

Aboriginal Archaeological and Cultural
Heritage Assessment
&
Statement of Heritage Impact



Quakers Hill to Vineyard Duplication

Prepared by
Heritage Concepts Pty Ltd

For
Parsons Brinckerhoff Australia

On behalf of
Transport Infrastructure Development Corporation (TIDC)

April 2009

Executive summary

Introduction

This report comprises an assessment of the Aboriginal archaeological and cultural heritage values for the proposed duplication of the rail line between Quakers Hill and Vineyard, NSW (the Project). It is expected that this project will be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979*.

The site survey was conducted in three phases to accommodate changes in the concept design of the project. Phase 1 of the assessment process included the proposed Vineyard station platform and car park sites and the existing rail corridor between Quakers Hill and Vineyard. Phase 2 included the assessment of the proposed Schofields station site, and phase 3 included the assessment of the proposed expansion of the rail corridor between Quakers Hill and Vineyard.

This report provides an assessment of all three phases of the Project.

A further supplementary risk assessment of eleven proposed construction compounds was also requested and forms an addendum to the Project assessment.

Study area

The study area subject to this assessment generally comprises an expansion to the rail corridor between Quakers Hill Station and Vineyard Station. The study area is approximately 9 kilometres in length, but will include approximately 10km of track.

Proposed development

The Project would involve the construction and operation of approximately 10.1 km of new track between Quakers Hill and Vineyard in Sydney's north-west. Between Quakers Hill and the new Schofields Station, the new track would be constructed mainly on the western side of the existing track, widening the existing rail corridor by approximately 10 m. The new track would become the Down Main track (i.e. the track on which trains travel away from Sydney). Between the new Schofields and Riverstone stations, the new track would be constructed on the eastern side of the existing track. This would become the new Up Main track (i.e. the track on which trains travel towards Sydney). Between the Riverstone and new Vineyard Stations, the new track would be constructed on the western side of the existing track. This would become the Down Main track. The track is already duplicated at Riverstone Station and both of the existing tracks would remain.

The Project would also require the provision of turnbacks (a track from which train services terminate and change direction) and turnouts (the intersection and mechanisms for the meeting of two tracks). The proposed track work would require the widening of the existing rail corridor to accommodate the additional track in places.

Schofields and Vineyard stations would be relocated south of their current location and provided with car parks and bus interchanges. The new stations and substation would be constructed outside of the existing RailCorp land boundary and would be located adjacent to the western side of the existing rail corridor. The Project would also require the existing substation at Vineyard to be upgraded.

Other Project works would include new overhead wiring, modifications to the existing signalling system, culvert works and the adjustment and protection of utilities. Westminster Street overbridge at Riverstone would be reconstructed and the pedestrian level crossings at Quakers Hill Station and Schofields Station would be removed and replaced with footbridges with ramps. The vehicle level crossings at Riverstone Station and at Riverstone (the 'Meatworks' level crossing) are proposed to be removed by the Roads and Traffic Authority (RTA) and RailCorp respectively. The removal of these level crossings does not form part of this Project.

Summary of cultural heritage listings within the study area

No registered Aboriginal sites are situated within the boundaries of the study area.

Aboriginal consultation

The study area falls within the boundary of the Deerubbin LALC (DLALC), Darug Tribal Aboriginal Corporation (DTAC), Darug Custodian Aboriginal Corporation (DCAC), Darug Land Observations (DLO) and Darug Aboriginal Cultural Heritage Assessments (DACHA).

In accordance with the *Department of Environment and Climate Change Interim Community Consultation Requirements for Applicants (2005)* an advertisement was placed in the local

print media inviting Aboriginal stakeholder groups with an interest in the Quakers Hill-Riverstone-Vineyard area to register their interest in the Project.

DLALC, DTAC, DCAC, and DACHA were provided with details about the Project and participated in the field inspection of the study area.

A new group, Darug Land Observations, registered their interest in the Project on the 16 May 2008 and was subsequently involved in the Project from this point onwards.

A copy of the draft report was sent to all stakeholder groups for review on 4 December 2008. A copy of the responses received from the stakeholder groups is provided in Appendix D.

Site inspection

The site survey was conducted in three phases to accommodate changes in the concept design of the project.

