



**DUE DILIGENCE REPORT FOR  
ABORIGINAL OBJECTS**

**LOTS 11 - 13 DP 576336 & LOT 2 DP 561283  
COLLINGWOOD DRIVE & MATCHAM ROAD  
MATCHAM**

**OCTOBER 2018  
REF:8068/D**

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MATCHAM**

**OCTOBER 2018**

**Conacher Consulting Pty Ltd**

Environmental and Land Management Consultants

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AHIMS WEB SERVICES SEARCH – SITE REPORT**

## 1. INTRODUCTION

### 1.1 Background

*Conacher Consulting* have been engaged to undertake an Aboriginal Objects Due Diligence Assessment for a proposed subdivision at Lots 11, 12 & 13 DP 576336 & Lot 2 DP 561283, Collingwood Drive and Matcham Road, Matcham.

This assessment has been prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, published by the Department of Environment, Climate Change and Water and dated 13 September 2010.

The Due Diligence Code of Practice (DECCW 2010) has been utilised to exercise due diligence in:

- Identifying whether or not Aboriginal objects are, or are likely to be, present;
- Determining whether or not the proposal is likely to harm Aboriginal objects (if present); and
- Determining whether an Aboriginal Heritage Impact Permit (AHIP) is required.

Compliance with the Due Diligence Code of Practice (DECCW 2010) is taken for the purposes of Section 87(2) of the *National Parks and Wildlife Act* (1974) to constitute due diligence in determining whether the act or omission constituting an alleged offence would harm an Aboriginal object.

The Due Diligence Code of Practice (DECCW 2010) identifies that the *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

### 1.2 Study Area

The planning and cadastral details of the site are provided in Table 1.1.

| <b>TABLE 1.1<br/>SITE DETAILS</b> |   |
|-----------------------------------|---|
| <b>Location</b>                   | Lots 11, 12 & 13 DP 576336 & Lot 2 DP 561283, Collingwood Drive and Matcham Road, Matcham |
| <b>Site Area</b>                  | 8.13 hectares   |
| <b>Local Government Area</b>      | Central Coast   |
| <b>Bioregion</b>                  | Sydney Basin  |
| <b>Existing Land Use</b>          | Rural Residential   |

### 1.3 Proposed Development

The development assessed in this Report is to allow for a rural residential subdivision of the four existing allotments into eight. Assessments within this report have taken into account the potential future construction of one new dwelling on each allotment and associated infrastructure including vehicle access, landscaping, asset protection zones, and the provision of services for each new allotment.

The proposed location of each dwelling has been situated to reduce potential environmental impacts through appropriate setbacks to key biodiversity features, clustering of development and placement of dwellings and asset protection zones in locations which minimise the requirement for clearing of native vegetation. Figure 1.1 shows the proposed development areas.

## 2. METHODOLOGY

### 2.1 Due Diligence Assessment Process

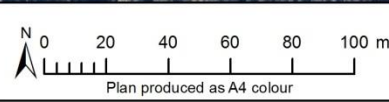
The assessment process outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010) was utilised, and is outlined in the following sections of this Report.





**Legend**

- Allotment Boundaries
- Proposed Subdivision Boundaries
- First Order Watercourse Location
- Man-made Dam Location



Drawn By: AM      Drawing No: 8068  
 Drawing Version: 1      Date: 23/10/2018

\* Plan for indicative purposes only. Not for detailed measurement.  
 Source: Aerial © Nearmap (2018) Aerial Photo Date: 02/10/2018

**Figure 1**  
**Subject Site Details**  
 Collingwood Drive, Matcham



## **2.2 Literature Review**

A review of available literature for the area was undertaken to obtain reference material and background information for this assessment. The following key sources were utilised:

- Online topographic mapping (NSW Department of Finances & Services, 2018).

## **2.3 Database Searches**

Searches of the following databases were undertaken in order to determine if any confirmed site records or other associated landscape feature information had been recorded for the site:

- Aboriginal Heritage Information Management System (NSW OEH 2018a); and
- NSW Atlas of Aboriginal Places (NSW OEH 2018b).

