

Rapid Transit Rail Facility

Aboriginal Cultural Heritage Assessment Report

Report to JBA

July 2013



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Executive Summary

As part of the North West Rail Link (NWRL) project, a train stabling and maintenance facility (Rapid Transit Rail Facility or RTRF) is planned to be constructed at Tallawong Road, Schofields. Concept approval for the NWRL project, including a train stabling and maintenance facility at Tallawong Road, was granted in 2008 as a Staged Infrastructure Approval under Part 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). However, it is now proposed that the size of the facility at Tallawong Road Depot be expanded beyond the capacity envisaged by the existing NWRL planning approvals in order to support future operational requirements. A separate planning approval is therefore required.

Artefact Heritage was commissioned by JBA Consulting, on behalf of Transport for NSW (TfNSW), to prepare an Aboriginal cultural heritage assessment report (CHAR) to form part of the Environmental Impact Statement (EIS) for the RTRF proposal.

The study area is bounded by Schofields Road to the south, Tallawong Road to the east, First Ponds Creek to the west, with properties 2 Oak Street and 57 Tallawong Road forming the northern boundary.

Aboriginal stakeholder consultation throughout this study is being conducted in accordance with the Growth Centres Commission (GCC) *Protocol for Aboriginal Stakeholder Involvement in the Assessment of Aboriginal Heritage in the Sydney Growth Centres* (referred to as the GCC Aboriginal consultation protocol) and the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Environment and Conservation- DEC, 2005).

Background research indicated that three previously recorded Aboriginal sites were located within the study area. This included two artefact scatters recorded on the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS), and one isolated artefact recorded during field investigation for the NWRL project but not recorded on AHIMS.

Field survey involved investigation of accessible properties within the study area. The northern five properties within the study area were not available for inspection and it will not be possible to access these areas until they have been accessioned. Based on the results from the rest of the study area it was found that there is a low potential for the five inaccessible properties to contain areas of high archaeological significance therefore the areas would be inspected prior to impacts occurring when access is available.

No previously unrecorded Aboriginal objects were identified during the field survey. The location of each previously recorded Aboriginal site was visited during field investigation, with AHIMS site 45-5-4188 and isolated artefact site '65 Schofields Road' observed to be highly disturbed and were found to have a low archaeological significance.

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AHIMS site 45-5-4112 has been the subject of recent sub-surface archaeological test excavation for the Roads and Maritime Services (RMS) relating to the re-alignment of Tallawong Road as part of the Schofields Road upgrade. Three artefacts were located in the 40 test pits excavated. It was found that the area was disturbed and that the site had a low archaeological significance. It is expected that this site will be impacted by the Tallawong Road realignment works prior to any impacts from the RTRF proposal.

The proposed Tallawong Road North RTRF would have a direct impact on AHIMS site 45-5-4188, AHIMS site 45-5-4112 (if it has not already been impacted by the Tallawong Road realignment) and site '65 Schofields Road'.

No areas of particular cultural significance were identified by the Aboriginal stakeholder during consultation for this project, although the Country as a whole is culturally significant to the Aboriginal community.

No further archaeological investigation is required for Aboriginal sites 45-5-4188, '65 Schofields Road' or site AHIMS 45-5-4112. Site AHIMS 45-5-4112 is currently covered under an Aboriginal Heritage Impact Permit (AHIP) granted to RMS for the Tallawong Road realignment as part of the Schofields Road upgrade project and it is expected that the site will be impacted under this AHIP prior to works commencing for the RTRF. RMS should therefore be consulted prior to impacts occurring at site 45-5-4112.

Following submission of the EIS and subsequent approvals from the Director-General, future management of Aboriginal heritage within the RTRF proposal area should be included in either a stand-alone Aboriginal heritage management plan (AHMP) document or included within a construction environmental management plan (CEMP). Information presented in the management document should include procedures for dealing with unexpected finds and Aboriginal heritage requirements of induction for all workers.

This version of the report is a public version. All site co-ordinates and detailed mapping of Aboriginal site locations has been removed.

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1.0 Introduction and Background

1.1 Introduction

As part of the North West Rail Link (NWRL) project, a train stabling and maintenance facility (Rapid Transit Rail Facility or RTRF) is planned to be constructed at Tallawong Road, Schofields (the Tallawong Road Depot). Concept approval for the NWRL project, including the Tallawong Road Depot, was granted in 2008 as a Staged Infrastructure Approval under Part 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). However, it is now proposed that the size of the Tallawong Road Depot be expanded beyond the capacity envisaged by the existing NWRL planning approvals in order to support future operational requirements. A separate planning approval is therefore required.

Artefact Heritage was commissioned by JBA Consulting, on behalf of Transport for NSW (TfNSW), to prepare an Aboriginal cultural heritage assessment report (CHAR) to form part of the Environmental Impact Statement (EIS) for the RTRF proposal.

1.2 Study area

The study area is located mid-way along Schofields Road, between Richmond Road and Windsor Road, and falls within the Riverstone East Precinct of the North West Growth Centre.

The study area is bounded by Schofields Road to the south, Tallawong Road to the east, First Ponds Creek to the west, with properties 2 Oak Street and 57 Tallawong Road forming the northern boundary (see Figure 1 and Figure 2).

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Figure 1: Location of study area indicated by arrow (base map © Google Maps)

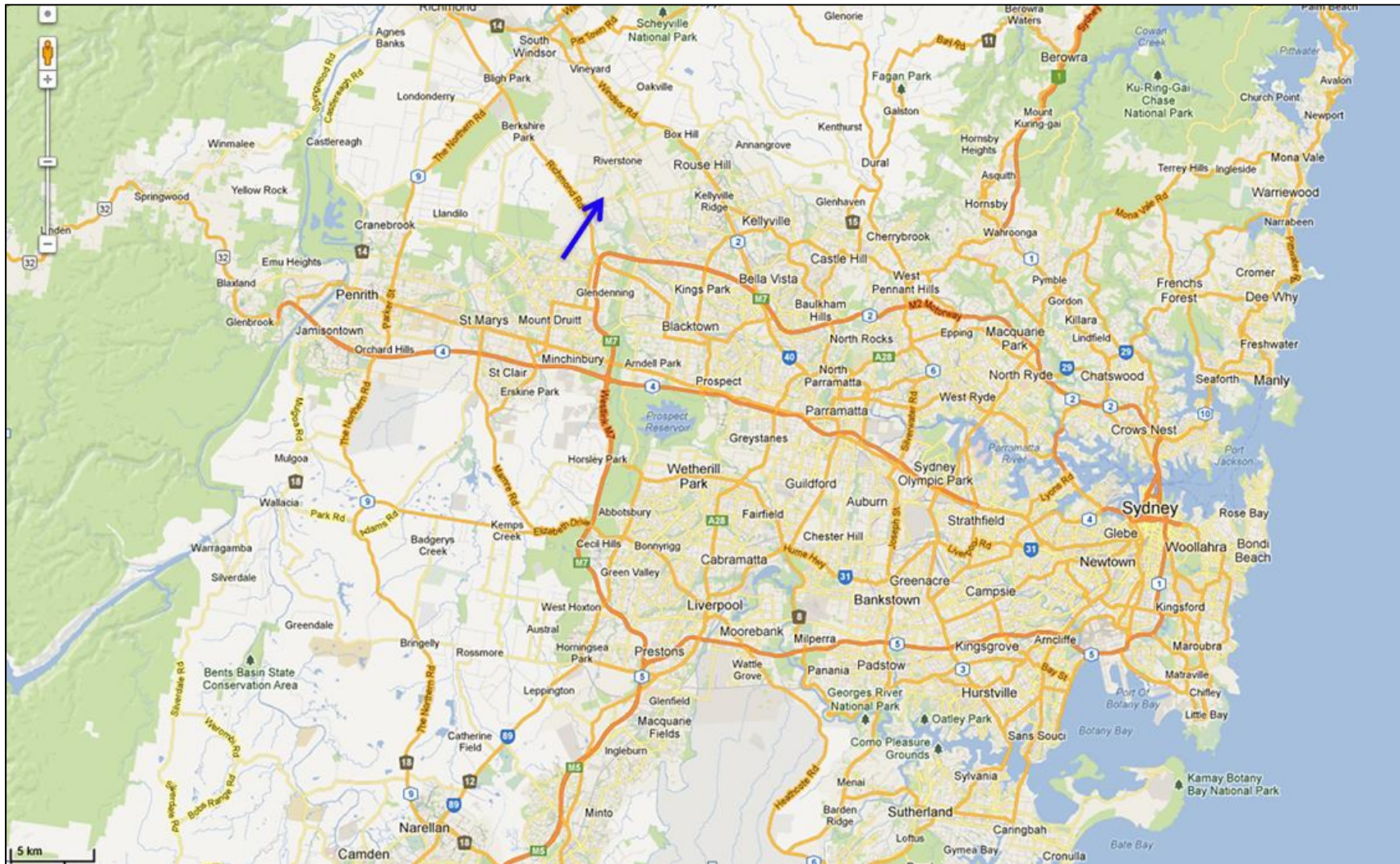
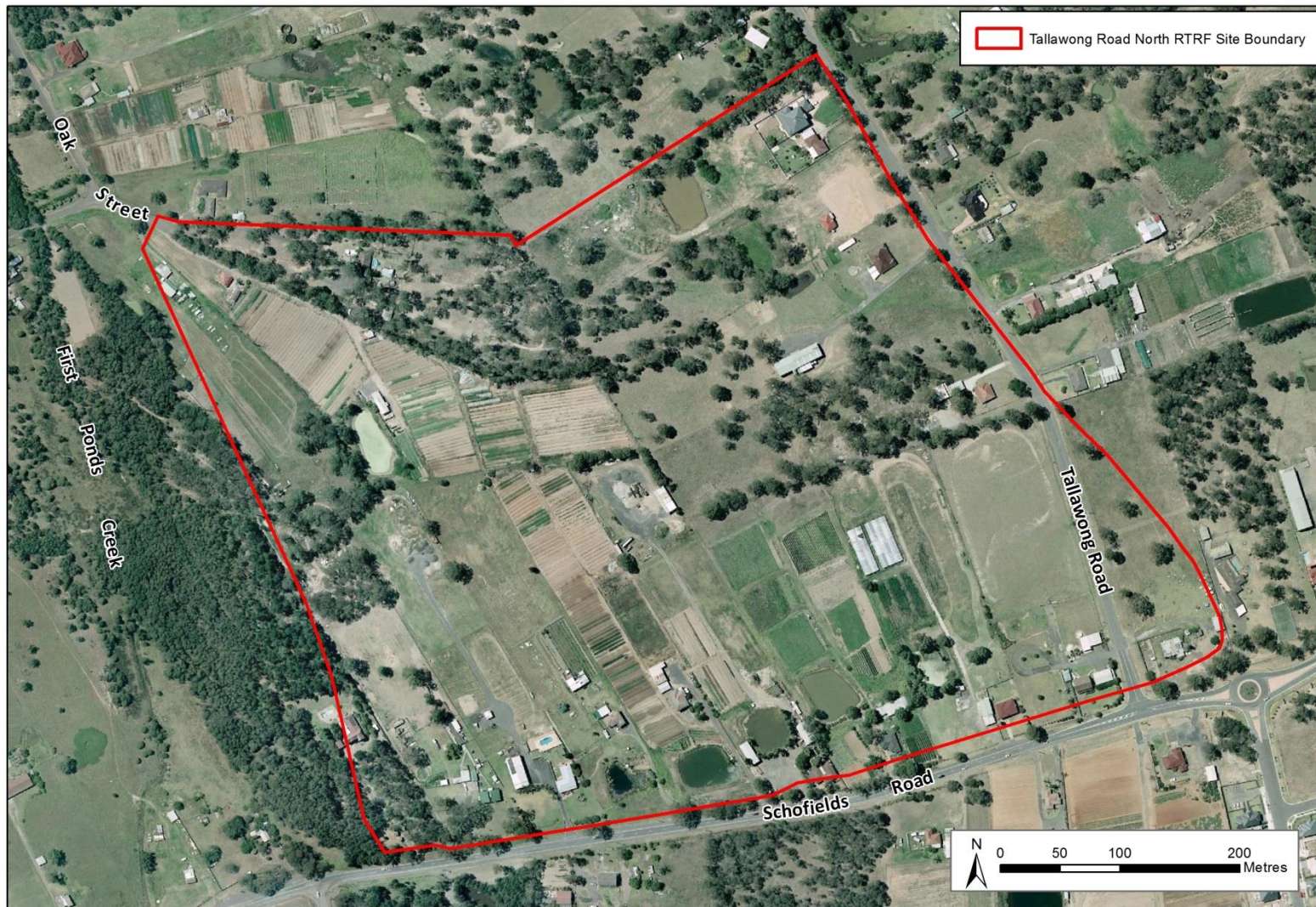


Figure 2: Location of the Tallawong Road North RTRF Site Boundary (aerial © Google 2013)



1.3 Objectives of the CHAR

The objectives of this report are to satisfy the statutory requirements of Part 5.1 of the EP&A Act assessment process, which establishes an assessment and approval regime for State Significant Infrastructure (SSI). The assessment fulfils the requirements of the DGRs (Table 1). The assessment process is addressed through the framework of existing heritage legislation including the *National Parks and Wildlife Act 1974* (NPW Act) and the 2005 Department of Environment and Conservation (DEC) (now Office of Environment and Heritage [OEH]) and the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005). This report includes:

- A description of the scope of the project and the extent of the study area.
- A description of Aboriginal community involvement and Aboriginal consultation.
- A description of landscape setting and previous archaeological investigations in the locality.
- A description of field investigation within the study area.
- A significance assessment of the study area including cultural and archaeological values.
- A description of statutory requirements for the protection of Aboriginal heritage.
- An impact assessment for the recorded Aboriginal sites and areas of archaeological potential.
- Provision of recommendations for management and mitigation measures for Aboriginal sites.

