Appendix B
What is Aboriginal Cultural Heritage?

Definition/description of Aboriginal cultural heritage as used in the Department of Environment, Climate Change and Water (now the Office of Environment and Heritage) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history. It provides evidence of the lives and existence of Aboriginal people before European settlement through to the present.

Aboriginal cultural heritage is dynamic and may comprise physical (tangible) or non-physical (intangible) elements. It includes things made and used in traditional societies, such as stone tools, art sites and ceremonial or burial grounds. It also includes more contemporary and/or historical elements such as old mission buildings, massacre sites and cemeteries. Tangible heritage is situated in a broader cultural landscape and needs to be considered in that context and in a holistic manner.

Aboriginal cultural heritage also relates to the connection and sense of belonging that people have with the landscape and with each other. For Aboriginal people, cultural heritage and cultural practices are part of both the past and the present and that cultural heritage is kept alive and strong by being part of everyday life.

Cultural heritage is not confined to sites. It also includes peoples’ memories, story-lines, ceremonies, language and ‘ways of doing things’ that continue to enrich local knowledge about the cultural landscape. It involves teaching and educating younger generations. It is also about learning and looking after cultural traditions and places, and passing on knowledge. It is enduring but also changing. It is ancient but also new.

Aboriginal cultural heritage provides crucial links between the past and present and therefore represents an essential part of the identities of Aboriginal people and all Australians.
Appendix C
Examples of Local Government Brochures Addressing Aboriginal Cultural Heritage/Sites and the Development Application and Assessment Process

- Parramatta City Council
- Eurobodalla Shire Council
- Sutherland Shire Council
- Hornsby Shire Council
Protection of Aboriginal Heritage in Parramatta

June 2004

Artwork by Janny Eastwood
1. **HOW IS ABORIGINAL HERITAGE PROTECTED IN PARRAMATTA?**

Aboriginal heritage is protected in Parramatta under the Parramatta Heritage and Conservation Local Environmental Plan 1996 and the Parramatta Regional Environmental Plan (Sydney Regional Environmental Plan No. 28 - Parramatta). These planning controls require the Council to consider the impact of development on known or potential Aboriginal archaeological sites or sites of cultural or historical significance to Aboriginal people.

When development applications are lodged for such sites, the Council must also consider an Aboriginal Heritage Assessment along with advice from the National Parks and Wildlife Service and local Aboriginal communities.

2. **WHAT IS AN ABORIGINAL HERITAGE ASSESSMENT?**

An Aboriginal Heritage Assessment is usually carried out by an archaeologist, to determine the impact of a proposed development on a known Aboriginal site and/or to survey the land to locate any Aboriginal sites.

Assessments are carried out in consultation with local Aboriginal communities. Some sites may not contain a relic but may be of social, cultural or historical significance to the Aboriginal community. The impact of the proposed development in this context is considered in assessments for such sites.

A preliminary assessment, also carried out by a suitably qualified person, may indicate that the development proposal will not impact on a known or potential Aboriginal site, so a full site survey and/or impact assessment is not required.

Aboriginal Heritage Assessments should be undertaken before the lodgment of a development application and the proposed development should take into account the findings of the assessment. The assessment is then submitted with the development application and will be referred by Council to local Aboriginal communities and the National Parks and Wildlife Service for review.

3. **HOW DO I FIND OUT IF MY PROPERTY CONTAINS AN ABORIGINAL SITE?**

Council has a database of known Aboriginal archaeological and historic/cultural sites and information about the location of land that could contain Aboriginal sites. An Aboriginal site may contain physical evidence of surface or sub-surface Aboriginal heritage, including items and remnants of occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and carved trees or sharpening grooves. There are also areas and places that are of social/historical association to Aboriginal people. These sites may not contain any surface or sub-surface physical evidence of Aboriginal heritage, but have associations and historical significance to Aboriginal people living within the area or with a connection to the area.

Properties likely to contain Aboriginal sites have been identified on a 'sensitivity map' and this information is available on the Council’s Geographical Information System. The sensitivity mapping identifies the potential of an area to contain Aboriginal sites, that is, sites that retain physical evidence of Aboriginal heritage. The relative sensitivities include high, medium, low and no sensitivity. Sites with high sensitivity that are known to contain an Aboriginal site are also mapped to within a 50 metre radius. The mapping also identifies areas that are of social/historical association to Aboriginal People.

<table>
<thead>
<tr>
<th>High sensitivity</th>
<th>known sites (within 50m radius), areas with high archaeological potential, undisturbed natural landscape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium sensitivity landscape</td>
<td>some archaeological potential, partially disturbed landscape</td>
</tr>
<tr>
<td>Low sensitivity</td>
<td>largely disturbed landscape</td>
</tr>
<tr>
<td>No sensitivity</td>
<td>totally disturbed landscape, reclaimed area</td>
</tr>
<tr>
<td>Areas of social/historical association</td>
<td>areas identified as having some significance to present day Aboriginal people through current social or historical connections</td>
</tr>
</tbody>
</table>

Protection of Aboriginal Heritage in Parramatta
Before lodging a development application for development that may have an impact on known or potential Aboriginal sites, you need to find out the sensitivity classification of your property to determine if you need to submit an Aboriginal Heritage Assessment. You can do this by contacting Council’s Customer Service Centre on 9606 5000.

4. HOW DO I KNOW IF I HAVE TO SUBMIT AN ABORIGINAL HERITAGE ASSESSMENT?

Once you have found out about the sensitivity classification of your property, you should follow the guidelines below.

Properties identified with No Sensitivity

No Aboriginal Heritage Assessment required.

Properties identified with Low Sensitivity

No Aboriginal Heritage Assessment required unless:
1. Your land is within 100m metres of a creek or river foreshore and
2. Your property contains uncleared bushland, sandstone outcrops or exposed sandstone platforms and;
3. Your proposed development affects any of the above features.

Properties identified as Medium Sensitivity or High Sensitivity

Aboriginal Heritage Assessment required.

Properties within 50 metres of a known Aboriginal site

Sites containing an identified Aboriginal site or place of significance are mapped to within a 50m radius. All land within this radius is identified as high sensitivity under the Sensitivity mapping. These sites are based on the National Parks & Wildlife Service Site Register (Aboriginal Heritage Information Management System). More information on these sites can be obtained from National Parks and Wildlife Service Ph: (02) 9586 6470, Fax: (02) 9586 6329, email: animal@npws.nsw.gov.au

If you wish to carry out development on a property within the 50m high sensitivity radius of a known site, an Aboriginal Heritage Impact assessment of your property may have to be carried out before you lodge a development application. You should contact the National Parks and Wildlife Service Site Register (see above contact details) to determine whether the Aboriginal site is located on your property.

- If the known Aboriginal site is located on your property, your development becomes Integrated Development. This means there are specific processing requirements for your application that will involve the National Parks and Wildlife Service. You can find out more information about this process from Council’s Development Assessment staff.

