

Appendix 9

Archaeological Survey of the Site



**Assessment of Aboriginal Cultural
Heritage**

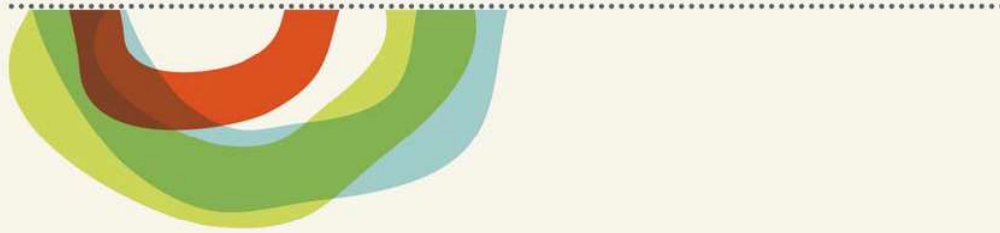
**Lots 1 & 2 DP 547255, Old Northern
Road Maroota**

Report to: Nexus Environmental Planning on behalf
of Dixon Sand PTY Ltd

October 2013



AHMS
ARCHAEOLOGICAL & HERITAGE
MANAGEMENT SOLUTIONS



Assessment of Aboriginal Cultural Heritage

Lots 1 & 2 DP 547255, Old Northern Road Maroota

04 October 2013

**Prepared by Archaeological & Heritage Management Solutions (AHMS)
Pty Ltd for Nexus Environmental Planning on behalf of Dixon Sand**

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PROJECT NAME	Assessment of Aboriginal Cultural Heritage
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EXECUTIVE SUMMARY

Nexus Environmental Planning is preparing an Environmental Assessment (EA) for a modification to Development Consent No. 250-09-01 for sand extraction at Lots 1 & 2 DP 547255, Old Northern Road, Maroota. A previous archaeological assessment which included the activity area was prepared by Tessa Corkill and John Edgar in 1998; however feedback from the Department of Planning and Infrastructure indicated that the use of that assessment might not be deemed adequate given changes to requirements by the Office of Environment and Heritage (OEH).

AHMS has therefore conducted an additional Aboriginal archaeological assessment meeting the requirements of the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* issued by the Department of Environment and Conservation (now Office of Environment and Heritage) in 2005 to guide the preparation of such assessment for Part 3A projects. We have also reviewed the earlier assessment completed by Corkill and Edgar and found that while some specific elements of the current Draft Guidelines need now to be addressed; the standard of archaeological assessment is nonetheless sound and should be retained as EA documentation that is complementary to the current assessment.

The current assessment includes a review of the environmental, archaeological and Aboriginal historic context for the subject area and surrounding region. This indicates that:

- The subject area contains no known Aboriginal archaeological sites or sites of Aboriginal historic or other cultural significance; and
- That any previously undetected Aboriginal sites would be likely to be associated with areas of sandstone that are overhanging (where rock shelters may occur), exposed in significant platforms (where engraved art may occur), or associated with reliable water (where grinding grooves may occur).

A review of historical aerial imagery has been undertaken that finds that about 2/3 of the subject area has been disturbed by orcharding and quarrying activity that is likely to have destroyed any of the types of sandstone sites that may have occurred. For the remaining area, it was found that the sandstone features most likely to be associated with sites are unlikely to be present.

A survey of the subject area was undertaken by an archaeologist and a representative of the Deerubbin Local Aboriginal Land Council. No Aboriginal archaeological sites or artefacts were located in the survey and the likelihood that any remain undetected is considered to be low-nil. The findings of the 2013 survey were consistent with those of Corkill and Edgar in 1998 and can be summarised as

- All areas of sandstone exposure were inspected and found to have no engraved art;
- No landforms are present that have potential for rock shelters; the subject area instead having relatively gently grading slopes;
- No drainage lines are likely to exist that cross over exposed sandstone and which therefore may have grinding grooves;
- No areas adjacent to what would have been reliable standing water in the pre-1800 landscape are present where one might predict the location of surface occurrences of stone artefacts

A process of Aboriginal community consultation was undertaken according to the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. Whilst not specifically required for assessments undertaken in the context of Part 3A of the EP&A Act, these guidelines are considered to provide a comprehensive approach that would satisfy the guiding principal in the *Draft Guideline for*

Aboriginal Cultural Heritage Impact Assessment and Community Consultation to appropriately consider "the views of those Aboriginal people regarding the likely impact of the proposal on their Aboriginal cultural heritage".

It is considered unlikely that the proposed activity will harm Aboriginal cultural heritage values in terms of physical (archaeological) evidence. In addition, Aboriginal people registering an interest in the subject area did not identify any specific Aboriginal cultural values that might be impacted at a locally specific scale, referring instead to more general considerations applying essentially to all areas in which they maintain an interest in cultural heritage (**see Appendix 3**). The assessment requirements of the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* that guide the assessment of potential impact to Aboriginal cultural heritage for projects assessed under Part 3A of the EP&A Act, are therefore satisfied by this 'Preliminary Assessment' report. Further information has also been provided beyond the requirements of a Preliminary Assessment that go further in 'describing and justifying' the conclusions reached, as suggested by the Draft Guidelines. Additional information provided by the 1998 assessment by Corkill and Edgar and the independent report provided by the Deerubbin Local Aboriginal Land Council (**Appendix 2**) have both reached the same conclusions.

It is therefore recommended that:

- There should be no constraint to the proposed activity on the basis of Aboriginal cultural heritage; and
- That there should be no requirement for further Aboriginal cultural heritage assessment
- The above conclusions should be drawn to the attention of the Dept of Planning and Infrastructure in their assessment of the application for modification to Development Consent No. 250-09-01 for sand extraction at Lots 1 & 2 DP 547255, Old Northern Road, Maroota.

1 INTRODUCTION

1.1 Background

Nexus Environmental Planning is preparing an Environmental Assessment (EA) for a modification to Development Consent No. 250-09-01 for sand extraction at Lots 1 & 2 DP 547255, Old Northern Road, Maroota (**Figure 1**). A previous archaeological assessment which included the activity area was prepared by Tessa Corkill and John Edgar in 1998; however feedback from the Department of Planning and Infrastructure (DoPI) indicated that the use of that assessment might not be deemed adequate by the Office of Environment and Heritage (OEH). A review of that assessment concluded that it represents a sound archaeological investigation however since its completion some OEH guidelines have changed particularly in regard to Aboriginal community consultation. This report and the earlier Corkill and Edgar (1998) documents should be considered together.

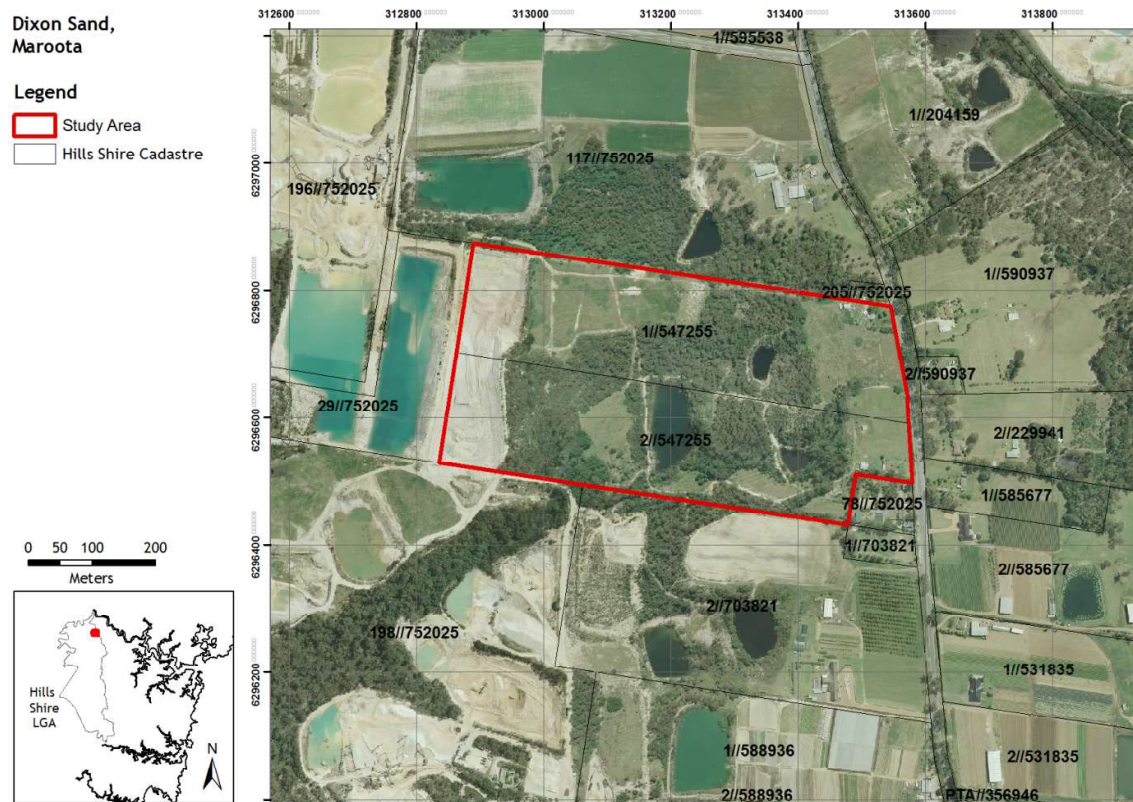


Figure 1: Location of the Subject Area

1.2 Authorship

This report was prepared by Oliver Brown (BA (Hons), Senior Consultant, AHMS) with the assistance of Yolanda Pavincich (Flinders University practicum student) and Steve Randall (Deerubbin LALC). Technical review has been provided by Alan Williams (AHMS) and QA review by Susan McIntyre-Tamwoy. The earlier assessment undertaken by Tessa Corkill and John Edgar (1998) is particularly acknowledged as providing important contextual and comparative material.

2 ASSESSMENT REQUIREMENTS

The proposed activity is being assessed by the NSW Minister for Planning and Infrastructure pursuant to the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. The assessment of potential heritage impact under this consent process is expected to follow the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* issued by the Department of Environment and Conservation (now Office of Environment and Heritage) in 2005.

Draft Guidelines, Aboriginal cultural heritage is considered to consist 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' (DEC 2005:1).

The Draft Guidelines specify that any assessment should include:

- Undertaking a preliminary assessment to determine if the project is likely to have an impact on Aboriginal cultural heritage [i.e. determine whether Aboriginal places or items are known or likely to be present];
- 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.

