliminary heritage and archaeological assessment of the development site prior to the lodgement of development applications.

The development site at Riverwood North currently contains low-density housing. An AHIMS search returned a total of eight Aboriginal sites within a 5 km radius of the study area, with no sites located within the study area itself. The development site is located within the site of a demolished military hospital dating from World War II.

Based on the findings of the archaeological assessment it is recommended that:

- Should Aboriginal objects be encountered during works, all works are to cease in the vicinity of the find and an Aboriginal archaeologist be contacted to assess the find.
 - If project approval is sought under Part 3A of the *EP&A Act 1979*, this consultation will be required to fulfil the requirements of the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*, including advertising in local print media, and consultation with the GLALC.
 - If Part 3A approval is not required, it will be necessary to follow the *Interim Community Consultation Guidelines for Applications under Part 6 of the National Parks and Wildlife Act 1974*. Consultation with the GLALC will be a statutory requirement, and consultation with other traditional owner groups is recommended.
- Should historic relics be encountered during works, all works are to cease in the vicinity of the find and an historic archaeologist be contacted to assess the find. Depending on the project approval framework, an excavation permit may be required from the Heritage Branch of the NSW Department of Planning. Depending on the nature of the find, further historical research may be required to clarify the historical context and significance of the find.
- Sufficient time be allowed for the preparation, lodgement and assessment of any required permits.

- The Gandangara Local Aboriginal Land Council has requested that the native gum trees at this site are not disturbed during works.

Archaeological reports and the management recommendations contained therein will be independently reviewed by Aboriginal heritage staff of the Environment Protection and Regulation Division of the NSW Department of Environment and Climate Change (DECC), the relevant Aboriginal community and the NSW Heritage Branch, Department of Planning.

Although the findings of a consultant's report will be taken into consideration, recommendations in relation to managing heritage place should not be taken to imply automatic approval of those actions by the DECC, the Aboriginal community or the NSW Heritage Branch, Department of Planning.

1.0 INTRODUCTION

Cultural heritage legislation protecting Aboriginal and non-Aboriginal heritage places applies in New South Wales. These places are an important part of our heritage. They are evidence of more than 40,000 years of occupation of New South Wales by Aboriginal people, and of the more recent period of settlement by non-Aboriginal people.

Heritage places can provide us with important information about past lifestyles and cultural change. Preserving and enhancing these important and non-renewable resources is encouraged.

It is an offence under sections of legislation to damage or destroy heritage sites without a permit or consent from the appropriate body.

When a project or new development is proposed, it must be established if any cultural heritage places are in the area and how they might be affected by the project. Often it is possible to minimise the impact of development or find an alternative to damaging or destroying a heritage place. Therefore, preliminary research and survey to identify heritage places is a fundamental part of the background study for most developments.

The first stage of a study usually incorporates background research to collect information about the land relevant to the proposed development project (the study area). A second stage often involves a field inspection of this area.

Possibly the most important part of the study involves assessing the cultural heritage significance of heritage places in the study area. Understanding the significance of a heritage place is essential for formulating management recommendations and making decisions.

1.1 Project Background

Biosis Research was commissioned by Major Project Directorate, a division of Housing NSW, to undertake a preliminary archaeological and heritage assessment for the Riverwood North urban renewal project.

Housing NSW is planning to redevelop this site to provide medium density housing and to replace old housing stock with new.

At Riverwood North, the development area currently contains approximately 150 dwellings with an average building age of 34 years. The project proposes to replace these dwellings for use by Housing NSW, and also to construct up to a further 450 dwellings to be sold in the open market.

This report provides a preliminary assessment of heritage values at the subject site for Housing NSW prior to the lodgement of development applications.

1.2 Study Area

The study area is located on Kentucky Road and Vermont Crescent, and consists of 12 addresses; these being 45, 47, 49, 51, 70, 72, 74 and 76 Kentucky Road; 4, 2 and 6 Vermont Crescent; and 9 Washington Avenue. These allotments currently contain housing utilised by Housing NSW, and the proposed development calls for their demolition and replacement with higher density housing.

1.3 Aims

The purpose of this study is to provide an archaeological and heritage assessment of Major Project Directorate's proposed housing developments for Riverwood North.

The aims of the study are to:

- Conduct heritage register searches to identify any previously recorded cultural heritage sites within the survey area. Searches will include:
 - Aboriginal Heritage Information Management System (AHIMS)
 - The National Heritage List
 - Commonwealth Heritage List
 - Register of the National Estate
 - State Heritage Register
 - Local Environmental Plans.
- Undertake a site visit to assess the archaeological potential of the site
- Provide a preliminary assessment of the archaeological and cultural significance of any sites within the vicinity of the study area
- Provide a preliminary assessment of the likely impacts from the proposed housing development
- Provide recommendations regarding additional research and assessment requirements to support a development application.

1.4 Consultation with the Aboriginal Community

A representative from the Gandangara Local Aboriginal Land Council, Mr Ian Edwards, was invited to attend the site visit and provide comments regarding the cultural values of the study area.

2.0 BACKGROUND INFORMATION

2.1 Environmental Background

The environmental background to the study area is provided in order to give a context to the archaeological assessment. The environmental aspects of an area will influence the type of archaeological remains that are likely to be present.

Firstly, the environmental conditions of the study area may have influenced the land use by people in the past, and secondly, conditions will also affect the processes by which sites are preserved. Environmental values of an area can also contribute to the cultural significance and attachments people have to a place.

The following background is a brief summary of information relevant to the current assessment of archaeological values of the study area.

2.1.1 Geology & Landforms

Riverwood North is located within the Blacktown soil landscape, consisting of gently undulating rises with broadly rounded ridges and crests and gentle slopes (Bannerman and Hazelton 1990:28). The soils within this landscape are shallow to moderately deep on the crests, upper slopes and other well drained areas (Chapman and Murphy 1989:30) and are deep in the more poorly drained areas such as lower slopes.

The Blacktown soil landscape is located on Wianamatta Group, Bringelly Shale and Minchinbury Sandstone. The Wianamatta Group consists of laminate and dark grey siltstone, while Bringelly Shale consists of shale containing occasional calcareous claystone, laminate and coal. Minchinbury Sandstone consists of fine to medium-grained quartz lithic sandstone (Bannerman and Hazelton 1990:28).

The Blacktown soil landscape is a residual landscape. Residual soil landscapes are characterised by areas where soils are derived from the long-term, in situ weathering of parent materials. Examples of these types of soil landscapes are flats, plains and plateaus with poorly defined drainage lines. This type of landscape has the potential for archaeological remains to be preserved in situ, especially in undisturbed areas.

2.1.2 Flora and Fauna

Previously abundant flora and fauna species would have been available to the traditional inhabitants of the study area. Aboriginal people made use of a variety of flora species for food, tool manufacture and medicines. In addition to use as a

food resource, fauna species could also provide natural materials for tool and clothing manufacture.

Vegetation present in this area prior to widespread land clearing included wet and dry sclerophyll forests. Red gum (*Eucalyptus tereticornis*), spotted gum (*Eucalyptus maculata*) and grey box (*Eucalyptus moluccana*) were present (Bannerman & Hazelton 1990:29). The understorey of these forests included dry sclerophyll shrubs. Also present in this area were small *Backhousia myrtifolia*, a resource used by the Aboriginal people for boomerangs, as well as *Polyscias sambucifolia* and *Notelaea* trees with fruits (Benson & Howell 1990:50). Along the Georges River were mangroves, which provided a rich foraging ground for Aboriginal people. Riverwood is located approximately 1 km east of the Georges River.

Terrestrial mammals would presumably have been an abundant and reliable food source in the forests. Kangaroos, wombats, possums and other marsupials would have been exploited for food. There are a number of creeks at the base of many of the ridge tops that would have provided many valuable resource species including eels, fish, shellfish, birds and aquatic flora.

