

## Aboriginal Heritage Impact Permit

**AHIP number: 4664**

**AHIP Issued To:**

Transport for NSW  
ABN 76 236 371 088  
27 Argyle Street  
PARRAMATTA NSW 2150

<b>Heritage NSW Office issuing this AHIP</b>
Heritage NSW
Aboriginal Cultural Heritage Regulation – South
Telephone number: (02) 9873 8500
Email: <a href="mailto:heritagemailbox@environment.nsw.gov.au">heritagemailbox@environment.nsw.gov.au</a>

**Additional details for public register**

<b>a) Name of development or project</b>	Pitt Town Bypass
<b>b) Location</b>	Between Cattai Road and Pitt Town Road, Pitt Town
<b>c) Local Government Area(s)</b>	Hawkesbury
<b>d) Description of harm authorised</b>	<ul style="list-style-type: none"><li>• Salvage excavations</li><li>• Community collection</li><li>• Harm to certain Aboriginal objects through the proposed works.</li></ul>
<b>e) AHIP commencement date and duration</b>	<i>Commencement: 14 March 2021</i> <i>Duration: 5 years</i>

## AHIP TO HARM ABORIGINAL OBJECTS

### A. Background

- (i) On 30 March 2020 Transport for New South Wales (TfNSW, formerly Roads and Maritime Services) applied to the Department of Planning, Industry and Environment (DPIE) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) On 1 July 2020 the Aboriginal Cultural Heritage Regulation functions under the NPW Act were transferred from the Department of Planning, Industry and Environment into Heritage NSW in the Department of Premier and Cabinet.
- (iii) Aboriginal community consultation has been conducted in accordance with clause 60 of the *National Parks and Wildlife Regulation 2019*.
- (iv) Archaeological test excavation has been conducted in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010).
- (v) Heritage NSW considered the application and supporting information provided and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

### B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

### C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for **five (5) years** from the date of commencement.

### D. Proposed Works

Construction of the Pitt Town Bypass between Cattai Road and Pitt Town Road and associated works.

**Note:** A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.



.....

**Jackie Taylor**

**Senior Team Leader, Aboriginal Cultural Heritage Regulation – South  
Heritage NSW**

(by Delegation)

DATED: 14 March 2021

### CONTENTS

LAND TO WHICH THIS AHIP APPLIES .....	4
CONDITIONS .....	4
Administrative Conditions .....	4
Operational Conditions .....	5
Notification and Reporting Conditions .....	6
General Conditions .....	8
SCHEDULES .....	10
Schedule A: Aboriginal objects which must not be harmed .....	10
Schedule B: Aboriginal objects that may be harmed through the certain actions .....	10
Schedule C: Aboriginal objects which may be harmed through the proposed works .....	11
DICTIONARY .....	13
INFORMATION ABOUT THIS AHIP .....	14
APPENDIX A: Land to which this AHIP applies.....	16
APPENDIX B: Salvage Excavation Methodology .....	19

## LAND TO WHICH THIS AHIP APPLIES

This AHIP applies to that land shaded orange and labelled “AHIP application area” and bound by the listed grid references as shown in **Appendix A: Land to which this AHIP applies** that includes part or all of the following Lot and DPs (that were provided with the AHIP application):

Lot Number	Plan Label	Lot Number	Plan Label	Lot Number	Plan Label
1	DP107709	5	DP1249901	2	DP565918
52	DP1127986	4	DP1249901	3	DP565918
52	DP1187464	9	DP1249901	12	DP598289
9	DP1245761	6	DP1249901	11	DP598289
10	DP1245761	11	DP1249901	10	DP6916
11	DP1245761	3	DP215001	9	DP6916
8	DP1245761	4	DP215001	1	DP709145
2	DP1245761	1	DP225516	2	DP712795
4	DP1245761	2	DP225516	254	DP752050
3	DP1245761	4	DP225516	2	DP77487
6	DP1245761	3	DP255533	1	DP838204
7	DP1245761	1	DP522823	101	DP868244
14	DP1245761	3	DP522823	1	DP986055
13	DP1245761	1	DP560897		
10	DP1249901	1	DP561695		

## CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

### Administrative Conditions

#### Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

#### Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, Heritage NSW must be notified of their contact details within **14 days** of this appointment.

## Aboriginal Heritage Impact Permit

### Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

## Operational Conditions

### Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed.
7. The Aboriginal objects described in Schedule A must not be harmed.