- If the known Aboriginal site is not on your property, you may still need to have an Aboriginal Heritage Assessment undertaken for your property. You should consult Council’s Duty Planner on 9606 5108 to determine the sensitivity of the surrounding land outside the 50 metre radius area. If the surrounding land has high or medium sensitivity, it will be necessary to have an Aboriginal Heritage Assessment undertaken for your property. If the surrounding land is of low sensitivity, then an Aboriginal Heritage Assessment is not required unless the criteria outlined above for low sensitivity areas are met.

- If the Site Register records are insufficient to determine the precise boundaries or size of the known Aboriginal site, any parcel within the 50m radius will require an Aboriginal Heritage Assessment.

Properties within an area of Aboriginal social/historical association

Land within an area of social/historical association will require an Aboriginal Heritage Assessment that investigates the impact of a development proposal in relation to the social/historical association. Council’s information document on the Arts and Cultural Plan Process explains how the social/historical/cultural significance of the site can be taken into account in the development of the land.
5. HOW DO I GET AN ABORIGINAL HERITAGE ASSESSMENT PREPARED?

The Australian Association of Consulting Archaeologists has a register of consultants on its web site
www.aacai.com.au or ph: (02) 4267 4547.

In the region of Parramatta there are three Local Aboriginal Land Councils whose boundaries include parts of Parramatta and two Native Title Claimant groups. These groups should be consulted and can provide advice on the preparation of an Aboriginal Heritage Assessment.

The Metropolitan Local Aboriginal Land Council
PO Box 1103
STRAWBERRY HILLS NSW 2012
Ph: (02) 8394 9868 Fax: (02) 8394 6733
Covers the area north and east of Victoria Rd, James Ruse Drive and Windsor Rd; and east of Silverwater Road.

Deerubbin Local Aboriginal Land Council
Attention: Mr Frank Vincent, Chairperson
PO Box 3184
MOUNT DRUIT VILLAGE NSW 2770
Ph: (02) 9832 2457 Fax: (02) 9832 2496
Covers the areas west of Windsor Rd, bounded by James Ruse Drive, Victoria Rd, Silverwater Rd and the Great Western Highway.

Gandangara Local Aboriginal Land Council
PO Box 1038
LIVERPOOL DC NSW 2170
Ph: (02) 9602 5280 Fax: (02) 9602 2741
Covers the area south of the Great Western Highway and west of Silverwater Rd.

Darug Tribal Aboriginal Corporation
PO Box 441
BLACKTOWN NSW 2148
Covers all of the Parramatta LGA.

Darug Custodian Aboriginal Corporation
81 Andrew Thompson Drive, McGraths Hill, NSW 2756
Ph: (02) 4577 5181 Fax: (02) 4577 5096
Covers all of the Parramatta LGA.

6. WHAT HAPPENS IF MY PROPERTY CONTAINS A KNOWN ABORIGINAL PLACE OR RELIC OR I FIND A RELIC ON MY PROPERTY?

It is an offence to knowingly destroy, deface or damage a relic or Aboriginal place without the consent of the National Parks and Wildlife Service.

When a relic or Aboriginal place is known to exist on the land to which the Development Application applies and the development proposal will destroy, deface or damage the relic or Aboriginal place, the development becomes Integrated Development, whereby the National Parks and Wildlife Service becomes involved in the assessment and approval process.

If you find an Aboriginal relic when you undertake development with or without approval, you are required by law to cease work and inform National Parks and Wildlife Service, Ph: (02) 9988 8444.
ABORIGINAL HERITAGE ASSESSMENT PROCESS

1. Development Applications
   - Development Application lodged at Council
     - Council refers to Aboriginal sites database
       - Are registered sites present or is the development proposal in close proximity to a site?
         - No further action required
         - Yes Aboriginal Heritage Assessment is required Go to 2

2. Aboriginal Heritage Assessments
   - An on-site assessment is conducted
     - Is further assessment required?
       - No further action required
       - Yes Aboriginal Heritage Assessment or an Archaeological Assessment is required Go to 3

3. Constraints (protective measures)
   - Aboriginal Land Council representative determines measures required.
     - Constraints are referred to Aboriginal Land Council and State Government Agency
       - Conditions are placed on the Development Consent
DEVELOPMENT APPLICATIONS

When submitting a Development Application to Eurobodalla Shire Council applicants must ensure Aboriginal sites of significance are considered. Eurobodalla Shire Council’s Local Environmental Plans (LEPs) require an Aboriginal Heritage Assessment if a development is proposed at a place of known or potential Aboriginal heritage significance. If required an Aboriginal Heritage Assessment must be submitted with the Development Application.

The objective of these assessments is to ensure that significant Aboriginal sites have been identified and are protected, managed and respected in accordance with the wishes of local Aboriginal people.

ABORIGINAL HERITAGE ASSESSMENTS

When a Development Application is lodged at Eurobodalla Shire Council, the Aboriginal Heritage Officer will:

Determine the need for an Aboriginal Heritage Assessment by referring to the Aboriginal sites register. If further investigation is necessary, Council’s Aboriginal Heritage Officer, with a representative from the Local Aboriginal Land Council (LALC) will conduct a preliminary assessment of the land to be developed to determine the level of assessment required. The Aboriginal Heritage Officer will then advise the applicant if further assessment is required.

If further assessment is required the applicant must then commission an Aboriginal Heritage Assessment or an Archaeological Assessment and include the results with the Development Application. Where a development application is the subject of an Aboriginal heritage or Archaeological Assessment Council may place conditions on the development consent in relation to the protection and preservation of any sites identified.

Prior to consent of the Development Application, Aboriginal Sites Officers will determine how best to protect sensitive sites and areas.

The NSW Aboriginal Land Rights Act 1983 recognises that the State of NSW was traditionally owned and occupied by Aboriginal people and that land is an integral aspect of Aboriginal culture. There are many recorded and unrecorded places of vital importance to Aboriginal people. The Eurobodalla Shire Council and Aboriginal people are interested in preserving sites, not in interfering with the rights of landholders. The presence of Aboriginal sites on land does not provide the basis for an Aboriginal land rights claim. However, in accordance with State legislation, it is illegal to disturb, damage, deface, or destroy an object or Aboriginal place without consent from the Department of Environment and Conservation.
Aboriginal Heritage & the Development Application Process

What is Aboriginal Heritage?

Aboriginal heritage is the physical and cultural evidence of the use of land by Aboriginal people. Such physical evidence may include objects such as scarred trees, material deposited on land, such as a midden, rock engravings or ancestral remains of Aboriginal people, knowledge songs, art and pathways. Aboriginal Heritage also includes those elements of the landscape with which Aboriginal people have a cultural association. Council’s brochure entitled “Aboriginal Heritage” provides more information about types of Aboriginal heritage.

Aboriginal objects and places have legal protection under the National Parks and Wildlife Act 1974. It is an offence to desecrate or harm Aboriginal objects and places without the consent of the Chief Executive of the Office of Environment and Heritage. Aboriginal objects and places must be taken into consideration when any development is proposed. This brochure provides information on the requirements relating to Aboriginal heritage when submitting a Development Application.

Where is Aboriginal Heritage found?