3.0 ABORIGINAL HISTORY

3.1 Ethnohistory & Contact History

The Sydney Basin was occupied by Aboriginal people for thousands of years prior to European settlement. The sandstone gullies, creeks, floodplains, swamps, forests and woodlands present within the Cumberland Plain provided the Aboriginal people with a rich and varied resource zone and occupation area.

To date the earliest undisputed radiocarbon date for Aboriginal occupation of the Hawkesbury-Nepean is from a rock shelter site situated at Shaw's Creek near Springwood, with a date of 14 700 years BP (Attenbrow 2002). The assessment of the deposits confirmed that the people living in the shelter exploited the food and resources from the nearby creeks and rivers, as well as the surrounding countryside.

Recent archaeological work has identified an increasing amount of Aboriginal sites; however, there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Sydney region. These debates have arisen largely due to the fact that by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century, pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity. The following information relating to Aboriginals in the Cumberland Plain is based on such early records. It should be highlighted that these documents are inherently biased by the class and culture of the authors. When combined with archaeological information, however, they can provide a picture of traditional Aboriginal life in the region.

The first people known to have an association with this landscape were people of the Darug language group. Darug was first described as a language (or dialectic group) by pioneer surveyor, anthropologist and linguist R H Mathews in the early 20th century. He described the Dharruk speaking people as extending along the coast to the Hawkesbury River, and inland to Windsor, Penrith and Campbelltown (Mathews 1901).

Since then, most historic and linguistic research has suggested that the Darug were principally an 'inland' group, associated with the Cumberland Plain and distinct from the Aborigines of Coastal Sydney (Ross, 1990). A separate language group, known as the Guringai, is thought to have lived along the coast of Port Jackson and Broken Bay (Ross in Powell and Banks, 2000), although the extent of their territory continues to be debated (Attenbrow, 2002).

Early European accounts indicate that the subsistence practices of hinterland and coastal groups differed significantly. Coastal groups, such as the Guringai, exploited marine and estuarine resources whilst hinterland groups like the Darug relied on freshwater and terrestrial animals and plants. Animals such as wallabies, kangaroos, possums, flying foxes, water birds, parrots, reptiles, freshwater fish and yabbies played a far greater role in the subsistence of hinterland groups than of those on the coast.

3.2 Aboriginal Heritage Register Search Results

A search of the NSW Department of Environment and Climate Change's (DECC) Aboriginal Heritage Information Management System (AHIMS) was performed in September 2008. The search area included a 5 x 5 km radius centred on the proposed housing development. The search results showed there were four previously recorded archaeological sites in the search area for Riverwood North. These are summarised in Table 1 below, and in Figures 2.

AHIMS No.	Site Type
45-6-1783	Axe Grinding Groove, Rock Engraving
45-6-2470	Axe Grinding Groove, Shelter with Art, Shelter with Deposit
45-6-2471	Axe Grinding Groove, Shelter with Art, Shelter with Deposit
45-6-2546	Open Camp Site

Table 1: Riverwood North AHIMS search results

Of the four previously recorded sites in the area, two of the three axe grinding groove sites are associated with sandstone shelters, one site was associated with a rock engraving and the fourth was an open camp site. Sites 45-6-2470 and 45-6-2471 appear to be duplicates, as they have identical descriptions and their coordinates are also identical. The closest site to the study area is approximately one kilometre to the north.

3.3 Discussion and site prediction

The proposed housing development is located in an area which is highly disturbed due to past activities, such as the construction of dwellings (including a military hospital) and installation of associated services such as sewerage, water and gas.

It is predicted that potential Aboriginal archaeological sites within the study areas might comprise artefact sites and discrete areas where potential

archaeological deposits may exist. Rock shelters with art or grinding groove/engraving sites were located within a 5 km radius of the Riverwood North study area; however, the geological background does not suggest these site types are likely within the study area itself.

4.0 HISTORICAL BACKGROUND

Settlement in the Riverwood area officially commenced in 1810 with a series of land grants (Madden 2001). Originally, the area was utilised by market gardeners and timber getters. Around 1928 the area became known to locals as Herne Bay. Prior to this, the area was named “Peakhurst” (Hurstville City Library).

In 1863 Robert Levingston purchased a farm called “Wakefield Outwood”. The proposed development site falls within this farm (Hurstville City Library). During the 1930s, Robert Levingston’s son established a golf course on the property he inherited following his father’s and brother’s deaths. In 1941, this golf course was taken over by the Commonwealth for the war effort, and in 1942, the US Army proposed to build the 118 General Hospital on the site; the hospital was completed by May 1943 (Hurstville City Library). This hospital was the largest military hospital in Australia (Madden 2001).

In 1945, the US Army vacated the hospital and it was given over to the use of the Royal Navy and the Australian Army (Madden 2001). Following the end of the war, the site was acquired by the NSW Housing Commission in order to provide accommodation for those affected by the post-war housing shortage.

During the 1950s the hospital buildings were demolished and replaced with high and medium density housing complexes (Madden 2001). This redevelopment of the area included the construction of new roads, as well as a change of name for the suburb. In 1958, the suburb was renamed from Herne Bay to Riverwood.

4.1 Heritage Register Search Results

A search of the State Heritage Register for historic sites registered within the suburb of Riverwood returned two results. The items registered are Riverwood Station and the Salt Pan Creek Sewage Aqueduct. Neither of these items are within the study area.

No other heritage registers returned listed items for Riverwood.

Heritage register searches have not returned anything to suggest landscape or streetscape values. The site visit did not reveal any specific heritage landscape or streetscape values.

5.0 ASSESSMENT METHODS

This preliminary assessment was required to assess a proposed development site to inform and provide recommendations prior to the lodgement of a development application.

Aerial photography of the site was examined to determine landforms. Historical aerial photography was also examined for information relating to past land usage. Previous reports and local histories were reviewed. Searches of relevant databases were completed. A site visit was undertaken to assess the archaeological potential of the area, as well as any cultural values.

5.1 Archaeological Assessment – Results

5.1.1 Aboriginal Archaeological Assessment

The study area in Riverwood North is located within the boundaries of the Gandangara Local Aboriginal Land Council (GLALC). The study area has been impacted in the past through the construction of the military hospital in the 1940s and later upgrades to housing. Construction of roads and installation of other services would also have contributed to the disturbance of land in this area. This area was assessed to have low potential for archaeological deposit, although there is still the possibility that artefacts are present in this area. No surface artefacts were present at the site.

During the site visit, Ian Edwards, from the GLALC, identified several mature gum trees as being of cultural significance to Aboriginal people. He expressed concern that these trees might be affected by the proposed development. He did not identify any other archaeological or cultural values within the study area.

5.1.2 Historical Archaeological Assessment

The proposed development site at Riverwood North is located within the boundaries of the 1943 US Army 118 General Hospital (Plate 1). The site visit did not reveal any evidence of historic archaeological potential, although there is the possibility that subsurface historic relics may be present.

No heritage landscape and streetscape values were identified in the study area.

5.2 Statutory Regulations

The following discussion summarises legislation that applies to Aboriginal sites. The statutory regulations that affect the heritage places identified and recorded during this assessment are detailed in Appendix 2.

5.2.1 New South Wales Aboriginal Cultural Heritage Legislation

Aboriginal heritage management in NSW is provided for by two pieces of legislation: the *National Parks and Wildlife Act 1974* and the *Environmental Planning and Assessment Act 1979*. These Acts provide protection for all material relating to the past Aboriginal occupation of Australia. This includes individual artefacts, scatters of stone artefacts, rock art sites, ancient camp sites, human burials, scarred trees, ruins and archaeological deposits associated with Aboriginal missions or reserves. The *National Parks and Wildlife Act 1974* also establishes administrative procedures for archaeological investigations and the mandatory reporting of the discovery of Aboriginal sites. The NSW Department of Environment and Climate Change administers the *National Parks and Wildlife Act 1974*. The *Environmental Planning and Assessment Act 1979* is administered by the Department of Planning.