### Salvage excavations

8. Salvage excavations may be carried out in, on or under each salvage excavation area described in Schedule B2.
9. Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further analysis in accordance with the temporary storage and long term management conditions of this AHIP.
10. The excavations and analysis of Aboriginal objects must be carried out in accordance with Salvage Excavation Methodology prepared by Kelleher Nightingale Consulting (dated January 2020) that was provided with the application. A copy of the salvage excavation methodology is provided at **Appendix B** of this AHIP.
11. The excavations must be completed in an area before any harm of Aboriginal objects described in Schedule C can commence in that same area.

### Community collection

12. A representative or representatives of the Registered Aboriginal Parties must be provided with an opportunity to collect Aboriginal objects within the land to which this AHIP applies as described in Schedule B3.
13. The opportunity for community collection must be provided before any harm of Aboriginal objects described in Schedule C can commence in the area.
14. Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further analysis in accordance with the temporary storage and long term management conditions of this AHIP.
15. If an opportunity for community collection has been provided and this collection does not occur, the AHIP holder may proceed with any actions to harm Aboriginal objects described in Schedule C, in accordance with the conditions of this AHIP.

### Harm of certain Aboriginal objects through the proposed works

16. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
17. Aboriginal objects described in Schedule C must not be harmed unless:
  - (a) all excavations described in Schedule B2 have been completed in the area, and
  - (b) all opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided in the area.

## Aboriginal Heritage Impact Permit

### Temporary storage of certain Aboriginal objects

18. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
19. The temporary storage location is as follows:

<b>Location name:</b>	Kelleher Nightingale Consulting offices
<b>Address:</b>	Level 10, 25 Blight Street, Sydney NSW 2000
<b>Storage particulars:</b>	Secure cabinet in locked office

20. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

### Long term management of certain Aboriginal objects

21. Requirement 26 "Stone artefact deposition and storage" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*, available online at: <https://www.heritage.nsw.gov.au/assets/Code-of-Practice-for-Archaeological-Investigation-in-NSW.pdf> must be complied with.
22. The long term management of Aboriginal objects recovered during the archaeological test and salvage excavations must be determined through consultation with the Registered Aboriginal Parties.
23. The long term management of Aboriginal objects recovered during the archaeological test and salvage excavations within the land to which this AHIP applies must be finalised within **12 months** of the completion of the archaeological salvage excavations conducted in accordance with the conditions of this AHIP.

## Notification and Reporting Conditions

### Notification of commencement and completion of actions

24. Written notice must be provided to Heritage NSW at least **7 days** prior to the commencement of actions authorised by this AHIP.
25. Written notice must be provided to Heritage NSW within **7 days** of the completion of actions authorised by this AHIP.

### Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

26. A copy of this AHIP must be provided to each Registered Aboriginal Party, within **14 days** of receipt of the AHIP from Heritage NSW.
27. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within **14 days** of receipt of the notice.

### Human remains

28. If any human remains are discovered and/or harmed in, on or under the land, the AHIP holder must:

## Aboriginal Heritage Impact Permit

- (a) not further harm these remains
- (b) immediately cease all work at the particular location
- (c) secure the area so as to avoid further harm to the remains
- (d) notify the local police and DPIE's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
- (e) not recommence any work at the particular location unless authorised in writing by Heritage NSW.

### Incidents which may breach the Act or AHIP

29. The AHIP holder must notify the Heritage NSW office in writing as soon as practicable after becoming aware of:
- (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
  - (b) any contravention of the conditions of this AHIP.

### Reports about incidents which may breach the Act or AHIP

30. Where Heritage NSW suspects that an incident has occurred which may have breached the Act or AHIP, Heritage NSW may request a written incident report, which includes the following:
- (a) the nature of the incident
  - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
  - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
  - (d) any conditions of an AHIP which may have been breached, and
  - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
31. The incident report must be provided to the Heritage NSW office within the timeframe specified in the request.

### Provision of Aboriginal Site Impact Recording Form

32. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within **6 months** of the completion of the salvage excavation actions authorised by this AHIP.

#### Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the website:  
<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>
- (ii) Contact details for the AHIMS Registrar can be found on the website:  
<https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/>

### Report about harm to Aboriginal objects (Salvage Excavation Report)

33. A Salvage Excavation Report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this AHIP). The report must:
- (a) Include a short summary of the report.
  - (b) Describe the ongoing consultation with or involvement of representatives of Registered Aboriginal Parties in relation to this AHIP.



