

# Benbow Environmental

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## Gow Street Recycling Centre

**LGA: Bankstown**

**Aboriginal Cultural Heritage Assessment (ACHA)**

**31 March 2021**

McCARDLE CULTURAL HERITAGE PTY LTD

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**Report No: J20092 ACHA**

Approved by: Penny McCardle

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Date: 31 March 2021

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## EXECUTIVE SUMMARY

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Benbow Environmental on behalf of the proponent (Gow Street Recycling Centre) prepare an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed liquid waste dewatering facility at their existing recycling centre located at 81-87 Gow Street, Padstow NSW 2211.

Gow Street Recycling Centre currently has consent and holds an Environmental Protection Licence (#10943) for resource recovery and waste storage of building and demolition waste including asphalt waste. This includes a processing capacity of 80,000 tpa, and a maximum storage quantity of 7,300 tonnes at any one time. This proposal includes establishment of a liquid waste processing plant, with a capacity of 250,000 tonnes per year and storage of a maximum of 120,000 tonnes of liquid waste on site at any one time.

The project area lies within the Cumberland Plain, which is a broad and shallow basin that stretches westwards from Parramatta to the Hawkesbury-Nepean River and southwards from Windsor to Thirlmere. The project area has undergone excavation and fill works for the existing recycling facility resulting in a disturbed landscape with none of the original landforms remaining.

The underlying geology of the project area is the Wianamatta Group geological formation, specifically the Bringelly Shale geological unit. The Bringelly Shale formation is primarily composed of shale, with occasional calcareous claystone, laminate, and coal (Bannerman and Hazelton 1990, p. 28). The absence of suitable raw materials types in the project area, such as mudstone and silcrete, indicates that stone materials suitable for manufacturing stone artefacts would have been transported into the project area.

Situated on the Blacktown residual soil landscape, the geomorphology of the local area includes texture contrast soils that consist of an upper soil Horizon A and underlying B (referred to as duplex soils). Unit A and Unit B are interpreted as being Holocene and Pleistocene in age respectively and within the region, sites tend to occur on or within soil Horizon A or are often present at the interface of the A and B horizons.

In terms of fresh water availability, the project area is located over 770 metres west of a 3rd order creek (Salt Pan Creek) and the closest reliable fresh water is the Georges River located 5 kilometres west of the project area. Thus, the project area was not well resourced in terms of fresh water availability, and as water is essential for survival, the project area would not have been suitable for camping.

In relation to land uses and associated impacts to the landscape and associated cultural materials, European settlers extensively cleared the original native vegetation in the 1800's and since then the investigation area has been subject to additional clearing, excavation and fill works associated with the existing recycling facility and associated infrastructure. These direct impacts to the land and associated cultural materials that may be present are easy to see and understand.

A search of the AHIMS register indicate there are no known Aboriginal sites recorded within two kilometres of the project area. Based on the AHIMS results and regional assessments, patterns of past Aboriginal land use have been identified. Previous assessments have identified that artefact scatters and isolated finds are the most prominent site type. These assessments have also identified that both landform and distance to water were important factors in past Aboriginal land use. Elevated landforms within 50 metres of reliable water appear to have been the most favoured. In relation to fresh water sources, the higher the stream order (and more reliable water source) the higher the numbers of sites and site densities and both decrease with distance from the resource. Raw materials are predominantly silcrete and mudstone followed by chert and quartz and artefact types are mainly

flakes, broken flakes and flaked pieces. All sites were noted to have been disturbed through past landuses including but not limited to clearing, agricultural and pastoral activities, residential developments, utilities, infrastructure and erosion.

The presence of past Aboriginal people and their use of the landscape are undeniable and evidence is seen in the cultural materials that have survived both natural and human landuses since colonisation of the area in the 1800's. Whilst the regional environment provided resources, including raw materials for tool manufacture, fauna and flora for subsistence, medicinal resources, ceremonial places, and water which is a survival necessity that would have allowed for sustainable occupation of the area, the project area itself comprises a landscape in which water courses are absent which is likely to have been a significant factor in relation to past Aboriginal occupation of the locality.

The absence of resources in the project area may have supported transitory movement such as hunting and gathering, travel and possibly camping by small numbers of people over short periods of time. Non-indigenous settlement and land uses have impacted the investigation area, most noticeably from vegetation removal and excavation works associated with the current facility. Whilst it is clear Aboriginal people lived across the landscape, the evidence will have been impacted through such land uses. Based on the environmental, cultural and archaeological contexts, it was predicted that very low-density artefacts scatters and isolated finds representative of transitory movement (hunting and gathering, travel) may have been present within the project area, and that such evidence was likely to have been disturbed through past land uses.

The project area was surveyed as one unit based on the disturbed landform. Consisting of a highly disturbed landscape with none of the original landform present, the project area contains an existing recycling facility that has been previously completely excavated and concreted. The project area, being covered in concrete, a typical effective coverage estimation is not possible. No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the survey and this is likely due to a number of factors including:

- Distance from reliable water and subsistence resources indicates the project area was unlikely to have been utilised for camping;
- The project area may have been used for travel and/or hunting and gathering which manifest in the archaeological record as very low-density artefact scatters and/or isolated finds; and
- Past and present land uses would have displaced and/or destroyed any evidence of past Aboriginal land use.

Considering general models of occupation for the locality, the results of this and local investigations, the locality may have been utilised by Aboriginal people. As the project area itself is located over 770 metres from the closest water SOURCE and associated resources, the project area is unlikely to have been utilised more than a low intensity usage such as transitory movement or hunting/gathering activities. As no sites or PADs were identified, there are no impacts on the archaeological record and the following recommendations are made:

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974; and
- 2) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

## GLOSSARY

**Aboriginal Cultural Heritage Values:** traditional values of Aboriginal people, handed down in spiritual beliefs, stories and community practices and may include local plant and animal species, places that are important and ways of showing respect for other people.

**Aboriginal Place:** are locations that have been recognised by the Minister for Climate Change and the Environment (and gazetted under the *National Parks and Wildlife Act 1974*) as having special cultural significance to the Aboriginal community. An Aboriginal Place may or may not include archaeological materials.

**Aboriginal Site:** an Aboriginal site is the location of one or more Aboriginal archaeological objects, including flaked stone artefacts, midden shell, grinding grooves, archaeological deposits, scarred trees etc.

**Artefact:** any object that is physically modified by humans.

**Assemblage:** a collection of artefacts associated by a particular place or time, assumed generated by a single group of people, and can comprise different artefact types.

**Axe:** a stone-headed axe usually having two ground surfaces that meet at a bevel.

**Backed artefact:** a stone tool where the margin of a flake is retouched at a steep angle and that margin is opposite a sharp edge.

**Background scatter:** a term used to describe low density scatter of isolated finds that are distributed across the landscape without any obvious focal point.

**Blade:** a flake that is at least twice as long as it is wide.

**Bondi point:** a small asymmetrical backed artefact with a point at one end and backing retouch.

**Core:** a chunk of stone from which flakes are removed and will have one or more negative flake scars but no positive flake scars. The core itself can be shaped into a tool or used as a source of flakes to be formed into tools.

**Debitage:** small pieces of stone debris that break off during the manufacturing of stone tools. These are usually considered waste and are the by-product of production (also referred to as flake piece).

**Flake:** any piece of stone struck off a core and has a number of characteristics including ring cracks showing where the hammer hit the core and a bulb of percussion. May be used as a tool with no further working, may be retouched or serve as a platform for further reduction.

**Flaked piece/waste flake:** an unmodified and unused flake, usually the by-product of tool manufacture or core preparation (also referred to asdebitage).

**Formation processes:** human caused (land uses etc) or natural processes (geological, animal, plant growth etc) by which an archaeological site is modified during or after occupation and abandonment. These processes have a large effect on the provenience of artefacts or features.

**Grinding stone:** an abrasive stone used to abrade another artefact or to process food.



**Hammer stone:** a stone that has been used to strike a core to remove a flake, often causing pitting or other wear on the stone's surface.

**Harm:** is defined as an act that may destroy, deface or damage an Aboriginal object or place. In relation to an object, this means the movement or removal of an object from the land in which it has been situated

**Holocene:** the post-glacial period, beginning about 10,000 B.P.

**In situ:** archaeological items are said to be "in situ" when they are found in the location where they were last deposited.

**Pleistocene:** the latest major geological epoch, colloquially known as the "Ice Age" due to the multiple expansion and retreat of glaciers. Ca. 3,000, 000-10,000 years B.P.

**Retouched flake:** a flake that has been flaked again in a manner that modified the edge for the purpose of resharpening that edge.

**Stratified Archaeological Deposits:** Aboriginal archaeological objects may be observed in soil deposits and within rock shelters or caves. Where layers can be detected within the soil or sediments, which are attributable to separate depositional events in the past, the deposit is said to be stratified. The integrity of sediments and soils are usually affected by 200 years of European settlement and activities such as land clearing, cultivation and construction of industrial, commercial and residential developments.

**Taphonomy:** the study of processes which have affected organic materials such as bone after death; it also involves the microscopic analysis of tooth-marks or cut marks to assess the effects of butchery or scavenging activities.

**Traditional Aboriginal Owners:** Aboriginal people who are listed in the Register of Aboriginal owners pursuant to Division 3 of the *Aboriginal Land Register Act (1983)*. The Registrar must give priority to registering Aboriginal people for lands listed in Schedule 14 of the *National Parks and Wildlife Act 1974* or land subject to a claim under 36A of the *Aboriginal Land Rights Act 1983*.

**Traditional Knowledge:** Information about the roles, responsibilities and practices set out in the cultural beliefs of the Aboriginal community. Only certain individuals have traditional knowledge and different aspects of traditional knowledge may be known by different people, e.g. information about men's initiation sites and practices, women's sites, special pathways, proper responsibilities of people fishing or gathering food for the community, ways of sharing and looking after others, etc.

**Typology:** the systematic organization of artefacts into types on the basis of shared attributes.

**Use wear:** the wear displayed on an artefact as a result of use.

## ACRONYMS

<b>ACHA</b>	Aboriginal Cultural Heritage Assessment
<b>ACHMP</b>	Aboriginal Cultural Heritage Management Plan
<b>AHIMS</b>	Aboriginal Heritage Information Management System
<b>AHIP</b>	Aboriginal Heritage Impact Permit

## AHIMS SITE ACRONYMS

<b>ACD</b>	Aboriginal ceremonial and dreaming
<b>AFT</b>	Artefact (stone, bone, shell, glass, ceramic and metal)
<b>ARG</b>	Aboriginal resource and gathering
<b>ART</b>	Art (pigment or engraving)
<b>BOM</b>	Non-human bone and organic material
<b>BUR</b>	Burial
<b>CFT</b>	Conflict site
<b>CMR</b>	Ceremonial ring (stone or earth)
<b>ETM</b>	Earth mound
<b>FSH</b>	Fish trap
<b>GDG</b>	Grinding groove
<b>HAB</b>	Habitation structure
<b>HTH</b>	Hearth
<b>OCQ</b>	Ochre quarry
<b>PAD</b>	Potential archaeological Deposit
<b>SHL</b>	Shell
<b>STA</b>	Stone arrangement
<b>STQ</b>	Stone quarry
<b>TRE</b>	Modified tree (carved or scarred)
<b>WTR</b>	Water hole

## 1 INTRODUCTION

### 1.1 INTRODUCTION

McCardle Cultural Heritage Pty Ltd (MCH) has been engaged by Benbow Environmental on behalf of the proponent (Gow Street Recycling Centre) prepare an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed liquid waste dewatering facility at their existing recycling centre located at 81-87 Gow Street, Padstow NSW 2211.

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The assessment has been undertaken to meet the Heritage NSW, Department of Premier & Cabinet, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), the Secretary's Environmental Assessment Requirements (SEARs) and the brief.

### 1.2 PROPONENT DETAILS

Gow Street Recycling Centre

### 1.3 THE PROJECT AREA

The project area is defined by the proponent and is located at 81-87 Gow Street, Padstow. Including Lot A DP103140, the location and extent of the project area is illustrated in Figures 1.1 and 1.2.

Figure 1.1 Location of the project area

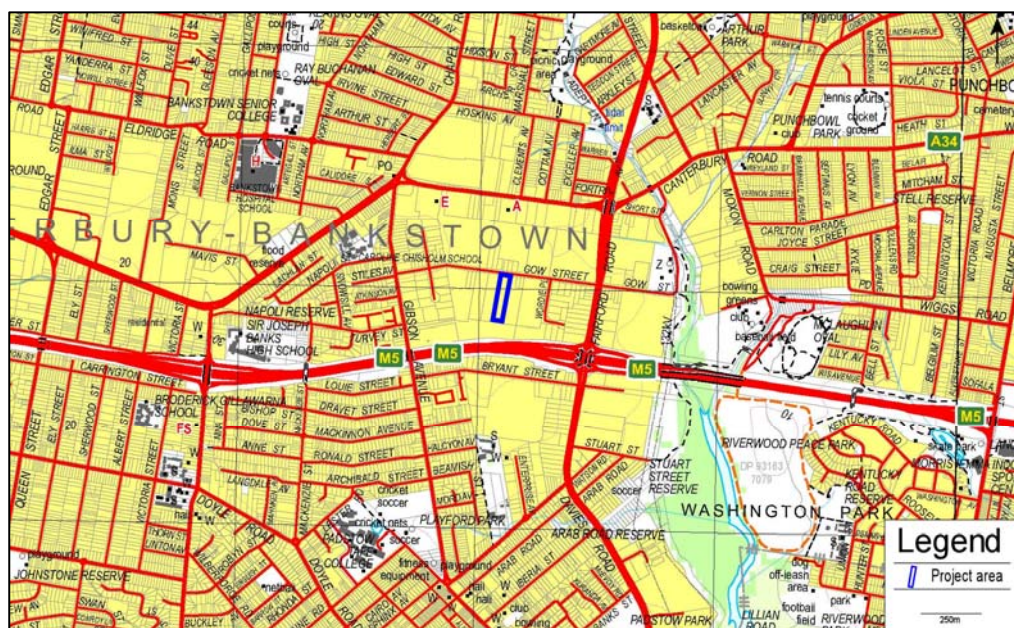


Figure 1.2 Aerial photograph of the project area (neapmap 2020)



#### 1.4 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the construction and operation of a liquid waste dewatering facility located at the existing Gow Street Recycling Centre site (81-87 Gow Street, Padstow NSW 2211).

Gow Street Recycling Centre currently has consent and holds an Environmental Protection Licence (#10943) for C&D resource recovery. It holds a processing capacity of 80,000 tpa and a maximum storage quantity of 7,300 tonnes at any one time. The proposed liquid waste dewatering facility would have a processing capacity of 250,000 tonnes per annum and would store a maximum of 120,000 tonnes of liquid waste at any one time.

Any future development of the project will have regard to the requirements and provision of the National Parks and Wildlife Act 1974 and any impacts will be managed in accordance with the requirements and provisions of the National Parks and Wildlife Act 1974 where required.

#### 1.5 PURPOSE OF THE ARCHAEOLOGICAL ASSESSMENT

The purpose of the assessment is to assess any archaeological constraints to support the proposal and to provide opportunities and options to ensure any cultural materials present are protected through appropriate mitigation and management.

#### 1.6 OBJECTIVE OF THE ASSESSMENT

The objective of the assessment is to identify areas of indigenous cultural heritage value, to determine possible impacts on any indigenous cultural heritage identified (including potential subsurface evidence) and to develop management recommendations where appropriate. The assessment employs a regional approach, taking into consideration the landscape of the project area (landforms, water resources, soils, geology etc), the regional archaeological patterning identified by past studies, natural processes (e.g. erosion) as well as land uses and associated impacts across the landscape and any associated cultural that may be present.



## 1.7 PROJECT BRIEF/SCOPE OF WORK

The following tasks were carried out:

- a review of relevant statutory registers and inventories for indigenous cultural heritage including the Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, The National Heritage List, the Commonwealth Heritage List, the Australian Heritage Database, Australia's National Heritage List, The National Trust Heritage Register State Heritage Inventory the and the Bankstown Local Environmental Plan;
- a review of local environmental information (topographic, geological, soil, geomorphological, vegetation, erosion) to determine the likelihood of archaeological sites and specific site types that may be present, prior and existing land uses and associated impacts and site disturbance that may affect site integrity;
- a review of previous cultural heritage investigations to determine the extent of archaeological investigations in the area and identify any archaeological patterns;
- the development of a predictive archaeological statement based on the data searches and literature review;
- identification of human and natural impacts in relation to the known and any new archaeological sites and archaeological potential within the project area;
- consultation with the Aboriginal stakeholders as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010);
- undertake a site inspection with the participation of the registered Aboriginal stakeholders, and
- the development of mitigation and conservation measures in consultation with the registered Aboriginal stakeholders.

## 1.8 LEGISLATIVE CONTEXT

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

Land managers are required to consider the effects of their activities or proposed development on the environment under several pieces of legislation. Although there are a number of Acts and regulations protecting Aboriginal heritage, including places, sites and objects, within NSW, the three main ones include:

- National Parks and Wildlife Act (1974, as amended)
- National Parks and Wildlife Regulation (2009)
- Environmental Planning and Assessment Act (1979)

### 1.8.1 NATIONAL PARKS AND WILDLIFE ACT (1974, AS AMENDED)

The National Parks and Wildlife Act (1974), Amended 2010, is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act protects Aboriginal heritage (places, sites and objects) within NSW and the Protection of Aboriginal heritage is outlined in s86 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, site 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 \$220,000 for a corporation.