Table 1: Fulfilment of the DGRs

DGRs for the assessment of Aboriginal heritage within the RTRF	Fulfilment of requirements
Effective Aboriginal stakeholder consultation	Section 2.0
Demonstration that an adequate archaeological investigations was conducted	Sections 6 and 7
Impact assessment	Section 10
Mitigation and management measures for impacted Aboriginal cultural heritage values	Section 10.3
Prepared in accordance with the 2005 DEC (now OEH) <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i>	Section 1.3

1.4 Proposed works

The RTRF proposal would include the following infrastructure (Figure 3):

- Train stabling facilities.
- Train maintenance facilities including facilities for cleaning, inspection, preventative maintenance, corrective maintenance, component repair and major overhauls of rolling stock.
- A test track.
- Facilities for maintenance and repair of rail systems, equipment and infrastructure.
- Warehousing for spare parts, tools and equipment.
- Administration, staff facilities and training facilities including an Operations Control Centre.
- Ancillary buildings as required for security services, power supply systems, refuse disposal and hazardous material storage.
- Internal access and maintenance roads.
- Safeguarding for a future transport corridor to Marsden Park.

The RTRF would be designed with a maximum capacity to stable 45 trains and maintain 76 trains.

The facility would operate 24 hours a day, seven days a week.

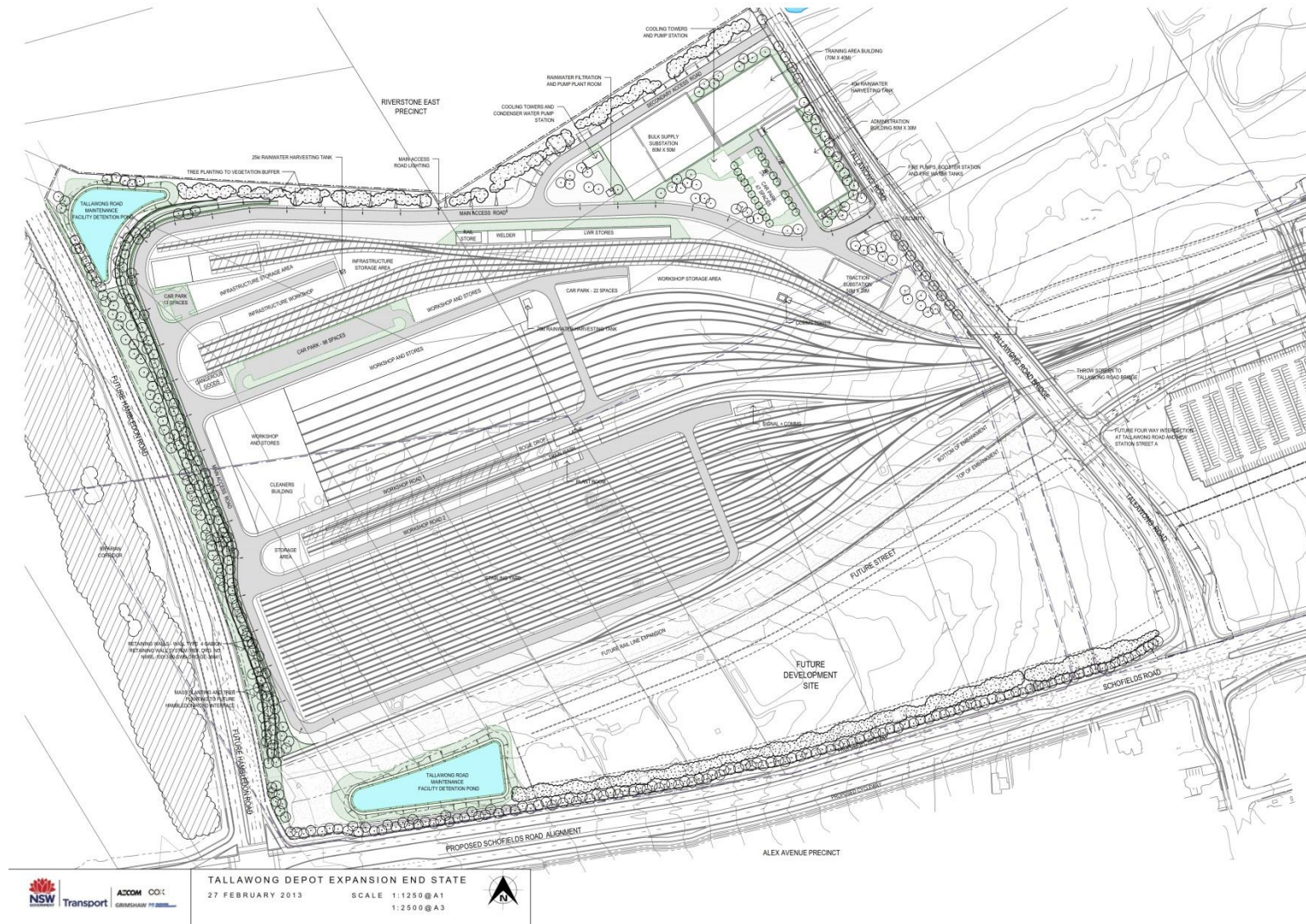
1.5 Report authorship

This report was prepared by Josh Symons, Senior Archaeologist, with management input from Dr Sandra Wallace, Principal Archaeologist at Artefact Heritage.

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Figure 3: Tallawong Road North RTRF



2.0 Aboriginal Consultation

This study is being conducted in accordance with GCC Aboriginal consultation protocol and the 2005 Aboriginal Cultural Heritage Impact Assessment and Community Consultation guidelines.

2.1 GCC Aboriginal consultation protocol

The GCC Aboriginal consultation protocol was developed to ensure that Aboriginal stakeholders were given adequate opportunity to share information and participate in assessments and management options during the preparation of Precinct based Aboriginal heritage assessments.

The GCC Aboriginal consultation protocol provides a list of Stakeholder Aboriginal Communities who should be consulted during assessments conducted in accordance with the protocol. The Stakeholder Aboriginal Communities identified for the North West Growth Centre, in which the current study area is located, include:

- Deerubbin Local Aboriginal Land Council (DLALC)
- Darug Aboriginal Cultural Heritage Assessments (DACHA)
- Darug Custodian Aboriginal Corporation (DCAC)
- Darug Tribal Aboriginal Corporation (DTAC)

In accordance with the principals of the GCC Aboriginal consultation protocol, a representative of DLALC was invited to take part in the field investigation of the study area. Steve Randall, representative of DLALC, took part in the field investigation and provided input on the Aboriginal heritage values for the assessment.

Following initial field investigation of 55, 57, 59, 61, 63, 65 and 67 Schofields Road and 31 Tallawong Road, Steve Randall noted that ground surface visibility was low and characterised the area as disturbed. A letter from DLALC discussing the initial field investigation is attached in full in Appendix A.

As the compilation of Stakeholder Aboriginal Communities for the North West Growth Centre was conducted in accordance with the 2005 DEC consultation requirements, the four listed organisations were notified that further Aboriginal stakeholder identification for the project is being conducted in accordance with the 2005 DEC requirements. The notification included an invitation to confirm that they would like to remain involved in the project as Stakeholder Aboriginal Communities.

2.2 2005 Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

In addition to the Stakeholder Aboriginal Communities identified in the GCC Aboriginal consultation protocol, more extensive Aboriginal community consultation during the preparation of the CHAR is being conducted in accordance with the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC, 2005) requirements. The requirements include seeking information to identify stakeholder groups or individuals wishing to be consulted about the project and invite them to register an interest. This process includes seeking information from government and Native Title agencies and placing an invitation for registration of interest in print media. The following agencies were contacted on 16 May 2013:

- DLALC
- Office of the Registrar, *Aboriginal Land Rights Act 1983*
- National Native Title Tribunal
- NTSCORP
- Metropolitan OEH Planning and Aboriginal Heritage Section
- Blacktown City Council
- Hawkesbury Nepean Catchment Authority

An advertisement was placed in the Blacktown Sun newspaper on 15 May 2013 outlining the RTRF project and an invitation for all Aboriginal persons and organisations who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the study area to register their interest by 31 May 2013. The National Native Title Tribunal informed Artefact by letter that there were no native title claims within the study area.

The following Aboriginal stakeholders were identified as persons and organisations who may hold cultural knowledge relevant to the study area:

- DLALC
- DACHA
- DTAC
- DCAC
- Darug Land Observations (DLO)
- Darug Aboriginal Land Care Inc (DALC)
- Gunjeewong Cultural Heritage Aboriginal Corporation (GWCHAC)
- Scott Franks
- Amanda Hickey Cultural Services (AHCS)
- Tony Williams

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The registered stakeholders were provided with a study methodology and request for cultural information on 19 June 2013. Responses were received from Tony Williams, Tocomwal, DLO, DACHA and DALCI. DLO, DACHA and DALCI supported the methodology. Tocomwal had a number of queries which were satisfactorily clarified by the consultant. Tony Williams did not provide comments on the methodology but provided cultural information which is discussed in Section 9.3 of this report.

A copy of this draft report was sent to the Aboriginal stakeholder groups for their comment on 8 July. A response was received from DACHA in support of the recommendations of the CHAR. No additional responses were received.

3.0 Background Context

3.1 Landform and hydrology

The study area is located across undulating terrain associated with the First Ponds Creek watercourse. First Ponds Creek formed a third order watercourse immediately west of the study area, with headwaters approximately two kilometres to the south in the densely urbanised Quakers Hill area. The watercourse was located between the 30 metre and 40 metre contours.

The eastern portion of the study area comprised the western margin of a broad crest landform associated with the 60 metre contour. The crest is aligned approximately north-south and forms the watershed between the Seconds Pond Creek water catchment to the east and First Ponds Creek Catchment within the study area.

3.2 Geology and soils

The underlying geology of the study area consists of late Triassic period shale deposits across the majority of the study area, with Quaternary period alluvial deposits associated with First Ponds Creek. The underlying Bringelly Shale generally consists of shale, claystone, laminate, lithic sandstone, rare coal and tuff (Clark and Jones 1991). The Quaternary alluvium associated with the lower terrain bordering First Ponds Creek generally consists of fine-grained sand, silt and clay (Clark and Jones 1991).

Overlying soils consists of residual soils developed *in situ* across the raised portions of the study area associated with the underlying Bringelly Shale. The residual soils, called the Blacktown soil landscape, generally consist of shallow duplex soils over a clay base. Overlying fluvial soils were associated with the alluvium across the low-lying terrain bordering First Ponds Creek. The fluvial soils, called the South Creek soil landscape, would be subject to frequent flood events, possibly resulting in a deep, homogenous deposit susceptible to mixing.

An important feature of the regional geological landscape includes a significant source of silcrete at Plumpton Ridge, approximately 4.7 kilometres southwest of the study area. Silcrete, a raw material used by Aboriginal people across Sydney Basin, was extracted from underlying Tertiary period geology called the St Marys formation. The silcrete raw material source at Plumpton Ridge was an important and extensively used quarry where extraction and tool manufacture activities took place (JMcD CHM 2006).

3.3 Historical land use history

Exploration to the west of Sydney Cove began soon after first settlement, as it was found that the sandstone soils of coastal Sydney were unsuited for cultivation. In 1789, Governor Phillip led the first expeditions inland.

A few land grants were made in the vicinity of the study area during the late 1790s, but significant grants in the area were not made until Governor Macquarie's arrival in the colony. In 1813, Richard Rouse was granted 450 acres which he named Rouse Hill, though the grant was not formalised until 1816. Rouse built a house on the property facing Windsor Road. The Rouse family eventually acquired all of the land within the study area.

The Rouse Hill property remained largely intact until 1952, when the outermost paddocks began to be sold in order to pay off the family's debt. By 1961, most of the property had been sold to Blacktown City Council for subdivision, except for the house and 100 acres of surrounding paddocks. The land within the study area would have been sold off during this period. Also at this time, both Cudgegong and Tallawong Road were laid out.

By 1970 a large number of small rural allotments within the study area and the surrounding area had been laid out. Many of these sites appear to have been developed with market gardens or small poultry farms. By this time, the allotments existed on their present-day pattern, and many of the houses within the study area were constructed during the 1970s.