The site surveys for phases 1-3 took place on the following days;

- Phase 1 - Quakers to Vineyard rail corridor & proposed Vineyard station and car park sites, conducted on the 11th and 12th February 2008;
- Phase 2 - Proposed Schofields station site, conducted on 8th and 9th April 2008; and
- Phase 3 - Expansion of the Quakers to Vineyard rail corridor, conducted on 1st, 4th and 8th September, and 5th November 2008.

The survey method, targeted areas of impact situated outside the existing rail corridor, using a transect-based method. The areas within the rail corridor were not surveyed due to the high level of previous disturbance.

Survey results

A total of four archaeological sites and seven PADs were identified in survey zone 1, while three sites and three PADs were located within survey zone 3. No archaeological sites or PADs were found in survey zones 2 and 4.

Recommendations

The following recommendations are made in relation to the Project. Impacts on Aboriginal archaeological and cultural heritage places should be minimised and/or mitigated wherever possible, the following recommendations are made with this in mind.

Recommendation 1

Aboriginal archaeological sites QV1, QV2, QV3, QV4, QV5, QV6, and QV7 and should be registered on the DECC AHIMS database.

Explanation:

Under Section 91 of the Act it is a requirement to notify the DECC Director-General of the location of an Aboriginal object. Identified Aboriginal items and sites are registered with the NSW DECC on the Aboriginal Heritage Information Management System (AHIMS).

Site Cards will be submitted to the DECC by the consultant

Recommendation 2

PAD's V1, V2, V3, S1, S2, Q1, Q2, Q3, Q4 and QVP will need to be registered on the DECC AHIMS database in the event that a S87 Preliminary Research Permit is applied for, or if approval is given under Part 3A of the EP&A Act, a testing program is implemented.

Explanation:

Through consultation with DECC Sydney Region all Aboriginal PADs are requested to be registered on the AHIMS database in the event that these areas are to be subject to a testing program.

Recommendation 3

Areas of high heritage constraint represent potential conservation zones that have been identified as areas of PAD with associated surface artefacts (QV- Complex).

It is recommended that development is avoided in these areas and consideration to amending the proposed development design be given.

Should amendments to the development design not be feasible, it is recommended that archaeological test excavations are carried out in areas of high heritage constraint. The test excavations will need to be carried out in accordance with the requirements of Section 87 of the *National Parks and Wildlife Act 1974*. **Note:** A S87 Preliminary Research Permit will not be required from DECC for the Project if project approval is granted under Part 3A of the EP&A Act. However the Director General, Department of Planning is likely to require any works should conform to the principals and guidelines which this legislation provides.

Recommendation 4

Areas of moderate heritage constraint represent areas that have been identified as areas of PAD.

It is recommended that test excavations are carried out for areas of moderate Aboriginal archaeological potential, identified as V1, V2, V3, S1, S2 Q1, Q2, Q3 and Q4. These test excavations will need to be carried out in accordance with the requirements of Section 87 of the *National Parks and Wildlife Act 1974*. **Note:** A S87 Preliminary Research Permit will not be required from DECC for the Project if project approval is granted under Part 3A of the EP&A Act. However the Director General, Department of Planning is likely to require any works should conform to the principals and guidelines which this legislation provides.

Recommendation 5

Surface archaeological sites QV3, QV4 and QV5, located in areas of low heritage constraint should be collected / relocated and maintained through a care and control agreement. This should be carried out in accordance with the requirements of Section 87 of the *National Parks and Wildlife Act 1974*. **Note:** A S87 Collection Permit will not be required from DECC for the Project if project approval is granted under Part 3A of the EP&A Act. However the Director General, Department of Planning is likely to require any works should conform to the principals and guidelines which this legislation provides.

Recommendation 6

Areas of low heritage constraint which do not contain archaeological sites require no further archaeological mitigation measures.

Recommendation 7

Aboriginal stakeholder groups have requested that a cultural officer be present for earth moving works in areas not marked for further archaeological management.

Recommendation 8

No mitigation or management is required for the nil heritage constraints zone.

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1.0 Introduction

1.1. Background

Heritage Concepts Pty Ltd have been commissioned by Parsons Brinckerhoff Australia (PB), on behalf of the Transport Infrastructure Development Corporation (TIDC), to prepare an assessment of Aboriginal archaeological and cultural heritage values for the proposed duplication of the rail line between Quakers Hill and Vineyard, NSW (the Project). It is expected that this project will be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979*.

