



Rein Warry & Co Pty Ltd
Picton, Tahmoor, Thirlmere
Action Group, PTTAG
P.O. Box 662
2/67 Menangle Street
Picton, NSW 2571

Ref: AS4122-2000

**RE: Aboriginal Cultural Heritage Assessment Report for the PTTAG
on 42 Lot of properties across Picton, Tahmoor, Thirlmere.**

Attention: Darryl Warry

Please find attached an Aboriginal Heritage Assessment Report for study area for above mentioned areas which totals 42 allotments of land that were assessed with 45 more allotments that were not assessed with a combined area of approximately 232 hectares which is situated between the township areas of Picton, Tahmoor and Thirlmere, Woollondilly Shire, NSW

The above mentioned properties where we conducted the Aboriginal Cultural Survey Assessment with Cultural & Heritage Officer Neal Sampson, Elwyn Brown

Please ensure that you follow all recommendations as stated by the OEH (Office of Environment and Heritage) in this report.

If you wish to discuss the contents or recommendations of this report please do not hesitate to contact me on the numbers listed below please.

Thanking you

Elwyn Brown
Cultural & Heritage Administration Officer

I can be contacted on 0246810059 or email heritage@tharawal.com.au

Or

Greg Bondar
CEO
Tharawal Aboriginal Local Land Council



Aboriginal Cultural Heritage
Assessment For Picton Thirlmere
Tahmoor

Action Group



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Context & Statutory Requirements

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.

The Act was recently amended (2010) and as a result the legislative structure for seeking permission to impact on heritage items has changed. An s.90 permit is now the only Aboriginal Heritage Impact Permit (AHIP) available and 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 part of the administration of Part 6 of the Act OEH has developed regulatory guidelines on Aboriginal consultation, which are outlined in *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). Guidelines have also been developed for the processes of due diligence - *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (2010), and for investigation of Aboriginal objects - *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) in accordance with the 2010 amendment to the Act.

Heritage Act (1977) *The Heritage Act 1977* is administered by the Department of Premier and Cabinet and protects the natural and cultural heritage of NSW. Generally this Act only pertains to Aboriginal Heritage if it is listed on the State Heritage Register, or subject to an interim heritage order.

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,



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.

Survey Methodology

The survey was conducted over 8 days (1-10 August 2012). The study area was covered on foot, apart from areas that were clearly highly disturbed, or were thickly vegetated. A handheld Global Positioning System (GPS) was used to track the path of the surveyors, and to record the co-ordinates of sites, features and location of landform units along the route.

All ground exposures were examined for stone artefacts, shell, or other traces of Aboriginal occupation. Old growth trees were examined for signs of cultural scarring or markings TLALC recorded and detailed these. A photographic record was kept for all sections of the study area. Photographs were taken to represent the landform unit, vegetation communities, and objects of interest and levels of disturbance.



Scope of this Study

The scope of the study is outlined in the recent brief as submitted to the Tharawal Local Aboriginal Land Council when applied for tender from the Picton, Tahmoor, Thirlmere Action Group (PTTAG) and it is understood to be that the objectives of the study would be:

1. The preparation of an Aboriginal and European Heritage Assessment of known and potential heritage values based on Council's existing mapping for the whole Shire LEP 2011.
2. Develop appropriate strategies and recommendations for further assessments at the Development Application Stage to manage these heritage values for the study areas

It is also to be understood that only properties of the landowners listed as participating members & (land owners and properties numbers list provided) That each of the 42 properties that have been individually assessed by TLALC Cultural & Heritage team can lay claim to that property being assessed for development purposes and that all these properties have been subjected to site visits from the TLALC Cultural & Heritage team which the PTTAG have organised and arranged land access with 42 property owners prior to survey being completed.