Because it has been found that Aboriginal cultural heritage values are not likely to occur in the subject area (other than in general landscape terms that can be applied at a regional rather than local basis), this report constitutes a Preliminary Assessment under the *Draft Guidelines*. The conclusions of this assessment support those of the previous assessment (Corkill and Edgar 1998) and the survey report of the Deerubbin Local Aboriginal Land Council (**Appendix 2**). The report also includes a thorough documentation of efforts to ascertain non-archaeological cultural values through Aboriginal community consultation. As mentioned above in **Section 1.1**, the previous report by Corkill and Edgar (1998) should be read as a complement to, rather than an alternative to the current report in meeting the *Draft Guidelines* requirements.

3 ABORIGINAL CULTURAL HISTORY

3.1 Environmental Context

The environmental context is covered in detail in other EA documentation and is also addressed in the previous archaeological assessment undertaken by Corkill and Edgar (1998). The consideration of environmental context here is particularly focused on those aspects that would have had an influence on the activities of pre-1800 Aboriginal people and the potential for evidence of those activities to be preserved in the landscape.

The subject area lies on a plateau-like ridge top at the top of drainage which flows west and then northwards to the Hawkesbury River. The key relevance of the gently grading slopes in the subject area is that there are no overhanging rock structures and no obvious areas where there would have been permanent water in streams or pools.

The underlying geology is Hawkesbury sandstone, giving rise to soils in the Sydney Town Soil Landscape across most of the subject area and Colo Heights Soil Landscape for the easternmost quarter (adjoining the Old Northern Road). The Sydney Town Soil Landscape occurs on 'undulating to rolling low hills and moderately inclined slopes on Hawkesbury Sandstone... local relief to 80m; slope gradients 5-15%... Ridges and crests are moderately broad, slopes moderately inclined and drainage lines narrow. Occasional rock benches are present' (McInnes 1997:107). Where sites occur on this soil type in the area, they are typically associated with these occasional rock benches. The Colo Heights Soil Landscape comprises 'undulating to rolling side slopes and moderately broad crests (100-300m) on Wianamatta Group Shales' (McInnes 1997:37). The largest recorded concentration of sites in the area (23 listed sites that form a single Aboriginal site complex), lies 3.5km to the north and is a gazetted Historic Site under the NPW Act, 1974 known as 'the Maroota Historic site' (see **Figure 2**). It occurs on a relatively discreet portion of Lambert Soil Landscape; which is characterised by having >50% rock outcrops (McInnes 1997:86).

The subject area is within the Yengo subregion of the Sydney Bioregion, the upland areas of which typically have poor soils and which consequently have low productivity - "very low fertility' for Sydney Town and Lambert Soils and 'low fertility' for Colo Heights Soils" (McInnes 1997). The inference for Aboriginal land use is that foraging returns would have been relatively low, particularly when compared to the river lands of the Hawkesbury system that can be reached within 10km of the subject area in most directions except south. During his expedition up the Hawkesbury in 1789, Hunter noted that the "land, as far as we yet know, affords very little sustenance for the human race" with regard to the rough sandstone country, but the next day observed the river flats to appear as if ploughed up for the wild yams that they found there "in considerable quantities". It is likely that a significant portion of Aboriginal land use would have been directed at travelling through the area, between places of higher resource use, for trade (Maroota providing an important source of raw materials for stone tools that is otherwise very rare in sandstone country (Corkill 2006)), and to and from significant ritual sites such as are likely to be represented by rock art site complexes such as 'Maroota Historic Site'.

3.2 Aboriginal Archaeological and Cultural Context

Aboriginal people have lived on the Australian continent for more than 46,000 years and are likely to have reached the Sydney region within a few thousand years of their arrival. Material from the Nepean and Parramatta river valleys has been excavated dating to more than 30,000 years, and the absence (so far) of older material more widely is considered to be a matter of taphonomy (processes of burial and preservation) and chance, and it is almost certainly just a matter of time before older material is identified (Attenbrow 2002).

The ecology in the study area, and therefore the human use of it, changed substantially between the end of the last ice age (~10,000 years ago, the Pleistocene – Holocene boundary) and the rising of

the sea to current levels around 7,000 years ago. Our modern climatic regime involving the El Niño Southern Oscillation is thought to have stabilised between 3,000 and 5,000 years ago (Kotwicki & Allen 1998). Archaeological evidence in the area indicates cultural changes associated with this period of the mid-late Holocene until the time of European invasion in 1788. The bulk of the archaeological evidence found in the study region relates to the use of the landscape by Aboriginal people in the late Holocene period after these changes (Attenbrow 2002).

The study site lies somewhere around what would have been the boundary of the (inland) Darug language group and the Guringai (which some describe as a coastal dialect of Darug (Attenbrow 2002 cf. Capell 1970, Kohen 1986, Ross 1988, Brown 2010)). What we know with some certainty is that Darug land is centred on the hinterland shale country of the Cumberland Plain and that Guringai country is centred on the coastal sandstone country from Sydney to the Central Coast. As for a precise location of a boundary, it remains a reasonable supposition that it lay along what is now the route of the Old Northern Road between Castle Hill and Wisemans Ferry, and therefore potentially through the subject area itself. The main reasons to suggest this are: a) That the route generally follows the level ridges that mark the divide between creeks flowing east and west into country more confidently thought of as Guringai and Darug respectively (catchment divides having been commonly proposed as serving as cultural group boundaries (e.g. Flood 1982)); and b) because the Old Northern Road is likely to have taken up what had previously been a well-defined Aboriginal track (in a context where group boundaries had need to be definable but not defensible and might therefore be either travelled along or avoided at different times). It has been commented of the surveying of the Great North Road by Hinneage Finch in 1825, that it was less a product of discovery than "a conglomeration of existing roads, tracks, and newly discovered lines ... used almost immediately by travellers whose wheels established a bush track" (Karskens 1985:48). It is more often the rule than the exception that such informal development of routes in the colony followed the earlier Aboriginal tracks. In addition to the Darug and Guringai people on either side of the route, it is likely to have also been used by Darkinjung-speaking people who may have travelled to neighbouring people for trade or ceremony and whose traditional land included the McDonald River which meets the Hawkesbury some 8km to the north of the subject area on the same route.

3.3 Aboriginal History

Regardless of an absence of definitive information on the specific traditional ownership of the Maroota area, it remains that Aboriginal occupation of the landscape continued well into the historic period. Following a reasonably amicable start to Aboriginal-settler relations in 1789 (Tench 1793, Hunter 1789), the Hawkesbury was the scene of considerable conflict from the turn of the 19th Century through to the 1820s (particularly focused on the fertile river flats sought as farmland by Europeans). By the 1820s, Aboriginal populations reduced by warfare, disease (smallpox recorded as taking a heavy toll on the Hawkesbury by Tench in 1789) and dispersal largely existed in an uneasy peace with European settlers. The 1828 census records Wisemans Ferry (Portland Head) as one of a number of centres along the Hawkesbury with notable local Aboriginal populations (Kohen 2001). It is uncertain whether this community were drawn from Darug, Guringai or Darkinjung people and may have included a mix. In 1835, Bidy Lewis (also known as Sarah Wallace) took up a grant of about 1ha at Marramarra Creek, some 12km SE of the subject area. Bidy was the daughter of Matora, a wife of Bungaree, a (Guringai) man from Broken Bay (lower Hawkesbury) who became a well-known Aboriginal identity in the Sydney colony. Richmond (2007) claims that a number of descendants of Bungaree's family, known by some as the 'Pittwater clan' in 1820s, have remained in the area surrounding Broken Bay to this day.

3.4 Registered Sites in the Study Area

A search of the OEH Aboriginal Heritage Information System (AHIMS) register was conducted on 5 August 2013 covering a 10km x 10km area centred on the subject area (AHIMS Search # 107571;

05/08/2013; GDA Zone 56 Eastings 308000-318000, Northings 6292000-6302000). This provided data on 80 sites which indicates a density of recorded sites of 0.8/km².

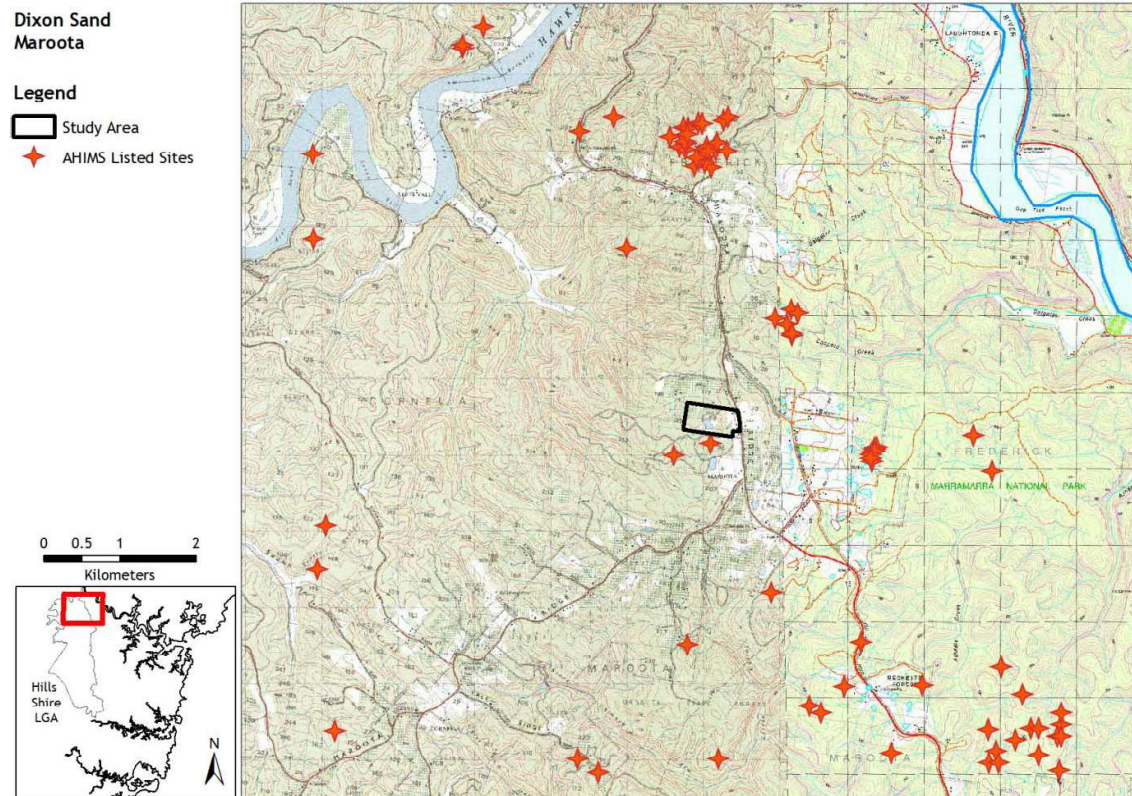


Figure 2: Registered sites in a 10km x 10km area surrounding the subject area

The entire sites register search area comprises dissected plateau-like sandstone country with the exception of a few sites on the Hawkesbury River and the AHIMS data therefore reflect a pattern of site distribution that can be usefully applied to a consideration of potential site types in the subject area and summarised by the following points:

- There are 21 (26%) rock shelter sites, of which:
 - 15 contain rock art; 6 of which also have other recorded features such as artefacts;
 - 6 are only recorded as containing artefacts
- There are 59 (74%) open sites of which:
 - 27 (48%) contain only engraved art
 - 20 (34%) contain only grinding grooves;
 - 3 contain both engraved rock art and grinding grooves;
 - There are also 2 scarred trees and 3 stone arrangements;
 - Sites that occur on open exposed areas of sandstone (engraved art, grinding grooves, stone arrangements) comprise 90% (n=53) of all open sites in the area; if we also include

rock shelter sites, which also obviously relate to rock exposure, 93% of all recorded sites in the search area are associated with exposed sandstone;

- There are only 4 incidences of open site surface artefacts recorded within the 100km² search area (7% of open sites; 5% of all sites; 1 per 25km²).
- Sites show a clear pattern of being clustered in particular areas of high density that can be clearly defined (and therefore detected) as being where large areas of sandstone exposure occur, particularly where this coincides with relatively close freshwater, either in a creekline or in sandstone potholes.

Two sites are recorded near to the current subject area, detailed below:

AHIMS #45-2-0086: The location of this site is, first of all, quite imprecisely mapped on the AHIMS register, having been plotted on a 1:250,000 map from a recording done by McCarthy in 1957 that made specific mention that "its precise location cannot be disclosed". It was described as being "on the southern end of a spur (running east and west) above a low saddle. Creeks run down from this saddle to the north and south. The rock slopes gently from north to south and is broken here and there by patches of heath. The engravings form a U-shaped series which follow the exposure of the rock. There are patches of tessellations on this rock but there are no engravings among them" (AHIMS Site Card 45-2-0086; McCarthy 1959). Sixteen engravings are described, including a hunting scene involving a macropod (kangaroo / wallaby) that is more than 2m long. This description infers an amount of exposed sandstone and a topographic setting that is not present within the subject area - a finding also made in the 1998 Corkill and Edgar assessment. It is either actually a considerably greater distance from the subject area than the AHIMS listing suggests or it has been destroyed by previous sand extraction of farming somewhere in the local area (most likely to the west).

AHIMS #45-2-2381: This is a single isolated artefact surface find (one of only 4 in the 100km² for which data were obtained. The mapping for this artefact, having been conducted in 2004 (and therefore not addressed in Corkill & Edgar 1998) is precise and places the artefact well outside the current subject area. This was a small distal fragment of a brown chert flake located in a disturbed context adjacent to a drainage line of sufficient size to be mapped (Lower Portland 1:25k topographic map), and therefore likely to have held standing water prior to recent landscape modifications. The key factor in applying any inference of similar finds occurring in the current subject area is that no such significant drainage line occurs in it.

3.5 Archaeological Predictive Modelling in Sandstone Plateau Country

Applying the site distribution patterns observable in the AHIMS data, as well as more generalised literature on the modelling of site distribution in comparable sandstone country (e.g. Vinnicombe 1980, Attenbrow 2004, Brown 2010b), the likely presence of Aboriginal archaeological sites should almost always be reliably indicated by one or more of the following:

- Large areas of exposed sandstone with extensive flat surfaces on which engraved art may occur, particularly in areas that either have prominent positions in the wider landscape, wide views or reliable freshwater;
- Rockshelters with significant overhangs providing protection from rain with flat floors and typically with aspects tending more northerly rather than southerly (see discussion in Corkill & Edgar 1998);
- Areas where significant drainage lines provided standing water in pools and, particularly for grinding grooves, where this water was adjacent to reasonable flat exposures of fine even-grained sandstone

Reviewing the AHIMS data within the 100km² covered in the current search, it is considered that only 3 of the 80 (<4%) sites could not be associated with at least one of these factors. One of these sites is AHIMS #45-2-2381, located to the south of the current subject area. The other 2 were located by Corkill and Edgar on two different surveys, indicating that they would have been aware of and capable of predicting and finding such sites in the subject area during their 1998 survey. In a similar vein, of the 6 most recently recorded sites on the area (judged by those recorded since 'features' rather than 'site types' were the basis of site entries), one is AHIMS #45-2-2381 recorded in 2004 by Navin Officer while the rest have been recorded by either Corkill (2) or Brown (3).

4 LAND USE HISTORY AND DISTURBANCE

The analysis of aerial imagery is commonly used as a way of mapping those areas where significant ground disturbance has occurred in the past that may have destroyed any archaeological sites that may have been present in the pre-1800 landscape. In the current context, it also provides important information on the presence or absence of the three key landscape factors listed in **Section 3.4** that can be used to indicate particular potential for sites to be (or to have been) present in this area.

The earliest available imagery is from 1954 (**Figure 3**), when orcharding was the key local industry. This land use can be assumed to have destroyed most sites such as open artefacts scatters and campsites where these previously existed, and can also be used to infer the relative absence of sandstone exposure areas because, quite simply, nobody plants fruit trees on bare rock.

By 1971 (**Figure 4**) these orcharding activities and associated water storage in dams had extended to cover about half of the subject area, increasing to the majority of it by 1986 (**Figure 5**). Mapping the areas of previous disturbance, along with that caused by the commencement of quarrying activity, over 2010 aerial imagery (**Figure 6**), reveals that only about 1/3 of the subject area has not been subject to land disturbance that would have destroyed any associated Aboriginal archaeological sites on sandstone..

A review of the aerial imagery, taken in various phases of vegetation density (influenced by rainfall and fire histories at the time as well as clearing activities), allows the identification of any significant sandstone exposure areas. However, it appears that the only areas of exposure with any potential for open site sandstone sites is (or was) in the southwest corner, and that part of this exposure which had the highest potential has now been removed. Only a very limited amount of exposed sandstone remained at the time of current survey and this area was selected as a focus for inspection (**Section 5**).

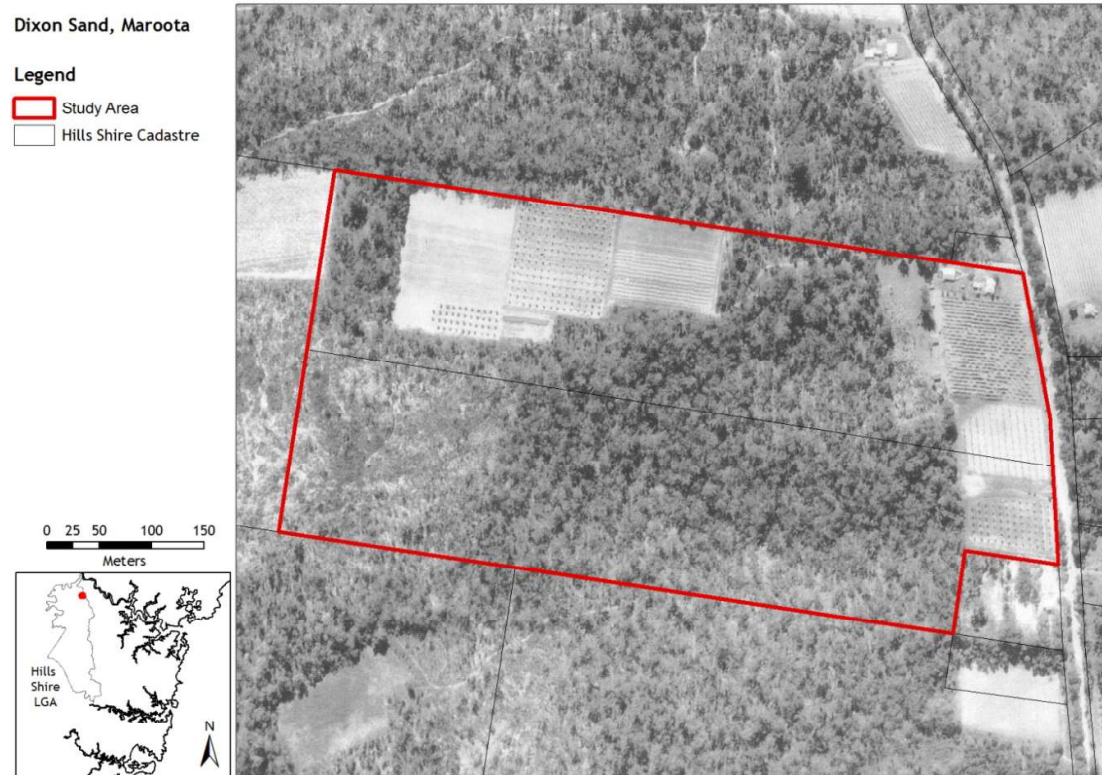


Figure 3: 1954 aerial image. (Source Dept. of Lands, NSW)

Dixon Sand, Maroota

Legend

- Study Area
- Hills Shire Cadastre

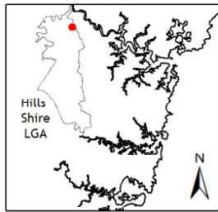
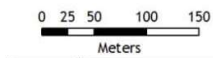


Figure 4: 1971 aerial image (Source Dept. of Lands NSW)