## **2.4 Site Inspection**

A site inspection was undertaken on 23 October 2018 to determine the landscape features present and the condition and disturbances of the subject site.

## **3. EXISTING ENVIRONMENT**

The site contains existing rural residential development. The site is bordered by Collingwood Drive and rural residential land to the south, Matcham Road to the east, and rural residential properties to the north and west. The site contains the following vegetation communities:

- Remnant Trees of Coastal Narrabeen Moist Forest community;
- Cleared / Disturbed Lands

There are two dams located within the site. These dams are considered to be man-made and not naturally occurring water bodies. There is a first order watercourse associated with the outflow of the existing dam within the northern portion of Lot 13. This watercourse passes beneath an existing driveway and forms a tributary to Erina Creek, which flows into Brisbane Water to the west. The watercourse present within the subject site is considered to have been formed during historical land development and is considered to be man-made and not a natural water body.

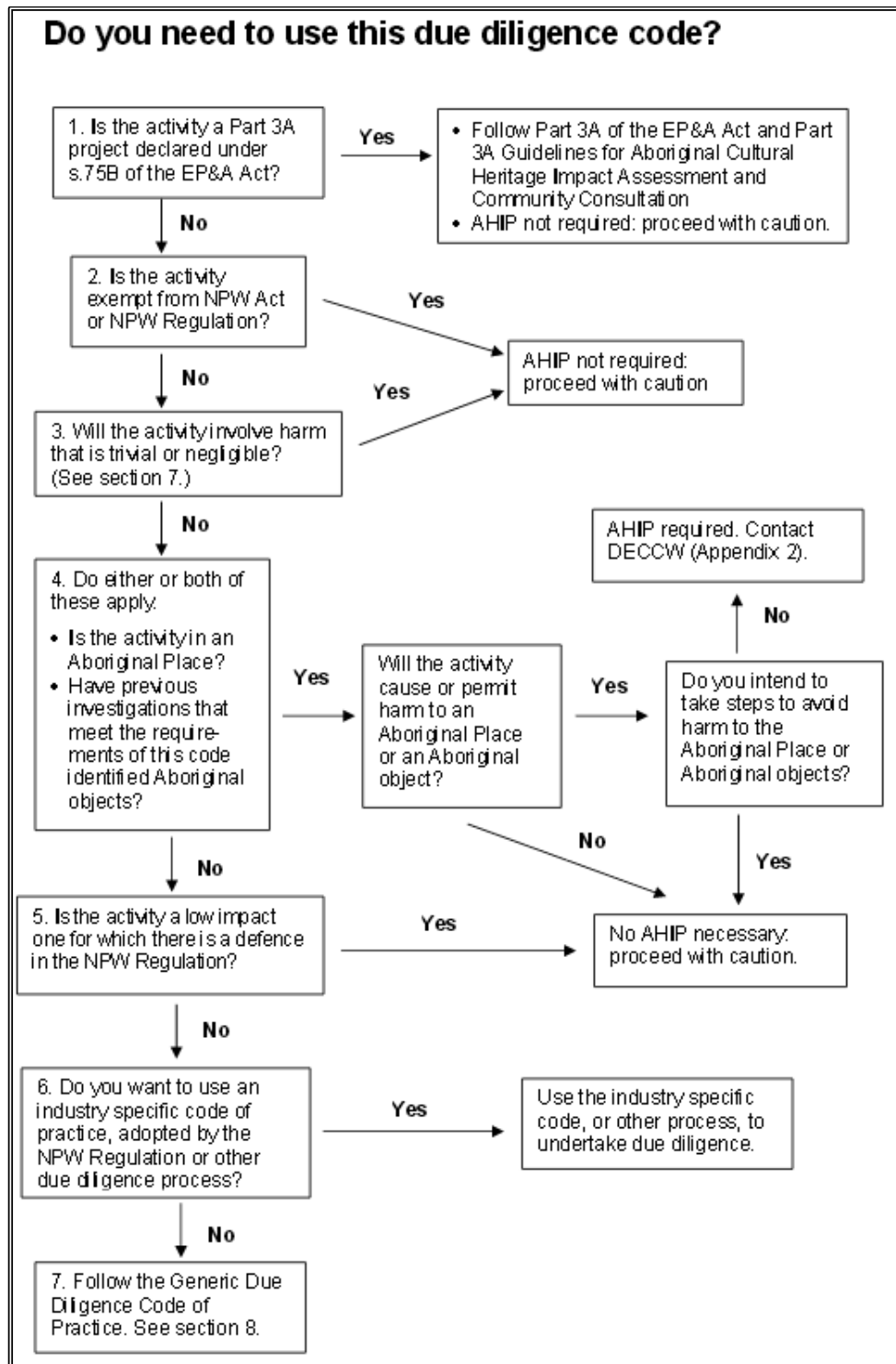
The site is considered to contain disturbed land as a result of the following observable human activities which have changed the land's surface:

- Vegetation clearing for effluent disposal areas and asset protection zones;
- Construction of fencing
- Construction of dwellings and sheds; and
- Grazing by livestock.

## 4. DUE DILIGENCE ASSESSMENT

### 4.1 Assessment to Determine Requirement for Due Diligence Assessment

The following assessment in accordance with Section 7 of the The Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010) has been undertaken to determine if the Code of Practice can be utilised to establish due diligence for the proposed activity. The process of assessment to determine the requirement and suitability for the use of the generic due diligence code of practice is shown in Figure 4.1.



**Figure 4.1 Assessment Process to Determine Requirement for use of the Due Diligence Code of Practice (DECCW 2010).**

In determining whether the Due Diligence Code of Practice should be utilised for the proposed development, the following questions for considerations are addressed as identified in Section 7 of the DD.

**Q7.1 Is the activity a declared project under part 3A of the EP&A Act?**

No, the proposed development will be assessed under Part 5 of the EP&A Act (1979).

**Q7.2 Is the activity an exempt activity listed in the National Parks and Wildlife Act or other legislation?**

No, the activity is not an exempt activity.

**Q7.3 Will the activity involve harm that is trivial or negligible? (e.g. picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on or off a track, picnicking, camping or other similar recreational activities.)**

No, the proposed activity is not a type of activity with potential to only cause trivial or negligible harm.

**Q7.4 Is the activity in an Aboriginal Place or are you already aware of Aboriginal objects on the land?**

A search of the NSW Atlas of Aboriginal Places (NSW OEH 2018b) has identified that the subject site is not within an Aboriginal Place.

No references were found indicating the presence of any Aboriginal Objects within the proposed development site.

**Q7.5 Is the activity a low impact activity for which there is a defence in the Regulation?**

No.

**Q7.6 Do you want to use an industry specific code of practice?**

No. The proposed activity is not subject to an industry specific code adopted by the NPW Regulation.

**Q7.7 Do you wish to follow your own procedure?**

No.

**Q7.8 Follow the Due Diligence Code of Practice.**

It has been determined that the generic due diligence process as outlined in Section 8 of the The Due Diligence Code of Practice (DECCW 2010) is to be followed to establish due diligence for the proposed development.



## 4.2 Due Diligence Reporting Process

The following reporting is provided in accordance with the assessment steps identified in Section 8 of the Due Diligence Code of Practice (DECCW 2010). The generic due diligence process is shown in Figure 4.2, and addressed in this section of the Report.