The NSW Department of Environment and Climate Change also provides guidelines for archaeological survey and reporting, heritage impact assessments and Aboriginal Community consultation (NSW NPWS 1997, 2003, 2005). This assessment follows the guidelines for a heritage assessment.

Any queries or applications to excavate or disturb an Aboriginal archaeological site for purposes of archaeological fieldwork should be made to the Cultural Heritage Unit Manager at the relevant DECC Aboriginal Heritage Division regional office. The contact details for the regional office responsible for the areas covered by this survey are:

Planning and Aboriginal Heritage Section
CCEPG – Metropolitan branch
NSW Department of Environment and Climate Change
PO Box 668
Parramatta NSW 2124

Ph:(02) 9995 6830
Fax:(02) 9995 6900

5.2.2 Commonwealth Aboriginal Cultural Heritage Legislation

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides protection for Aboriginal cultural property.

Whereas the State Act provides legal protection for all the physical evidence of past Aboriginal occupation, the Commonwealth Act deals with Aboriginal cultural property in a broader sense. This cultural property includes any places, objects and folklore that ‘are of particular significance to Aboriginals in accordance with Aboriginal tradition’. There is no cut-off date and the Act may apply to contemporary Aboriginal cultural property as well as older sites.

5.2.3 NSW Historic Cultural Heritage Legislation

The *Heritage Act 1977* details statutory responsibilities for historic buildings and gardens, historic places and objects, historical archaeological sites, and historic shipwrecks. The Act is administered by the Heritage Council of New South Wales, through the Heritage Branch, NSW Department of Planning.

The aim of the Act is to conserve the ‘environmental heritage’ of the state, which includes items such as buildings, works, relics, moveable objects or precincts significant for historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. A ‘Place’ is defined as an area of land, with or without improvements and a ‘Relic’ is defined as any:

deposit, object or material evidence:

(a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) which is 50 or more years old.

An excavation permit is required for any works, excavations or activities, associated with an archaeological site. Excavation permits are issued by the Heritage Council of New South Wales in accordance with sections 60 or 140 of the *Heritage Act*.

It is an offence to disturb or excavate land to discover, expose or move a relic without obtaining a permit from the NSW Heritage Council.

139 Excavation permit required in certain cases

(1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

(2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

Excavation permits are usually issued subject to a range of conditions that will relate to matters such as reporting requirements and artefact cataloguing, storage and curation. A permit may be required from the Heritage Council of NSW for works or activities associated with a registered place or object.

General queries about site issues and permit applications can be made to the archaeological officers at the Heritage Office. The contact details are:

Heritage Branch, NSW Department of Planning
3 Marist Place
PARRAMATTA NSW 2150
Ph:(02) 9873 8500
Fax:(02) 9873 8599

Consultation and discussion with the Heritage Branch should begin well before lodging an application for a permit to disturb or destroy a historical archaeological site.

6.0 MANAGEMENT ISSUES AND RECOMMENDATIONS

6.1 Management Recommendations

Based on the above considerations and findings of the archaeological assessment it is recommended that:

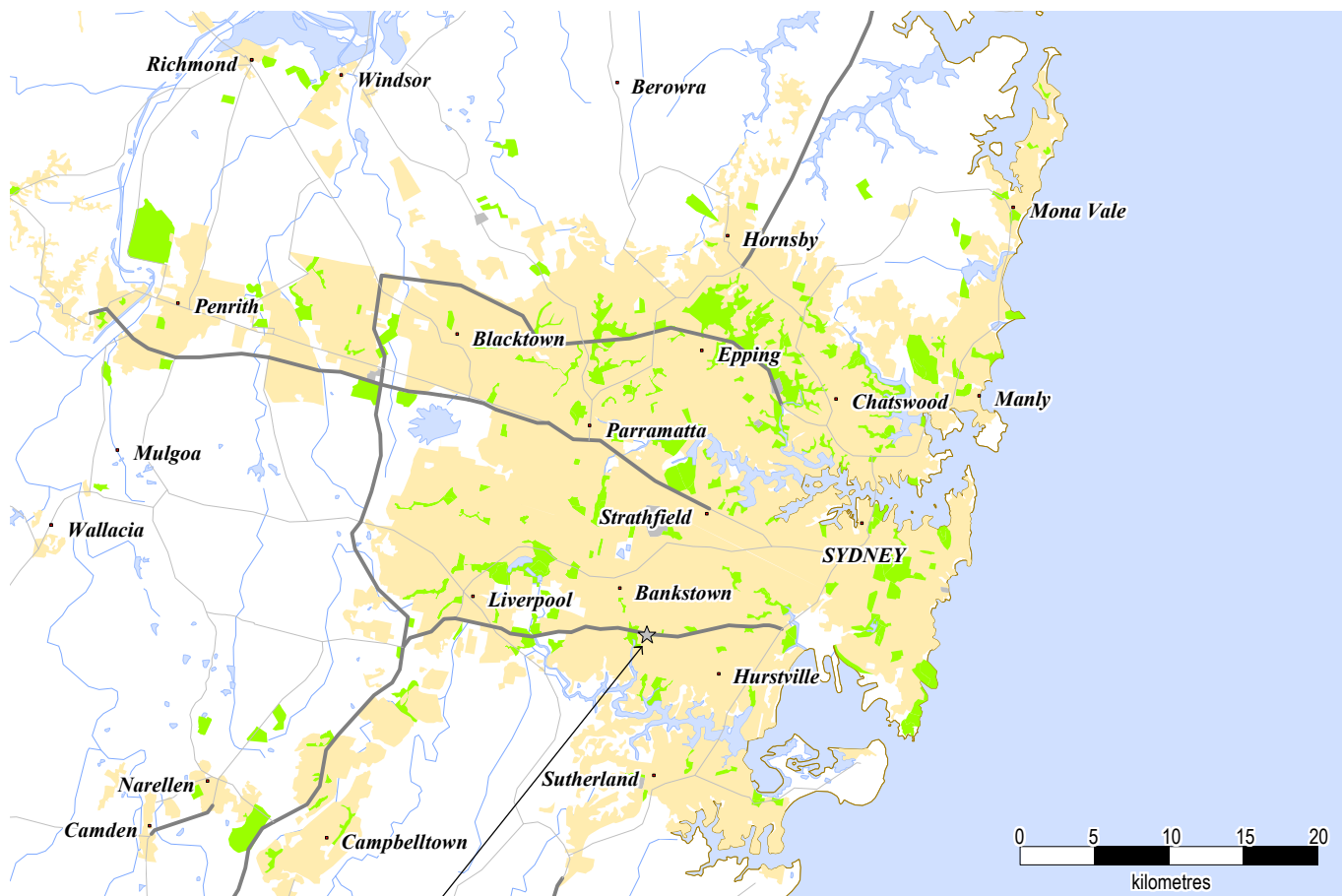
- Should Aboriginal objects be encountered during works, all works are to cease in the vicinity of the find and an Aboriginal archaeologist be contacted to assess the find.
 - If project approval is sought under Part 3A of the *EP&A Act 1979*, this consultation will be required to fulfil the requirements of the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*, including advertising in local print media, and consultation with the GLALC.
 - If Part 3A approval is not required, it will be necessary to follow the *Interim Community Consultation Guidelines for Applications under Part 6 of the National Parks and Wildlife Act 1974*. Consultation with the GLALC will be a statutory requirement, and consultation with other traditional owner groups is recommended.
- Should historic relics be encountered during works, all works are to cease in the vicinity of the find and an historic archaeologist be contacted to assess the find. Depending on the project approval framework, an excavation permit may be required from the Heritage Branch of the NSW Department of Planning. Depending on the nature of the find, further historical research may be required to clarify the historical context and significance of the find.
- Sufficient time be allowed for the preparation, lodgement and assessment of any required permits.
- The Gandangara Local Aboriginal Land Council has requested that the native gum trees at this site are not disturbed during works.