Dixon Sand, Maroota

Legend

- Study Area
- Hills Shire Cadastre

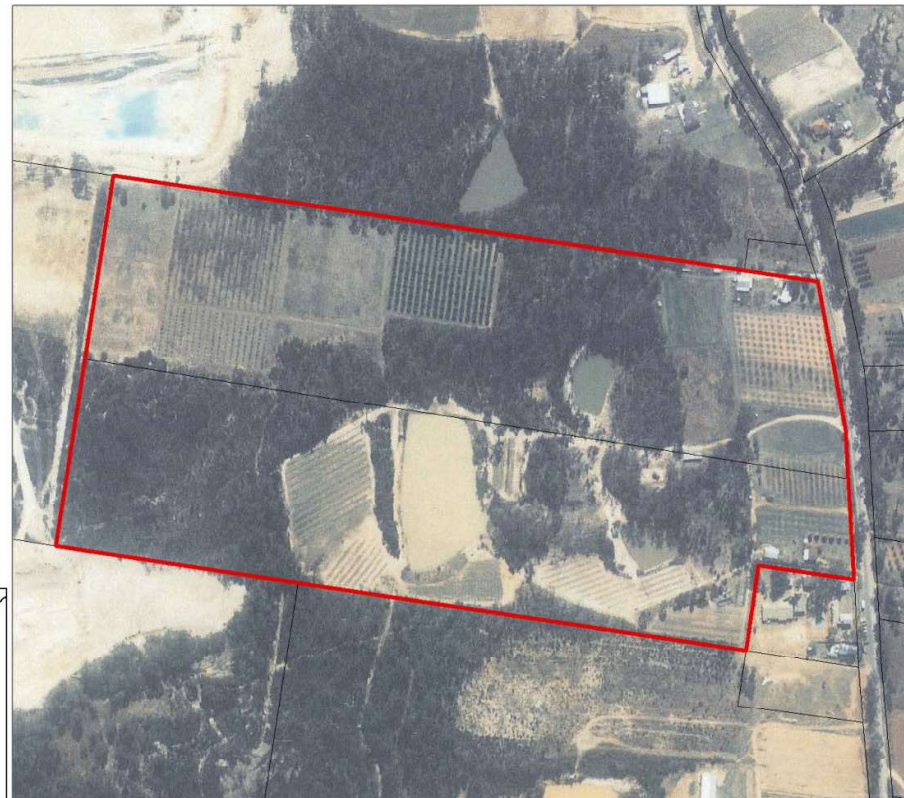
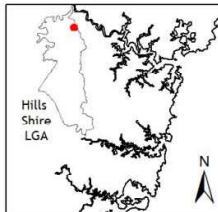
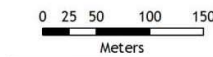


Figure 5: 1986 aerial image (Source Dept. of Lands NSW)

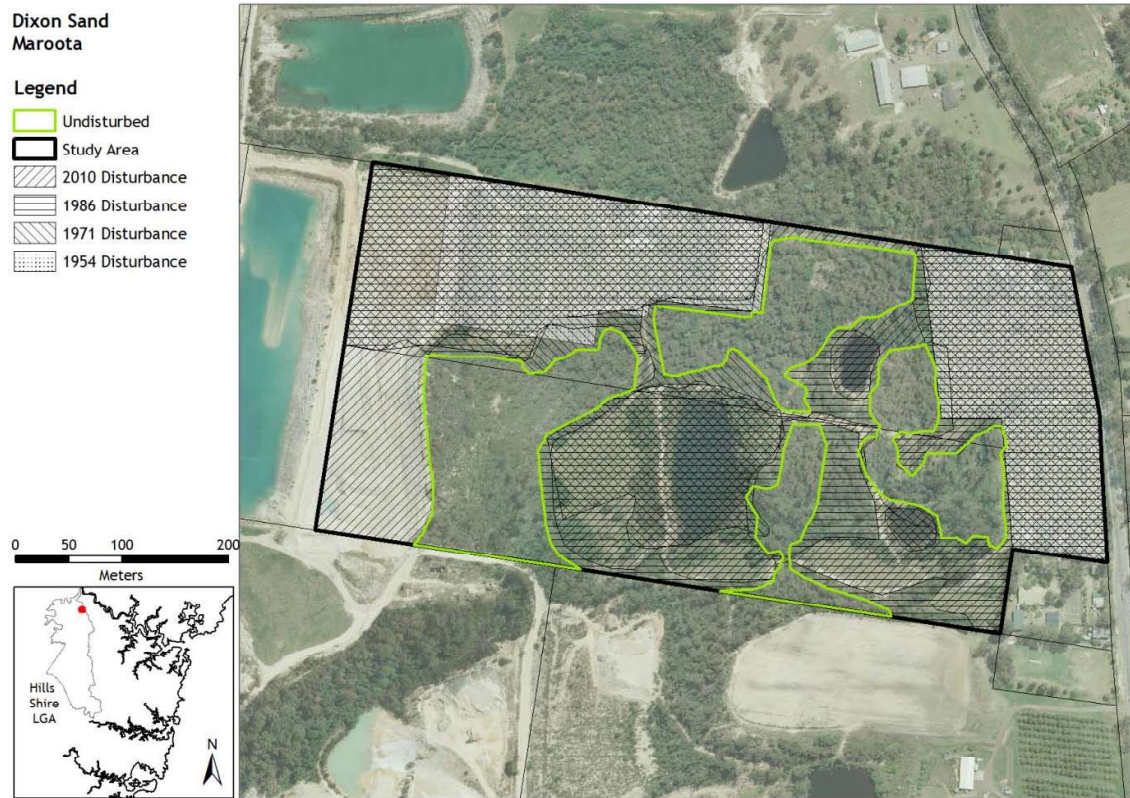


Figure 6: Combined disturbance mapped from all historic aerial image sources on 2010 image

5 ARCHAEOLOGICAL SURVEY

5.1 Methods

Archaeological survey was undertaken on Tuesday 24th September by Oliver Brown (AHMS archaeologist), Steve Randall (Deerubbin Local Aboriginal Land Council) and Yolanda Pavincich (Flinders University practicum student). The survey was essentially confined to those areas that had been identified as not having been heavily disturbed through former land uses including orcharding and sandstone extraction. In particular, all areas were inspected where it was considered possible that there might be exposed sandstone with the potential to occur as rock shelters, flat expanses on which art might occur or in drainage lines or otherwise adjacent to water (for grinding grooves).

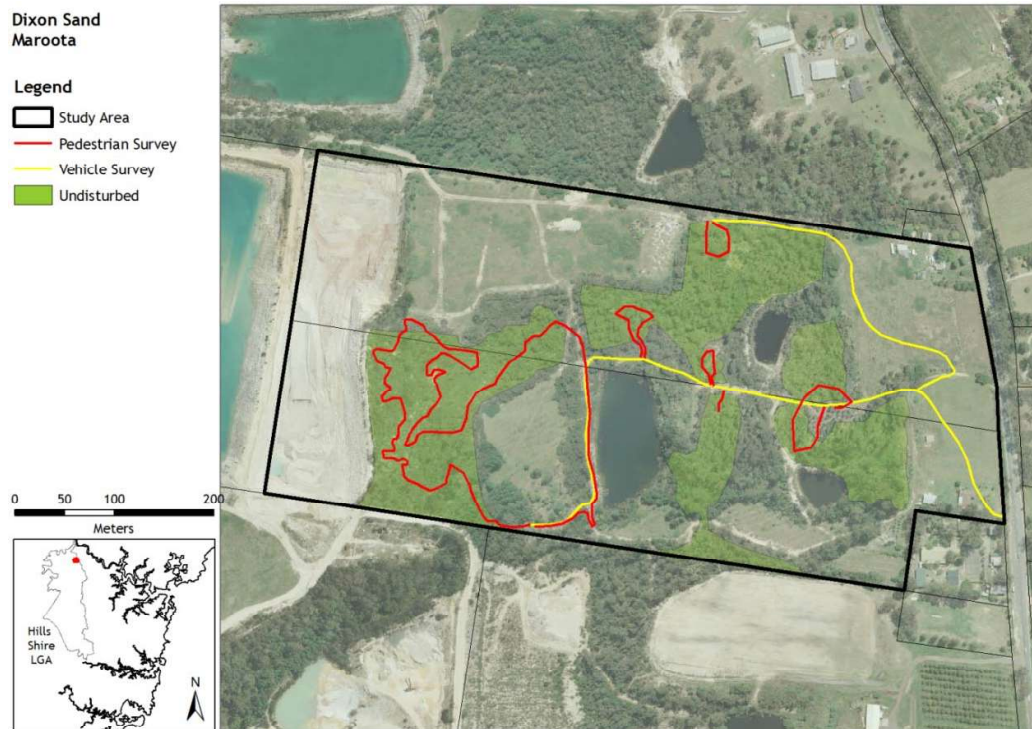


Figure 7: Survey routes taken within the subject area (based on GPS tracking)

5.2 Results

No Aboriginal archaeological sites or artefacts were located in the survey and it is not considered likely that any remain undetected. The findings of the 2013 survey were entirely consistent with those of Corkill and Edgar in 1998 and can be summarised as

- It is considered likely that all potential areas of sandstone exposure were inspected and found to have no engraved art;
- The subject area comprises gently grading slopes, therefore rock shelters are unlikely;
- The likelihood of axe grinding grooves existing is low as no drainage lines are crossing over exposed sandstone are likely;
- No areas adjacent to reliable standing water (in the pre-1800 landscape) are present therefore the likelihood of Aboriginal campsites and artefact scatters is low.

6 CONCLUSION AND RECOMMENDATIONS

It is considered that it is unlikely that the proposed activity will harm Aboriginal cultural heritage values in terms of physical (archaeological) evidence. Aboriginal people registering an interest in the subject area have not identified any specific Aboriginal cultural values that might be impacted at a locally specific scale, referring instead to more general considerations applying essentially to all areas in which they maintain an interest in cultural heritage (**see Appendix 3**). The assessment requirements of the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* that guide the assessment of potential impact to Aboriginal cultural heritage for projects assessed under Part 3A of the EP&A Act, are therefore met by this report being a 'Preliminary Assessment'. Further information has also been provided beyond the requirements of a Preliminary Assessment that go further in 'describing and justifying' the conclusions reached, as suggested by the Draft Guidelines. Additional information provided by the 1998 assessment by Corkill and Edgar and the independent report provided by the Deerubbin Local Aboriginal Land Council (**Appendix 2**) have both reached the same conclusions.

It is therefore recommended that:

- There should be no constraint to the proposed activity on the basis of Aboriginal cultural heritage; and
- That there should be no requirement for further Aboriginal cultural heritage assessment for DoPI to assess the application for modification to Development Consent No. 250-09-01 for sand extraction at Lots 1 & 2 DP 547255, Old Northern Road, Maroota.

7 ABORIGINAL COMMUNITY CONSULTATION

Aboriginal community consultation has been undertaken in the current assessment in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. Whilst not specifically required for assessments undertaken in the context of Part 3A of the EP&A Act, these guidelines are considered to provide a comprehensive approach that would satisfy the guiding principal in the *Draft Guideline for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* to appropriately consider "the views of those Aboriginal people regarding the likely impact of the proposal on their Aboriginal cultural heritage".

