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Our Ref: PR122641
Date: 25 September 2015

Health Infrastructure
Level 8
77 Pacific Highway
NORTH SYDNEY NSW 2060

Dear Sir/Madam,

**RE: BLACKTOWN MT DRUITT HOSPITAL REDEVELOPMENT EARLY WORKS PACKAGE 2
– ABORIGINAL HERITAGE**

We refer to the current redevelopment plans for the Blacktown Mt Druitt Hospital Redevelopment Early Works Package 2 and previous archaeological and cultural assessments that have been done on land affected by this stage of the development. RPS has been involved with the redevelopment of Blacktown Hospital since 2012 and has provided a number of reports assessing the archaeological and cultural values of the site.

The first report conducted by RPS was Cultural Heritage Assessment in April 2012. That report (PR112828) was conducted in consultation with registered Aboriginal parties and details the cultural and archaeological investigations and their findings. This report found no cultural or archaeological values attached to the Blacktown Hospital site.

This report was revisited in 2014 as part of a change in scope of works at the same location within the hospital grounds. An Aboriginal Heritage Due Diligence Assessment (PR122641) was prepared to assess whether the new scope of works would amend the findings and recommendations of the 2012 report. It was found that the works would not alter the findings and that no archaeological or cultural values would be harmed as a result of those proposed works.

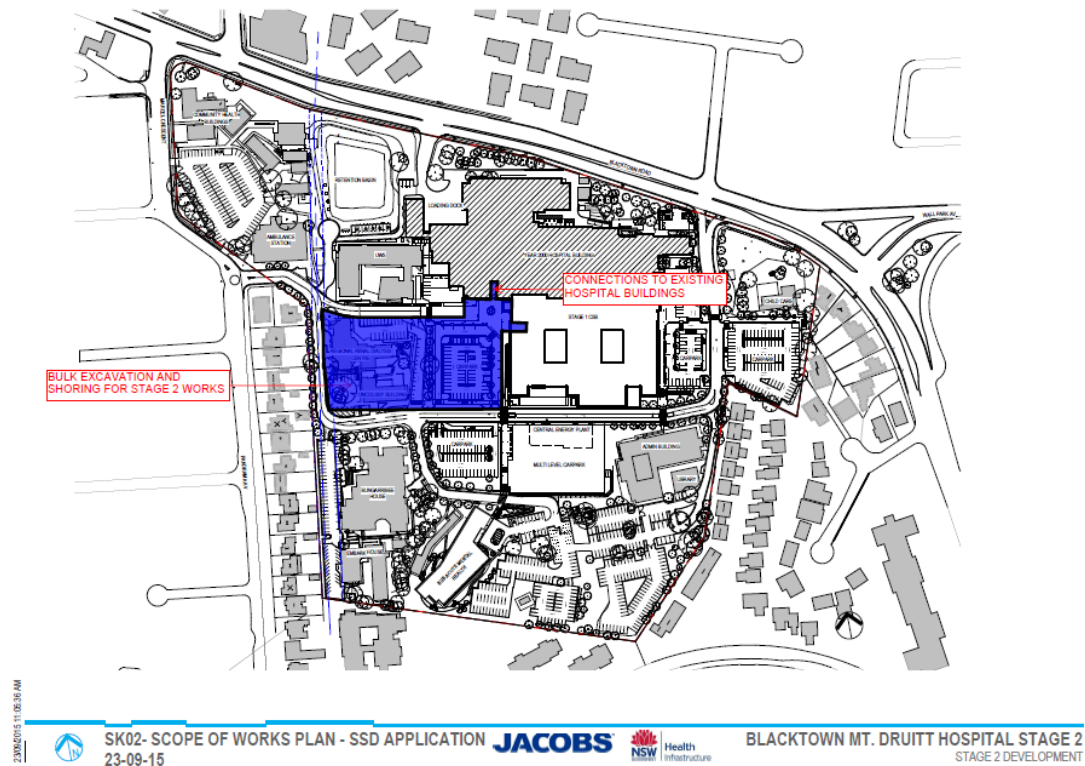
RPS has reviewed the Early Works Package 2 scope, which will seek planning approval through a state significant development (SSD).

The scope of works for this package includes:

- The removal of all redundant services;
- Demolition of portion of car park P7, roads, kerbs, walkways in the site of the proposed Stage 2 facility;
- Demolition of portions of existing main entry, and reconfiguration of entry to maintain public, staff and emergency service access at all times;
- Establishment of a new patient drop off zone in the eastern portion of car park P7,
- Removal of the temporary road way to the North of Bungarribee House in use during the reconfiguration of the loop road;
- Bulk earthworks and shoring in preparation for the construction of the Stage 2 building;
- Subterranean Tunnel Connections to the existing main building, and the new Stage 1 building (Structure and excavation only); and

- Any other works that are required to ensure the works are undertaken in a safe manner and staged to ensure minimal disruption to the Hospital / LHD.

The figure below shows the extent of the Early Works Package 2 works.



Based on RPS' review of the Early Works Package 2 scope, we have determined that our previous findings and recommendations, located in both the RPS Cultural Heritage Assessment (2012) and Aboriginal Heritage Due Diligence Assessment (2014) are unchanged and relevant to this package of works.

Yours sincerely
RPS

Deborah Farina
Heritage Manager Sydney



Heritage Due Diligence Assessment

Redevelopment of Blacktown Hospital – Stage 2

Visual Inspection Date: 19 June 2014

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Name	Signature	Date
Deborah Farina		4 July 2014

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Executive Summary

RPS has been engaged by Appian Group on behalf of NSW Health Infrastructure to prepare a Heritage Due Diligence Assessment for the Redevelopment of Blacktown Hospital Stage 2. The Stage 2 Study Area is located within the grounds of the Blacktown Mount Druitt Hospital, Blacktown Campus, within the Blacktown Local Government Area (LGA).

This report should be read in conjunction with the Cultural Heritage Assessment for Blacktown Hospital completed by RPS in April 2012. In that report, the entire Blacktown Hospital campus was assessed for Aboriginal heritage constraints in consultation with representatives of the Aboriginal community. That investigation concluded that there were no Aboriginal constraints and no potential for Aboriginal objects to be harmed. However, as these works vary slightly from those contemplated in that study, this due diligence assessment has been performed ahead of these works to confirm the conclusions made in April 2012.

The proposed Stage 2 works will include the construction of a new regional satellite renal dialysis building, access roads, a new ground level car park and other services adjacent to the main hospital building. The construction of the new services and buildings will be located along a mid-slope that has been cut and excavated for existing infrastructure.

This assessment has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (DECCW 2010) which requires reasonable and practicable steps be taken to: identify whether or not Aboriginal objects are, or are likely to be, present in an area; determine whether or not their activities are likely to harm Aboriginal objects (if present); and determine if an Aboriginal Heritage Impact Permit is required (DECCW 2010:2).

The Stage 2 Study Area has been subject to extensive modern land uses which include the construction of the Blacktown Mount Druitt Hospital, Blacktown Campus and the implementation of associated services. The construction of the medical services includes extensive landform modification, soil benching and excavations for services.

No Aboriginal objects and / or material were identified within the Study Area. The Study Area has been assessed as having low to nil archaeological potential. This assessment has found that further Aboriginal heritage assessment, in the form of an Aboriginal Heritage Impact Permit (AHIP), is not required for the proposed works.

The following recommendations are made in relation to the proposed activity:

Recommendation 1

All relevant personnel should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction prior to the commencement of the proposed activity.

Recommendation 2

This due diligence assessment must be kept by NSW Health Infrastructure so that it can be presented, if needed, as a defence from prosecution under s86(2) of the *National Parks and Wildlife Act 1974*.

Recommendation 3

If unrecorded Aboriginal objects are located in the Study Area in the course of the proposed works, then all works in the immediate area must cease and the area cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

Recommendation 4

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

Terms, Definitions, and Abbreviations

Abbreviation/ Term	Meaning
Aboriginal Object	“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” (DECCW 2010:18).
Aboriginal Place	“a place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture” (DECCW 2010:18). Aboriginal places have been gazetted by the minister.
Aboriginal Culturally Modified Tree	“means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by: (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or (b) the deliberate modification, by traditional methods, of the wood of the tree” NPW Regulation 80B (3). Culturally Modified trees are sometimes referred to as scarred trees
Activity	A project, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 EP&A Act 1979).
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
DECCW	Department of Environment, Climate Change and Water (is now the Office of Environment and Heritage – OEH)
Disturbed Land	“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable.” (DECCW 2010:18).
Due Diligence	“taking reasonable and practical steps to determine whether a person’s actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm” (DECCW 2010:18)
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
GDA	Geodetic Datum Australia
Harm	“destroy, deface, damage an object, move an object from the land on which it is situated, cause or permit an object to be harmed.” (DECCW 2010:18)
LGA	Local Government Area
NPWS	National Parks and Wildlife Service
NPW Act	<i>National Parks and Wildlife Act 1974 (NSW)</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2009 (NSW)</i>
OEH	Office of Environment and Heritage (formerly DECCW)
PAD	Potential Archaeological Deposit
Study Area	Study Area is the area subject to the desktop study in this report

1.0 Introduction

RPS has been engaged by Appian Group on behalf of NSW Health Infrastructure (the proponent) to prepare an Aboriginal heritage Due Diligence assessment for the Stage 2 redevelopment works. The purpose of a Due Diligence assessment is to demonstrate that reasonable and practicable measures have been taken to prevent harm to an Aboriginal object or place. This assessment has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) (“Due Diligence Code”).