6.2 Report Lodgement

This final report has been distributed to:

- Mathilde Lancel, Major Project Directorate, NSW Housing
- Gandangara Local Aboriginal Land Council.

FIGURES



Riverwood North
Study Area



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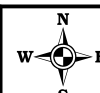
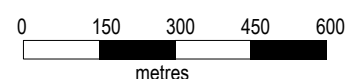
Figure 1: Location of the Study Area in a regional context.

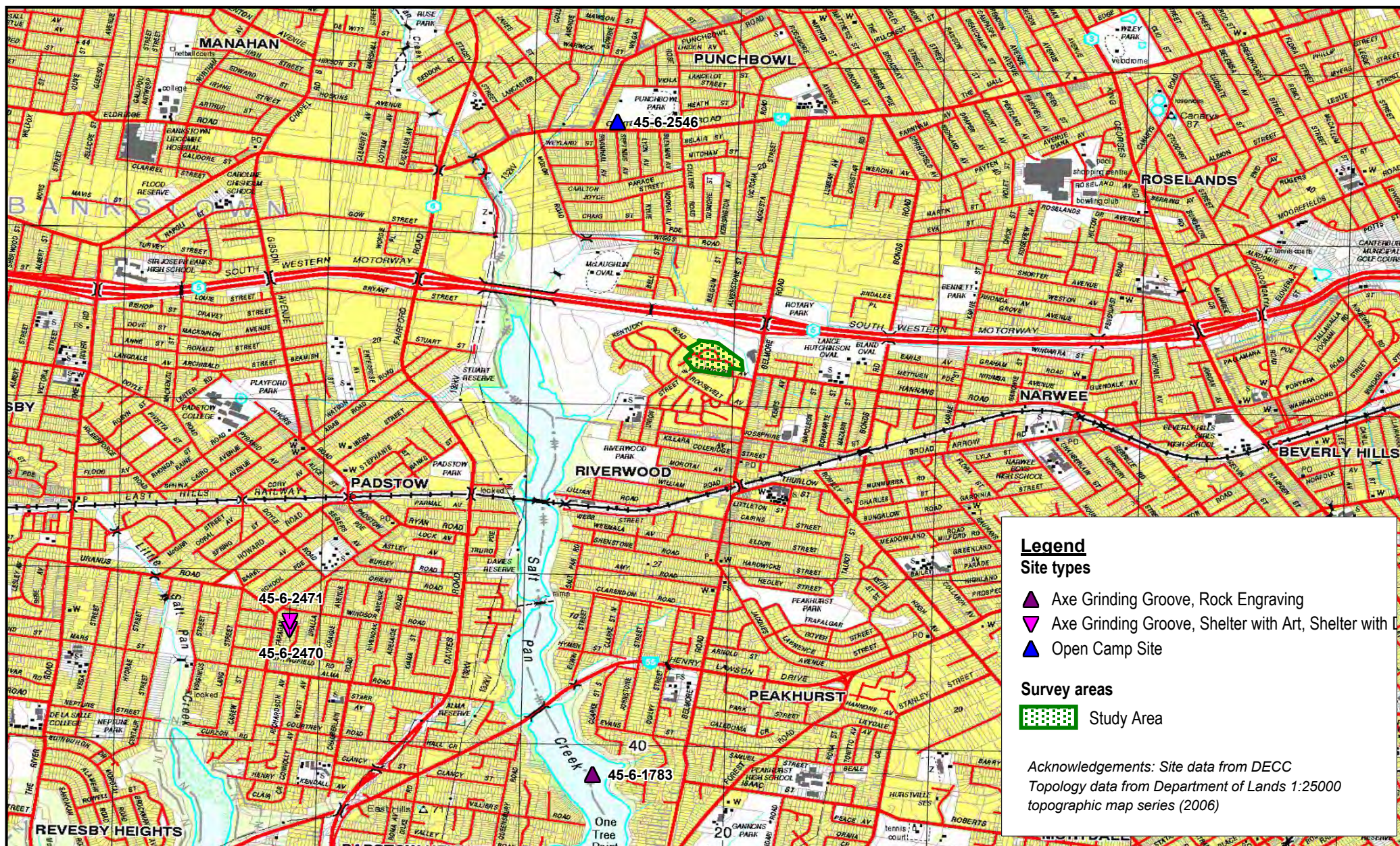
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Scale:





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NEW SOUTH WALES 2015

Figure 2: Registered Aboriginal heritage sites within the vicinity of the Study Area.

Date: 10 October 2008

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0 0.25 0.5 0.75 1.0 1.25

kilometres



PLATES

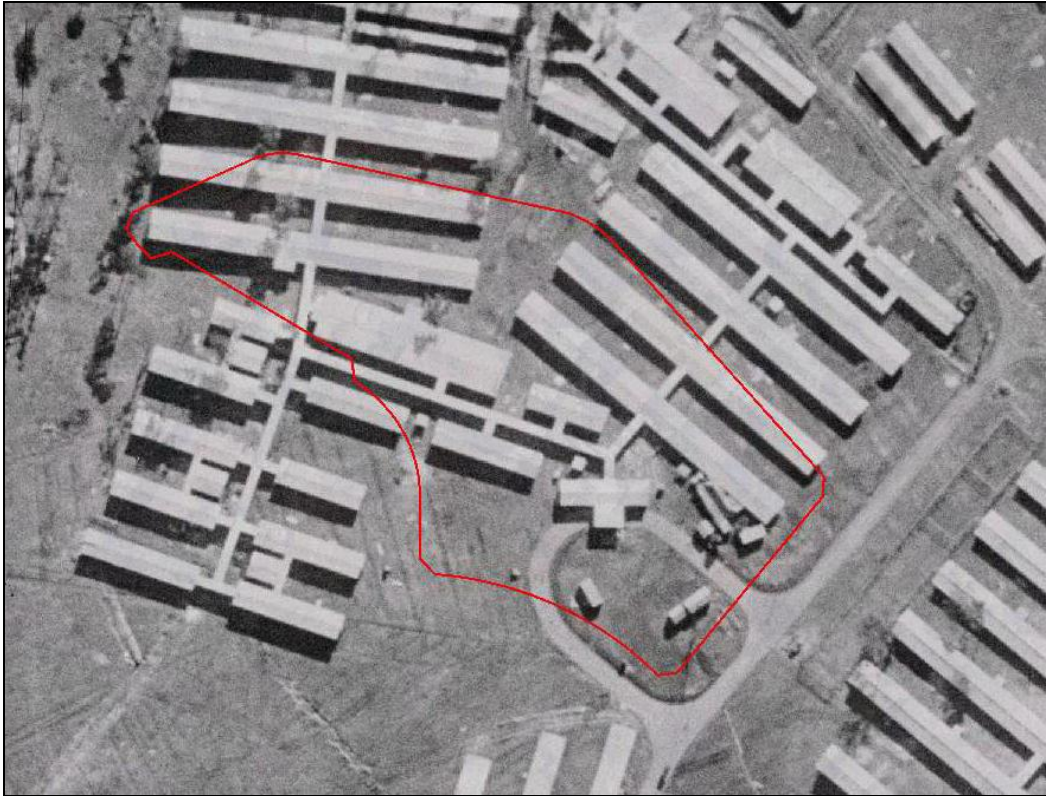


Plate 1: Location of Lot 37 Kentucky St at Riverwood North (proposed development falls within this area) overlaid on the 1943 aerial, showing historic military hospital (Source: NSW Dept. of Lands)



Plate 2: General view of housing at Riverwood North. Note differing levels visible in lower left hand corner



Plate 3: General shot of study area at Riverwood North showing cultivation of land



Plate 4: General shot of buildings within the study area showing disturbances such as paths and trees



Plate 5: Trees noted by Ian Edwards as being of cultural significance to Aboriginal people at teh study area

APPENDICES

APPENDIX 1

Stakeholder Correspondence

BIOSIS Research

Site/s: Fairfield East / Villawood
Date: 19 September 2008
Time: 8.30am

Report Writer: Ian Edwards

There are native trees = paper bark / Iron Bark

Paper Bark

- Aboriginals used for wrapping for to cook

Iron Bark

- used for making tools –
 - o boomerangs – digging sticks, Nulla Nulla

Gee bungs and mistle toes

- leaves for cuts bruises
- sap for holding spear heads
- for food

I suggest that they do not remove all the paper bark trees or iron bark trees other than that I can not see any other materials of significance to Aboriginals apart from the native trees.