4.0 Aboriginal History and Archaeological Context

4.1 Aboriginal material culture

Aboriginal people have lived in the Sydney area for more than 20,000 years. The oldest securely dated site in the greater Sydney region is 17,800 years before present (yBP), which was recorded in a rock shelter at Shaw's Creek (Nanson *et al* 1987), and a site at Pitt Town near Windsor in north-east Sydney recently dated to c. 36,000 yBP (AHMS *in press*). Evidence of Aboriginal occupation has been found dated to 50-60,000 yBP at Lake Mungo in NSW, so it is likely that Aboriginal people have lived in the Sydney region for even longer than indicated by the oldest recorded dates we have at present. The archaeological material record provides evidence of this long occupation, but also provides evidence of a dynamic culture that has changed through time.

The existing archaeological record is limited to certain materials and objects that were able to withstand degradation and decay. As a result the most common type of Aboriginal objects remaining in the archaeological record are stone artefacts. Archaeological analyses of these artefacts in their contexts have provided the basis for the interpretation of change in material culture over time. Technologies used for making tools changed, along with preference of raw material. Different types of tools appeared at certain times, for example ground stone hatchets are first observed in the archaeological record around 4,000yBP in the Sydney region (Attenbrow 2010:102). It is argued that these changes in material culture were an indication of changes in social organisation and behaviour.

The Eastern Regional Sequence was first developed by McCarthy in 1948 to explain the typological differences he was seeing in stone tool technology in different stratigraphic levels during excavations such as Lapstone Creek near the foot of the Blue Mountains (McCarthy *et al* 1948). The sequence had three phases that corresponded to different technologies and tool types (the Capertian, Bondaian and Eloueran). The categories have been refined through the interpretation of further excavation data and radiocarbon dates (Hiscock & Attenbrow 2005, JMcDCHM 2005). It is now thought that prior to 8,500 yBP tool technology remained fairly static with a preference for silicified tuff, quartz and some unheated silcrete. Bipolar flaking was rare with unifacial flaking predominant. No backed artefacts have been found of this antiquity.

After 8,500 yBP silcrete was more dominant as a raw material, and bifacial flaking became the most common technique for tool manufacture. From about 4,000yBP to 1,000yBP backed artefacts appear more frequently. Tool manufacture techniques become more varied and bipolar flaking increases (JMcD CHM 2006a). It has been argued that from 1,400 to 1,000 years before contact there is evidence of a decline in tool manufacture. This reduction may be the result of decreased tool making, an increase in the use of organic materials, changes in the way tools were made, or changes in what types of tools were preferred (Attenbrow 2010:102). The reduction in evidence coincides with the reduction in frequency of backed blades as a percentage of the assemblage.



After European colonisation Aboriginal people of the Cumberland Plain often continued to manufacture tools, sometimes with new materials such as bottle glass or ceramics. There are several sites in Western Sydney where flaked glass has been recorded, including at Prospect and Oran Park.

4.2 Aboriginal histories of the locality

Prior to the appropriation of their land by Europeans, Aboriginal people lived in small family or clan groups that were associated with particular territories or places. It seems that territorial boundaries were fairly fluid, although details are not known. The language group spoken on the Cumberland Plain is known as Darug (Dharruk – alternative spelling). This term was used for the first time in 1900 (Matthews & Everitt) as before the late 1800s language groups or dialects were not discussed in the literature (Attenbrow 2010:31). The Darug language group is thought to have extended from Appin in the south to the Hawkesbury River, west of the Georges River, Parramatta, the Lane Cove River and to Berowra Creek (Attenbrow 2010:34). This area was home to a number of different clan groups throughout the Cumberland Plain.

British colonisation had a profound and devastating effect on the Aboriginal population of the Sydney region, including Darug speakers. In the early days of the colony Aboriginal people were disenfranchised from their land as the British claimed areas for settlement and agriculture. The colonists, often at the expense of the local Aboriginal groups, also claimed resources such as pasture, timber, fishing grounds and water sources. Overall the devastation of the Aboriginal culture did not come about through war with the British, but instead through disease and forced removal from traditional lands. It is thought that during the 1789 smallpox epidemic over half of the Aboriginal people of the Sydney region died. The disease spread west to the Darug of the Cumberland Plain and north to the Hawkesbury. It may have in fact spread much further afield, over the Blue Mountains (Butlin 1983). This loss of life meant that some of the Aboriginal groups who lived away from the coastal settlement of Sydney may have disappeared entirely before Europeans could observe them, or record their clan names (Karskens 2010:452).

The British initially thought that Aboriginal people did not live inland, but were confined to the coast taking advantage of the abundant marine resources available. The first major expeditions into the interior did not witness any Aboriginal people, but evidence of their existence was noted. In April 1788 Governor Philip led an expedition west to Prospect Hill. It was noted, ‘...that these parts are frequented by the natives was undeniably proved by the temporary huts which were seen in several places. Near one of these huts, the bones of kangaroo were found, and several trees were seen on fire’ (Stockdale 1789).

In 1789 Captain Watkin Tench led an expedition to the Nepean River. He noted that:

‘Traces of the natives appeared at every step, sometimes in their hunting huts which consist of nothing more than a large piece of bark bent in the middle and opened at both ends, exactly resembling two cards set up to form an acute angle; sometimes in marks on trees which they had



climbed; or in squirrel-traps....We also met with two old damaged canoes hauled up on the beach' (Tench 1789).

It wasn't until rural settlement began in the western Cumberland Plain, around 1791 that the colonists and Aboriginal peoples came face to face. Relations quickly disintegrated, and tensions over land and resources spilled over. Governor King sanctioned the shooting of Aboriginal peoples in a General Order made in 1801 (Kohen 1986:24). Intermittent killings on both sides continued for over 15 years, including the Appin massacre and attacks at South Creek in 1816 (Karskens 2010: 225, Kohen 1986:23).

Although tensions existed between Aboriginal people and Europeans on the Cumberland Plain, a number of Aboriginal families continued to live semi-traditional lives in the area. The first parcels of land granted to an Aboriginal person were to the southwest of the study area between Richmond Road and Plumpton Ridge along Bells Creek. Governor Macquarie granted this land to Colebee and Nurragingy in 1819. Colebee did not stay long but Nurragingy lived on the land and it remained in the family until 1920 when it was resumed by the Aboriginal Protection Board (Kohen 1986:27).

The government policy of removal of Aboriginal children from their parents in order to assimilate them into white society began fairly early on in the colony's history, and was epitomized by the development of the Native Institution at Parramatta in 1814. This facility was moved to the Black Town settlement in 1823 approximately six kilometres southwest of the current study area. It was closed in 1829 and the land was used for farming, but the site remains significant for its historical, archaeological and social values (GML 2010:36).

Into the 19th and 20th centuries descendants of Darug language speakers continued to live in Western Sydney along with Aboriginal people from other areas of NSW. The Aboriginal groups in their comments on this study will address the contemporary cultural, social and spiritual meanings of the locality.

The locality of the study area therefore forms a focus for Aboriginal histories pre-contact, post-contact, and contemporary. From the silcrete quarry at Plumpton Ridge and its associated occupation sites, to the Colebee land grant, the Native Institution, and the cultural significance of the area to the Aboriginal people of Western Sydney today, the Blacktown locality is significant in its Aboriginal histories, and the histories of Aboriginal and European negotiations and interactions.

4.3 AHIMS search results

An extensive search of the OEH Aboriginal Heritage Information System (AHIMS) database was undertaken on 10 April 2013 for sites registered within the following coordinates:

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GDA 1994 MGA 56	303012E – 306450E 6268331N – 6271241N
Buffer	50 m
Number of sites	48
AHIMS Search ID	97409

The distribution of recorded sites from the AHIMS search area is shown in Figure 4. The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on the heritage maps for the RTRF proposal be removed from this report if it is to enter the public domain.

A large number of Aboriginal sites have been recorded in the locality, the vast majority within the Second Ponds Creek valley (see Figure 4). Surface artefact sites, including artefact scatters and isolated finds, were the most frequently recorded Aboriginal site type within the AHIMS extensive search area.

Two Aboriginal sites listed on the OEI AHIMS site register are located within the study area. This includes artefact scatters AHIMS site 45-5-4112 and 45-5-4188 (see Figure 5).

AHIMS site 45-5-4112 was recorded within 69 Schofields Road by GML (2011) as part of a re-assessment of the Schofields Road upgrade corridor between Windsor Road and Tallawong Road previously completed by JMcD CHM (2007). Three artefacts were also identified at the site during field survey by GML (2012) for the NWRL EIS 1. The AHIMS site location indicates that the site was located towards the southwestern portion of 69 Schofields Road, whereas the site extent as described by KNC (2012c) includes the entire property.

AHIMS site 45-5-4118 consisted of an artefact scatter identified by GML (2012) within 59 Schofields Road. The site was located across an area formerly used for market gardening. Site integrity was described by GML as poor.

One Aboriginal site not listed on the OEI AHIMS site register was located within 65 Schofields Road. The site, which consisted of a single artefact identified on a vehicle track, was located within the study area (GML 2012). The site name is referred to as '65 Schofields Road'.

Figure 5 shows the location of previously recorded Aboriginal sites located within the study area.

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Figure 4: OEH AHIMS site register search results (aerial © Google 2013)

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Figure 5: Previously recorded Aboriginal sites within the study area

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4.4 Archaeological context

A number of previous archaeological investigations have been conducted both within and in the immediate vicinity of the study area. A discussion of the key investigations in the area is outlined below.

4.4.1 Archaeological investigations in the locality

Area 20

Kelleher Nightingale Consulting (KNC) conducted an Aboriginal heritage assessment of the Area 20 Precinct within the North West Growth Centre for the NSW Department of Planning (now DPI). The Area 20 Precinct covers an area of approximately 245 hectares extending from Tallawong Road east to Windsor Road and from Schofields Road north to Guntawong Road. KNC (2010: 11), the assessment identified 35 Aboriginal sites within the Area 20 Precinct, including 16 previously recorded sites listed on the OEH AHIMS site register and 19 Aboriginal sites identified during field investigation for the study. In addition, a total of eight areas of potential archaeological deposit (PAD) were identified within the precinct.

The largest sites identified within the precinct were located in slope or flat landform contexts associated with Second Ponds Creek. KNC (2010: 20) identified several artefact scatters and areas of PAD associated with the crest landform bordering the eastern boundary of the current study area. The results of KNC's field survey and background research indicate a high density of identified and potential archaeological deposit associated with Second Ponds Creek, and a more sparse archaeological record across the higher crest and slope landform contexts.

JMcD CHM (2005) Salvage excavation within Second Ponds Creek valley

A major archaeological excavation program was conducted by JMcD CHM (2005) within the Second Ponds Creek Valley. The main focus of investigation was seven identified Aboriginal site areas in various landform contexts on the southern side of Schofields Road and between 300 metres and 1500 metres southeast of the current study area. One Aboriginal site was excavated on the margin of Second Ponds Creek near Windsor Road and approximately 1500 metres northeast of the current study area.

The archaeological excavation program formed one of the largest undertaken on the Cumberland Plain, and is the most extensive and detailed sub-surface investigation in the locality. One of the aims of the investigation was to test the different landform units represented within the Second Ponds Creek valley, including flat, lower slope, mid-slope, upper slope and crest (JMcD CHM 2005: 64). A total of 32,987 artefacts were retrieved from 1,130 square metres of excavation, as well as 7922

artefacts retrieved from surface collection in an eroded creek channel of Second Ponds Creek (JMcD CHM 2005: 64).

The results indicate a clear drop in artefact density with distance from Second Ponds Creek, which also correlates with a change in landform context from flat and lower slope to upper slope and crest (JMcD CHM 2005: 64). Excavation bordering Second Ponds Creek yielded a high average density of 59 artefacts per square metre, compared to an average of between 0.5 and 1 artefact per square metre in crest and upper slope contexts respectively. This distribution of archaeological material in association with Second Ponds Creek is reflected in the Area 20 investigation (KNC 2010) where the largest and most extensive surface sites were identified in close proximity to the watercourse.

JMcD CHM (2005: 131) suggested that the excavation results reflected some evidence of raw material rationing at the lower density artefact scatters in the upper slope and crest landform contexts. This evidence included a higher frequency of modified artefacts and retouch / usewear, discard of smaller cores, low frequency of cortex, better quality raw material (JMcD CHM 2005: 131).

4.4.2 Archaeological investigations within the study area

Riverstone and Alex Avenue Precincts

ENSR/AECOM Sydney Water

Approximately 175 metres north of the current study area, ENSR AECOM (2008) identified a large Aboriginal site complex, called the A7 Complex, which consisted of several artefact scatters and an area of PAD extending over one kilometre along the First Ponds Creek watercourse. The site complex was assessed as demonstrating high archaeological significance, due to the frequency of identified surface artefacts, the intactness of that area in comparison to the remainder of the First Ponds Creek, and the potential for stratified sub-surface archaeological deposit (ENSR / AECOM 2008: 59). Due to the identified importance of the A7 Complex to Aboriginal stakeholders and the identified high archaeological significance, ENSR / AECOM (2008: 71) recommended that site complex should be conserved. No information relating to either the A7 Complex, or the identified artefact scatters that comprise that area, were identified on the OEH AHIMS site register extensive search.