This report has outlined the relevant environmental and archaeological context, landforms, landscape features, disturbances, legislative context and the nature of the proposed activity. This information has been considered in formulating the recommendations.

1.1 The Study Area

This assessment has been prepared for the Stage 2 Area subject to the proposed activity and herein is referred to as the Study Area. The Study Area is located within the grounds of the Blacktown Mount Druitt Hospital, Blacktown Campus, Blacktown. The Blacktown Hospital Campus (area marked as “Project Area” in Figure 1) is located within the Blacktown Local Government Area and is approximately 34 kilometres west of the Sydney Central Business District (CBD). Blacktown Hospital is located approximately 800 metres south east of the Blacktown CBD. The Hospital complex is situated on the north face of a moderately sloped hill, and was constructed in 1965.

The Study Area (“Stage 2 Area” in Figure 1) is fronted to the north by the existing main hospital building and the University of Western Sydney teaching facility, to the east by the Stage 1 Clinical Service Building (under construction) and existing internal hospital roads to the south and west. The Study Area consists of multiple car parks, two renal dialysis buildings, a bus stop, access roads and multiple sub-surface services. The Study Area covers approximately one hectare (Figure 1).

1.2 The Proposed Activity

This report should be read in conjunction with the Cultural Heritage Assessment for Blacktown Hospital completed by RPS in April 2012. In that report, the entire Blacktown Hospital Campus (“Project Area” in Figure 1) was assessed for Aboriginal heritage constraints in consultation with representatives of the Aboriginal community. That investigation concluded that there were no Aboriginal constraints and no potential for Aboriginal objects to be harmed. However, as these works vary slightly from those contemplated in that study, this due diligence assessment has been performed ahead of these works to confirm the conclusions made in April 2012.

The proposed works will be undertaken within the Stage 2 Area (refer Figure 1) and will include the construction of a new regional satellite renal dialysis building, access roads, a new ground level car park and other services adjacent to the main hospital building. The construction of the new services and buildings will be located along a mid-slope that has been cut and excavated for existing infrastructure. The proposed works will disturb the ground surface and as such a due diligence assessment is required under the Due Diligence Code (DECCW 2010: 11-12).

1.3 Authorship and Acknowledgements

This report was prepared by RPS Cultural Heritage Consultant Joshua Madden. The report was reviewed by Cultural Heritage Consultant Deborah Farina.



Figure 1: Project Area

CLIENT: APIAN GROUP

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RPS

2.0 Legislative Context

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Although there are a number of Acts protecting and managing cultural heritage in New South Wales (Appendix 1); the primary ones which apply to this report include:

- *National Parks & Wildlife Act 1974.*
- *National Parks & Wildlife Regulation 2009.*

In brief, the *National Parks & Wildlife Act 1974* protects Aboriginal heritage (places, sites and objects) within NSW; the National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence.

2.1 *National Parks & Wildlife Act 1974*

The *National Parks & Wildlife Act 1974* (NPW Act) protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in section 86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1).
- “A person must not harm an Aboriginal object” s86(2).
- “A person must not harm or desecrate an Aboriginal place” s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$200,000 for a corporation.

Harm under the NPW Act is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or 2) that the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘**due diligence**’ defence (s87[2]), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Study Area (subject area of the proposed activity, referred herein as the Study Area); then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed.

Notification of Aboriginal Objects

Under section 89A of the NPW Act Aboriginal objects (and sites) must be reported to the Director-General (now Chief Executive) of OEH within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

2.2 National Parks and Wildlife Regulation 2009

The *National Parks and Wildlife Regulation 2009* (NPW Regulation) provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The NPW Regulation 2009 outlines the recognised due diligence codes of practice which are relevant to this report, but it also outlines procedures for AHIP applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

2.3 Due Diligence and Codes of Practice

The aims of a due diligence assessments are to:

- Assist in avoiding unintended harm to Aboriginal objects.
- Provide certainty to land managers and developers about appropriate measures for them to take.
- Encourage a precautionary approach.
- Provide a defence against prosecution if the process is followed.
- Result in more effective conservation outcomes for Aboriginal cultural heritage.

One of the advantages of the due diligence provisions are that they provide a simplified process of investigating the Aboriginal archaeological context of an area to determine if an AHIP is required.

Under the section 80A NPW Regulation a number of due diligence codes are recognised.

This report has been written to meet the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) (Due Diligence Code).

2.3.1 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010)

This publication sets out a minimum benchmark for acceptable due diligence investigations to be followed. The purpose of the code is set out reasonable and practical steps in order to:

- (1) Identify whether or not Aboriginal objects (and places) are, or are likely to be, present in an area.
- (2) Determine whether or not their activities are likely to harm Aboriginal objects (if present).
- (3) Determine whether an AHIP application is required. (DECCW 2010:2)

Investigations under the code include the following:

- A search of the AHIMS to identify if there are previously recorded Aboriginal objects or places in the Study Area.
- Identification of landscape features including, land within 200 metres of water, dune systems, ridge tops, headlands, land immediately above or below cliff faces and/or rock shelters/caves.
- Desktop assessment including a review of previous archaeological and heritage studies and any other relevant material.
- Visual inspection of the Study Area to identify if there are Aboriginal objects present.
- Assessment as to whether an AHIP is required.

This report has complied with the requirements of the code listed above. Other requirements under the code are outlined below.

Aboriginal consultation is not required for an investigation under the Due Diligence Code (DECCW 2010:3). However, if the due diligence investigation shows that the activities proposed for the area are likely to harm objects or likely objects within the landscape, then an Aboriginal Heritage Impact Permit will be required with full consultation.

A record of the due diligence procedure followed must be kept to ensure it can be used as a defence from prosecution (DECCW 2010:15).

Following a due diligence assessment (where an AHIP application was not required), an activity must proceed with caution. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

3.0 Environmental Context

The purpose of reviewing the relevant environmental information is to assist in identifying whether Aboriginal objects or places are present within the Study Area. The environmental context forms part of the desktop assessment required under the Due Diligence Code (DECCW 2010:12-13).

3.1 Geology and Soils

The Study Area is located along the Cumberland Plain which is low-lying and characterised by a gently undulating landscape within the Sydney Basin (Clark and Jones 1991). The Study Area is underlain by the Triassic Wianamatta Group, which is comprised of sandstone and shale with the exception of the areas surrounding watercourses, such as Ropes Creek, Eastern Creek and South Creek, which are made up of Quaternary deposits of gravel, sand, silt and clay (Brunker & Rose, 1967). The Wianamatta Group is overlain by Triassic Bringelly Shale, Ashfield Shale and small deposits of Minchinbury Shale (Erskine, et al, 2003:128).

The dominant soil landscape of the Blacktown area is the Blacktown soil landscape. The residual Blacktown soil landscape is characterised by shallow to moderately deep red and brown podzolic soils on crests, upper slopes and well drained areas, and deep yellow Podzolic soils and soloths on lower slopes and in areas of poor drainage (Chapman & Murphy, 1989:30).

Soil profile and depth impact upon the preservation and integrity of any cultural materials that may have been deposited by past Aboriginal peoples. The depth of soils impacts upon the likelihood of uncovering Aboriginal objects and the likelihood of the original deposition of these objects. The soil profile can inform on the type of erosion and soil movement of an area, providing a basis for the likelihood of Aboriginal cultural material movement and depositional context. Understanding the geology and rock formations of an area is important as past Aboriginal peoples utilised sandstone outcroppings to grind edges of stone tools and objects. The presence of sandstone may therefore result in the uncovering of grinding grooves.

The shallow to moderately deep Blacktown soil pattern indicates that archaeological features could have changed, or artefacts and sites may have moved from their original depositional context.