The site survey was conducted in three phases to accommodate changes in the concept design of the project. Phase 1 of the assessment process included the proposed Vineyard station platform and car park sites and the existing rail corridor between Quakers Hill and Vineyard. Phase 2 included the assessment of the proposed Schofields station site, and phase 3 included the assessment of the proposed expansion of the rail corridor between Quakers Hill and Vineyard.

This report provides an assessment of all three phases of the Project.

A further supplementary risk assessment of eleven proposed construction compounds was also requested and forms an addendum to the Project assessment (Appendix A).



Figure 1- 1 Location of study area

1.2. Study area

The study area for the Project is located approximately 50 kilometres north-west of the Sydney central business district between Quakers Hill Station, Railway Road, Quakers Hill and Vineyard Station, Riverstone Parade, Vineyard (see Figure 1-1 & 1-2). It is located within the local government area (LGA) of Blacktown.

1.3. Proposal

The Project would involve the construction and operation of approximately 10.1 km of new track between Quakers Hill and Vineyard in Sydney's north-west. Between Quakers Hill and the new Schofields Station, the new track would be constructed mainly on the western side of the existing track, widening the existing rail corridor by approximately 10 m. The new track would become the Down Main track (i.e. the track on which trains travel away from Sydney). Between the new Schofields and Riverstone stations, the new track would be constructed on the eastern side of the existing track. This would become the new Up Main track (i.e. the track on which trains travel towards Sydney). Between the Riverstone and new Vineyard Stations, the new track would be constructed on the western side of the existing track. This would become the Down Main track. The track is already duplicated at Riverstone Station and both of the existing tracks would remain.

The Project would also require the provision of turnbacks (a track from which train services terminate and change direction) and turnouts (the intersection and mechanisms for the meeting of two tracks). The proposed track work would require the widening of the existing rail corridor to accommodate the additional track in places.

Schofields and Vineyard stations would be relocated south of their current location and provided with car parks and bus interchanges. The new stations and substation would be constructed outside of the existing RailCorp land boundary and would be located adjacent to the western side of the existing rail corridor. The Project would also require the existing substation at Vineyard to be upgraded.

Other Project works would include new overhead wiring, modifications to the existing signalling system, culvert works and the adjustment and protection of utilities. Westminster Street overbridge at Riverstone would be reconstructed and the pedestrian level crossings at Quakers Hill Station and Schofields Station would be removed and replaced with footbridges with ramps. The vehicle level crossings at Riverstone Station and at Riverstone (the 'Meatworks' level crossing) are proposed to be removed by the Roads and Traffic Authority (RTA) and RailCorp respectively. The removal of these level crossings does not form part of this Project.

1.4. Objectives and tasks

The objective of this study is to produce a 'plain English' report that identifies Indigenous archaeological values, areas of archaeological potential and constraints associated with the Project. The following tasks were undertaken in accordance with the brief:

- Determination of statutory requirements relevant to the Project
- review of the relevant State and Federal heritage registers and listings, including the Department of the Environment, Water, Heritage and the Arts, Register of the National Estate (RNE), Commonwealth Heritage List (CHL) and National Heritage List (NHL), AHIMS, NNTT
- documentation of consultation including placement of an advertisement seeking expressions of interest from Aboriginal stakeholder groups, including native title claimants, elders groups, and the Local Aboriginal Land Council (LALC)
- review and collation of existing documents, including but not restricted to previous archaeological reports, scoping studies, heritage studies and local histories as they relate to the study area
- review and collation of existing local and regional environmental plans to identify existing planning instruments as they may relate to the archaeological and cultural heritage values of the site
- consultation with registered Aboriginal stakeholder groups
- inspection of the site
- identification of any archaeological and cultural heritage values
- identification and assessment of known and potential impacts
- preparation of a statement of heritage impact (SoHI)
- development of management guidelines in light of statutory heritage requirements, best practice, heritage principles and importance of the infrastructure project

1.5. Aboriginal stakeholder consultation

The study area falls within the boundary of the Deerubbin LALC (DLALC), Darug Tribal Aboriginal Corporation (DTAC), Darug Custodian Aboriginal Corporation (DCAC), Darug Land Observations (DLO) and Darug Aboriginal Cultural Heritage Assessments (DACHA).

A search was lodged with the NNTT on the 8th May 2007. The search indicated one Native Title Claim in the Blacktown LGA (NNTT claim number NC97/8 by DTAC), however; this claim does **not** include any part of the study area.