In the Sydney area there are many Aboriginal sites within people’s front and back yards. Sutherland Shire Council has commissioned studies to identify areas with low, medium and high sensitivity for Aboriginal heritage. Council’s Customer Service Centre can assist with information relating to the sensitivity of particular properties.

Preliminary Aboriginal Assessment

Under Sutherland Shire Local Environmental Plan 2006 any development application must include information about the existence of Aboriginal objects and places. The purpose of this information is to enable Council staff to determine whether a more detailed assessment is required to protect Aboriginal objects and places. The information required by Council is:

- Whether the proposed development will affect land which has not been previously used or is undisturbed. Generally, areas of bushland or areas that have not been affected by development would constitute undisturbed land.
- Whether the proposed development encroaches on any sandstone formations.
- Whether there are any known Aboriginal objects and places on the land.

It is important to provide photographic evidence of the site to demonstrate whether land is disturbed and/or whether any significant natural features are present on the site.
Aboriginal Heritage &
the Development
Application Process

This information should form part of the Statement of Environmental Effects.

If an Aboriginal Heritage Assessment has previously been conducted for the property, it is advisable to submit this study together with the Preliminary Assessment. If Aboriginal objects and places are known on the land, it is advisable to undertake an Aboriginal Heritage Assessment prior to lodging development and submit this study as part of the application.

Exceptions to a Preliminary Assessment

There may be some circumstances where a preliminary assessment of the existence of Aboriginal objects and places is not required. This is largely dependent on the scale of development and the extent of the site to be disturbed. For example, minor development such as an extension is unlikely to require this assessment. Council development assessment staff will advise if a preliminary assessment is not needed.

Assessment of your Development Application

Once your development application is submitted, Council will commence assessment. If an Aboriginal object or place is known to exist on the land, the proposed development will not discontinue or damage the object or place, the application will be referred to the Office of Environment and Heritage.

Council staff will conduct a site visit to assess the preliminary information submitted with your application. Should any natural features which suggest the existence of a previously unknown Aboriginal object or place be identified during the site visit, you will be notified in writing that an Aboriginal Heritage Assessment is required.

Aboriginal Heritage Assessment

An Aboriginal Heritage Assessment outlines the cultural significance of a site, examines the importance of the object or place and provides a management strategy for the item in the context of the proposed development.

The assessment must be carried out by a qualified archaeologist and involve local Aboriginal people with knowledge of the cultural significance of the area. The Australian Association of Consulting Archaeologists maintains a database of consultants. Incremenwas also be listed in the Yellow Pages.
Further Information

Council's duty officers answer enquiries related to the development process.

The duty officer is available Monday to Friday between the hours of 8.30 am and 1.00 pm, either by telephone on (02) 9710 0333 or in person at council's Customer Service Centre.

If you have an enquiry relating to an existing development application, it is suggested that you contact the assessing officer directly.

Information regarding Aboriginal heritage, can also be obtained from:

Office of Environment and Heritage
Country, Culture and Heritage Division

Ph: 02 9585 6470
Email: info@environment.nsw.gov.au
Web: www.environment.nsw.gov.au
ABORIGINAL HERITAGE IN THE HORNSBY SHIRE

INFORMATION FOR DEVELOPERS

Council is the consent authority for the majority of developments within the Hornsby Shire. Proposed development of land requires the submission of a development application (DA) to Council for its approval. Smaller projects may also require Council approval. Under Council's Draft Hornsby Shire Local Environmental Plan (HSLEP) any land subject to development proposal that contains specified areas of bushland or estuarine areas, sandstone outcrops or cliff lines requires an Aboriginal heritage assessment to be provided for Council's consideration. The objective of the assessment is to demonstrate that Aboriginal heritage issues have been properly considered during the planning process and that Aboriginal heritage constraints have been identified and appropriate management options provided for the site.

When you are planning to develop a site or area, there are a number of things to consider with regard to Aboriginal heritage. Firstly, what is the likelihood of Aboriginal sites being present on the land? Secondly, is an assessment necessary? Thirdly, what kind of an assessment is required?

Why would I need to worry about Aboriginal heritage that may exist on my land?

Aboriginal sites are important to Aboriginal people today, as well as to the broader community. There are a large number of sites in the Hornsby Shire. Many sites have been recorded, and there are likely to be many more that have yet to be identified.

Aboriginal sites and places of significance have legal protection under the National Parks and Wildlife Act, 1974. Developers are required to consider Aboriginal heritage issues as well as other environmental impacts under the Environmental Planning and Assessment Act, 1979.

As a developer, if your land contains features identified in Council's HSLEP or other planning instruments (including draft instruments) you are required to provide Council with information assessing the Aboriginal heritage potential of your land.

(For further details see Council's brochure titled 'Aboriginal Heritage in the Hornsby Shire - Legislation'.)

How will I know if there are Aboriginal heritage issues associated with my land?

First, find out whether there are any recorded sites on your land. Contact Council to see whether they have a site listed on its records. Council recently commissioned a study of the Shire to assist in identifying sensitive landscapes, as well as identifying all recorded Aboriginal sites. You can also contact the NPWS Aboriginal Sites Register (Note: site searches on the NPWS database attract a small fee) or the Metropolitan Local Aboriginal Land Council (MLALC). Not all sites have been registered with Council and the NPWS, and locations where there has not been systematic archaeological survey may contain unrecorded sites.

Secondly, if your land contains any of the features listed below, there is higher potential for Aboriginal sites to be located on your land. Council will require you to provide information assessing the Aboriginal heritage potential for land containing:

- bushland
- a curving or drainage line with a sandstone base
- sandstone exposures at ground level which are larger than 5m x 1m
- sandstone cliff lines or isolated boulders higher than 2m

How can I confirm whether my land contains Aboriginal heritage sites or places?

If there is a recorded site, or one of more of the features listed above are located on your property, you will need to have an Aboriginal heritage assessment carried out. Depending on the scale of your proposed development and the types of landscapes present, you may either provide the information yourself, and have Council and the Sites Officer of the MLALC inspect the area, or commission a comprehensive Aboriginal heritage assessment (including an archaeological survey and MLALC assessment). An assessment will be able to confirm whether Aboriginal heritage constraints will apply to the proposed development, as well as providing management options for any sites identified.

Initially, you should contact Council's Aboriginal Heritage Advisor who can inform you of the most appropriate scale of assessment. You should complete Council's Development Application Form, and identify the Aboriginal site or sensitive feature, the proposed development, potential impact zones, mitigative measures that could be taken to avoid the sensitive area, and photographs to assist Council in determining possible constraints. It is most important that you have preliminary discussions.
Can my Land Claim be the subject of a Native Title Land Claim?
The Native Title Act generally does not affect freehold land or most leases.

The NSW Aboriginal Land Rights (ALR) Act is applicable to vacant Crown land only. If you are proposing to develop private (freehold) or leased land, a Land Claim under the ALR Act will not be involved.

(for further details refer to Council’s brochure titled “Aboriginal Heritage in the Hornsby Shire - Legislation”)

What is the whole planning and assessment process?

Prior to lodging your development application with Council, you should check as to whether there are any recorded Aboriginal sites or sensitive features on your land. If so, complete Council’s Development Application Form ensuring you have provided photographs and an outline of how the development will affect the site/sensitive area. If Council advises that it requires further assessment, you should commission a study to comply with this request.

