

1 Westgate Avenue and 32 Honeymyrtle Street, Thornton – Stage 2: Aboriginal Cultural Heritage Assessment

FINAL REPORT Prepared for Thornton Brentwood Pty Ltd 20 May 2022



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- Jason Brown (Mindaribba Local Aboriginal Land Council).
- Kerrie Brauer, Tracey Howie and Peter Leven (Awabakal Guringai Pty Ltd).

Biosis staff involved in this project were:

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## Glossary

АСНА	Aboriginal Cultural Heritage Assessment
AHIMS	Aboriginal Heritage Information Management System
AR	Archaeological Report
Biosis	Biosis Pty Ltd
CBD	central business district
Consultation requirements	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
DA	Development Application
DECCW	Department of Environment, Climate Change and Water (now Heritage NSW)
EP&A Act	Environmental Planning and Assessment Act 1979
GSV	Ground Surface Visibility
Heritage Act	Heritage Act 1977
Heritage NSW	Heritage NSW, Department of Planning and Environment
ICOMOS	International Council on Monuments and Sites
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
McCardle	McCardle Cultural Heritage
MGA	Map Grid of Australia
NNTT	National Native Title Tribunal
NPW Act	National Parks and Wildlife Act 1974
NPWS	National Parks and Wildlife Service
NSW	New South Wales
NTSCORP	Native Title Services Corporation
PAD	Potential Archaeological Deposit
RAPs	Registered Aboriginal Parties
SEPP	State Environmental Planning Policy
Study area	32 Honeymyrtle Street and 1 Westgate Avenue, Thornton (Lots 425 and 428 DP 1262858)
the Code	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW



## Summary

Biosis Pty Ltd (Biosis) was commissioned by Thornton Brentwood Pty Ltd (Thornton Brentwood) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (Lots 425 and 428 DP1262858, respectively). The study area is located 2.5 kilometres north of Thornton and approximately 30 kilometres north-west of the Newcastle central business district (CBD).

The project is to be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Maitland City Council is the determining authority and will assess the Development Application (DA).

An Aboriginal Heritage Impact Permit (AHIP) for Stage 1 and Stage 3 has been approved by Heritage NSW, Department of Planning and Environment (Heritage NSW): Stage 1 - AHIP #C0004256 and Stage 3 – AHIP 4762.

## Consultation

The Aboriginal community was consulted regarding the heritage management of the project throughout its lifespan. Consultation has been undertaken as per the process outlined in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) (consultation requirements). The appropriate government bodies were notified and advertisements placed in the *Maitland Mercury* newspaper (Friday 21 August 2020), which resulted in the following Aboriginal organisations registering their interest (Table 1):

No.	Organisation	Contact person
1	Mindaribba Local Aboriginal Land Council (LALC)	Tara Dever / Jason Brown
2	DFTV Enterprises	Derrick Vale Snr
3	Culturally Aware	Tracy Skene
4	Yarrawalk (A division of Tocomwall Pty Ltd), Tocomwall Pty Ltd on behalf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	Danny Franks
5	Divine Diggers Aboriginal Cultural Consultants	Deidre Perkins
6	Didge Ngunawal Clan	Paul Boyd and Lilly Carroll
7	Ungooroo Aboriginal Corporation	Chernai Smith
8	A1 Indigenous Services	Carolyn Hickey
9	Kawul Pty Ltd trading as Wonn1 Sites	Lynne Fletcher
10	Hunter Traditional Owner	Paulette Ryan
11	Wattaka Wonnarua CC Service	Des Hickey
12	Awabakal & Guringai Pty Ltd	Tracy Howie
13	AGA Services	Ashleigh, Gregory and Adam Sampson
14	Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson

### Table 1 List of registered Aboriginal parties and group contact



No.	Organisation	Contact person
15	Confidential Aboriginal Party 1	N/A
16	Confidential Aboriginal Party 2	N/A

A search conducted by the Office of the Registrar, *Aboriginal Land Rights Act 1983* listed no Aboriginal Owners with land within the study area, however, they did recommend that Mindaribba LALC should be consulted. A search conducted by the National Native Title Tribunal (NNTT) listed no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area.

Upon registration, the Aboriginal parties were invited to provide their knowledge on the study area and on the proposal provided in the Stage 2 and 3 Project Information and Assessment Methodology on 3 November 2020. Responses from the Registered Aboriginal Parties (RAPs) are included in Appendix 3.

Jason Brown from Mindaribba LALC participated in the supplementary survey on 26 August 2020. No comments were received from Jason Brown with regards to the cultural significance of the study area.

A copy of the draft report was provided to RAPs for review and comment in accordance with the consultation requirements on 23 December 2020. RAPs were provided with a minimum of 28 days to respond and provide information on the cultural significance of the study area and sites identified within its extent.

A response was received on 14 January 2021, from Murra Bidgee Mullangari Aboriginal Corporation stating that they had read the ACHA and endorsed the recommendations.

A reminder was sent out on 19 January 2021 due to a lack of responses to the draft report. The consultation period closed on 1 February 2021.

In response to the reminder, Culturally Aware responded with the following statement on 19 January 2021:

"Aboriginal Community should be offered contracts in these areas if they have Capabilities and Experienced along with any Employment opportunities that may arise to help with the economic benefits for Aboriginal Communities."

Biosis responded on 19 January 2021, stating that this comment had been passed onto the proponent for consideration.

On 21 January 2021, a phone call was received from Peter Leven, a representative of the Awabakal & Guringai Pty Ltd. Peter Leven requested a meeting with Biosis to discuss the report and Biosis' recommendations due to the cultural sensitivity of the study area. A meeting was undertaken on 2 February 2021. A meeting between the proponent and Awabakal & Guringai Pty Ltd was also undertaken on site on 16 February 2021, to discuss recommendations made by Awabakal & Guringai Pty Ltd on 2 February 2021, followed by correspondence with Biosis on 17 February 2021 – 22 February 2021.

The following considerations were proposed as a result:

- Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor prior to the commencement of any works within the Stage 3 impact area.
- Awabakal Guringai Pty Ltd to be present for the scraping of the road reserve post clearing of the trees and prior to commencement of construction within the Stage 2 project area.
- An area wide AHIP should be proposed for Stage 2 due to the cultural sensitivity of this portion of the study area.



- Any artefacts identified during the proposed works for Stage 2 will be removed immediately by Awabakal Guringai Pty Ltd and reburied in the environmental land zone post construction.
- Subject to the approval of Maitland City Council, Thornton Brentwood will endeavour to name the streets, park and drainage reserve after Awabakal names as recommended by Awabakal Guringai Pty Ltd.
- If any Indigenous artwork is to be commissioned as part of the development, Thornton Brentwood will engage Awabakal Guringai Pty Ltd to undertake the works.
- It was also discussed that informative and educational signage be included along the fence line in the Stage 2 environmental land zone. This will be included as a recommendation for the Stage 2 area.

A statement regarding the cultural significance of the study area to the Awabakal and Guringai people was also provided by Awabakal & Guringai Pty Ltd on 17 February 2021, and is supplied within Section 4.4 of this report.

The recommendations that resulted from the consultation process are provided below.

### Results

The ACHA assessment undertook background research for the study area. Key considerations arising from the background research include:

- A search of the Aboriginal Heritage Information Management System (AHIMS) database identified 81 Aboriginal archaeological sites within a 1.5 by 1.5 kilometre search area, centred on the study area. Eleven of these registered sites are located within the study area (AHIMS 38-4-0939, 38-4-0938, 38-4-0937, 38-4-0936, 38-4-0927, 38-4-1989, 38-4-1976, 38-4-1983, 38-4-1982, 38-4-1981, and 38-4-1977).
- The most common Aboriginal site type to occur within the study area is artefact sites, which have the potential to occur within disturbed and undisturbed contexts within close proximity to fresh water sources.
- Hamm (2004) and Biosis' (2018) prior assessments identified concluded that these Aboriginal sites identified within the study area showed a continued use of landscape features such as well-drained topographies and drainage lines.

Biosis previously completed an ACHA for 530 Raymond Terrace Road, Thornton, NSW in 2018 that included an archaeological survey and test excavations within Stage 1, Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an AHIP for Stage 1 of the proposed development. An AHIP (AHIP #C0004256) was obtained for Stage 1 of the proposed works on 7 February 2019 for a period of 10 years.

The archaeological survey completed as part of Biosis' 2018 assessment of the study area was undertaken on Friday 25 May, 2018. The survey resulted in the identification of three previously unrecorded Aboriginal sites, within the current study area (AHIMS 38-4-1989, 38-4-1976, and 38-4-1983). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high. This was attributed to moderate to high levels of disturbance noted across large portions of the study area, with high levels of ground surface visibility (GSV) and exposure assisting surveyors in the identification of Aboriginal sites.

A supplementary survey of the study area was conducted on 26 August 2020, to determine whether further sites may be present within the study area, and to locate AHIMS sites previously recorded within the study area. The supplementary survey resulted in the identification of three Aboriginal sites (RTRD15 AHIMS 38-4-2069, RTRD16 AHIMS 38-4-2070, and RTRD17 AHIMS 38-4-2071) which had not previously been identified, one of which is located outside of the current study area.



Test excavations were undertaken by Biosis between 16 July and 19 July 2018 within the study area (Biosis 2018). Test excavations were conducted in accordance with Requirement 16a of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (the Code). The test excavations resulted in the identification of three low density subsurface deposits, associated with AHIMS 38-4-1977, 38-4-1981, 38-4-1982, within the southern portion of the study area. Overall, the results of the testing program suggested that the potential for intact subsurface cultural deposits within the study area is low.