The steps undertaken included:

- Sending requests for information on Aboriginal stakeholders for an Assessment of Aboriginal Cultural Heritage on 02.08.13 to: the Office of Environment and Heritage; the Hawkesbury-Nepean Catchment Management Authority; the Hills Shire Council; the Deerubbin Local Aboriginal Land Council; the National Native Title Tribunal; and Native Title Services Corporation.
- Following the receipt of responses to the above, letters inviting registration for consultation were sent on 16.08.13 to: Deerubbin Local Aboriginal Land Council (DLALC); Metropolitan Local Aboriginal Land Council (the subject area is outside of but borders their LALC area); Darug Custodian Aboriginal Corporation (DCAC); Darug Tribal Aboriginal Corporation; Darug Aboriginal Cultural Heritage Assessments; Darug Land Observations (DLO); Gunjeewong Cultural Heritage Aboriginal Corporation; and Tocomwall.
- Following the registration of four groups (DLALC, DCAC, DLO and Tocomwall), a further letter was sent on 04.09.13 requesting further information from the groups. This was forwarded to the proponent and on the basis of the information provided Nexus Environmental Planning engaged DLALC to participate in the archaeological survey.
- Steve Randall of DLALC carried out an inspection of the site in conjunction with the archaeological survey on 24.09.13.
- DLALC delivered of a survey report on 27.09.13.
- The distribution of the current draft assessment

A full log of communication and information provided by Aboriginal community representatives is reproduced in **Appendix 3** of this report.

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Appendix 1: Photographs



Plate 1: One of several area with any exposed sandstone searched in detail for potential engraved art of other Aboriginal archaeological evidence



Plate 2: One of several area with any exposed sandstone searched in detail for potential engraved art of other Aboriginal archaeological evidence

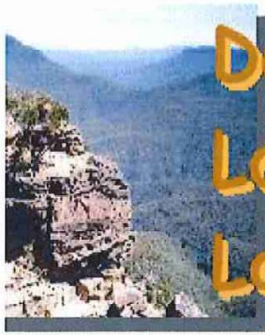


Plate 3: Typical vegetation within the subject area



Plate 4: View of the working quarry pit with surveyed subject area on the right

Appendix 2: Deerubbin Local Aboriginal Land Council Report



Deerubbin Local Aboriginal Land Council

Level 2, 9 Tindale Street
PENRITH NSW 2750

PO Box 40
Penrith BC
NSW 2751 AUSTRALIA

T: (02) 4724 5600
F: (02) 4722 9713
E: Staff@deerubbin.org.au
W: <http://www.deerubbin.org.au>

Nexus Environmental Planning Pty Ltd

Our Ref: 2364

P O Box 212

CONCORD NSW 2137

27 September 2013

PROTECTION OF ABORIGINAL CULTURAL HERITAGE

Proposed Quarry, Lots 1 & 2 in DP 547255

Old Northern Road, Maroota

Attention: Neil Kennan

A representative of Deerubbin Local Aboriginal Land Council inspected the proposed quarry Lots 1 & 2 in DP 547255, Old Northern Road, Maroota on Tuesday, 24 September 2013. An Aboriginal cultural heritage assessment was undertaken to evaluate the likely impact the proposed development has on the cultural heritage of the land.

Due to the high ground surface disturbance from past land use and poor visibility, no Aboriginal cultural materials (in the form of stone artefacts, for example) were found nor engraving sites or shelters.

Deerubbin Local Aboriginal Land Council therefore, has no objection for the proposed quarry of Lots 1 & 2 in DP 547255, Old Northern Road, Maroota, on the grounds of Aboriginal cultural heritage.

Yours Faithfully,

Steven Randall

(Senior Aboriginal Cultural Heritage Officer)

c.c. Miranda Morton – Office of Environment & Heritage

Oliver Brown – AHMS Pty Ltd

Appendix 3: Aboriginal Community Consultation

Consultation has been undertaken in accordance with the OEH *Aboriginal cultural heritage consultation requirements for proponents 2010*, documented below. The purpose of these guidelines is to “establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts of proposed activities on Aboriginal objects and places and to inform decision making for any application for an AHIP.

The aim is to facilitate positive Aboriginal cultural heritage outcomes by:

- affording an opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects(s) and/or place(s) in the area of the proposed project to be involved in consultation so that information about cultural significance can be provided to DECCW to inform decisions regarding applications for an AHIP
- providing Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects (s) and/or place(s) in the area of the proposed project with the opportunity to participate in decision making regarding the management of their cultural heritage by providing proponents information regarding cultural significance and inputting into management options.” (OEH 2010:1)

Community Consultation and Employment of Community Representatives

The guidelines are clear that community consultation is separate to the employment of Aboriginal people on cultural heritage projects.

“The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement; however, this is separate from consultation.

The proponent may reimburse Aboriginal people for any demonstrated reasonable out-of-pocket expenses directly incurred in order to participate in the consultation process. A demonstrated reasonable expense would include documented loss of wages caused by the need to take time from paid employment to participate in meetings. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people”. (OEH 2010 p9)

This consultation log documents the process of identification of the Aboriginal parties that have registered their interest in the subject land affected by this project. AHMS P/L is committed to following the process as outlined in pages 10-14 of the guidelines and using the information gathered in the preparation of a cultural heritage assessment. Information gathered from the Aboriginal individuals and organisations that register an interest may be used by the proponent when considering whether to engage Aboriginal representatives in field work components of the assessment project. The decision to employ Aboriginal representatives in a paid capacity is at the discretion of the proponent (see OEH 2010 sect 5.3 p15-16) and is not a requirement of the OEH community consultation guidelines.

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Table 1: Pre-notification

Organisation/Group	Representative	Date	Comments	AHMS Contact
Hills Shire Council	-	02.08.13	Sent request for details of possible Aboriginal stakeholders.	OB
Deerubbin Local Aboriginal Land Council	-	02.08.13	Sent request for details of possible Aboriginal stakeholders.	OB
Hawkesbury-Nepean CMA	-	02.08.13	Sent request for details of possible Aboriginal stakeholders.	OB
Office of Environment and Heritage	-	02.08.13	Sent request for details of possible Aboriginal stakeholders (Figure 1)	OB
National Native Title Tribunal	-	02.08.13	Lodged request for Register search (Figure 2).	OB
NTSCorp	-	02.08.13	Sent request for details of possible Aboriginal stakeholders.	OB
Paper			Ran advertisement	OB
Hawkesbury-Nepean CMA	Margaret Bottrell	07.08.13	CMA statutorily prevented from providing information (Figure 3)	OB
NTSCorp	George Tonna	07.08.13	Details of traditional owners not available (Figure 4)	OB
NNTT	Melissa O'Malley	12.08.13	No relevant entries in database (Figure 5).	OB
Hills Shire Council	Richard Schulz	11.09.13	Rang to advise that there principal involvement on Aboriginal community consultation is through Deerubbin Local Aboriginal land Council	OB

N.B.: While OEH consultation requirements stipulate that a search should be submitted to the Office of the Registrar of the Aboriginal Land Rights Act, they themselves respond to search requests noting that "search requests should not be made over privately owned land... - even if an Aboriginal Land Claim has been made over privately owned land it would be refused as soon as this is known"



**ARCHAEOLOGICAL
& HERITAGE
MANAGEMENT
SOLUTIONS**

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SYDNEY
2/729 Elizabeth St
Waterloo NSW 2017
P 02 9555 4000
F 02 9555 7005

MELBOURNE
2/35 Hope St
Brunswick VIC 3056
P 03 9388 0622

PERTH
13/336 Churchill Ave
Subiaco WA 6008
P 08 9381 5206

02 August 2013

Our reference: 130729-1

Environment Protection and Regulation Group - Metropolitan
Office of Environment and Heritage
PO Box 668, Parramatta NSW 2124

CC: Hills Shire Council, Hawkesbury-Nepean Catchment Management Authority, Deerubbin LALC,
National Native Title Tribunal, NTSCorp.

**Re. Request for information on Aboriginal stakeholders for an Assessment of Aboriginal Cultural
Heritage at Maroota, NSW.**

Dear Sir or Madam,

In accordance with the NSW Office of Environment and Heritage's (OEH) *Aboriginal Cultural Heritage
Consultation Requirements for Proponents 2010* (DECCW 2010), I am writing to seek information on
relevant Aboriginal individuals and/or communities that you are aware of, who may hold cultural
knowledge for the area relevant to determining the significance of Aboriginal objects and/or places.

We have been engaged by Nexus Environmental Planning on behalf of Dixon Sand (4610 Old Northern
Road Maroota NSW 2756) to undertake an Aboriginal cultural heritage investigation in advance of
proposed sandstone extraction on Lots 1 & 2 DP 547255, 4610 Old Northern Road, Maroota, in the Hills
Shire LGA (Figure 1).

If you are able to provide any information or have any queries, please reply to the Sydney address above;
or by email to obrown@ahms.com.au; or by phone on (02) 9555 4000.