Check with NPWS Sites Register

SITES PRESENT
NO. Check for features
YES. Get Assessment

Check for Features

LEP FEATURES PRESENT
NO. No constraints
YES. Get Assessment

Preliminary Inspection to determine potential

ABORIGINAL HERITAGE POTENTIAL IDENTIFIED
NO. No constraints
YES. Further assessment or no approval (can apply to NPWS for Consent to Destroy - see below)

Full Assessment

SENSITIVE AREAS
NO. No constraints
YES. May require excavation or specific mitigation works (require permit from NPWS. Can apply to NPWS for Consent to Destroy - see below)

Excavation to determine significance

NOT Significant. No constraints
Consent (Can obtain Consent from NPWS)
YES - significant. Can apply to NPWS for Consent to Destroy. NPWS unlikely to grant Consent. No approval.
Appendix D
Aboriginal Cultural Heritage Site Types and Locations – Shellharbour City Council

Profiles of Aboriginal cultural heritage site types and locations, as taken from the Shellharbour City Council Area Aboriginal Heritage Study (2000) (pages 52-5).

Artefact Occurrences may occur as Surface scatters of artefacts and/or as subsurface deposits containing artefacts. These site types may occur almost anywhere that Aboriginal people have travelled and may be associated with hunting and gathering activities, domestic camps, or the manufacture and maintenance of stone tools. The density of artefacts represented in these scatters can vary considerably between and across individual sites. These sites are classed as ‘open’, that is, occurring on the land surface unprotected by rock overhangs, and are sometimes referred to as ‘open camp sites’.

Within the Shellharbour City Council area artefact scatters occur mainly along the crests of ridgelines and spurs, river terraces, relic dunal features, and elevated areas fringing minor creek banks or wetland contexts. Common stone artefact materials are red and brown cherts, quartz, silicified wood, indurated mudstone and to a lesser extent, silcretes. The location of artefact scatters on major ridges may be related to Aboriginal use of ridgelines as convenient travel routes.

Isolated finds are artefacts that occur without any associated evidence for prehistoric activity or occupation. They are defined here as single artefacts located more than 60 m from any other artefact. Isolated finds may occur anywhere in the landscape and may represent the remnants of dispersed artefact scatters, or simply lost or discarded material.

Artefact Scatters with some shell occur most frequently within the broad vicinity of coastal and estuarine resource zones. They are less predictable in terms of their specific topographic location. The small amount of shell visible at these sites may indicate the remnants of an eroded, but originally larger, shell midden, or may indicate more extensive subsurface shell. Alternatively, the combination of shell and stone artefacts may be coincidental.

Coastal Middens are defined as a concentration of artefactual debris that includes a significant percentage of marine shellfish species. They are usually the result of interim or base camp activity and are normally located close to the littoral environment. Coastal midden sites are most likely to occur on locally elevated ground adjacent to estuarine and coastal resource zones, particularly adjacent to rock platforms and at the junction of freshwater, estuarine and marine resources. Midden sites are unlikely to have survived in dune deposits that have been grossly impacted by erosion, sand mining or reconstruction as part of soil conservation works.

Coastal middens have been recorded on Windang Island, at Pur Pur Beach, Shellharbour and Bass Point.

Estuarine Middens are defined as a concentration of artefactual debris that includes a significant percentage of estuarine shell species. They are located mostly in close proximity to estuarine environments. Numerous estuarine and intermediate middens have been located around Lake Illawarra. These sites occur on headlands, levee banks, on the primary lake bench and on the islands in the lake. These middens generally contain a restricted range of shell species and limited stone and faunal material. Many of these sites have undergone some degree of disturbance.

Burials are generally found in soft sediments such as sand or alluvial silts. They may also occur in
rockshelters and are mentioned in historic accounts as being placed in hollow trees. Burials are generally only visible where there has been some disturbance of sub-surface sediments or where some erosional process has exposed them. Burials are unlikely to have survived in dune deposits which have been grossly impacted by erosion, sand mining or reconstruction as part of soil conservation works.

Both documented and oral information about Aboriginal burials indicate that they frequently occur in association with midden material. To date, six of the archaeologically recorded burials located in the Illawarra area have been found in midden deposits on the northern foreshore and lake entrance area of Lake Illawarra. A burial has also been reported from Warilla.

**Scarred trees** are the result of the Aboriginal removal of bark (and possibly also wood) from a living tree. Bark was used in the manufacture of various structures, implements and materials such as living shelters, shields, canoes, coolamons, sculptures and twine. Scars may also be the result of making footholds in a tree to collect food or facilitate the removal of bark. This site type occurred wherever suitable trees within the region’s extensive prehistoric forests were exploited by Aboriginal people.

Some scarred trees may date to the historic period when bark was removed by Aborigines for both their own purposes and for roofing and cladding material on early European houses. Consequently the distinction between European and Aboriginal scarred trees is sometimes blurred. Scarring which does not relate to European-motivated removal probably dates to before the 1830’s, and certainly the 1850’s. Criteria for distinguishing Aboriginal scars are presented in Appendix 4.

Extensive forestry, vegetation clearance and urban development have substantially reduced the potential occurrence of this site type within the coastal plain. Aboriginal scarred trees are a diminishing component of the archaeological resource and surviving examples are limited to suitable tree species of mature age.

Only one scarred tree has been listed on the NPWS Site Register for the Shellharbour City Council Area.

**Ceremonial Grounds and Stone Arrangements** are defined by arrangements of placed stones or earth embankments that can be reasonably assigned to Aboriginal ceremonial activity.

Traces of these types of sites would be unlikely to survive in an area that has been subject to extensive disturbance, such as is evident for the entire Lake Illawarra, Dunmore and Minnamurra region. However Silcox, has recorded a possible stone arrangement on a steep southwest facing slope at Minnamurra, near Jamberoo. These features may also be the result of European land clearance.

**Rock shelter sites** consist of rock overhangs which contain evidence of Aboriginal occupation. Evidence of occupation may be in the form of an archaeological deposit, grinding grooves or other ground or pecked features, and **pigment or engraved art**. Some shelter deposits have been found to contain burials. Rock shelter sites tend to have relatively dry and level sediment floors and may be situated close to a water source and/or a major ridgeline. Rock shelter sites may occur wherever the suitable bedrock and weathering conditions exist to support rock overhangs. Within the study area the sandstone and conglomerate facies of the mid to upper slopes of the Illawarra Range are the most likely areas for shelter sites. Paradoxically, the only shelter site recorded for the Shellharbour City Council Area is on the Bass Point coastline within the Bumbo Latite. Suitable overhangs formed in Latite are rare.

**Grinding groove sites** consist of single or grouped occurrences of abraded grooves which have been created through the manufacture of ground edges on tools such as hafted stone hatchets. Water is a desirable part of an efficient grinding method and most grooves are found in close proximity or within a local water source such as a streamline or pothole. Sandstone is nearly always
utilised for grinding and only fine grained and even-suraced platforms tend to be used. Areas most likely to contain grinding grooves in the study area are upper catchment streamlines in which sandstone platforms are exposed.