Another ACHA was prepared to obtain an AHIP for Stage 3 of the proposed development. An AHIP (AHIP #4762) was obtained for Stage 3 of the proposed works on 21 May 2021 for a period of 10 years.

An assessment of impacts has determined that there is potential for development activities within the Stage 2 development areas to impact AHIMS 38-4-1989, 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071).

Future development of the Park Reserve located north of the southern portion of the study area (Stage 1 area) following the completion of Stage 2 of the proposed development will also result in impacts to RTRD15 (AHIMS 38-4-2069). It is recommended that any AHIMS sites located within the Park Reserve be salvaged via community collection under AHIP #C0004256.

AHIMS 38-4-1989 was previously assessed in 2018 by Biosis and is also currently covered by AHIP #C0004256, obtained in 2019. The future management of AHIMS 38-4-1989 should therefore be undertaken in accordance with the conditions of AHIP #C0004256. AHIP #4762 was issued to allow harm to AHIMS 38-4-0927.

AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 will not be impacted by the proposed development (Table 2).

AHIMS site no.	Site name	Significance	Degree of harm	Consequence of harm
Stage 1 area				
AHIMS 38-4-2069	RTRD15	Low	Total	Total loss of value – covered by AHIP #C0004256
Stage 2 area				
AHIMS 38-4-1989	RTRD02	Low	Total	Total loss of value – covered by AHIP #C0004256
AHIMS 38-4-1976	RTRD03	Moderate	No Harm	No Harm
AHIMS 38-4-1983	RTRD11	Low	Total	Total loss of value
AHIMS 38-4-1982	RTRD12	Low	Total	Total loss of value
AHIMS 38-4-1981	RTRD13	Low	Total	Total loss of value
AHIMS 38-4-1977	RTRD14	Low	Total	Total loss of value
AHIMS 38-4-0936	Thornton North Site 6 - Lot 20	Low	Total	Total loss of value

## Table 2 Site details by Stage area



AHIMS site no.	Site name	Significance	Degree of harm	Consequence of harm
AHIMS 38-4-0937	Thornton North Site 7 - Lot 20	Moderate	No Harm	No Harm
AHIMS 38-4-0938	Thornton North Site 8 - Lot 20	Moderate	No Harm	No Harm
AHIMS 38-4-0939	Thornton North Site 9 - Lot 20	Moderate	No Harm	No Harm
AHIMS 38-4-2070	RTRD16	Low	Total	Total loss of value
AHIMS 38-4-2071	RTRD17	Low	Total	Total loss of value
Stage 3 area				
AHIMS 38-4-0927	Thornton North Site 1 - Lot 20	Low	Total	Total loss of value – covered by AHIP #4762

## **AHIP** application

This ACHA is for Stage 2 of the proposed development will support an application for an AHIP to impact AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071).

#### Management recommendations

Strategies have been developed based on the archaeological significance of cultural heritage relevant to the study area. The strategies also take into consideration:

- Predicted impacts to Aboriginal cultural heritage.
- The planning approvals framework.
- Current best conservation practice, widely considered to include:
  - The ethos of the Australia International Council on Monuments and Sites (ICOMOS) Burra Charter.
  - the Code.

The recommendations that resulted from the consultation process are provided below.

Prior to any development impacts occurring within the study area, the following is recommended:

# Recommendation 1: Application for an AHIP to harm AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) within Stage 2 area

Biosis recommends that an application for an area wide AHIP for the stage 2 area be obtained to impact AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071). The AHIP should allow for direct impacts to occur through community collection and development works. The AHIP should be obtained prior to works proceeding. **The AHIP should be for a term of 10 years.** An AHIP is required for any activities likely to have an impact on Aboriginal objects or Places. Heritage NSW issues AHIPs under Part 6 of the NPW Act.



## Recommendation 2: Cultural Heritage Awareness Training provided to all contractors prior to works commencing within Stage 2 impact area

Cultural Heritage Awareness Training should be provided to all contractors prior to works commencing within Stage 2 impact area, as recommended by RAPs.

#### **Recommendation 3: Salvage through community collection**

AHIMS sites 38-4-0936, 38-4-1983, and RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) should be salvaged through community collection under an AHIP and in accordance with a Community Collection Methodology prior to the proposed works being undertaken.

## Recommendation 4: Management of AHIMS 38-4-1989 and RTRD15 (AHIMS 38-4-2069) under AHIP #C0004256

AHIMS 38-4-1989 and RTRD15 (AHIMS 38-4-2069) should be managed and salvaged via community collection in accordance with AHIP #C0004256 prior to the proposed works within the Stage 2 impact area and the Park Reserve being undertaken.

## Recommendation 5: Fencing of Stage 2 site boundaries and Aboriginal sites that will not be harmed

Prior to any works taking place, the Stage 2 boundary should be clearly fenced in order to prevent any unintentional impacts to AHIMS sites located outside of the study area which will not be harmed by the proposed works. Fencing must remain in place over the over the lifespan of the proposed development.

Biosis also recommends that the foot slope landform in which AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 are located should be securely fenced to ensure the proposed works do not impact on any areas of high archaeological potential identified within the no-go zone (Figure 5). Fencing must remain in place over the lifespan of the proposed development.

#### Recommendation 6: Further archaeological works required if impacts cannot be avoided

It is recommended that test excavations be undertaken in consultation with the RAPs, if impact to AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 cannot be avoided. Land management strategies related to the management of invasive flora species and bush regeneration within the E3 Zone, will need to be undertaken in a manner in which soil deposits will not be directly impacted within the E3 Zone.

#### **Recommendation 7: No further archaeological works**

No further archaeological test or salvage excavations are required for AHIMS sites 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977 38-4-0927, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) or any areas within the current development footprint apart from the sites proposed for community collection or management under an AHIP. Once community collection has been undertaken, works may proceed with caution in these areas in line with the approved AHIP, and Recommendations 8 to 11.

#### **Recommendation 8: Establishment of a long term care agreement**

The establishment of a long term care agreement in consultation with RAPs should be developed in order to ensure the artefacts are adequately cared for. Several management options are possible depending on the wishes of RAPs. Artefacts recovered from the test excavations and community collection salvage may be returned to the Aboriginal community through a long term care agreement where they can then be used to teach subsequent generations about Aboriginal culture or can be reburied in a culturally appropriate place.



This approach considers the principles of Ecologically Sustainable Development (ESD) and intergenerational equity and more importantly ensures that recovered artefacts are managed according to the wishes of RAPs.

#### **Recommendation 9: Discovery of unanticipated Aboriginal objects**

All Aboriginal objects and Places are protected under the NPW Act. It is an offence to disturb an Aboriginal site without a consent permit issued by Heritage NSW. Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and RAPs.

### **Recommendation 10: Discovery of unanticipated Historical relics**

Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977* (Heritage Act). Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. Heritage NSW will require notification if the find is assessed as a relic.

### **Recommendation 11: Stop works provision – Discovery of Aboriginal ancestral remains**

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

- 1. Immediately cease all work at that location and not further move or disturb the remains.
- 2. Notify the NSW Police and Heritage NSW Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
- 3. Not recommence work at that location unless authorised in writing by Heritage NSW.



## 1 Introduction

## 1.1 Project background

Biosis was commissioned by Thornton Brentwood to undertake an ACHA for Stage 2 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, NSW (the study area) (Lots 428 and 425 DP1262858, respectively) (Figure 1). The project is to be assessed under Part 4 of the EP&A Act.

Biosis previously completed an ACHA for 530 Raymond Terrace Road, Thornton, NSW in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an AHIP for Stage 1 and 3 of the proposed development. A summary of the results of Biosis' 2018 assessment are provided in Section 3.2.2 of the Archaeological Report (AR), and the complete report can be found in Appendix 2 of the AR (refer to Appendix 6).

The AR in Appendix 6 details the findings of the archaeological investigations conducted as part of this ACHA.

## 1.2 Study area

The study area is located approximately 2.5 kilometres north of Thornton and approximately 30 kilometres north-west of the Newcastle Central Business District (CBD) (Figure 1 and Figure 2).

The study area is within the:

- Maitland LGA.
- Parish of Alnwick.
- County of Northumberland.

The study area is bounded by Raymond Terrace Road to the north, and residential housing to the east and the south. The study area is divided by Stage 1 of the development, which has undergone preparation for residential development. Within the southern portion of the study area (Stage 1 development area) is an E3 environmental management land zone which extends into the adjacent lot to the west of the study area. The study area has been partially disturbed by land clearing, quarrying and recreational activities where large portions of the study area have been subject to previous ground disturbance. Various access tracks also transverse the study area.

## 1.3 Proposed development

Thornton Brentwood have previously undertaken Stage 1 and 3 of the proposed residential subdivision of 530 Raymond Terrace Road, Thornton, NSW, and are now planning to undertake Stage 2 of the residential subdivision (Figure 3).

The proposed works for Stage 2 will include the subdivision of a further 28 lots for residential development, a drainage reserve and a neighbourhood park.

Potential impacts to Aboriginal heritage values within the study area will include but not be limited to:

- Weed management.
- Revegetation.



- Filling in of quarry through bulk earthworks.
- Ground disturbance through earthworks for the construction of a drainage reserves.
- Construction of residential utilities including roads and services.
- Construction of residential buildings.
- Construction of a childcare facility.
- Development of neighbourhood parks that will also require further earthworks.

## 1.4 Planning approvals

The proposed development will be assessed against Part 4 of the EP&A Act. Other relevant legislation and planning instruments that will inform this assessment include:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- NSW NPW Act.
- NSW National Parks and Wildlife Amendment Act 2010.
- Infrastructure State Environmental Planning Policy 2007 (SEPP).
- Maitland Local Environmental Plan 2011 (LEP)
- Maitland Development Control Plan 2011 (DCP).