Harm under the National Parks and Wildlife Act (1974, as amended) 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 that;

- 1) harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed), or
- 2) the proponent exercised due diligence in respect to Aboriginal heritage.

The ‘due diligence’ defence (s87[2]), states that if a person or company has applied due diligence to determine that no Aboriginal object, site or place was likely to be harmed as a result of the activities proposed for the Project Area, then liability from prosecution under the NPW Act 1974 will be removed or mitigated if it later transpires that an Aboriginal object, site or place was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and NSW, Department of Premier & Cabinet notified (DECCW 2010:13). The due diligence defence does not allow for continuing harm.

### 1.8.2 NATIONAL PARKS AND WILDLIFE REGULATION (2009)

The National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The Regulation (2009) recognises various due diligence codes of practice, including the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW which is pertinent to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

### 1.8.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

EP&A Act establishes the statutory framework for planning and environmental assessment in NSW and the implementation of the EP&A Act is the responsibility of the Minister for Planning, statutory authorities and local councils. The EP&A Act contains three parts which impose requirements for planning approval:

- Part 3 of the EP&A Act relates to the preparation and making of Environmental Planning Instruments (EPIs), State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).
- Part 4 of the EP&A Act establishes the framework for assessing development under an EPI. The consent authority for Part 4 development is generally the local council, however the consent authority may be the Minister, the Planning Assessment Commission or a joint regional planning panel depending upon the nature of the development.
- Part 4, Division 4.1 of the EP&A Act establishes the assessment pathway for State Significant Development (SSD) declared by the State Environmental Planning Policy (State and Regional Development) 2011 (NSW). Once a development is declared as SSD, the Secretary's Environmental Assessment Requirements (SEARs) will be issued outlining what issues must be considered in the EIS.
- Part 5 of the EP&A Act provides for the control of 'activities' that do not require development consent and are undertaken or approved by a determining authority. Development under Part 5 that are likely to significantly affect the environment is required to have an EIS prepared for the proposed activity.
- Part 5.1 of the EP&A Act establishes the assessment pathways for State Significant Infrastructure (SSI). Development applications made for SSI can only be approved by the Minister. Once a development is declared as SSI, the SEARs will be issued outlining what issues must be addressed in the EIS.

The applicable approval process is determined by reference to the relevant environmental planning instruments and other controls, LEPs and State Environmental Planning Policies (SEPPs). This project is defined as State Significant Development under Clause 4.36(2) of the Environmental Planning and Assessment Act 1979 and under the SEPP (State and Regional Development) 2011 as demonstrated in Section 5.3.1.4.

## 1.9 QUALIFICATIONS OF THE INVESTIGATOR

Penny McCardle: Principal Archaeologist & Forensic Anthropologist has 10 years experience in Indigenous archaeological assessments, excavation, research, reporting, analysis and consultation. Six years in skeletal identification, biological profiling and skeletal trauma identification.

- BA (Archaeology and Palaeoanthropology, University of New England 1999
- Hons (Archaeology and Palaeoanthropology): Physical Anthropology, University of New England 2001
- Forensic Anthropology Course, University of New England 2003
- Armed Forces Institute of Pathology Forensic Anthropology Course, Ashburn, VA 2008
- Analysis of Bone trauma and Pseudo-Trauma in Suspected Violent Death Course, Erie College, Pennsylvania, 2009
- Documenting Scenes of War and Human Rights Violations. Institute for International Criminal Investigations, 2018
- PhD, University of Newcastle, 2019

## 1.10 REPORT STRUCTURE

The report includes Section 1 which outlines the project, Section 2 provides the consultation, Section 3 presents the environmental context, Section 4 presents ethno historic context, Section 5 provides the archaeological background, Section 6 provides the results of the fieldwork, analysis and discussion; Section 7 presents the development impact assessment, Section 8 presents the mitigation strategies and Section 9 presents the management recommendations.



## 2 CONSULTATION

As per the Heritage NSW, Department of Premier & Cabinet Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010), MCH followed the four stages of consultation as set out below. All correspondences for each stage are provided in Appendix A.

In relation to cultural significance, MCH recognises and supports the indigenous system of knowledge. That is, that knowledge is not 'open' in the sense that everyone has access and an equal right to it. Knowledge is not always definitive (in the sense that there is only one right answer) and knowledge is often restricted. As access to this knowledge is power, it must be controlled by people with the appropriate qualifications (usually based on age seniority, but may be based on other factors). Thus, it is important to obtain information from the correct people: those that hold the appropriate knowledge of those sites and/or areas relevant to the project. It is noted that only the Aboriginal community can identify and determine the accepted knowledge holder(s) may be not archaeologists or proponents. If knowledge is shared, that information must be used correctly and per the wishes of the knowledge holder.

Whilst an archaeologist may view this information as data, a custodian may view this information as highly sensitive, secret/sacred information and may place restrictions on its use. Thus, it is important for MCH to engage in affective and long-term consultation to ensure knowledge is shared and managed in a suitable manner that will allow for the appropriate management of that site/area. MCH also know that archaeologists do not have the capability nor the right to adjudicate on the spirituality of a particular location or site as this is the exclusive right of the traditional owners who have the cultural and hereditary association with the land of their own ancestors. For these reasons, consultation forms an integral component of all projects and this information is sought from the registered stakeholders to be included in the report in the appropriate manner that is stipulated by those with the information.

### 2.1 STAGE 1: NOTIFICATION & REGISTRATION OF INTEREST

The aim of this stage is to identify, notify and register Aboriginal people and/or groups who hold cultural knowledge that is relevant to the project area, and who can determine the cultural significance of any Aboriginal objects and/or places within the proposed project area. In order to do this, the sources identified by Heritage NSW, Department of Premier & Cabinet (OEH 2010:10) and listed in Table 2.1, to provide the names of people who may hold cultural knowledge that is relevant to determining the significance of Aboriginal objects and/or places were contacted by letter on 30<sup>th</sup> October 2020 and it was stipulated that if no response was received, the project and consultation will proceed. Information included in the correspondence to the sources listed in Table 2.1 included the name and contact details of the proponent, an overview of the proposed project including the location and a map showing the location.

Table 2.1 Sources contacted

Organisations contacted	Response
Heritage NSW	50 groups
Gandangara LALC	no response
Canterbury Bankstown Council	no response
Registrar Aboriginal Land Rights Act 1983	GLALC
National Native Title Tribunal	no claims
Native Title Services Corporation Limited	no response
Greater Sydney Local Land Services	no response

Following this, MCH compiled a list of people/groups to contact (Refer to Appendix A). As per the Aboriginal cultural heritage consultation requirements for proponents (April 2010), archaeologists and proponents must write to all those groups provided asking if they would like to register their interest in the project. Unfortunately, some Government departments written to requesting a list of groups to consult with do not differentiate groups from different traditional boundaries and provide an exhaustive list of groups from across the region including those outside their traditional boundaries.

MCH wrote to all parties identified by the various departments on 13<sup>th</sup> November 2020, and an advertisement was placed in the The Daily Telegraph as well in the online section of The Canterbury – Bankstown Express on 12<sup>th</sup> November 2020. The correspondence and advertisement included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and requested to nominate the preferred option for the presentation of information about the proposed project: an information packet or a meeting and information packet (Refer to Stage 2). Didge Ngunwal Clan (DNC) registered for the project.

## 2.2 STAGE 2: PRESENTATION OF INFORMATION

The aim of this stage is to provide the RAPs with information regarding the scope of the proposed project and the cultural heritage assessment process.

As DNC did not provide their preferred method of receiving information, an information packet was sent to them on 6<sup>th</sup> January 2021 and included the required information as per the Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010) and a written response to the proposed methods was due no later than 3<sup>rd</sup> February 2021.

The information pack also stipulated that consultation was not employment, and requested that in order to assist the proponent in the engagement of field workers, that the groups provide information that will assist in the selection of field staff who may be paid on a contractual basis). This included, but was not limited to, experience in field work and in providing cultural heritage advice (asked to nominate at least two individuals who will be available and fit for work) and their relevant experience; and to provide a CV and insurance details.

The information pack also noted that failure to provide the required information by the date provided will result in a missed opportunity for DNC to contribute to their cultural heritage and the project will proceed.

## 2.3 STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE

The aim of this stage is to facilitate a process whereby the RAPs can contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the cultural significance of any Aboriginal objects and or/places within the proposed project area to be determined and have input into the development of any cultural heritage management options and mitigation measures. In order to do this, included in the information pack sent for Stage 2, was information pertaining to the gathering of cultural knowledge. This included the following information;

- MCH noted that information provided by RAPs may be sensitive and MCH and the proponent will not share that information with all RAPs or others without the express permission of the individual. MCH and the proponent extended an invitation to develop and implement appropriate protocols for sourcing and holding cultural information including any restrictions to place on information, as well as the preferred method of providing information;
- request for traditional/cultural knowledge or information associated with ceremonial, spiritual, mythological beliefs, traditions and known sites from the pre-contact period;
- request for traditional/cultural knowledge or information regarding sites or places with historical associations and/or cultural significance which date from the post-contact period and that are remembered by people today (e.g. plant and animal resource use areas, known camp sites); and
- request for traditional/cultural knowledge or information in relation to any sites or places of contemporary cultural significance (apart from the above) which has acquired significance recently.

During this process, the DNC did not disclose any specific traditional/cultural knowledge or information of sites or places associated with spiritual, mythological, ceremonies or beliefs from the pre contact period within the project area or surrounding area. DNC did not disclose any information pertaining to sites or places of cultural significance associated with the historic or contemporary periods within the project area or surrounding area. However, it must be noted that traditional/cultural knowledge and/or information regarding sites and/or places of cultural significance may exist that were not divulged to MCH by those consulted.

## 2.4 SURVEY

DNC were invited to participate in the survey on 19<sup>th</sup> January 2021. Unfortunately, DNC were unable to attend and the survey proceeded.

## 2.5 STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT

Copies of the DRAFT report were forwarded to DNC for their review and were asked to provide a written or verbal response no later than 31<sup>st</sup> March 2021. MCH received no response and all documentation regarding the consultation process is provided in Appendix A.

### 3 LANDSCAPE AND ENVIRONMENTAL CONTEXT

#### 3.1 INTRODUCTION

Documenting and understanding the context of archaeological sites in relation to surrounding terrain features is essential to landscape archaeological studies worldwide (De Reu et al., 2013; De Reu et al., 2011; Turrero et al., 2013) and the nature and distribution of Aboriginal cultural materials in a landscape are strongly influenced by environmental factors such as topography, geology, landforms, climate, geomorphology, hydrology and the associated soils and vegetation (Hughes and Sullivan 1984). These factors influence the availability of plants, animals, water, raw materials, the location of suitable camping places, ceremonial grounds, burials, and suitable surfaces for the application of rock art. As site locations may differ between landforms due to differing environmental constraints that result in the physical manifestation of different spatial distributions and forms of archaeological evidence, these environmental factors are used in constructing predictive models of Aboriginal site locations.

Environmental factors also effect the degree to which cultural materials have survived in the face of both natural and human influences and affect the likelihood of sites being detected during ground surface survey. Site detection is dependent on a number of environmental factors including surface visibility (which is determined by the nature and extent of ground cover including grass and leaf litter etc) and the survival of the original land surface and associated cultural materials (by flood alluvium, erosion etc). It is also dependant on the exposure of the original landscape and associated cultural materials by human impacts (e.g. Aboriginal fire stick farming, clearing, logging, agricultural activities, construction works, mining etc), (Hughes and Sullivan 1984). Combined, these processes and activities are used in determining the likelihood of both surface and subsurface cultural materials surviving and being detected.

It is therefore necessary to understand the environmental factors, processes and activities, all of which affect site location, preservation and detection during surface survey and the likelihood of in situ subsurface cultural materials being present. The environmental factors, processes and disturbances of the surrounding environment and specific project area are discussed below.

#### 3.2 TOPOGRAPHY

The topographical context is important to identify potential factors relating to past Aboriginal land use patterns. The project area lies within the Cumberland Plain, which is a broad and shallow basin that stretches westwards from Parramatta to the Hawkesbury-Nepean River and southwards from Windsor to Thirlmere. The project area has undergone excavation and fill works for the existing recycling facility resulting in a disturbed landscape with one of the original landforms remaining.

#### 3.3 GEOLOGY

The underlying regional geology plays a major role in the structure of the surrounding environment (landforms, topography, geomorphology, vegetation, climate etc), and also influences patterns of past occupation and their manifestation in the archaeological record. This is primarily relevant to past Aboriginal land use in regard to the location of stone resources or raw materials and their procurement for the manufacturing and modification of stone tools.

The processes of sedimentation, uplift, ongoing physical and chemical weathering, re-deposition and volcanic activity have resulted in the formation of a complex landscape in the regional area that incorporates diversity in topography, vegetation and wildlife. For its Aboriginal inhabitants, these processes have resulted in the presence of caves and ledges suitable for shelter/occupation and the

application of rock art. In addition, the area contains deposits of raw materials essential to the manufacture of stone tools as well as locations that provide the rocky creek bed outcrops utilised in the production of ground-edge implements.

The underlying geology of the project area is the Wianamatta Group geological formation, specifically the Bringelly Shale geological unit. The Bringelly Shale formation is primarily composed of shale, with occasional calcareous claystone, laminate, and coal (Bannerman and Hazelton 1990, p. 28). The absence of suitable raw materials types in the project area, such as mudstone and silcrete, indicates that stone materials suitable for manufacturing stone artefacts would have been transported into the project area.

### 3.4 GEOMORPHOLOGY

Geomorphology is the study of landscapes, their evolution and the processes operating within earth systems. Cultural remains are part of these systems, having being deposited on, and in part, resulting from interactions within landscapes of the past. An understanding of geomorphological patterning and alterations is therefore essential in assess and interpreting the archaeological record.

The soils throughout the region reflect the influence of a range of factors including the parent geological material, topography, climate, organisms and length of formation time. These soils consist of an upper soil Horizon A and underlying B (referred to as duplex soils). Unit A and Unit B are interpreted as being Holocene and Pleistocene in age respectively. Within the region, sites tend to occur on or within soil Horizon A or are often present at the interface of the A and B horizons. Within the A horizon the lowermost (in terms of vertical positioning) artefact assemblages tend to contain artefacts that are typically attributed to the mid-Holocene, as characterised by an increase in the number of backed artefacts. Based on georphological grounds, A horizon soils in this context are generally considered as dating to the mid-late Holocene.

Based on geomorphological investigations of the local area by Mitchell (in Oakley 2007) the following is provided. One soil landscape has been identified in the study area, which coincides with the geology—the Blacktown Soil Landscape based on the Waiiamatta Group Shales geological formation. The main characteristics of the Soil Landscape in the study area are provided in Section 3.5.

All of the natural soil profiles examined in the field in the local area consisted of an active biomantle (*sensu*, Johnson 1989, Paton et al., 1995, and Johnson 2002) over weathered rock or subsoil material derived from weathered rock. Mitchell (2007) has stressed the importance of recognizing the biomantle (the organic-rich bioturbated upper part of the soil, including the topsoil) an important profile characteristic as it has implications for the distribution of artefacts on open sites as follows (Dean-Jones and Mitchell 1993):

- Artefacts will be confined to the biomantle.
- Artefacts will have been subject to surface dispersion, limited down slope movement, and differential burial or exposure by bioturbation agents (ants, worms, termites, tree fall etc.) and they will contribute to the formation of a stone layer between the A and B-horizon where artefacts of all ages accumulate.
- In mechanically disturbed and/or sheet eroded area a lateral pattern of artefact dispersal can be expected as erosion processes strip the biomantle and incise the B-horizon. In depositional areas artefact burial is likely to be common.
- Despite the taphonomic processes affecting artefact distribution in the soil some site use patterns, such as knapping floors, may survive in attenuated plan form with an extended

vertical and down-slope distribution of their components and possible mixing with artefacts from other events. For examples of the complexities of this process see Cahen and Moeyersons (1977), and Balek (2002).

- Because artefact burial is an ongoing process their surface visibility will be poor except where occasional flakes have been returned to the surface by landuses, tree fall, or where erosion rates are higher than average.
- Archaeological sites on texture contrast and fabric contrast soil profiles are unlikely to be stratified in a chronologically useful sense.
- The only means of dating any sites in this landscape will be by recognition of cultural sequences of artefacts, or from the recovery of intact 'hearths' or burials. All other dates, especially those based on detrital charcoal, and including those based on thermoluminescence, will be spurious because artefacts can move through soil material of any age.

Where artefacts are present, they are only likely to occur in the biомantle of the soil profiles and excavation will generally be shallow, (discussed in Section 3.5). Investigation will assist in the identification of the nature of the disturbance across the project area.

### 3.5 SOILS

The nature of the surrounding soil landscape also has implications for Aboriginal land use and site preservation, mainly relating to supporting vegetation and the preservation of organic materials and burials. The deposit of alluvial and aeolian sediments and colluvium movement of fine sediments (including artefacts) results in the movement and burying of archaeological materials. The increased movement in soils by this erosion is likely to impact upon cultural materials through the post-depositional movement of materials, specifically small portable materials such as stone tools, contained within the soil profiles.