Parts of the ground was disturbed there was former homes built in the 1960's on the Villawood site.

No Aboriginal sites or materials at site at Riverwood at all = gum trees native birds former site of Army Hospital

It is a closed area with houses units residential area one good sound park

Ian Edwards

APPENDIX 2

Statutory regulations

A.1 Aboriginal Sites

i) NSW Aboriginal cultural heritage legislation

National Parks and Wildlife Act 1974

The State *National Parks and Wildlife Act* 1974 provides protection for material and places relating to the past Aboriginal occupation of Australia, both before and after European occupation. This includes individual artefacts, scatters of stone artefacts, rock art sites, ancient camp sites, human burials, scarred trees, and ruins and archaeological deposits associated with Aboriginal missions or reserves. Aboriginal relics (any material evidence of the indigenous occupation of NSW) are protected under Sections 86, 87 and 90 of the Act. Aboriginal places (areas of cultural significance to the Aboriginal Community declared by the Minister) are protected under Section 84 of the Act. Section 91 of the Act requires the mandatory reporting of the discovery of Aboriginal relics, and establishes a mechanism for interim protection orders that may be used to protect relics. The NSW Department of Environment and Climate Change administers the *National Parks and Wildlife Act*.

The NSW Department of Environment and Climate Change also provides guidelines for standard archaeological reporting and assessment (NSW NPWS 1997). These guidelines are currently being updated and are in draft form (NSW NPWS n.d.)

The *National Parks and Wildlife Act* requires that a permit from the Director General be obtained before archaeological fieldwork involving disturbance to an Aboriginal site is carried out. Queries and applications to excavate or disturb an Aboriginal archaeological site for purposes of archaeological fieldwork, should directed to Cultural Heritage Unit Manager at the

relevant DEC Aboriginal Heritage Division regional Office.

ii) Commonwealth Aboriginal cultural heritage legislation

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 provides protection for Aboriginal cultural property. Whereas the State Act provides legal protection for all the physical evidence of past Aboriginal occupation, the Commonwealth Act deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. There is no cut-off date and the Act may apply to contemporary Aboriginal cultural property as well as ancient sites.

A.2 Additional Legislation

Commonwealth Heritage Legislation

Environment Protection and Biodiversity Conservation Act 1999

In January 2004 three new pieces of Commonwealth Heritage Legislation were enacted. The three new Acts are the:

1. Environment and Heritage Legislation Amendment Act (No. 1) 2003 which:
 - (a) amends the Environment Protection and Biodiversity Conservation Act 1999 to include 'national heritage' as a new matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution
 - (b) establishes the National Heritage List

- (c) establishes the Commonwealth Heritage List
2. Australian Heritage Council Act 2003 which establishes a new heritage advisory body to the Minister for the Environment and Heritage, the Australian Heritage Council, and retains the Register of the National Estate.
3. Australian Heritage Council (Consequential and Transitional Provisions) Act 2003 which repeals the Australian Heritage Commission Act, amends various Acts as a consequence of this repeal and allows for the transition to the new heritage system.

Any place that has been nominated and assessed as having cultural heritage significance at a national level can be added to the National Heritage List.

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) an action requires approval from the Federal Environment Minister if the action will, or is likely to, have a significant impact on a matter of national environmental significance. Matters of national environmental significance are:

- World Heritage properties,
- National Heritage Places,
- Ramsar wetlands,
- nationally listed threatened species and communities,
- migratory species listed under international agreements,
- nuclear actions, and
- the Commonwealth marine environment.

The listing and further information about the EPBC Act can be found at the Department of Environment and Heritage website: www.ea.gov.au/epbc. Actions that are likely to have a significant impact on the environment of Commonwealth land (even if taken outside

Commonwealth land), and actions taken by the Commonwealth that are likely to have a significant impact on the environment anywhere in the world, may also require approval under the EPBC Act.

APPENDIX 3

DRAFT

Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation

Department of Environment and Conservation

July 2005

This Guideline identifies the important factors and/or heads of consideration that needs to be considered by proponents and consultants when assessing potential impacts on Aboriginal cultural heritage for development applications assessed under Part 3A of the Environmental Planning and Assessment Act 1979.

1.PURPOSE AND SCOPE OF THE GUIDELINES

1.1 Background

The purpose of this Guideline is to:

- identify matters which are relevant in assessing whether a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies is likely to have an impact on Aboriginal cultural heritage; and
- list the requirements that the proponent must address in the environment assessment if the project is likely to have such an impact.

The Guideline aims to:

- define Aboriginal cultural heritage for the purpose of the Guideline;
- list the factors that will be considered in assessing whether a project is likely to have an impact on Aboriginal cultural heritage;
- advise on the consultation that should occur with Aboriginal people in assessing this impact; and
- list the requirements the proponent needs to address in the environment assessment if the project is likely to have such an impact

1.2 Guiding principals for Aboriginal cultural heritage assessment and consultation

The objective of the assessment process is to provide information to enable decision makers to ensure that developments have considered the following:

- information regarding the significance to those Aboriginal people with a cultural association with the land of any Aboriginal cultural heritage values on which the proposed activity is likely to have an impact;
- the views of those Aboriginal people regarding the likely impact of the proposal on their Aboriginal cultural heritage;
- any measures which could be implemented to avoid, mitigate or offset the likely impact(s); and
- any justification for any likely impact(s), including any alternatives considered for the proposal.

1.3 What is Aboriginal cultural heritage?

Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, customs, beliefs and history. It is evidence of the lives of Aboriginal people right up to the present. Aboriginal cultural heritage is dynamic and may comprise physical (or tangible) or non-physical (non-tangible) elements. As such, it includes things made and used in earlier times, such as stone tools, art sites and ceremonial or burial grounds, as well as more recent evidence such as old mission buildings, massacre sites and cemeteries.

Aboriginal people have occupied the NSW landscape for at least 50,000 years. The evidence and important cultural meanings relating to this occupation are present throughout the landscape, as well as in documents and in the memories, stories and associations of Aboriginal people. Therefore, activity that impacts on the landscape may impact on Aboriginal cultural heritage.

For Aboriginal people, the significance of individual features is derived from their inter-relatedness within the cultural landscape. This means that features cannot be assessed in isolation, and that assessments need to consider the feature and its associations in a holistic manner. This may require a range of assessment methods with the close involvement and participation of Aboriginal people.

Assessment will include lands, waterways, landscape features and native plants and animals that are culturally significant to Aboriginal people.

As with the heritage of all peoples, Aboriginal cultural heritage provides essential links between the past and present for Aboriginal people. It is an essential part of Aboriginal identity.

2. FACTORS TO CONSIDER WHEN PREPARING A PROJECT APPLICATION

All project applications must state whether or not the project is likely to have an impact on Aboriginal cultural heritage and must include information about how this assessment was made.