## 1.4.1 AHIP applications

This ACHA is for Stage 2 of the proposed development that will support an application for an AHIP to impact AHIMS 38-4-1983, AHIMS 38-4-1982, AHIMS 38-4-1981, AHIMS 38-4-1977, and AHIMS 38-4-0936, and sites AHIMS 38-4-2070 (RTRD16) and AHIMS 38-4-2071 (RTRD17).

## 1.5 Restricted and confidential information

Appendix 1 in the AR contains AHIMS information which is confidential and not to be made public. This is clearly marked on the title page for the Attachment.

## 1.6 Aboriginal cultural heritage

## 1.6.1 General description

According to Allen and O'Connell (2003), Aboriginal people have inhabited the Australian continent for the last 50,000 years. New evidence out of the Northern Territory has pushed this date back with the Malakanunja II rock shelter dated at around 65,000 years BP (before present) (Clarkson et al. 2017).

In NSW, according to Bowler et al. (2003), Aboriginal people have occupied the land for over 42,000 years. However, preliminary evidence presented by Biosis (2016) from a subsurface testing program in southwestern NSW suggests Aboriginal people may have occupied the semi-arid zone of the region for 50,000 years.

Without being part of the Aboriginal culture and the productions of this culture, it is not possible for non-Aboriginal people to fully understand the meaning of site, objects and places to Aboriginal people – only to move closer towards understanding this meaning with the help of the Aboriginal community. Similarly,



definitions of Aboriginal culture and cultural heritage without this involvement constitute outsider interpretations.

With this preface Aboriginal cultural heritage broadly refers to things that relate to Aboriginal culture and hold cultural meaning and significance to Aboriginal people (DECCW 2010, p.3). There is an understanding in Aboriginal culture that everything is interconnected. In essence Aboriginal cultural heritage can be viewed as potentially encompassing any part of the physical and/or mental landscape, that is, 'Country' (DECCW 2010, p.iii).

Aboriginal people's interpretation of cultural value is based on their 'traditions, observance, lore, customs, beliefs and history' (DECCW 2010, p.3). The things associated with Aboriginal cultural heritage are continually and actively being defined by Aboriginal people (DECCW 2010, p.3). These things can be associated with traditional, historical or contemporary Aboriginal culture (DECCW 2010, p.3).

## 1.6.2 Tangible Aboriginal cultural heritage

Three categories of tangible Aboriginal cultural heritage may be defined:

- Things that have been observably modified by Aboriginal people.
- Things that may have been modified by Aboriginal people but no discernible traces of that activity remain.
- Things never physically modified by Aboriginal people (but associated with Dreamtime Ancestors who shaped those things).

## 1.6.3 Intangible Aboriginal cultural heritage

Examples of intangible Aboriginal cultural heritage would include memories of stories and 'ways of doing', which would include language and ceremonies (DECCW 2010, p.3).

## 1.6.4 Statutory

Currently Aboriginal cultural heritage, as statutorily defined by the NPW Act, consists of objects and places which are protected under Part 6 of the NPW Act.

Aboriginal objects are defined as:

any deposit, object or material evidence...relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains

Aboriginal places are defined as a place that is or was of special Aboriginal cultural significance. Places are declared under section 84 of the NPW Act.

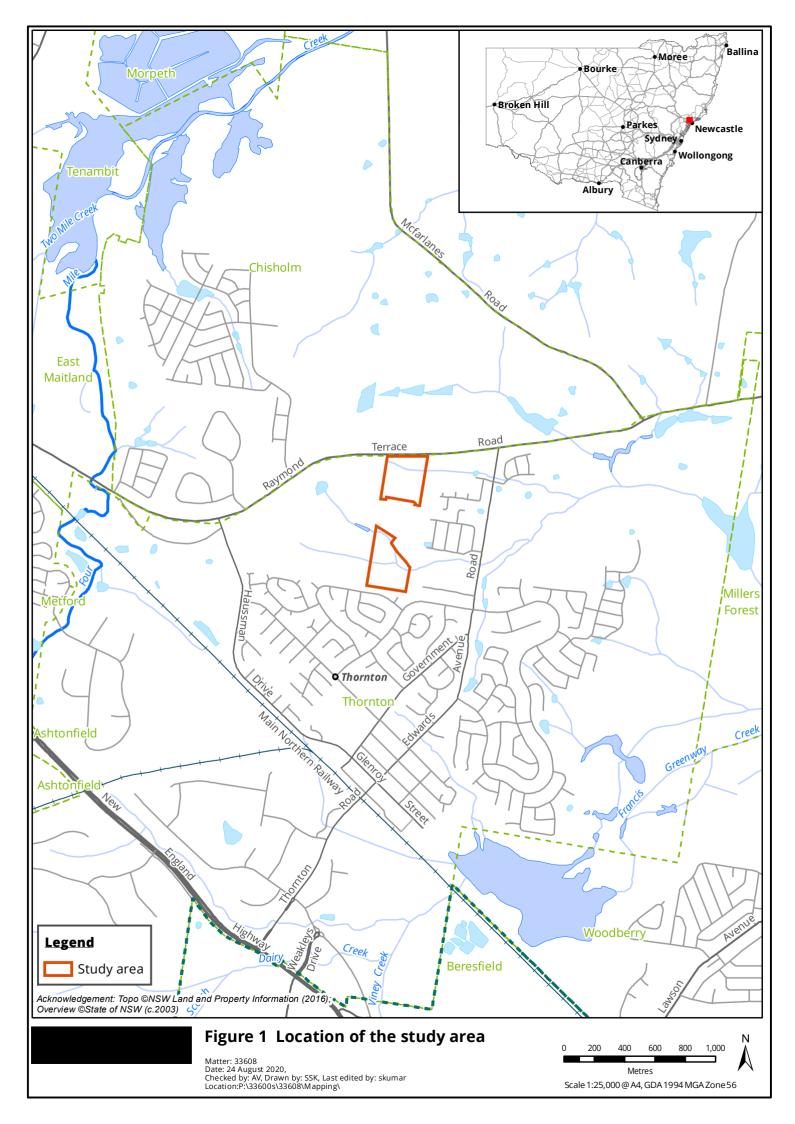
## 1.6.5 Values

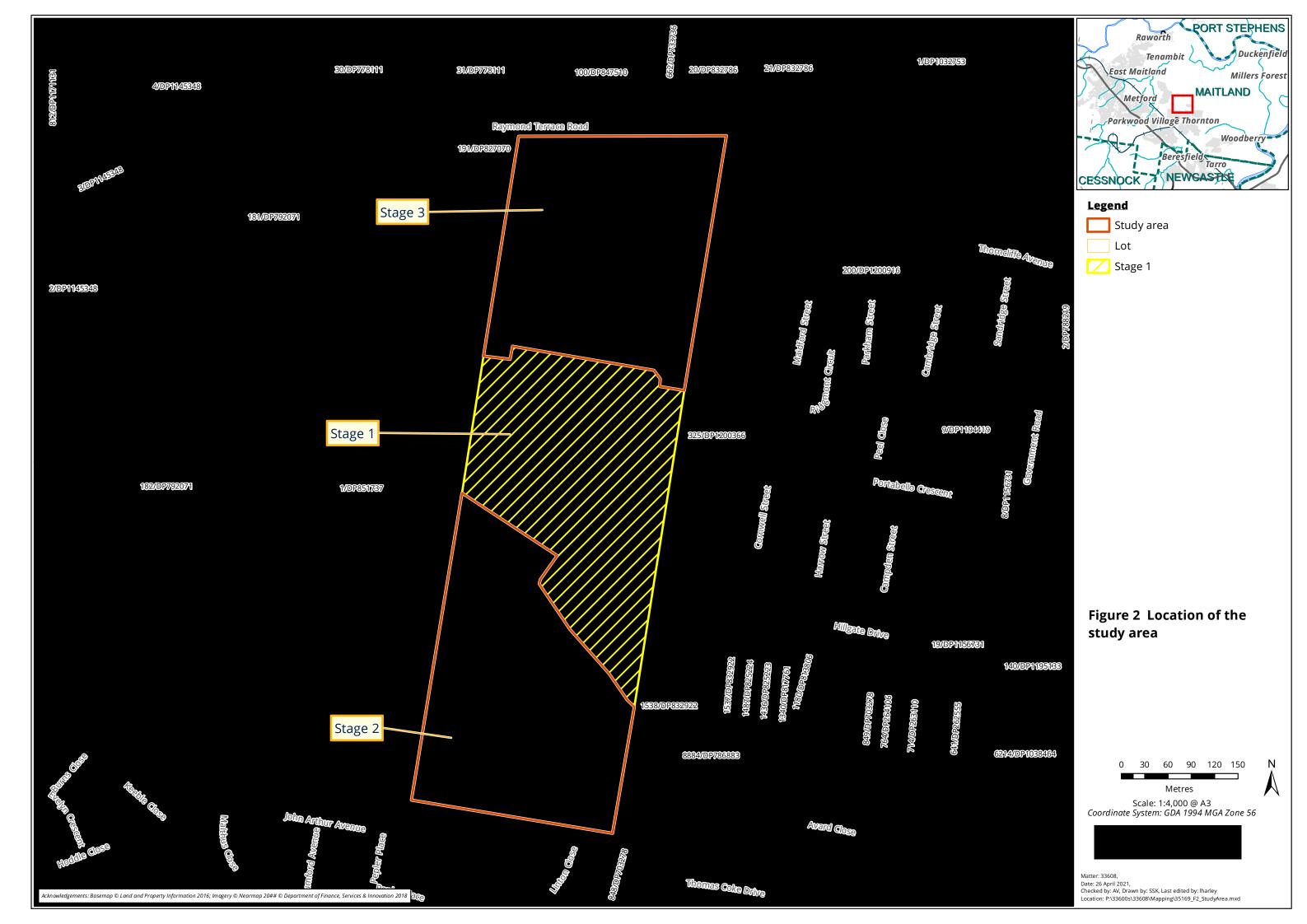
Aboriginal cultural heritage is valued by Aboriginal people as it is used to define their identity as both individuals and as part of a group (DECCW 2010, p.iii). More specifically it is used:

- To provide a:
  - 'Connection and sense of belonging to Country' (DECCW 2010, p.iii).
  - Link between the present and the past (DECCW 2010, p.iii).
- As a learning tool to teach Aboriginal culture to younger Aboriginal generations and the general public (DECCW 2010, p.3).