Aboriginal Assessment

The aim of the Aboriginal Assessment is to ascertain whether there are any Aboriginal archaeological sites or areas of potential archaeological deposits within the areas that may be impacted by the proposed subdivision and to provide recommendations on any heritage opportunities and constraints

Aboriginal Consultation

It is to be noted that limited Aboriginal consultation with the local Aboriginal Land Council and native title claimant group were conducted initially. If it is found that any Aboriginal sites are impacted, Then an Aboriginal Heritage Impact Permit (AHIP) is required, comprehensive Aboriginal consultation would then need to be conducted and that this process would take up to three months, with an additional two months for permit application process and this comprehensive consultation process would take place at the DA stage not during the study.



1829 Margaret Hush ran the inn until 1835 and her husband, indentured as a convict labourer to John Oxley, gained favour with his overseer and was given his freedom thanks to Margaret's persistence. John Oxley most definitely would have been a visitor.

Thirlmere

Home to Australia's largest collection of working and static rolling stock and a vast display of objects, artefacts and memorabilia, Train works tells the story of New South Wales' rail history.

Since 1975 the Thirlmere site has been home to a significant collection of rail heritage items and with the upgrade of facilities and recent opening of the new exhibition building, it is now a major regional tourist attraction.

Experience a real steam or vintage diesel train rides - visit our website www.trainworks.com.au for current timetable.

There is plenty to do at Train works

- ? Hear the hustle and bustle, puff and chug of a steam-era train station
- ? Climb into the cab of a locomotive
- ? Enjoy the sound and light show that tells the story of loco 1021
- ? Explore inside some of our special-purpose carriages such as the mail van, sleeping and dining cars
- ? Feel what it was like for prisoners inside the prison van with our interactive display
- ? Meet some of our heroes and legends in the Great Train Hall
- ? Marvel at elegant engineering and craftsmanship
- ? Learn about some of the most interesting jobs on the railways
- ? Operate the Steam Machine to learn how steam power works
- ? View behind-the-scenes maintenance and conservation of the heritage fleet by staff and volunteers as work on a variety of locomotives and carriages
- ? Run, jump, spin and climb in our playground

1855 Famous author Will Lawson wrote his book, Dan Morgan Rides, that bushranger Dan Morgan's wife Annie, born in Appin was a barmaid at the old inn and that Dan himself drank here.

1929 James Scullin, Prime Minister stopped here regularly, as it was his favourite port of call when it was being run as a boarding house and tearooms run by owner John Sanderson.

1993 Don Burke stopped in to film the gardens for Burke's Backyard when there was five acres of landscaped gardens down to the creek.



Site Survey

A site visit was required to check the area for any artifacts and other traces of Aboriginal occupation. The site surveys were conducted by Neale Sampson, Elwyn Brown who have checked and individually sited the above mentioned 42 allotment of land on behalf of the TLALC for the client the PTTAG, also we have had assistance from the OEH office with two of their officers assisting with preparation of report and identification of various aboriginal artifacts.

Timing

Due to the restrictions and the negotiation of personnel to do this particular survey and the blocks being individually accessed the timing of the first draft was delayed until personnel were available to access these sites and also taking into account of the overall OEH Acts and Statutory requirements these delays could not be avoided.

Exclusions

This report will not have any mapping in relation to the Wollondilly Shire Council only the mapping of the area submitted to the TLALC.

Aboriginal Assessment Report

When conducting a cultural heritage assessment with Neale Sampson and myself Elwyn Brown, of the 42 allotments within the areas of Picton, Thirlmere, Tahmoor for the above mentioned client the PTTA group it is to be noted that most properties which had existing housing and other buildings on them and were covered with thick vegetation and grass along with a number of trees on and around the property which made it impossible to access the ground due to the disturbance of the soil which at times looked like it was dug up quite a few times for planting vegetables and this made the task impossible to locate any artifacts or materials that would have determined that Aboriginal people existed in this area only for a number of suspected scarred trees on properties which were photographed and documented and checked for authentication by the OEH officers. Also this site where the scarred trees were located and registered on the aims systems and GSP Aerial Co-Ordinance recorded and we can locate Aboriginal sites in the area.