This assessment must demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts, developing options, and finalising the application.

The earlier that Aboriginal cultural heritage issues are addressed in planning and development approval processes and conservation solutions determined, the less likely it will be those same issues will come back during later stages of the development. The impact assessment steps below include a number of mechanisms that will enable Aboriginal cultural heritage issues to be dealt with 'up-front' in the planning process.

3. STEPS IN THE ASSESSMENT PROCESS

This section provides an outline of the assessment process and should be read in conjunction with the DEC's Aboriginal Cultural Heritage Standards and Guidelines Kit.

The Aboriginal cultural heritage assessment process is outlined in the following steps and includes:

- Undertaking a preliminary assessment to determine if the project is likely to have an impact on Aboriginal cultural heritage;
- Identifying the Aboriginal cultural heritage values associated with the area through consulting with Aboriginal people with cultural knowledge or responsibilities for country in which the proposed project occurs, written and oral research and field investigations;
- Understanding the significance of the identified Aboriginal cultural heritage values;
- Assessing the impact of the proposed development on Aboriginal objects and Aboriginal places;
- Describing and justifying the proposed outcomes and alternatives; and
- Documenting the Aboriginal cultural heritage impact assessment and the conclusion and recommendations to afford appropriate protection of Aboriginal cultural heritage.

The close and on-going involvement and participation of Aboriginal people will be needed during the collection of the information and the development of management outcomes. The assessment requirements are described in the following steps and illustrated in the Attached Flow Chart. Further details on each of these steps can be obtained from the DEC.

STEP 1 Preliminary assessment

The main purpose of a preliminary assessment is to identify whether there are Aboriginal cultural heritage values associated with the subject site. The preliminary assessment is primarily a desktop exercise that involves examination and collation of the information required for understanding the cultural landscape. This information will include information detailing the physical setting (landscape); the history of the peoples living on that land (documentation from archival and oral sources, as well archaeological information); the material evidence (archaeological and contemporary) that has been created by and is manifested by the occupation of people/s in that land, and the cultural and social values attached to the land and the material evidence. Assessment will include lands, waterways, landscape features and native plants and animals and the various types of cultural sites that have been created by Aboriginal people throughout the last 50,000 + years.

Therefore the preliminary assessment should include:

- a description of the location and nature of the proposed development;
- a description of any social and cultural values including the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community; and
- an assessment of which of the Aboriginal cultural heritage values that are known or likely to occur are likely to be directly or indirectly affected by the proposal.

There will be situations where it could be anticipated that an Aboriginal cultural heritage assessment would not be necessary, for example:

- redevelopment of a site where objects are not previously found or have been removed or damaged;
- excavation of a site has previously occurred and there is little likelihood of objects remaining.

If following a preliminary assessment, it is determined that Aboriginal cultural heritage values are not likely to occur on the proposed development site, no further assessment is required. This conclusion, and the rationale for this finding, must be documented in the preliminary information and subsequent application submitted for determination.

If Aboriginal cultural heritage values are likely to be affected by the proposal proceed to next step.

STEP 2 Information Requirements

Aboriginal heritage assessment requires a “multi-value” approach which includes a range of methods to satisfy data/information/reporting needs. The information required for understanding Cultural Landscape includes a range of data sets detailing the physical setting (landscape); the history of the peoples living on that land (documentation from archival and oral sources, as well archaeological information); the material evidence (archaeological and contemporary) that has been created by and is manifested by the occupation of people/s in that land, and the cultural and social values attached to the land and the material evidence. Assessment will include lands, waterways, landscape features and native plants and animals and the various types of cultural sites that have been created by Aboriginal people throughout the last 50,000 + years.

Social/cultural information

The social and cultural information leading to the establishment of social and cultural values includes the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community. Places of social significance have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods or events. Communities can experience a sense of loss should a place of social significance be damaged or destroyed.

This information will be obtained primarily from the Aboriginal community based on a process of community consultation and will involve a range of methodologies, such as cultural mapping, oral histories, archival documentation, and specific information provided by the Aboriginal community for the purposes of the study.

A description of the consultation process and documentation from the Aboriginal community must be included in the final assessment report. Guidance on consultation with Aboriginal people and communities can be found in the Interim Aboriginal Community Consultation Guidelines at <http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>

Landscape

A description of the landscape (the physical setting of the land to be assessed) and its resources is essential for understanding the nature of the Cultural Landscape, as the opportunities and character of the land has a major influence over the nature of the interaction of the people with that land. This should describe and map landscape and landform units being used for the study (at the different levels of landscape, landscape unit, landform, topographic unit). It should also identify and map landscape features, places and natural resources of interest to the Aboriginal community;

Archival Documentation

This information includes relevant archival, historic and ethnohistoric sources as well as existing data bases such as Aboriginal Heritage Information Management System (AHIMS), Commonwealth and state heritage registers. A field component should be allowed for.

This research will provide the historical narrative of the peoples who have and continue to live in this region, and assist in the identification and mapping of places and landscapes and features of importance which may be affected by the project. It should be noted that Places identified through this process may no longer have physical evidence of their importance (such as structures, planted vegetation or landscape modifications).

Archaeological investigation

This comprises two components, an analysis of previous archaeological work (overview) within the study area and vicinity, and a physical inspection of the proposed development area.

The required intensity and extent of survey will vary greatly depending upon the objects likely to be present, size of the development area, and extent of previous land disturbance. For example, a comprehensive assessment could be required where there is a likelihood of burials being present or levels have not previously been disturbed. Where developments occur over a large area the sampling regime must encompass the geographic extent of the development.

STEP 3 Integration of information and identification of heritage values

The synthesis and integration of the information collected will provide the description of the Cultural Landscape to provide the basis for identifying the range of heritage values present. It will also provide the basis for development of criteria to clearly support the identification of areas/places/landscapes/features and sites of high heritage value to be considered as candidates for conservation/protection and/or the consideration of suitable off-set strategies, eg. community enhancement projects. This assessment will then also support the decisions regarding which areas/places/landscapes/features and sites will be impacted and any appropriate short and long-term mitigation requirements.

STEP 4 Information regarding the proposed development

This step will identify the nature and extent of the development and impacts on the Aboriginal heritage values across the development area. The extent of impact will include both direct and indirect impacts and their effect on Aboriginal heritage needs to be quantified to ensure that appropriate management in the context of the assessed values can be determined. Indirect impacts may affect sites or features located immediately beyond the development area or within the development area.

Examples of indirect impacts would be increased impact on art in a shelter site from increased visitation; impacts to a landscape or cultural feature from mine subsidence; destruction from increased erosion; changes in waterflows effecting the value of a cultural site; continued collapse of a significant building from lack of maintenance; changes in access to wild food resources.

STEP 5 Integration of assessment with proposed development

This involves using the above information as the basis for assessing the cultural values against the impacts from any proposed development to identify specific outcomes.

This will include consideration of the following:

- justification for any likely impact(s), including any alternatives considered for the proposal;
- any measures which will be implemented to avoid, mitigate or offset the likely impact(s).
- demonstration that the input by affected Aboriginal communities has been considered when determining and assessing impacts, developing options, and making final recommendations to ensure that Aboriginal cultural heritage outcomes can be met by the proposed development.

STEP 6 Management strategies for Aboriginal heritage

This section will set out the specific management outcomes arising from the above assessment stages agreed to by the developer for management of the Aboriginal heritage values. This is to include identification of the final development impacts and the places, sites and landscape areas to be avoided and protected or conserved.

It is also to include the nature of and location of any offsets, requirements for further work such as archaeological salvage or community collection for objects of high archaeological or community value; specific on-going management protocols for both physical conservation outcomes and specific Aboriginal community requirements. This would include a contingency plan that details the measures to be taken in the event that Aboriginal objects of significance or a nature not anticipated, such as burials or ceremonial items, are discovered during the course of works on the development site.