ENSR / AECOM surveyed the portion of First Ponds Creek along the western margin of the current study area. The area around Gordon Road and within the northern margin of the current study area was described as extensively disturbed. The portion of First Ponds Creek to the south, between Gordon Road and Schofields Road was described as generally swampy, with a less defined drainage channel and evidence of extensive land clearance (ENSR / AECOM 2008: 41). Overall, ENSR / AECOM (2008: 41) suggested that the lack of creek definition and significant impact observed in that area indicated that archaeological potential would be limited.

Schofields Road Upgrade

JMcD CHM 2007

JMcD CHM (2007) conducted an Archaeological Survey Report (ASR) for the proposed upgrade of Schofields Road between Windsor Road and Hambledon Road. The investigation included the southern 120 metres of the current study area between Tallawong Road and First Ponds Creek. No Aboriginal sites were identified within the current study area. Observations made during field survey lead JMcD CHM (2007: 20) to suggest that with the exception of the narrow road margin bordering Tallawong Road that the entire portion of the Schofields Road upgrade corridor within the current study area represented low (or no) archaeological potential.

One surface artefact scatter was identified on the southern side of Schofields Road at the intersection with Hambledon Road. The site, called SCR/UPG2 (AHIMS site # 45-5-3356) consisted of a scatter of artefacts in a slope landform context located approximately 50 metres west of the site. The site was not located within the current study area.

KNC 2012

KNC (2012a) conducted an ASR for the proposed upgrade of Schofields Road between Tallawong Road and Railway Terrace. KNC's investigation area overlapped with JMcDCHM's (2007) area of investigation between Tallawong Road and Hambledon Road. KNC's (2012a) study area included the southern 20 metres of the current study area between Tallawong Road and First Ponds Creek, widening to approximately 60 metres wide at First Ponds Creek.

KNC did not identify any Aboriginal sites within the current study area. KNC (2012) identified that two Aboriginal sites were located within the proposed Schofields Road upgrade corridor, including site SCR/UPG2 on the southern side of the intersection of Schofields Road and Hambledon Road, and site VR1 located on the eastern margin of Eastern Creek and approximately 1.5 kilometres west of the current study area. Overall, taking into consideration the results of archaeological investigations for the Schofields Road upgrade, KNC (2012b: 10) observed that the area demonstrated 'high amounts of disturbance and low archaeological significance'.

As part of the AHIP application for sites SCR/UPG2 and VR1, KNC (2012b) prepared an Aboriginal cultural heritage assessment report (CHAR). The CHAR recommended an area based AHIP covering the entire proposed Schofields Road upgrade corridor between Tallawong Road and Vernon Road, including the southern portions of the current study area.

NWRL EIS 1

GML+JMcDCHM (2012) prepared an Indigenous heritage report as part of EIS 1 for the Major Civil Construction Works of the NWRL. This included an assessment of the NWRL corridor between



Epping and the Tallawong Stabling Facility, located within the current study area. The study included investigation of the southeastern portion of the current study area, comprising the area between Tallawong Road and First Ponds Creek, and an area extending 300 metres north from Schofields Road.

Field survey conducted by GML+JMcDCHM (2012) identified two Aboriginal sites within the study area, including one artefact scatter located within 59 Schofields Road and one isolated artefact within 65 Schofields Road.

The artefact scatter, which has been registered on the OEH AHIMS site register as site number 45-5-4188, was located in a crest landform context and within the northern half of the property at 59 Schofields Road. The site description (GML 2012: 67) indicated that six artefacts were identified in ploughed fields or markets gardens, with a moderate to high level of disturbance observed across the area. GML (2012: 67) assessed the condition of potential sub-surface archaeological deposits as poor.

An isolated artefact was identified within the northern half of the property at 65 Schofields Road. The site description (GML 2012: 67) indicated that one silcrete flaked piece was identified on a vehicle track exposure, with low potential for further sub-surface archaeological deposits in the vicinity.

GML (2012: 94) assessed AHIMS site 45-5-4188 as demonstrating moderate archaeological significance, based on an assessed moderate level of archaeological potential. This does not correlate with the initial description of the site (GML 2012: 67) which suggested that the 'integrity of soil (and archaeological) deposits, however, has been assessed to be poor'. GML (2012: 105) recommended that archaeological test excavation, referred to as 'Phase 1' excavation, should be conducted at AHIMS site 45-5-4188, with possible further excavation (Phase 2) conducted based on the results of Phase 1.

GML (2012) assessed AHIMS site 45-5-4112 as demonstrating moderate archaeological significance based on an assessed moderate to high archaeological potential. The assessment of significance was qualified with the condition that the significance of the site would need to be re-assessed once the results of sub-surface archaeological investigation at the site were known.

No further archaeological investigation was recommended for the identified isolated find within 65 Schofields Road. GML (2012: 105) recommended that Aboriginal stakeholders should be provided the opportunity to collect the identified artefact prior to impact. Background research conducted for the current investigation indicates that this site has not been registered on the OEH AHIMS site register.

Sub-surface archaeological test excavation of AHIMS site 45-5-4112

Sub-surface archaeological test excavation has recently been conducted at AHIMS site 45-5-4112. The investigation was conducted by KNC (2012c) for RMS as part of the proposed re-alignment of



Tallawong Road. The likelihood of sub-surface test excavation of the site for RMS was mentioned by GML (2012: 105). The test excavation was completed in June 2012.

A total of 40 excavation units were excavated at the site. Lots of four excavation units measuring 50 centimetres x 50 centimetres were combined to form 10 excavation points measuring 1 metre x 1 metre. A total of three artefacts were retrieved during excavation.

Moderate to high sub-surface disturbance was identified across the excavated area, most likely the result of vertical mixing from market gardening activities (KNC 2012c: 12). KNC (2012c: 12) note that very high disturbance resulting in the total loss of natural soil profiles was observed in several pits. The low density results across the upper slope / crest landform supported the low density character of archaeological deposit across similar landforms in the area identified by previous archaeological investigations (KNC 2012c: 12).

An area based AHIP was issued for site 45-5-4112 by OEH to RMS on 24 October 2012. The AHIP is valid for a period of five years and covers area of 69 and 71 Schofields Road (Lot 22 DP27220 and a portion of Lot 21 DP27220). The extent of site 45-5-4112 within the current study area is therefore covered by this AHIP.

4.4.3 Archaeological Implications

Three Aboriginal sites have been identified within the current study area. This includes an artefact scatter (AHIMS site 45-5-4188) within 59 Schofields Road, and an isolated find located within 65 Schofields Road, and an artefact scatter identified within 69 Schofields Road (AHIMS site 45-5-4112). The isolated find has not been registered on the OEH AHIMS site register.

Overall, the results of previous archaeological investigations suggest that large portions of the current study area have demonstrated high levels of disturbance and a corresponding low level of archaeological potential. This includes an assessment of the portion of First Ponds Creek within the current study area which indicated low potential for sub-surface archaeological deposit in that context (ENSR/AECOM 2008). An investigation of the proposed Schofields Road corridor that included the southern margin of the current study area did not identified any Aboriginal sites or areas of archaeological potential (KNC 2012b).

5.0 Predictions

5.1 Aboriginal land use

Assumptions about Aboriginal land use patterns are made on the basis of archaeological information gained from the local area, from observations made by Europeans after settlement of the area, and from information known about available natural resources.

As Aboriginal people were mobile hunter-gatherers, it would be likely that they moved across the landscape between resources. It would also be likely that movement was related to socio/cultural factors such as gatherings and ceremonial obligations. Campsites would have provided temporary residences such as bark structures. It is difficult to ascertain whether a campsite existed at a given location, but correlations between stone artefact density and campsites are often assumed. While it would be likely that knapping would have occurred at a campsite, it would also be likely that knapping would have occurred during movement across the landscape, as tools were prepared or repaired during hunting and gathering activities.

Archaeological data gathered in the locality suggests that artefacts would be found across the landscape in varying densities, with high density concentrations generally associated with watercourses.

5.2 Predictive model

Archaeological data gathered in the locality has demonstrated the widespread and varying use of the area by Aboriginal people. This predictive model comprises a series of statements about the nature and distribution of evidence of Aboriginal land use that is expected in the study area. These statements are based on the information gathered regarding;

- landscape context and landform units
- ethno historical evidence of Aboriginal land use
- distribution of natural resources
- results of previous archaeological work in the vicinity of the study area
- predictive modelling proposed in previous investigations

Predictive statements are as follows:

Stone artefacts will be the most likely Aboriginal site type within the study area. The OEH AHIMS site register search results indicate that open artefact sites have been the most frequently recorded site type in the area. Previous archaeological investigations have also highlighted that the majority of archaeological material will most likely be located in sub-surface contexts, with surface artefacts a representation of the sub-surface potential.

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A model of artefact distribution for the Cumberland Plain has been developed based on the results of extensive sub-surface archaeological investigation in the region (White and McDonald 2010). This information correlates with the results of excavation within the Second Ponds Creek valley (JMcD CHM 2005), which suggests that the areas of lowest artefact density have generally been identified in upper slope and crest landform contexts, compared with the highest artefact densities being identified in raised terrace landform contexts associated with high order watercourses.

The distribution of areas of high artefact density across the landscape presented in this model suggests that the only portion of the current study area that would be likely to contain areas of high artefact density would be in areas bordering First Ponds Creek. The remaining raised portions of the study area would, based on the stream order model and the results of excavation at Second Ponds Creek, be more likely to exhibit a varying low density artefact distribution.

However, the high levels of landform disturbance within the study area are likely to affect the integrity of potential sub-surface archaeological deposit. Previous disturbance along the First Ponds Creek corridor within the study area has been discussed by ENSR/AECOM (2008), and surface disturbance from market gardening and other activities has been described by GML (2012).

Scarred trees have the potential to occur where old growth trees are present. The area has been almost completely cleared of remnant woodland, meaning that the chance of extant old growth trees within the study area is very limited.

6.0 Field Methods

6.1 Site definition

An Aboriginal site is generally defined as an Aboriginal object or place. An Aboriginal object is the material evidence of Aboriginal land use, such as stone tools, scarred trees or rock art. Some sites, or Aboriginal places can also be intangible and although they might not be visible, these places have cultural significance to Aboriginal people.

OEH guidelines state in regard to site definition that one or more of the following criteria must be used when recording material traces of Aboriginal land use:

- The spatial extent of the visible objects, or direct evidence of their location.
- Obvious physical boundaries where present, e.g. mound site and middens (if visibility is good), a ceremonial ground.
- Identification by the Aboriginal community on the basis of cultural information.

For the purposes of this study an Aboriginal site was defined by the recording the spatial extent of visible traces or the direct evidence of their location.

6.2 Survey methodology

Survey of the study included investigation of 51, 55, 57, 59, 61, 63 and 65 Schofields Road, as well as 31 Tallawong Road. A visual inspection of 53 Schofields Road was made from neighbouring properties 51 and 55 Schofields Road. The remaining properties within the study area (see Figure 6) were not able to be accessed. Survey units were divided into the area west of Tallawong Road (Survey Unit 1) and east of Tallawong Road (Survey Unit 2).

Survey of properties 55, 57, 59, 61, 63 and 65 Schofields Road and 31 Tallawong Road was conducted on Monday 6 May 2013, and survey of 51 and 69 Schofields Road conducted on 16 May 2013.

The survey team included two archaeologists from Artefact Heritage, Josh Symons and Adele Anderson, and one representative of the DLALC, Steve Randall. Access to private properties had been previously arranged by Transport for NSW.