Issues

- The Aboriginal archaeological resource of the 42 blocks is not fully known partly due to a lack of archaeological investigation.
- The potential exists to find archaeological artefacts but not necessarily. Sites may have been disturbed by past land uses, erosion and artefact collection.
- There is a potential for unidentified Aboriginal sites to be impacted by access provision, bush regeneration, informal trails and associated remedial works.
- Locating scared trees on properties

Desired Outcomes

- Aboriginal sites and places are identified, recorded and protected.
- Impacts on Aboriginal heritage values are minimised.

An Aboriginal Heritage Information Management System (AHIMS) search of the study area was conducted on 14 August 2012. Twenty seven sites were recorded around the vicinity of the study area. Only one site was located within the study area which is in the process of being added to the AHIMS system.

Recommendations

The following recommendations are based on consideration of:
Statutory requirements under the *National Parks and Wildlife Act 1974* as amended.

The results of background research, site survey and assessment.

The interests of the Aboriginal stakeholder groups.

The likely impacts of the proposed development.

It was found that

- ☐ No Aboriginal sites were located within the study area, Only one scared tree which has been marked on both sides and an estimation of over 100 years old.
- ☐ The study area has a low archaeological potential.
- ☐ The study area as a whole has a low archaeological significance.



Management Principles

Management principles aid in the formulation of impact assessments and recommendations on whether further investigation is required. Tharawal LALC outlines the following principles, which have also been used in this assessment.

- Sites and/or landscapes with high archaeological potential or significance (particularly in threatened landscapes) should be identified as worthy of conservation, and development impacts on these should be avoided.
- Sites and/or landscapes with moderate archaeological potential or significance (particularly in threatened landscapes) should be avoided if possible by development proposals. If impacts are unavoidable then these features should be the subject of further investigation to ensure that information is retrieved prior to their destruction;
- Sites and/or landscapes of low or no archaeological potential or significance do not require planning consideration or further archaeological investigation in relation to the proposed development.

As the study area has been assessed as having low archaeological potential further archaeological investigations will not be necessary.



Landowners and Block Numbers Accessed in this Report

Brundah Road

No - Name	Lot Numbers		Acres
40 John MacRae		244682	2.031
60 John MacRae		244682	2.023
80 Colin Jarrett	3	244682	2.021
85 Juan & Amalia Ariel	191	618071	2.023**
100 Tony Pace	4	244682	2.023
109 Mate Mladin	16	730970	2.000
110 Scott & Robyn Fletcher	5	244682	2.023
115 Gordon & Anna Simons	17	746882	2.000
135 Richard Solomon	18	746882	2.000
139 Stuart & Jo Macgregor	19	746882	2.000

****Noted that a scared tree was located on this property**

Denmead Street

No - Name	Lot No:		Acres
15 Nada Maijevac	1	734881	2.000
25 Ray & Maree Ledbrook	2	734881	1.730
60 Ray & Veronica Pye	173	C36552041	2.029

Dennis Street

No - Name	Lot No:		Acres
25 Marijan & Rhonda Muzevic	153	751270	1.224

Glenanne Place

No - Name	Lot No:		Acres
10 Olegario Family	8	245495	2.676



Tickle Drive
No - Name

Lot No

Acres

9 Ross & Debra Archer	211 716676	2.000
19 Barbara Sell	210 716676	11.080
25 Wayne & Lyn Deeth	202 850429	10.770
30 Munzenrieder & Munzenrieder	192 618071	3.188
35 Wayne & Lyn Deeth	201 850429	2.000
45 Alan & Mavis Dymond	101 613474	16.000
60 Alan & Mavis Dymond	3 606962	2.575
65 Pat & Hilde Goodchild	104 613474	16.000
70 Mike & Margaret Cronin	2 920876	7.647