These measures as negotiated with the Aboriginal community are to be included in the Statement of Commitments as part of the Project Application document.

5. Contact for further enquiries

If you have any questions regarding this Guidance, preparing an Aboriginal cultural heritage assessment report, or other Aboriginal cultural heritage matters please contact the DEC's Environment Line on 131555.

ABORIGINAL HERITAGE ASSESSMENTS

STEP

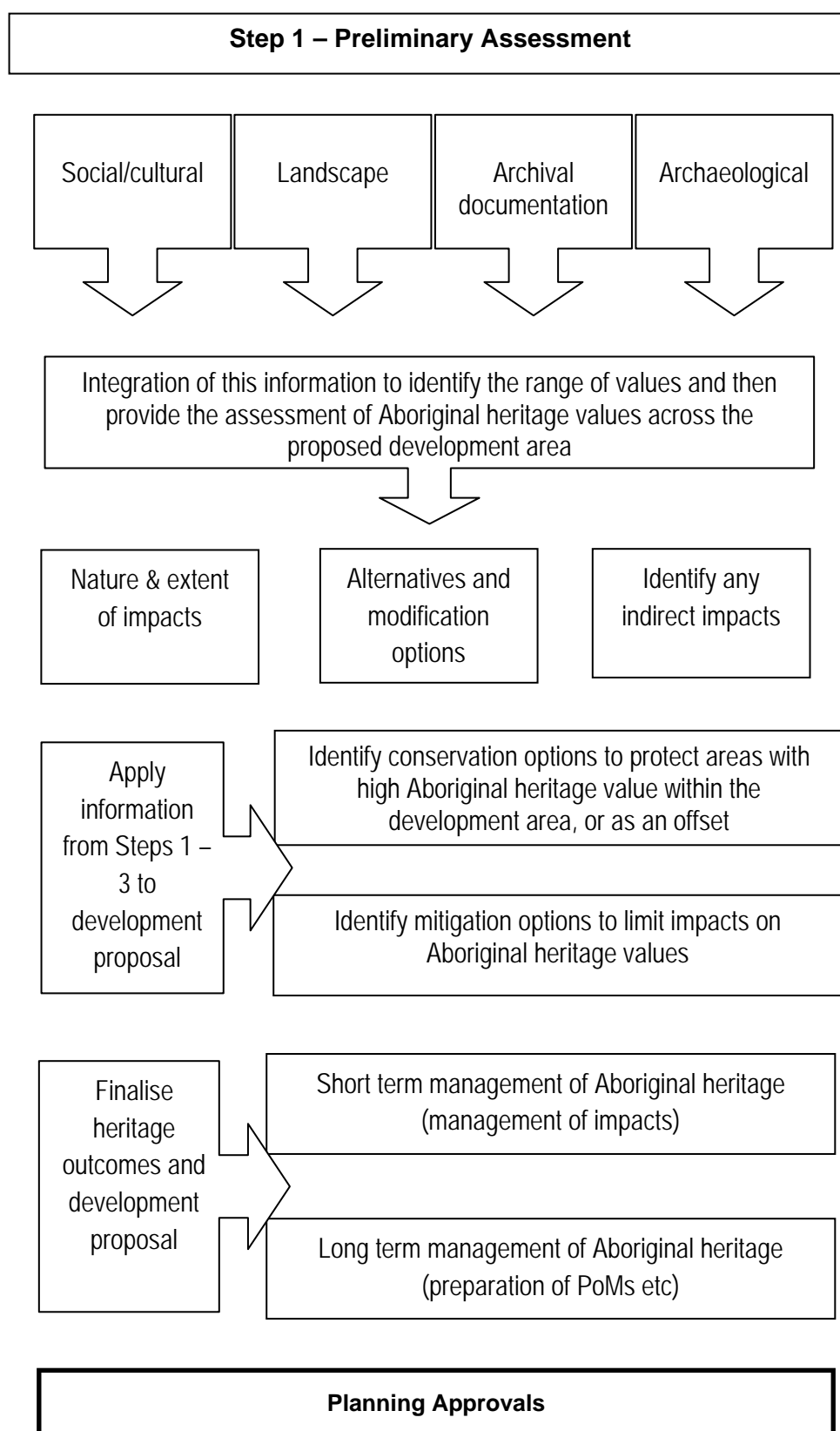
2. Assessment
information
requirements

3. Identification
of heritage values

4. Information
regarding
development

5. Integration of
assessment with
proposed
development

6. Management
strategy



Consultation with Aboriginal communities regarding the proposed development and management of Aboriginal heritage – ongoing throughout the assessment processes

APPENDIX 4



Department of Environment and Conservation (NSW)

National Parks and Wildlife Act 1974: Part 6 Approvals

Interim Community Consultation Requirements for Applicants

1. *The Department of Environment and Conservation (DEC) respects and acknowledges the role of Aboriginal people in the management and protection of their cultural heritage.*
2. *These interim guidelines are to guide persons seeking an approval under Part 6 of the National Parks and Wildlife Act 1974.*
3. *DEC has developed these interim guidelines to clarify and reaffirm the intent of its policies regarding the requirements for consultation by proponents with members and representatives of Aboriginal communities.*
4. *These interim guidelines seek to be clear as to what the parties involved in this process should expect and, in doing so, seek to be workable and fair to all parties.*
5. *DEC is committed to developing a more detailed guideline to replace this interim guideline, based on consultation with the Aboriginal community and other stakeholders in 2005.*

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Part A: Scope and introduction

This is a document focusing on the requirements for engaging with the Aboriginal community as part of the preparation of an application for a consent or permit under Part 6 of the *National Parks and Wildlife Act 1974*.

Input from the Aboriginal community is an essential part of assessing the significance of those Aboriginal objects likely to be impacted by an activity. Hence DEC requires proponents to undertake consultation with the Aboriginal community as an integral part of the impact assessment.

This document replaces all previous DEC or NPWS policy or procedural documents relating to Aboriginal community consultation connected with Part 6 approvals. It applies to all applications lodged from 1 January 2005.

Statutory framework

Why does DEC manage Aboriginal cultural heritage? Where does it get its authority?

The *National Parks and Wildlife Act 1974* (NPW Act) is the primary legislation regulating the protection of Aboriginal heritage through the administration of Part 6 of the NPW Act. DEC administers the NPW Act.

Part 6 of the Act provides protection for Aboriginal objects and Aboriginal places.

- An **Aboriginal object** is any deposit, object or material evidence (not being a handicraft made for sale) relating to Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains (as defined within the meaning of the NPW Act).
- An **Aboriginal place** is a place which has been declared so by the Minister administering the NPW Act because he or she believes that the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.¹

DEC responsibilities under part 6 of the NPW Act are triggered where an activity is likely to impact on Aboriginal objects (also referred to as sites) and declared Aboriginal places. Such an activity requires the approval of the Director General of DEC under section 87 or section 90 of

¹ Aboriginal places are those that have been gazetted in accordance with section 84 of the NPW Act. It should be noted that the NPW Act does not provide protection for spiritual areas or natural resource areas that have no physical evidence of Aboriginal occupation or use, unless they have been declared an Aboriginal place.

the NPW Act.² Section 91 of the Act requires that DEC be notified by any person who is aware of the location of an Aboriginal object within a reasonable time after discovery of that object.

The decision whether or not to issue a consent under section 90 and/or a permit under section 87 of the NPW Act is the responsibility of the Director General of DEC. It is the responsibility of the proponent to supply sufficient information to enable the Director General to make a decision.