The survey involved accessing each property from Schofields Road or Tallawong Road, then walking across the property area to investigate general levels of disturbance and any areas of surface visibility. In areas where surface visibility was low, the survey team walked one linear transect to the rear of the property then one separate transect to the front of the property before moving to the next

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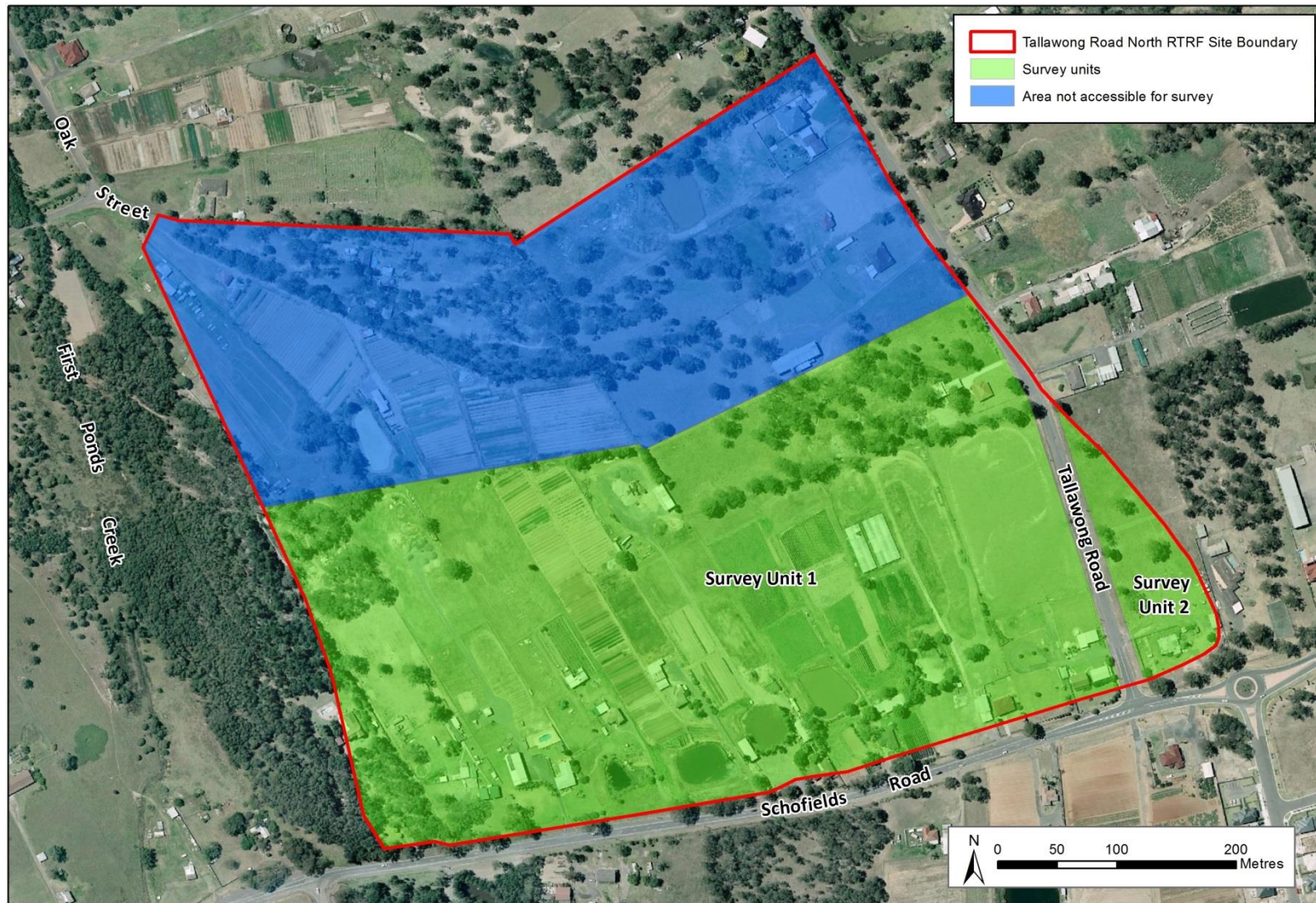
area of investigation. Where areas of surface visibility were larger, the survey team spread out to cover the greatest portion of those areas as possible.

Colour aerial photography and topographic maps of the study area were carried by the survey team in the field. Areas walked were marked on these maps during the survey. A non-differential GPS was carried by the survey team throughout the survey to log areas walked and to record Aboriginal sites and areas of archaeological potential.

Site recording forms were carried by the survey team to record details of identified Aboriginal sites and areas of archaeological potential. A camera was used as part of the recording process.

At arbitrary intervals throughout the survey, GPS waypoints were logged and photographs taken facing north, east, south and west at each of those locations. These waypoints and accompanying photographs served to provide extra information and a photographic record documenting the progress of the survey team.

Figure 6: Survey units and area not available for survey (aerial © Google 2013)



7.0 Field Survey

7.1 Effective survey coverage

The study area was covered by two survey units separated by Tallawong Road. The survey covered both landforms within the study area, which included slope and crest contexts.

A summary of survey coverage and landform survey coverage is provided in Table 2 below.

Table 2: Survey coverage

Survey Unit	Landform	Survey unit area (m2) (estimate)	Visibility (%)	Exposure (%)	Effective coverage area (m2)	Effective coverage (%)
1	Crest, slope	200,656	5	10	1003	0.5
2	Crest	11,667	5	10	58	0.5

7.2 Survey observations

The street frontage portions of each property, which generally included a house, associated sheds, a dam and vehicle access roads, were highly disturbed. Large-scale landform modification and introduced materials were observed across those portions of each property.

The amount of disturbance across the remainder of each property varied, but was generally high. Excavation works and large amounts of introduced materials formed into spoil piles were observed in the northern portions of 55 and 61 Schofields Road. Market gardening, including plough and furrow undulations were observed to some extent in 57, 59, 61, 63 and 65 Schofields Road. Market gardening was particularly extensive within 59 Schofields Road.

51 Schofields Road was a low-lying property with extensive disturbance associated with introduced gravels and soil mixing. The northern portion of the property was covered by pine trees and dense exotic vegetation.

Although 53 Schofields Road could not be accessed for the survey, a visual inspection was made from neighbouring properties 51 and 55 Schofields Road. The area was covered by very dense long grass and exotic vegetation, with 0% surface visibility. Undulations in the vegetation coverage indicated possible spoil mounds and drainage modification.

Overall, the accessed properties exhibited high levels of disturbance and low surface visibility. Frequent amounts of introduced materials were observed across areas of surface exposure, exposed sections of soil demonstrated soil horizon mixing, and some areas, particularly 31 Tallawong Road, where covered by dense and extensive piles of dumped rubbish.

7.3 Previously recorded sites

No previously unrecorded Aboriginal sites were identified during the field investigation. The location of three previously recorded sites were visited during the field survey and discussed below (see Figure 5).

AHIMS site number 45-5-4188

AHIMS site number 45-5-4188 was recorded by GML (2012) within 59 Schofields Road. The site was described as a scatter of artefacts identified across an area of extensive market gardening.

The site area was covered by dense weed vegetation which lowered surface visibility to less than 10%. Where the ground surface could be observed the soil profile appeared substantially mixed from market gardening activities. Observed surface undulations including large furrows which appeared in places to have been excavated over 100 millimetres into the underlying soil profile, the intermittent raised formations formed by deposition of nearby excavated soil into long mounds across the property.

The site area, as well as the majority of the property, appeared to be significantly disturbed. No surface artefacts were identified during the current site inspection.

Site '65 Schofields Road'

An isolated artefact was identified by GML (2012) within 65 Schofields Road. The site was described as an isolated silcrete artefact identified on a vehicle track exposure.

The site area consisted of an unsealed vehicle track that runs from the Schofields Road frontage to the northern extent of the property. The observed sections of track were disturbed and included introduced gravels. The area surrounding the vehicle track was covered by dense grass and exotic weed vegetation. No artefacts were identified during the current site inspection.

Plate 1: View north across AHIMS site 45-5-4188, 59 Schofields Road.



Plate 2: View south across AHIMS site 45-5-4188, 59 Schofields Road.



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Plate 3: View south across area where isolated artefact was identified at 65 Schofields Road.



Plate 4: Detail of introduced gravels across vehicle track, 65 Schofields Road.



AHIMS site number 45-5-4112

Surface artefacts at AHIMS site 45-5-4112 were originally recorded by GML (2011), with further documentation of the site for the NWRL EIS 1 by GML (2012). The site has also been the subject of sub-surface archaeological test excavation for the re-alignment of Tallawong Road. Based on the described location of artefacts within the property by GML (2012) and the location of the site as described by KNC (2012c), the site area covers the entirety of the property.

The current field investigation observed that the southern third of the property associated with a house and associated structures, as well as some landform modifications, indicated widespread disturbance in that area. The remaining northern portion of the property appeared relatively intact, with dense grass cover generally limiting surface visibility to less than 10%.

Back-filled archaeological test excavation pits were observed from KNC's (2012c) sub-surface investigations at the site in June 2012. They were located towards the northern portion of the property and within the proposed re-alignment corridor of Tallawong Road.

Plate 5: View south across AHIMS site 45-5-4112



Plate 6: View southeast across disturbed area in southern portion of AHIMS site 45-5-4112



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Plate 7: Back-filled archaeological test excavation unit at AHIMS site 45-5-4112



Plate 8: View west towards Tallawong Road across three back-filled test excavation pits



8.0 Analysis and Discussion

8.1 Levels of disturbance

Levels of disturbance across the study area were generally high. Substantial disturbance was identified within each property associated with houses, sheds, dams and access tracks. Substantial disturbances were also associated with market gardening, which was especially evident within 57 Schofields Road where AHIMS site 45-5-4188 was identified by GML (2012). Market gardening in that property had caused significant mixing of soil horizons.

Other observed disturbances were related to particular activities that have taken place in each property, such as large bund walls and surface excavation where large trucks and other machinery is stored in 59 Schofields Road, a large amount of introduced materials and soil mixing across 65 Schofields Road, large quantities of piled rubbish and spoil within 31 Tallawong Road, and other frequent smaller excavations and spoil mounds observed across several of the remaining properties.

8.2 Results discussion

Due to the high level of disturbance observed during the field investigation, the archaeological potential of the surveyed properties is low.

The location of two previously recorded sites within the study area, including AHIMS site 45-5-4188 and site '65 Schofields Road', were located in areas subject to significant disturbance. The observed disturbance included extensive mixing of the soil profile due to market gardening activities (AHIMS site 45-5-4188), and introduction of gravels and areas of surface disturbance in the vicinity of the recorded isolated artefact.

8.2.1 Properties not accessed

Observations from aerial photos and previous archaeological investigations in the area indicate that the properties not included as part of the field survey were characterised by similar land-use and landform modification as observed across the southern portion of the RTRF. Based on the continuity of land-use and landform characteristics in that area it is likely that the high levels of surface disturbance and consequent low archaeological potential would extend across that area as well.

9.0 Cultural Heritage Values

9.1 What are cultural heritage values?

This significance assessment has been undertaken in accordance with the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.

Cultural heritage consists of places, or objects, that are of significance to Aboriginal people. Cultural heritage values are the attributes of these places or objects that allow the assessment of levels of cultural significance.

9.2 What is cultural significance?

Assessing the cultural significance of a place or object means defining why a place or object is culturally important. It is only when these reasons are defined that measures can be taken to appropriately managing possible impacts on this significance. Assessing cultural significance involves two main steps, identifying the range of values present across the study area and assessing why they are important.

9.3 Social/cultural heritage values and significance

Social/cultural heritage significance should be addressed by the Aboriginal people who have a connection to, or interest in, the area. As part of the consultation process the registered Aboriginal stakeholder groups were asked to provide appropriate information on the cultural significance of the study area.

Tony Williams provided the following cultural information -

“My great grandfather is buried on the creek bed at Whither road which is in the proximity of the area, as a child I went with my fathers and seven brothers along what is second ponds creek which goes through the area of Tallawong Rd. There are a lot of sites around that area which are very significant to me (I cannot say the same for my brothers as they have passed over.)

There has been a lot of surveys conducted in the area and there is a lot that has not been surveyed. There are parties that are claiming to be Aboriginal people but in fact they are from other countries.

The Federal court in February 2011 gave 5 orders in the court about these organizations and they have to seek leave of the court and show proof of their Aboriginality before they can use the name of the Dharug people.

I am a registered Traditional Elder and I have not broken my traditions ties in respect to the area stated, as I still visit my grandfather's grave and will do so until I pass over. That is the purpose of why

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my father visited the area and that is the reason that I was asked by my fathers to live in the area which I have for the past 67 years to protect my families heritage.”

It is understood that the grave site that is referred to by Mr Williams is outside the current study area.

No further particular cultural information about the study area was provided by the stakeholders, although it is acknowledged that the study area is part of Country that has cultural importance to the local Aboriginal community.

9.4 Historic values and significance

Historic values refer to the association of the place with aspects of Aboriginal history. Historic values are not necessarily reflected in physical objects, but may be intangible and relate to memories, stories or experiences.

Previous archaeological investigations across the Cumberland Plain have documented evidence of interaction between Aboriginal people and the inhabitants and/or workers of early European land grants in the region (ENSR/AECOM 2009; Artefact Heritage 2013). Evidence of this interaction in the archaeological record can include items such as glass or ceramics that have been modified and used by Aboriginal people, with possible evidence of this interaction represented in the archaeological record.

9.5 Archaeological significance assessment

Archaeological significance refers to the archaeological or scientific importance of a landscape or area. This is characterised by using archaeological criteria such as archaeological research potential, representativeness and rarity of the archaeological resource and potential for educational values. These are outlined below:

- Research potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
- Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- Rarity: is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
- Education potential: does the subject area contain teaching sites or sites that might have teaching potential?

The archaeological significance of the three recorded Aboriginal sites within the study area is outlined in Table 3 below.

Table 3: Summary of significance values

Site Name / ID	Research Potential	Scientific / Archaeological Value	Representative Value	Rarity Value	Overall Significance
45-5-4112	Low	Low	Low	Low	Low
45-5-4188	Low	Low	Low	Low	Low
65 Schofields Road	Low	Low	Low	Low	Low

Both sites 45-5-4188 and the isolated artefact within 65 Schofields Road have been assessed as demonstrating low archaeological significance. Both site areas have been subject to extensive disturbance and do not have high representative or rarity values in the local context. AHIMS site 45-5-4188 was previously assessed by GML (2012) as demonstrating moderate archaeological significance. However, as discussed in Section 4.4, information provided in an earlier section of that report highlighted the poor integrity of the site. The current assessment indicates that the site area has been extensively disturbed which correlates with the initial description by GML of poor site integrity.