**Potential Archaeological Deposit (PAD)** PADs are deposits, usually associated with rock shelters or actively aggrading landform features. They exhibit no identifiable archaeological material on the surface but may contain sub-surface material. Potential deposits are usually identified by their context within, or associated with, a landscape feature that was likely to have been exploited in prehistory.

**A Site Complex** is usually a geographically discrete group of sites which can be shown to be interrelated according to their locational determinants. Site complexes are commonly identified in association with valuable sources of raw materials, food, and/or places of ceremonial significance.

**Traditional story place or other ceremonial place** are categories for any locality which manifests, or is associated with, a traditional Aboriginal story or ceremony. Most sites consist of natural landscape features that relate to stories about the dreaming or resident spirits and cosmological figures. These places are also sometimes known as ‘natural mythological’ sites. However, places which relate to historical events including ceremonies, battles and massacres may fall into this category and do not necessarily correspond to significant landscape features. Many of these sites will have no archaeological manifestation and their identification is dependent on oral or written evidence of Aboriginal lore.

**‘Contact’ Sites** relate to sites that contain evidence of Aboriginal occupation during the period of early European occupation in a local area. The term ‘contact’ is a general description which refers to the generally poorly defined or documented time period when traditional Aboriginal society made initial contact with Europeans and subsequently changed their social, economic and occupational patterns in response to European incursion. Evidence of this period of ‘contact’ could potentially by Aboriginal flaked glass, art motifs depicting European people or objects, burials with historic grave goods or markers, and debris from ‘fringe camps’ where Aborigines who were employed by, or who traded with, the White community may have lived or camped. The most likely location for such contact period Aboriginal occupation sites would be camp sites adjacent to permanent water, and located away from the focus of European town occupation or landuse.
Appendix E
Aboriginal Archaeological Site Sensitivity – Shellharbour City Council

Landscape zones of differing “archaeological sensitivity” across the Shellharbour City Council area, as taken from the Shellharbour City Council Area Aboriginal Heritage Study (2000) (pages 56-8).

The Shellharbour City Council Area can be divided into a series of landscape zones which present differing archaeological sensitivity. Archaeological sensitivity is defined as the potential for encountering Aboriginal archaeological sites.

It is important to make the distinction here between archaeological sites and other places of Aboriginal cultural significance. Places in the latter category may have no archaeological manifestation and their significance may rest in a location only, or a variety of natural elements or modified landscape features. The sensitivity categories outlined below refer only to sites and places with an artefactual archaeological component.

Nine landscape zones have been identified, each corresponding to a distinct combination of potentially occurring archaeological sites and occurrences. Some of the Zones are not mutually exclusive and overlap. The Zone classifications are outlined below (also refer to Table 6 and Map 4 in the Shellharbour City Council Area Aboriginal Heritage Study).

Grossly Disturbed Landscapes
This landscape category includes areas of gross landsurface disturbance where the original landsurface and soil profile has been obliterated through subsequent landuse. Most of the identified areas are landscapes modified by open cut quarrying, mining and landfill.

This landscape has nil potential to contain archaeological sites.

Urban Landscapes
This category includes all of the predominantly urban landscapes within the study area. These are characterised by relatively small residential allotments, a relatively dense road network, and the full range of associated retail, business, recreation and service easement land divisions. The mapping of this category has been based on the interpretation of late 1990s aerial photography.

Areas of archaeological sensitivity within this zone tend to be limited to remnant undisturbed subsurface deposits which may survive within the littoral zone (defined as 200 m from the bank or shoreline). Such deposits are unlikely to occur in shallow soil profiles formed on bedrock slopes. Archaeological deposits are most likely to survive within relatively deep but locally elevated deposits of Quaternary sediment, such as aeolian sand bodies and terraces (refer Littoral Zone below).

The potential for surviving sites in this zone is generally low. There is low to moderate potential for midden sites and possibly also burials within low gradient, but locally elevated, sedimentary contexts within the littoral zone. Scarred trees may also survive where old-growth trees survive, either as isolated trees or remnant forest or woodland.

Littoral Zone
The Littoral Zone is defined as all land occurring within 200 m of the marine coastline or shoreline of Lake Illawarra and waters of tidal influence.
Areas of archaeological sensitivity within this zone are generally level locally elevated landforms which are relatively undisturbed, especially when close to a freshwater source, adjacent to rock platforms, or on a relatively deep sedimentary deposit.

The potential for sites such as middens, artefact scatters and burials is moderate or moderate to high. Burial sites are most likely to occur within this zone and especially in or near middens, near creek or estuary mouths, and on landforms with relatively deep sedimentary deposits. The potential for other site types is generally low.

**Valley Floor Alluvium and Estuarine Infill Deposits**

This zone encompasses the sedimentary landforms of the valley floors. They include most of the depositional and aggrading landforms within the study area and are therefore the most likely to contain stratified sites with significant time depth (with the exception of rock shelter sites on the slopes of the Illawarra Ranges). The valley floor topographies have formed on sediments of Quaternary age and include fluvial, estuarine and marine depositional sequences.

Areas of archaeological sensitivity within this zone are locally elevated, generally level landforms such as terrace edges, spurline crests, remnant dunes and other sand bodies, the banks of drainage lines and wetland basins.

The potential for artefact occurrences in these contexts is moderate (especially given the potential for subsurface deposits). The potential for burials and scarred trees is low to moderate. Reported burials of Aboriginal people in the historic period have occurred along the banks of the Macquarie Rivulet. The potential for rock based sites such as rock shelters and grinding grooves is nil, given the lack of bedrock exposures.

**Basal valley slopes and associated low spurlines**

This Zone consists of the low relief bedrock slopes and crests situated on the margins of the valley floor sedimentary landforms. Typically this landscape consists of low spurlines or colluvial fans extending into the valley floor, often associated with tributary streamlines. Their archaeological potential is derived from their locally elevated and ecotonal context adjacent to the resources of the valley floor and adjacent slopes.

Areas of archaeological potential within this zone are generally level spurline crests and low rises, and locally elevated and/or generally level ground adjacent to drainage lines.

Artefact occurrences are the most likely site type within this zone and have a moderate potential. Grinding grooves may occur on the rare instances that sandstone bedrock is exposed in streambeds. There is a low to moderate potential for scarred trees where remnant vegetation survives. Burials may survive within the sedimentary deposits of small tributary valleys, although this is classed as a low to moderate potential only. The potential for middens is low.

**Coastal Plain Slopes and Low to Mid Valley Slopes Fringing the Coastal Plain**

This classification includes most of the slopes and hill topography of the coastal plain, together with the low to mid-valley slopes which make up the lower third of the Illawarra Ranges. This Zone includes the latite bedrock topographies and those formed on the softer rocks underlying the Illawarra Coal Measures. As a consequence, the potential for rock based sites such as rock shelters and grinding grooves is generally low.

Areas of archaeological potential within this zone are generally level ground on ridge and spurline crests and benches, especially locally elevated landforms adjacent to freshwater.