The project area is situated on the Blacktown residual soil landscape that consists of an A<sub>1</sub> horizon (up to 30 cm in depth) of friable brownish-black loam to clay loam, but can range from dark reddish-brown to dark yellowish-brown. The pH ranges from slightly acid (pH 5.5) to neutral (pH 7.0). Rounded iron indurated fine gravel-sized shale fragments and charcoal fragments are sometimes present and roots are common. This overlies the A<sub>2</sub> horizon (10-20 cm in depth) of hard-setting dark brown clay loam to silty clay loam that can range from dark reddish-brown to dark brown. The pH ranges from moderately acid (pH 5.0) to slightly acid (pH 6.5). Platy ironstone gravel-sized shale fragments are common and charcoal fragments and roots are rarely present. This overlies the B horizon of mottled brown light to medium clay that ranges from reddish-brown to brown. Red, yellow or grey mottles are commonly present and often become more numerous with depth. The pH ranges from strongly acid (pH 4.5) to slightly acid (pH 6.5), (Chapman and Murphy 1989: 22-26).

### 3.6 CLIMATE

Climatic conditions would also have played a part in past occupation of an area as well as impacted upon the soils and vegetation and associated cultural materials. Rainfall throughout the area is summer-autumn dominated with minimum rainfall occurring during late winter and early spring. Average annual rainfall is (1,432mm) and decreases westwards (935mm). The maximum monthly rainfall occurs along the coast during March and the average minimum occurs in July and August. Average monthly maximum temperatures are highest in the west (28°C in December and the average minimum 16°C in July (Chapman and Murphy 1989:2). During summer, the increased rainfall rate and reduced ground cover is reflected in a proportionately higher risk of erosion.



### 3.7 WATERWAYS

One of the major environmental factors influencing human behaviour is water as it is essential for survival and as such people will not travel far from reliable water sources. In those situations where people did travel far from reliable water, this indicates a different behaviour such as travelling to obtain rare or prized resources and/or trade. Proximity to water not only influences the number of sites likely to be found but also artefact densities. The highest number of sites and the highest density are usually found in close proximity to water and usually on an elevated landform. This assertion is undisputedly supported by the regional archaeological investigations carried out in the region where by such patterns are typically within 50 metres of a reliable water source.

The main types of water sources include permanent (rivers and soaks), semi-permanent (large streams, swamps and billabongs), ephemeral (small stream and creeks) and underground (artesian). Stream order assessment is one way of determining the reliability of streams as a water source. Stream order is determined by applying the Strahler method to 1:25 000 topographic maps. Based on the climatic analysis, the project area will typically experience comparatively reliable rainfalls under normal conditions and thus it is assumed that any streams above a third order classification will constitute a relatively permanent water source.

The Strahler method dictates that upper tributaries do not exhibit flow permanence and are defined as first order streams. When two first order streams meet, they form a second order stream. Where two-second order streams converge, a third order stream is formed and so on. When a stream of lower order joins a stream of higher order, the downstream section of the stream will retain the order of the higher order upstream section (Anon 2003; Wheeling Jesuit University 2002).

Examination of the topographic map and nearmap indicates that the project area is located over 770 metres west of a 3<sup>rd</sup> order creek (Salt Pan Creek) and the closest reliable fresh water is the Georges River located 5 kilometres west of the project area. Thus, the project area was not well resourced in terms of fresh water availability, and as water is essential for survival, the project area would not have been suitable for camping.

### 3.8 FLORA AND FAUNA

The availability of flora and associated water sources affect fauna resources, all of which are primary factors influencing patterns of past Aboriginal land use and occupation. The assessment of flora has two factors that assist in an assessment including a guide to the range of plant resources used for food and medicine and to manufacture objects including nets, string bags, shields and canoes which would have been available to Indigenous people in the past. The second is what it may imply about current and past land uses and to affect survey conditions such as visibility, access and disturbances.

European settlers extensively cleared the original native vegetation from the project area and is now dominated by introduced grasses with portions of the project area (including north, south etc) including open woodland. The drainage throughout the project area would have supported a limited range of resources including kangaroo, wallaby, goanna, snakes and a variety of birds. A wider variety of resources would have been available in areas to the east and west where more reliable water would have been available.

### 3.9 LAND USES AND DISTURBANCES

Based upon archaeological evidence, the occupation of Australia extends back some 40,000 years (Mulvaney and Kamminga 1999). Although the impact of past Aboriginal occupation on the natural landscape is thought to have been relatively minimal, it cannot simply be assumed that 20,000 years of land use have passed without affecting various environmental variables. The practice of 'firestick

farming' whereby the cautious setting of fires served to drive game from cover, provide protection and alter vegetation communities significantly influenced seed germination, thus increasing diversity within the floral community.

Following European settlement of the area in the 1820s, the landscape has been subjected to a range of different modifactory activities including extensive logging and clearing, agricultural cultivation (ploughing), pastoral grazing, residential and industrial developments. The associated high degree of landscape disturbance has resulted in the alteration of large tracts of land and the cultural materials contained within these areas. The project area has also been subject to additional clearing, excavation and fill works associated with the existing recycling facility and associated infrastructure.

In terms of these land uses and impacts on the landscape and cultural materials that may be present, early vegetation clearing included the uprooting of trees by chaining will disturbed or destroy that may be present near or underneath trees and vegetation. Farming and agricultural activities also disturbed the landscape. Although pastoralism is a comparatively low impact activity, it does result in disturbances due to vegetation clearance and the trampling and compaction of grazed areas. These factors accelerate the natural processes of sheet and gully erosion, which in turn can cause the horizontal and lateral displacement of artefacts. Furthermore, grazing by hoofed animals can affect the archaeological record due to the displacement and breakage of artefacts resulting from trampling (Yorston et al 1990). Pastoral land uses are also closely linked to alterations in the landscape due to the construction of dams, fence lines and associated structures. As a sub-set of agricultural land use, ploughing typically disturbs the top 10-12 centimetres of topsoil (Koettig 1986) depending on the method and machinery used during the process. Ploughing increases the occurrence of erosion and can also result in the direct horizontal and vertical movement of artefacts, thus causing artificial changes in artefact densities and distributions. In fact, studies undertaken on artefact movement due to ploughing (e.g. Roper 1976; Odell and Cowan 1987) has shown that artefact move between one centimetre up to 18 metres laterally depending on the equipment used and horizontal movement. Ploughing may also interfere with other features and disrupt soil stratigraphy (Lewarch and O'Brien 1981). Ploughing activities are typically evidenced through 'ridges and furrows' however a lengthy cessation in ploughing activities dictates that these features may no longer be apparent on the surface.

Excavation works required for developments, including but not limited to business, residential, industrial, aviation and associated infrastructure and utilities as well as the removal of soils require the excavation, cut and fill methods. These direct impacts to the land and associated cultural materials that may be present are easy to see and understand. Any form of construction or resource exploitation that involves the removal of, relocation of or compaction or soils sediments or minerals, requires the modification of the topography, thus displacing and/or destroying any cultural materials that may have been present (Wood 1982). In terms of everyday land uses, the impacts of vehicular movements on sites have been well documented and based on several experiments (DeBloois, Green and Wylie 1974, Gallagher 1978), it has been shown that vehicle movements over an archaeological site is extremely destructive to the site through compaction and movement thus altering the spatial relationship and location of the artefacts. Based on general observations it is expected that the creation of dirt tracks for vehicle access would result in the loss of vegetation and therefore will enhance erosion and the associated relocation of cultural materials.

### 3.10 NATURAL DISTURBANCES

The disturbance of cultural materials can also be a result of natural processes. The patterns of deposition and erosion within a locality can influence the formation and/or destruction of archaeological sites. Within an environment where the rate of sediment accumulation is generally very high, artefacts deposited in such an environment will be buried shortly after being abandoned.



Frequent and lengthy depositional events will also increase the likelihood of the presence of well-stratified cultural deposits (Waters 2000:538,540).

In a stable landscape with few episodes of deposition and minimal to moderate erosion, soils will form and cultural materials will remain on the surface until they are buried. Repeated and extended periods of stability will result in the compression of the archaeological record with multiple occupational episodes being located on one surface prior to burial (Waters 2000:538-539). Within the duplex soils artefacts typically stay within the A horizon on the interface between the A and B horizons.

If erosion occurs after cultural material is deposited, it will disturb or destroy sections of archaeological sites even if they were initially in a good state of preservation. The more frequent and severe the episodes of erosional events the more likely it is that the archaeological record in that area will be disturbed or destroyed (Waters 2000:539; Waters and Kuehn 1996:484). Regional erosional events may entirely remove older sediments, soils and cultural deposits so that archaeological material or deposits of a certain time interval no longer exist within a region (Waters and Kuehn 1996:484-485).

The role of bioturbation is another significant factor in the formation of the archaeological record. Post-depositional processes can disturb and destroy artefacts and sites as well as preserve cultural materials. Redistribution and mixing of cultural deposits occur as a result of burrowing and mounding by earthworms, ants and other species of burrowing animals. Artefacts can move downwards through root holes as well as through sorting and settling due to gravity. Translocation can also occur as a result of tree falls (Balek 2002:41-42; Peacock and Fant 2002:92). Depth of artefact burial and movement as a result of bioturbation corresponds to the limit of major biologic activity (Balek 2002:43). Artefacts may also be moved as a result of an oscillating water table causing alternate drying and wetting of sediments, and by percolating rainwater (Villa 1982:279).

Experiments to assess the degree that bioturbation can affect material have been undertaken. In abandoned cultivated fields in South Carolina, Michie (summarised in Balek 2002:42-43) found that over a 100-year period 35% of shell fragments that had been previously used to fertilise the fields were found between 15 and 60 centimetres below the surface, inferred to be as a result of bioturbation and gravity. Earthworms have been known to completely destroy stratification within 450 years (Balek 2002:48). At sites in Africa, conjoined artefacts have been found over a metre apart within the soil profile. The vertical distribution of artefacts from reconstructed cores did not follow the order in which they were struck off (Cahen and Moeyersons 1977:813). These kinds of variations in the depths of conjoined artefacts can occur without any other visible trace of disturbance (Villa 1982:287). However, bioturbation does not always destroy the stratigraphy of cultural deposits. In upland sites in America, temporally-distinct cultural horizons were found to move downwards through the soil as a layer within minimal mixing of artefacts (Balek 2002:48).

### 3.11 DISCUSSION

The regional environment provided resources, including raw materials, fauna, flora and water, that would have allowed for sustainable occupation of the area. However, the project area itself is located situated over 750 metres from a 3<sup>rd</sup> order creek and as such, the project area was likely utilised for more transitory activity such as hunting and gathering due to the lack of water in the project area, rather than camping. In relation to modern alterations to the landscape, the use of the project area for past agricultural purposes can be expected to have had low to moderate impacts upon the archaeological record. European land uses such as the construction of the existing recycling facility and associated infrastructure would have displaced cultural materials, however in less disturbed areas, it is likely that archaeological deposits may remain relatively intact.

## 4 ETHNO-HISTORIC BACKGROUND

Unfortunately, due to European settlement and associated destruction of past Aboriginal communities, their culture, social structure, activities and beliefs, little information with regards to the early traditional way of life of past Aboriginal societies remains.

### 4.1 USING ETHNO-HISTORIC DATA

Anthropologists and ethnographers have attempted to piece together a picture of past Aboriginal societies throughout the region. Although providing a glimpse into the past, one must be aware that information obtained on cultural and social practices were commonly biased and generally obtained from informants including white settlers, bureaucrats, officials and explorers. Problems encountered with such sources are well documented (e.g. Barwick 1984; L'Oste-Brown et al 1998). There is little information about who collected information or their skills. There were language barrier and interpretation issues, and the degree of interest and attitudes towards Aboriginal people varied in light of the violent settlement history. Access to view certain ceremonies was limited. Cultural practices (such as initiation ceremonies and burial practices) were commonly only viewed once by an informant who would then interpret what he saw based on his own understanding and then generalise about those practices.

### 4.2 DHARUG PEOPLE

The Dharug language group area included the Cumberland Plain region of NSW, their traditional country defined by Horton as spreading from the Southern Highlands to Illawarra, from Broken Bay to the Blue Mountains. The Dharug country was surrounded by other Aboriginal language groups, including the Wiradjuri to the west, Darkinung to the north, Gundungurra and Turuwal to the south, and Kuring-Gai and Eora to the east (Horton, 1996). Archaeological sites with some of the oldest dates in the Sydney region have been identified within the Dharug traditional country area (Attenbrow, 2010:18-19).

Alternate spellings are often used for this group, including Darug, Daruk, Dharruk, Dharrook, Dharung and Darrook, deriving predominantly from the variety of ethnographic accounts detailing early encounters with the various Dharug subgroups (Kohen, 1988 and 1993). Some of the subgroups that may have lived within the larger Dharug area included the Bediagal, Bidjigal, Birrabirragal, Bool-bain-ora, Boorooberongal, Borogegal-yuruey, Burramattagal, Cabrogal, Cadigal, Cammeraigal, Cannalgal, Cannemegal, Carigal, Cattai, Dural, Gommerigal-tongarra, Goorungurragal, Gorualgal, Gweagal, Kameygal, Kayimai, Kurrajong, Mulgoa, Muringong, Muru-ora-dial, Norongerragal, Ory-ang-ora, Terramerragal, Toogagal, Wandeandegall, Wangal and Wallumattagal (Kohen, 1988).

The terms tribes, clans and bands have been used in various sources to refer to Dharug social groupings. Clans or tribes have been described as the primary social group, generally consisting of 50 to 60 people. These groups were determined by totem, something inherited along the male lineage. Marriages and initiations were arranged based on affiliations to different totems (Kohen, 1993:15-35). The word band has since been used to describe a group that came together for a particular type of activity, such as hunting, and which varied in quantity as a result. Much larger groups would gather for important social activities, such as corroborees, marriages and initiations (Attenbrow, 2010:29).

The traditional language area as defined by Horton put the Dharug group inland with no direct access to the coast; the coastal area immediately adjacent to them was defined as belonging to the Eora language group. Despite this, the name Eora has since been argued to have been given to the Aboriginal group in ethnographic accounts, rather than being a legitimate pre-contact language

group area. The name Eora was introduced in sources such as Tench (1793), Hunter (1793) and Collins (1804), which has been argued as a misunderstanding for the local Aboriginal words meaning yes “e-e” and land “ora” (Kohen, 1988). This suggests that the Eora area may have been either part of the Kuring-Gai area or the Dharug area, based on the available linguistic evidence (Dawes, 1790). Some studies have argued that the Dharug territory extended to the coastline between Port Jackson and Botany Bay, with evidence for this conclusion drawn from the ethnographic observations of explorers and settlers (Attenbrow, 2010). Other texts suggest the Kuring-Gai area may have extended further south along the coast (Gunson, 1974). If the Eora area was in fact a part of the larger Dharug country, the coastal inhabitants spoke a distinctly different dialect and did not generally have a high level of contact with those from the hinterland areas (Attenbrow, 2010:34).

Early descriptions of Aboriginal people note that their cooking fires were seen from a distance, or that groups were spotted drawing their canoes up onto beaches (Griffin, 1980). Aboriginal groups across the Dharug area specialised in their use of resources depending on the specific territory in which they made their home. Although groups did not have direct access to resources outside their area, they were able to trade with the surrounding communities, thus sharing their economic resources. Generally, however, they had their own territory and relied on local resources, moving to different regions on an annual basis (Kohen, 1988). Certain groups travelled as far as 150 kilometres to take part in corroborees, which were a time of both ceremony and trade (Griffin, 1980).

If the Eora coastal group was part of the larger Dharug country, they specialised in marine resources that were not accessible for Dharug people from the inland areas. This included a diet with fish, shellfish, crabs, crayfish, seals and whales. Tools were made using coastal resources such as shell, fish bone and shark teeth. The utilisation of shellfish and oysters is apparent in the shell middens that have been recorded. By contrast the resources inland were of possums, eels, insects and plants, kangaroos, wallabies, fruit bats, echidnas, freshwater fish, shellfish, crustaceans, tortoises, platypus and water rats. Riverine communities along the Hawkesbury and Nepean Rivers utilised plant foods as their staple diet, with an important resource being yams (Kohen, 1988). Animals observed as being used for food in lake and river areas included water birds (pelicans, ducks, teals and others). In addition to possums there is evidence that koalas, sugar gliders, snakes, goannas and wallabies were also caught and eaten (Griffin, 1980).

Stone tools were produced by the Dharug people and hafted onto wood to serve a variety of functions, such as the barbs and points of spears. Stone on the Cumberland Plain was predominantly sourced from the grave beds of the Nepean River (for chert and basalt) and along ridges associated with Eastern Creek and South Creek (for silcrete) (Kohen, 1988). Quartz was also sourced from sandstone outcrop areas, with archaeological evidence suggesting that local resources were predominantly used, rather than trading for material outside the area, with some exceptions (such as basalt for hand axes) (Kohen, 1988). Spears, nets and canoes were used for fishing, with spears also used for hunting animals and birds. Ground stone hatchets, stone pounders and wedges, wooden shields, digging sticks, bark baskets, net bags and wooden dishes were all used. Clubs, boomerangs and spear throwers were also utilised, as were (in some areas) shelters made from bark. What shelter was utilised depended on the area within Dharug country, with the coastal areas using bark huts, while sandstone areas used natural overhangs (Attenbrow, 2010:55-85).