In accordance with the *Department of Environment and Climate Change Interim Community Consultation Requirements for Applicants (2005)* an advertisement was placed in the local print media inviting Aboriginal stakeholder groups with an interest in the Quakers Hill-Riverstone-Vineyard area to register their interest in the Project. A copy of the advertisement is included in Appendix E.

DLALC, DTAC, DCAC, and DACHA were provided with details about the Project and participated in the field inspection of the study area.

A new group, Darug Land Observations, registered their interest in the Project on the 16 May 2008 and was subsequently involved in the Project from this point onwards.

A copy of the draft report was sent to all stakeholder groups for review on 4 December 2008.

Consultation with the registered Aboriginal stakeholders has been ongoing throughout the project and a summary of communications is included in Appendix B. The results of the NSW Native Title Searches are included in Appendix C. Written comment regarding the Aboriginal cultural resource is included in Appendix D.

Written comment regarding the study area's Aboriginal cultural resources has been an ongoing process as the assessment was carried out in three distinct phases as the scope of the project altered. Stakeholder comments and recommendations are provided in Appendix D and either relate to the survey phases individually or collectively.

Following review of the draft reports, the following comments were received:

- The DACHA advised that they supported the recommendations made in the draft report and advised that they wished to be involved in all archaeological excavations and monitoring of sensitive areas.
- The DTAC advised that they had no objections to the supplementary assessment of the proposed construction compounds, provided in Appendix A of this report.
- The DCAC advised that they supported the recommendations made in the draft report, and recommended that all material that is collected during construction is reburied on site once it has been analysed. The DCAC also recommended that signage be erected on the proposed new station which states that the Darug are the traditional owners of the area.