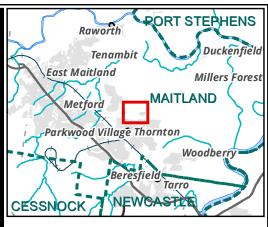


• As further evidence of Aboriginal occupation prior to European settlement for people who do not understand the magnitude to which Aboriginal people occupied the continent (DECCW 2010, p.3).









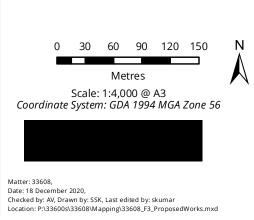
## Legend

Study area Z Stage 1





## Figure 3 Proposed works





## 2 Study area context

This section discusses the study area in regards to its landscape, environmental and Aboriginal cultural heritage context. This section should be read in conjunction with the AR attached in Appendix 6. The background research has been undertaken in accordance with the Code.

## 2.1 Topography and hydrology

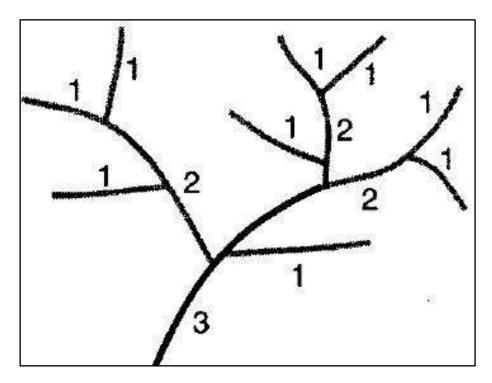
The study area is located within the Lower Hunter Plain, which consists of the floodplains of several rivers, namely the lower Williams, Paterson and Hunter rivers (Matthei 1995, p.3). The Hunter Valley consists of a mature riverine estuary (Kuskie 2007, p.8). Following the end of the last glacial maximum (approximately 24,000 to 17,000 years ago), the melting of the ice sheets led to an increase in sea levels (Kuskie 2007, p.8). During the mid-Holocene, the Hunter Valley was filled with marine/brackish water with an estuary approximately 32 kilometres inland from the present coastline. From approximately 3,600 years ago, the sea levels dropped, transforming the study area into a shallow estuary of swamps and terrestrial floodplains (Kuskie 2007, p.8).

The Mulbring Siltstone geological unit dominates the study area, and also contains alluvial valley deposits. The Mulbring Siltstone consists of fine grained offshore sediments of siltstone, minor grained sandstone, and claystone and is part of the Maitland group (Nashar 1964). Alluvial valley deposits are also present along the banks of the unnamed watercourse that runs through the southern portion of the study area.

Stream order is recognised as a factor which helps the development of predictive modelling in Aboriginal archaeology in NSW. Predictive models which have been developed for the region have a tendency to favour permanent water courses as the locations of campsites as they would have been more likely to provide a stable source of water and by extension other resources which would have been used by Aboriginal groups, and are more likely to be found upon well drained topographies associated with permanent watercourses (creek banks, flats, terraces) (Dyall 1979, Dean-Jones 1990, Biosis Pty Ltd 2017).

The stream order system used for this assessment was originally developed by Strahler (1952). It functions by adding two streams of equal order at their confluence to form a higher order stream, as shown in Photo 1. As stream order increases, so does the likelihood that the stream would be a perennial source of water. The two hydrological features identified within the study area would have most likely been associated with temporary land use due to their non-perennial nature, and Aboriginal sites within the study area are more likely to be identified within well-drained topographies such as footslopes and gentle slopes within proximity to these water sources.





## Photo 1 Diagram showing Strahler stream order (Ritter et al. 1995, p.151)

Within the southern portion of the study area, two first order tributaries converge around a footslope landform to form a second order, non-perennial drainage line, which flows east outside of the study area. A second drainage line is located in the northern portion of the study area, and is a first order non-perennial source of fresh water.

These hydrological features that originate from a second order, non-perennial, natural watercourse located approximately 1.25 kilometres east of the study area. Landforms associated with these hydrological features located within the study area include a system of simple slopes, containing a flat crest within the northern portion of the study area and a footslope within the southern.

## 2.2 Soil landscapes

Soil landscapes have distinct morphological and topological characteristics that result in specific archaeological potential. Because they are defined by a combination of soils, topography, vegetation and weathering conditions, soil landscapes are essentially terrain units that provide a useful way to summarise archaeological potential and exposure.

There are two soil landscapes present within in the study area; the Beresfield soil landscape, and the Millers Forest soil landscape. The dominant soil landscape within the study area is the Beresfield soil landscape. The Beresfield soil landscape is a residual landscape, formed by in situ weathering of parent materials, presumably over a long period of time. The Beresfield soil landscape is characterised by undulating low hills and rises on Permian sediments in the East Maitland Hills region. The slope gradient ranges from 3-15%, with landscape elevation varying from 20-50 metres and with a local relief is up to 50 metres (Matthei 1995, p.30).

Soils within this landscape consist of moderately deep (<120 centimetre), moderately well to imperfectly drained brown and yellow Podzolic Soils and Brown Soloths occurring within crest landforms, moderately deep (<120 centimetre), well-drained red Podzolic soils and red Soloths on upper slopes, moderately well to imperfectly drained brown and yellow Soloths on side slopes, and deep (>200 centimetre) deposits of



imperfectly to poorly drained yellow Podzolic soils, yellow Soloths, and gleyed Podzolic soils on lower slopes (Matthei 1995, p.30). The dominant soil materials of this landscape are summarised in Table 3.

Soil Material	Description
<i>Be1 –</i> Friable brownish black loam	Brownish black (10YR 2/2, 10YR 2/3) occasionally black (10YR 2/1) or dark brown (10YR 3/3) coloured, sandy loam to fine sandy or silty loam, which is often friable and can becomes firm when dry. The structure of this soil material is made up of 10-20 mm of weak, fine sub-angular blocky peds, which part easily to <2 mm crumb peds. This material occurs as topsoil, A <sup>1</sup> horizon, and is highly permeable and possesses a rough ped fabric. Inclusions include few gravel sized platy ironstone and sub angular sandstone, with few charcoal fragments. Acidity of this soil material ranges from moderately acidic to neutral (pH 5.5-7.0).
<i>Be2</i> – Hard setting dull yellowish brown sandy loam	Dull yellowish brown (10YR 4/3) to dark brown (10YR 3/3, 7.5YR 3/3) sandy loam through clay loam to fine sandy loam. Bleached dull yellow orange (10YR 7/2, 10YR 6/3) when dry. Rusty mottles occur down root traces. The structure of this soil material is massive, and is rarely weak to moderate, with 5-10 mm sub-angular blocky peds occurring. This material occurs as topsoil, A <sup>2</sup> horizon, and is moderately permeable and possesses an earthy fabric. Inclusions include few to commonly occurring gravel sized tabular ironstone fragments and conglomerate pebbles, with few charcoal fragments. Acidity of this soil material ranges from moderately acidic to slightly acidic (pH 5.5-6.0).
<i>Be3</i> – Pedal brown plastic mottled clay	Brown (7.5YR 4/4, 7.5YR 4/6), dark brown (7.5YR 3/3, 10YR 5/4), bright yellowish brown (10YR 6/6) and yellowish brown (10YR 5/6, 2.5Y 5/3) commonly occurring, but ranging to greyish yellow brown (10YR 4/2) and dull yellowish brown (10YR 5/3, 10YR 4/3). Red, grey and orange mottles occurring. Soil material is dominantly medium clay, ranging from light-medium to heavy plastic clay, and occasionally fine sandy clay. The structure is strong and dense and made up of 10-20 mm angular blocky peds. A 50-100 mm prismatic or angular blocky macrostructure is generally present. This material occurs as subsoil, B <sup>2</sup> horizon, and possesses a smooth ped fabric. Inclusions include few to commonly occurring angular and sub-angular ironstone fragments. Acidity of this soil material ranges from moderately to slightly acidic (pH 5.0-6.0).
<i>Be4</i> – Reddish brown plastic pedal clay	Reddish brown (5YR 4/6, 2.5YR 4/6), dull reddish brown (5YR 4/4) soils with red/grey mottles. Soil material is dominantly medium to heavy plastic clay. The structure made up of 20-50 mm angular blocky ped which part easy to 10-20 mm angular blocky or polyhedral peds. This material occurs as subsoil, B <sup>2</sup> , B <sup>3</sup> horizons, and possesses a smooth ped fabric. Inclusions include few to commonly sub-angular and tabular ironstone fragments. Acidity of this soil material ranges from strongly to slightly acidic (pH 4.5-6.0).
<i>Be5</i> – Gleyed 'puggy' silty clay	Dull yellow orange (10YR 7/2, 10YR 6/4), light grey (10YR 7/1), light yellow (2.5YR 7/3) soils with red/grey/orange mottles. Soil material is dominantly silty clay, or sandy clay to light medium clay. The structure made up of large 100-200 mm prismatic peds which part easy to 20-50 mm angular blocky or sub-angular blocky peds. This material occurs as subsoil, B <sup>2</sup> , B <sup>3</sup> , C horizons, and possesses a smooth ped fabric. Inclusions include few to abundant sub-angular and tabular ironstone fragments. Acidity of this soil material moderately acidic (pH 5-7.0).