There were a variety of traditional stories told across the country of the Dharug people, but due to loss of cultural information it is now largely fragmentary. Cultural knowledge was provided depending on the level of initiation the individual had undergone within their community. Baiame was a very important mythical character, half crystal and half human, known as the Great Shaper or Thunder-God. He was a creation figure in stories, described as the being that shaped the world from the void that existed before (Attenbrow, 2010:128). Although there is little evidence of Dharug beliefs, some other stories told in the wider region indicate the kind of mythological figures that were

likely to have been a part of the Dharug mythology. Some examples of tales include references to figures such as a wild hairy man with backward turned feet called the Gulea, a winged creature called the Dthuwangong that produced a terrible stench from its body to overpower his prey, and the Ghindaring, who dwelt in rocky areas with a body glowing like burning coals. The Gurungaty dwelt in waterholes and ate unsuspecting victims who went there and Wallanthagang stunned his prey then laid them out on an ant's nest to be stung. Dharamulan was another important Dreamtime figure, related to Baiame, drawn from the time when the animals of today were human in shape and dwelt in high places such as clouds, mountains and trees. Ethnographic recordings from 1904 relate that another creation figure was Mirrirul, who stood atop the tallest tree to receive the spirits of the dead at the end of their lives. In this story the souls of the departed took the form of children and would hover in the tops of trees, resting in the branches before ascending to the clouds (Mathews, 1904). Some of the Dharug stories are still physically present in the iconography of extant rock art.

Between 1789 and 1790 a massive smallpox epidemic killed thousands of people across the Dharug area. Exact numbers were not recorded, but descriptions of the impact that smallpox had on Aboriginal people, who had no immunity to it, are of massive changes to the social groupings in this area as a result (Kohen, 1988). The Cadigal settlement at Port Jackson was estimated to consist of between 30 and 50 people at the time of first contact. Following the smallpox epidemic there were only three who survived (Collins, 1804). When the early explorers and first settlers arrived in the Hawkesbury region, they noted the Aboriginal people there showed visible pock marks from smallpox (Hunter, 1793; Tench, 1793). The death toll was so great that survivors were forced to band together in new groups in order to survive.

Archaeological investigations across the Cumberland Plain have tended to focus on waterways, both as past pathways used by Aboriginal people and indications of potential areas of more intensive past cultural activity, such as camping, tool manufacture and hunting. Due to high levels of erosion it is more common to identify artefacts in areas where multiple temporal events have become deflated across a single geographical location. Where hearths are available these can provide an opportunity for dating, but without such evidence most studies have focussed on typological chronologies, the provenance of raw materials and landscape-based understandings of past Dharug activity. While water resources do indicate the potential for evidence of past activity, recent studies have noted that areas close to creek lines were not always suitable for repeated or long-term activity due to regular flooding. One study noted that high artefact density concentrations were predominantly found on terraces and lower slopes associated with 4th and 2nd order streams, the majority located between 50 and 100 metres from 4th order streams (McDonald and White, 2010). In response to widespread site distribution across large areas, some interpretations of the Cumberland Plain have identified it as a larger Dharug cultural landscape, rather than separating it into a list of separate sites.

In the post-contact period, the newly formed groups continued to have increasing conflict with the new settlers as they spread across the landscape, depriving Aboriginal people from access to their traditional lands and resources. As well as conflict with settlers, there were also conflicts between the Aboriginal social groups. Tribes were described as having inter-tribal wars, often sparked off by the abduction of a female from one tribe by a man from another. The decreased population numbers meant that men looking for wives led to competition if not conflict (Griffin 1980). Marginalisation and segregation in later years saw Aboriginal people separated from their traditional culture, with customs and stories unable to be transmitted where connection to knowledge holders was lost. In recent years some Aboriginal people have sought reconnection through participation in archaeological work, reconnecting to the landscape by discovering and recording sites (AECOM, 2014). The volume and variety of recorded sites across the Dharug area provides a tangible link to ancestors for contemporary Aboriginal people. It also attests to the ongoing presence of Dharug people within the landscape of their traditional country.

## 5 ARCHAEOLOGICAL CONTEXT

A review of the archaeological literature of the region, and more specifically the local area and the results of an AHIMS search provide essential contextual information for the current assessment. Thus, it is possible to obtain a broader picture of the wider cultural landscape highlighting the range of site types throughout the region, frequency and distribution patterns and the presence of any sites within the project area. It is then possible to use the archaeological context in combination with the review of environmental conditions to establish an archaeological predictive model for the project area.

### 5.1 ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

MCH note that there are many limitations with an AHIMS search. Firstly, site coordinates are not always correct due to errors and changing of computer systems over the years that failed to correctly translate old coordinate systems to new systems. Secondly, AHIMS will only provide up to 110 sites per search, thus limiting the search area surrounding the project area and enabling a more comprehensive analysis and finally, few sites have been updated on the AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed, to assist in determining the cumulative impacts, is unknown.

In addition to this, other limitations include the number of studies in the local area. Fewer studies suggest that sites have not been recorded, ground surface visibility also hinders site identification and the geomorphology of the majority of NSW soils and high levels of erosion have proven to disturb sites and site contents, and the extent of those disturbances is unknown (i.e. we do not know if a site identified at the base of an eroded slope derived from the upper crest, was washed along the bottom etc: thus altering our predictive modelling in an unknown way). Thus, the AHIMS search is limited and provides a basis only that aids in predictive modelling.

The new terminology for site names including (amongst many) an 'artefact' site encompasses stone, bone, shell, glass, ceramic and/or metal and combines both open camps and isolated finds into the one site name. Unfortunately, this greatly hinders in the predictive modelling as different sites types grouped under one name provided inaccurate data.

A search of the AHIMS register has shown that there are no known sites within two kilometres of the project area.

### 5.2 ARCHAEOLOGICAL CONTEXT

White and McDonald (2010) undertook extensive research into past Aboriginal land uses across the Cumberland Plain based on work archaeological completed for the Rouse Hill Development Area. The study provided spatial and distribution analysis of Aboriginal objects (evidence of past Aboriginal land use) in relation to fresh water sources and landform types. The results indicate similar trends throughout NSW, that there is a relationship between proximity to fresh water and landform in site location and land uses by past Aboriginal people. The following predictions for the archaeology and past Aboriginal land use are provided:

- archaeological evidence of past Aboriginal peoples will be limited and will be representative of background scatter within close proximity to first order creek lines;
- archaeological evidence within close proximity of second order streams will again be representative of background scatter and will likely consist of one-off camp locations and / or isolated events;



- archaeological evidence in close proximity to third order creeks will consist of repeated occupation by small groups of people. Archaeological expressions will likely consist of knapping floors and evidence of repeated use over time; and
- archaeological evidence along major fourth order creek lines will consist of continued and repeated use by past Aboriginal peoples and may include stratified deposits.

White and McDonald found that artefacts are most likely within 50-100 metres of higher (fourth) order streams, within 50 metres of second order streams, and that artefact distribution around first order streams was not significantly affected by distance from the watercourse. White and McDonald also found that artefact densities were most likely to be greatest on terraces and lower slopes within 100 metres of freshwater resources. Ridgelines and crests located between drainage lines were identified to contain archaeological evidence though usually representative of background scatter similar to that identified for first and/or second order creek lines. White & McDonald's (2010) predictive model can be seen as indicative of the archaeology of the Cumberland Plain. However, it is important to note that conclusions based on geographical land form models only models are not concrete justifications or criteria for site distribution and characteristics (AMBS 1997). The existing distribution and characteristics of sites manifest through past Aboriginal land uses over the past 30,000 years throughout a landscape is the result of the complex interplay of numerous factors such as periods of occupation, site type, environmental impacts, erosional events and the impacts of modern activities.

#### 5.2.1 SUMMARY OF THE ARCHAEOLOGICAL PATTERNING

In summary, despite the recognised limitations of utilising previous studies as the basis for generalisations regarding archaeological patterning, the following broad predictions can be made for the region:

- a wide variety of site types are represented in the project area with open campsites and isolated artefacts by far the most common;
- lithic artefacts are primarily manufactured from mudstone and silcrete with a variety of other raw materials also utilised but in smaller proportions;
- sites in proximity to ephemeral water sources or located in the vicinity of headwaters of upper tributaries (1<sup>st</sup> order streams) have a sparse distribution and density and contain little more than a background scatter;
- sites located in the vicinity of the upper reaches of minor tributaries (2<sup>nd</sup> order streams) also have a relatively sparse distribution and density and may represent evidence of localised one-off behaviour;
- sites located in the vicinity of the lower reaches of tributaries (3<sup>rd</sup> order creeks) have an increased distribution and density and contain evidence that may represent repeated occupation or concentration of activity;
- sites located in the vicinity of major tributaries (4<sup>th</sup> and 5<sup>th</sup> order streams/rivers) have the highest distribution and densities. These sites tend to be extensive and complex in landscapes with permanent and reliable water and contain evidence representative of concentrated activity; and
- sites located within close vicinity at the confluence of any order stream may be a focus of activity and may contain a relatively higher artefact distribution and density.

Within the region, a broad range of site types are represented including isolated artefacts, open campsites, shelters, grinding grooves, engravings and shelters with art and/or deposit. Within the areas covered by the regional studies, the range of available landforms has been sampled. In regional terms, site distribution is extremely closely linked to topography, with ridge sides, ridge tops and valley bottoms with access to reliable water exhibiting the highest concentrations of sites.

### 5.3 LOCAL & REGIONAL CHARACTER OF ABORIGINAL LAND USE & ITS MATERIAL TRACES

The following is a summary and discussion of previous investigations. Based on previous work it is also clear that the majority of sites contain stone artefacts. This is to be expected due to stone's high preservation qualities.

- the majority of sites are located on elevated landforms within 50 metres of a reliable water source with a drop of site number and densities from 50 metres of water;
- the likelihood of finding sites of any size increases with proximity to water and the likelihood of finding large artefact scatters also increases markedly with proximity to water;
- the main site types are artefact scatters and isolated finds;
- the data suggests that slopes were the preferred location, however, this does not account for vertical movement of artefacts or sites being moved from flooding, flowing creeks etc.;
- mudstone, silcrete and tuff are by far the most common raw material types represented at sites in the region. Quartz and chert are the next most frequently in artefact assemblages followed by volcanic materials, porphyry and petrified wood. Siltstone, rhyolite and porcellanite are relatively rare;
- flakes, broken flakes and flaked pieces are the most common artefact types recorded;
- the stone artefacts are usually relatively dated to within the last 5,000 years; and
- the vast majority of artefactual material in the region was observed on exposures with good to excellent ground surface visibility.

Based on information gained from previous studies within a three-kilometre radius of our project area, it can be expected that:

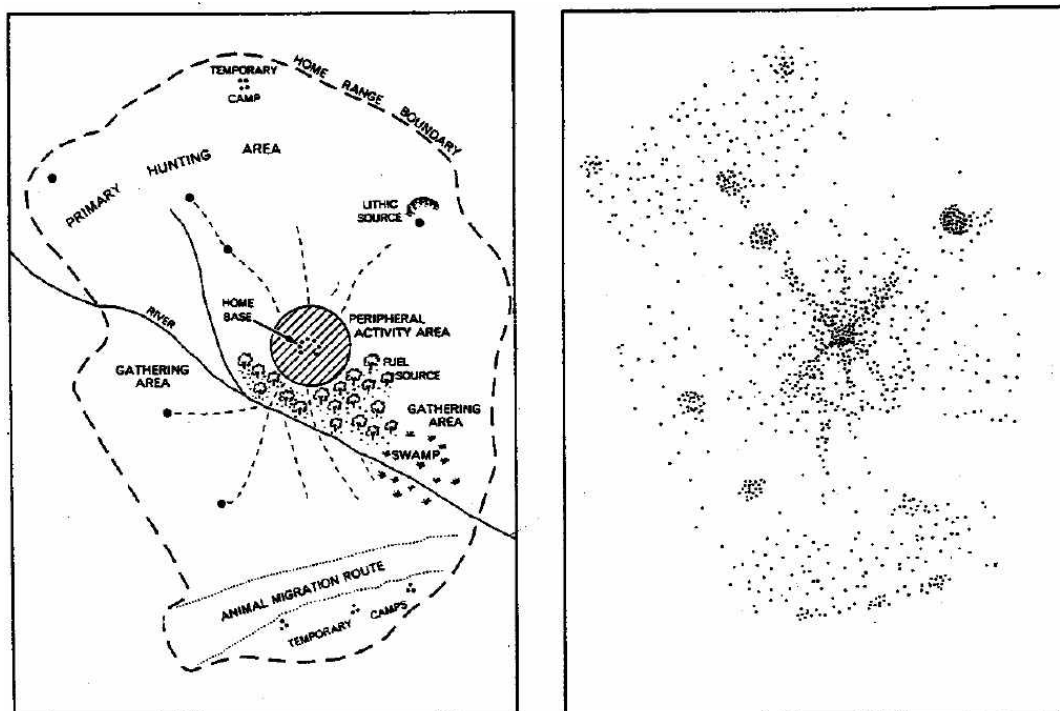
- the likelihood of locating sites increases with elevated landforms and proximity to water;
- the likelihood of finding large sites increases markedly with elevated landforms and proximity to water;
- a variety of raw materials will be represented though the majority of sites will be predominated by mudstone and silcrete;
- a variety of artefact types will be located though the majority will be flakes, flaked pieces and debitage;
- grinding grooves may be located along or near water sources;
- the likelihood of finding scarred trees is dependent on the level of clearing in an area, and
- the majority of sites will be subject to disturbances including human and natural.

These findings are consistent with models developed for the local area.

## 5.4 MODELS OF PAST ABORIGINAL LAND USE

The main aim of this project is to attempt to define both the nature and extent of occupation across the area. As a result, the nature of the analysis will focus on both the landform units and sites. The purpose of this strategy is to highlight any variations between sites and associated assemblages, landforms and resources across the area treating assemblages as a continuous scatter of cultural material across the landscape. In doing this, it is possible to identify variation across the landscape, landforms and assemblages that correspond with variation in the general patterns of landscape use and occupation. Thus, the nature of activities and occupation can be identified through the analysis of stone artefact distributions across a landscape. A general model of forager settlement patterning in the archaeological record has been established by Foley (1981). This model distinguishes the residential 'home base' site with peripheral 'activity locations'. Basically, the home base is the focus of attention and many activities and the activity locations are situated away from the home base and are the focus of specific activities (such as tool manufacturing). This pattern is illustrated in Figure 5.4. Home base sites generally occur in areas with good access to a wide range of resources (reliable water, raw materials etc). The degree of environmental reliability, such as reliable water and subsistence resources, may influence the rate of return to sites and hence the complexity of evidence. Home base sites generally show a greater diversity of artefacts and raw material types (which represent a greater array of activities performed at the site and immediate area). Activity locations occur within the foraging radius of a home base camp (approximately 10 km); (Renfrew and Bahn 1991). Based on the premise that these sites served as a focus of a specific activity, they will show a low diversity in artefacts and are not likely to contain features reflecting a base camp (such as hearths). However, it is also possible that the location of certain activities cannot be predicted or identified, adding to the increased dispersal of cultural material across the landscape. If people were opting to carry stone tools during hunting and gathering journeys throughout the area rather than manufacturing tools at task locations, an increased number of used tools should be recovered from low density and dispersed assemblages.

Figure 5.1 Foley's model (L) and its manifestation in the archaeological record (R), (Foley 1981).





#### 5.4.1 MODEL OF OCCUPATION FOR THE REGION

Work in the region has aimed to understand the nature of Aboriginal occupation and determine the nature of land use. This theme often aims to identify and explain archaeological patterning in site type, content and distribution. General theories have been developed outlining the relationship between land use patterns and the resulting archaeological evidence. A number of models developed for the region have been reviewed and the most commonly accepted model is summarised below.

Kuskie and Kamminga (2000) established a general model of occupation strategies based primarily upon ethnographic research. Used as a starting point, it makes a general set of predictions for the region that is consistent with other studies (e.g. Nelson 1991). The model distinguishes between short-term or extended long-term occupation and makes some predictions about the likely location of different foraging and settlement activities. Combining this information with a general review of assemblage contents from a sample of excavated sites within the region, a baseline of settlement activities may be determined (Barton 2001). The model provides a number of archaeological expectations that may be tested. For example, the presence of features requiring a considerable labour investment such as stone-lined ovens or heat-treatment pits are likely to occur at places where occupation occurred for extended periods of time. The presence of grindstones is also a reliable indicator of low mobility and extended occupation. Seed grinding requires a large investment of time and effort (Cane 1989). In most ethnographic examples, seed grinding is an activity that takes place over an entire day to provide adequate energetic returns (Cane 1989; Edwards and O'Connell 1995). Where group mobility was high and campsites frequently shifted throughout the landscape, artefact assemblages are not expected to contain elements such as grindstones, heat-treatment pits, ovens and the diversity of implements frequently discarded at places of extended residential occupation. It may also have been the case that the location of particular activities could not be predicted by tool users, adding to the increased low-density scattering of artefacts over the landscape. Also, if individuals were opting to carry a number of stone tools during hunting and gathering activities and maintaining these tools rather than manufacturing new tools at each task location, the ratio of used tools to unworn flakes in these assemblages should be high. Table 5.11 has been adapted from Kuskie and Kamminga (2000).