## Aboriginal Heritage Impact Permit

- (c) Describe how any Aboriginal objects described in Schedule A have been and will continue to be managed.
  - (d) Provide details of the Aboriginal objects which were fully or partially harmed in the course of undertaking the actions.
  - (e) Provide a description of the methods and results of the salvage excavation.
  - (f) Detail the results of any analysis of Aboriginal objects.
  - (g) Provide analysis of the geomorphological context and site formation processes in relation to the results of the salvage excavation and analysis of the Aboriginal objects.
  - (h) Provide analysis of the local and regional archaeological context in relation to the results of the salvage excavation and analysis of the Aboriginal objects.
  - (i) Analyse the results of the excavations in relation to the research questions in the salvage excavation methodology.
  - (j) Comment on how the results relate to the predictive model and indicate avenues for future research and desirable regional conservation outcomes.
  - (k) Comment on the effectiveness of any mitigation measures that were implemented.
  - (l) Comment on the effectiveness of any management plan which was in place.
  - (m) If any Aboriginal objects were moved to a temporary storage location, a description of the nature and types of Aboriginal objects which are now at that location.
  - (n) Include a statement confirming that the long term management arrangements for excavated Aboriginal objects as set out in the conditions of this AHIP have been completed.
  - (o) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.
34. The Salvage Excavation Report must be submitted to the Heritage NSW office within **12 months** of the completion of the salvage excavation actions authorised by this AHIP.
35. A copy of the Salvage Excavation Report, including a summary of the report in plain English, must be sent by registered post to each Registered Aboriginal Party within **14 days** of the report being submitted to Heritage NSW.

## General Conditions

### Indemnity

36. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
  - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

### Release



## Aboriginal Heritage Impact Permit

37. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, and, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
  - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

### Written notice

38. Any requirement to provide written notice to Heritage NSW in this AHIP may be complied with by emailing the notice to Heritage NSW email address or by sending by registered post to the Heritage NSW address. The Heritage NSW's contact details are specified at the front of this AHIP.

## SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

### Schedule A: Aboriginal objects which must not be harmed

#### A1 Human remains

All human remains in, on or under the land must not be harmed as specified by the conditions of this AHIP.

#### A2 Aboriginal objects that are identified on AHIMS

Not applicable.

#### A3 No-harm areas

Not applicable.

### Schedule B: Aboriginal objects that may be harmed through the certain actions

#### B1 Movement only

Not applicable.

#### B2 Salvage excavations

Salvage excavations must be carried out in accordance with the Salvage Excavation Methodology as attached in **Appendix B** and in accordance with the conditions of this AHIP.

The salvage excavation area comprises the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A and B</b>	45-5-5147	Artefact	PTBP AFT 3	N	301956	6281188	GDA

#### B3 Community collection

Community collection may be carried out in the land to which this AHIP applies in accordance with the conditions of this AHIP.

The community collection includes the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

## Aboriginal Heritage Impact Permit

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5147	Artefact	PTBP AFT 3	N	301956	6281188	GDA
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5148	Artefact	PTBP AFT 1	N	301874	6281401	GDA
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5149	Artefact	PTBP AFT 2	N	301868	6281186	GDA
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5150	Artefact	PTBP 1	N	301989	6281540	GDA

### B4 Other

Not applicable.

## Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

### C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5147	Artefact	PTBP AFT 3	N	301956	6281188	GDA
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5148	Artefact	PTBP AFT 1	N	301874	6281401	GDA
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5149	Artefact	PTBP AFT 2	N	301868	6281186	GDA

## Aboriginal Heritage Impact Permit

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Part – that part within the land to which this AHIP applies as shown in <b>Appendix A</b>	45-5-5150	Artefact	PTBP 1	N	301989	6281540	GDA

### C2 Areas where harm of Aboriginal objects is authorised

This AHIP applies to all Aboriginal objects in, on and under the land shaded orange and labelled “AHIP application area” and bound by the listed grid references as shown in **Appendix A: Land to which this AHIP applies.**

### DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

<b>Aboriginal object</b>	has the same meaning as in the Act.
<b>Act</b>	means the <i>National Parks and Wildlife Act 1974</i> .
<b>AHIMS</b>	means the Aboriginal Heritage Information Management System maintained by Heritage NSW, as defined in s.90Q of the Act.
<b>AHIP</b>	means Aboriginal Heritage Impact Permit
<b>AHIP holder</b>	means the entity or person listed on the cover page under the heading “AHIP issued to”.
<b>Application</b>	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
<b>Community collection</b>	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
<b>Community collection area</b>	means an area described as a community collection area in Schedule B3
<b>DPC</b>	means the Department of Premier and Cabinet
<b>Heritage NSW office</b>	means the office listed on the cover page of this AHIP.
<b>No-harm areas</b>	means those areas described in Schedule A3.
<b>Proposed works</b>	means the works described under the heading “D. Proposed Works” at the front of this AHIP.
<b>Public register</b>	means the public register established under s.188F of the Act, that contains details of AHIPs issued by Heritage NSW, as described under the heading “Information about this AHIP”.
<b>Registered Aboriginal Parties</b>	means the Registered Aboriginal Parties listed in the application.
<b>Salvage excavation</b>	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
<b>Salvage excavation area</b>	means any area described as a salvage excavation area in Schedule B2.
<b>Test excavation</b>	means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
<b>Test excavation area</b>	means any area described as a test excavation area in Schedule B2

### INFORMATION ABOUT THIS AHIP

#### Public Register

Under section 188F of the Act, Heritage NSW is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at <https://www.heritage.nsw.gov.au/protecting-our-heritage/aboriginal-heritage-impact-permit-public-register/>

#### Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

#### Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. Heritage NSW can also issue penalty notices for a breach of the Act or AHIP condition.

#### Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

#### Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Secretary of DPC under s.89A of the Act using the form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

#### Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

#### Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

#### Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

#### Variation of AHIP

The AHIP holder may apply to the Heritage NSW office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au). Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

## Aboriginal Heritage Impact Permit

The conditions of an AHIP may be varied at any time by the Secretary of DPC in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Secretary of DPC to vary the conditions of the AHIP.

### **Transfer of AHIP**

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).

### **Surrender of AHIP**

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au). The surrender must be approved by the Secretary of DPC and may be subject to conditions.

### **Suspension and revocation of AHIP**

An AHIP may be suspended or revoked at any time at the discretion of the Secretary of DPC. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

### **Entry to land**

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

### **Disclosure of information pursuant to lawful requirement**

This AHIP does not prevent the disclosure of any information or document in Heritage NSW's possession in accordance with any lawful requirement.

### **Making copies of reports**

By providing a report, the AHIP holder acknowledges that Heritage NSW can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

Heritage NSW is able to make copies of any reports provided to Heritage NSW under this AHIP.



## APPENDIX A: Land to which this AHIP applies

This AHIP applies to that land shaded orange and labelled 'AHIP application area' shown on Figure 1 below and bound by the listed grid references in Table 1. The location of recorded sites as listed on AHIMS is shown in Figure 2.

**Table 1. AHIP application coordinate points**

Point ID	Easting	Northing	Point ID	Easting	Northing	Point ID	Easting	Northing
1	302274	6281915	20	301924	6281081	39	301959	6281527
2	302166	6281817	21	301852	6281091	40	301955	6281577
3	302086	6281717	22	301823	6280986	41	301772	6281606
4	302041	6281624	23	301816	6280925	42	301776	6281631
5	302040	6281598	24	301788	6280925	43	301918	6281607
6	302122	6281571	25	301802	6281109	44	301948	6281618
7	302119	6281550	26	301783	6281111	45	301987	6281622
8	302047	6281559	27	301782	6281120	46	302041	6281737
9	302039	6281539	28	301746	6281125	47	302007	6281713
10	301940	6281344	29	301747	6281192	48	301994	6281732
11	301982	6281296	30	301697	6281246	49	302010	6281742
12	301947	6281242	31	301715	6281263	50	302009	6281764
13	301896	6281241	32	301758	6281221	51	301984	6281777
14	301916	6281172	33	301808	6281202	52	301947	6281781
15	301992	6281223	34	301825	6281218	53	301954	6281803
16	301979	6281125	35	301742	6281296	54	302053	6281798
17	302054	6281109	36	301800	6281338	55	302069	6281795
18	302052	6281085	37	301788	6281350	56	302137	6281852
19	301946	6281098	38	301929	6281455	57	302252	6281938