## Table 3Beresfield soil landscape characteristics (Matthei 1995, pp.31–32)



The Millers Forest soil landscape is an estuarine landscape, and contains deep (>150 centimetres) soils. This soil landscape is an extensive alluvial plain from recent sediments in the Lower Hunter Plain region. It is generally comprised of clay, silt, and sand and overlies estuarine mud deposits at depth (Matthei 1995, p.194). Slope gradients are commonly more than 1%, and elevation is more than 3 to 6 metres. This soil landscape is also subject to waterlogging, and high water tables. The soil materials of this landscape are summarised in Table 4.

Table 4	Millers Forest soil landscape characteristics (Matthei 1995, pp.194–196)	
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Soil Material	Description	
<i>mf1 –</i> Brownish black silty clay loam	Brownish black (7.5YR 3/2, 10YR 3/2, 7.5YR 2/3, 10YR 2/3), occasionally dark brown (7.5YR 3/3, 10YR 3/3) or black (10YR 2/1) silty clay loam to fine sandy clay loam to silty clay. This soil occurs as a top soil (A horizon), and is well structured with moderate to occasionally strong 10 – 20 mm sub-angular blocky or polyhedral peds. It has a smooth ped that can be occasionally rough, and has a pH of slightly acid (5.5-6.0) that ranges to neutral (7.0). When exposed this soil is firm to hardsetting when dry, and occasionally self-mulching. Roots are few to many.	
mf2 – Brown silty clay	Brownish black (10YR 3/2, 7.5YR 3/2, 10YR 2/3, 10YR 2/2) to dark brown (7.5YR 3/3, 7.5YR 3/4, 10YR 3/4), and rarely dull yellowish brown (10YR 4/3) silty clay to medium clay. Orange mottles occur occasionally. This soil occurs as a sub soil (B horizon) and is well structured with 20 – 50 mm angular or sub-angular blocky peds which may part to 5 – 10 mm polyhedral peds. It has a smooth ped, and clay skins area common on ped faces, with a pH of moderately acid to moderately alkaline (5.5-9.5). When exposed this soil forms a fine surface mulch, with a weak most consistency. Ironstone nodules and roots occur.	



## 2.3 Climate and rainfall

The closest weather station with climate statistics for Thornton is located at Newcastle University (site number: 061390). During winter there are highs of 17.9° celsius and lows of 7.3° celsius. During summer the temperature reaches 29.3° celsius with lows of 19.4° celsius in January. Rainfall reaches 56.8 millimetres during July, and 8.2 millimetres during January (BOM 2020). Whilst on site in 2018 it was noted that the trees provided a wind breaking barrier.

## 2.4 Landscape resources

The Beresfield soil landscape is generally vegetated by partially cleared tall open-forest vegetation comprising of Spotted Gum *Eucalyptus maculata*, Broad-leaved Ironbark *Eucalyptus fibrosa*, Grey Gum *Eucalyptus punctata*, Narrow-leaved Stringybark *Eucalyptus oblonga*, Thin-leaved Stringybark *Eucalyptus eugenioides* and Grey Ironbark *Eucalyptus paniculata*. Understorey vegetation also includes species such as Blackthorn *Bursaria spinosa*, Paperbark *Melaleuca nodosa*, and Wattle *Acacia falcata* (Matthei 1995, p.30).

The Millers Forest soil landscape is a cleared tall open forest containing Swamp Oak *Casuarina glauca*, Pricklyleaved Paperbark *Melaleuca stypheliodies*, Tuckeroo *Cupaniopsis anacardiodes*, and occasional Cabbage Gum *Eucalyptus amplifolia*. River Mangrove *Aegiceras corniculatum* occurs on river banks, and common reed *Phragmites australis* grows in shallow water (Matthei 1995, p.194).

Plant resources were used in a variety of ways. According to Rankmore (2013), the leaves, bark and gum from a range of eucalyptus trees were used in bush medicine practices. Gum was also used as an adhesive in the manufacturing of everyday items, such as spears, stone axes, and stone chisels. Swamp Paperbark *Melaleuca ericifolia* and other paperbarks were also utilised for their leaves, and the bark was used in healing practices. Fibres were also twisted into string, which was used for many purposes, including the weaving of nets, baskets and fishing lines. String was also used for personal adornment. Bark was also used in the provision of shelter; with a large sheet of bark being propped against a stick to form a gunyah (Attenbrow 2010). Bark could also be used to manufacture shields, clothing, canoes, or dishes (Attenbrow 2010).

Terrestrial and freshwater animals would have been locally abundant and consistently present all year round. A variety of terrestrial native animals such as kangaroos *Macropodidae*, wallabies *Macropodida*, and possum *Phalangeriformes* species would have been an important food source. Animal products were also used for tool making and fashioning a myriad of utilitarian and ceremonial items. For instance, skins could be used as clothing (possum skin cloaks), bone points as awls, and sinews could be used for sewing (Attenbrow 2010, p.109). Animal teeth, bones, and sinews could also be used in tool manufacture; and animal products, such as feathers, fish bones and teeth were used as personal decoration (Attenbrow 2010, p.109).

## 2.5 European land use history

Aerial imagery from 1954 shows the study area to be heavily vegetated with only a small portion of land along the southern end of the eastern boundary and within the north eastern corner of the study area having been cleared (Photo 2). Vegetation within the study area appears to be a continuation of vegetation to the north, interrupted at the northern boundary by Raymond Terrace Road. No rural dwellings or farm infrastructure can be seen within the surrounding areas. The lot adjacent to the western boundary has been partially cleared and the portion of land adjacent to south western boundary has been heavily cleared.

Aerial imagery from 1984 indicates that quarrying activities at the site of the large quarry had begun to occur within the study area, and some clearing activities had occurred to provide access to the site (Photo 3). The plot of land abutting the western boundary now contains a rural dwelling, and the regrowth of vegetation within the area which had been partially cleared has occurred. To the south, a large residential development



has been constructed and surrounding lands to the north have also been heavily cleared and disturbed for agricultural purposes or residential development. The natural drainage line to the north has also been heavily dammed. Present day aerial imagery shows that the study area has remained mostly the same, however more recent disturbance from recreational use of the study area is not visible (Figure 2). Surrounding areas have been increasingly occupied by residential dwellings as the area became semi suburban, rather than remaining as a rural landscape.



Photo 2 1954 aerial with study area outlined in red (Source: NSW Spatial Services)



Photo 3 1984 aerial with study area outlined in red (Source: NSW Spatial Services)



## 3 Aboriginal cultural heritage context

## 3.1 Ethnohistory

According to Allen and O'Connell (2003), Aboriginal people have inhabited the Australian continent for the last 50,000 years. New evidence out of the Northern Territory has pushed this date back with the Malakanunja II rock shelter dated at around 65,000 years BP (before present) (Clarkson et al. 2017). Dates of the earliest occupation of the continent by Aboriginal people are subject to continued revision as more research is undertaken.

Our knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly reliant on documents written by non-Indigenous people. The inherent bias of the class and cultures of these authors necessarily affect such documents. They were also often describing a culture that they did not fully understand – a culture that was in a heightened state of disruption given the arrival of European settlers and disease. Early written records can, however, be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the Hunter and Lake Macquarie region. These debates have arisen largely because, by the time colonial diarists, missionaries and protoanthropologists began making detailed records of Aboriginal people in the late 19th century, pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity.

According to Brayshaw, the Awabakal people inhabited the coastal areas of the Hunter region centred on the Lake Macquarie and its mountainous hinterlands (Brayshaw H 1987, p.40). The Awabakal people participated in inter-tribal relations with local tribes that bounded the traditional boundaries of their territory. Like the Worimi who occupied the coastal region to the north of Newcastle, the Awabakal people were a Gaddang speaking tribe, and the two tribes shared close connections (Gunson N 1974, p.3). The Awabakal people are also associated with the Wonnurah people, and may have possessed kinship ties to the Wonnurah (Brayshaw H 1987, p.41). Located to the south along the coastline were the Kurringai, who inhabited the area around Broken Bay. Contact between these two tribes was considered to be frequent, but also included considerable enmity and instances of ritualised fighting (Vinnecombe 1980, pp.1–2). West of the Kurringai were the Darkingjang, who according to Vinnicombe (1980, p.39) inhabited the area between the Hawkesbury and Hunter Rivers. Relations between the Awabakal tribe and Darkingjang were supposedly less frequent and less cordial than with the coastal tribes. Brayshaw (1987, pp.41–42) also argues that there is substantial evidence that the Kamilaroi of the Liverpool Plains also participated in trading, inter-marital, and ceremonial practices with the Awabakal people and other coastal tribes.

## 3.2 Aboriginal heritage located in the study area

The study area has been previously assessed by Hamm, McCardle, and Biosis (Hamm 2004, McCardle Cultural Heritage 2010, Biosis 2018), resulting in the identification of 11 Aboriginal sites (refer to Section 3.3 and 3.4, and Figure 4). Biosis' 2020 supplementary survey has also identified an additional three Aboriginal sites within the study area (refer to Section 3.5, and Figure 4). A summary of Aboriginal sites within the study area has therefore been provided below.



## 3.3 Aboriginal sites identified by Hamm's 2004 assessment

Hamm's survey of the study area in 2004 resulted in the identification of five Aboriginal sites within the study area (Figure 4).