Table 5.1 Site descriptions (Kuskie & Kamminga 2000).

Occupation pattern	Activity location	Proximity to water	Proximity to food	Archaeological expectations
Transitory movement	all landscape zones	not important	not important	<ul style="list-style-type: none"> <li>assemblages of low density &amp; diversity</li> <li>evidence of tool maintenance &amp; repair</li> <li>evidence for stone knapping</li> </ul>
Hunting &/or gathering without camping	all landscape zones	not important	near food resources	<ul style="list-style-type: none"> <li>assemblages of low density &amp; diversity</li> <li>evidence of tool maintenance &amp; repair</li> <li>evidence for stone knapping</li> <li>high frequency of used tools</li> </ul>
Camping by small groups	associated with permanent & temporary water	near (within 100m)	near food resources	<ul style="list-style-type: none"> <li>assemblages of moderate density &amp; diversity</li> <li>evidence of tool maintenance &amp; repair</li> <li>evidence for stone knapping &amp; hearths</li> </ul>
Nuclear family base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	<ul style="list-style-type: none"> <li>assemblages of high density &amp; diversity</li> <li>evidence of tool maintenance &amp; repair &amp; casual knapping</li> <li>evidence for stone knapping</li> <li>heat treatment pits, stone lined ovens</li> <li>grindstones</li> </ul>

Community base camp	level or gently undulating ground	near reliable source (within 50m)	near food resources	<ul style="list-style-type: none"> <li>• assemblages of high density &amp; diversity</li> <li>• evidence of tool maintenance, repair &amp; casual knapping</li> <li>• evidence for stone knapping</li> <li>• heat treatment pits, stone lined ovens</li> <li>• grindstones &amp; ochre</li> <li>• large area &gt;100sqm with isolated camp sites</li> </ul>
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To identify the specific activity areas through analysis of the composition of patterning of lithic assemblages, is utilised. However, this is applied to excavated materials as they provide more realistic data due to the lesser degree of disturbances, removal and breakages.

## 5.5 PREDICTIVE MODEL FOR THE PROJECT AREA

Due to issues surrounding ground surface visibility and the fact that the distribution of surface archaeological material does not necessarily reflect that of sub-surface deposits, it is essential to establish a predictive model.

Previous archaeological studies undertaken throughout the region, the AHIMS register and the environmental context provide a good indication of site types and site patterning in the area. This research has shown that occupation sites (artefact scatters and isolated finds) are the most frequently recorded site type and are commonly located along or adjacent to watercourses, and on relatively flat to gently sloping topography in close proximity to reliable water. Sites with higher artefact densities are similarly concentrated within fifty metres of watercourses. Within the local area, previous assessments within a similar environmental context indicate that, within a well-watered context, there is high potential for archaeological material to be present on level, typically well-elevated landforms that provide ready access to low-lying waterlogged areas and the associated resources.

Within the specific project area, it is possible that isolated finds and very low-density artefact scatters may have been in the project area prior to excavation works and may have been representative of hunting and gathering activities which manifests in the archaeological record as a background of discarded artefacts.

The refinement of this predictive model will be dependent upon an investigation of the range of landforms and the occurrence of modern disturbances within the project area.

## 5.6 ARCHAEOLOGICAL POTENTIAL IN THE PROJECT AREA

Based on archaeological sites registered in the region and the results of past archaeological studies, two sites types are likely to occur throughout the project area:

- **Artefact scatters**

Also described as open campsites, artefact scatters and open sites, these deposits have been defined at two or more stone artefacts within 50 metres of each other and will include archaeological remains such as stone artefacts and may be found in association with camping where other evidence may be present such as shell, hearths, stone lined fire places and/or heat treatment pits. These sites are usually identified as surface scatters of artefacts in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing, grazing) and access ways can also expose surface campsites. Artefact scatters may represent evidence of;

- Large camp sites, where everyday activities such as habitation, maintenance of stone or wooden tools, manufacturing of such tools, management of raw materials, preparation and consumption of food and storage of tools has occurred;
- Medium/small camp sites, where activities such as minimal tool manufacturing occurred;
- Hunting and/or gathering events;
- Other events spatially separated from a camp site, or
- Transitory movement through the landscape.

Artefact scatters are a common site type in the region. There is potential for very low-density artefact scatters to occur within the project area. There is also the potential for such sites to be impacted on through past impacts including previous clearing and excavation/fill works associated with the existing recycling facility.

- **Isolated finds**

Isolated artefacts are usually identified in areas where ground surface visibility is increased due to lack of vegetation. Erosion, agricultural activities (such as ploughing) and access ways can also expose surface artefacts. Isolated finds may represent evidence of;

- Hunting and/or gathering events; or
- Transitory movement through the landscape.

Isolated finds are a common site type in the region. There is potential for isolated artefacts to occur across the project area and across all landforms. There is also the potential for such sites to be impacted on through past impacts including previous clearing and excavation/fill works associated with the existing recycling facility.

## 6 RESULTS

### 6.1 METHODOLOGY

The survey areas were surveyed on foot by the archaeologist and registered Aboriginal stakeholder representatives in accordance with the proposed methodology provided to the stakeholders for review. The survey included transects at approximately 2 metres apart walked in a north/south direction across the project area and focused on areas of high ground surface visibility and exposures.

### 6.2 LANDFORMS

McDonald et al (1998) describes the categories of landform divisions. This is a two layered division involving treating the landscape as a series of 'mosaics'. The mosaics are described as two distinct sizes: the larger categories are referred to as landform patterns and the smaller being landform elements within these patterns. Landform patterns are large-scale landscape units, and landform elements are the individual features contained within these broader landscape patterns. There are forty landform pattern units and over seventy landform elements. However, of all the landform element units, ten are morphological types. For archaeological investigations they divide the landscape into standardised elements that can be used for comparative purposes and predictive modelling. As outlined in Section 3, the project area includes a disturbed landform.

### 6.3 SURVEY UNITS

For ease of management, the project area was surveyed as one unit based on the disturbed landform. Consisting of a highly disturbed landscape with none of the original landform present, the project area contains an existing recycling facility that has been previously completely excavated and concreted. The project area, being covered in concrete, a typical effective coverage estimation is not possible. Figures 6.1 and 6.2 provide examples of the project area.

Figure 6.1 Eastern end of the project area (facing east)



Figure 6.2 Western end of the project area (facing west)



The level and nature of the effective survey coverage is considered satisfactory to provide an effective assessment of the Aboriginal sites identified and those potentially present within the investigation area. The coverage was comprehensive for both obtrusive site types (e.g. grinding grooves and scarred trees) and for the less obtrusive surface stone artefact sites by surface visibility constraints that included vegetation cover and minimal exposures.

#### 6.4 ARCHAEOLOGICAL SITES AND PADS

No archaeological sites or Potential Archaeological Deposits (PADs) were identified during the survey and this is likely due to a number of factors including:

- Distance from both reliable fresh water and associated subsistence and medicinal resources indicates the project area was unlikely to have been utilised for camping;
- The project area may have been used for travel and/or hunting and gathering which manifest in the archaeological record as very low-density artefact scatters and/or isolated finds; and
- Significant impacts from past land uses which has resulted in the removal of the original landform and any cultural materials that may have been present.

In view of the predictive modelling and the results obtained from the effective coverage, it is concluded that the survey provides a valid basis for determining the probable impacts of the proposal and formulating recommendations for the project. The survey results demonstrate the absence of Aboriginal objects within the project area. The results are consistent with those obtained from other studies in the local area. The results indicate a number of possible past Aboriginal land use within the project area;

- No, or limited Aboriginal occupation
- Ground disturbances having disturbed or removed evidence

Considering general models of occupation for the locality, the results of this and local investigations, the locality may have been utilised by Aboriginal people. As the project area itself is located over 750 metres from semi reliable water and associated resources, the project area is unlikely to have been utilised more than a low intensity usage such as transitory movement or hunting/gathering activities.

## 6.5 CONCLUSION

It is well established that proximity to water was an important factor in past occupation of the area, with sites reducing in number significantly away from water with most sites located within 50 metres of a water source. The project area is located over 750 metres from a 3<sup>rd</sup> order creek and as such may be considered unsuitable for sustained camping but may have been utilised for transitory movement or hunting/gathering activities only.

In relation to modern alterations to the landscape, previous large-scale clearing and construction works associated with the recycling facility, utilities and infrastructure can be expected to have had high impacts upon the archaeological record. Natural factors such as erosion would also have impacted on the archaeological record, all of which would have displaced cultural materials and the likelihood of in situ cultural materials is very low to nil.

## 7 ASSESSMENT OF IMPACTS

The archaeological record is a non-renewable resource that is affected by many processes and activities. As outlined in Section 3 and 6, the various natural processes and human activities would have impacted on archaeological deposits through both site formation and taphonomic processes. Section 4 describes the impacts within the project area, showing how these processes and activities have disturbed the landscape and associated cultural materials in varying degrees.

### 7.1 IMPACTS

Detailed descriptions of the impacts are provided in Section 1.5 and the results of the survey in Section 6. The Heritage NSW, Department of Premier & Cabinet Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (2010:21) describes impacts to be rated as follows:

- 1) Type of harm: is either direct, indirect or none
- 2) Degree of harm is defined as either total, partial or none
- 3) Consequence of harm is defined as either total loss, partial loss, or no loss of value

As no sites or PADs were identified, there are no impacts on the archaeological record.



## 8 MITIGATION AND MANAGEMENT STRATEGIES

Specific strategies, as outlined through the Heritage NSW, Department of Premier & Cabinet: Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b), the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011), and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010c), are considered below for the management of the identified site within the project area.

One of the most important considerations in selecting the most suitable and appropriate strategy is the recognition that Aboriginal cultural heritage is very important to the local Aboriginal community. Decisions about the management of sites and potential archaeological deposits should be made in consultation with the appropriate local Aboriginal community.

### 8.1 CONSERVATION/PROTECTION

Heritage NSW, Department of Premier & Cabinet is responsible for the conservation/protection of Indigenous sites and they therefore require good reason for any impact on an indigenous site. Conservation is the first avenue and is suitable for all sites, especially those considered high archaeological significance and/or cultural significance. Conservation includes the processes of looking after an indigenous site or place so as to retain its cultural significance and are managed in a way that is consistent with the nature of peoples' attachment to them.

As no sites have been identified and the project area is highly disturbed through excavation and fill works associated with the existing recycling facility, conservation/protection is not required.

### 8.2 FURTHER INVESTIGATION

An Aboriginal Heritage Impact Permit (AHIP) is no longer required to undertake test excavations (providing the excavations are in accordance with the Code of Practice for Archaeological Investigations in NSW). Subsurface testing is appropriate when a Potential Archaeological Deposit (PAD) has been identified, and it can be demonstrated that sub-surface Aboriginal objects with potential conservation value have a high probability of being present, and that the area cannot be substantially avoided by the proposed activity. However, testing may only be undertaken as per the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2011) and discussions/consultation with the local Aboriginal community.

As no sites have been identified and the project area is highly disturbed through excavation and fill works associated with the existing recycling facility, further investigations are not justified.

### 8.3 AHIP

If harm will occur to an Aboriginal object or Place, then an AHIP is required from Heritage NSW, Department of Premier & Cabinet. If a systematic excavation of the known site could provide benefits and information for the Aboriginal community and/or archaeological study of past Aboriginal occupation, a salvage program may be an appropriate strategy to enable the salvage of cultural objects. The AHIP may also include surface collection of artefacts.

As no sites have been identified and the project area, an AHIP is not required.



## 9 RECOMMENDATIONS

### 9.1 GENERAL

- 1) The persons responsible for the management of onsite works will ensure that all staff, contractors and others involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010, under the National Parks and Wildlife Act 1974; and
- 2) Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately and the Environmental Line contacted.

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## APPENDIX A

### Aboriginal Stakeholder Consultation





**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

mcheritage.com.au

30 October 2020

Sir/Madam  
NTSCORP Limited  
information@ntscorp.com.au

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010 (Stage 1)– Gow Street Padstow recycling Centre**

MCH have been engaged by Benbow Engineers on behalf of the Proponent (Gow Street Recycling Centre, 81-87 Gow St, Padstow NSW 2211) to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed drilling mud dewatering facility at their existing recycling centre located at 81-87 Gow Street, Padstow NSW 2211, Blacktown Local Government Area (LGA).

As per the Heritage NSW, Department of Premier & Cabinet policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, (Stage 1, s4.1.1 to 4.1.2), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



In order to comply with the Heritage NSW, Department of Premier & Cabinet policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, in particular Stage 1 (s4.1.2) - we are writing to advise you of the proposal and ask whether you could provide details of any Aboriginal groups or individuals that your organisation is aware of who may have an interest in the investigation area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Should you have this information, we request that you provide the names and contact details of these Aboriginal people/organisations, in writing, to the undersigned either via written correspondence or email (mcheritage@iprimus.com.au) within 14 working days of receipt of this letter.

Please note that in order to adhere to time constraints, and the minimal time requirements as stated in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation is not aware of any such interested parties.

Should you wish to discuss this matter, please do not hesitate to contact me on 0412 702 396.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

mcheritage.com.au

30 October 2020

Sir/Madam  
Heritage NSW, Department of Premier & Cabinet  
heritagemailbox@environment.nsw.gov.au

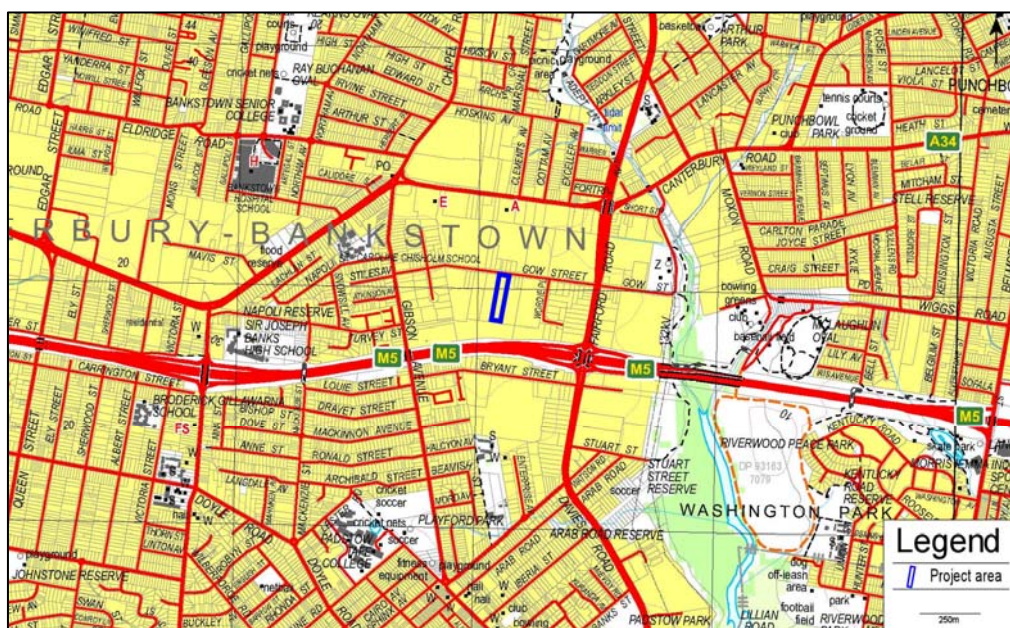
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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist





**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

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30 October 2020

Sir/Madam  
Greater Sydney Local Land Services  
gs.service@lls.nsw.gov.au

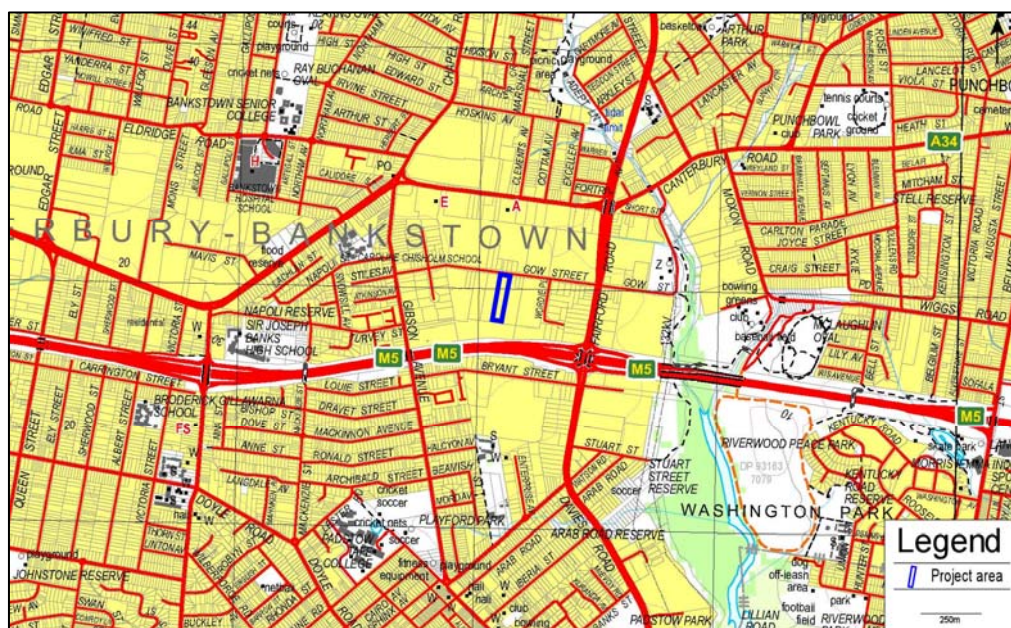
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for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist





**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

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30 October 2020

Sir/Madam  
National Native Title Tribunal  
GeospatialSearch@NNTT.gov.au

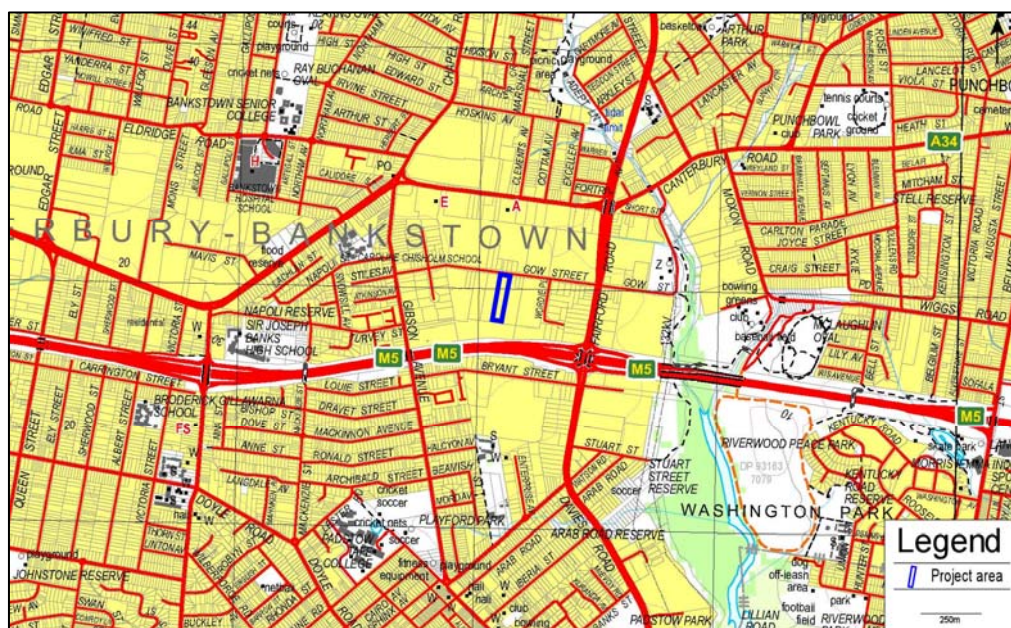
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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

## Request for Search of Tribunal Registers

Search for overlapping interests i.e.: Is there a native title claim, determination or land use agreement over this land?

Please note: the NNTT cannot search over freehold land.

For further information on freehold land: [Click Here](#) (NNTT website)

### 1. Your details

NAME:	Penny McCardle
POSITION:	Archaeologist
COMPANY/ORGANISATION:	McCardle Cultural Heritage Pty Ltd
POSTAL ADDRESS:	PO Box 166, Adamstown NSW 2289
TELEPHONE:	0412 702 396
EMAIL:	penny@mcheritage.com.au
YOUR REFERENCE:	Padstow
DATE OF REQUEST:	30/10/2020

### 2. Reason for your request

Are you a party to a native title proceeding?

☐ Yes ☒ No

Please provide Federal Court/Tribunal file number/or application name:

\_\_\_\_\_

#### OR

Do you need to identify existing native title interests to comply with the *Native Title Act 1993* (Cth) or other State/Territory legislation?

☒ Yes ☐ No

Please provide brief details of these obligations here:

\_\_\_\_\_

OEH requirements

### 3. Identify the area to be searched

If there is insufficient room below, please send more information on a Word or Excel document.

#### Mining tenure

State/Territory: NSW

Tenement ref/s: \_\_\_\_\_

#### OR

#### Crown land / non-freehold tenure

Tenure type: ☐ Lease ☐ Reserve or other Crown land

State/Territory: \_\_\_\_\_

Lot and plan details: \_\_\_\_\_

Pastoral Lease number or name: \_\_\_\_\_

Other details: (Town/County/Parish/

Section/Hundred/Portion): \_\_\_\_\_

Email completed form to: [GeospatialSearch@nntt.gov.au](mailto:GeospatialSearch@nntt.gov.au)



**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

mcheritage.com.au

30 October 2020

Sir/Madam

Gandangara Local Aboriginal Land Council  
64 Macquarie St, Liverpool NSW 2170

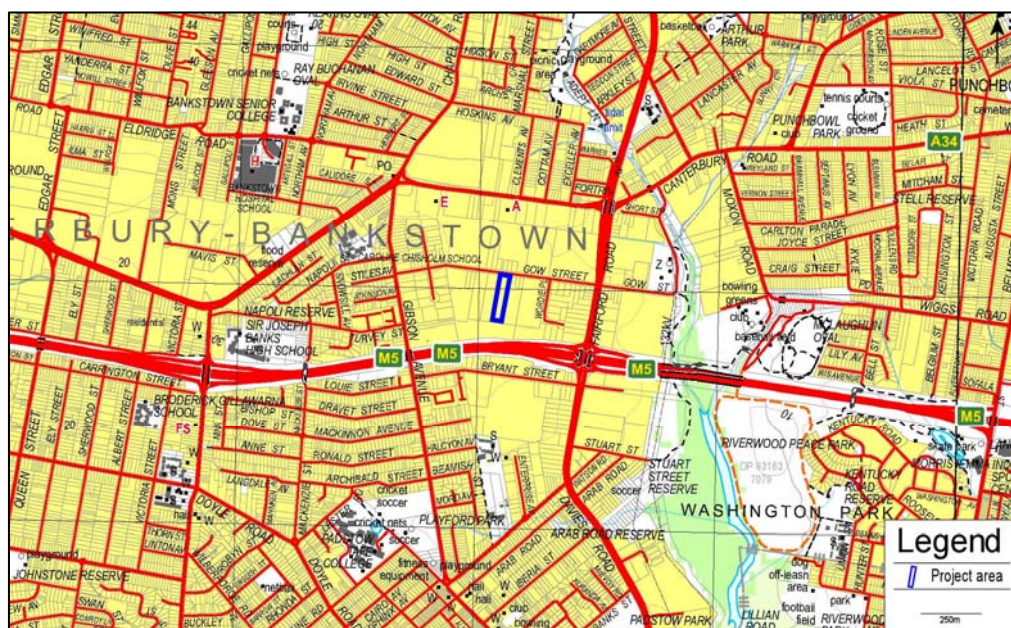
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Yours sincerely,

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Dr. Penny McCardle  
Principal Archaeologist  
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**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
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P: 0412 702 396

mcheritage.com.au

30 October 2020

Megan Mebberson  
Office of the Registrar, Aboriginal Land Rights Act 1983  
Megan.Mebberson@aboriginalaffairs.nsw.gov.au

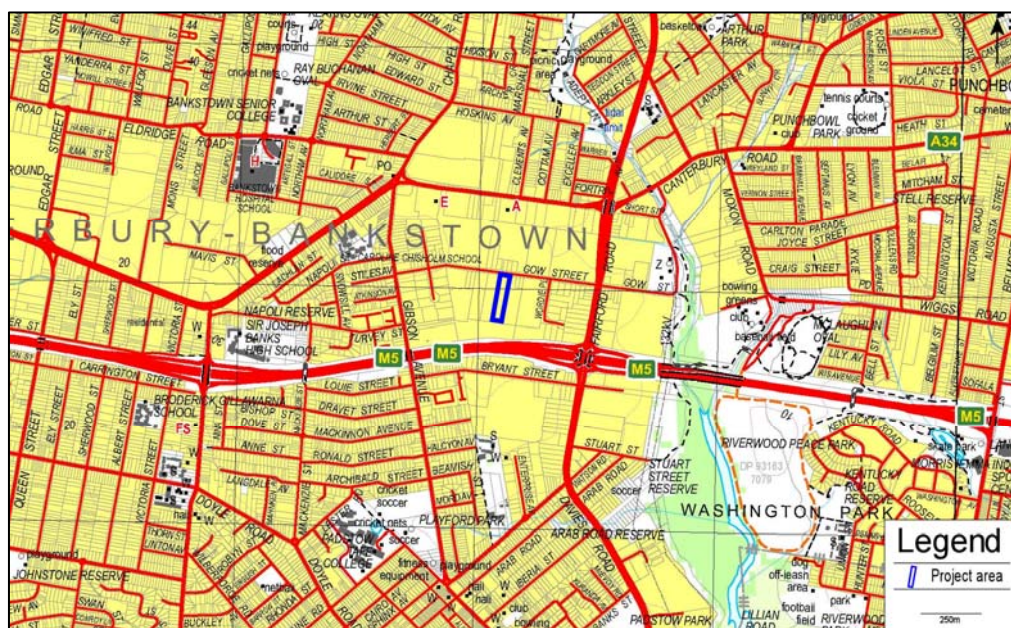
Dear Megan Mebberson,

**RE: Written notification of project proposal and registration of interest as required under  
Heritage NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010  
(Stage 1)– Gow Street Padstow recycling Centre**

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

**From:** Penny McCardle <mheritage@iprimus.com.au>  
**Sent:** Friday, 30 October 2020 12:25 PM  
**To:** 'council@cbc.city.nsw.gov.au'  
**Subject:** List of groups

30 October 2020

Sir/Madam  
Canterbury Council  
council@cbc.city.nsw.gov.au

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010 (Stage 1)– Gow Street Padstow recycling Centre**

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Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

**From:** Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>  
**Sent:** Friday, 30 October 2020 7:52 PM  
**To:** 'penny@mheritage.com.au'  
**Subject:** RE: SR20/1138 - Search - SR20/1138

## **UNCLASSIFIED**

**Native title search – NSW – 81-87 Gow Street, Padstow**  
**Your ref:** Padstow - **Our ref:** SR20/1138

**Dear** Penny McCardle,

Thank you for your search request received on 30 October 2020 in relation to the above area. Based on the records held by the National Native Title Tribunal as at 30 October 2020 it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

### **Search Results**

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

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#).

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

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

### **Search results and the existence of native title**

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

### **The Tribunal accepts no liability for reliance placed on enclosed information**

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the

information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

### ***Cultural Heritage Searches in NSW***

The National Native Title Tribunal (the Tribunal) has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas. The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. Information on native title claims, native title determinations and Indigenous Land Use Agreements is available on the Tribunal's website.

Interested parties are invited to use Native Title Vision (NTV) the Tribunal's online mapping system to discover native title matters in their area of interest. Access to NTV is available at

<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>

Training and self-help documents are available on the NTV web page under "Training and help documents". For additional assistance or general advice on NTV please contact [GeospatialSearch@NNTT.gov.au](mailto:GeospatialSearch@NNTT.gov.au)

Additional information can be extracted from the Registers available at

<http://www.nntt.gov.au/searchRegApps/Pages/default.aspx>

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

### **Geospatial Searches**

**National Native Title Tribunal | Perth**

Email: [GeospatialSearch@nntt.gov.au](mailto:GeospatialSearch@nntt.gov.au) | [www.nntt.gov.au](http://www.nntt.gov.au)

04 November 2020

By email: penny@mcheritage.com.au

Dr Penny McCardle  
McCardle Cultural Heritage  
PO Box 166  
ADAMSTOWN NSW 2289

Dear Penny,

**Request - Search for Registered Aboriginal Owners**

We refer to your email dated 30 October 2020 seeking the identification of Aboriginal organisations and people who may have an interest in the proposed drilling mud dewatering facility located at 81-87 Gow Street, Padstow NSW.

Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

We suggest you contact the Gandangara Local Aboriginal Land Council on (02) 9602 5280 or via email [MWilliams@glalc.org.au](mailto:MWilliams@glalc.org.au) as they may wish to participate.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rachel Rewiri'.

Rachel Rewiri  
Project Officer  
Office of the Registrar, Aboriginal Land Rights Act 1983



**Address:** Level 3, 2 – 10 Wentworth Street, PARRAMATTA NSW 2150

**Post:** P.O Box 5068, PARRAMATTA NSW 2124

**Phone:** 02 8633 1266



Our reference: Doc20/920206

Dr. Penny McCardle  
McCardle Cultural Heritage  
Principal Archaeologist  
Forensic Anthropologist  
PO Box 166  
Adamstown 2289 NSW

06/11/2020

Dear Penny,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECCW ABORIGINAL  
CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

**Subject: (Stage 1) Gow Street Recycling Centre - 81-87 Gow Street, Padstow.**

Thank you for your correspondence dated 30 October 2020 to Heritage NSW (Department of Premier and Cabinet) regarding the above project.

Attached is a list of known Aboriginal parties for the Canterbury Bankstown Council local government area that Heritage NSW considers likely to have an interest in the activity. Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement of a proponent/ consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

Under Section 4.1.6. of the Consultation Requirements, you must also provide a copy of the names of each Aboriginal person who registered an interest to the relevant Heritage NSW office and Local Aboriginal Land Council (LALC) within 28 days from the closing date for registering an interest.

Please note that the contact details in the list provided by Heritage NSW may be out of date as it relies on Aboriginal parties advising Heritage NSW when their details need changing. If individuals/companies undertaking consultation are aware that any groups contact details are out of date, or letters are returned unopened, please contact either the relevant stakeholder group (if you know their more current details) and/or Heritage NSW. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.

If you have any questions about this advice, please email:

[heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) or contact (02) 9873 8500.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barry Gunther'.

**Barry Gunther**  
**Aboriginal Heritage Planner**  
**Aboriginal Heritage Regulation Branch – South Heritage NSW**

**Attachment A:**

Registered Aboriginal Interests DPC RAP List for the **Canterbury Bankstown** Local Government Area

## **LIST OF ABORIGINAL STAKEHOLDERS FOR THE DEPARTMENT of PREMIER and CABINET (DPC) SOUTHERN REGION HELD BY DPC FOR THE PURPOSES OF THE OEH ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

These lists are provided to proponents in accordance with section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the "Consultation Requirements") which commenced on 12 April 2010.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

A copy of the Consultation Requirements can be found on the OEH website at:

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

Under the Consultation Requirements; a proponent is required to provide Aboriginal people who may hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

*Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:*

- *continue to maintain a deep respect for their ancestral belief system, traditional lore and custom*
- *recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country*
- *have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.*

Please note: the placement of an organisation's name on any OEH Aboriginal stakeholder list for the Consultation Requirements does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 80C of the National Parks and Wildlife Regulation 2009.