Hilton Park Road

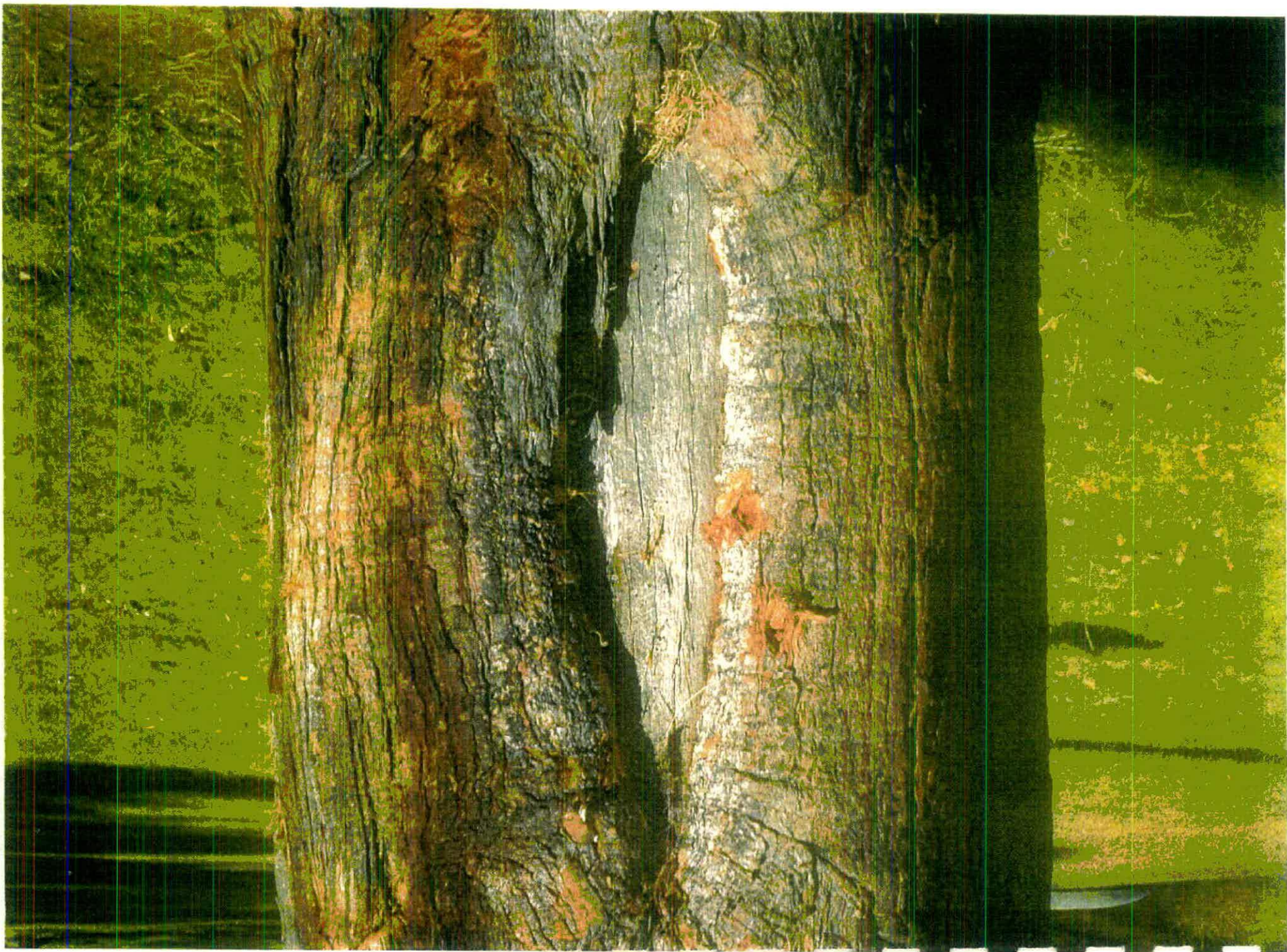
No - Name	Lot No:	Acres
10 Yvonne Bowen	1 11938	4.148
15 William & Martin Gatt	32 793108	1.723
20 Joseph Touma	5 11938	3.173
49 Peter Roser & Robyn Stucki	13 716677	2.070
50 Peter & Jackie Roser	41 788808	2.000
55 William & Majorie Thompson	12 716677	2.000
65 Mark & Christina Dench	11 716677	2.492
75 Tom Anderson	10 614455	2.071
85 David & Julie Joliffie	11 11938	2.831
90 David Pescud & Deborah Sanders	20 806833	1.845
95 Mark Webb	1 599811	1.197
100 Michael McPhee	3 599811	10.810

