

HERITAGE DESKTOP ASSESSMENT

Wave Park Group

FINAL

April 2017

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Wave Park Group

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Prepared by
Umwelt (Australia) Pty Limited
on behalf of
Wave park Group

Project Director: Nicola Roche
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Report No. 4011_R01_V2_Final
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	Name	Date	Name	Date
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Table of Contents

1.0	Introduction	1
1.1	Preamble	1
1.2	Proposed Works	1
1.3	Aims	1
2.0	Legislative Framework	3
2.1	National Parks and Wildlife Act 1974 (NSW)	3
2.2	Heritage Act 1977 (NSW)	4
2.3	Environmental Planning and Assessment Act 1979	4
3.0	Aboriginal Objects and Aboriginal Places of Heritage Significance. Aboriginal Archaeological Assessment Background	5
3.1	Environmental Context	5
3.2	Search of the Aboriginal Heritage Information Management System	5
4.0	Historical Heritage Background	7
4.1	Historical Context	7
4.2	Heritage Searches	7
5.0	Geotechnical Investigation	9
6.0	Conclusions and Recommendations	10
6.1	Conclusions	10
6.1.1	Aboriginal Cultural Heritage	10
6.1.2	Historic Heritage	10
6.2	Recommendations	10
7.0	References	12

Appendices

Appendix 1	Proposal Area
Appendix 2	AHIMS Results
Appendix 3	Historic Heritage

1.0 Introduction

1.1 Preamble

Urban Surf (Sydney) Pty Ltd (Urban Surf) is proposing to construct and operate “URBNSURF Sydney”, a world-class sport, recreation, leisure, tourism and event facility featuring a Wavegarden surfing lagoon to be sited at Pod B P5 Carpark, Hill Road, Sydney Olympic Park. In accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), Urban Surf has prepared an Environmental Impact Statement (EIS) for the proposal. Urban Surf has engaged Umwelt (Australia) Pty Ltd (Umwelt) to prepare a desktop archaeological assessment for the proposal. This assessment incorporates an Aboriginal archaeological desktop assessment and a non-Aboriginal (historical) archaeological desktop assessment for the project area. This desktop assessment has been undertaken with reference to *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) and the *Assessing Heritage Significance* (Heritage Office (former), 2001) guidelines.

1.2 Proposed Works

The proposal will involve the completion of a series of cut and fill earth works across the existing Sydney Olympic Park Car Park P5; Pod B situated along Hill Road. The proposed earth works involves bulk excavation (cutting) of approximately 14,000m³ within the south-eastern portion of the proposal area and the introduction of approximately 12,000m³ of fill material in the north western portion of the proposal area. The wider proposal area is approximately 3.1 hectares in size (refer to **Appendix 1**). The completion of cut and fill works is the primary impact assessed in relation to Aboriginal heritage.

1.3 Aims

This assessment has been prepared to address the requirements for archaeological assessment, as established in Secretary’s environmental assessment requirements (SEARs) issued for the proposal. In order to address these requirements, the Aboriginal archaeological assessment has proposal been undertaken with reference to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) and provides an evaluation of whether the proposal is likely to result in impacts to Aboriginal objects or sites.

The purpose of the historical archaeological assessment is to identify any listed or potential historic heritage items and to assess the likely impacts (if any) of the proposal to any identified historic heritage items or archaeological resources. The historical archaeological assessment has been prepared with reference to the following documents:

- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Burra Charter) (2013).
- *Assessing Heritage Significance* (Heritage Office (former), 2001).
- *Assessing Significance for Historical Archaeological Sites and ‘Relics’* (Heritage Council, 2009); and *Statements of Heritage Impact* (Heritage Office and Department of Urban Affairs & Planning (former), 1996, revised 2002).

Reference is also made to the requirements of the relevant planning instruments, as discussed in **Section 2**.

This assessment aims to:

- to determine if any Aboriginal places and/or objects are located within the proposal area and to identify whether the proposal area has Aboriginal archaeological potential
- identify appropriate measures for the management of the proposal area's Aboriginal cultural heritage (if present)
- identify whether any registered historic heritage archaeological items are located within the proposal area
- develop an historic context for the proposal area to inform consideration of the historical archaeological potential and
- identify the likely impacts of the proposal on historical archaeological items or areas of archaeological potential (if any) and provide appropriate measures for their management.

2.0 Legislative Framework

The management and conservation of Aboriginal and historical heritage and archaeological sites is subject to a range of statutory provisions in the NSW state government legislation. In NSW archaeological remains and heritage items are afforded statutory protection under the following Acts:

- the *Environmental Planning and Assessment Act 1979* (the EPA Act)
- the *Heritage Act 1977* (NSW) (the Heritage Act) and
- the *National Parks and Wildlife Act 1974* (the NPW Act).

2.1 National Parks and Wildlife Act 1974 (NSW)

The Office of Environment and Heritage (OEH) is primarily responsible for regulating the management of Aboriginal cultural heritage in New South Wales under the *National Parks and Wildlife Act 1974* (NPW Act). The NPW Act is accompanied by the National Parks and Wildlife Regulation 2009 (the Regulation) and other codes of practice and guidelines including the due diligence code.

The NPW Act defines an Aboriginal object as:

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales

In accordance with Section 86(1) of the NPW Act, it is an offence to harm or desecrate a known Aboriginal object, whilst it is also an offence to harm an Aboriginal object under Section 86(2). Harm is defined as any act or omission that:

- a) destroys, defaces or damages an object or place, or
- b) in relation to an object – moves the object from the land on which it had been situated, or
- c) is specified by the regulations, or
- d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),
but does not include any act or omission that:
- e) desecrates the object or place (noting that desecration constitutes an offence separate to harm), or
- f) is trivial or negligible, or
- g) is excluded from this definition by the regulations.