### How to use this list

1. **Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project**

**Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.**

**Last updated 28 October 2020**

### Canterbury Bankstown Local Government Area

Organisation/ Individual	Contact Name	Email Address/ Fax / Phone	Postal Address	Additional information
Metropolitan Local Aboriginal Land Council	Nathan Moran	(02) 83949666 <a href="mailto:officeadmin@metrolalc.org.au">officeadmin@metrolalc.org.au</a>	PO Box 1103 Strawberry Hills NSW 2016	
Gandangara Local Aboriginal Land Council	Melissa Williams CEO	(02) 96025280 <a href="mailto:mwilliams@glalc.org.au">mwilliams@glalc.org.au</a>	PO Box 1038 Liverpool NSW 2170	
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	02 9410 3665 or 0422 865 831	Unit 9, 6 Chapman Avenue, Chatswood, NSW 2067	
Darug Land Observations	Jamie Workman and Anna Workman	<a href="mailto:daruglandobservations@gmail.com">daruglandobservations@gmail.com</a> 0418 494 951      0413 687 279	PO Box 173, Ulladulla, NSW 2539	
A1 Indigenous Services	Carolyn Hickey	<a href="mailto:cazadirect@live.com">cazadirect@live.com</a> 0411 650 057	10 Marie Pitt Place Glenmore Park 2745 NSW	
Eric Keidge	Eric Keidge	04311 66423	11 Olsson Close Hornsby Heights NSW 2077	
Kamilaroi Yankuntjatjara Working Group	Phil Khan	<a href="mailto:philipkhan.acn@live.com.au">philipkhan.acn@live.com.au</a> 0434 545 982	78 Forbes Street, Emu Plains, NSW 2750	
Wurrumay Pty Ltd	Kerrie Slater and Vicky Slater	0421077521 <a href="mailto:wurrumay@hotmail.com">wurrumay@hotmail.com</a>	89 Pyramid street, Emu Plains NSW 2750  PO Box 414 Emu Plains NSW 2750	
Tocomwall	Scott Franks	0404 171 544	PO Box 76, Caringbah NSW 1495	
Amanda Hickey Cultural Services	Amanda Hickey	0434 480 588 <a href="mailto:amandahickey@live.com.au">amandahickey@live.com.au</a>	57 Gough st emu plains 2750	

Gunyu	Kylie Ann Bell	<a href="mailto:gunyuuchts@gmail.com">gunyuuchts@gmail.com</a>		
Walbunja	Hika Te Kowhai	0402 730 612 <a href="mailto:walbunja@gmail.com">walbunja@gmail.com</a>		
Badu	Karia Lea Bond	0476 381 207	11 Jeffery Place, Moruya, NSW 2537	
Goobah Developments	Basil Smith	0405 995 725	66 Grantham Road, Batehaven NSW, 2536	
Wullung	Lee-Roy James Boota	0403 703 942	54 Blackwood Street, Gerringong, NSW, 2534	
Yerramurra	Robert Parson	<a href="mailto:yerramurra@gmail.com">yerramurra@gmail.com</a>		
Nundagurri	Newton Carriage	<a href="mailto:nundagurri@gmail.com">nundagurri@gmail.com</a>		
Murrumbul	Mark Henry	<a href="mailto:murrumbul@gmail.com">murrumbul@gmail.com</a>		
Jerringong	Joanne Anne Stewart	0422 800 184 <a href="mailto:jerringong@gmail.com">jerringong@gmail.com</a>		
Pemulwuy CHTS	Pemulwuy Johnson	0425 066 100 <a href="mailto:pemulwuyd@gmail.com">pemulwuyd@gmail.com</a>	14 Top Place, Mt Annan	
Bilinga	Simalene Carriage	<a href="mailto:bilingachts@gmail.com">bilingachts@gmail.com</a>		
Munyunga	Kaya Dawn Bell	<a href="mailto:munyungachts@gmail.com">munyungachts@gmail.com</a>		
Wingikara	Hayley Bell	<a href="mailto:wingikarachts@gmail.com">wingikarachts@gmail.com</a>		
Minnamunnung	Aaron Broad	0402 526 888	1 Waratah Avenue, Albion Park Rail NSW 2527	
Walgalu	Ronald Stewart	<a href="mailto:walgaluchts@gmail.com">walgaluchts@gmail.com</a>		
Thauaira	Shane Carriage	<a href="mailto:thauairachts@gmail.com">thauairachts@gmail.com</a>		
Dharug	Andrew Bond	<a href="mailto:dharugchts@gmail.com">dharugchts@gmail.com</a>		
Gulaga	Wendy Smith	<a href="mailto:gulagachts@gmail.com">gulagachts@gmail.com</a>		
Biamanga	Seli Storer	<a href="mailto:biamangachts@gmail.com">biamangachts@gmail.com</a>		

Callendulla	Corey Smith	<a href="mailto:cullendullachts@gmail.com">cullendullachts@gmail.com</a>		
<b>Murramarang</b>	Roxanne Smith	<a href="mailto:murramarangchts@gmail.com">murramarangchts@gmail.com</a>		
Butucarbin Aboriginal Corporation	Jennifer Beale	(02)9832 7167 <a href="mailto:butuheritage@gmail.com">butuheritage@gmail.com</a>	PO Box E18, Emerton, NSW 2770	
Didge Ngunawal Clan	Lillie Carroll Paul Boyd	0426 823 944 <a href="mailto:didgengunawalclan@yahoo.com.au">didgengunawalclan@yahoo.com.au</a>	33 Carlyle Crescent Cambridge Gardens NSW 2747	
Ginninderra Aboriginal Corporation	Steven Johnson and Krystle Carroll	0406991221 <a href="mailto:Ginninderra.corp@gmail.com">Ginninderra.corp@gmail.com</a>	PO BOX 3143 Grose Vale NSW 2754	
Wailwan Aboriginal Group	Philip Boney	0436 483 210 <a href="mailto:waarlan12@outlook.com">waarlan12@outlook.com</a>		
Barking Owl Aboriginal Corporation	Mrs Jody Kulakowski (Director)	<a href="mailto:barkingowlcorp@gmail.com">barkingowlcorp@gmail.com</a> 0426 242 015	2-65/69 Wehlow St. Mt Druitt	
Thoorga Nura	John Carriage (Chief Executive Officer)	0401 641 299 <a href="mailto:thoorganura@gmail.com">thoorganura@gmail.com</a>	50B Hilltop Crescent, Surf Beach, 2536, NSW	
Darug Boorooberongal Elders Aboriginal Corporation	Paul Hand (chairperson)	<a href="mailto:paulhand1967@gmail.com">paulhand1967@gmail.com</a> 0456786738	PO.Box 14 Doonside NSW 2767	
B.H. Heritage Consultants	Ralph Hampton 0435 785 138 Nola Hampton 0401 662 531	<a href="mailto:hamptonralph46@gmail.com">hamptonralph46@gmail.com</a> <a href="mailto:kinghampton@77gmail.com">kinghampton@77gmail.com</a>	184 Captain Cook Drive Willmot 2770 NSW 95 Mount Ettalong Road Umina Beach 2257 NSW	Nola and Ralph would BOTH like to be notified of all projects
Goodradigbee Cultural & Heritage Aboriginal Corporation,	Caine Carroll	0410974236 <a href="mailto:goodradigbee1@outlook.com">goodradigbee1@outlook.com</a>	<a href="#">1 Morilla Road, East Kurrajong NSW 2758</a>	
Mura Indigenous Corporation,	Phillip Carroll	0448824188 <a href="mailto:mura.indigenous@bigpond.com">mura.indigenous@bigpond.com</a>	<a href="#">11 Nargal Street Flinders NSW 2529</a>	
Aragung Aboriginal Cultural Heritage Site Assessments	Jamie Eastwood	0427793334 0298323732 <a href="mailto:James.eastwood@y7mail.com">James.eastwood@y7mail.com</a>	<a href="#">33 Bulolo Drive Whalan NSW 2770</a>	



Waawaar Awaa Aboriginal Corporation	Rodney Gunther	0410580962 <a href="mailto:Waawaar.awaa@gmail.com">Waawaar.awaa@gmail.com</a>	15 Bungonia Street Prestons NSW 2170	
Clive Freeman	Clive Freeman	Mob:0437721481 Home 02-44421117 <a href="mailto:clive.freeman@y7mail.com">clive.freeman@y7mail.com</a>	6 Dhugan Close Wreck Bay Aboriginal Community JBT 2540	
Galamaay Cultural Consultants (GCC)	Robert Slater	Mob:0401 871 526 <a href="mailto:galamaay@hotmail.com">galamaay@hotmail.com</a>	121 Robert Street, Tamworth NSW 2340	
Ngambaa Cultural Connections	Kaarina Slater	0417861882 <a href="mailto:ngambaaculturalconnections@hotmail.com">ngambaaculturalconnections@hotmail.com</a>	6 Natchez Crescent, Greenfield Park NSW 2167	
Yulay Cultural Services	Arika Jalomaki (Manager)	<a href="mailto:yulayculturalservices@gmail.com">yulayculturalservices@gmail.com</a> 0481 251 385	28 Poplar Street North St Mary's NSW 2760	
Corroboree Aboriginal Corporation	Marilyn Carroll-Johnson	0415911159 <a href="mailto:corroboreecorp@bigpond.com">corroboreecorp@bigpond.com</a>	PO Box 3340, Rouse Hill, NSW 2155	
Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson Ryan Johnson	0490 051 102 0475565517 <a href="mailto:murrabidgeemullangari@yahoo.com.au">murrabidgeemullangari@yahoo.com.au</a>	PO Box 3035 Rouse Hill NSW 2155	
Wori Woilywa	Daniel Chalker	<a href="mailto:woriwoilywa@gmail.com">woriwoilywa@gmail.com</a> 0409006216	261 Mockingbird Rd Pheasants Nest NSW 2574	



**McCARDLE**  
CULTURAL HERITAGE

13 November 2020

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

mcheritage.com.au

«First\_Name»

«Company»

«Address1»

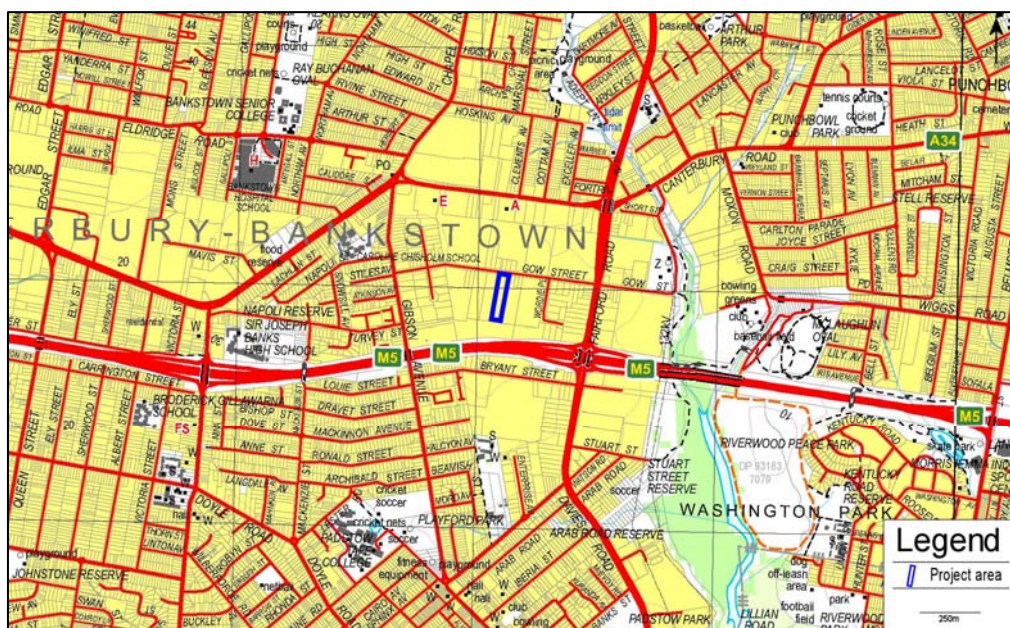
Dear «First\_Name»,

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural heritage Consultation requirements for proponents 2010 (Stage 1)– Gow Street Padstow recycling Centre**

MCH have been engaged by Benbow Engineers on behalf of the Proponent (Gow Street Recycling Centre, 81-87 Gow St, Padstow NSW 2211) to undertake an Aboriginal Cultural Heritage Assessment and prepare an Aboriginal Heritage Impact Permit (AHIP) application if required for a proposed drilling mud dewatering facility at their existing recycling centre located at 81-87 Gow Street, Padstow NSW 2211, Blacktown Local Government Area (LGA).

As per the As per the Heritage NSW, Department of Premier & Cabinet policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, Stage 1 (s1.3 to 4.1.8), MCH and the proponent are seeking community consultation with indigenous knowledge holders relevant to the project area who can determine the cultural significance of Aboriginal objects and/or places in the area of the proposed project.

Location of the project area



The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP (if required) and to assist the Chief Executive of Heritage NSW, Department of Premier & Cabinet policy, in his or her consideration and determination of the application should an AHIP be required.

This is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation. As per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (s 4.1.5, 4.1.7 and 4.1.8), you are advised of the following:

- unless otherwise specified, if you register your interest, your details will be provided to Heritage NSW and the LALC;
- the LALC's who hold cultural knowledge relevant to the proposed project area that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must do so as an Aboriginal organisation not an individual;
- where an Aboriginal organisation representing Aboriginal people, who hold cultural knowledge relevant to the proposed project area and that is relevant to determining the significance of Aboriginal objects and/or places within the proposed project area who wish to register, must nominate a contact person **and** provide written confirmation and contact details of this person or persons.

MCH understands it is the Indigenous custom to elect knowledge holders and it is traditionally the Indigenous people who nominate who speak for country. Unfortunately, some RAPs and Government Departments have placed the onus of identifying traditional knowledge holders onto proponents and archaeologists. In order to do this, MCH are guided by the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the Burra Charter (2013) and Ask First (2002) which provide guidelines to identify traditional knowledge holders.

A number of questions are attached to assist MCH and the proponent in identifying traditional knowledge holders who are holders of specific detailed traditional knowledge, traditional knowledge holders who are holders of general traditional knowledge and knowledge holders who have knowledge based on other sources (such as but not limited to, ethnographic information, archaeological assessments, filed experience). MCH respectfully ask that you read the questions and provide your answers if you choose to register an interest in the project. MCH also sincerely apologise if you take offence to any questions or the manner in which we are guided to identify traditional knowledge holders; no offence is intended.

Should you wish to register your interest in this project, please register in writing no later than C.O.B. 26<sup>th</sup> November 2020 to:

Dr. Penny McCardle  
McCardle Cultural Heritage  
PO Box 166  
Adamstown, NSW, 2289

If you register your interest in this project, please also nominate your preferred option to receive the project information. You may wish to have a non-paid meeting and receive an information pack, or receive information packet through the mail or e-mail. If a preferred method is not nominated, all information will be forward by mail or e-mail.

Please note that in order to adhere to time constraints, the absence of a response by the prescribed timeline, will be taken by the proponent as your indication that your organisation does not wish to register for this project.

All information provided will be included in the consultation component of the assessment report unless otherwise stated it is confidential.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



**Dr. Penny McCardle**  
Principal Archaeologist  
Forensic Anthropologist

## REGISTRATION OF INTEREST: Gow Street Padstow recycling Centre

The project area lies within Dharug traditional lands.

Company Name): \_\_\_\_\_

Contact: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

Mobile No: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Date: \_\_\_\_\_

If you are a descendant of, or represent a descendant of the Dharug people, please answer the questions below (circle yes/no).

- 1) Are **you** part of a current Native Title Claim where the project area is located within? YES/NO
- 2) Are **you** a descendant of the Dharug people? YES/NO
- 3) Are **you** a knowledge holder? YES/NO

If yes please clarify further:

- a) I am a traditional knowledge holder of specific, details knowledge pass directly by a traditional knowledge holder in a traditional manner YES/NO
- b) I am a traditional knowledge holder of general knowledge pass directly by a traditional knowledge holder in a traditional manner YES/NO
- c) I am a knowledge holder of recent information obtained through other means (such as, but not limited to, ethnographic sources, internet searches, assessment reports, personal experience etc).  
YES NO

- 4) Do **you represent** a traditional knowledge holder? YES/NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

5) Do **you represent** a traditional knowledge holder of general knowledge? YES/NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

6) Do **you represent** a knowledge holder of recent information? YES/NO

If yes, please provide details of whom you represent. You must provide written confirmation of those individual(s) whom you act on behalf of.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Please nominate when you would like to provide any knowledge:**

1) Before the survey YES/NO

2) During the survey YES/NO

3) After the survey (within a week after the survey due to time consideration for preparing the draft reports) YES/NO

**If you are not a descendant of the Dharug people and would still like to register an interest in the project please answer the questions below.**

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience). YES/NO

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES/NO

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## **Penny McCardle**

---

**To:** lilly carroll  
**Subject:** RE: Padstow assessment

**From:** lilly carroll <didgengunawalclan@yahoo.com.au>  
**Sent:** Monday, 16 November 2020 11:22 AM  
**To:** Penny McCardle <mcheritage@iprimus.com.au>  
**Subject:** Re: Padstow assessment

Hi penny  
DNC just sending through

### **REGISTRATION OF INTEREST: Gow Street Padstow recycling Centre**

The project area lies within Dharug traditional lands.

**Company Name):** didge ngunawal clan

**Contact:** 0426823944

**Postal address:** 33 Carlyle Cres Cambridge gardens 2747 nsw

**Mobile No:**0426823944**E-Mail:**didgengunawalclan@yahoo.com.au

**Date:**16/11/2020

**If you are a descendant of, or represent a descendant of the Dharug people, please answer the questions below (circle yes/no).**

1) Are **you** part of a current Native Title Claim where the project area is located within?

No

2) Are **you** a descendant of the Dharug people?

No I was born on this land and grew up

3) Are **you** a knowledge holder?

No

4) Do **you represent** a traditional knowledge holder?

No

5) Do **you represent** a traditional knowledge holder of general knowledge?

No

**If you are not a descendant of the Dharug people and would still like to register an interest in the project please answer the questions below.**

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience).

Yes

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES/NO

Just love to find Tools our ancestors used to use

Kind regards DNC

Paul Boyd & Lillie Carroll

0426823944

## Notification of project proposal and registration of interest under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1) – Gow Street Recycling Centre

Date listed: 10/11/2020

 Report

McCardle Cultural Heritage (MCH) have been engaged by Benbow Environmental on behalf of the Proponent (Gow Street Recycling Centre, 81-87 Gow St, Padstow NSW 2211) to prepare an Aboriginal Cultural Heritage Assessment (ACHA) and Section 90 Aboriginal Heritage Impact Permit (AHIP) application, if required, for the proposed drilling mud dewatering facility at their existing recycling centre (Lot A DP103140).

The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of the AHIP application if required and to assist the Chief Executive of Heritage NSW, Department of Premier & Cabinet in his or her consideration and determination of the application should an AHIP be required.

In compliance with the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, MCH would like to extend an invitation to Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in the consultation process for this project.

Written registrations must be forward to MCH (P.O. Box 166 Adamstown, NSW, 2289; [penny@mchheritage.com.au](mailto:penny@mchheritage.com.au) no later than C.O.B. 26 November 2020.

All registered parties will then be contacted to discuss the project in compliance with Heritage NSW policy. If you register your interest in this project, please also nominate your preferred option to receive the initial information. You may wish to attend a non-paid meeting and receive an information pack, or receive an information packet through the mail or e-mail.

Any parties to register are advised that, unless otherwise requested, their details will be forward to Heritage NSW and the relevant LALC within 28 days of the closing date of registration and in compliance with Heritage NSW policy.