3.2 Topography and Hydrology

The Cumberland Plain is a gently undulating landform, stretching from the Nepean/Hawkesbury Rivers in the west, to Windsor in the north, to Thirlmere in the south. The Cumberland Plain covers an area of approximately 275,000 hectares and is the most highly urbanised environment in the Sydney Basin bioregion. The area comprises fertile soils, contrasting with the rugged sandstone plateaux surrounding it, and has been utilised extensively for agriculture use since European settlement in 1788 (NPWS, 2002:1).

The landscape surrounding the Blacktown Study Area is gently undulating with local relief 10-30 metres with slopes generally less than 10 per cent. Crests and ridges are broad and rounded, with convex upper slopes grading into concave lower slopes (Chapman & Murphy, 1989:30).

Two tributaries of Blacktown Creek (approximately 250 metres north and 300 metres east respectively) are the nearest freshwater resources with Breakfast Creek, the nearest major freshwater creekline, located approximately 2.8 kilometres north of the current Study Area.

3.3 Flora and Fauna

The purpose of this section is to provide an indication of the types of flora and fauna resources which were likely to have been available to Aboriginal people in the past. It is based on broad scale vegetation mapping and does not replace more detailed studies undertaken for the Study Area.

The dominant ecological community prior to European contact was the now-endangered Cumberland Plain Woodland. Within this ecological community, two broad forms existed: the Shale Hills woodland group, occurring mainly on the elevated and sloping southern portion of the Cumberland Plain, and the Shale Plains woodland group, the most widely distributed of the two (NPWS, 2002:10).

Dominant species occurring within the Cumberland Plain woodland were the grey box (*Eucalyptus moluccana*), Forest red gum, (*E. tereticornis*), spotted gum (*Corymbia maculata*) and thin-leaved stringybark (*E. Eugenioides*). The dominant understorey comprised Blackthorn (*Bursaria spinosa*), with grasses such as kangaroo grass (*Themeda australis*), weeping meadow grass (*Microlaena stipoides var stipoides*) and herbs such as kidney weed (*Dichondra repens*), blue trumpet (*Brunoniella australis*) and *Desmodium variens* (NPWS, 2004:1).

The fauna of the nearby Cumberland lowlands, at the time of contact, is well documented and includes many species still present within the wider Sydney region today. The various species would have included kangaroo, wallaby, wombat, echidna, bandicoots, flying fox, emus, quolls, various native rats and mice, snakes, frogs and lizards. The bones of these animals have been recovered from Aboriginal sites in the Sydney region suggesting that they were sources of food (Attenbrow 2002:70-76), although the hides, bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

3.4 Synthesis of Environmental Context

The Cumberland Plain was an area with ample food sources in the form of, freshwater, fish and game, with areas considerable distances from permanent freshwater courses identified as having lower levels of habitation due to a lack of freshwater resources. The environmental context of the Study Area indicates that the surrounding areas would have been regularly visited and inhabited by past Aboriginal peoples. The considerable distance from significant freshwater resources means that the Study Area was not an area of intense occupation. This is evident when taking into consideration the OEH Aboriginal Heritage Information Management System (AHIMS).

4.0 Heritage Context

The purpose of reviewing the relevant heritage information is to assist in identifying whether Aboriginal objects or places are present within the Study Area. The heritage context forms part of the desktop assessment required under the Due Diligence Code (DECCW 2010:12-13).

4.1 Aboriginal Heritage Information Management System (AHIMS)

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 19 May 2014 (AHIMS Client Service ID: 135161), the coordinates searched for the Study Area were GDA Zone 56, Eastings 30348 to 309661 and Northings 6257896 to 6263023. The AHIMS search revealed that there are 68 previously recorded Aboriginal sites within these coordinates (Figure 2).

The search revealed that no Aboriginal objects or places were present in the Study Area.

Table 1 AHIMS search results

Site type	Frequency	Per cent
Open Campsite (Isolated Finds, Artefact Scatters)	61	90
Modified Tree	2	2.9
Potential Archaeological Deposit (PAD)	2	2.9
Burial	1	1.4
Artefact, Modified Tree	1	1.4
Quarry and Stone Artefact	1	1.4
Total	68	100%

The AHIMS search and relevant regional archaeological assessments indicate that there is a concentration of artefact sites consisting of isolated finds and artefact scatters within the wider geographical region. The AHIMS search identified that very few Aboriginal sites and/or objects are located within the immediate vicinity, with four Aboriginal artefact scatters and one raw material stone quarry located within two kilometres of the Study Area (Figure 2).

4.2 Aboriginal Ethno-History

Aboriginal tribal boundaries within Australia have been reconstructed based on surviving linguistic evidence and ethno-historic data are therefore only approximations. Social interaction, tribal boundaries and linguistic evidence may not always correlate and it is likely boundaries and interaction levels varied and fluctuated over time. The language spoken within the Blacktown area and across the Cumberland Plain is known as Darug, a term first used in 1900 by anthropologist R.H. Matthews (RPS, 2012). The Darug language group is thought to have extended from Appin in the south to the Hawkesbury River in the north and west as far as Penrith and Windsor (Attenbrow 2010:32-34).

The original inhabitants of the Cumberland Plain would have been among the first Aboriginal people to experience the effects of physical and social dislocation as a result of European settlement. The effects of European colonisation on local the Aboriginal populations included loss of access to traditional lands and resources, inter-tribal conflict, starvation, the breakdown of traditional cultural practices. Further large scale loss of life through disease and epidemics, like that of the 1789 smallpox epidemic, severely affected the Aboriginal peoples and the traditional way of life.

4.3 Cumberland Plain Predictive Model

Regional Aboriginal heritage investigations across the Cumberland Plain indicate that Aboriginal occupation occurred with varying density and through time. These investigations have indicated that a higher proportion of Aboriginal archaeological material have been recorded on or near water resources. This indicates that Aboriginal occupation of the Cumberland Plain was concentrated on watercourses. In support of this, a large proportion of artefact scatters recorded within the western region of the Cumberland Plain are located near watercourses; 65 per cent are located within 100 metres of permanent water, and only eight percent are located more than 500 metres from a watercourse (Attenbrow 2003:50). Large artefact scatters, both in terms of artefact density and spatial extent, as well as shelters were also clustered near watercourses (Attenbrow 2003:121).

Evidence of past Aboriginal land use and occupation occurs across the Cumberland Plain in various manifestations. There is potential for material traces of Aboriginal occupation to be present wherever there has been limited prior surface disturbance. General statements regarding Aboriginal occupation on the Cumberland Plain include:

- The size, density and complexity of sites will vary according to permanence of water (i.e. ascending stream order), landform and proximity to stone resources in the following way:
 - » In the headwaters of upper tributaries material traces of Aboriginal occupation will be sparse and represent transient occupation.
 - » In the middle reaches of minor tributaries will be archaeological evidence for sparse but focussed activity (e.g. one-off camp locations, single episode knapping floors).
 - » In the lower reaches of tributaries will be material traces of more frequent occupation. This will include repeated occupation by small groups, knapping floors (perhaps used and re-used), and evidence of more concentrated activities.
 - » On major watercourses such as the Nepean River will be material traces of more permanent or repeated occupation. Material traces of Aboriginal occupation will be complex and may be stratified.
- The junction of watercourses may provide foci for Aboriginal occupation; the size of the confluence may influence the extent of Aboriginal occupation.
- Ridge locations between drainage lines often contain limited material evidence, although isolated knapping floors or other forms of one-off occupation may be present in such a location.
- Naturally outcropping stone (including silcrete) will have been exploited and material traces of such activity (decortications, testing and limited knapping) would be found in such locations.
- Objects in close proximity to an identified stone source would cover a range of size and cortex characteristics. As one moves away from the resource, the general size of the artefacts in the assemblage should decrease, as should the percentage of cortex.

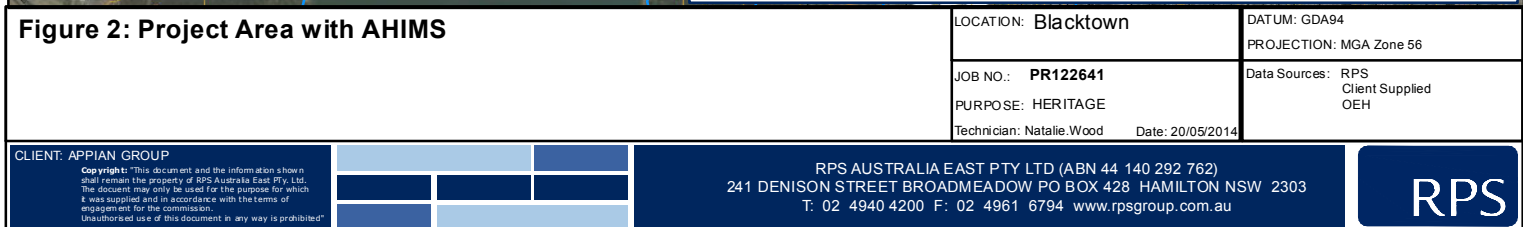
The Study Area consists of mid slope landform that slopes toward the west. The Study Area is located a considerable distance from freshwater resources along the Cumberland Plain. Material traces of Aboriginal occupation have likewise been identified a considerable distance from the Study Area.