Section 87(2,4) establishes that it is a defence to prosecution under Section 86(2) (the strict liability offence) if due diligence was exercised to reasonably determine that the activity or omission would not result in harm to an Aboriginal object or if the activity or omission constituting the offence is a low impact act or omission (in accordance with Section 80B of the Regulation). The Regulation identifies that compliance with the due diligence code is taken to constitute due diligence in determining whether a proposed activity will harm an Aboriginal object.

2.2 Heritage Act 1977 (NSW)

The Heritage Act affords automatic statutory protection to items of heritage significance which form part of the heritage record of NSW (except where these provisions are suspended by other prevailing legislation). The Heritage Act defines a heritage item as a place, building, work, 'relic', moveable object or precinct.

The Heritage Act defines a 'relic' as any deposit, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and
- is of State or local heritage significance.

The Heritage Council of NSW, appointed by the Minister, is responsible for heritage in NSW, as constituted under the *Heritage Act 1977*. The Council is a cross-section of heritage experts with the NSW Heritage Division being the operational arm of the Council.

The Heritage Division provides guidelines for conducting assessments of heritage significance. In 2009 the Heritage Council published the heritage manual for '*Assessing Significance for Historical Archaeological Sites and 'Relics'*' which outlines specific criteria for addressing the significance of an item. These criteria are addressed in Section 5 of this report.

2.3 Environmental Planning and Assessment Act 1979

The EP&A Act requires that consideration be given to environmental impacts – including heritage – as part of the land use planning process, and the provisions of the EP&A Act allow for the implementation of environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs)). The proposal area is within the confines of the Sydney Olympic Park (SOP), which is subject to the provisions of the State Environmental Planning Policy (State Significant Precincts) 2005. The Heritage Map associated with this instrument identifies a general Conservation Area, which does not include the current proposal area. Schedule 3 of this instrument provides requirements for consideration of heritage within the SOP and specifies that a heritage impact statement should be completed for any proposed development that will impact on land containing a heritage item or within a heritage conservation area and also identifies that an assessment of the potential impacts to any Aboriginal object known or reasonably likely to be present should be undertaken. This assessment is provided to satisfy the provisions of the relevant SEPP.

Part 5 Clause 5.10 of the Auburn (LEP) 2010 provides the statutory framework for heritage conservation in the area outside the SOP, including the conservation of:

- the environmental heritage of Newington and other areas that area adjacent to the SOP that are within the Parramatta Local Government Area (LGA) (previously Auburn LGA)
- the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- archaeological sites.

3.0 Aboriginal Objects and Aboriginal Places of Heritage Significance. Aboriginal Archaeological Assessment Background

A review of relevant information is undertaken to assist in the identification of Aboriginal objects and/or places within and within proximity to the proposal area. The cultural heritage context forms part of the desktop assessment and is a requirement of the Due Diligence Code (DECCW 2010:12-13).

The proposal area is located within the wider Sydney Olympic Park complex which is located within the traditional lands of the Wann-gal clan. Ethnographic and historical accounts identify the Wann-gal lands as stretching along the southern shores of the Parramatta River between Cockle Bay and Rose Hill. The Wann-gal country in the vicinity of the proposal area, supported rich estuarine ecosystems which would have provided past Aboriginal peoples a variety of both estuarine and terrestrial food and other resources (Sydney Olympic Park: Fact Sheet – History).

3.1 Environmental Context

The proposal area was subject to major modification as part of the preparation works for the 2000 Sydney Olympic Games. At this time, significant deposits (estimated to be 5-9 metres thick) of inert material were deposited within the proposal area to establish a level and stable surface prior to the development of the existing car park. The deposition of such a thick deposit of fill across the proposal area has obvious implications in relation to its archaeological potential.

Despite this, consideration is given to the environmental context of the proposal area prior to these impacts. The proposal area is located approximately 1.5 kilometres south of Parramatta River, 700 metres west of Homebush Bay and adjacent to Haslams Creek, all of which a rich estuarine resources. Prior to land reclamation, the proposal was part of the large mangrove flats along the shores of the Parramatta River and associated estuarine resources. These would have supported diverse estuarine plant and animal communities. Prior to European settlement, the wider native vegetation community would have included a typical Turpentine –Ironbark Forest (Benson and Howell, 1990). While these types of resources may have been attractive to Aboriginal people, the nature of the landform (being often inundated and swampy in nature) is such that it is unlikely to have been utilised by Aboriginal people in a manner that would have resulted in the deposition of identifiable quantities of archaeological material.

3.2 Search of the Aboriginal Heritage Information Management System

A search of the OEH administered Aboriginal Heritage Information Management System (AHIMS) was undertaken on 31 March 2017 (Client Service ID: 274507). The coordinates of the search were between Latitude -33.8414 Longitude 151.0579 and Latitude -33.831 Longitude 151.0745 with a 50 metre buffer.

The search identified two previously recorded Potential Archaeological Deposits (PADs) within the search boundary (**Appendix 2**). The AHIMS search indicates that there are no previously recorded Aboriginal sites and/or objects located within the proposal area.

AHIMS site 45-6-2785 Wanngal Woodland PAD2 is located approximately 200 metres north west of the proposal area while AHIMS site 45-6-2786 Wanngal Woodland PAD1 is located approximately 280 metres west of the proposal area. These deposits both are identified as potential archaeological deposits (that is, an area where it is thought likely that sub-surface archaeological deposits will be present in detectable quantities). Both of these sites are not located within a similar context to the current proposal area.