AHIMS site 45-5-4112 has been previously assessed by GML (2012) as demonstrating moderate scientific significance. The assessment was qualified with the condition that the significance of the site would need to be re-assessed once the results of sub-surface archaeological investigation at the site were known.

Sub-surface archaeological test excavation has been conducted at AHIMS site 45-5-4112 for the re-alignment of Tallawong Road. The findings of that sub-surface investigation demonstrated a very low density scatter of artefacts and subsequently KNC (2012c: 13) assessed the site as demonstrating low archaeological significance.

9.6 Aesthetic values and significance

Aesthetic values refer to the sensory, scenic, architectural and creative aspects of the place. These values may be related to the landscape and are often closely associated with social/cultural values. The majority of the study area has been highly modified and retains limited aesthetic values. The natural features of the landscape, including vistas of the surrounding area and the gentle slope down to First Ponds Creek can still be seen. However, the visual features of the landscape have been modified and altered by varying land uses and landform modification. The study area as a whole has been assessed as demonstrating low aesthetic significance. Aboriginal stakeholders did not provide further input on assessment of aesthetic values.

9.7 Statement of significance

The archaeological significance of the study area was found to be generally low due to high levels of disturbance resulting from development and semi-rural occupation. Three Aboriginal sites with low archaeological significance were located within the study area; including AHIMS site 45-5-4188, 45-5-4112, and the isolated artefact within 65 Schofields Road. The archaeological significance of the areas not yet surveyed is predicted to be low, but will be confirmed after a site inspection has been undertaken.

Aboriginal stakeholders have indicated that the study area has cultural significance as part of Country. Tony Williams identified that there are many places and sites in the vicinity of the study area that have high cultural significance to him, and the wider Darug community, but did not specify any sections of the study area as particularly culturally important.

The aesthetic and historical significance of the study area were found to be low.

Overall, the study area demonstrates low Aboriginal cultural heritage significance.

10.0 Avoiding and Minimising Harm

10.1 Summary of impacts

The following summary of impacts is based on information derived from Aboriginal community consultation, background research, and a field investigation of part of the study area.

The RTRF will incorporate infrastructure including train stabling and maintenance facilities, warehousing, administration and staff facilities, internal access and maintenance roads, and ancillary buildings for security, power supply, refuse disposal and hazardous material storage.

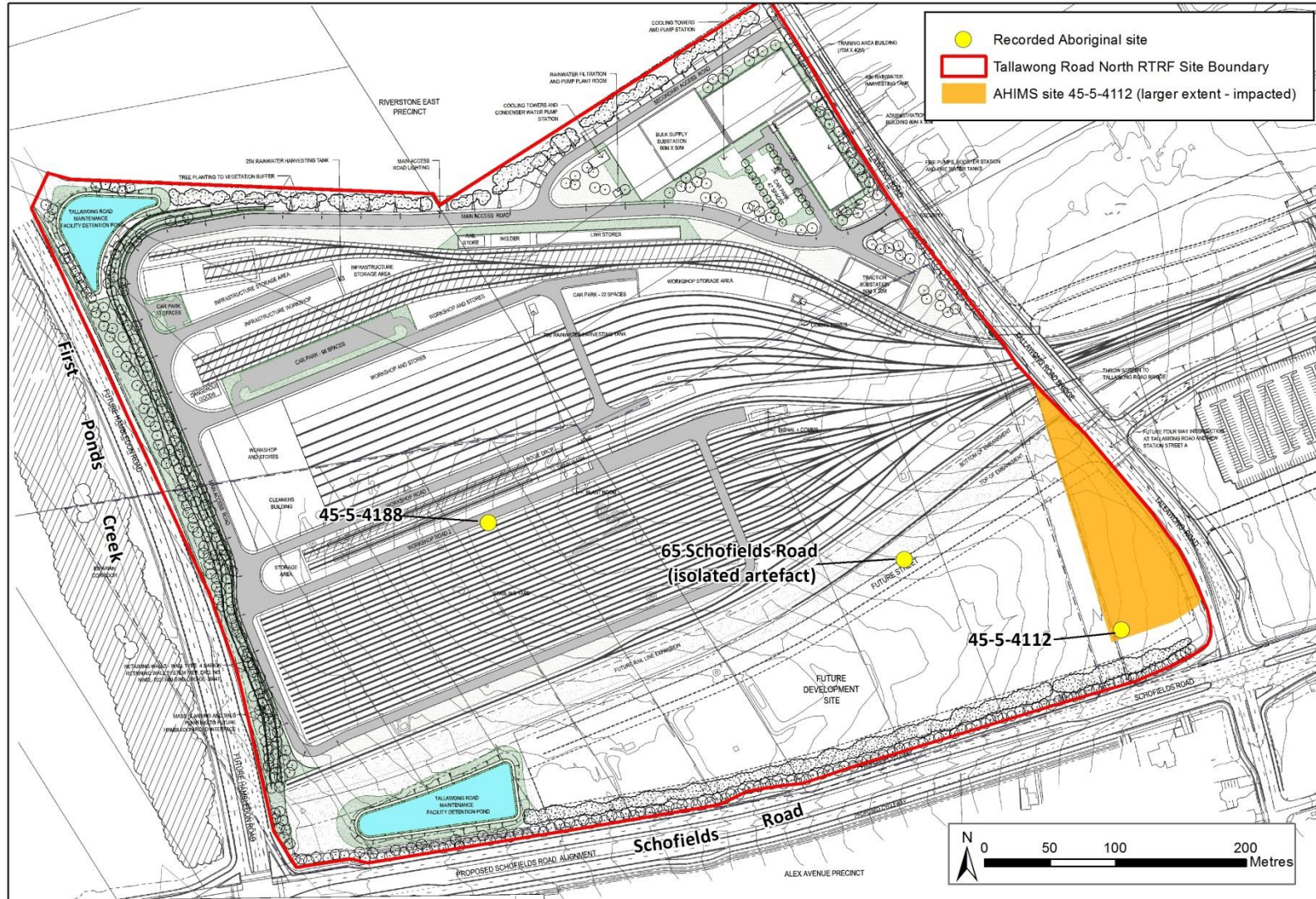
The proposal will impact directly on recorded Aboriginal sites 45-5-4188 and the site '65 Schofields Road'. Site location information overlaid onto the proposed Tallawong Road North option is shown in Figure 7.

The proposal will impact AHIMS site 45-5-4112. The RTRF layout plan indicates that the eastern portion of AHIMS site 45-5-4112 within the study area would be impacted by embankment works for the adjacent re-alignment of Tallawong Road with the remainder of the site extent within the study area being impacted by ground works. As discussed, it is likely that site 45-5-4112 will be impacted by the realignment of Tallawong Road, which is subject of a planning approval under Part 5 of the EP&A Act for the RMS associated with the Stage 1 Upgrade of Schofields Road. This impact is expected prior to works commencing on the RTRF proposal. It is therefore likely that site 45-5-4112 will be removed from the AHIMS register in the near future after impacts under the granted AHIP. RMS should therefore be consulted prior to impacts on site 45-5-4112.

Rapid Transit Rail Facility

...

Figure 7: Impact assessment



10.2 Ecological sustainable development (ESD) principles

Following the principals of the OEH *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (2010) as best practice, ESD principles are relevant to this CHAR when assessing harm and recommending mitigation measures in relation to Aboriginal objects.

The following relevant ESD principles are outlined in Section 3A of the *Environment Protection and Diversity Act 1999*:

- Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the ‘integration principle’).
- If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the ‘precautionary principle’).
- The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the ‘intergenerational principle’).

The RTRF proposal would adhere to the following ESD principles.

The Integration Principle

The RTRF proposal would comply with the Integration Principle in regard to Aboriginal heritage. The Aboriginal heritage values of the study area have been considered throughout planning for the proposed RTRF, and the development will not impact on areas of high scientific or cultural significance.

The Precautionary Principle

The RTRF proposal would be unlikely to affect the overall significance of identified Aboriginal cultural heritage values within the study area. There is no considerable scientific uncertainty as to the impacts of the project on heritage values. Predictive models have been used to assess the probable nature of the archaeological record within the study area, based on other studies in the locality.

The precautionary principle would nevertheless be adhered in the implementation of the proposed mitigation measures of salvage excavations and surface collection.

The Principle of Intergenerational Equity

The RTRF proposal was considered to adhere to this principle in regard to Aboriginal heritage as it will not impact on areas of high scientific or cultural significance.

10.3 Management and mitigation measures

10.3.1 Mitigation measures

Mitigation measures vary depending on the assessment of archaeological significance of a particular Aboriginal site and are based on its research potential, rarity, representatives and educational value. In general, the significance of a site would involve the following mitigation measures:

- Low archaeological significance – No further investigation required.
- Moderate archaeological significance – Conservation where possible. If conservation was not practicable, further archaeological investigation would be required such as salvage excavations or surface collection.
- High archaeological significance – Conservation as a priority.

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. The study area, which incorporates the location of the proposed centreline for the new track, ancillary facilities, and the possible extent of clearance and landscape modification, would impact on three identified Aboriginal sites.

Table 4: Impacts and mitigation measures for sites located within the study area.

Site ID	Site name	Site type	Significance	Type of harm	Degree of harm	Mitigation measures
45-5-4188	59 Schofields Road	Open artefact scatter	Low	Direct	Total	None
n/a	65 Schofields Road	Isolated find	Low	Direct	Total	None
45-5-4112	SCR/UPG 3	Open artefact scatter	Low	Direct	Total	None

No further archaeological investigation of recorded Aboriginal AHIMS site 45-5-4188, 45-5-4112, or '65 Schofields Road' is required. Surface collection was not suggested by the Aboriginal community as a mitigation measure for the impacted sites. As the sites have a low significance it is recommended that no mitigation measures are required.

An updated impact assessment for that portion of the site within the area marked for future development in Figure 7 should be conducted once those impacts are known and once the remainder of the study area has been surveyed.

10.3.2 Proposed management policy for Aboriginal heritage

Following submission of the EIS and approvals from the Director-General, future management of Aboriginal heritage within the RTRF proposal area should be included in either a stand-alone Aboriginal heritage management plan (AHMP) document or included within a construction environmental management plan (CEMP). Information included within the management document should include procedures of unexpected finds and Aboriginal heritage requirements of induction for all workers. Management measures for AHIMS site 45-5-4112 should be prepared in consultation with RMS.

Information that should be included within the CEMP should include procedures for dealing with unexpected finds and Aboriginal heritage requirements of induction for all workers.

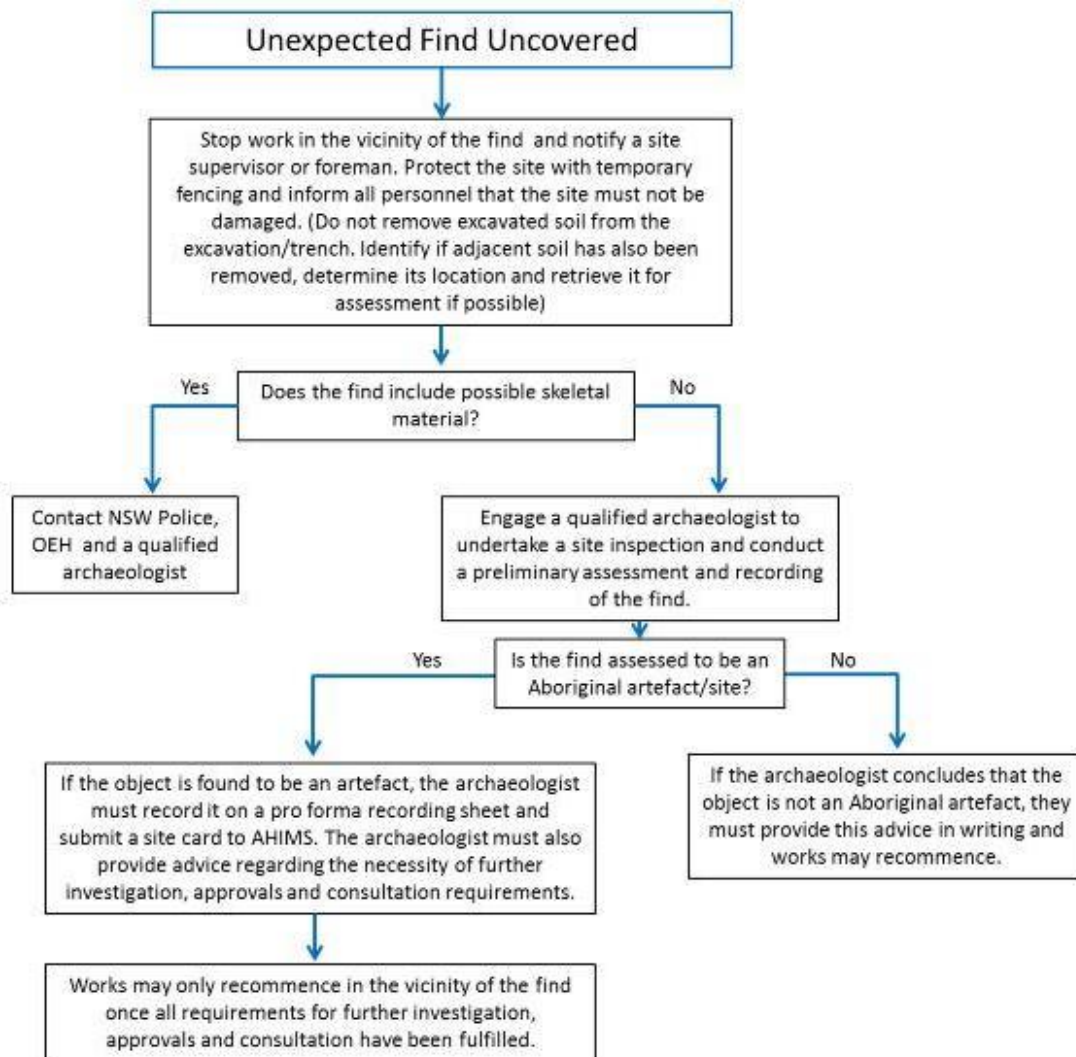
Unexpected finds

The CEMP should include a procedure for unexpected finds. If unexpected finds are encountered during works, all work should cease in the vicinity of the finds and a qualified archaeologist should be contacted to undertake a site inspection and determine whether or not the find is an Aboriginal object. If the find is assessed to be an Aboriginal object, the archaeologist must record it and submit a site card to the OEH AHIMS site register. The archaeologist must also assess the potential for further archaeological material in the surrounding area and provide recommendations regarding the need for further investigation, approvals and stakeholder consultation.