4.4 Disturbance and Recent Land Use

During the 1950s and 1960s, a large amount of suburban development was undertaken in the Blacktown area and its surrounding suburbs. This suburban growth led to civic development in the town centre with land being resumed in 1958 for hospital purposes, with the Blacktown Hospital Campus opening in 1965.

Since the early 1960s the current Study Area has been subject to disturbances relating to the development

and use of the current hospital facilities (RPS 2012). The wider Blacktown Hospital Campus is currently undergoing developments, the subject of the investigations of April 2012.



4.5 Archaeological and Heritage Overview

A review of previous archaeological and heritage reports has been undertaken to inform this due diligence assessment.

RPS 2012, Cultural Heritage Assessment, Blacktown Hospital, Blacktown

In 2011 RPS was commissioned by Appian Group, on behalf of NSW Health Infrastructure to prepare a Cultural Heritage Assessment for the proposed extensions to Blacktown Hospital. Both Aboriginal and European archaeology were considered during the course of this assessment. The current Study Area is located within the central portion of the RPS 2012 Study Area.

RPS concluded that no Aboriginal and / or European heritage sites were located within the Study Area. It was further identified that, the vast majority of the Study Area had been extensively modified by the existing building and infrastructure. The assessment concluded that no further archaeological works were required and that the proposed works could proceed with caution.

Jo McDonald Cultural Heritage Management Pty Ltd 2005, Archaeological Assessment, St Marys

McDonald (2005) was commissioned by Maryland Development Company to undertake an archaeological assessment on the former Australian Defence Industry (ADI) site at St Marys. The ADI site was situated approximately 12 kilometres west of the current Blacktown Study Area.

McDonald (2005) concluded that the ADI site had been moderately or severely impacted on by previous land-use and therefore the archaeological sensitivity was low. The recommendations included that no further archaeological investigation was required in the two areas of the ADI site and two other areas were identified as requiring archaeological salvage prior to development (McDonald 2005).

Jo McDonald Cultural Heritage Management Pty Ltd 2006, Heritage Impact Statement, Western Sydney Parklands

This Heritage Impact Statement (HIS) was prepared for the Parklands and Doonside Parcel (Bungarribee Precinct Project) as a part of the Director General's Requirements for an Environmental Assessment under Part 3A of the *Environmental Planning and Assessment Act 1979*. The purpose of the HIS was to assess the impacts of the proposed development on Aboriginal heritage as identified in the initial archaeological assessment of the Western Sydney Parklands (McDonald 2006).

The area was situated approximately five kilometres west from the current Blacktown Study Area. Fourteen sites and two areas of PAD were identified in the proposed Parklands development areas. Six of these sites had high potential for containing intact archaeological deposit, four sites had moderate potential for containing intact archaeological deposit, and four sites had low archaeological potential.

It was recommended that the five PADs be subjected to salvage excavation as part of the overall strategic management strategy for Aboriginal heritage in the Bungarribee Precinct Project. It was also recommended that an Aboriginal Heritage Conservation Management Plan should be prepared for the Bungarribee Precinct Conservation Area (McDonald 2006).

Kelleher Nightingale Consulting Pty Ltd 2007, Aboriginal Heritage Assessment, Whalan

Blacktown City Council (BCC) commissioned Kelleher Nightingale Consulting Pty Ltd (2007) to conduct an archaeological survey for Whalan Reserve, at Whalan in the west of the Blacktown LGA. The Study Area incorporated both Whalan Reserve and Tregear Reserve to the north, which was situated approximately 12 kilometres west of the current Study Area in Blacktown.

The survey identified five previously recorded artefact scatters and one newly recorded artefact scatter. Kelleher Nightingale Consulting Pty Ltd (2007) suggested that the while these sites were not *in situ*, the Aboriginal archaeological sites identified during the survey be conserved and a detailed management plan be designed to ensure that these sites would not be impacted upon by pedestrians (Kelleher Nightingale Consulting Pty Ltd 2007).

4.6 Synthesis of Heritage Context

A review of the AHIMS search result and of previous archaeological investigations in the area indicates a low level of identified Aboriginal cultural material and sites within the local vicinity. As demonstrated by the above reports, many archaeological studies for the Cumberland Plain highlight the disturbance of sites recorded, and the lack of *in situ* archaeological evidence. The most commonly recorded site type within the vicinity is open campsite consisting of artefact scatters or isolated finds.

5.0 Visual Inspection and Field Results

An inspection of the Study Area was undertaken to identify any Aboriginal objects present on the ground surface, or that may be present below the ground surface. In accordance with the Due Diligence Code, a qualified consultant undertook the inspection (DECCW 2010:12-13).

5.1 Visual Inspection

The visual inspection of the Study Area was conducted on Thursday 19 June 2014 by RPS Cultural Heritage Consultant Joshua Madden. The visual inspection was conducted on foot (pedestrian).

The Study Area is located within the grounds of the Blacktown Mount Druitt Hospital, Blacktown Campus, Blacktown. The Stage 2 Study Area is fronted to the north by the existing main hospital building and the University of Western Sydney teaching facility, to the east by the Stage 1 Clinical Service Building (under construction) and existing internal hospital roads to the south and west.

The land comprising the Blacktown Campus and the current Study Area is located along a natural mid slope landform. The Study Area has undergone extensive landform modification since the initial hospital construction in 1965. The Study Area has been subject to high levels of disturbance which include, the construction of an at grade car park, two buildings – which are currently used for the regional satellite renal dialysis unit, existing roads, car parks, an entry ramp, a bus stop, existing and multiple sub-surface services and substantial landscape benching and soil movement.

Disturbances within the eastern portion of the Study Area included a recently constructed car park. Further recent hospital improvements within the Study Area included the construction of the entrance ramp and access way on the northern boundary and the upgrade of the existing access road along the southern boundary. It is understood that the proposed construction of a new renal dialysis unit will be undertaken within the boundaries of the existing renal dialysis building block.

The disturbances and construction of buildings and services has resulted in low levels of exposure and low levels of natural ground surface visibility. Surface visibility was identified within areas of planted gardens and lawns and was estimated to be below 10 per cent. Soils in exposed benched sections appeared to be eroded. Imported soils were noted in all areas of ground surface exposure and likely used for benching and landscaping purposes. No Aboriginal objects and / or cultural material was identified.

5.2 Visual Inspection Summary

The Study Area visual inspection did not identify any Aboriginal archaeological object and / or sites. The Study Area is located within 300 metres of two minor creek lines and a considerable distance from Breakfast Creek, the closest major freshwater resource. As such, the Study Area is likely to have been an area of transient occupation with areas of more permanent occupation in the local area likely found closer to major creek lines.

The Study Area has been subject to extensive modern land uses which include the construction of the Blacktown Mount Druitt Hospital, Blacktown Campus and the implementation of associated services. The construction of the medical services includes extensive landform modification, soil benching and excavations for services. With consideration of these factors, the Study Area has been assessed as having low to nil archaeological potential.



Plate 1 View south from the main hospital building overlooking the 'on ground' car park with vehicle and pedestrian access ways. RPS 2014



Plate 2 View north east overlooking an access road and car park showing evidence of landform modification and sub-surface services. RPS 2014



Plate 3 View south east overlooking the new vehicle access ramp with the existing regional renal dialysis buildings to the right of the plate. RPS 2014



Plate 4 View north east overlooking the existing regional renal dialysis building and vehicle access way. RPS 2014



Plate 5 View of the benching for the new main entrance vehicle access ramp. RPS 2014



Plate 6 View south west overlooking the existing regional renal dialysis buildings and associated infrastructure, services and landform modification. RPS 2014



Plate 7 View west overlooking the southern boundary of the Stage 2 works and the existing regional renal dialysis building. RPS 2014



Plate 8 View north east overlooking an existing car park, vehicle access way and the regional renal dialysis building. RPS 2014

6.0 Impact Assessment

The purpose of a due diligence assessment is to identify whether Aboriginal objects are present, or are likely to be present, within the Study Area; to determine whether the proposed activity is likely to harm Aboriginal objects (if present) and to determine whether an AHIP is required.

The proposed works will include the construction of a new regional satellite renal dialysis building, access roads, a new ground level car park and other services adjacent to the main hospital building. The activity will involve ground disturbance works including the construction of new buildings and associated infrastructure including vehicle access, parking and sub-surface services.