4.0 Historical Heritage Background

This section discusses the known historical archaeological resources located within and in proximity to the proposal area. This assessment is based on consideration of the various heritage registers and relevant SEPP/LEP, current proposal area conditions and examination of pertinent historical information.

4.1 Historical Context

A comprehensive historical analysis for the Homebush Bay area has been developed as part of the Abattoir Heritage Precinct: Sydney Olympic Park Conservation Management Plan (2013) and the Sydney Olympic Park Authority History Fact Sheet (2015). This historic section provides a summary of the relevant European development of the proposal area only from colonisation through to the modern development of the Sydney Olympic Park.

By 1788, when the first European settlers arrived, the Homebush Bay area was an extensive tidal wetland and was recorded as 'The Flats' by Captain John Hunter within 10 days of the first fleet's arrival. With the expansion of the colony, land was granted across the Homebush Bay area from the late eighteenth century. However by 1811 much of the Homebush Bay area lay within either the Newington Estate, north of Haslams Creek and the Home Bush Estate which was situated between Haslams and Powells Creeks. The current proposal area lay within the original Newington Estate land grant.

John Blaxland, one of the free first settlers to arrive in the colony was granted 520 hectares in 1807 which he named Newington Estate. By 1827 Blaxland had laid out salt pans along the edges of Parramatta River which were producing up to eight tons of salt each week. The salt was then transported down to Sydney. The Blaxland family were associated with the area until the 1860s and established a flour mill and grazed much of the land.

The current proposal area however is located within the original foreshore and wetland areas located along the Parramatta River and associated coves. Land reclamation along the foreshore was progressive and by 1950s the need for waterfront industrial land increased and during the 1960s and 1970s the Homebush Bay area became a dumping site for household and industrial waste.

By 1993 the remediation program for the transformation of the Homebush Bay area as the site for the Sydney Olympic and Paralympic Games had commenced. At part of this process, the current proposal area was filled, levelled and has been a car park for the park ever since (SMP, 2013; Fact Sheet, 2015).

4.2 Heritage Searches

Historic heritage items, relics and places are recorded in statutory and non-statutory registers which are held at Federal, State and local levels depending upon the significance level ascribed. Sites which are representative of 'outstanding universal value' are identified as internationally significant and are inscribed in the World Heritage List.

The federal designations are maintained by the Commonwealth Department of Environment and include the Commonwealth Heritage List and the non-statutory National Heritage List. Historic heritage places of state significance are found on the NSW State Heritage Register (SHR) administered by the Heritage Division and available on the NSW Heritage Inventory online database. Places of local significance are included in heritage schedules in State Environmental Planning Instruments and Local Environmental Plans. Heritage listed items located in the vicinity of the proposal area are discussed below.

World Heritage

There are no World Heritage items located within or within proximity to the proposal area.

National and Commonwealth Heritage

A search of the Australian Heritage Database was undertaken on 13 March 2017 which indicated that there are no National or Commonwealth heritage items within the proposal area.

The search identified that there are no heritage items registered on the non-statutory Register of the National Estate within proximity to the proposal area.

State Heritage Register

A search of the State Heritage Register on 13 March 2017 found that the State Heritage Register Item Newington Armament Depot and Nature Reserve is located approximately 400 metres north west of the proposal area. The Olympic Cauldron (located over 800 metres south of the proposal area) and Hall of Champions (located over 1.5 kilometres south-east of the proposal area) are also listed on the State Heritage Register. No items on the State Heritage Register are located within the proposal area.

Section 170 Heritage Register

The search did not identify any items on s.170 Registers within or within close proximity to the proposal area.

Local Heritage

A search of the SEPP SEP heritage mapping identified three registered heritage areas within the SOP. These consisted of the State Abattoirs Conservation Area (located approximately 800 metres south of the current proposal area), the Olympic Cauldron and Hall of Champions (as already discussed). These items will not be impacted by the proposal.

A search of Schedule 5 of the Auburn LEP (2010) also identifies the presence of the Newington Armament Depot and Nature Reserve one local heritage conservation area located within 500 metres of the proposal area. There are no other items listed in this instrument that are closer to the proposal area and the proposal will not result in impacts to any items listed in this LEP

5.0 Geotechnical Investigation

In 2016 WSP; Parsons Brinckerhoff undertook a Due Diligence geotechnical assessment across the current proposal area. This section provides a summary of the geotechnical report outcomes in relation to the likelihood for the presence of Aboriginal and historical archaeology.

The investigations included the 17 geotechnical boreholes and 13 cone penetration tests across the current proposal area. The assessment found the following:

- the proposal area is underlain by between 5 and 9 metres of fill deposit
- alluvial/estuarine deposits underlie the deep fill deposits and
- groundwater is evident at depths between four and seven metres.

The results of the geotechnical investigations suggest that extensive and deep fill deposits overlie estuarine deposits that were most likely associated with the salt and wetland areas associated with Parramatta River. The geotechnical investigations suggest that the proposal will not result in impacts within an undisturbed soil profile with the potential to contain archaeological evidence of historical (post European settlement of the area) utilisation of the area

The results of the geotechnical investigations support the statement that the proposal area was natural wetlands prior to the deposition of fill material. As such, it is likely that past Aboriginal peoples did not camp within the existing proposal area and utilisation would most likely be associated with resource gathering. Use of this type is typically transitional and does not result in the deposition of detectable quantities of archaeological evidence.

6.0 Conclusions and Recommendations

This report has considered the Aboriginal and historic cultural heritage context of the proposal area and the geotechnical investigation results for the proposal area.

6.1 Conclusions

6.1.1 Aboriginal Cultural Heritage

The assessment notes that the proposal area is located within the wider Sydney Olympic Park complex which is located within the traditional lands of the Wann-gal clan. A search of the AHIMS database did not identify any previously recorded Aboriginal cultural heritage sites within the proposal area.