The most likely site type in this zone is artefact occurrences which are unlikely to occur outside of the
sensitive landforms identified above. Scarred trees may also occur given the increasing forest cover of this landscape, especially on the Illawarra Range. Some small areas of sandstone based topography occur within this zone and the potential for grinding grooves is correspondingly higher. In addition, the upslope boundary of this zone may abut sandstone exposures and shelters may therefore be present on dislocated tors which have moved downslope.

**Illawarra Escarpment and Mid to Upper Valley Slopes**

This zone consists of the escarpment and mid to upper valley context slopes of the Illawarra Range. The landscape is dominated by forested moderate to steep slopes, with more level areas occurring on ridge and spurline crests and benches. Continuous and discontinuous rock escarpments occur frequently.

Areas of archaeological sensitivity are:

- generally level ground on ridge and spurline crests and benches, especially locally elevated
- landforms adjacent to freshwater,
- all rockshelters >1m high with relatively dry and level sediment floors, and
- relatively level sandstone platforms.

The potential for rock shelter sites to occur within this zone is considered to be moderate to high. These sites represent the greatest potential for surviving Aboriginal rock art within the Shellharbour City Council Area. The most likely form of rock art is pigment art using either a drawn or painted technique. Engraving sites are likely to be very rare. The potential for grinding grooves is moderate, given the density of tributary streams flowing over sandstone bedrock. The potential for scarred trees is also greatest within this zone, given the potential for old-growth trees remaining in inaccessible or less frequently logged forests. The potential for open context artefact occurrences remains moderate on relatively level spurline crests.

**Relatively level ground on elevated and major watershed crests**

This is a finer scale landform classification which occurs within all the rangeland and hills zones. This category consists of significant areas of relatively level ground on major ridgeline crests. The archaeological potential of this landform category rests in the probable use of the watershed crests as access routes across and through the rangelands, and possibly also across the coastal plain.

Areas of archaeological sensitivity are relatively level ground, especially close to water sources such as small springs or soaks, and in saddles.

The potential for artefact occurrences is moderate, as are grinding grooves, provided suitable sandstone exposures occur. Scarred trees may also occur although these areas were often heavily logged due to their accessibility, and old-growth trees may be rare. Due to the limited potential for agriculture on some of these areas, more fragile site types such as stone arrangements may conceivably survive in uncleared contexts.

**Sandstone drainage lines**

This is a fine-scaled classification and consists of mostly upper catchment drainage lines which flow over sandstone bedrock topographies. The main justification for differentiating this landform is the potential for grinding grooves, and the less likely potential for engraving sites.

Bedrock exposures may not necessarily be present within these identified areas. In some agricultural land contexts, grinding grooves may be concealed due to siltation from the downslope movement of sediments.
### Appendix F
Aboriginal Archaeological/Cultural Heritage Site Types and Locations – Wollongong City Council

- Likely occurrence of the Aboriginal archaeological/cultural heritage sites within differing land systems, and sub-units, in the Wollongong City Council area – as taken from the *Wollongong City Aboriginal Heritage Planning Study* (1995) (Table 3.1).

<table>
<thead>
<tr>
<th>Land System</th>
<th>Archaeology</th>
<th>Landuse</th>
<th>Zoning*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COAST</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Islands</td>
<td>gw</td>
<td>Unknown</td>
<td>* Unknown</td>
</tr>
<tr>
<td>* Slopes 3-25%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* tall wet sclero, dry sclero</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Soils 50-100cm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wollongong</td>
<td>wg</td>
<td>Midden/Open camp/ Contact/Burial</td>
<td>* Much original vegetation disturbed. Revegetation.</td>
</tr>
<tr>
<td>Beaches &amp; foredunes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Slopes &lt;10%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* herbland grassland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seven Mile</td>
<td>sm</td>
<td>Midden/Open camp/ Contact/Burial</td>
<td></td>
</tr>
<tr>
<td>Dune ridges, swamps, swales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Slopes &lt;5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* open scrub, open forest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ALLUVIAL PLAIN</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairy Meadow</td>
<td>fa</td>
<td>Midden/Open camp/Scarred Trees</td>
<td>* Almost all cleared. Dairy farming/other agriculture</td>
</tr>
<tr>
<td>Undulating alluvial plains</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Slopes &lt;5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* open forest/woodlands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Soils 100-150cm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOOTHILLS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gowanneville</td>
<td>gw</td>
<td>Open Camp sites/ Scarred trees</td>
<td>* Extensively cleared for dairying</td>
</tr>
<tr>
<td>Gentle rises</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Slopes 3-25%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* tall wet sclero, dry sclero</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Soils 50-100cm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Berkeley</td>
<td>bk</td>
<td>Open camp sites/ Scarred trees</td>
<td>* Partially to extensively cleared</td>
</tr>
<tr>
<td>Low volcanic hills &amp; valleys</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Slopes 10-50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* wet sclero, rain forest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Soils 50-100+ cm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cambewarra</td>
<td>ca</td>
<td>Open camp sites/ Scarred trees</td>
<td>* Mostly uncleared</td>
</tr>
<tr>
<td>Steep hills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Slopes &gt;30%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Rainforest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Soils 200-250cm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
<td>Vegetation</td>
<td>Land Use</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Foothills</td>
<td>Wattamolla Road&lt;br&gt;Undulating hills&lt;br&gt;Slopes 5-15%&lt;br&gt;dry sclerophyll open forest&lt;br&gt;Soils 100-200cm</td>
<td>Open camp sites/Scarred Trees</td>
<td>Extensively cleared&lt;br&gt;Cattle grazing&lt;br&gt;Slamping, minor gully erosion</td>
</tr>
<tr>
<td>Shellharbour</td>
<td>Rolling low hills&lt;br&gt;Slopes &lt;20%&lt;br&gt;Wet sclero, rainforest&lt;br&gt;Soils 100-200cm</td>
<td>Open camp sites/Scarred trees</td>
<td>Extensively cleared&lt;br&gt;Dairying and horse agistment, urban subdivision&lt;br&gt;Moderate gully erosion</td>
</tr>
<tr>
<td>Illawarra Escarpment</td>
<td>Quaternary talus&lt;br&gt;Slopes &lt;20-50%&lt;br&gt;Wet sclero, rain forest&lt;br&gt;Talus soil &gt;200cm&lt;br&gt;100cm on drainage lines</td>
<td>Scarred trees/possible shelter art/occupation axe grinding grooves</td>
<td>Mostly uncleared&lt;br&gt;Undisturbed forest, some mine entrances, some residential (urban fringe)&lt;br&gt;Mass movement, minor gully/sheet erosion</td>
</tr>
<tr>
<td>Watagan</td>
<td>Slopes with talus boulders&lt;br&gt;Slopes 25-70%&lt;br&gt;Wet sclero, rainforest&lt;br&gt;Soil 30-200cm</td>
<td>Possible shelter art/occupation/axe grinding grooves/scarred trees</td>
<td>Mostly uncleared&lt;br&gt;Mostly National Park or water catchment&lt;br&gt;Sheet erosion on steep slopes&lt;br&gt;Slides</td>
</tr>
<tr>
<td>Plateau</td>
<td>Warragamba</td>
<td>Sheltered art/occupation deposit/engraving</td>
<td>Mostly uncleared&lt;br&gt;Undisturbed forest&lt;br&gt;Mostly NP and water catchment&lt;br&gt;Prev. landslip and rockfall&lt;br&gt;Moderate sheet erosion</td>
</tr>
<tr>
<td></td>
<td>Hawkesbury</td>
<td>Shelter/art/depósito/Engravings&lt;br&gt;Open sites&lt;br&gt;Stone arrangements</td>
<td>Mostly uncleared&lt;br&gt;Undisturbed forest&lt;br&gt;Mostly NP and water catchment&lt;br&gt;Severe sheet erosion after rain, gully erosion</td>
</tr>
<tr>
<td></td>
<td>Bundeena</td>
<td>Open sites&lt;br&gt;Scarred trees&lt;br&gt;Stone arrangements&lt;br&gt;Engravings</td>
<td>Mostly uncleared NP&lt;br&gt;Severe sheet erosion after fires</td>
</tr>
<tr>
<td></td>
<td>Lucas Heights</td>
<td>Open sites&lt;br&gt;Scarred trees&lt;br&gt;Stone arrangements&lt;br&gt;Engravings</td>
<td>Extensively cleared&lt;br&gt;Orchard, market gardens, poultry farms, dairying, horse grazing&lt;br&gt;Minor gully and sheet erosion</td>
</tr>
</tbody>
</table>