NO SITES PRESENT

The AHIMS search and visual inspection indicate that there are no identified Aboriginal objects in the Study Area. This Due Diligence assessment has identified that there is no identified risk of harm to Aboriginal objects. As such, it is recommended that the proponent can proceed with caution without further Aboriginal heritage management investigation.

Details regarding the mechanism for dealing with the unexpected discovery of an Aboriginal object are outlined in Section 7.

7.0 Conclusions and Recommendations

This report has considered the available environmental and archaeological information for the Study Area, the land condition, as well as the nature of the proposed activity.

The AHIMS results indicate that there are no Aboriginal objects recorded in the Study Area. The visual inspection noted that the Study Area had been heavily modified by recent land uses, including the construction and use of the area as part of the Blacktown Hospital and associated infrastructure. No Aboriginal objects were located as a result of the visual inspection.

No Aboriginal objects or places are located within the Study Area. This assessment has found that an Aboriginal Heritage Impact Permit (AHIP) is not required for the proposed activity.

The following recommendations are made in relation to the proposed activity:

Recommendation 1

All relevant personnel should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction prior to the commencement of the proposed activity.

Recommendation 2

This due diligence assessment must be kept by NSW Health Infrastructure so that it can be presented, if needed, as a defence from prosecution under s86(2) of the *National Parks and Wildlife Act 1974*.

Recommendation 3

If unrecorded Aboriginal objects are located in the Study Area in the course of the proposed works, then all works in the immediate area must cease and the area cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

Recommendation 4

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

8.0 References

- DECCW. (2010). "Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales." in *Part 6 National Parks and Wildlife Act 1974*, edited by Department of Environment Climate Change & Water.
- Attenbrow, V. (2010). *Sydney's Aboriginal Past: Investigating the Archaeological and Historical Records* (edition 2), UNSW Press.
- Chapman, G.A. and Murphy C.L. (1989), *Soil Landscapes of the Sydney 1:100 000 sheet*. Soil Conservation Service of N.S.W., Sydney, pages 30-33.
- Clark, N. R. and D. R. Jones (1991). Penrith 1:100 000 geological map sheet, 9030, Department of Minerals and Energy, New South Wales.
- Ersine, W D, Mahmoudzadeh, A, Browning, C M and Myers, C (2003). "Sedimentary Yields and Soil Loss Rates from Different Land Uses in Western Sydney, NSW", in *Australian Journal of Soil Research*, 2003, 41, 127-140pp.
- Kelleher Nightingale Consulting Pty Ltd (2007). *Whalan Reserve Master Planning: Aboriginal Heritage Assessment*, Environmental Partnership (NSW) Pty Ltd.
- McDonald, J. (2005). Archaeological assessment of Indigenous Heritage values in the Dunheved Precinct of the St Marys Development, Mayrland Development Company.
- McDonald, J. (2006). *Heritage Impact Statement Western Sydney Parklands: Huntingwood West*
- NSW National Parks and Wildlife Service (2002). *National Biodiversity Audit – Biodiversity Strategy Case Study: Cumberland Plain subregion - Sydney Basin Bioregion, NSW, SB8:Cumberland*, retrieved on 20 April 2011 from http://www.anra.gov.au/topics/vegetation/pubs/case_studies/sb8_casestudy.pdf.
- NSW National Parks and Wildlife Service (2004). *Endangered Ecological Community Information: Cumberland Plain Woodland*, retrieved on 27 April 2011 from <http://www.environment.nsw.gov.au/resources/nature/EECinfoCumberlandPlainWoodland.pdf>
- RPS. (2012). *Cultural Heritage Assessment: Blacktown Hospital, Blacktown, NSW*, APPIAN Group.

Appendix I

Legislative Requirements

Summary of Statutory Controls

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

COMMONWEALTH

Aboriginal & Torres Strait Islander Heritage Protection Act 1984 (ATSIHIP Act)

The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

It would appear that the intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation, and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

Australian Heritage Commission Act 1975

The *Australian Heritage Commission Act (1975)* established the Australian Heritage Commission which assesses places to be included in the National Estate and maintains a register of those places. Places maintained in the register are those which are significant in terms of their association with particular community or social groups and they may be included for social, cultural or spiritual reasons. The Act does not include specific protective clauses.

The *Australian Heritage Council Act 2003*, together with the *Environment Protection & Biodiversity Conservation Act 1999*, includes a National Heritage List of places of National heritage significance, maintains a Commonwealth Heritage List of heritage places owned or managed by the Commonwealth and ongoing management of the Register of the National Estate.

STATE

It is incumbent on any land manager to adhere to state legislative requirements that protect Aboriginal Cultural heritage. The relevant legislation in NSW includes but is not limited to the summary below.

National Parks and Wildlife Act 1974 (NPW Act)

The NPW Act provides statutory protection for all Aboriginal heritage, places and objects (not being a handicraft made for sale), with penalties levied for breaches of the Act. This legislation is overseen by the Office of Environment and Heritage (OEH), and specifically the Chief Executive (formerly the Director-General) of OEH. Part 6 of this Act is the relevant part concerned with Aboriginal objects and places, with Section 86 and Section 90 being the most pertinent. In 2010, this Act was substantially amended, particularly with respect to Aboriginal cultural heritage requirements. Relevant sections include:

Section 86

This section now lists four major offences:

- (4) A person must not harm an object that the person knows is an Aboriginal object;
- (5) A person must not harm an Aboriginal object;
- (6) For the purposes of s86, “circumstances of aggravation” include:
 - (a) The offence being committed during the course of a commercial activity; or
 - (b) That the offence was the second or subsequent offence committed by the person;
- (7) A person must not harm or desecrate an Aboriginal place.

Offences under s86 (2) and (4) are now strict liability offences, i.e., knowledge that the object or place harmed was an Aboriginal object or place needs to be proven. Penalties for all offences under Part 6 of this Act have also been substantially increased, depending on the nature and severity of the offence.

Section 87

This section now provides defences to the offences of s86. These offences chiefly consist of having an appropriate Aboriginal Heritage Impact Permit (AHIP), not contravening the conditions of the AHIP or demonstrating that due diligence was exercised prior to the alleged offence.

Section 87A & 87B

These sections provide exemptions from the operation of s86; Section 87A for authorities such as the Rural Fire Service, State Emergency Services and officers of the National Parks & Wildlife Service in the performance of their duties, and s87B for Aboriginal people performing traditional activities.

Section 89A

If a person knows of the location of an Aboriginal object or place that has not been previously registered and does not advise the Director-General (now Chief Executive) of that object or place within a reasonable period of time, then that person is guilty of an offence under this Section of the Act.

Section 90

This section authorises the Director-General (now Chief Executive) to issue an AHIP.

Section 90A-90R

These sections govern the requirements relating to applying for an AHIP. In addition to the amendments to the Act, OEH have issued three new policy documents clarifying OEH's requirements with regards to Aboriginal archaeological investigations: *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and *Code of Practice for Archaeological Investigations in NSW*. The Consultation Requirements formalise the consultation with Aboriginal community groups into four main stages, and includes details regarding the parties required to be consulted, advertisements inviting Aboriginal community groups to participate in the consultation process, requirements regarding the provision of methodologies, draft and final reports to the Aboriginal stakeholders and timetables for the four stages. The Due Diligence Code of Practice sets out the minimum requirements for investigation, with particular regard as to whether an AHIP is required. The Code of Practice for Archaeological Investigation sets out the minimum requirements for archaeological investigation of Aboriginal sites.

Aboriginal Heritage Impact Permits (AHIP)

OEH encourages consultation with relevant Aboriginal stakeholders for all Aboriginal Heritage Assessments. However, if an Aboriginal Heritage Impact Permit (AHIP) is required for an Aboriginal site, then specific OEH guidelines are triggered for Aboriginal consultation.

Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010, the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) were issued by OEH (12 April 2010). These consultation requirements replace the previously issued Interim Community Consultation Requirements (ICCR) for Applicants (Dec 2004). These guidelines apply to all AHIP applications prepared after 12th April 2010; for projects commenced prior to 12th April 2010, transitional arrangements have been stipulated in a supporting document, Questions and Answers 2: Transitional Arrangements.

The ACHCRs 2010 include a four stage Aboriginal consultation process and stipulate specific timeframes for each state. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. Stage 1 includes the identification of Aboriginal people who may have an interest in the Study Area and hold information relevant to determining the cultural significance of Aboriginal objects or places. This identification process should draw on reasonable sources of information including: the relevant OEH EPRG regional office, the relevant Local Aboriginal Land Council(s), the Registrar of Aboriginal Owners, Aboriginal Land Rights Act (1983), the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s), and the relevant catchment management authority. The identification process should also include an advertisement placed in a local newspaper circulating in the general location of the Study Area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest (EoI) for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled from the EoI's, they need to be consulted in accordance with ACHCR's Stages 2, 3 and 4.