## 3.3.1 Thornton North Site 1 - Lot 20 (AHIMS 38-4-0927) (Stage 3 area)

This site consisted of an artefacts scatter of three to six artefacts (discrepancy between Hamm's report and AHIMS site card), located upon the edge/crest of a large quarry within the northern portion of the study area. The site is situated within an area of 20 metres by 30 metres upon an access track according to the AHIMS site card, however Hamm's report encompasses a 4 metre squared area (Hamm 2004). This site was recorded as being in a poor condition, and was assessed as having low archaeological significance due to the conditions and contents of the site.

This site has been unable to be located by Biosis' survey efforts. It is hypothesised that the site has been destroyed by recreational and erosional activities within the study area.

## 3.3.2 Thornton North Site 6 - Lot 20 (AHIMS 38-4-0936) (Stage 2 area)

This site consisted of an artefact scatter of 40 artefacts, located upon a vehicle track within the southern portion of the study area. The site is situated within an area of 80.5 metres by 15.5 metres within a simple slope landform. Hamm also recommended that a 50 – 100 metre conservation buffer zone be placed around the site. This site was not relocated by McCardle in 2010 (McCardle Cultural Heritage 2010). McCardle believed the site was part of a spoil heap from the John Arthur development and drainage works from a detention basin (McCardle Cultural Heritage 2010). The site was recorded in a fair-poor condition with moderate to high significance.

Biosis was able to locate the site during the supplementary field investigation undertaken on 26 August 2020. A total of nine artefacts were identified within the visible site extent. The visible site extent covers an area of approximately 32 metres by 16 metres. There is potential for further evidence of cultural material remains to be identified within the visible site extent which are associated with AHIMS 38-4-0936.

Test excavations carried out by Biosis in 2018 adjacent to this site did not identify any subsurface archaeological deposits (Biosis 2018).

## 3.3.3 Thornton North Site 7 - Lot 20 (AHIMS 38-4-0937) (Stage 2 area)

This site consisted of an isolated find, located along the southern bank of a drainage line on an access track within the E3 zone. The site covers an area of 1 metre by 1 metre. PAD was identified in relation to this site. Hamm also recommended that a 30 metre conservation buffer zone be implemented to protect the site from future disturbance. The site was recorded in a poor condition.

This site has been unable to be located by Biosis' survey efforts. It is hypothesised that the site has been destroyed by recreational activities within the study area or has been covered by regrowth vegetation.

## 3.3.4 Thornton North Site 8 - Lot 20 (AHIMS 38-4-0938) (Stage 2 area)

This site consisted of an artefact scatter of two artefacts, located upon an ants nest on an eroded vehicle track overlooking a drainage line within the E3 zone. The site covers an area of 7 metres by 2 metres. PADs have been recorded as within the vicinity of this site. Hamm also recommended that a 30 metre conservation buffer zone be implemented to protect the site from future disturbance.

This site has been unable to be located by Biosis' survey efforts. It is hypothesised that the site has been destroyed by recreational activities within the study area or has been covered by regrowth vegetation.



## 3.3.5 Thornton North Site 9 - Lot 20 (AHIMS 38-4-0939) (Stage 2 area)

This site consisted of an artefact scatter of two artefacts, located along the southern bank of a drainage line, on an eroded vehicle track within the E3 Environmental management land zone. The site covers an area of 1 metre by 1 metre. PADs were recorded within the vicinity of this site. Hamm also recommended that a 30 metre conservation buffer zone be implemented to protect the site from future disturbance.

This site has been unable to be located by Biosis' survey efforts. It is hypothesised that the site has been destroyed by recreational activities within the study area or has been covered by regrowth vegetation.

## 3.4 Aboriginal sites identified by Biosis' 2018 assessment

A total of three sites were located during the survey effort undertaken by Biosis' in 2018, and a further three were identified during test excavations (Figure 4).

## 3.4.1 RTRD02 (AHIMS 38-4-1989) (Stage 2 area)

RTRD02 is an artefact scatter of more than 10 artefacts of silcrete, chert and mudstone situated within a highly disturbed context within an E3 zone. Artefacts within this site are found upon and within close proximity to soil mounds within the site extent. This site is located approximately 20 metres south of the southern branch of the diverging drainage line located within the study area. The site covers an area of approximately 30 metres by 40 metres.

## 3.4.2 RTRD03 (AHIMS 38-4-1976) (Stage 2 area)

RTRD03 is an artefact scatter and PAD site consisting of more than 30 artefacts of silcrete, chert and mudstone situated on an access track which transverses a footslope landform within an E3 zone. Artefacts within this site are found upon and eroding out of the access track. Undisturbed areas within the same landform and adjacent to the access track have the potential to contain subsurface deposits. The site covers an area of approximately 170 metres by 180 metres.

## 3.4.3 RTRD11 (AHIMS 38-4-1983) (Stage 2 area)

RTRD11 is an artefact scatter of 3 artefacts of silcrete and mudstone located within a disturbed simple slope landform on an access track along the southern boundary of the study area. This site is located approximately 180 metres east of the northern branch of the diverging drainage line located within the study area. The site covers an area of approximately 1 metre by 1 metre. This site is within a heavily disturbed context and may be part of an eroded soil heap.

## 3.4.4 RTRD12 (AHIMS 38-4-1982) (Stage 2 area)

RTRD012 consists of a low density subsurface artefact scatter consisting of 19 artefacts. These artefacts were of poor quality silcrete material consisting of angular fragments. The site consists of two adjoining 50 centimetre by 50 centimetre test pits, located within Transect 12. Both test pits were excavated to a depth of 200 millimetres. Fourteen artefacts were recovered from Test pit 3, and five were recovered from Test pit 3a. A majority of the artefacts from Test pit 3 were from Spit 1 (0-100 millimetres). All artefacts from Test Pit 3a were from Spit 2 (100-200 millimetres), suggesting the soils have been disturbed by some bioturbation.

## 3.4.5 RTRD13 (AHIMS 38-4-1981) (Stage 2 area)

RTRD013 consists of a low density subsurface artefact scatter consisting of 2 artefacts. These artefacts were of poor quality silcrete material and consisted of a complete flake and a broken flake. The site consists of one 50 centimetre by 50 centimetre test pit, located within Transect 12. Test pit 1 was excavated to a depth of 200 millimetres. The artefacts came from Spit 1 (0-50 millimetres).



## 3.4.6 RTRD14 (AHIMS 38-4-1977) (Stage 2 area)

RTRD012 consists of a subsurface deposit consisting of an isolated silcrete core. This artefact was of a fine white silcrete and was not consistent with artefacts recovered from site RTRD12, and RTRD13. The site consists of Test pit 3, a single 50 centimetre by 50 centimetre test pit, located within Transect 13. The test pit was excavated to a depth of 200 millimetres. The core was recovered from Spit 1 (0-100 millimetres).

## 3.5 Aboriginal sites identified by Biosis' 2020 assessment

A total of three sites were located during the supplementary survey undertaken by Biosis in 2020 (Figure 4).

## 3.5.1 RTRD15 (AHIMS 38-4-2069) (Stage 1 area)

### **Site location**

RTRD15 is situated approximately 637 metres south of Raymond Terrace Road, Thornton, and within 100 metres of the southern branch of the converging drainage line located within the southern portion of the study area (Table 5 and Figure 4). This site is not located within the current study area.

### Table 5 Grid reference site RTRD015 (GDA94/MGA56) (approximate centre point of site)

Easting (mE)	Northing (mN)	
373010	6373468	

### Site environment

RTRD15 is located within an exposure in the Stage 1 development area. The site extent has been disturbed and eroded by erosional activities within the study area. The weathering of soils and disturbance within the site extent has exposed the site as a result of the clearance of vegetation and landuse. The size of the artefact suggests that it is unlikely to be *in-situ* and may have washed down from further up the gentle slope landform in which it is situated. The site is in a poor condition.

## **Site description**

The site consists of an isolated multidirectional mudstone core measuring 35 millimetres in length and 40 millimetres in width, and 25 millimetres in thickness.





### Photo 4 Detailed photograph of RTRD15, showing showing isolated mudstone core

### 3.5.2 RTRD16 (AHIMS 38-4-2070) (Stage 2 area)

#### **Site location**

RTRD16 is situated approximately 805 metres south of Raymond Terrace Road, Thornton, and within 65 metres of the northern branch of the diverging drainage line located within the southern portion of the study area (Table 6 and Figure 4).

#### Table 6 Grid reference site RTRD016 (GDA94/MGA56) (approximate centre point of site)

Easting (mE)	Northing (mN)	
372833	6373307	

#### Site environment

RTRD16 is located within an exposure along an access track in the Stage 2 development area. The site extent has been disturbed and eroded by recent recreational activities within the study area. The weathering of soils and disturbance within the site extent has exposed the site as a result of the clearance of vegetation. The size of the artefact suggests that the artefact may be *in-situ* and is unlikely to have been washed down from further up the gentle slope landform in which it is situated. The site is in a poor condition.

#### **Site description**

The site consists of an isolated heat treated silcrete core/core fragment measuring approximately 100 millimetres in length and 60 millimetres in width. Compete measurements were unable to be taken as the site was embedded within the grounds surface and could not be removed.





### Photo 5 North facing view of RTRD16, showing high level of GSV and exposure on access track

### 3.5.3 RTRD17 (AHIMS 38-4-2071) (Stage 2 area)

#### **Site location**

RTRD17 is situated approximately 815 metres south of Raymond Terrace Road, Thornton, and within 86 metres of the northern branch of the diverging drainage line located within the southern portion of the study area (Table 7 and Figure 4).