Works may only recommence in the vicinity of the find once all requirements for further investigation, approvals, recording and consultation have been fulfilled.

If suspected human skeletal remains are uncovered during works, all works must cease in the area. The NSW Police should be notified to provide details of the remains and their location. No recommencement of works in the vicinity of the skeletal remains can recommence until investigations by NSW Police have concluded. A flowchart outlining the unexpected finds procedure is included as Figure 8.

Figure 8: Unexpected finds procedure



Heritage induction

All employees, subcontractors and agents undertaking construction activities at the site should attend a heritage induction to ensure they understand and are aware of the nature of possible Aboriginal heritage finds, including burials. The induction could be included as part of the general site induction for all workers.

The induction would include a brief introduction to the legal obligations relating to Aboriginal heritage, and provide pictures of the most likely Aboriginal objects to occur within the study area. This would include pictures of different types of stone artefacts, reflecting the main raw materials and colour variations that occur within the region. The induction should also include information on the unexpected finds procedure, including the necessity to stop work immediately and notify a site supervisor or foreman.



10.3.3 Ongoing consultation with Aboriginal stakeholder groups

In principal, Aboriginal consultation should be ongoing throughout the life of the project with processes in place to involve the Aboriginal community. Appropriate circumstances for further Aboriginal consultation include, but would not be limited to, the discovery of Aboriginal skeletal remains, or proposed changes to heritage impacts at a later stage of the project. If there is an increased impact to a known Aboriginal site, or if a new area needs to be assessed to accommodate a change in the development design, the registered Aboriginal groups would be consulted.

10.3.4 Future survey of properties not accessed during the field survey

Background research and field results from the surveyed portion of the RTRF indicate that the properties not accessed for this investigation across the northern half of the study area would likely demonstrate similar high disturbance and low archaeological potential characteristics as observed across the survey area.

Following approval of the EIS and prior to impacts and archaeological field investigation of the properties not access during the current survey should be conducted. Based on the likely high disturbance across that area it would be appropriate to complete that surface investigation following approval of the EIS.

11.0 Legislative Context

This study has been undertaken in the context of several pieces of legislation that relate to Aboriginal heritage and its protection in New South Wales.

National Parks and Wildlife Act (1974)

The *National Parks & Wildlife Act 1974*, administered by the OEH provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84.

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal Places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is, of special significance to Aboriginal culture.

A Section 90 permit or Aboriginal Heritage Impact Permit (AHIP) is granted by the OEH. Various factors are considered by OEH in the AHIP application process, such as site significance, Aboriginal consultation requirements, ESD principles, project justification and consideration of alternatives. The penalties and fines for damaging or defacing an Aboriginal object have also increased.

As this project is being assessed under Part 5.1 of the EP&A Act 1979 permits issued under the NPW Act 1974 are not required.

Aboriginal Land Rights Act (1983)

The *Aboriginal Land Rights Act 1983* is administered by the NSW Department of Human Services - Aboriginal Affairs. This Act established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the Act to; (a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and (b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area was located within the boundaries of the Deerubbin Local Aboriginal Land Council (DLALC).

Native Title Act (1994)

The *Native Title Act 1994* was introduced to work in conjunction with the Commonwealth Native Title Act. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act. No active Native Title claims occur within the study area.

Environmental Planning and Assessment Act (1979)

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the framework for

• • •

cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development.

The RTRF proposal will be assessed under Part 5.1 of the EP&A Act, which establishes an assessment and approval regime for SSI. Part 5.1 applies to development that is declared to be SSI by a State Environmental Planning Policy (SEPP). Section 115ZG of the EP&A Act specifies that approvals or permits under section 90 of the NPW Act 1974 are not required for approved SSI. However, approval from the Minister of Planning and Infrastructure is required and an EIS must be submitted. The EIS must address the impact of the RTRF proposal on Aboriginal sites and Aboriginal places, through the framework of existing heritage legislation including the NPW Act 1974 and the 2005 DEC draft Aboriginal cultural heritage impact assessment and community consultation guidelines.

12.0 Recommendations

The following recommendations were based on consideration of:

- Statutory requirements under the NPW Act and the EP&A Act.
- The results of background research.
- A survey of a large portion of the study area.
- The interests of the Aboriginal stakeholder groups.

It was found that:

- Three Aboriginal sites, AHIMS site 45-5-4112, 45-5-4188 and site '65 Schofields Road' were located within the study area.
- No previously unrecorded Aboriginal sites were identified during the field survey.
- The location of AHIMS site 45-5-4188, 45-5-4112 and '65 Schofields Road' were revisited during the field survey.

It is therefore recommended that:

- No further archaeological investigation is required at AHIMS site 45-5-4188, AHIMS site 45-5-4112 or AHIMS site '65 Schofields Road'.
- Consultation with RMS should continue in relation to future management of impacts to AHIMS site 45-5-4112.
- Field survey of those properties not accessed for the current field investigation would be conducted prior to impacts occurring. If Aboriginal sites are located further management measures and Aboriginal consultation may be required.
- Following the completion of the CHAR, community consultation and Part 5.1 approval, a management plan should be prepared that outlines continuing management of Aboriginal cultural heritage values within the study area. Any management measures for AHIMS site 45-5-4112 should be prepared in consultation with RMS.
- An OEH AHIMS site recording form should be completed for site '65 Schofields Road' and submitted to the register.

13.0 References

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Appendix A: Aboriginal stakeholder comments

Tony Williams
1 Pyrenees Way
Beaumont Hills 2155
Mobile 0410 571607
Home 88246991

21 May 2013

Dear Dr.Sandra Wallace"

I write to you in reference of your invitation to register interest in the Rapid Transit Rail Facility.

As an Aboriginal elder and a registered traditional owner I would like to put myself forward.

Yours truly

A handwritten signature in cursive script, appearing to read 'A J Williams', written in dark ink.

A J Williams

Ajw08@tpg.com.au

TIME RECEIVED
June 25, 2013 11:49:34 AM GMT+10:00

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Darug Aboriginal Cultural Heritage Assessments

ABN 51734106483

Gordon Morton Associates

Mob: 0422 865 888
Fax: 45 677 421

Celestine Everingham
90 Hermitage Rd., Kurrajong Hills, 2758
Ph/Fax: 45677 421
Mob: 0432 528 896

25.6.13

Attention

Darug Cultural
Artefact

re: Capital Transit Rail Facility project,
Schepfields

DACTH wish to register their interest
in the Schepfields Project. We wish to be
consulted at all times and be involved in
any fieldwork. We look forward to
working with you on this important
Darug landscape.

Yours Sincerely,
C. Everingham

Darug Aboriginal Landcare

(Uncle Desmond Ernest Dyer)



**18 a Perigee Close
Doonside
NSW 2767
ABN 71 301 006 047**

Dr.Sandra Wallace
Archaeologist
Artefact

Re: Tallowing Rd Schofields

Dear Sandra,

The Darug Aboriginal Landcare has read the report and we have no objections to the proposed area of development.

We agree with the recommendation of the Archaeological Methodology in the report of the Aboriginal Cultural Heritage.

We would like to register to be consulted and take part in any field survey or test excavation that take place.

Respectfully yours,
Des Dyer
Site Officer
Darug Aboriginal Land Care
Fax (02) 88 14 95 47
Mobile 0408 360 814

DARUG - LAND - OBSERVATIONS



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



15-5-2013

Dr Sandra Wallace
Principal Archaeologist Artefact Heritage

Notification and Registration of ALL Aboriginal Interests
Re: *Raid Transit Rail Facility*

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

This office specializes in Aboriginal and community consultation. An has a membership that comprises of Traditional owners from the area in question those retain strong story and song lines and oral history and continued contact. We would also like to state that we do not except or support any person or organization that are NOT from the DARUG Nation that comments regarding the said area.

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

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

Yours faithfully

Uncle
Gordon Workman
Darug Elder

Sites Officer

Sandra Wallace

From: Maria Cotter <maria@tocomwall.com.au>
Sent: Friday, 21 June 2013 11:25 AM
To: sandra.wallace@artefact.net.au
Subject: Aboriginal Community Consultation, Aboriginal Cultural Heritage Management
RAPID TRANSIT RAIL FACILITY (RTRF) PROJECT TALLOWING ROAD, SCHOFIELDS

Importance: High

Dear Sandra,

I am writing this email to you in response to the letter dated 18 June 2013 that you forwarded to Mr Scott Franks, Director of Tocomwall Pty Ltd regarding the abovementioned Project . I note that you forwarded the letter to Mr Franks because he is a registered Aboriginal Stakeholder in this Project.

In regard to your letter the following matters need further clarification before any truly informed response can be provided to you in regard to the methodology you propose for this project:

- Fundamentally, your letter does not specifically outline a methodology for the project but reports past investigations. It is difficult to respond therefore to the request for comment on the 'current' project methodology.
- If actions (such as sub-surface archaeological test excavations) have already been undertaken (as you indicate they have for AHIMS Site 45-5-4112) then this is problematic. Without prior Aboriginal Community Stakeholder Consultation including comment on the methodology undertaken for these sub-surface investigations it would appear that these investigations are not in compliance with Requirement 15 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* ["the Code"] (DECCW, 2010a).
- If, as I would expect, Aboriginal consultation has previously occurred in regard to the sub-surface investigation of AHIMS Site 45-5-4112 then documentation of the method and outcomes would presumably have already been forwarded to community stakeholders. To my knowledge Yarrawalk (i.e. TOCOMWALL Pty Ltd) has not received any prior information from you regarding the project. Any and all explanation as to the reasons for this would be appreciated. More importantly though it would be beneficial if this information was now provided to TOCOMWALL, to help in current decision making for the Project.
- It appears that the sub-surface investigations have occurred in the context of investigations permitted under the 2010 amendments to the National Parks & Wildlife Act (NP&W Act) rather than as actions undertaken in accordance with a s87 AHIP. If this is the case then the fundamental question has to be asked as to why you make reference (and indicate your use of) the 2004 Interim Community Consultation Guidelines for Applicants because these are no longer operational in the context of the new Act. These interim guidelines have been replaced by the document *Aboriginal cultural heritage requirements for proponents 2010* (DECCW, 2010b).
- I am aware that you make mention of the protocol for Aboriginal Stakeholder Involvement in the Assessment of Aboriginal heritage in the Sydney Growth Centres (i. e. The GCC Aboriginal consultation protocol). I admit I am neither aware of the content or status of this 'protocol'. However, if it relies only on the interim consultation guidelines which are not applicable to the current legislative requirements for Aboriginal cultural heritage-and are also out of step with Requirement 15 of "the Code" which you have applied in this Project - then without update this 'Protocol' is of concern since it would appear to put you and others who work with you at risk of being in breach of the NP&W Act and its Regulations.

I am hoping that your further clarification of these matters will allay the concerns I have raised. IN particular some further background as to the Aboriginal Community Consultation and investigative processes that have previously occurred, the legislative, policy and protocol frameworks in which this has happened; and a clearer explanation as to the methodologies adopted previously and that which is to be applied would be beneficial.

Kind regards,

Maria Cotter

Dr Maria Cotter (Geoarchaeologist)
Cultural Landscape Programs Manager
TOCOMWALL PTY LTD
PO Box 76 Carringbah NSW 1495

ARMIDALE OFFICE
PO Box 1262 Armidale 2350
Email: maria@tocomwall.com.au
Mobile: 0409510874 Fax: 0295244146



Darug Aboriginal Cultural Heritage Assessments

ABN 51734106483

Gordon Morton & Associates

Mob: 0422 865 831

Fax: 45 677 421

Celestine Everingham

90 Hermitage Rd. Murrumbidgee Hills, 2758

Ph/Fax: 45677 421

Mob: 0432 528 891

24.7.13

Attention:

Sandra Wallall
Artefact

re Tallawong Road Rapid Transit Rail Facility

DACHA have reviewed your proposed
management and mitigation measures and we
support your aims and objectives. DACHA wishes
to be consulted if any changes are made to
the project and be involved in any future
fieldwork.