Yours sincerely,

Oliver Brown

Senior Archaeologist
Aboriginal Cultural Heritage
M: 0427 414 226

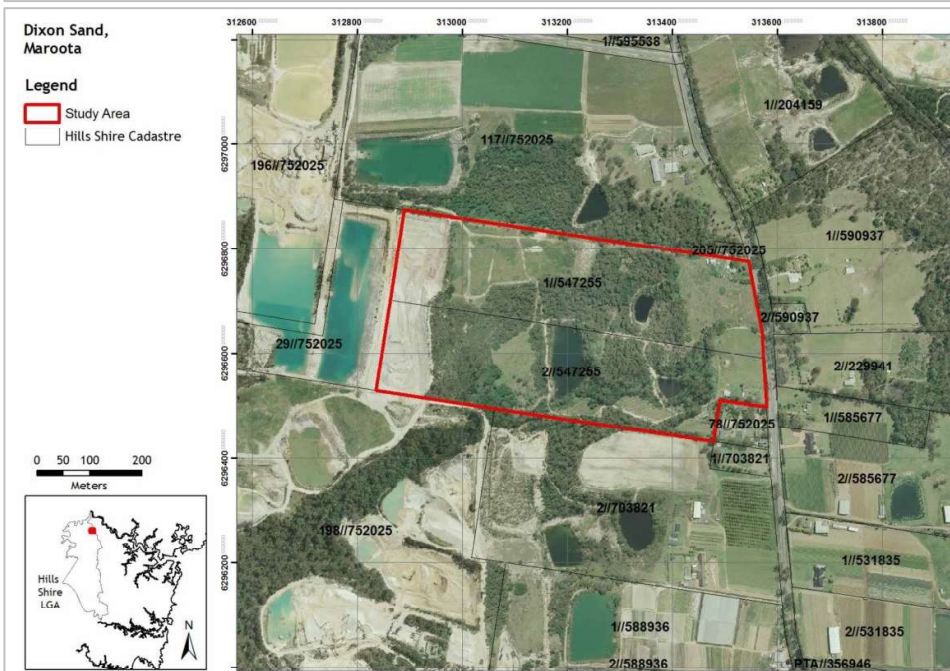


Figure 1: Example pre-notification letter

Your details	Name: Oliver Brown
	Position: Senior Archaeologist
	Company/organisation: Archaeological and Heritage Management Solutions P/L
	Postal address: 2/729 Elizabeth Street, Waterloo NSW 2017
	Your reference: 130614-2
	Email address: obrown@ahms.com.au
	Telephone No.: 02 9555 4000
	Fax No.: 02 9555 7005
Date of request: 02 August 2013	
Reason for search request	<input type="checkbox"/> I am a party to a native title proceeding – please specify Federal Court/Tribunal file number/application name: <input checked="" type="checkbox"/> I need to identify existing native title interests to comply with the NTA or other State/Territory legislation – please provide details: I am undertaking an Aboriginal Cultural Heritage Assessment, and need to identify native title interests as part of the community consultation component, as required by the Office of Environment and Heritage guidelines.
Details of the area to be searched	Mining Tenure: *State/Territory: *Mining/ exploration details: Tenement number(s) (i.e. EL No or MCN No) or block/sub block description: Other Land Tenure: *State/Territory: NSW Land parcels: <i>Lot number(s)</i> : Lots 1 & 2 DP 547255 *Tenure type (e.g. <i>agricultural lease</i>): Freehold Property name: 4610 Old Northern Road, Maroota Pastoral Lease number or name: *Local Government Area(s): Hills shire County: Cumberland Parish: Town: Section: Hundred: Northern Territory Portion: Other details: (additional information may be attached):
Please complete the relevant description fields (fields marked with an asterisk must be completed) or provide a clear map of the area including landmarks	
Note: Search requests cannot be processed if insufficient detail is supplied. Note: Map coordinates that form part of the attachments to a search result will not be sent with results unless specifically requested. Maps and any other formal attachments will be sent.	

Figure 2: NNTT search request

To Oliver Brown

Under the act that we work under, I am not allowed to pass on the information that you requested in your letter dated 2 August 2013 **Re: Request for Information on Aboriginal Stakeholders for an Assessment of Aboriginal Cultural Heritage at Maroota, NSW**

The Hawkesbury Nepean CMA has no interest in this project, and will pass your letters on to the members of our Advisory Committee for their information. If they comment on this, it is an individual person and not a representative of the Hawkesbury Nepean Catchment Management Authority.

Margaret Bottrell Senior Strategic Land Services Officer (Aboriginal Communities)
Hawkesbury-Nepean Catchment Management Authority
NSW Government Office Block Level 4, 2-6 Station Street Penrith
PO Box 4515 Penrith Westfields NSW 2750
T: 02 472 53049 F: 02 4725 3088
E: margaret.bottrell@cma.nsw.gov.au
W: www.hn.cma.nsw.gov.au

Figure 3: Hawkesbury-Nepean CMA response



Figure 4: NTSCorp response



National
Native Title
Tribunal



12 August 2013

Oliver Brown
2/729 Elizabeth Street
Wantedoo NSW 2017

Sydney Office, Operations East

Level 16
Law Courts Building
Queens Square
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2001
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 5036/13MO
Your Reference: 130614-2

Dear Mr Brown

Native Title Search Results for The Hills Shire Local Government Area

Thank you for your search request received on 2 August 2013 in relation to the above area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

Register Type	NNTT Reference Numbers
Schedule of Applications (unregistered claimant applications)	NIL.
Register of Native Title Claims	NIL.
National Native Title Register	NIL.
Register of Indigenous Land Use Agreements	NIL.
Notified Indigenous Land Use Agreements	NIL.

At the time this search was carried out, there were **no relevant entries** in the above databases.

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact me on the numbers listed below.

Yours sincerely

Melissa O'Malley | RECEPTIONIST/CLIENT SERVICES OFFICER
National Native Title Tribunal | Sydney Office
Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000
Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email melissa.o'malley@nntt.gov.au
Freecall 1800 640 501 | www.nntt.gov.au
Facilitating timely and effective outcomes.

Figure 5: NNTT response



Our reference: DOC13/41207

Mr Oliver Brown
Senior Archaeologist
Archaeological Heritage Management Solutions
2/729 Elizabeth Street
WATERLOO NSW 2017

Dear Mr Brown,

Thank you for your letter dated 2/8/2013 to the Office of Environment and Heritage (OEH) regarding obtaining a list of the Aboriginal stakeholders that may have an interest in the project at Lots 1 & 2, 4610 Old Northern Road, Maroota (Hills LGA).

Before making an application for the issue of an Aboriginal Heritage Impact Permit, the applicant must carry out an Aboriginal community consultation process in accordance with the National Parks and Wildlife Regulation 2009 and completed to the stage described in subclause 80C.

Please find attached the list of Aboriginal stakeholders known to OEH that may have an interest in the project. OEH's list of regional stakeholders is a list of groups, organisations or individuals who may hold cultural knowledge relevant to a proposal in a region. Consultation with Aboriginal people should not be confused with employment. Inclusion on the OEH's list is not an automatic right to employment. It is the decision of a proponent on who they choose to engage to deliver services based on a range of considerations including skills, relevant experience, and OHS considerations. To be clear, the proponent is under no obligation to employ Aboriginal people registered for consultation.

Further, receipt of this information does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties. Consultation with Aboriginal stakeholders must be in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 which can be found on the Office of Environment and Heritage (OEH) public website by accessing the following link:

http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf

If you wish to discuss any of the above matters further please contact Miranda Morton, Aboriginal Heritage Planning Officer, on (02) 9995 5477.

Yours sincerely

S. Harrison 12/08/2013

Susan Harrison
Senior Team Leader Planning
Greater Sydney Region
Regional Operations

Aboriginal Stakeholders that may have an interest in the Hills LGA

Table with 4 columns: Stakeholder Name, Contact Name, Phone Number, and Address. Rows include Darug Custodial Aboriginal Corporation, Darug Tribal Aboriginal Corporation, Darug Aboriginal Cultural Heritage Assessments, Darug Land Observations, Gunjeewong Cultural Heritage Aboriginal Corporation, Scott Franks, and Metropolitan LALC.

Figure 6: OEH Response

Table 2: Notification, Registration and Methodology

Organisation/Group	Representative	Date	Comments	AHMS Contact
Darug Custodial Aboriginal Corporation	Leanne Watson	16.08.13	Sent invitation to register and survey methodology	OB
Darug Tribal Aboriginal Corporation	John Reilly	16.08.13	Sent invitation to register and survey methodology	OB
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	16.08.13	Sent invitation to register and survey methodology	OB
Darug Land Observations	Gordon Workman	16.08.13	Sent invitation to register and survey methodology	OB
Darug Aboriginal Land Care	Des Dyer	16.08.13	Sent invitation to register and survey methodology	OB
Gunjeewong Cultural Heritage Aboriginal Corporation	Cherie Carroll Turrise	16.08.13	Sent invitation to register and survey methodology	OB
Tocomwall	Scott Franks	16.08.13	Sent invitation to register and survey methodology	OB
Metropolitan LALC	Clare McHugh	16.08.13	Sent invitation to register and survey methodology	OB
Deerubbin LALC	Kevin Cavanagh	16.08.13	Sent invitation to register and survey methodology	OB
Deerubbin LALC	Steve Randall	20.08.13	Rang to register interest	OB
DLO	Gordon Workman	31.08.13	DLO Registration (Figure 8)	OB
DLO	Gordon Workman	31.08.13	Additional email seeking clarification over site location (Maroota or Schofields)	OB
Tocomwall	Sarah Franks	31.08.13	Tocomwall registration (Figure 9)	OB
DCAC	Leanne Watson	01.09.13	Letter of registration (Figure 10)	OB
	Various	02.09.13	Email to all invited registrants correcting typo in original invitation	OB
DLO	Gordon Workman	02.09.13	Additional email on clarification of site location	OB
Tocomwall	Sarah Franks	02.09.13	Additional email on clarification of site location	OB
DLALC, Toc, DCAC, DLO	Various	04.09.13	Email further clarifying location and seeking details and rates	OB
Tocomwall	Sarah Franks	04.09.13	Email followed by response that existing registration was fine but that responses to the listed questions was sought	OB
DLALC	Steve Randall	04.09.13	Emailed detailed response to registration questions	OB
Tocomwall	Sarah Franks	05.05.13	Emailed that Scott was seeking legal advice on the questions in registration information and advising that a response would be provided the following day	OB
DLO	Gordon Workman	05.09.13	Provided new registration addressing questions in invitation (Figure 11)	OB
DCAC	Leanne Watson	05.09.13	Additional information about DCAC in response to the registration questions (Figure 12)	OB
Tocomwall	Scott Franks	09.09.13	Additional information about Tocomwall in response to the registration questions (Figure 13)	OB
Dixon Sand		09.09.13	Information on RAPs provided to proponent	OB

16 August 2013

Our ref: 130729-1

«First_Name» «Last_Name»
«Company»
«Address_1»

«Suburb» «Postcode»

**Re: Notification of Aboriginal Cultural Heritage Assessment – Proposed Sandstone
Extraction, Maroota, NSW****Project Information and Invitation for Registration of Interest**

Dear «First_Name»,

Archaeological Heritage Management Heritage Solutions (AHMS) has been engaged by Dixon Sand (4610 Old Northern Road Maroota NSW 2756) to undertake an Aboriginal cultural heritage investigation in advance of proposed sandstone extraction on Lots 1 & 2 DP 547255, Old Northern Road Maroota (**Figure 1**). Dixon Sand is being represented by Nexus Environmental Planning P/L (Contact: Neil Kennan, PO Box 212 Concord 2137, (02) 9736 1313, kennan@ozemail.com.au)

The proposal is being assessment by the NSW Minister for Planning and Infrastructure pursuant to the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* as a modification to Development Consent No.250-09-01. In accordance with this process, we are following the DEC (2005) *Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation*, which themselves defer to some Office of Environment and Heritage (OEH) guidelines, including those for consultation with representatives of the Aboriginal community. We are therefore following the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

We are inviting registrations from Aboriginal individuals and/or organisations, who may hold cultural knowledge for the area relevant to determining the significance of Aboriginal objects and/or places and who wish to be involved in the community consultation process.