Rila Street

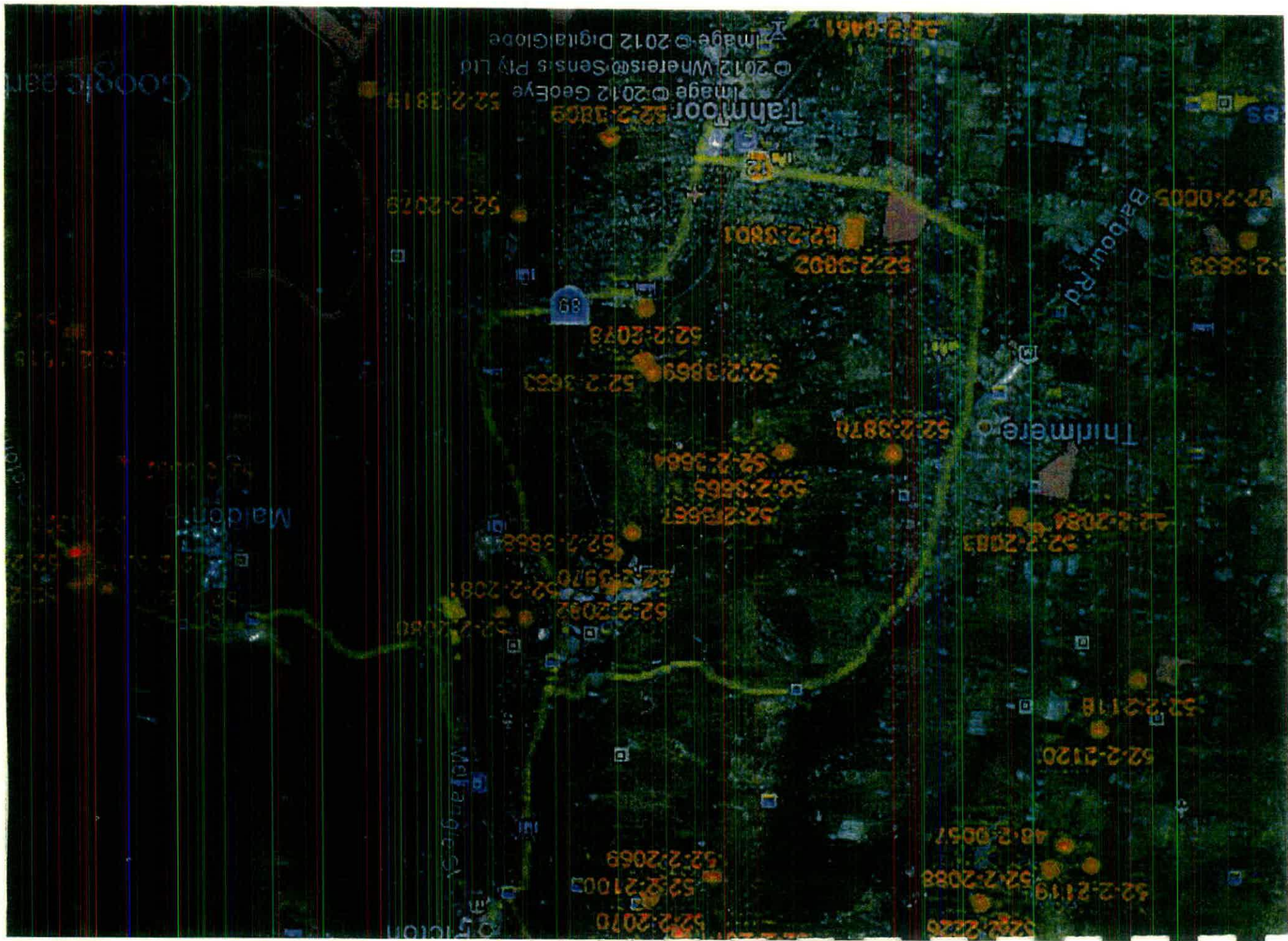
No - Name	Lot No:	Acres
69 Joe Touma & Vivian Palamara	13 245153	5.515
77 Peter & Heather Martin	14 245153	2.023
85 Zafer Boustani	15 245153	2.023
105 Rob & Cathy Wagner	17 245153	2.023