This desktop assessment has found that, prior to European settlement of the area, the proposal area was part of the extensive wetlands located along the foreshore of the Parramatta River. As such, it is likely that the area was utilised as a resource gathering area but unlikely to be associated with activities resulting in the deposition of archaeological evidence. Further, the results of the geotechnical investigations found that the proposal area is underlain by up to 5 and 9 metres of fill deposits over the estuarine deposits. As such, this assessment has found that there is low to nil potential for the presence of Aboriginal cultural heritage material to be located within the proposal area.

6.1.2 Historic Heritage

By 1788, when the first European settlers arrived, the Homebush Bay area was an extensive tidal wetland and was recorded as 'The Flats' by Captain John Hunter within 10 days of the first fleet's arrival. European settlement across the proposal area began with the original 1807 land grant to John Blaxland.

The current proposal area however is located within the original foreshore and wetland areas located along the Parramatta River and associated coves. Land reclamation along the foreshore was progressive and by 1993 the remediation program for the transformation of the Homebush Bay area as the site for the Sydney Olympic and Paralympic Games had commenced. At this time the current proposal area was transformed and has been a car park for the park ever since (SMP, 2013; Fact Sheet, 2015).

A search of the Australian Heritage Database, the heritage mapping for SOP and the Auburn LEP (2010) found that there are no heritage listed items within the proposal area. The searches did find that the State Heritage Register Item and locally listed conservation area - Newington Armament Depot and Nature Reserve, is located approximately 400 metres north west of the proposal area.

The assessment has found that there are no listed items within the proposal area. Further, the assessment has found that there is no likelihood for the presence of 'relics' or 'works' to be present across the proposal area based on the understanding that the proposal area is comprised of modern fill overlying former foreshore/wetland.

6.2 Recommendations

- The proposal may proceed without any further Aboriginal or historical archaeological investigation provided that the impacts and extent of the proposal is consistent with those discussed in this report. Works should, however, proceed with caution.

- All persons working on site that are involved in ground disturbing works should be made aware that it is an offence under Section 86 of the NPW Act to harm or desecrate an Aboriginal object unless that harm or desecration is the subject of an approved Aboriginal Heritage Impact Permit (AHIP).
- In the highly unlikely event that an Aboriginal object is identified whilst carrying out works within the proposal, all activities in the immediate vicinity of the identified Aboriginal object should cease and a suitably qualified archaeologist should be contacted to confirm the validity of the object. Should the object be confirmed to be of Aboriginal cultural origin, the landholder/contractor must notify OEH and may need to apply for an AHIP prior to the recommencement of further ground disturbance works in proximity to that object. In the unlikely event that 'relics', 'works' or historic heritage features are identified during the bulk earth works all works within the vicinity should cease. An archaeologist and the NSW Heritage Division should be contacted to confirm the validity of the findings.

7.0 References

Auburn Local Government Authority, 2014, Local Environmental Plan.

DECCW 2010 NPWS Act 1974 *Fact Sheet 1* September 2010.

DECCW 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* 13 September 2010.

Department of Planning and Environment, *Environmental Planning and Assessment Act, 1979*.

Herbert C., 1983, Sydney 1:100 000 Geological Sheet 9130, 1st edition.

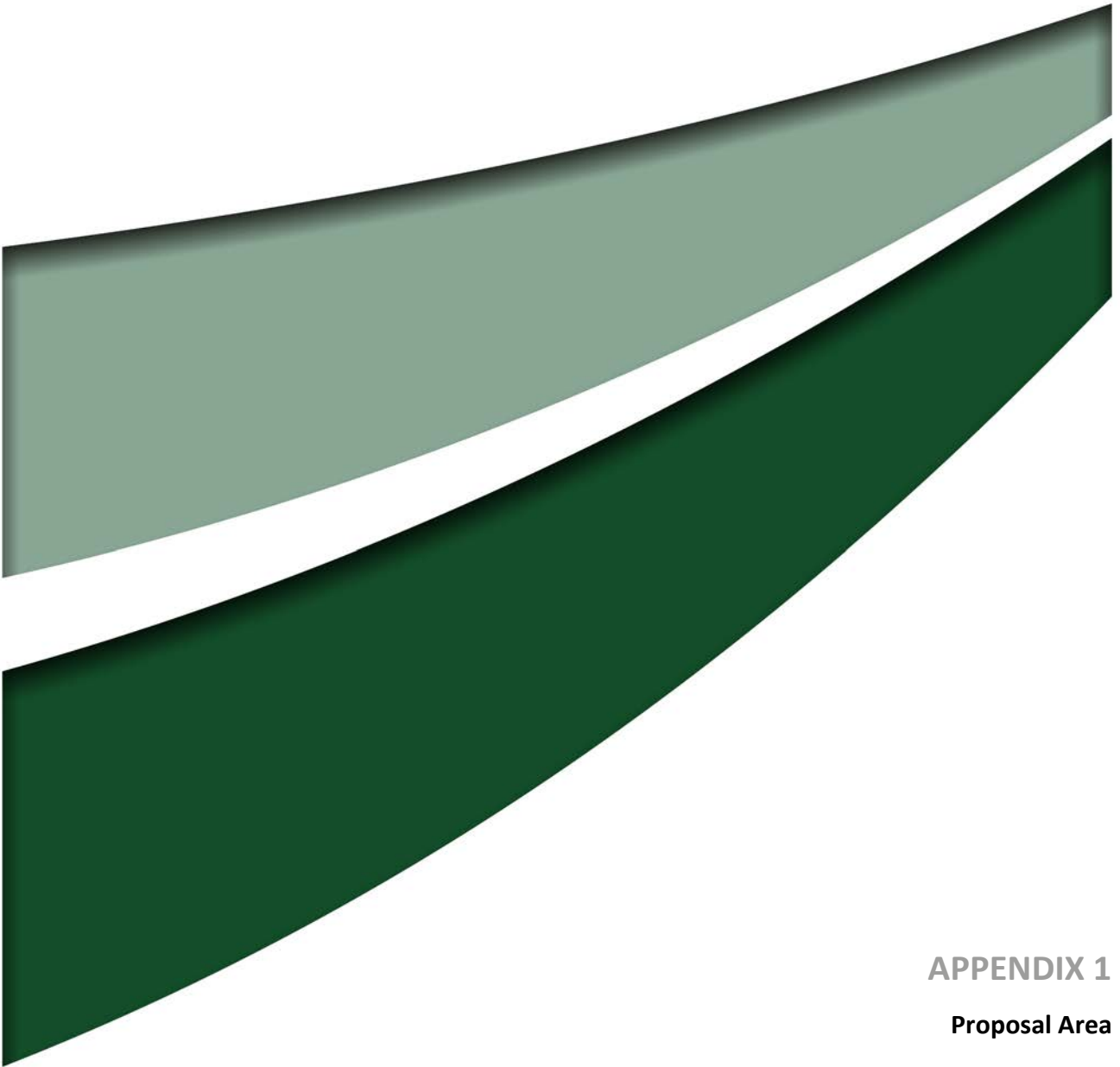
Heritage Office, 2001, *Assessing Heritage Significance*, NSW Heritage Office.