Why DEC requires consultation

DEC recognises that:

- Aboriginal heritage has both cultural and scientific/archaeological significance and that both should be the subject of assessment to inform its decision-making
- Aboriginal people are the primary determinants of the significance of their heritage
- Aboriginal community involvement needs to occur early in the assessment process to ensure that their values and concerns are taken fully into account, and so that their own decision-making structures are able to function
- information arising out of consultation allows the consideration of Aboriginal community views about significance and impact, as well as the merits of management or mitigation measures to be considered in an informed way.

Hence, when administering its approval functions under the NPW Act, DEC requires applicants to consult with the Aboriginal community about the Aboriginal cultural heritage values (cultural significance) of Aboriginal objects and places within the area being considered for development.

However, community consultation is not a sign-off or approval process. The NPW Act establishes the Director General of DEC as the decision-maker. DEC recognises that its decisions will not always be consistent with the views of the Aboriginal community and that there may not always be agreement within the Aboriginal community. However, DEC will take into account all relevant information it receives as part of its decision-making process.

The community consultation process ensures Aboriginal communities have the opportunity to improve assessment outcomes by:

- influencing the design of the assessment of cultural and scientific significance
- providing relevant information regarding the cultural significance values of the objects/places
- contributing to the development of cultural heritage management recommendations

² A DEC section 87 permit is required to disturb, move and or take possession of an Aboriginal object or disturb land for the purpose of discovering an Aboriginal object. A DEC section 90 consent is required to destroy, damage or deface an Aboriginal object or Aboriginal place. In the Act, these are collectively referred to as 'approvals'.

- providing comment on draft assessment reports prior to their submission.

Summary of the roles of the parties

Proponent

Initiates the proposal; seeks the views of the Aboriginal community about methodologies; gathers cultural and archaeological information; uses this information to assess its significance; undertakes assessment of potential impact; gathers the views of the Aboriginal community about potential impacts and the mitigation of these; and provides the results to DEC in a report to accompany applications for approval.

Aboriginal community

Members of the Aboriginal community are the primary determinants of the significance of their heritage. They may participate in the process through comment on the assessment methodology, contributing cultural knowledge and commenting on cultural significance of potential impacts and/or mitigation measures. These comments are provided through the assessment process conducted by the proponent.

DEC

Is the decision-maker; reviews information from the proponents, including information about the views and knowledge provided by the Aboriginal community; and makes a decision to grant or not grant approval (with or without conditions).

Service providers

Various parties with specialist skills or knowledge can be engaged by proponents to help them fulfil their responsibilities. Services provided can include Aboriginal assessment and advisory services and archaeological services.

Part B: Consultation requirements

In reviewing applications for consents and permits, DEC will look to see that the following consultation requirements have been met.

1: Notification and registration of interests

The proponent or their consultant³ (referred to as 'the proponent' below) must actively seek to identify stakeholder groups or people wishing to be consulted about the project and invite them to register their interest.

To this end, it will be sufficient for the proponent to provide written notification to:

- (a) the bodies listed below –
 - Local Aboriginal Land Council(s)
 - Registrar of Aboriginal Owners
 - Native Title Services
 - local council(s)
 - Department of Environment and Conservation⁴, and
- (b) via an advertisement in the local print media.

The notification must set out details of the proposal and invite registrations from interested groups or individuals. A closing date for registration of interest must also be included. The time allowed should reflect consideration of the project's size and complexity, but must in all cases allow at least 10 working days to respond.

The proponent must record all registrations received in writing before the closing date. DEC requires the proponent to include all parties that have registered their interest in Step 2 below. Respondents that do not register by the due date may still participate in the consultation process in Step 3.

2: Preparation for the assessment (design)

Proponents are required to undertake a cultural assessment and a scientific/archaeological assessment. These assessments are then to be integrated into a single Cultural Heritage Assessment Report.

³ Proponents may engage consultants to assist them. These could be Aboriginal or non-Aboriginal persons with the appropriate expertise.

⁴ Address correspondence to Executive Director Operations, Department of Environment and Conservation, PO Box A290, Sydney South NSW 1232.

The proponent must present and/or provide the proposed methodology for the cultural and archaeological assessment to the registered stakeholders. The stakeholders are then provided with a reasonable time (at least 21 days) to review and provide feedback to the proponent, including identification of issues/areas of cultural significance that might affect, inform or refine the methodology. Comments should be provided in writing, or may be sought verbally in a meeting with the registered respondents. In either case they should be documented in the proponent's assessment report.

The design of the cultural assessment must consider the following factors:

- notifying Aboriginal people in sufficient detail about activities which may impact on Aboriginal heritage, so that their concerns can be identified
- providing the opportunity for Aboriginal people who hold knowledge to contribute to the assessment process
- identifying objects and places of significance to the Aboriginal community that may be impacted by the proposal so that these impacts can be avoided wherever possible
- identifying whether there are culturally acceptable mitigation measures when impacts are considered to be unavoidable by the proponent.

The consultant must consider any comments provided and explain in the final report how those comments were considered in finalising the methodology. DEC does not require that the proponent remunerate individuals or groups providing feedback on proposed cultural or archaeological methodology.

3: Drafting, review and finalisation of the Cultural Heritage Assessment Report

The proponent must execute their finalised assessment methodology and then produce a draft assessment report on the cultural and archaeological significance of the values that may be impacted by the proposal. The report must:

- detail the objects and places identified and how they will be impacted by the development
- detail the consultation undertaken and how comments received at various times were considered
- include management and mitigation recommendations drawing on both information provided by the stakeholders and the results of the cultural and archaeological assessments.

Once the draft report is completed, notice of its availability must be provided to all the registered stakeholders identified in Step 1, and the Local Aboriginal Land Council (even if not registered) for comment.

Any additional stakeholders who have identified themselves to the proponent in writing after Step 1 must also be notified that the draft report is available and their comments invited.

After considering the comments received the consultant/proponent must then finalise the report, demonstrating how comments received have been considered and submit it to DEC for consideration with their application.

DEC decision

On receipt of sufficient information from the applicant, DEC will proceed to make its decision. The outcome of decision-making will be either the granting or refusal of the application(s), with or without conditions. If consent is approved then, in imposing any conditions, DEC will take into account the views of the Aboriginal stakeholders as reflected in the Cultural Heritage Assessment Report.

DEC does not seek to consult directly with the Aboriginal community in relation to the issuing of consents under Part 6 of the NPW Act. This is because it requires the proponent to provide it with the views of and information from interested parties. In making its decision, however, DEC will also consider any other relevant information that has been provided to it.

Part C: Provision of Aboriginal assessment and advisory services

In addition to providing feedback on the proposed methodology, registered stakeholders may lodge offers to provide Aboriginal assessment and advisory services to the proponent for the cultural assessment and/or the archaeological assessment.

In meeting DEC requirements, the proponent should expect that offers to participate in the archaeological assessment will detail skills and experience in one or more of the following:

- field identification and survey techniques (including confirmation of physical ability to undertake fieldwork)
- cultural knowledge
- ability to assist in communicating the results of the survey back to the stakeholders for the assessment of cultural values and significance and returning advice on their response to the proponent.

The number of Aboriginal people that a proponent might engage in the archaeological assessment will depend on the scale and nature of the project, and should provide a balance of field experience and cultural knowledge. DEC anticipates that in some instances there will be multiple offers from suitably qualified, skilled or experienced Aboriginal people. DEC does not require all such people to be engaged, as the number and type of service providers to be engaged is a matter for proponents to determine. The focus should be on improving the outcome of the assessment process and may require some form of competitive selection by the proponent.

DEC does not have or seek a role in the determination of fees or other terms of engagement for service providers. This is a contractual matter between the proponent and service providers. However, it is recommended that the proponent should ensure that the engagement of service providers is through a written agreement or contract that addresses all of the following:

- the services to be provided
- roles and responsibilities of the parties
- payment terms.

The above arrangements mirror DEC expectations regarding engagement of scientific/archaeological services.

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