Thirlmere Way

No - Name	Lot No:	Acres
195 Russell Mitchell	172 751270	1.646
235 Colin & Viv Smith	167 C39022041	3.645











Tharawal Local Aboriginal Land Council and members of the local indigenous community would like to thank you for considering the land when undertaking your project and respecting the indigenous people of Tharawal by notifying us of your plans.

Regards,

Greg Bondar CEO

Tharawal LALC

PO Box 168 Picton NSW 2571

Ph: (02) 4681 0059



Reference Page

Trainworks
Barbour Rd, Thirlmere

Tahmoor House
27 Remembrance Drive Tahmoor 2573

Picton
Station, Prince and Webster St, Picton.

Picton , Tahmoor, Thirlmere Action Group

Wollondilly Shire Council, Picton

Office of Environment & Heritage (OEH)Hurstville

Tharawal Local Aboriginal Land Council

PTTAG Picton, Tahmoor, Thirlmere Action Group

Governing Acts

The Heritage Act 1977

Aboriginal Land Rights Act (1983)

National Parks and Wildlife Act (1974)

Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW
(2010)



THARAWAL LOCAL ABORIGINAL LAND COUNCIL
PO BOX 168, PICTON NSW 2571
PH: (02) 46 810059 EMAIL: reception@tharawal.com.au

Tax Invoice

A.B.N. 60 693 210 407
A.C.N.

Invoice #: 20071892
Date: 21/08/2012
Ship Via:
Page: 1

Bill To:

Ship To:

Picton, Tahmoor, Thirlmere Action Group (PTTAG)
Rein Warry & Co Pty Ltd
PO Box 662
Picton NSW 2571

Picton, Tahmoor, Thirlmere Action Group (PTTAG)
Rein Warry & Co Pty Ltd
PO Box 662
Picton NSW 2571

Description	Amount	Code
Aboriginal Heritage Assessment for 42 individual Allotments of Land for PTTAG		GST
Aboriginal Heritage Assessment for 2 site offices @ \$1000 per day for 7 days	\$14,000.00	GST
Report plus various information (AHIMS)	\$1,000.00	GST

Your Order #:	Customer ABN:	Freight:	\$0.00
		GST:	\$1,500.00 GST
Terms: Net 30th after	GST	SALE AMOUNT	Total Inc GST: \$16,500.00
	\$1,500.00	\$15,000.00	Amount Applied: \$0.00
		Balance Due:	\$16,500.00

PAYMENT OPTIONS

ELECTRONIC PAYMENT ACCOUNT DETAILS
BSB: 062-654
ACCOUNT NUMBER: 10177662
ACCOUNT NAME THARAWAL LOCAL ABORIGINAL LAND
COUNCIL BUSINESS ACCOUNT

Please make cheques payable to:
THARAWAL LOCAL ABORIGINAL LAND COUNCIL BUSINESS
ACCOUNT