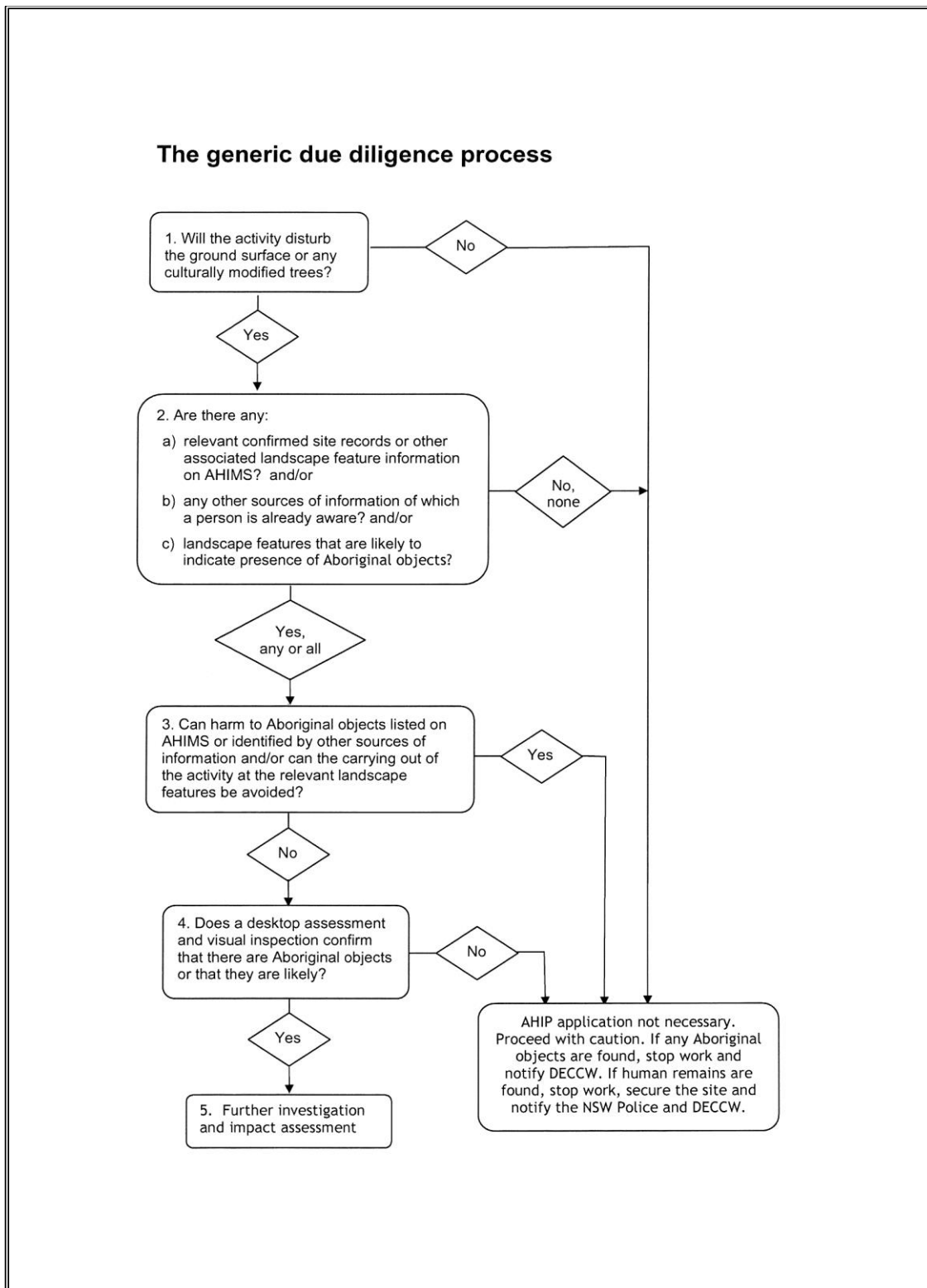


Figure 4.2 The Generic Due Diligence Process (DECCW 2010).

**Step 1. Will the activity disturb the ground surface?**

Yes. The existing disturbed ground surface will be disturbed by the proposed development as part of construction works.

The site of proposed development has undergone significant disturbance in the form of vegetation clearing, accessway and dwelling construction and grazing by livestock.

**Step 2a. Search the AHIMS database and use any other sources of information for identifying Aboriginal sites or objects.**

A basic search of the AHIMS database was undertaken for the each lot to check whether any Aboriginal sites have been recorded within 200m of the subject site. The search is provided as Attachment 1 of this report.

No Aboriginal Objects or Sites were recorded within the subject site or within 200 m of the subject site.