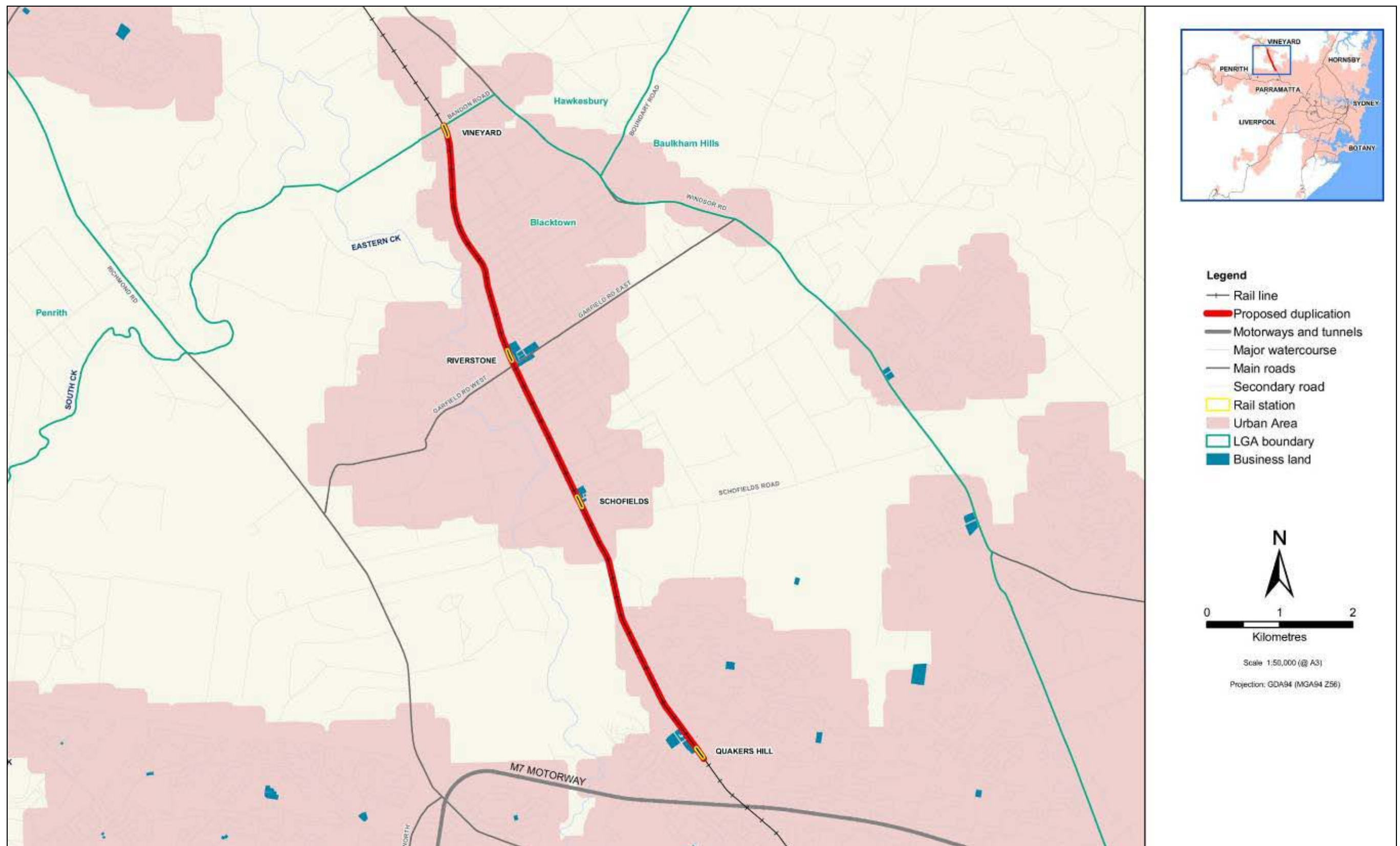


Figure 1- 2 Map of the study area (Source PB 2007)

1.6. Limitations

At the time of preparing this document, DECC was in the process of digitising reports and sites cards. As a result, several site cards and associated archaeological reports were not available for viewing. All efforts were made to obtain alternative copies from other sources, where they were publically available.

The DECC AHIMS register site locational information has in the past been recorded in various projections and datums and as such inconsistencies in recorded site locations and actual site locations have arisen which can lead to difficulties in locating previously recorded sites when the hard copy site cards cannot be viewed.

Furthermore, modern development impacts cannot be adequately quantified within the scope of this study and as such only broad statements can be provided regarding the integrity of potential subsurface archaeological resources within the study area.

1.7. Abbreviations

The following abbreviations have been used throughout this document:

AHIMS	Aboriginal Heritage Information Management System
CHL	Commonwealth Heritage List
DACHA	Darug Aboriginal Cultural Heritage Assessments
DCAC	Darug Custodians Aboriginal Corporation
DTAC	Darug Tribal Aboriginal Corporation
DECC	Department of Environment and Climate Change
DLALC	Deerubbin Local Aboriginal Land Council
DLO	Darug Land Observations
EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
LEP	local environmental plan
LGA	local government area
NHL	National Heritage List
NNTT	National Native Title Tribunal
RNE	Register of National Estate
S170	Section 170 Heritage and Conservation Register
TIDC	Transport Infrastructure Development Corporation

2.0 Legislative framework

2.1. Introduction

Aboriginal and cultural heritage in Australia is protected and managed under a variety of legislation. The following section provides a brief summary of the Acts that are relevant to the management of cultural heritage in NSW. It is important to note that these Acts are presented as a guide and are not legal interpretations of legislation by the consultant.

2.2. Commonwealth legislation

2.2.1. *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* took effect on 16 July 2000.

The three new Acts are the:

- *Environment and Heritage Legislation Amendment Act (No.1) 2003*
- *Australian Heritage Council Act 2003*
- *Australian Heritage Council (Consequential and Transitional Provisions) Act 2003.*

Approval under the EPBC Act is required for any proposed action that will have, or is likely to have, a significant impact on a matter of National Environmental Significance (NES) including the national heritage values of a national heritage place and/or any other NES matter. Such an action must be referred to the Commonwealth Minister for the Environment and Heritage. The Minister will decide whether an action will, or is likely to, have a significant impact on any NES matter.

A search of the database for the Register of the National Estate, Commonwealth Heritage List and National Heritage List found:

Commonwealth listings

No items listed on the Australian Heritage Database (RNE, CHL, and NHL) are situated within the boundaries of the study area.

2.2.2. *Native Title Act 1993*

The *Native Title Act of 1993*, as amended, recognises and protects native title, and provides that native title cannot be extinguished contrary to the Act. The National Native Title Tribunal is a Commonwealth Government agency set up under this Act to mediate native title claims under the direction of the Federal Court of Australia.

The NNTT maintains the following registers:

- National Native Title Register
- Register of Native Title Claims
- Unregistered Claimant Applications
- Register of Indigenous Land Use Agreements.