Environmental Planning & Assessment Act 1979 (EP&A Act)

This Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Within the EP&A Act, Parts 3, 4 and 5 relate to Aboriginal heritage.

Part 3 regulates the preparation of planning policies and plans. Part 4 governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement. Part 5 regulates government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency. The National Parks & Wildlife Service is a Part 5 authority under the EP&A Act.

In brief, the NPW Act provides protection for Aboriginal objects or places, while the EP&A Act ensures that Aboriginal cultural heritage is properly assessed in land use planning and development.

Heritage Act 1977

This Act protects the natural and cultural history of NSW with emphasis on non-indigenous cultural heritage through protection provisions and the establishment of a Heritage Council. Although Aboriginal heritage sites and objects are primarily protected by the *National Parks & Wildlife Act 1974*, if an Aboriginal site, object or place is of great significance, it may be protected by a heritage order issued by the Minister subject to advice by the Heritage Council.

Other legislation of relevance to Aboriginal cultural heritage in NSW includes the *NSW Local Government Act 1993*. Local planning instruments also contain provisions relating to indigenous heritage and development conditions of consent.

Appendix 2

AHIMS

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 122641

Client Service ID : 135161

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2017	Belvis 7 (Bella Vista)	AGD	56	310040	6263800	Open site	Valid	Artefact : -	Open Camp Site	4153,98740
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-2712	PAD-05-19	AGD	56	309250	6263790	Open site	Valid	Artefact : -		98740
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-2891	site REL 1	AGD	56	307200	6256850	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-2894	site REL 4	AGD	56	306625	6256850	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3323	Western Sydney PAD4	GDA	56	310500	6260350	Open site	Valid	Potential Archaeological Deposit (PAD) : -		100554,10274 2
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3308	HE IF1	GDA	56	306034	6257504	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3309	NBP1	GDA	56	304933	6257910	Open site	Valid	Artefact : 5		100503
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3310	NBP2	GDA	56	304845	6257685	Open site	Valid	Artefact : 3		100503
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3881	OTC6	AGD	56	302800	6260100	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3882	OTC8	AGD	56	302900	6259840	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3970	BC1 (Prospect)	GDA	56	306723	6257399	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3971	BC2 (Prospect)	GDA	56	306664	6257329	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-3972	BCPAD1	GDA	56	306750	6257350	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-2549	Prospect Hill 6	AGD	56	307600	6256850	Open site	Valid	Artefact : -	Open Camp Site	98283
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-0469	Bungarribee 14 O.T.C.Doonside	AGD	56	302750	6258800	Open site	Valid	Artefact : -	Open Camp Site	1018,98435
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							
45-5-0472	South Blacktown 5 Blacktown	AGD	56	302910	6259710	Open site	Valid	Artefact : -	Open Camp Site	1018
	<u>Contact</u>	<u>Recorders</u>	<u>Permits</u>							

Report generated by AHIMS Web Service on 19/05/2014 for Cultural Heritage Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 303848 - 309661, Northings : 6257896 - 6263023 with a Buffer of 1000 meters. Additional Info : Cultural Heritage Risk Assessment. Number of Aboriginal sites and Aboriginal objects found is 68

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 122641

Client Service ID : 135161

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-0473	South Blacktown 1 Blacktown	AGD	56	303370	6257780	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits		
45-5-0476	South Blacktown 2 Blacktown	AGD	56	303380	6258180	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits		
45-5-0477	South Blacktown 8 Blacktown	AGD	56	304050	6258890	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits		
45-5-0478	South Blacktown 10 Blacktown	AGD	56	304630	6259610	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits		
45-5-1081	CSIRO/ISF2;	AGD	56	308420	6256810	Open site	Valid	Artefact : -	Isolated Find	98283,102196
	Contact	Recorders	Stephanie Garling					Permits	1434,1804,1929,2005	
45-5-1086	Vardys Road;	AGD	56	309140	6262740	Open site	Valid	Artefact : -	Open Camp Site	98740
	Contact	Recorders	Michael Guider					Permits		
45-5-1087	Vardys Road PS;	AGD	56	309340	6262700	Open site	Valid	Artefact : -	Open Camp Site	98740
	Contact	Recorders	Michael Guider					Permits		
45-5-1088	Foundry Road;	AGD	56	310500	6261620	Open site	Valid	Artefact : -	Open Camp Site	98740,102742
	Contact	Recorders	Michael Guider					Permits		
45-5-1090	Grantham Reserve;	AGD	56	308060	6259240	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders	Michael Guider					Permits		
45-5-1091	Chopin Street;	AGD	56	310280	6261700	Open site	Valid	Artefact : -	Open Camp Site	98740,102742
	Contact	Recorders	Michael Guider					Permits		
45-5-0348	Grantham Creek 1 Grantham Poultry Research Station	AGD	56	308320	6259710	Open site	Valid	Artefact : -	Open Camp Site	260,1018
	Contact	Recorders	Michael Guider					Permits		
45-5-0271	Doonside 8 (Doonside)	AGD	56	303105	6262620	Open site	Valid	Artefact : -	Open Camp Site	260,1018
	Contact	Recorders	Jim Kohen					Permits		
45-5-0936	Powers Lane 2;	AGD	56	309640	6263790	Open site	Valid	Artefact : -	Open Camp Site	98740
	Contact	Recorders	Denis Byrne					Permits		
45-5-0937	Powers Lane 3;	AGD	56	309440	6263780	Open site	Valid	Artefact : -	Open Camp Site	98740
	Contact	Recorders	Denis Byrne					Permits	1398	
45-5-1093	Mitchell High School;	AGD	56	306880	6259640	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders	Michael Guider					Permits		
45-5-1095	Pendle Hill Park;	AGD	56	309500	6257000	Open site	Valid	Artefact : -	Open Camp Site	102196
	Contact	Recorders	Michael Guider					Permits		
45-5-1098	Blacktown Creek;	AGD	56	307040	6259680	Open site	Valid	Artefact : -, Stone Quarry : -	Open Camp Site,Quarry	
	Contact	Recorders	Michael Guider					Permits		

Report generated by AHIMS Web Service on 19/05/2014 for Cultural Heritage Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 303848 - 309661, Northings : 6257896 - 6263023 with a Buffer of 1000 meters. Additional Info : Cultural Heritage Risk Assessment. Number of Aboriginal sites and Aboriginal objects found is 68

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 122641
Client Service ID : 135161

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-1106	Breakfast Creek 1; Contact	AGD	56	304620	6263760	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-2360	EC 4(3); Contact	AGD	56	302800	6260750	Open site	Destroyed	Artefact : - Permits	Open Camp Site	3425
45-5-2361	EC 1(5); Contact	AGD	56	306560	6257400	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-2362	EC 2(5); Contact	AGD	56	304750	6258050	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-2363	EC 3(5); Contact	AGD	56	304770	6257690	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-2364	EC 4(5); Contact	AGD	56	304750	6257920	Open site	Valid	Modified Tree (Carved or Scarred) : - Permits	Scarred Tree	
45-5-0451	Bungarribee 1 Blacktown Contact	AGD	56	303640	6260350	Open site	Valid	Artefact : - Permits	Open Camp Site	945,959,1018
45-5-0457	Bungarribee 4 Blacktown Contact	AGD	56	303540	6260490	Open site	Valid	Artefact : - Permits	Open Camp Site	947,1018
45-5-0458	Bungarribee 5 Blacktown Contact	AGD	56	303620	6260600	Open site	Valid	Artefact : - Permits	Open Camp Site	947,1018
45-5-0461	Bungarribee 6 Blacktown Contact	AGD	56	303302	6262260	Open site	Valid	Artefact : - Permits	Open Camp Site	1018
45-5-0297	Doonside 6 (Doonside) Contact	AGD	56	303102	6262609	Open site	Valid	Artefact : -, Modified Tree (Carved or Scarred) : - Permits	Open Camp Site,Scarred Tree	260,1018
45-5-0224	Kerry Road;Blacktown; Contact	AGD	56	304500	6261100	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-0839	Greystanes Creek 1;Toongabbie; Contact	AGD	56	308810	6258350	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-0840	Greystanes Creek 2;Toongabbie; Contact	AGD	56	308750	6258130	Open site	Valid	Artefact : - Permits	Open Camp Site	
45-5-0489	Bungarribee Bungarribee Hill Contact	AGD	56	303640	6260350	Open site	Valid	Artefact : - Permits	Open Camp Site	1018
45-5-0755	EC7 (Eastern Creek) Contact	AGD	56	302750	6257000	Open site	Valid	Artefact : - Permits	Open Camp Site	1644,98435