Figure 1: Land to which this AHIP applies, shown shaded orange and labelled "AHIP Application Area"



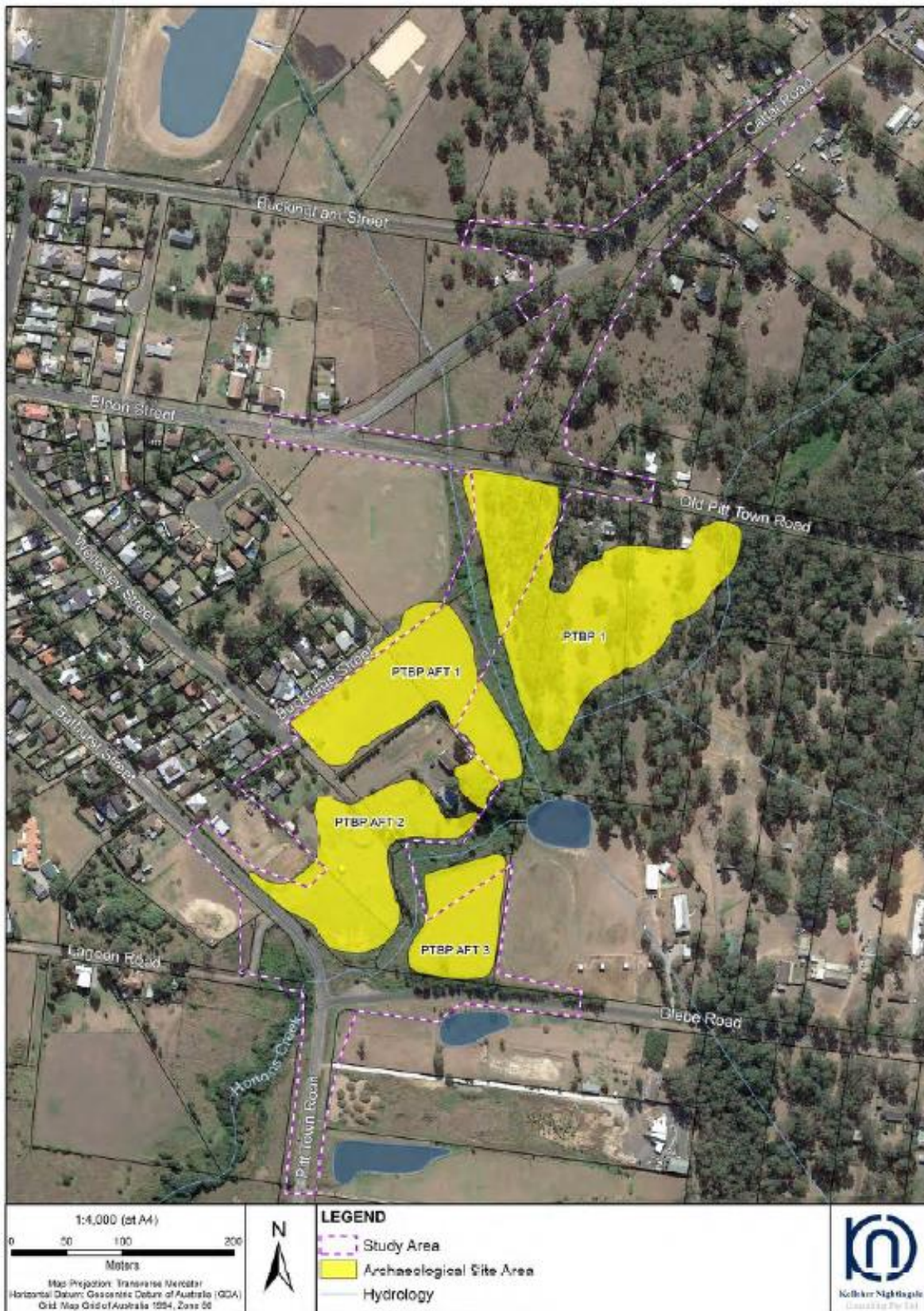


Figure 2: Recorded sites within the land to which this AHIP applies

## APPENDIX B: Salvage Excavation Methodology

### Appendix E Salvage Excavation Methodology

#### Methodology

##### Research Aims

The main aims of the proposed salvage excavation program are:

- To salvage a representative sample of identified archaeological site PTBP AFT 3 prior to impact.
- To analyse the salvaged archaeological material to gain and conserve knowledge and understanding of the scientific and cultural information exhibited by the activities associated with landforms along the Hortons Creek.
- To use the excavation results to gain insight into the subsurface archaeology of the adjacent areas not being impacted by the proposal. This would increase future educational opportunities and allow more informed management of Aboriginal heritage.