#### Table 7 Grid reference site RTRD017 (GDA94/MGA56) (approximate centre point of site)

Easting (mE)	Northing (mN)	
372785	6373290	

#### Site environment

RTRD17 is located within an exposure along an access track in the Stage 2 development area. The site extent has been disturbed and eroded by recent recreational activities within the study area. The weathering of soils and disturbance within the site extent has exposed the site as a result of the clearance of vegetation. The size of the artefact suggests that the artefact may be *in-situ* and is unlikely to have been washed down from further up the gentle slope landform in which it is situated. The site is in a poor condition.

#### **Site description**

The site consists of an isolated heat treated silcrete core/core fragment measuring approximately 63 millimetres in length and 64 millimetres in width. Compete measurements were unable to be taken as the site was embedded within the grounds surface and could not be removed.





## Photo 6 South facing view of location of RTRD17, showing high level of GSV and exposure on access track

## 3.6 Interpretation of past Aboriginal land use

A review of the landscape context of the study area has determined that Aboriginal people would have likely utilised the landscape for resource gathering and intermittent occupation prior to European settlement, with artefact sites being the most common Aboriginal site type within the local region.

The study area consists of a partially disturbed well vegetated lot which contains two non-perennial watercourses. Landforms within the study area include a flat crest landform in the northern portion of the study area which slopes towards a first order drainage line located less than 150 metres north, and a footslope landform within the southern portion of the study area around which a two first order drainage lines converge to form a second order water sources.

The study area would have contained a wealth of resources that were associated with the Beresfield soil landscape, which dominates the soil profiles of the study area. The tall open forest vegetation characteristic of the Beresfield soil landscape would have been traditionally utilised for a variety of purposes such as the gathering foods, medicines and a variety of raw materials for tools manufacturing and the construction of shelter. The presence of ephemeral watercourses would have also attracted a variety of fauna to the area, ranging from frogs, to birds and larger terrestrial animals that are abundant within the region.

Background research suggests that transitory occupation sites consisting of low density artefact sites are regionally considered to commonly occur in areas where resources are readily available, in association with wetlands, and open forest within the proximity of watercourses (Hamm 2003, Hamm 2004, South East Archaeology 2006). Previous studies also suggest that stone artefact sites, consisting of artefact scatters or isolated finds have the potential to be found in association with lower order drainage lines like those found within the study area as lower density artefact sites, with artefact density having the potential to increase in areas where the slope gradient is less than 5 degrees (Dean-Jones 1990, Navin & Officer 1994).

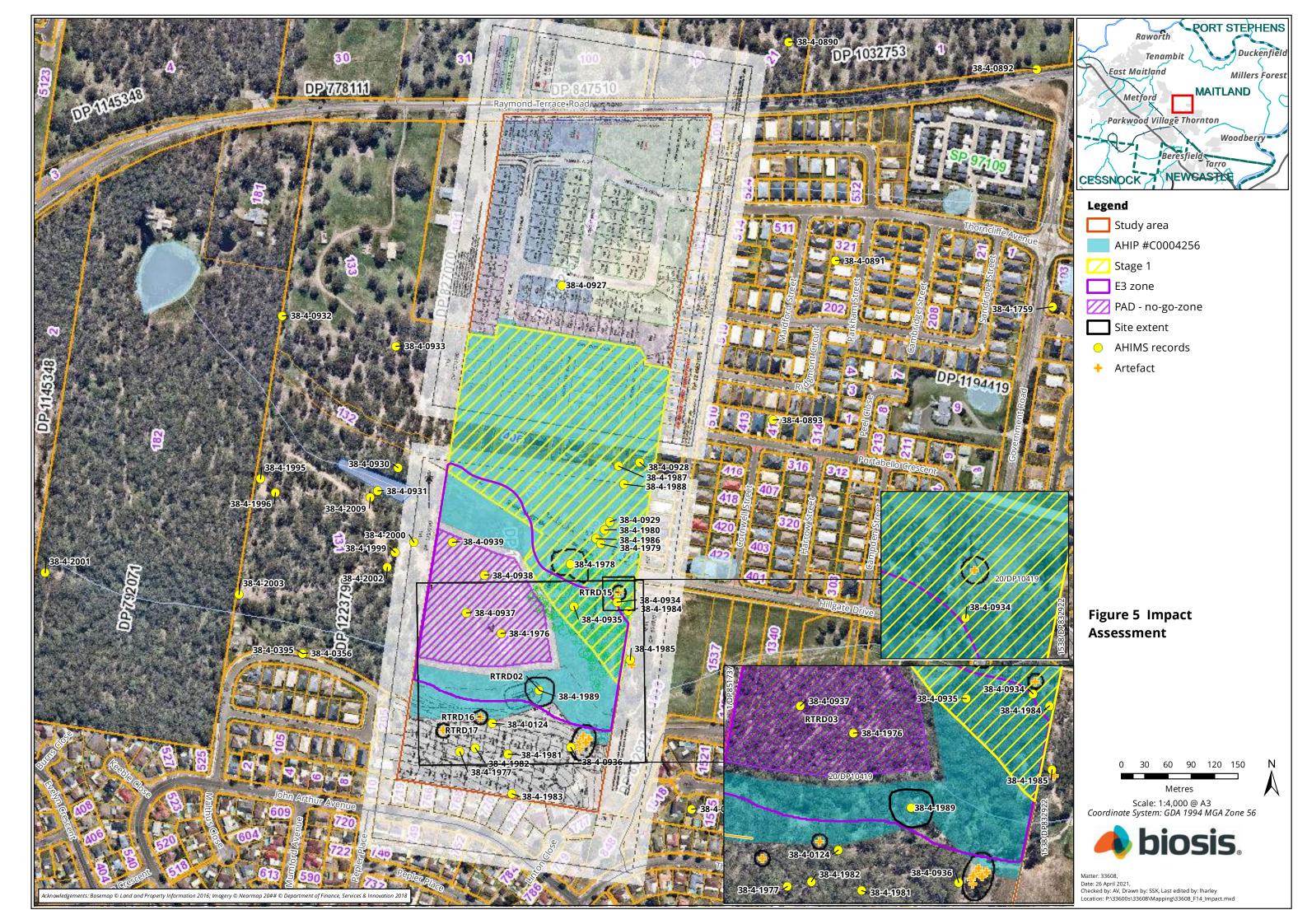


The study area has undergone a number of prior assessments which have resulted in the identification of a total of 11 previously recorded Aboriginal sites, consisting of isolated finds and low to moderate density artefact scatters. The proliferation of these sites and an analysis of their scientific nature and position within the local landscape suggests that the study area has been continuously used for resource gathering and intermittent occupation (Hamm 2004, Biosis 2018). Aboriginal sites previously identified by Hamm (2004) and Biosis (2018) within the study area have all been recorded within 200 metres of a first order watercourse within the study area, on gentle slopes or well drained footslope topographies where resources would have been readily available.

Furthermore, the study area is in a highly disturbed context with high levels of erosion and disturbance noted by Hamm (2004), McCardle (2010), and Biosis (2018). These high levels of disturbance and erosion have aided surveyors in the identification of artefacts upon the grounds surface, suggesting that increased erosion and disturbance within the study area may result in the identification of more Aboriginal artefact sites of a similar nature.

Test excavations conducted within the study area by Biosis have also determined that there is low potential for intact subsurface deposits to occur within the study area. Biosis' 2018 test excavation program identified three low density subsurface deposits within the study area which represented poor quality silcrete artefact assemblages, which were not consistent with surface artefacts identified (Biosis 2018). This may be due to high levels of disturbance from quarrying, recreational activities and erosion (flooding) within the study area that have heavily disturbed sub-surface deposits resulting in their displacement and redeposition across the site (McCardle Cultural Heritage 2010, Biosis 2018).

Biosis' 2020 supplementary survey of the study supports Hamm (2004) and Biosis' (2018) interpretation of Aboriginal land use and occupation, with a further three isolated artefact sites (RTRD15 AHIMS 38-4-2069, RTRD16 AHIMS 38-4-2070, and RTRD17 AHIMS 38-4-2071) being identified within areas which have undergone high levels of disturbance and exposure. Each of these sites are located within 100 metres of a first order water source in the southern portion of the study area where lower levels of disturbance have occurred. Raw material sources identified are consistent with those previously identified within the study area, which included silcrete and mudstone. Evidence of heat treatment upon the two cores identified within RTRD16 AHIMS 38-4-2070, and RTRD17 AHIMS 38-4-2071 can also be considered consistent with previous artefact analysis results completed by Biosis in 2018. Biosis 2018 artefact analysis recorded a high number of cores and evidence of heat treatment (Biosis 2018, p.201). According to Odell this indicates that the area was likely utilized by Aboriginal people as a fauna and flora resource processing area (Odell et al. 2004, pp.126–127).





## 4 Aboriginal community consultation

Consultation with the Aboriginal community has been undertaken in compliance with the consultation requirements as detailed below. A consultation log of all communications with RAPs is provided in Appendix 1.

#### 4.1 Stage 1: Notification of project proposal and registration of interest

#### 4.1.1 Identification of relevant Aboriginal stakeholders

In accordance with the consultation guidelines, Biosis notified the following bodies regarding the proposal:

- Maitland City Council.
- Heritage NSW.
- NSW Native Title Services Corporation Limited (NTSCORP Limited).
- Office of the Registrar, Aboriginal Land Rights Act 1983 of Aboriginal Owners.
- National Native Title Tribunal (NNTT).
- Hunter Local Land Services.
- Mindaribba Local Aboriginal Land Council (LALC).

A list of known Aboriginal stakeholders in the Maitland area was provided by Heritage NSW (a copy of these responses are provided in Appendix 2 and include:

- A1 Indigenous Services.
- AGA Services.
- Aliera French Trading.
- Arwarbukarl Cultural Resource Association, Miromaa Aboriginal Language and Technology Centre.
- Awabakal & Guringai Pty Ltd Tracy Howie.
- Awabakal & Guringai Pty Ltd Kerrie Brouer.
- Cacatua Culture Consultants.
- Corroboree Aboriginal Land Council.
- Crimson-Rose.
- Culturally Aware.
- DFTV Enterprises.
- Deslee Talbott Consultants.
- Didge Ngunawal Clan.