Report generated by AHIMS Web Service on 19/05/2014 for Cultural Heritage Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 303848 - 309661, Northings : 6257896 - 6263023 with a Buffer of 1000 meters. Additional Info : Cultural Heritage Risk Assessment. Number of Aboriginal sites and Aboriginal objects found is 68

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 122641

Client Service ID : 135161

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-3686	Blacktown Ck 3	GDA	56	306900	6260200	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3687	Blacktown Ck 4	GDA	56	306750	6258650	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3688	Blacktown Ck 5	GDA	56	306690	6258100	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3689	Blacktown Ck 6	GDA	56	306520	6257820	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3690	Greystones Ck 3	GDA	56	308800	6257950	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3700	Breakfast CK 2	GDA	56	304380	6263850	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3703	Kings Langley 1	GDA	56	309840	6263990	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3704	Kings Langley 2	GDA	56	309840	6263960	Open site	Valid	Burial : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3705	Kings Langley 3	GDA	56	310100	6263350	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3706	Kings Langley 4	GDA	56	309850	6264000	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-3707	Kings Langley 5	GDA	56	309350	6263650	Open site	Valid	Artefact : -		
	Contact	Recorders		Michael Guider				Permits		
45-5-4110	ASHLAR 1	GDA	56	305432	6262502	Open site	Valid	Artefact : 1		
	Contact	Recorders		Doctor.Sandra Wallace,Artefact Heritage Services				Permits	3655	
45-5-4111	ASHLAR 2	GDA	56	305691	6262905	Open site	Valid	Artefact : 1		
	Contact	Recorders		Doctor.Sandra Wallace,Artefact Heritage Services				Permits	3655	
45-5-3107	Lot 78	AGD	56	302750	6263380	Open site	Valid	Artefact : 2		
	Contact T Russell	Recorders		John Gallard				Permits		
45-5-3153	CSIRO 2/3 Complex	AGD	56	308469	6256800	Open site	Valid	Artefact : -		102196
	Contact T Russell	Recorders		Doctor.Tim Owen				Permits		
45-5-3233	Site A - Precinct A at Eastern Creek	AGD	56	303050	6257250	Open site	Valid	Artefact : 3		
	Contact S Scanlon	Recorders		Andrew Knight				Permits		
45-5-3245	PA-1 (Site A)	AGD	56	303280	6257570	Open site	Valid	Artefact : -		
	Contact	Recorders		Andrew Knight				Permits	2552	

Report generated by AHIMS Web Service on 19/05/2014 for Cultural Heritage Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 303848 - 309661, Northings : 6257896 - 6263023 with a Buffer of 1000 meters. Additional Info : Cultural Heritage Risk Assessment. Number of Aboriginal sites and Aboriginal objects found is 68

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 122641
Client Service ID : 135161

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
45-5-3226	PB-2 (not a site)	AGD	56	304250	6257550	Open site	Not a Site	Modified Tree (Carved or Scarred) :		
	<u>Contact</u>	<u>Recorders</u>	Andrew Knight					<u>Permits</u>		
45-5-3227	PB-1	AGD	56	304350	6257450	Open site	Valid	Artefact : -		100563
	<u>Contact</u>	<u>Recorders</u>	Andrew Knight					<u>Permits</u>	2498,2552	

Report generated by AHIMS Web Service on 19/05/2014 for Cultural Heritage Team Administrator for the following area at Datum :GDA, Zone : 56, Eastings : 303848 - 309661, Northings : 6257896 - 6263023 with a Buffer of 1000 meters. Additional Info : Cultural Heritage Risk Assessment. Number of Aboriginal sites and Aboriginal objects found is 68

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Cultural Heritage Risk Report

Redevelopment of Blacktown Hospital – Stage 2

Visual Inspection Date: 19 June 2014

Prepared by:

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Client Manager: Deborah Farina
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Version / Date: Final, July 2014

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Document Status

Version	Purpose of Document	Orig	Review	Review Date
Draft	Issue to Client for comment	JM	DF	25/06/2014
Final	Issue to client following comment	JM	DF	04/07/2014

Approval for Issue

Name	Signature	Date
Deborah Farina		4 July 2014

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Executive Summary

RPS has been engaged by Appian Group on behalf of NSW Health Infrastructure (the proponent) to prepare a Cultural Heritage Risk Assessment Report to support the Stage 2 of the redevelopment of Blacktown Hospital. The Stage 2 Study Area is located within the grounds of the Blacktown Mount Druitt Hospital, Blacktown Campus, within the Blacktown Local Government Area (LGA).

This Risk Report has considered the available legislative Aboriginal heritage database information, environmental and archaeological information for the Study Area, the land condition, as well as the nature of the proposed activity. This Risk Assessment identifies the key Aboriginal cultural heritage and archaeological issues for Stage 2 of the redevelopment works. The information within this report will contribute to the overall Risk Management Plan for the Stage 2 works.

The legislative database results indicate that there are no Aboriginal objects recorded in the Study Area. The visual inspection noted that the Study Area had been heavily modified by recent land uses, including the construction and use of the area as part of the Blacktown Hospital and associated infrastructure. No Aboriginal objects were located as a result of the visual inspection.

This Risk Report identified that there are no risks associated with known Aboriginal objects for the Study Area.

Based on the findings of RPS' Aboriginal Due Diligence Assessment (2014) and the findings of this Risk Assessment, the following mitigation measures for the Stage 2 Study Area are provided below.

Mitigation Measure 1

If unrecorded Aboriginal objects are located in the Study Area in the course of the proposed works, then all works in the immediate area must cease and the area cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

Mitigation Measure 2

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

1.0 Introduction

RPS has been engaged by Appian Group on behalf of NSW Health Infrastructure (the proponent) to prepare a Cultural Heritage Risk Assessment Report to support the Stage 2 of the redevelopment of Blacktown Hospital.

This Risk Assessment identifies the potential risks to the project as a result of Aboriginal cultural heritage and archaeological issues for Stage 2 of the proposed Blacktown Hospital redevelopment works. The report provides appropriate mitigation measures, based on relevant legislative guidelines and best heritage practice, for all identified risks. The information within this report will contribute to the overall Risk Management Plan for the Stage 2 works.

This report is supported by RPS' Blacktown Hospital Due Diligence Assessment and Service Delivery Plan (2014) for Stage 2 of works.

1.1 The Study Area

This assessment has been prepared for the Stage 2 area subject to the proposed activity and herein is referred to as the Study Area. The Stage 2 Study Area is located within the grounds of the Blacktown Mount Druitt Hospital, Blacktown Campus, Blacktown. The Blacktown Hospital Campus is located within the Blacktown Local Government Area and is approximately 34 kilometres west of the Sydney Central Business District (CBD). Blacktown Hospital is located approximately 800 metres south east of the Blacktown CBD. The Hospital complex is situated on the north face of a moderately sloped hill, and was constructed in 1965.

The Stage 2 Study Area is fronted to the north by the existing main hospital building and the UWS teaching facility, to the east by the Stage 1 Clinical Service Building (under construction) and existing internal hospital roads to the south and west. The Study Area consists of multiple car parks, two renal dialysis buildings, a bus stop, access roads and multiple sub-surface services. Stage 2 covers approximately 1 hectare (Figure 1).

1.2 The Proposed Activity

The proposed works will be undertaken within the Stage 2 works boundary (Figure 2) and will include the construction of a new regional satellite renal dialysis building, access roads, a new ground level car park and other services adjacent to the main hospital building. The construction of the new services and buildings will be located along a mid-slope that has been cut and excavated for existing infrastructure. The proposed works will disturb the ground surface and as such a due diligence assessment is required under the Due Diligence Code (DECCW 2010: 11-12)

1.3 Authorship and Acknowledgements

This report was prepared by RPS Cultural Heritage Consultant Joshua Madden. The report was reviewed by RPS Heritage Consultant, Deborah Farina.



Legend

- Project Area
- Stage 2 Area
- 10m Contours

Figure 1: Project Area

LOCATION: Blacktown

DATUM: GDA94

JOB NO.: PR122641

PROJECTION: MGA Zone 56

PURPOSE: HERITAGE

Data Sources:
Client Supplied

Technician: Natalie Wood

Date: 20/05/2014

CLIENT: APPIAN GROUP

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RPS

2.0 Legislative Context

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Although there are a number of Acts protecting and managing cultural heritage in New South Wales (Appendix 1); the primary ones which apply to this report include:

- *National Parks & Wildlife Act 1974.*
- *National Parks & Wildlife Regulation 2009.*

In brief, the *National Parks & Wildlife Act 1974* protects Aboriginal heritage (places, sites and objects) within NSW; the National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence.