No culturally modified trees were observed within the proposed development area or are likely to be disturbed by the proposed development.

No other sources of information which indicate the presence of Aboriginal objects within the site were identified.

These results indicate a low likelihood of Aboriginal places or Aboriginal sites being present within the subject site.

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

No. There are two dams located within the site and a third dam located approximately 190m to the north of Lot 11. There are two first order watercourses and one second order watercourse located within 200m to the north of the proposed works site. The dams located within the proposed works site and the first order watercourse located in the northern portion of the site are considered to have been formed as a result of agricultural practices and are therefore not considered to be natural landscape features that would indicate the presence of Aboriginal objects within the subject site.

The proposed works are situated on land that shows clear and obvious disturbances to the land surfaces. These disturbances involve historical vegetation clearing, accessway construction, dwelling construction, fence construction and animal grazing.

**Step 3. Can harm to the object or disturbance of the landscape feature be avoided?**

This step does not apply because the proposed activity is proposed on land that is disturbed.

Land already disturbed is defined in the Due Diligence Code of Practice as “...*Land is disturbed if it has been the subject of a human activity that has changed the lands surface, being changes that remain clear and observable. Examples of disturbance include: vegetation clearing, construction of dams, fences, structures, buildings, installation of services and stormwater drainage*”.

**Step 4. Does a desktop assessment and a visual inspection confirm that there are Aboriginal objects or that they are likely?**

This step does not apply because the proposed activity is proposed on land that is disturbed.

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

The outcomes of the above steps of the assessment in accordance with DECCW (2010) has determined that further investigation, impact assessment and / or an Aboriginal Heritage Impact Permit is not considered required for the proposed development. The DECCW (2010) guidelines identify that the development may proceed with caution.

## **5. CONCLUDING COMMENTS**

Following completion of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales it is concluded that:

- i. The proposed activity will be undertaken on disturbed land;
- ii. The site has a low likelihood of containing Aboriginal objects;
- iii. An application for an Aboriginal Heritage Impact Permit is not required for this activity.

## **6. PROJECT TEAM**

**PHILLIP ANTHONY CONACHER** B.Sc.(Hons), Dip.Urb Reg Planning, M.Nat.Res.  
NPWS Scientific Licence Number: SL100361  
Project Director

**ASHLEY MULLAHEY**  
NPWS Scientific Licence Number: SL100361  
GIS / Technical Assistant

## 7. REFERENCES

Environmental Planning and Assessment Act 1979 (NSW Government).

National Parks and Wildlife Act 1974 (NSW Government).

National Parks and Wildlife Regulation 2009 (NSW Government).

NSW Department of Finances & Services, 2018, Cadastral and Imagery Data, Six Maps. Available Online: [maps.six.nsw.gov.au](http://maps.six.nsw.gov.au)

NSW Office of Environment and Heritage 2018a, Aboriginal Heritage Information Management System. Available Online:

<http://www.environment.nsw.gov.au/awssapp/Login.aspx?ReturnUrl=%2fawssapp%2ftimeout.aspx>

NSW Office of Environment and Heritage 2018b, Aboriginal Places and State Heritage Register Available Online: <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

NSW Department of Environment Climate Change and Water 2010, Due Diligence Code of practice for the Protection of Aboriginal Objects in New South Wales, Department of Environment, Climate Change and Water, Sydney.

**APPENDIX 1**  
**AHIMS WEB SERVICES SEARCH – SITE REPORT**

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ConacherConsulting  
Suite E 78 York St  
East Gosford New South Wales 2251  
Attention: Phil Conacher  
Email: conacherconsulting@gmail.com

Date: 23 October 2018

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lat, Long From : -33.4216, 151.4146 - Lat, Long To : -33.4171, 151.4217 with a Buffer of 50 meters, conducted by Phil Conacher on 23 October 2018.**

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



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

|  |
|--|
| <b>0</b> Aboriginal sites are recorded in or near the above location.          |
| <b>0</b> Aboriginal places have been declared in or near the above location. * |



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

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

**Important information about your AHIMS search**

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

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