* Zonings cited are no longer applicable/current
### Appendix G

**Significant Aboriginal Places in the Illawarra**

- Significance of Aboriginal heritage places in the Illawarra, as identified in *A History of Aboriginal People of the Illawarra 1770 to 1970* (2005) (Appendix 1).

<table>
<thead>
<tr>
<th>Name of site</th>
<th>Significance criteria according to the Burra Charter and rank of significance</th>
<th>Themes</th>
<th>Themes from NSW Heritage Office</th>
<th>Level of significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Five Islands</strong></td>
<td>Historic Social High to exceptional</td>
<td>The Illawarra Landscape as Wadi-Wadi Country Caring for Country Knowledge of Country and culture</td>
<td>(a) historic significance, (d) social significance</td>
<td>Local</td>
</tr>
<tr>
<td>Name of site</td>
<td>Significance criteria according to the Burra Charter and rank of significance</td>
<td>Themes</td>
<td>Themes from NSW Heritage Office</td>
<td>Level of significance</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------</td>
</tr>
</tbody>
</table>
| 2. Red Point/Hill 60/Djillawarra | Historic  
Social  
Moderate to high | Country as Provider  
Caring for Country  
Using the lake, lagoons, creeks and rivers  
The continued reliance on the sea and shoreline  
Fighting for tenure at Tom Thumb Lagoon, Hill 60 and Coomaditchy  
Defending family life and identity  
Adopting European work practices | (a) historic significance, (d) social significance | Local  
State |
| 3. Windang Island | Historic, Social  
Scientific/Archaeological  
High to exceptional | The Illawarra Landscape as Wadi-Wadi Country  
Caring for Country | (a) historical significance, (d) social significance, (e) scientific significance | Local |
| 5. Gooseberry Island | Historic  
Social  
Scientific/Archeological  
Moderate to high | Using the lakes, lagoons creeks and rivers | (a) historical significance, (d) social significance, (e) scientific significance | Local |
<table>
<thead>
<tr>
<th>Name of site</th>
<th>Significance criteria according to the Burra Charter and rank of significance</th>
<th>Themes</th>
<th>Themes from NSW Heritage Office</th>
<th>Level of significance</th>
</tr>
</thead>
</table>
| 6. Hooka Island | Historic  
Social  
Scientific/Archeological  
Moderate to high | Using the lakes, lagoons, creeks and rivers  
Battles with Charley Hooka | (a) historic significance, (d) social significance | Local |
| 7. Mt Keira | Historic  
Social  
Exceptional to high | The Illawarra Landscape as Wadi-Wadi Country  
Caring for Country  
Ongoing use of the escarpment and forests Movement | (a) historic significance, (d) social significance | Local |
| 8. Mt Kembla | Historic  
Social  
Exceptional to high | The Illawarra Landscape as Wadi-Wadi Country  
Caring for Country  
Ongoing use of the escarpment and forests Movement | (a) historic significance, (d) social significance | Local |
<table>
<thead>
<tr>
<th>Name of site</th>
<th>Significance criteria according to the Burra Charter and rank of significance</th>
<th>Themes</th>
<th>Themes from NSW Heritage Office</th>
<th>Level of significance</th>
</tr>
</thead>
</table>
| **9. Coomaditchy** | Historic  
Social  
Scientific/  
Archeological  
Exceptional to high | Country as provider  
Using the lakes, lagoons, creeks and river systems  
The continued reliance on the sea and the shoreline  
Fighting for tenure at Tom Thumb Lagoon, Hill 60 and Coomaditchy  
Defending family life and identity  
Joining the broader fight for Aboriginal Rights  
Adopting European work practices | (a) historic significance, (d) social significance, (e) scientific significance | Local |
| **10. Fig Tree Site** | Historic  
Social  
Exceptional to high | The Illawarra landscape as Wadi-Wadi Country  
Continuing other historic cultural traditions | (a) historic significance, (d) social significance | Local State |
<table>
<thead>
<tr>
<th>Name of site</th>
<th>Significance criteria according to the Burra Charter and rank of significance</th>
<th>Themes</th>
<th>Themes from NSW Heritage Office</th>
<th>Level of significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Sandon Point</td>
<td>Historic Social Scientific/Archaeological Moderate to high</td>
<td>The Illawarra Landscape as Wad-Wadi Country The continued reliance on the sea and the shoreline Burials</td>
<td>(a) historic significance, (d) social significance, (e) scientific significance</td>
<td>Local</td>
</tr>
<tr>
<td>12. Shores and swamps of and watercourse conjunctions with Lake Illawarra</td>
<td>Historic Social Scientific/Archaeological Exceptional to high</td>
<td>Country as provider Using the lakes, lagoons, creeks and river systems The continued reliance on the sea and the shoreline Using other historic cultural traditions Wearing Breast Plates</td>
<td>(a) historic significance, (d) social significance, (e) scientific significance</td>
<td>Local</td>
</tr>
<tr>
<td>13. Bulli Pass</td>
<td>Historic Social Exceptional to high</td>
<td>Caring for Country Movement</td>
<td>(a) historic significance, (d) social significance</td>
<td>Local</td>
</tr>
<tr>
<td>14. Golf Links</td>
<td>Historic Social Exceptional to high</td>
<td>Country as Provider Using the lakes, lagoons' creeks and rivers Fighting for tenure at Tom Thumb Lagoon, Hill 60 and Coomaditchy</td>
<td>(a) historic significance, (d) social significance</td>
<td>Local</td>
</tr>
</tbody>
</table>
Appendix H
Office of Environment and Heritage Generic Due Diligence Process

8 The generic due diligence process

1. Will the activity disturb the ground surface or any culturally modified trees?
   - No
   - Yes

2. Are there any:
   a) relevant confirmed site records or other associated landscape feature information on AHIMS?
   - Yes, any or all
   - No, none

3. Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape feature be avoided?
   - Yes
   - No

4. Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?
   - Yes
   - No

   If the answer is "No" in step 4, proceed to step 5.