2.1 *National Parks & Wildlife Act 1974*

The *National Parks & Wildlife Act 1974* (NPW Act) protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in section 86 of the Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1).
- “A person must not harm an Aboriginal object” s86(2).
- “A person must not harm or desecrate an Aboriginal place” s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for 2 years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$200,000 for a corporation.

Harm under the NPW Act is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The ‘**due diligence**’ defence (s87[2]), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Study Area (subject area of the proposed activity, referred herein as the Study Area); then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed.

Notification of Aboriginal Objects

Under section 89A of the NPW Act Aboriginal objects (and sites) must be reported to the Director-General (now Chief Executive) of OEH within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

2.2 *Environment Planning and Assessment Act 1979*

This Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Assessment documents prepared to meet the requirements of the EP&A Act including Reviews of Environmental Factors, Environmental Impact Statements and Environmental Impact Assessments, should address cultural heritage where relevant. Statutory planning documents such as Local Environment Plans and State Environmental Planning Policies typically contain provisions for heritage.

2.3 *Native Title Act 1993*

The Commonwealth Government enacted the *Native Title Act 1993* to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in *Mabo & Ors v Queensland (No. 2)* (1992) 175 CLR 1 (“Mabo”).

Although there is a presumption of native title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are a number of ways that native title is taken to have been extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes native title, as does any commercial, agricultural, pastoral or residential lease. Land that has been utilised for the construction or establishment of public works also extinguishes any native title rights and interests for as long as they are used for that purpose. Other land tenure, such as mining leases, may be subject to native title, depending on when the lease was granted.

3.0 Heritage Risk Assessment

The purpose of this Section is to synthesise existing data relating to Aboriginal cultural heritage for the Study Area and provide NSW Health Infrastructure a series of identified risks. A combination of legislative and government research tools have been utilised in order to garner any potential risks for the Stage 2 of the proposed works. The applicable tools and mechanisms for the identification of risks are:

- The OEH managed Aboriginal Heritage Information Management System (AHIMS) database;
- The Native Title Register;
- The Deerubbin Local Aboriginal Land Council claimed land under the Aboriginal Land Rights Act (1983); and
- A visual inspection of the study area.

3.1 Cultural Heritage Risks

The results of the assessment of the abovementioned mechanisms for the identification of Aboriginal cultural heritage risks are provided below.

3.1.1.1 [AHIMS](#)

A search of the OEH AHIMS database was conducted on 19 May 2014 (Client Service ID: 135161). The search included the current Study Area. The coordinates for the search were Zone 56, Eastings 30348 to 309661 and Northings 6257896 to 6263023 and revealed 68 previously recorded Aboriginal sites.

No sites listed on the OEH managed AHIMS database were located within or within close proximity of the current Study Area.

3.1.1.2 [Native Title Register](#)

A search of the National Native Title Tribunal NSW State Native Title Application and Determination Areas Map (31 March 2014) was undertaken on 23 May 2014.

There are no Native Title claims registered within the Blacktown Area.

3.1.1.3 [Aboriginal Land Rights Act](#)

There are no lands held, or currently claimed, by the Deerubbin Local Aboriginal Land Council under the Aboriginal Land Rights Act 1983 within the Study Area.

3.1.1.4 [Study Area Environmental Context](#)

The environmental context of the Study Area indicates that the surrounding areas would have been regularly visited and inhabited by past Aboriginal peoples. The Study Area is located within 300 metres of two minor creek lines and a considerable distance from Breakfast Creek, the closest major freshwater resource. As such, the Study Area is likely to have been an area of transient occupation with areas of more permanent occupation in the local area closer to major creek lines.

3.1.1.5 Study Area Visual Inspection

The visual inspection of the Study Area identified that the area has been subject to extensive modern land uses which include the construction of the Blacktown Mount Druitt Hospital, Blacktown Campus and the implementation of associated services. The construction of the medical services includes extensive landform modification, soil benching and excavations for services. No Aboriginal cultural material and / or objects were identified during the visual inspection of the Stage 2 Study Area.

With consideration of these factors, the Study Area has been assessed as having low to nil archaeological potential.

3.1.1.6 Cultural Heritage Summary of Risks

This Risk Report has considered the available legislative Aboriginal heritage database information, environmental and archaeological information for the Study Area, the land condition, as well as the nature of the proposed activity.

The legislative database results indicate that there are no Aboriginal objects recorded in the Study Area. The visual inspection noted that the Study Area had been heavily modified by recent land uses, including the construction and use of the area as part of the Blacktown Hospital and associated infrastructure. A visual assessment of the project area did not identify any Aboriginal objects, nor any potential for Aboriginal objects to be present. The Due Diligence assessment (RPS, 2014) confirmed that the Study Area has low to nil Aboriginal archaeological potential.

It should be noted that Aboriginal objects or burials may still be present subsurface, but that potential is considered to be remote. Nonetheless, the mitigation measures for such an eventuality are listed in the following section. As such, there are nil to very low risks associated with Aboriginal objects for the Study Area.

4.0 Mitigation Measures

This risk assessment should be kept by NSW Health Infrastructure so that it can be presented, if needed, as a defence from prosecution under s86(2) of the *National Parks and Wildlife Act 1974*. Based on the finding of RPS' Aboriginal Due Diligence Assessment (2014) and the findings of this Risk Assessment, the following mitigation measures for the Stage 2 Study Area are provided below.

Mitigation Measure 1

If unrecorded Aboriginal objects are located in the Study Area in the course of the proposed works, then all works in the immediate area must cease and the area cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed.

Mitigation Measure 2

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

Chris McGillick

From: Kate Tudehope
Sent: Tuesday, 29 September 2015 2:57 PM
To: Chris McGillick
Subject: OEH email

Kate Tudehope Principal Planner

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From: Andrew Paris [<mailto:Andrew.Paris@health.nsw.gov.au>]
Sent: Monday, 14 September 2015 6:08 PM
To: steve.cary@au.pwc.com; matthew.curnow@au.pwc.com; Kate Tudehope
Cc: Nicholas Skulander; Angela Jeffery; Matt Vizard; Leone McEntee
Subject: FW: Blacktown Hospital Stage 2 - Aboriginal Heritage Assessment - Response from OEH for inclusion in the EIS

All,

As discussed the Office of Environment and Heritage advises that no further Aboriginal heritage assessment is required for this stage of the Hospital redevelopment.

See a copy of the advice below for inclusion in the EIS.

Andrew

Regards

Andrew Paris

Project Director | **Health Infrastructure**
PO Box 1060, North Sydney, NSW 2060
Tel 02 9978 5432 | Mob 0427 211 604 |
andrew.paris@health.nsw.gov.au
www.health.nsw.gov.au

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From: Leone McEntee [<mailto:leone@upoutcomes.com.au>]
Sent: Monday, 14 September 2015 4:32 PM
To: Megan Fu; David Gibson
Cc: Andrew Paris
Subject: FW: Blacktown Hospital Stage 2

Hi Megan and David,
Please see note below re further Aboriginal archaeology for Blacktown Hospital. A copy of this advice will be submitted with the final EIS.
Cheers
Leone

From: Rachel Lonie
Date: Monday, 14 September 2015 4:15 pm
To: Leone McEntee
Cc: Fran Scully
Subject: RE: Blacktown Hospital Stage 2

Hi Leone

As you say the Aboriginal cultural heritage values were considered for the entire site when the Major Project SSD 5263 Blacktown Hospital Redevelopment was exhibited. Therefore the Office of Environment and Heritage advises that no further Aboriginal heritage assessment would be required for this stage of the Hospital redevelopment.

Regards

Rachel Lonie
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Please note I do not work Wednesdays

From: Leone McEntee [<mailto:leone@upoutcomes.com.au>]
Sent: Thursday, 10 September 2015 2:24 PM
To: Lonie Rachel
Cc: Leone McEntee
Subject: Blacktown Hospital Stage 2
Importance: High

Hi Rachel,
Thanks for speaking to me earlier. As discussed, the attached study was undertaken in 2012 in connection with the redevelopment of Blacktown and Mt Druitt Hospitals. It covers the entire site. The conclusion of the study was that due to the highly disturbed nature of the site, unexpected finds protocols should be applied.
The SEARs that were issued this year included a requirement that:

8. Aboriginal Heritage

Address Aboriginal heritage in accordance with the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC 2005) and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, if relevant.

On the basis of the attached report I would have considered that this would not be required. Could you please confirm with the relevant people and let me know what is anything will be required for this

site. We have been advised by our archaeologist (RPS) that this could take upwards of 4 months if we had to redo all of the studies again.

I look forward to hearing from you as soon as you can.

Regards

Leone

Leone McEntee

Planning Advisor | **Health Infrastructure**

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Effective 2 October 2014, please note the change to my email address.



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