Heritage Office, 2001, Investigating Heritage Significance: Draft Guideline.

NSW Office of Environment and Heritage Branch, Heritage Register.

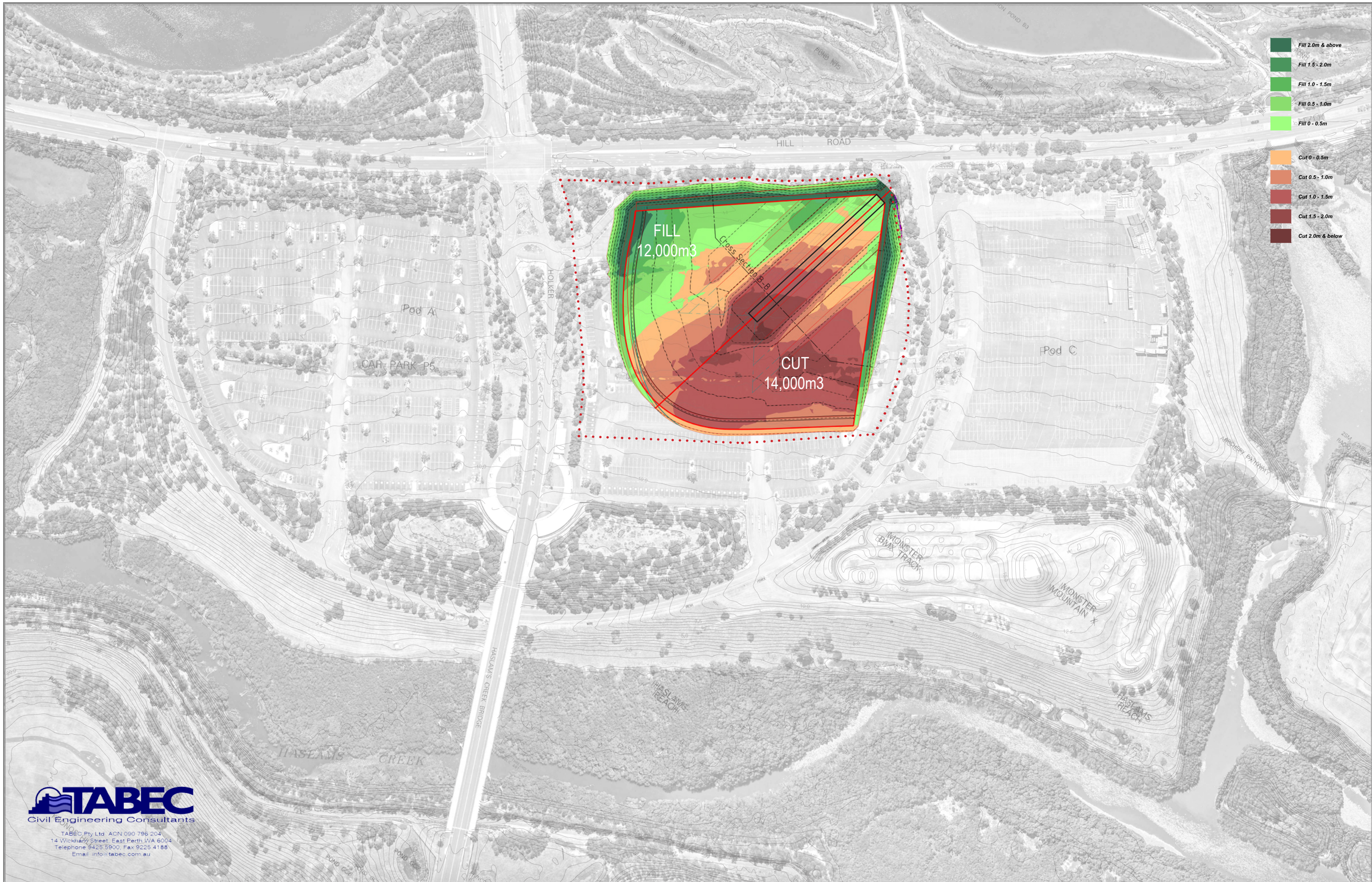
Sydney Olympic Park, 2015. Fact Sheet – History.