5. Further investigation and impact assessment
   - AHIP application not necessary. Proceed with caution. If any Aboriginal objects are found, stop work and notify DECCW. If human remains are found, stop work, secure the site and notify the NSW Police and DECCW.

Step 1. Will the activity disturb the ground surface?

The first question to ask in the due diligence process is, will the activity disturb the ground surface or any culturally modified trees? If an activity will disturb the ground surface, there is a higher likelihood that Aboriginal objects will be harmed.

Disturbance of the ground surface is often significant when machinery is used to dig, grade, build, excavate, clear, plough, or drill the ground surface for the purpose of, for example, building a structure or removing vegetation.

If your activity will not disturb the ground surface or any culturally modified trees then you can proceed with caution without applying for an AHIP.

If the activity will disturb the ground surface or any culturally modified trees then check the AHIMS database – step 2a.

Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware.

You should search the AHIMS database and check whether any Aboriginal sites have been recorded in the area where you are proposing to carry out your activity. There may also be additional landscape or other contextual information relevant to the area of your proposed activity on AHIMS.

Information on AHIMS searches is available on DECCW’s website.

The initial web-based search of AHIMS is free and you will be able to print the results of your search for record keeping purposes. For the purposes of due diligence you may rely on the search results for 12 months. (See section 10.4 for record keeping recommendations for the due diligence process.)

If the results of the initial AHIMS search indicate that AHIMS contains information about recorded Aboriginal objects in the area of your proposed activity you must obtain copies of those records. Contact the AHIMS custodian or custodian by faxing the request form or submitting the request form over the internet. Costs may apply depending on the type of information you are asking for. There may also be restrictions in providing culturally sensitive information.

After obtaining records from AHIMS of any recorded Aboriginal objects you should confirm that these objects can be located in the area where your activity is proposed. If you think the information on AHIMS is not up to date or is inaccurate you should contact the AHIMS custodian on 02 9355 6171 or 02 9355 6157 for further advice.

If you are aware of any other sources of information you need to use these to identify whether or not Aboriginal objects are likely to be present in the area. Other sources of information include previous studies, surveys or reports which you have commissioned or are otherwise aware of.

Go to step 2b.

Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects

Regardless of whether your AHIMS search indicates known Aboriginal objects, you still need to consider whether Aboriginal objects are likely to be in the area of the proposed activity having regard to the following landscape features.

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Aboriginal objects are often associated with particular landscape features as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. Examples of such landscape features are rock shelters, sand dunes, waterways, waterholes and wetlands. Therefore, it is essential to determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects.

Consequently, if your proposed activity is:
- within 200m of waterways, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or
- within 20m of or in a cave, rock shelter, or a cave mouth
and is on land that is not disturbed land (see Definitions) then you must go to step 3.

If after completing steps 2a and 2b it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, you can proceed with caution without applying for an AHIP.

**Step 3. Can you avoid harm to the object or disturbance of the landscape feature?**

This step only applies if your activity is on land that is not disturbed land or contains known Aboriginal objects.

Where as a result of step 2a you think it is likely that there are Aboriginal objects present in the area of the proposed activity, you need to decide whether you can avoid the harm to those objects.

Where as a result of step 2b you have concluded that the landscape features listed are present, you need to decide whether you can move your activity away from the area with the landscape feature(s) so as to avoid disturbing any Aboriginal objects which may be present.

Possible solutions may include reducing the area of a building footprint, changing its orientation, re-positioning built elements, re-routing infrastructure trenching or incorporating a re-development area into the site design.

If you can't avoid harm to the object or disturbance of the landscape feature(s) you must go to step 4.

If you can't avoid harm to the object and disturbance of the landscape feature(s) you can proceed with caution without applying for an AHIP.

**Step 4: Desktop assessment and visual inspection**

This step only applies if your activity is on land that is not disturbed land or contains known Aboriginal objects.

The assessment process is primarily a desktop exercise that involves examination and collation of the readily available information. The assessment must consider the area of the proposed activity as a whole, not just particular areas where any Aboriginal objects have been recorded on AHIMS or areas where landscape features are located.

At a minimum, the information reviewed as part of the desktop assessment should include existing knowledge of Aboriginal cultural heritage gleaned from previous heritage studies or reports for the area, including any archaeological studies on AHIMS. There may be some restrictions in providing culturally sensitive information to you, where this is the case DECCW will provide advice on how to proceed.

You must undertake a visual inspection of the area to see if Aboriginal objects can be identified or are likely to be present below the surface. This visual inspection must be done by a person with expertise in locating and identifying Aboriginal objects. This person with expertise could be an Aboriginal person or landholder with experience in locating and identifying Aboriginal objects or a consultant with appropriate qualifications or training in locating and identifying Aboriginal objects.

Where either the desktop assessment or visual inspection indicates that there are (or are likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment will be required. This will need to be done by a person with expertise in Aboriginal cultural heritage management. Go to step 5.

Where the desktop assessment or visual inspection does not indicate that there are (or are likely to be) Aboriginal objects, you can proceed with caution without an AHIP application.

**Step 5. Further investigations and impact assessment**

DECCW's website has further information about how to do a detailed investigation and impact assessment and the procedures for applying for an AHIP.

If after the detailed investigation and impact assessment you decide the harm will occur to Aboriginal objects then an AHIP application must be made.

For information that is required to support an application for an AHIP (including impact assessment and community consultation) and other relevant information see www.environment.nsw.gov.au/conservation/aboriginalculture.html#whattodo.

All AHIP applicants must undertake consultation in accordance with clause 80C of the NPW Regulation. These requirements may also be followed where there is uncertainty about potential harm and you are undertaking a cultural heritage assessment.

**If you decide an AHIP application is not necessary**

If you have followed this code and at any point have reasonably decided that an AHIP application is not necessary either because Aboriginal objects are not present or, if they are present, harm to those objects can be avoided, you can proceed with caution.

If, however, while undertaking your activity you find an Aboriginal object, you must stop work and notify DECCW and you may need to apply for an AHIP. Some works may not be able to resume until you have been granted an AHIP and you follow the
conditions of the AHIP. Further investigation may be required depending on the type of Aboriginal object that is found.

If human skeletal remains are found during the activity, you must stop work immediately, secure the area to prevent unauthorised access and contact NSW Police and DECCW.

The NPW Act requires that, if a person finds an Aboriginal object on land and the object is not already recorded on AHIMS, they are legally bound under s. 88A of the NPW Act to notify DECCW as soon as possible of the object’s location. This requirement applies to all people and to all situations, including when you are following this code.

If a person finds an Aboriginal object which is not recorded on AHIMS, they should contact DECCW as soon as practicable. Notification procedures can be found at: www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm

The due diligence process is shown diagrammatically at the beginning of this section.