The further scientific aim of the salvage excavation program would be to determine the subsurface integrity, extent, spatial distribution and nature of the cultural deposit and the specific types of associated archaeological/cultural activities.

- Determining the integrity of the deposit involves assessing the degree of disturbance which is present.
- Determining the statistical extent of the sites and/or activity areas involves identifying the boundaries associated with the identified archaeological deposit.
- Assessing the spatial distribution involves identifying the presence/absence of archaeological material across the identified archaeological site.
- The nature of the site refers to the type of activities indicated by the artefactual material (e.g. primary production, domestic knapping, hunting camps). The goal would be to retrieve entire assemblages from specific activities if such activities were present.
- Retrieved assemblages would be compared with the results from other relevant archaeological projects in order to assess significance.

#### Research Questions

The results of the proposed salvage excavation would increase our understanding of subsurface archaeology of the study area. In particular, research would focus on addressing questions about the survivability of archaeological deposit. Understanding how environmental processes have impacted archaeological deposits and how these impacts effect our ability to analyse salvaged archaeological material will assist the planning process and potentially increases conservation outcomes.

**Question 1:** What are the taphonomic features of archaeological site PTBP AFT 3? What do these features indicate about site integrity and artefact survivability for similar landforms along the Hortons Creek? What is the effect of land use and natural processes on the preservation of this Aboriginal archaeological site and does this have implications for our ability to analyse the salvaged archaeological material.

#### What can we expect?

It is anticipated that stone tools will be recovered from the sites. The differences in stone tool assemblages may be related to different cultural activities (e.g. primary reduction vs maintenance flaking). The science of archaeology is paramount to any research question and it is important to stress that the goal for the salvage program for all excavated sites is straight forward: to retrieve a viable sample for comparative analysis using established techniques (see Field Methods below). In this regard interpretation would not precede data collection. The proposed archaeological program would systematically sample the relevant area using standard techniques with the outcome being a viable, robust and comparable sample. Analysis of the sample would follow and interpretations would be made distinctly separate from the results.

**Question 2:** Where intact archaeological deposit exists, what cultural activities are archaeologically identifiable at the site? Do the identified cultural activities differ from sites excavated near the Hawkesbury River?



## Archaeological Salvage Areas

Salvage excavation would be undertaken on identified archaeological site PTBP AFT 3. Salvage excavation of the site would focus on the extraction of collections of artefacts related to activity areas.

## FIELD METHODS

The goal of the field excavation program is to recover significant assemblages of artefacts

### Salvage Program

In order to achieve the most robust and comparable result, KNC advocates an open area salvage excavation. The first phase in open area salvage is to establish the statistical boundaries of the previously identified archaeological deposit. In other words, recording the spread of activities across the site/landscape. This approach is designed to salvage the spatial properties of the site as shown in the lithic continuum.

#### Phase 1

A series of 1 m<sup>2</sup> squares are excavated on a transect grid at 15 metre intervals overlain on each site to mark the spread of lithics and related geomorphic activity (Figure 28).

GDA 94 coordinates would be recorded for each square to enable three dimensional modelling. Statistical salvage following this method is highly beneficial because it creates a robust inter-site sample, sufficiently random, critical for regional comparative analysis. No other method is as efficient or effective.

Individual excavation squares measuring 1 m<sup>2</sup> would be hand excavated in stratigraphic units (Unit A, Unit B, etc.). Squares would be excavated until the basal layer or culturally sterile deposit is reached (usually 25-35 cm). Previous excavation of the podzolic soils associated with the area indicates no archaeological stratigraphy within units. As such the A1 and A2 soil layers are culturally one layer (suffering from cyclical soil transfer resulting in a mixed cultural profile within the soil) and can be salvaged as one unit where possible. All excavated deposit would be wet sieved using nested 5.0 mm and 2.5 mm sieves. Where potential micro-debitage is recovered 1.0mm sieves will be utilised.