Yours Sincerely,
C. Everingham

Cultural Heritage – Building respect for the past and Conservation for the future

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Appendix B: Consultation log

Tallawong RTRF Consultation Log

Contact / Organisation	Contacted By / Organisation	Method	Date / Time	Comments
Blacktown Sun	Artefact Heritage	Advertisement	14 May 2013	Advertisement in local newspaper
Office of the Registrar ALA	Artefact Heritage	Letter	16 May 2013	Agency contact
Campbelltown City Council	Artefact Heritage	Letter	16 May 2013	Agency contact
Hawkesbury Nepean CMA	Artefact Heritage	Letter	16 May 2013	Agency contact
National Native Title Tribunal	Artefact Heritage	Letter	16 May 2013	Agency contact
NTSCORP	Artefact Heritage	Letter	16 May 2013	Agency contact
OEH EPRG	Artefact Heritage	Letter	16 May 2013	Agency contact
DLALC	Artefact Heritage	Letter	16 May 2013	Agency contact
Hawkesbury Nepean CMA	Artefact Heritage	Email	17 May 2013	The Hawkesbury Nepean CMA has no interest in this project, and will pass your letter on to the members of our Aboriginal Advisory Committee for their information and comment.
Artefact Heritage	NNTT	Email	21 May 2013	Letter advising that there are no native title claims within the Schofields / Rouse Hill area.
Artefact Heritage	OEH EPRG	Letter	23 May 2013	Provided a list of Aboriginal stakeholders known to OEH that may have an interest in the project.
Artefact Heritage	ORALA	Letter	24 May 2013	Letter advising that here are no registered Aboriginal owners within the Rouse Hill and Schofields area.
Artefact Heritage	Blacktown Council – Sue Galt	Email	24 May 2013	Email with list of Aboriginal stakeholders in the LGA
Artefact Heritage	DLO	Email	15 May 2013	Emailing request to be included as a stakeholder
Artefact Heritage	Tony Williams	Letter	21 May 2013	Letter requesting to be included as a registered stakeholder.
Celestine Everingham and Gordon Morton / DACHA	Sandra Wallace / Artefact Heritage	Letter	19 June 2013	Study methodology sent
Des Dyer / DALC	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
Leanne Watson / DCAC	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
Gordon Workman / DLO	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
DTAC	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
Cherie Carroll Turrise / GWCHAC	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent

Contact / Organisation	Contacted By / Organisation	Method	Date / Time	Comments
Scott Franks	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
DLALC	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
Tony Williams	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
Amanda Hickey Cultural Services	Sandra Wallace / Artefact Heritage	Email	19 June 2013	Study methodology sent
Sandra Wallace / Artefact Heritage	Maria Cotter/Tocomwal	Email	21 June	Email in response to study methodology outlining clarification on aspects of the methodology, approval pathway and relation to of current project to previous studies such as excavations at 69 Tallawong Rd.
Sandra Wallace / Artefact Heritage	Des Dyer/ DALCI	Email	24 June	Supported methodology
Sandra Wallace / Artefact Heritage	Celestine Everingham/DACHA	Fax	26 June	Registered an interest and let us know they wisj to be involved in the project.
Sandra Wallace / Artefact Heritage	Tony Williams	Email	26 June	Discussed connection to land a possible burials in the vicinity
Sandra Wallace / Artefact Heritage	Maria Cotter/Tocomwal	Phone	26 June	Maria Cotter called to say she was happy with the clarifications and that they would wait to comment after they had received the draft CHAR
Celestine Everingham and Gordon Morton / DACHA	Sandra Wallace / Artefact Heritage	Letter	8 July	Sent copy of draft CHAR for review
Des Dyer / DALC	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
Leanne Watson / DCAC	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
Gordon Workman / DLO	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
DTAC	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
Cherie Carroll Turrise / GWCHAC	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
Scott Franks	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
DLALC	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
Tony Williams	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
Amanda Hickey Cultural Services	Sandra Wallace / Artefact Heritage	Email	8 July	Sent copy of draft CHAR for review
DACHA	Celestine Everingham/DACHA	Fax	24 July	Comments on draft CHAR

Appendix C: Advertisement

North West Rail Link



Aboriginal Cultural Heritage Assessment

Invitation to Register Interest – Rapid Transit Rail Facility.

Transport for NSW (TfNSW) is seeking Expressions of Interest from Aboriginal groups and individuals who would like to be consulted about the above facility.

The Rapid Transit Rail Facility is proposed as a separate but complementary development to the North West Rail Link. The project area is approximately 36ha on the western side of Tallawong Road, Rouse Hill near Schofields Road.

The Facility is planned to include stabling yards, maintenance service areas, administration facilities, landscaping and parking.

The purpose of the Aboriginal community consultation is to assist the Director-General of the Department of Planning & Infrastructure in determination of the State Significant Infrastructure application under the Environmental Planning and Assessment Act 1979.

TfNSW wishes to consult with all Aboriginal persons and organisations who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the proposed Rapid Transit Rail Facility project area.

Anyone interested should register in writing, providing their name, address, and phone number.

Submissions should be registered with TfNSW c/o Dr Sandra Wallace, Principal Archaeologist, Artefact Heritage, P.O. Box 772 Rose Bay NSW 2029 by May 31 2013, providing the information requested above.

**For further information, please call
Dr Wallace on (02) 9025 3958**

Contact

Website: www.northwestrail.com.au
Email: info@northwestrail.com.au

northwestrailink

Appendix D: Agency letters



**Office of
Environment
& Heritage**

Our reference: DOC13/22985

Attn: Dr Sandra Wallace
Artefact Heritage Services
PO Box 772
ROSE BAY NSW 2029

Dear Dr Wallace,

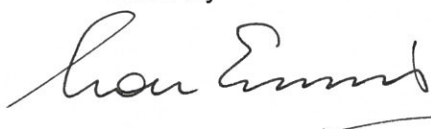
Thank you for your letter dated 16/5/2013 to the Office of Environment and Heritage (OEH) regarding obtaining a list of the Aboriginal stakeholders that may have an interest in the Rapid Transit Rail Facility, Rouse Hill.

Please find attached the list of Aboriginal stakeholders known to OEH that may have an interest in the project.

As the Department of Planning and Infrastructure (DP&I) is the approval authority for this project, the consultation process should be in accordance with the relevant guidelines as stipulated by DP&I.

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

Yours sincerely

 23/5/13

LOU EWINS
Manager Planning & Aboriginal Heritage
Environment Protection and Regulation
Office of Environment and Heritage
Department of Premier and Cabinet

Aboriginal Stakeholders that may have an interest in the Western Sydney area and surrounds

Darug Custodial Aboriginal Corporation	Leanne Watson	02 4577 5181 / 0415 770 163	PO Box 81, Windsor NSW 2756
Darug Tribal Aboriginal Corporation	Sandra Lee	02 9622 4081	PO Box 441, Blacktown NSW 2148
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	02 4567 7421 or 0422 865 831	90 Hermitage Rd, Kurrajong Hills NSW 2758
Darug Land Observations	Gordon Workman	0415 663 763/ fax 02 9831 8868	PO Box 571, Plumpton, NSW 2761
Darug Aboriginal Land Care Inc	Des Dyer	0408 360 814	18a Perigee Close, Doonside 2767
Gunjeewong Cultural Heritage Aboriginal Corporation Scott Franks	Cherie Carroll Turrise	(02) 6355 4110 0404 171 544	1 Bellvue Place, Portland NSW, 2847 * Cherie is Ngunnawal Elder however lived in the Western Sydney area during her childhood. She recognises she is not from the area but has associations.
			PO Box 76, Caringbah NSW 1495
			2/9 Tindale St, Penrith NSW 2750
Deerubbin LALC – Blacktown LGA	Kevin Cavanagh	(02) 4724 5600	41 Dempsey Street, Emu Heights, NSW 2750
Amanda Hickey Cultural Services	Amanda Hickey	0434 480 588	*Amanda is Wonnarua

Dr Sandra Wallace
Principal Archaeologist
Artefact Heritage
PO Box 772
ROSE BAY NSW 2029

24th May, 2013

Dear Dr Wallace

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 16th May, 2013 regarding Aboriginal stakeholders within the Rouse Hill and Schofields area in NSW.

I have searched the Register of Aboriginal Owners and the project area described does not have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983* (NSW).

I suggest you contact Deerubbin Local Aboriginal Land Council. They will be able to assist you in identifying other Aboriginal stakeholders for this project.

Yours sincerely



Shannon Williams

Project Officer

Office of the Registrar, *Aboriginal Land Rights Act* (1983)



National
Native Title
Tribunal



21 May 2013

Sandra Wallace
PO Box 772
Rose Bay NSW 2029

Sydney Office, Operations East

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

Our Reference: 5483/13MO

Dear Dr Wallace

**Native Title Search Results for Schofields and Rouse Hill within Blacktown Local
Government Area**

Thank you for your search request received on 20 May 2013 in relation to the above area.

Search Results

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

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

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

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

Tribunal accepts no liability for reliance placed on enclosed information



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

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

Yours sincerely

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

Melissa O'Malley | RECEPTIONIST/CLIENT SERVICES OFFICER

National Native Title Tribunal | Sydney Office

Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000

Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email melissa.o'malley@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

Facilitating timely and effective outcomes.



Searching the NNTT Registers in New South Wales

Search service

On request the National Native Title Tribunal may search its public registers for you. A search may assist you in finding out whether any native title applications (claims), determinations or agreements exist over a particular area of land or water.

In New South Wales native title cannot exist on privately owned land including family homes or farms.

What information can a search provide?

A search can confirm whether any applications, agreements or determinations are registered in a local government area. Relevant information, including register extracts and application summaries, will be provided.

In NSW because we cannot search the registers in relation to individual parcels of land we search by local government area.

Most native title applications do not identify each parcel of land claimed. They have an external boundary and then identify the areas not claimed within the boundary by reference to types of land tenure e.g., freehold, agricultural leasehold, public works.

What if the search shows no current applications?

If there is no application covering the local government area this only indicates that at the time of the search either the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claims.

It does not mean that native title does not exist in the area.

Native title may exist over an area of land or waters whether or not a claim for native title has been made.

Where the information is found

The information you are seeking is held in three registers and on an applications database.

National Native Title Register

The National Native Title Register contains determinations of native title by the High Court, Federal Court and other courts.

Register of Native Title Claims

The Register of Native Title Claims contains applications for native title that have passed a registration test.

Registered claims attract rights, including the right to negotiate about some types of proposed developments.

Register of Indigenous Land Use Agreements

The Register of Indigenous Land Use Agreements contains agreements made with people who hold or assert native title in an area.

The register identifies development activities that have been agreed by the parties.

Schedule of Native Title Claims

The Schedule of Native Title Claims contains a description of the location, content and status of a native title claim.

This information may be different to the information on the Register of Native Title Claims, e.g., because an amendment has not yet been tested.

How do I request a native title search?

Download the Search Request Form from the Tribunal's website at -

<http://www.nntt.gov.au/Applications-And-Determinations/Registers/Pages/Search-The-Tribunal-Registers.aspx>

Email to: NSWEnquiries@nntt.gov.au

Post to: GPO Box 9973 Sydney NSW 2001

For additional enquiries: 02 9227 4000

Western Sydney Aboriginal Stakeholder Groups – provided by Council

Deerubbin Local Aboriginal Land Council
Level 2-9 Tindale Street
Penrith NSW 2750
Contact: Kevin Cavanagh
Phone: 747-245600

Email: staff@deerubbin.org.au
Website: www.deerubbin.org.au

Ms Leanne Wright
Chairperson
Darug Custodian Aboriginal Corporation
PO Box 81
WINDSOR NSW 2756

Phone: (02) 4577 5181
Mobile: 0415 770 163
Fax: (02) 4577 5098

Sandra Lee
Chairperson
Darug Tribal Aboriginal Corporation
PO Box 441
BLACKTOWN NSW 2148

Mr Gordon Morton
Chairperson
Darug Aboriginal Cultural Heritage Assessments
90 Hermitage Road
KURRAJONG HILLS NSW 2758

Contact 1: Gordon Morton
Phone: (02) 9625 0005
Fax: (02) 4567 7421

Contact 2: Celestine Everingham
Phone/Fax: (02) 4567 7421
Mobile: 0432 528 896

Mr Scott Franks
Yarrawalk/Tocomwall
PO Box 76
CARINGBAH NSW 2229

Email: yarrawalk@tpg.com.au

Mr Gordon Workman
Darug Land Observations
PO Box 571
PLUMPTON NSW 2761

Mr Des Dyer
Darug Aboriginal Land Care
18A Perigee Close
DOONSIDE NSW 2767

Mobile: 0408 360 814

Ms Cherie Carroll Turrise
Gunjeewong Cultural Heritage Aboriginal Corporation
1 Bellevue Place