WSP | Parsons Brinckerhoff, August 2016. Urbnsurf Sydney Conceptual Design - Geotechnical Investigation Report Cnr Hill Road and Holker Busway, Sydney Olympic Park, NSW. Report Prepared for Wave Park Group.



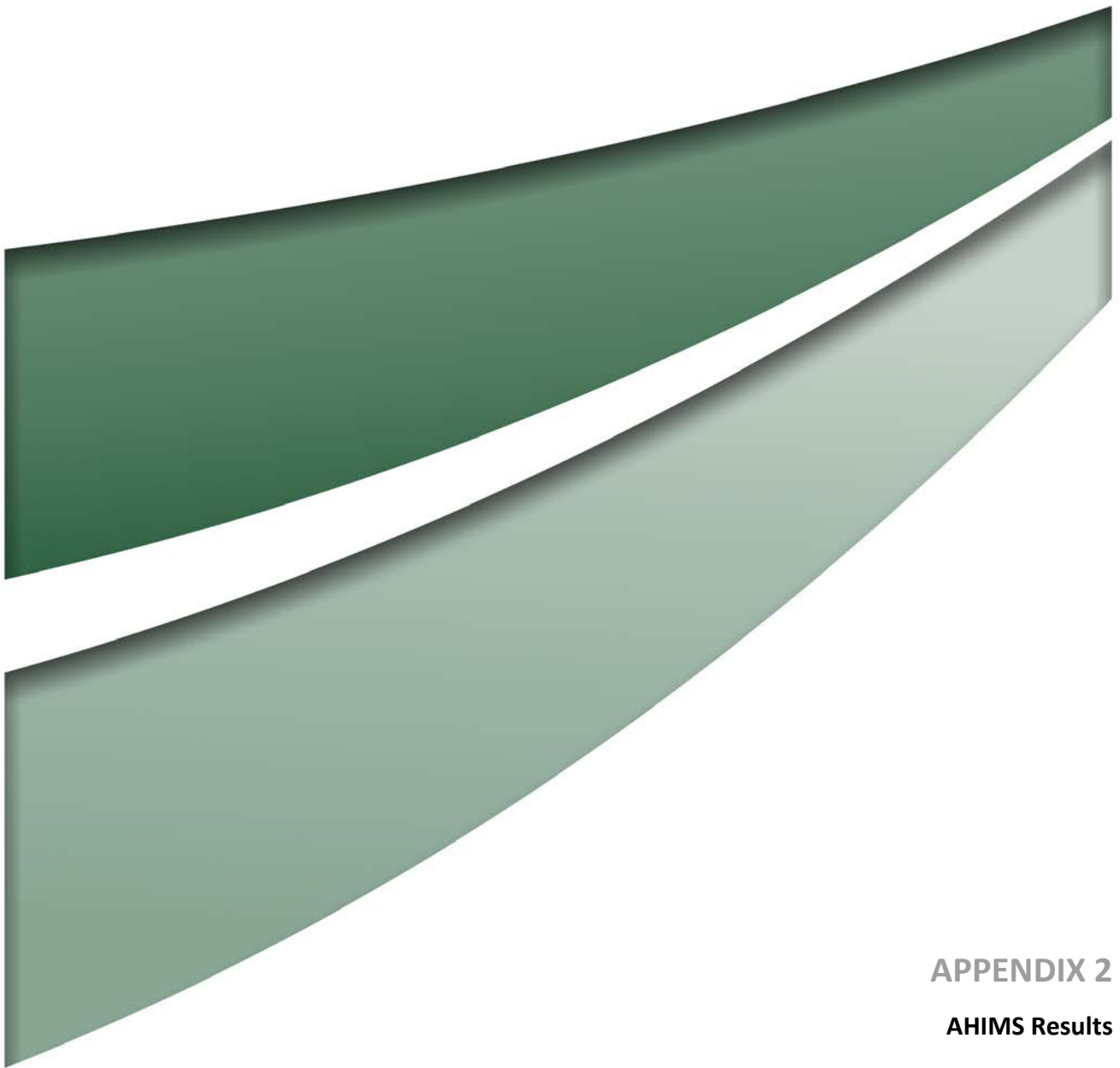
APPENDIX 1

Proposal Area



TABEC Pty Ltd. ACN 090 796 204
14 Wickham Street, East Perth WA 6004
Telephone 9425 5900, Fax 9225 4188
Email info@tabec.com.au