The location of each excavated square would be identified on a surveyed plan of the site. Stratigraphic sections detailing the stratigraphy and features within the excavated deposit would be drawn and all squares would be photographed. Soil samples as well as thin section profiles (where feasible) would also be collected. The stratigraphy of all excavated areas would be fully documented and appropriate records archived.

#### Phase 2

Open area salvage of significant deposit follows the Phase 1 assessment. Additional 1 m<sup>2</sup> squares, constituting an open area, will be excavated around information bearing deposits along the excavation grid. Information bearing deposits are identified by triggers such as: significant quantities of artefacts, variations in raw material, unusual artefacts, chronological material and/or taphonomic indicators. In this context chronologic material is anything that can be used to date artefacts or deposit: charcoal or charcoal bearing deposit (e.g. hearth ash), sandy deposit, gravels (e.g. aluminium feldspar). Phase 2 open area investigation would expand to encompass entire activity areas. The location of Phase 2 open area investigation would be based on Phase 1 results.

Phase 2 will require the excavation of a minimum of 25m<sup>2</sup> and a maximum of 50m<sup>2</sup> per salvage area. Total salvage area at the archaeological site would be approximately 50-75m<sup>2</sup> (combining both Phase 1 and Phase 2).

Carbon samples will be collected and analysed for material relating to both the archaeology and geomorphology. Where appropriate cosmogenic and radiometric dating of soils and rock surfaces will be applied (Nishiizumi et al. 1986, 1993).



Figure 28. PTBP AFT 3 with indicative Phase 1 transects



## Analysis

Stone artefacts would be analysed on a comparable level with previous analyses of excavated assemblages. Information derived from this analysis; in particular the identification of specific artefact types and their distributions and associations; would be used to put together interpretations about how sites were used, where sites were located across the landscape, the age of sites and to assess cultural heritage values. By comparing different areas it would be possible to determine whether there were differences in the kinds of activities carried out and if different activities were related to different landforms.

A range of stone artefacts may be present across the salvage areas and the analysis would expand accordingly to account for artefact variability. All information would be recorded in database form (MS Excel). Various types of evidence would be used to determine the kinds of activities that were carried out. A short description of the proposed analysis is outlined below.

- Field analysis would record basic data, such as material type, number and any significant technological characteristics, such as backing or bipolar techniques; added to this would be any provenance data such as pit ID and spit number. The purpose of the field recording is twofold: 1) establish a basic recording of artefacts retrieved and 2) to allow on-going assessment of the excavation regime (e.g. whether higher stratigraphic resolution is required while digging).
- Detailed (laboratory) analysis would entail recording a larger number of characteristics for each individual artefact. These details would be recorded in matrices suitable for comparative analysis (e.g. multivariate and univariate) of the excavated assemblage on a local and regional basis.
- Lithic characteristics to be recorded cover a range of basic information but are not limited to these categories (see example below). For transparency, terms and category types would in large part be derived from Holdaway and Stern (2004).

Sample Categories		
Record Number	% Cortex	Flake Type
Pit ID	Length	Termination Type
Spit Number	Width	Core Type
Count	Thickness	Number of Scars (Core)
Raw Material	Weight	Scar Type (Core)
Colour	Modification	Shape of Flake
Quality	Reduction Type	Platform Type

- A detailed explanation and glossary would be provided with the final excavation report.
- Minimum Number of Flake (MNF) calculations formulated by Hiscock (2000, 2002) would be undertaken where applicable (although past experience indicates MNF calculations would not be required for this excavation program).

The analysis of artefacts recovered during the excavation program would be undertaken in a transparent and replicable fashion so as to permit the comparison of the entire excavated assemblage with data from other areas. This would also allow for an interpretation of the proposal area's archaeological significance.

## Field Team

KNC directors, Dr Matthew Kelleher and Alison Nightingale, would be responsible for the salvage excavation program. Dr Matthew Kelleher would direct the excavation component of the Aboriginal archaeological assessment. Matthew has extensive experience in managing archaeological excavations and research projects. Matthew would also be the principal contact for the overall Aboriginal archaeological assessment for the project. The salvage excavation will be undertaken in association with registered Aboriginal parties.