If you or your organisation is interested in being part of the consultation process, please provide a registration of interest to:

Oliver Brown
Address: AHMS, 2/729 Elizabeth St, Waterloo NSW 2017
Phone: 02 9555 4000;
Fax: 02 9555 7005; or
Email: obrown@ahms.com.au

Registrations are requested within 14 days.

To assist us, we ask that certain information be provided with the registration of interest. This is principally to assist the us in determining the nature of the information that we might focus on in the consultation process and assist us in our aims of finding out any relevant traditional knowledge and recording cultural values ('social significance') that may be associated with any Aboriginal sites.

ARCHAEOLOGICAL & HERITAGE MANAGEMENT SOLUTIONS

Please note that the information may also be used by the proponent in selectively engaging Aboriginal community representatives to assist in any paid fieldwork that may be required as part of the assessment process.

1. Please provide a clear identification of the organisation registering an interest in the project and a nominated contact person and contact details.
2. Please indicate what is being represented (e.g. an individual, a family group, wider community, registered Aboriginal corporation, LALC, etc).
3. Please indicate the nature of the connection to the project area (e.g. traditional ownership, historical association, etc)
4. Please indicate the type of information that your or your group might be able to contribute (e.g. traditional knowledge, local place-specific information, specialist cultural heritage knowledge or experience, etc).
5. Comment on the level of consultation / project involvement you require (Do you wish to attend any meetings? Do you wish to be involved in any fieldwork? Do you simply want a copy of the final report?);
6. If you wish to be involved in any fieldwork, please provide information on your insurances (liability, indemnity, etc) and your organisation's rates

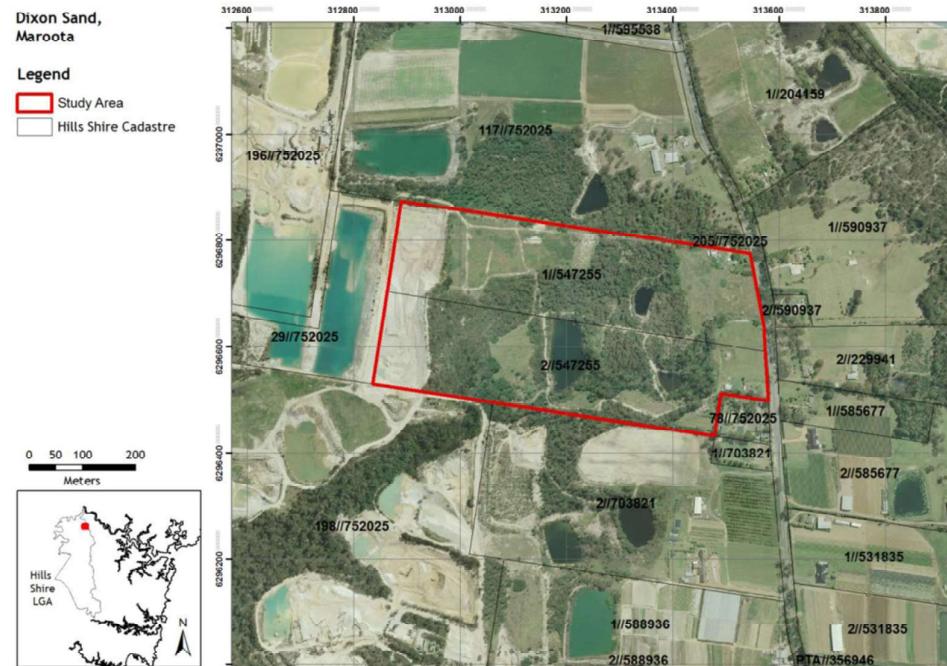


Figure 1: Location map

Archaeological Survey Methodology

For those parties wishing to register an interest, we are also seeking feedback on the assessment methodology that we are proposing to apply to the investigation.

It is proposed to undertake an archaeological survey following the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* and aim to identify areas where Aboriginal objects (material traces and evidence) can either be recorded or predicted to occur.

The sampling strategy will provide a full coverage survey on foot of both areas and:

1. Include all landforms that will potentially be impacted; and
2. Place a proportional emphasis on those landforms deemed to have archaeological potential.

Survey recording will follow the requirements of the Code and include:

1. The accurate definition of survey units
2. Taking representative photographs of survey units and landforms where informative
3. Recording landform and general soil information for each survey unit
4. Recording the land surface and vegetation conditions encountered during the survey, accounting as appropriate for things like vegetation, rock outcrops, coarse fragments, etc.) and how these impact on the visibility of objects
5. Recording any Aboriginal objects observed during the survey
6. Recording of spatial information suitable for mapping according to Code requirements and the calculation of survey coverage

The results of the survey will be documented in the report that will then be distributed to Registered Aboriginal Parties for comment.

Please don't hesitate to contact me on (02) 9555 4000 if you have any queries or concerns.

Yours faithfully,



Oliver Brown | Senior Archaeologist

Aboriginal Cultural Heritage

M: 0427 414 226 | obrown@ahms.com.au

Figure 7: Notification Letter (amended)

DARUG - LAND - OBSERVATIONS



ABN: 87239202455
E-MAIL: gordow51@bigpond.net.au
PO BOX: 571 Plumpton. NSW 2761
Phone: 029831 8868 or 0415 663 763



25-8-2013

Oliver Brown
Senior Archaeologist

Notification and Registration of ALL Aboriginal Interests
Re: *Proposed Stormwater Detention Basins Schofields NSW*

Please be advice that D.L.O is seeking to be involved in any and all consultation meetings and field work.

This office specializes in Aboriginal and community consultation. An has a membership that comprises of Traditional owners from the area in question those retain strong story and song lines and oral history and continued contact. We would also like to state that we do not except or support any person or organization that are NOT from the DARUG Nation that comments regarding the said area. Please also be advised that this aboriginal Organization does not do volunteer work or attend unpaid meetings. I hope that you advise your client of this so that, This Group will not be discriminated against and refused paid field work.

All Correspondence should be emailed to the following
gordow51@bigpond.net.au

Yours faithfully

Uncle
Gordon Workman
Darug Elder

Sites Officer

A handwritten signature in black ink, appearing to read 'Gordon Workman'.

Figure 8: Gordon Workman initial registration



Tocomwall Pty Ltd
PO Box 76 Caringbah NSW 1495
Tel: 02 9542 7714 Fax: 02 9524 4146
Email: info@tocomwall.com.au www.tocomwall.com.au
ABN: 13 137 694 618

30 August 2013

Oliver Brown
AHMS
Via email: OBrown@ahms.com.au

Dear Oliver,

RE: Aboriginal Cultural Heritage Assessment – Proposed Stormwater Basins, Schofields NSW

Tocomwall is seeking *primary involvement* in all consultation meetings and field work for the above mentioned project. We are under the impression that Tocomwall has already registered an interest in this project after Scott's conversation with Blacktown City Council.

Tocomwall represents traditional owners from this area and retains local and oral history on behalf of its membership. We do not accept or support any person or organisation that comments regarding the said area unless confirmed in writing by myself.

Please also be advised that this Aboriginal organisation does not do volunteer work or attend unpaid meetings.

All correspondence should be emailed to scott@tocomwall.com.au and sarah@tocomwall.com.au or to the above postal address.

Yours faithfully

Scott Franks
Native Title & Environmental Services Manager

Figure 9: Tocomwall registration



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163
EMAIL: mulgokiwi@bigpond.com

Attention: Oliver Brown.

Subject: Dixon Sand.

Dear Oliver,

The Darug Custodian Aboriginal Corporation would like to register their interest in the Dixon Sand project.

This area is within Darug boundaries and is in close proximity to significant Darug landforms, sites and places.

Please contact us with all further project information.

Regards

Leanne Watson

Figure 10: DCAC Registration

DARUG - LAND - OBSERVATIONS



ABN: 87239202455
E-MAIL: gordow51@bigpond.net.au
PO BOX: 571 Plumpton. NSW 2761
Phone: 029831 8868 or 0415 663 763



4-9-2013

Oliver Brown | Senior Archaeologist
AHMS 2/729 Elizabeth ST, Waterloo NSW 2017 ph 9555 4000 fax 9555 7005

Notification and Registration of ALL Aboriginal Interests

Re: Proposed Sandstone Extraction, Maroota, NSW

1. Please provide a clear identification of the organisation registering an interest in the project and a nominated contact person and contact details.
2. Please indicate what is being represented (e.g. an individual, a family group, wider community, registered Aboriginal corporation, LALC, etc).
3. Please indicate the nature of the connection to the project area (e.g. traditional ownership, historical association, etc)
4. Please indicate the type of information that your or your group might be able to contribute (e.g. traditional knowledge, local place-specific information, specialist cultural heritage knowledge or experience, etc).
5. Please comment on the level of consultation / project involvement you require (Do you wish to attend any meetings? Do you wish to be involved in any fieldwork? Do you simply want a copy of the final report?);
6. If you wish to be involved in any fieldwork, please provide information on your insurances (liability, indemnity, etc) and your organisation's rates.

A to 1 As you can see by the letter head Darug Land Observations (D.L.O) contact Uncle Gordon Workman Darug Elder.

A to 2 Individual, a family group, wider community People from the Darug Nation ONLY

A to 3 Maroota is a part of the Darug Nation

A to 4 Camping site's hunting, story and song line's spiritual place

A to 5 ALL form's of meetings works on Darug Nation

A to 6 Insurances attached Rates \$110 an hour under new Government rates

Please be advice that D.L.O is seeking to be involved in any and all consultation meetings and field work.

This office specializes in Aboriginal and community consultation. An has a membership that comprises of Traditional owners from the area in question those retain strong story and song lines and oral history and continued contact. We would

also like to state that we do not except or support any person or organization that are NOT from the DARUG Nation that comments regarding the said area.

Please also be advised that this aboriginal Organization does not do volunteer work or attend unpaid meetings. I hope that you advise your client of this so that, This Group will not be discriminated against and refused paid field work.

All Correspondence should be emailed to the following
gordow51@bigpond.net.au

Yours faithfully

Uncle
Gordon Workman
Darug Elder

Sites Officer

Figure 11: DLO additional information for registration

-
1. Please provide a clear identification of the organisation registering an interest in the project and a nominated contact person and contact details.

Our group is a non-profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote education on the Darug history.

The contact for DCAC is Leanne Watson, PH: 0415770163 email: mulgokiwi@bigpond.com

2. Please indicate what is being represented (e.g. an individual, a family group, wider community, registered Aboriginal corporation, LALC, etc).

Our group has Darug members, other tribal area members and also the wider community we are a registered Aboriginal corporation.