Padstow 2211



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**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

6 January 2021

Sir/Madam  
Gandangara Local Aboriginal Land Council  
64 Macquarie St,  
Liverpool NSW 2170

Dear Sir/Madam,

**RE: Written notification of project proposal and registration of interest as required under Heritage NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010 (s4.1.6): provision of Registered Aboriginal Parties (RAPs): Gow Street Padstow recycling Centre**

In compliance with Heritage NSW, Department of Premier & Cabinet policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1; s 4.1.6), please find attached records of Registered Aboriginal Parties (RAPs) for the above-named project.

Also, in compliance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1: s 4.1.3 and 4.1.6), please also find attached a copy of the public notification placed in the Canterbury – Bankstown Express (no longer a local newspaper due to COVID-19).

If you have any questions or would like any additional information please don't hesitate to contact me on 0412 702 396 or via e-mail on [penny@mcheritage.com.au](mailto:penny@mcheritage.com.au).

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd

**Dr. Penny McCardle**  
Principal Archaeologist  
Forensic Anthropologist

**Registered Aboriginal Parties**

Company	Contact
Didge Ngunawal Clan (DNC)	Lillie Carrol & Paul Boyd



**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

mcheritage.com.au

6 January 2021

Heritage NSW, Department of Premier & Cabinet  
heritagemailbox@environment.nsw.gov.au

Dear Sir/madam,

**RE: Written notification of project proposal and registration of interest as required under  
Heritage NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010  
(s4.1.6): provision of Registered Aboriginal Parties (RAPs): Gow Street Padstow recycling Centre**

In compliance with the Heritage NSW, Department of Premier & Cabinet policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1; s 4.1.6), please find attached records of Registered Aboriginal Parties (RAPs) for the above-named project.

Also, in compliance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1: s 4.1.3 and 4.1.6), please also find attached a copy of the public notification placed in the online section of The Canterbury – Bankstown Express (no longer a local newspaper due to COVID-19).

If you have any questions or would like any additional information please don't hesitate to contact me on 0412 702 396 or via e-mail on penny@mcheritage.com.au.

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd

**Dr. Penny McCardle**  
Principal Archaeologist  
Forensic Anthropologist

**Registered Aboriginal Parties**

Company	Contact
Didge Ngunawal Clan (DNC)	Lillie Carrol & Paul Boyd



## Notification of project proposal and registration of interest under Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 1) – Gow Street Recycling Centre

Date listed: 10/11/2020

 Report

McCardle Cultural Heritage (MCH) have been engaged by Benbow Environmental on behalf of the Proponent (Gow Street Recycling Centre, 81-87 Gow St, Padstow NSW 2211) to prepare an Aboriginal Cultural Heritage Assessment (ACHA) and Section 90 Aboriginal Heritage Impact Permit (AHIP) application, if required, for the proposed drilling mud dewatering facility at their existing recycling centre (Lot A DP103140).

The purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of the AHIP application if required and to assist the Chief Executive of Heritage NSW, Department of Premier & Cabinet in his or her consideration and determination of the application should an AHIP be required.

In compliance with the Heritage NSW policy - Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010, MCH would like to extend an invitation to Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in the consultation process for this project.

Written registrations must be forward to MCH (P.O. Box 166 Adamstown, NSW, 2289; [penny@mchheritage.com.au](mailto:penny@mchheritage.com.au) no later than C.O.B. 26 November 2020.

All registered parties will then be contacted to discuss the project in compliance with Heritage NSW policy. If you register your interest in this project, please also nominate your preferred option to receive the initial information. You may wish to attend a non-paid meeting and receive an information pack, or receive an information packet through the mail or e-mail.

Any parties to register are advised that, unless otherwise requested, their details will be forward to Heritage NSW and the relevant LALC within 28 days of the closing date of registration and in compliance with Heritage NSW policy.

Padstow 2211



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## **Penny McCardle**

---

**To:** lilly carroll  
**Subject:** RE: Padstow assessment

**From:** lilly carroll <didgengunawalclan@yahoo.com.au>  
**Sent:** Monday, 16 November 2020 11:22 AM  
**To:** Penny McCardle <mcheritage@iprimus.com.au>  
**Subject:** Re: Padstow assessment

Hi penny  
DNC just sending through

### **REGISTRATION OF INTEREST: Gow Street Padstow recycling Centre**

The project area lies within Dharug traditional lands.

**Company Name): didge ngunawal clan**

**Contact: 0426823944**

**Postal address: 33 Carlyle Cres Cambridge gardens 2747 nsw**

**Mobile No:0426823944E-Mail:didgengunawalclan@yahoo.com.au**

**Date:16/11/2020**

**If you are a descendant of, or represent a descendant of the Dharug people, please answer the questions below (circle yes/no).**

1) Are **you** part of a current Native Title Claim where the project area is located within?

No

2) Are **you** a descendant of the Dharug people?

No I was born on this land and grew up

3) Are **you** a knowledge holder?

No

4) Do **you represent** a traditional knowledge holder?

No

5) Do **you represent** a traditional knowledge holder of general knowledge?

No

**If you are not a descendant of the Dharug people and would still like to register an interest in the project please answer the questions below.**

1) Are you a knowledge holder (whereby you obtain your knowledge through written records such as ethnographic information, archaeological reports, field experience).

Yes

2) Do you have a specific or general interest in the project? If so, please outline your interest. YES/NO

Just love to find Tools our ancestors used to use

Kind regards DNC

Paul Boyd & Lillie Carroll

0426823944



**McCARDLE**  
CULTURAL HERITAGE

6 January 2021

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

Lilly Carroll  
didge ngunawal clan  
didgengunawalclan@yahoo.com.au

Dear Lilly,

**RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 2 & 3) – Presentation of information about the proposed project and request for comment on the proposed methods of investigation Gow Street Padstow recycling Centre**

McCardle Cultural Heritage (MCH) would like to thank you for registering your interest in this project. MCH sent a letter extending an invitation to register your interest and asking if you would prefer to have a meeting to discuss the project or have an information pack sent to you. As MCH did not receive your preferred option, we are posting the information packet.

In order for the proponent to fulfil its cultural heritage consultation requirements per the Heritage NSW, Department of Premier & Cabinet policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Stage 2; s 4.2.1 to 4.2.4; Stage 3, s 4.3.1 to 4.3.7) please find enclosed an Aboriginal Cultural Heritage Assessment Information Packet that the proposed project including, but not limited to, details of the proposed the project including maps indicating the impact areas , an outline of the impact assessment process, summary of the cultural, environmental and archaeological contexts, a site specific predictive model, details of the proposed methodology, the roles and responsibilities of all parties, and provide an opportunity for you to identify and raise any cultural concerns, perspectives and assessment requirements you may have.

MCH would appreciate your input on;

- The proposed methodology
- Any Aboriginal objects and/or place(s) of cultural value within the investigation area and/or any issues of cultural significance you are aware of
- Any protocols and/or restrictions you may wish to implement in relation to any information you may like to provide, and
- Any other factors you consider relevant to the heritage assessment;

Please make your written submission to MCH by close of business 3rd February 2021. The absence of a response by the requested timeline will be taken as your indication that your organisation has no comments regarding the above.

The proponent intends to engage a number of RAPs (relative to the scale and nature of the investigations) to participate in the field work. If you wish to be considered for paid participation in the field investigations please review and complete the Aboriginal stakeholder site officer application form attached to the information packet provided. Aboriginal representatives will be selected by the proponent based upon merits of the applications received with respect to the selection criteria. Late application will not be accepted by the proponent.

Please note that the number of people engaged and the duration of any engagement will be at the sole discretion of the proponent who will notify MCH of the successful applicants. MCH will notify the successful applicants and all RAPs will be invited to participate in the field investigations regardless of remuneration and subject to Occupational Health and Safety requirements and operational requirements.

Please note that regardless of participation in the field investigations, RAPs will be consulted in accordance with the Heritage NSW, Department of Premier & Cabinet policy - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* for the remainder of the assessment.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW, Department of Premier & Cabinet requirements, please ensure that any items that you or your group deem confidential are either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

MCH looks forward to your response and working with you on this project. Please do not hesitate to contact myself on 0412 702 396 should you have any questions.

Yours sincerely,

for McCardle Cultural Heritage Pty Ltd



Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

Enclosures:

Aboriginal Cultural Heritage Assessment Information Packet



**penny@mheritage.com.au**

---

**From:** lilly carroll <didgengunawalclan@yahoo.com.au>  
**Sent:** Wednesday, 6 January 2021 4:57 PM  
**To:** penny@mheritage.com.au  
**Subject:** Re: Padstow

Hi Penny

DNC agrees to the methodology towards the Padstow project

[Sent from Yahoo Mail for iPhone](#)



**M<sup>c</sup>CARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

[mcheritage.com.au](http://mcheritage.com.au)

13 January 2021

Lilly Carroll  
didge ngunawal clan  
didge ngunawalclan@yahoo.com.au

Dear Lilly,

**RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Stage 3) –Survey invitation and letter of engagement- Gow Street Recycling Centre**

As discussed, MCH would like to organise the survey for the above-named project for the 15th January 2021 starting at 10:30am at 81-87 Gow St, Padstow. We anticipate work will be complete within 10 minutes to half an hour, however, please be advised this time may change.

As part of the assessment process the proponent require an appropriate person from your organisation to participate in the survey of the study area to identify known or potential cultural heritage features. A cultural heritage report must be prepared following the survey and receipt of the draft archaeological report within the required 28 days review period. The cultural heritage report will identify known or potential Aboriginal objects or places and/or any other cultural heritage matters that may be affected by the project.

Gow Street Recycling Centre and MCH wishes to reiterate our intent to positively engaging with the local Aboriginal community. In this spirit an invitation has been extended to all registered applicants to attend the survey. If you accept the terms outlined in the Letter of Engagement (attached) please sign the Letter of Engagement and return to McCardle Cultural Heritage. Participation in the program is dependent on the receipt of the Letter of engagement and insurance certificate of currencies.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW, Department of Premier & Cabinet requirements, please ensure that any items that you or your group deem confidential are made apparent to your field representative prior to field work to ensure that information remains confidential if required. Failure to disclose that information is confidential may result in the information being included in the report.



McCARDLE  
CULTURAL HERITAGE

Should you have any questions regarding these terms and conditions or the project please contact myself on 0412 702 396.

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

## **Aboriginal Site Officer/Trainee Site Officer**

### **Letter of Engagement**

Gow Street Recycling Centre wishes to engage «Company» (Service Provider) to provide one Site Officer to undertake an archaeological survey of the proposed development at the Gow Street Recycling Centre. The proponent and Service Provider agree to the terms and conditions of the engagement as follows:

#### **Services**

The Service Provider will engage one Site Officer to undertake the following:

- Archaeological survey of the project area
- a cultural heritage report and invoice within 28 days of receiving the draft report from MCH

#### **Fees**

The proponent will pay the following Fees to the Service Provider for Services:

- \$100.00 + GST

Payment will be within 28 days of receipt of a correct invoice and cultural heritage report. Invoices are to be provided at the end of the month.

#### **Invoices are to be addressed to:**

Gow Street Recycling Centre  
C/O- MCH  
penny@mcheritage.com.au

#### **Time sheets**

The Service provider must ensure that the Site Officers sign a time sheet at the start and finish of each day the Services are provided. Fees will not be paid unless time sheets for each Site Officer has been completed. The archaeologist will have a time sheet that may be used.

#### **Work performance**

The Service Provider must ensure that the Site Officers are fit for work, undertake the Services in a timely manner, with reasonable care, skill and professionalism and in accordance with all applicable laws and any reasonable directions or requirements made by the proponent and/or MCH.

#### **Absences**

All field staff must call MCH the evening before work to notify their absence for the following day and organise for a replacement. If no notice is provided, that staff members place in the field team will be suspended until MCH are notified they will be back at work. It is the responsibility of the Service Provider to organise a replacement site officer from the list of persons provided to MCH at the start of the project.

#### **Proponent and MCH property**

All materials and equipment provided by MCH or the proponent during the term of engagement remain the property of MCH or the proponent and must be returned upon completion of the Services or termination of the agreement.

**Confidentially**

All information provided by MCH or the proponent to the Service Provider and/or Site Officer in relation to the services or the business or operations of the proponent and MCH are confidential. The Service Provider will ensure it and the Site Officer keep such information confidential at all times (including after the completion of the Services) and must not disclose it to any other person without the prior written consent from the proponent and/or MCH.

**OH&S Requirements**

Before commencement of work you must provide MCH with certificate of currencies for Workers Comp and Public Liability. Field representatives participating in the survey will be required to wear steel cap boots, long pants and long shirt (hi-visibility) with appropriate sun protection including a hat. It is recommended that participants bring adequate amounts of food and water for the day.

**Early termination**

The proponent reserves the right to terminate this agreement at any time by giving 1-week written notice to the Service Provider. If the proponent terminates this agreement under this clause, then, subject to satisfactory performance of the Services, the proponent will pay the Service provider a proportionate part of the Fee according to the amount or proportion of Services supplied up to the date of termination.

**No subcontracting**

The Service Provider must not subcontract the provision of the Services without the proponent's prior written consent.

**Insurances**

The Service Provider must provide certificates of currency for Workers Comp, Public Liability and Comprehensive Motor vehicle insurances prior to the Services being provided.

**Indemnity and release**

The Service Provider undertakes the Services at its sole risk and the proponent and MCH will not be liable for any loss, damage, injury or death sustained by any person as a result of the Services being provided.

The Service provider indemnifies and releases the proponent and MCH against any loss the proponent or MCH suffers or any claims made against the proponent or MCH by any person arising out of the provisions of the Services except to the extent that any loss or claims arise from any negligence by the proponent or MCH.

**Variations**

No changes to these terms can be made without the prior written agreement with the proponent.

**Exclusion of other terms**

This letter contains the sole agreement of the parties and all other terms are excluded.

If you agree that the contents of this letter correctly set out the terms of engagement between the proponent and your organisation then please sign both copies, keep one for yourself, and return the other signed copy to MCH within 10 days.



---

**Acceptance (Survey at Gow Street Recycling Centre)**

---

**Signed by «Company»**

**I/we agree to the terms set out in this letter and acknowledge that it forms a binding legal contract.  
I/we declare that I/we are authorised to sign this letter on behalf of «Company».  
Please provide your ABN:**

**Signature of Witness**

**Signature of authorised person**

**Print name of Witness**

**Print name of authorised person**

**Print title and position of authorised person**

**Date:**

**Date:**





**McCARDLE**  
CULTURAL HERITAGE

PO Box 166  
Adamstown 2289 NSW  
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3 March 2021

Lilly Carroll  
didge ngunawal clan  
didgengunawalclan@yahoo.com.au

Dear Lilly,

**RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010  
(Stage 3 & 4 –Review of Draft Cultural Heritage Assessment - Gow Street Padstow recycling Centre)**

Please find enclosed a copy of the draft Aboriginal Cultural Heritage Assessment (ACHA) for the above-named project for your review.

The cultural heritage Assessment includes information provided by the knowledge holders and is included with their permission. As required by the Heritage NSW, Department of Premier & Cabinet *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010), Stage 3 (S. 4.3.5; 4.3.6; 4.3.7) and Stage 4 (S. 4.4.1; 4.4.2; 4.4.3) and based on the information provided by knowledge holders throughout the project, the cultural significance will be included in the final report.

MCH would like to provide further opportunity to provide your further input and request your comments on the draft ACHA. Additionally, any concerns you may have are also important and we would like the opportunity to address any concerns you may have.

As outlined in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010), Stage 4 (S. 4.4.3) MCH would appreciate your input and your comments on the draft reports no later than C.O.B. 31<sup>st</sup> March 2021.

As all communications, including phone calls, faxes, letters, and e-mails must be included in the consultation component of the report as per the Heritage NSW, Department of Premier & Cabinet requirements, please ensure that if any response to the draft report is deemed confidential that this is either stated at the beginning of a conversation or stamped/written on each piece of paper communicate.

Please note that in order to adhere to time constraints, the absence of a response by the requested timeline, will be taken by the proponent as your indication that your organisation has no comments regarding the draft ACHA.

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist



**M<sup>C</sup>CARDLE**  
CULTURAL HERITAGE

1 April 2021

PO Box 166  
Adamstown 2289 NSW  
penny@mcheritage.com.au  
P: 0412 702 396

mcheritage.com.au

Lilly Carroll  
didge ngunawal clan  
didgengunawalclan@yahoo.com.au

Dear Lilly,

**RE: Heritage NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010  
(Stage 4 –Final Cultural Heritage Assessment - Gow Street Padstow recycling Centre**

MCH and Gow Street Recycling Centre (Proponent) would like to take this opportunity to thank you for your involvement in the above-named project. Your time and input has been instrumental throughout the project

As outlined in the Heritage NSW, Department of Premier & Cabinet *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010), Stage 4 (S. 4.4.5) please find enclosed copy of the final Aboriginal Cultural Heritage Assessment for your records.

We look forward to continue working with you in the future.

Yours sincerely,  
for McCardle Cultural Heritage Pty Ltd

Dr. Penny McCardle  
Principal Archaeologist  
Forensic Anthropologist

## APPENDIX B

### AHIMS search results