The objective of a search of the NNTT registers is to identify possible Aboriginal Stakeholders that would not perhaps receive representation as part of the LALC or Elders groups.

A search of the NNTT registers found:

NNTT registers

No Native title claims covering the study area.

2.3. State legislation

2.3.3. *National Parks and Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* provides for protection of Aboriginal objects (sites, relics and cultural material) and Aboriginal places. As defined under the Act (Section 5), an Aboriginal object is defined 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, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

An Aboriginal place is defined under this Act as an area that has been declared by the Minister administering the National Parks and Wildlife Act as a place of special significance for Aboriginal culture. It may or may not contain Aboriginal objects.

Under Section 90 of the Act it is an offence to knowingly destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place, without the prior written consent from the Director-General of the DECC. In order to obtain such consent, a Section 90 Consent Application must be submitted and approved by the DECC Director-General. In considering whether to issue a Section 90 Consent, the DECC will take into account the following:

- significance of the Aboriginal object(s) or place(s) subject to the proposed impacts
- effect of the proposed impacts and the mitigation measures proposed
- alternatives to the proposed impacts
- conservation outcomes that will be achieved if impact is permitted
- outcomes of the Aboriginal community consultation regarding the proposed impact and conservation outcomes.

Note: Formal consent under Section 90 is **not** required for an approved project being assessed under Part 3A of the *Environmental Planning and Assessment Act 1979*.

It is also an offence, Under Section 86 of the Act, to disturb or excavate land for the purpose of discovering an Aboriginal object, or disturb or move an Aboriginal object on any land, without first obtaining a permit (Preliminary Research Permit, Excavation Permit, Collection Permit or Rock Art Recording Permit) under Section 87 of the Act. In issuing a Section 87 Permit, DECC will take into account:

- views of the Aboriginal community about the proposed activity
- objectives and justifications for the proposed activity
- appropriateness of the methodology to achieve the objectives of the proposed activity
- knowledge, skills, and experience of the nominated person(s) to adequately undertake the proposed activity.

Under Section 91 of the Act it is a requirement to notify the Director-General of the DECC of the location of an Aboriginal object. Identified Aboriginal items and sites are registered with the NSW DECC on the AHIMS.

A search of the AHIMS database found:

NSW DECC AHIMS listings

A total of 39 registered Aboriginal places and/or objects located within the vicinity of the study area. AHIMS registered sites 45-5-0503, 45-5-0497, 45-5-0471, 45-5-3374, 45-5-0358, 45-5-2321, 45-5-0582, 45-5-0312 and 45-5-0313 are situated within 50-100m of the rail corridor.

No registered Aboriginal sites are situated within the boundaries of the study area.

2.3.4. Section 170 heritage and conservation register

Under Section 170 of the *Heritage Act 1977* RailCorp and TIDC are required to establish a heritage and conservation register. This register is to contain the details of each item of environmental heritage that is subject to an interim heritage order or is listed on the State Heritage Register (SHR). Details of items that are listed under environmental planning instruments and items that could be assessed as being of State significance, which are owned or occupied by the government instrumentality, are to be included on the register.

A search of the RailCorp and TIDC Section 170 registers found:

Section 170 Listings

No Aboriginal items listed within the study area.

2.3.5. Environmental Planning and Assessment Act 1979

The Blacktown Local Environmental Plan 1988 (Blacktown LEP) is the principal planning instrument for the local government area (LGA). The LEP guides the permissibility of development in different parts of the LGA through the zoning of each parcel of land. The objective of the Blacktown LEP in relation to heritage conservation is 'to protect Blacktown's environmental heritage'. Heritage provisions are contained in Division 3 of the LEP, and Schedule 2 contains a list of identified heritage items.

A search of the heritage schedule of the Blacktown LEP found

LEP listings

No items of Aboriginal heritage significance listed on Schedule 2 of the Blacktown LEP within the bounds of the current study area.

2.4. Non- statutory listings

The National Trust of Australia (NT) is a community-based organisation with independently constituted Trusts in each state and territory. The NSW NT compiles a heritage list primarily of historic places, but also including some Aboriginal and natural places. Listing helps to provide recognition, and promote public appreciation and concern for local heritage. The NT register has no legal foundation or statutory power, but is recognised as an authoritative statement on the significance of particular heritage items to the community, and is held in high esteem by the public.

A search of the NT register found:

NT listings

No items of Aboriginal heritage significance within the bounds of the current study area.