APPENDIX 2

AHIMS Results

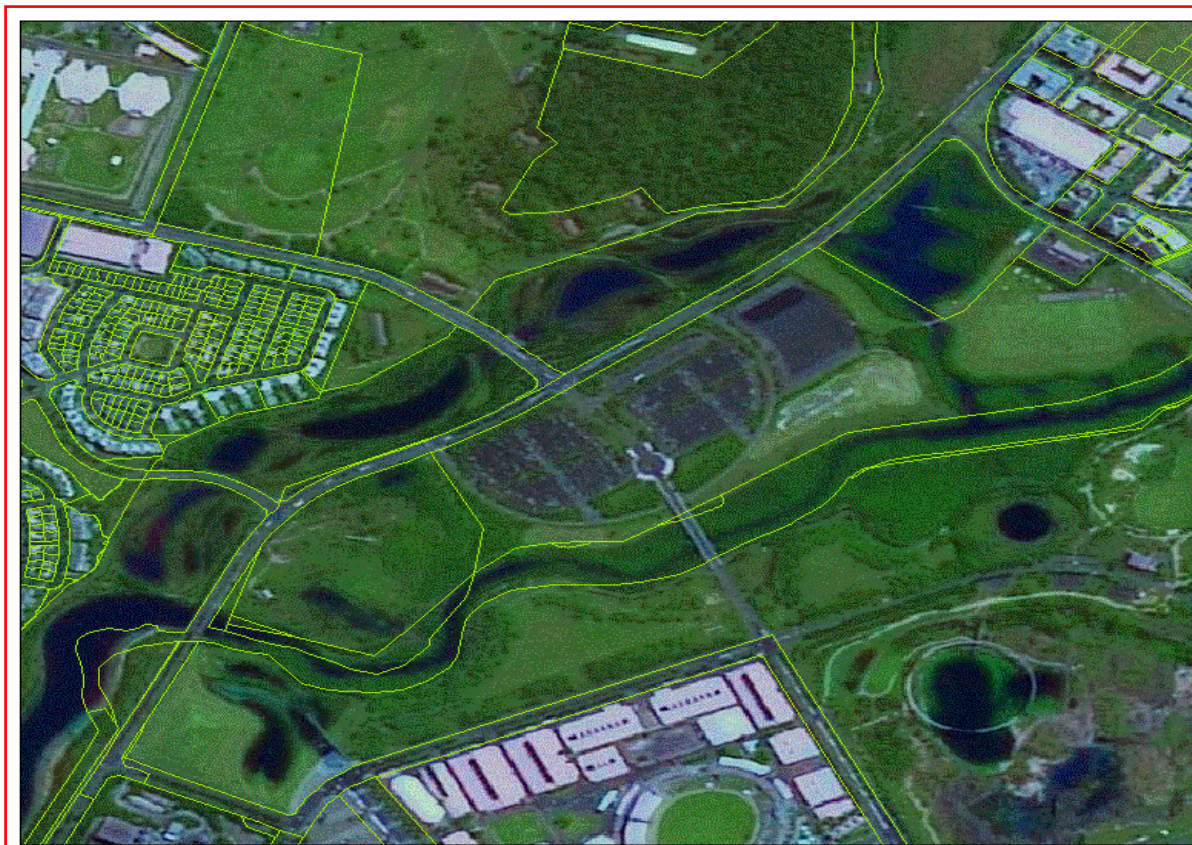
Umwelt (Australia) Pty Limited
75 York Street
Teralba New South Wales 2284
Attention: Joshua Madden
Email: jmadden@umwelt.com.au

Date: 31 March 2017

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -33.8414, 151.0579 - Lat, Long To : -33.831, 151.0745 with a Buffer of 50 meters, conducted by Joshua Madden on 31 March 2017.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

2	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

AHIMS Web Services (AWS)