3. Please indicate the nature of the connection to the project area (e.g. traditional ownership, historical association, etc)

This area is within Darug boundaries, it is the responsibility of Darug people to care for our country and all that our county supports including landforms, sites, people, flora and fauna and our stories. Aboriginal people are connected to country.

4. Please indicate the type of information that your or your group might be able to contribute (e.g. traditional knowledge, local place-specific information, specialist cultural heritage knowledge or experience, etc).

Our group has knowledge holders of the Darug land, we have worked in this area for over 40 years and are all experienced in cultural heritage and all of our site officers have experience in cultural heritage and site management.

5. Comment on the level of consultation / project involvement you require (Do you wish to attend any meetings? Do you wish to be involved in any fieldwork? Do you simply want a copy of the final report?).

Our group wish to be consulted on all aspects of this project and also participate in all fieldwork.

6. If you wish to be involved in any fieldwork, please provide information on your insurances (liability, indemnity, etc) and your organisation's rates. I have attached insurance documents.

Our daily rates are \$700 + GST including reports.

Figure 12: Additional information provided by DCAC



Tocomwall Pty Ltd

PO Box 76 Caringbah NSW 1495

Tel: 02 9542 7714 Fax: 02 9524 4146

Email: info@tocomwall.com.au www.tocomwall.com.au

ABN: 13 137 694 618

9 September 2013

Oliver Brown
AHMS
Via email: obrown@ahms.com.au

Oliver,

Thank you for the information for the Notification of Aboriginal Cultural Heritage Assessment Proposed Sandstone Extraction, Maroota, NSW.

Firstly I would like to reconfirm Tocomwall's position. As you are aware Tocomwall has for several years worked and operated in the Sydney region. We have always worked closely with and with authorisation to work on behalf of then registered native title claimants for the Darug people. There have been occasions where some groups have questioned our involvement regarding heritage work in Sydney. As you may also be aware my mother was taken from La Perouse at the age of 3. Her people came from Dural, which means my mother's people are Darug. The reason I am reinstating this is based on your email and the questions being asked.

I have also cut and pasted the questions from your email and answered them below to assist in getting our comments back to you in a timely manner.

Do you or your organisation have cultural or historical connection to the project area?

The area in question is of great cultural importance to our people. This area was well known to our people as a camping, meeting and hunting site. Our people used this area well in to late colonisation until most were moved to the mission at La Perouse.

2. Does your organisation represent an individual, a family group, or wider community?
Tocomwall represents members of an asserted Native Title Group The Darug people. It is a family group with some 200 people connected to it.
3. Who do you or your organisation propose to participate in the project (most notably the field investigation), and what relationship do they have to the project area?
Tocomwall is seeking full consultation and involvement in this project as our members have a direct connection to the Maroota area.
4. Do you or your organisation have any comments on the proposed assessment methodology, above?
I have read and understood the proposed Methodology and understood it. I hope that you and your proponent respect and support our request under traditional protocols and sensitivity with regard to our request above.
5. Do you or your organisation have up-to-date workers compensation, public liability and professional indemnity (or equivalent) insurances?
Yes I will have our admin Manager send you current copies via email ASAP.
6. What is you or your organisation's daily rates to participate in the project?
\$700.00 per day, this rate if for a standard 8 hour day and is exclusive of GST.



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In returning your answers, please include the following where appropriate:

- Any protocols that you would like adopted during the project.
Not at this stage one on site that could change.
 - Identification of any Aboriginal objects of cultural significance and/or importance that you are aware of within the subject area, and how you wish them to be dealt with during the project.
As this project will be impacting in an area known to us were skirmishes occurred and our peoples blood was spilt, extensive recording needs to occur in this area and more importance will also need to be put on any military objects that may possibly be found. If in fact musket balls are found this could provide information as to the location of some of the Skirmishes. We would like to see more detailed recording with the possible expansion of the test pitting.
 - Identification of any places of cultural significance and/or importance that you are aware of within the study area, and how you wish them to be dealt with during the project.
The Maroota area in General.
 - Guidance on the protocols, sensitivity, use and/or distribution of any cultural information that you provide AHMS.
Any information that is given by Tocomwall will need to be restricted. We do not give consent for any information that we give to be given to any other party apart from the following list.
 1. DOPI
 2. OEH/EPA
 3. AHMS Client
 4. AHMS Senior Staff
 - Whether you require any further information prior to AHMS proceeding with the project.
No
 - Any initial thoughts on the potential long term storage and/or management of the Aboriginal objects, that may be recovered from the test excavations.
As long as any objects located are kept together. We are content to work with AHMS to ensure that the best possible decision is made for the care and control of objects located. We would also like to suggest that relics could be carbon and residue tested. We would recommend this to assist with dating the site.
- Please ensure AHMS is also provided with your nominated individual's contact information including phone number, fax number, postal address and e-mail address (if available).
I, Scott Franks am the contact for this project. I am contactable in the office, via mobile on 0404 171544 or email scott@tocomwall.com.au Also please be advised that we are happy for you to provide our contact details to the local Aboriginal land council, if required.

Regards

Scott Franks

Figure 13: Additional information provided by Tocomwall

Table 3: Information collated for presentation to proponent prior to engagement of field services

Registered Aboriginal Party	DLALC	DCAC	DLO	Tocomwall
Type of organisation	Local Aboriginal Land Council	Aboriginal corporation	Informal group	Company
Structure	Established under the Aboriginal Land Rights Act 1983	On the register of Indigenous Corporations (links to documents below)	Registered under the ABN of Jamie Workman (ABR details below)	Registered Pty Ltd company (Website here; ABR details below)
Public information	http://www.alc.org.au/land-councils/lalc-regions--boundaries.aspx	http://www.oric.gov.au/document.aspx?concernID=102622	http://abr.business.gov.au/SearchByAbn.aspx?SearchText=87239202455	http://abr.business.gov.au/SearchByAbn.aspx?SearchText=13137694618
Website	http://www.deerubbin.org.au/			http://www.tocomwall.com.au/
Responses to registration questions posed	Direct quotes are taken from an email from Steve Randall to Oliver Brown on 04.09.13	Relevant excerpts are provided below, but please see full response in Figure 12 .	Relevant excerpts are provided below, but please see full response in Figure 11 .	<i>Relevant excerpts are provided below, but please see full response in Figure 13</i>
1. Please provide a clear identification of the organisation registering an interest in the project and a nominated contact person and contact details.	"Deerubbin LALC is a Local Aboriginal Land Council ('LALC') under the Aboriginal Land Rights Act 1983 (the 'ALRA'). It's LALC area encompasses a large part of western Sydney and the Blue Mountains. As a LALC, its objectives are to 'improve, protect and foster the best interest of all Aboriginal persons within our LALC area and other persons who are members' (s.51 of the ALRA). It's statutory functions include 'to promote the protection of Aboriginal culture and the heritage of Aboriginal persons in its area' (s.52(1)(m) of the ALRA)".	"Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote education on the Darug history. The contact for DCAC is Leanne Watson, PH: 0415770163 email: mulgokiw@bigpond.com "	"As you can see by the letter head Darug Land Observations (D.L.O.) contact Uncle Gordon Workman Darug Elder"	"I, Scott Franks am the contact for this project. I am contactable in the office, via mobile on 0404 171544 or email scott@tocomwall.com.au"
2. Please indicate what is being represented (e.g. an individual, a family group, wider community, registered Aboriginal corporation, LALC, etc).	All Aboriginal people within the LALC boundaries	"Our group has Darug members, other tribal area members and also the wider community. We are a registered Aboriginal corporation".	"individual, a family group, wider community People from the Darug Nation ONLY"	"Tocomwall represents members of An asserted Native Title Group The Darug people. It is a family group with some 200 people connected to it.
3. Please indicate the nature of the connection to the project area (e.g. traditional ownership, historical association, etc)	The area is within Deerubbin LALC boundary	"This area is within Darug boundaries, it is the responsibility of Darug people to care for our country and all that our county supports including landforms, sites, people, flora and fauna and our stories. Aboriginal people are connected to country"	"Maroota is a part of the Darug Nation"	Traditional ownership- Mr Franks advises his mother was a Darug person from Dural. "The area in question is of great cultural importance to our people. This Area was well known to our people as a camping, meeting and hunting site. Our people used this area well in to late colonisation until most were moved to the mission at La Perouse.

<p>4. Please indicate the type of information that your or your group might be able to contribute (e.g. traditional knowledge, local place-specific information, specialist cultural heritage knowledge or experience, etc).</p>	<p>"Local Land owner & have assessed quarries for Dixon Sands & PF Formations Maroota over the last 20 years"</p>	<p>"Our group has knowledge holders of the Darug land, we have worked in this area for over 40 years and are all experienced in cultural heritage and all of our site officers have experience in cultural heritage and site management"</p>	<p>"Camping site's hunting, story and song line's spiritual place"</p>	<p>This subject area is a known meeting, camping and hunting place.</p>
<p>5. Comment on the level of consultation / project involvement you require (Do you wish to attend any meetings? Do you wish to be involved in any fieldwork? Do you simply want a copy of the final report?).</p>	<p>"All levels of consultation & field work"</p>	<p>"Our group wish to be consulted on all aspects of this project and also participate in all fieldwork".</p>	<p>All meetings, works and field work on Darug Nation</p>	<p>"Tocomwall is seeking full consultation And involvement in this project as our members have a direct connection to the Maroota area.</p>
<p>6. If you wish to be involved in any fieldwork, please provide information on your insurances (liability, indemnity, etc) and your organisation's rates.</p>	<p>Rates provided and listed above. Insurances provided: Public liability, Workers Compensation, Vehicle insurances</p>	<p>Rates provided and listed above. Insurances provided: Public liability, Workers Compensation</p>	<p>Rates provided and listed above. Insurances provided: Public liability, Workers Compensation</p>	<p>Rates provided and listed above. Copies of insurances promised (AHMS can confirm that all appropriate insurances are held)</p>

Table 4: Field Survey and Report Review

Organisation/Group	Representative	Date	Comments	AHMS Contact
Dixon Sand / Nexus	David Dixon, Neil Kennan	09.09.13	Information on RAPs provided to proponent	OB
Dixon Sand / Nexus	David Dixon, Neil Kennan	10.09.13	Dixon Sand and Nexus Environmental Planning responded to AHMS with election to engage DLALC to undertake survey	OB
DLALC	Steve Randall	24.09.13	Survey undertaken with Steve Randall of DLALC	OB
DLALC	Steve Randall	27.09.13	Report provided by DLALC (Appendix 2)	OB
All RAPs	various	08.10.13	Draft report distributed for comment	