Our ref: DOC24/760029

Jennifer Warren  
Environment & Sustainability Manager  
Transport for NSW  
ABN: 76 236 371 088  
4 PSQ, 12 Darcy Street  
PARRAMATTA NSW 2150  
[jennifer.warren@transport.nsw.gov.au](mailto:jennifer.warren@transport.nsw.gov.au)

---

**Subject: Notice of Variation #1 of Aboriginal Heritage Impact Permit 4664 – Pitt Town Bypass**

Dear Jennifer

Transport for NSW (the applicant) applied to Heritage NSW on 27 August 2024 to vary Aboriginal Heritage Impact Permit 4664.

The applicant advises that due to various constraints, the Pitt Town Bypass project has been delayed and construction is now expected to commence in 2025. The existing Aboriginal Heritage Impact Permit is due to expire on 14 March 2026, which would be part way through construction. A timeframe extension of an additional 5 years is therefore being requested to cover the need for the Aboriginal Heritage Impact Permit during the construction phase.

Heritage NSW has considered the matters set out in section 90K of the *National Parks and Wildlife Act 1974*.

### **Variation of Aboriginal Heritage Impact Permit**

Heritage NSW grants the variation to Aboriginal Heritage Impact Permit 4664 in the following manner:

## Variation A

e) AHIP commencement date and duration on page 1 of 22, which states:

Commencement: 14 March 2021

Duration: 5 years

Is replaced by:

Commencement: 14 March 2021

Duration: 10 years

## Variation B

C. Commencement and duration of AHIP on page 2 of 22, which states:

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for **five (5) years** from the date of commencement.

Is replaced by:

This Aboriginal Heritage Impact Permit commences on the date it is signed unless otherwise provided by this Aboriginal Heritage Impact Permit.

Unless otherwise revoked in writing, this Aboriginal Heritage Impact Permit remains in force for **ten (10) years** from the date of commencement.

## Notification requirement

You must provide a copy of this Aboriginal Heritage Impact Permit variation notice to each Registered Aboriginal Party referenced in Aboriginal Heritage Impact Permit 4664, within 14 days of receiving this notice.

## Advice

Under section 188F of the *National Parks and Wildlife Act 1974*, details provided in this notice will be made available on Heritage NSW's Public Register.

Please read this Variation Notice carefully so you continue to comply with all conditions of the original Aboriginal Heritage Impact Permit and this variation.

The variations to this Aboriginal Heritage Impact Permit specified in this notice begin to operate immediately from the date this Variation Notice is issued.

## Right of appeal

Under section 90L of the *National Parks and Wildlife Act 1974*, the Aboriginal Heritage Impact Permit holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this varied Aboriginal Heritage Impact Permit. The appeal must be lodged within 21 days of this variation being issued.

If you require any further assistance do not hesitate to contact Ashleigh Keevers, Senior Assessments Officer, at Heritage NSW on 0461 453 221 or [ashleigh.keevers@environment.nsw.gov.au](mailto:ashleigh.keevers@environment.nsw.gov.au).

Yours sincerely



Rebecca Yit  
A/Strategic Manager ACH Approvals  
Heritage NSW  
Department of Climate Change, Energy, the Environment and Water  
As Delegate under *National Parks and Wildlife Act 1974*

17 October 2024

Cc: Corrine Quilan, Aboriginal Cultural Heritage Officer, Transport for NSW - [corrine.quinlan@transport.nsw.gov.au](mailto:corrine.quinlan@transport.nsw.gov.au)

Cc: Felicity Barry, Senior Environment Officer (Heritage), Transport for NSW - [felicity.barry@transport.nsw.gov.au](mailto:felicity.barry@transport.nsw.gov.au)

Cc: Noni Ross, Aboriginal Cultural Heritage Officer, Transport for NSW - [noni.ross@transport.nsw.gov.au](mailto:noni.ross@transport.nsw.gov.au)

Cc: Adam Moore, Senior Environment and Sustainability Officer, Transport for NSW - [Adam.Moore@transport.nsw.gov.au](mailto:Adam.Moore@transport.nsw.gov.au)

Cc: Bradley O'neil, Transport for NSW - [bradley.o'neill@transport.nsw.gov.au](mailto:bradley.o'neill@transport.nsw.gov.au)

Cc: Jack Gaggin, Transport for NSW - [jack.gaggin@transport.nsw.gov.au](mailto:jack.gaggin@transport.nsw.gov.au)

Cc: Edward Pieris, Transport for NSW - [edward.pieris@transport.nsw.gov.au](mailto:edward.pieris@transport.nsw.gov.au)