Extensive search - Site list report

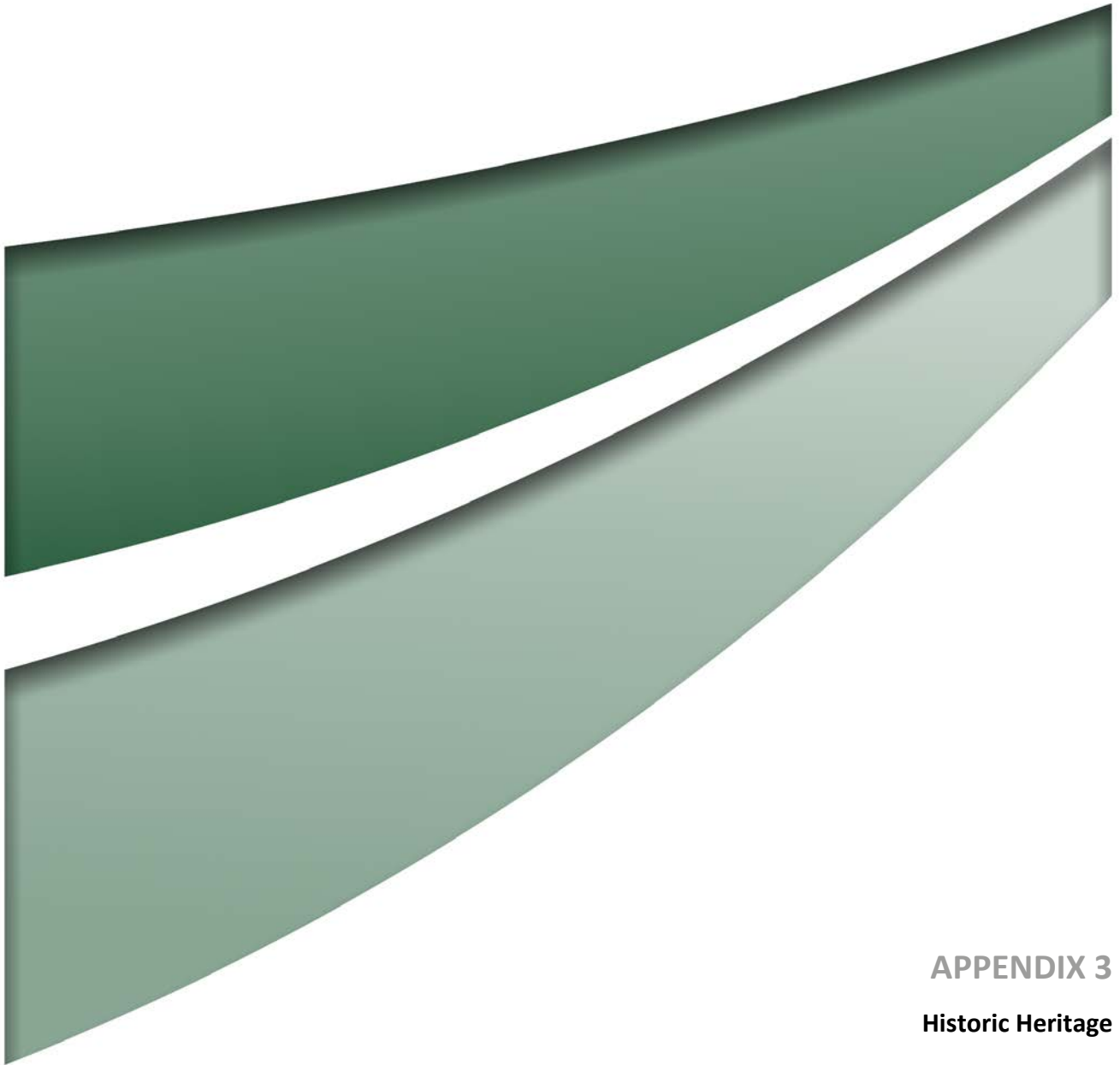
Your Ref/PO Number : Wave Park

Client Service ID : 274507

<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>
45-6-2785	Wanngal Woodland PAD2	GDA	56	321185	6254699	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		102196
	<u>Contact</u> T Russell	<u>Recorders</u>	Mr.Paul Irish							
45-6-2786	Wanngal Woodland PAD1	GDA	56	320840	6254603	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		102196
	<u>Contact</u> T Russell	<u>Recorders</u>	Mr.Paul Irish							

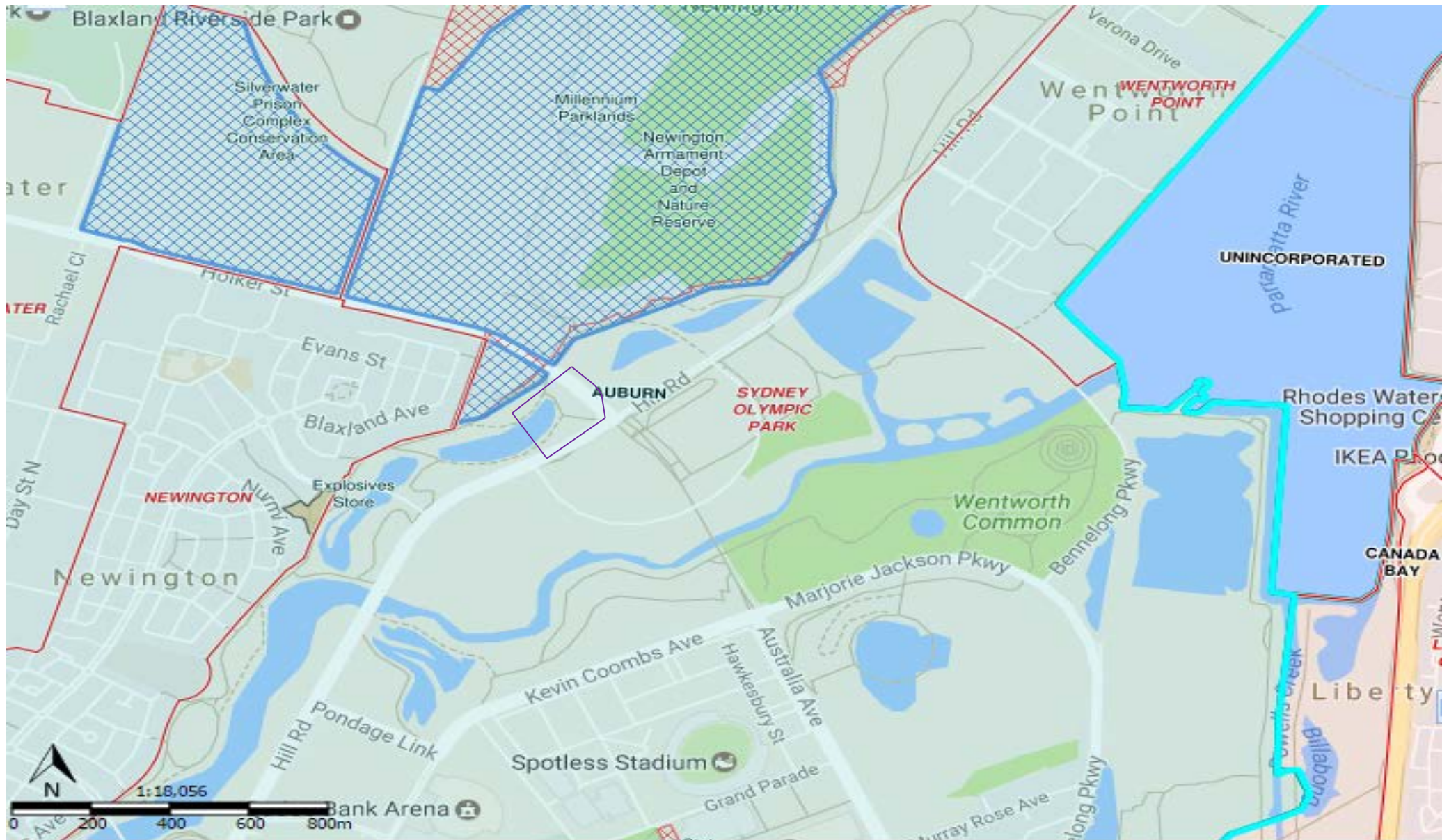
Report generated by AHIMS Web Service on 31/03/2017 for Joshua Madden for the following area at Lat, Long From : -33.8414, 151.0579 - Lat, Long To : -33.831, 151.0745 with a Buffer of 50 meters. Additional Info : Archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 2

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.



APPENDIX 3

Historic Heritage



Reference: Auburn LEP (2010) – approximate location of the project area is outlined in purple

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