- Jumbunna Traffic Management Group Pty Ltd.
- Kauma Pondee Inc.
- Kuwula Cultural Services.
- Kawul Pty Ltd trading as Wonn1 Sites.
- Lower Hunter Aboriginal Incorporated.
- Lower Hunter Wonnarua Cultural Services.
- Lower Wonnaruah Tribal Consultancy Pty
  Ltd.
- Mayaroo.
- Michael Green Cultural Heritage Consultant.
- Murra Bidgee Mullangari Aboriginal Corporation.
- Myland Cultural & Heritage Group.
- Roger Matthews Consultancy.
- Ungooroo Aboriginal Corporation.



- Divine Diggers Aboriginal Cultural Consultants.
- Gidawaa Walang & Barkuma Neighbourhood Centre Inc.
- Hunter Traditional Owner.
- Hunter Valley Cultural Surveying.
- Hunters & Collectors.
- Indigenous Learning.
- Jarban & Mugrebea.
- Kathleen Stewart Kinchela.
- Kevin Duncan.

- Wallagan Cultural Services.
- Wattaka Wonnarua CC Service.
- Widescope Indigenous Group.
- Wonnarua Cultural Heritage.
- Wonnarua Elders Council.
- Wonnarua National Aboriginal Corporation.
- Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013.
- Yinarr Cultural Services.

• Steve Talbott.

A search conducted by the Office of the Registrar, *Aboriginal Land Rights Act 1983* (NSW) listed no Aboriginal Owners with land within the study area. A search conducted by the NNTT listed no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area.

#### 4.1.2 Public notice

In accordance with the consultation guidelines, a public notification was placed in the following newspaper:

• Maitland Mercury (Friday 21 August 2020)

The advertisement invited Aboriginal people who hold cultural knowledge to register their interest in a process of community consultation to provide assistance in determining the significance of Aboriginal object(s) and/or places in the vicinity of the study area. A copy of the public notice is provided in Appendix 2. Registration of Aboriginal parties

Aboriginal groups identified in Section 4.1.1 were sent a letter inviting them to register their interest in a process of community consultation to provide assistance in determining the significance of Aboriginal object(s) and/or places in the vicinity of the study area. In response to the letters and public notice, a total of 16 groups registered their interest in the project. Responses to registration from Aboriginal parties are provided in Appendix 2.

A full list of Aboriginal parties who registered for consultation is provided below:

#### Table 8 List of registered Aboriginal parties

No.	Organisation	Contact person
1	Mindaribba Local Aboriginal Land Council (LALC)	Tara Dever / Jason Brown
2	DFTV Enterprises	Derrick Vale Snr
3	Culturally Aware	Tracy Skene
4	Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	Danny Franks



No.	Organisation	Contact person
5	Divine Diggers Aboriginal Cultural Consultants	Deidre Perkins
6	Didge Ngunawal Clan	Paul Boyd and Lilly Carroll
7	Ungooroo Aboriginal Corporation	Chernai Smith
8	A1 Indigenous Services	Carolyn Hickey
9	Kawul Pty Ltd trading as Wonn1 Sites	Lynne Fletcher
10	Hunter Traditional Owner	Paulette Ryan
11	Wattaka Wonnarua CC Service	Des Hickey
12	Awabakal & Guringai Pty Ltd	Tracy Howie
13	AGA Services	Ashleigh, Gregory and Adam Sampson
14	Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson
15	Confidential Aboriginal Party 1	
16	Confidential Aboriginal Party 2	

#### 4.1.3 Notification of registered Aboriginal stakeholders

On 4 November 2020, Biosis provided a list of the Aboriginal stakeholders who had registered their interest in the project to Mindaribba LALC and Heritage NSW. A copy of this correspondence is provided in Appendix 2.

#### 4.2 Stage 2: Presentation of information about the proposed project

On 3 November 2020, Biosis provided RAPs with details about the proposed development works (project information pack). A copy of the project information pack is provided in Appendix 3.

#### 4.3 Stage 3: Gathering information about cultural significance

#### 4.3.1 Archaeological assessment methodology information pack

On 3 November 2020, Biosis provided each RAP with a copy of the project methodology pack outlining the proposed ACHA process and methodology for this project. RAPs were given 28 days to review and prepare feedback on the proposed methodology. A copy of the project methodology pack is provided in Appendix 3.

Two RAPs responded to the stage 2 and 3 notification:

- Carolyn Hickey from A1 Indigenous Services responded on 7 November 2020 stating that they had reviewed the information provided and support the proposed methodology.
- Darleen Johnson from Murra Bidgee Mullangai responded on 5 November 2020 stating that she had read the information provided and supports the proposed methodology.

#### 4.3.2 Information gathered during fieldwork

Jason Brown of Mindaribba LALC attended the supplementary field survey undertaken on 26 August 2020.

No comments or information was received during fieldwork undertaken as part of this assessment.



#### 4.4 Stage 4: Review of draft ACHA report

On 23 December 2020 Biosis provided each RAP with a copy of the draft ACHA and AR for this project. RAPs were given a minimum of 28 days to review and prepare feedback in response to Biosis' findings and recommendations. A copy of correspondence to RAPs is provided Appendix 4.

Murra Bidgee Mullangari Aboriginal Corporation responded to the Stage 4 notification on 14 January 2021 stating that they had read the report and support the recommendations made.

Due to a lack of responses to the Stage 4 notification, a reminder was sent out to all RAPs on 19 January 2021, regarding the approaching close of review period. The consultation period closed on 1 February 2021.

Culturally Aware responded on 19 January 2021, stating that the "Aboriginal Community should be offered contracts in these areas if they have Capabilities and Experienced along with any Employment opportunities that may arise to help with the economical benefits for Aboriginal Communities." Biosis responded on 19 January 2021, stating that this recommendation would be passed onto the proponent for consideration.

On 21 January 2021, a phone call was received from Peter Leven of Awabakal & Guringai Pty Ltd. Peter Leven expressed concerns for the cultural sensitivity of the study area and requested a meeting with Biosis to discuss the report and the outcomes of the assessment.

A meeting was held on 2 February 2021 to discuss the ACHA and AR with Awabakal & Guringai Pty Ltd. The following individuals attended the meeting:

- Biosis Archaeologist Taryn Gooley.
- Biosis Archaeologist Ashleigh Keevers-Eastman.
- Awabakal & Guringai Pty Ltd Cultural Sites Officer Peter Leven.
- Awabakal & Guringai Pty Ltd Director Tracie Howie.
- Awabakal & Guringai Pty Ltd Director Kerrie Brauer.

Awabakal & Guringai Pty Ltd expressed during the meeting concerns for the high cultural sensitivity of the study area and its importance and strong connection to the Awabakal people. It was requested by Awabakal & Guringai Pty Ltd that the opportunity be made for the collection of Aboriginal sites that may be uncovered by the proposed works before and following the removal of vegetation and soils within the study area (as 10 centimetre grader scrapes).

It was also discussed that should vegetation and weed management works still be required to be undertaken within the study area that an Aboriginal contractor with experience in this field should be engaged to undertake the proposed works. It was also recommended that Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor.

A meeting between the proponent and Awabakal & Guringai Pty Ltd was undertaken on site on 16 February 2021, to discuss recommendations made by Awabakal & Guringai Pty Ltd on 2 February 2021, followed by correspondence with Biosis on 17 February 2021 – 22 February 2021.

The following considerations were proposed as a result:

- Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor prior to the commencement of any works within the Stage 3 impact area.
- Awabakal Guringai Pty Ltd to be present for the scraping of the road reserve post clearing of the trees and prior to commencement of construction within the Stage 2 project area.



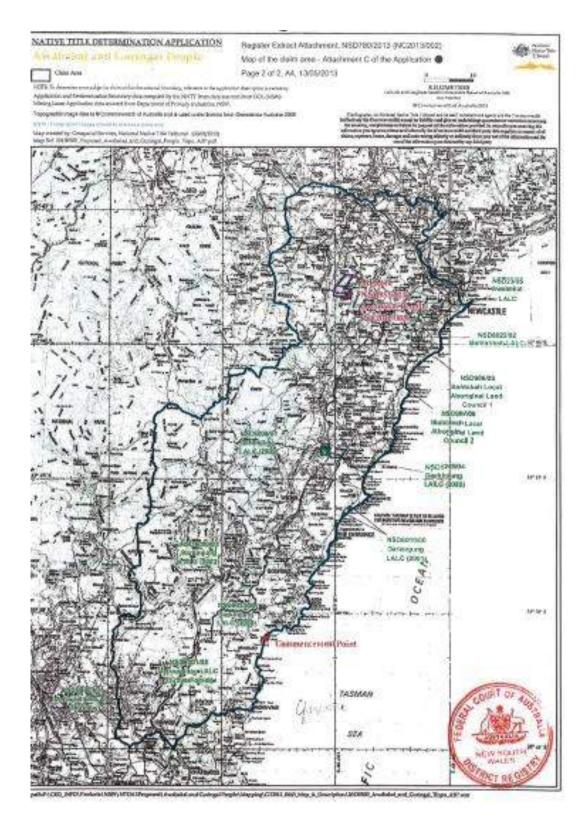
- An area wide AHIP should be proposed for Stage 2 due to the cultural sensitivity of this portion of the study area.
- Any artefacts identified during the proposed works for Stage 2 will be removed immediately by Awabakal Guringai Pty Ltd and reburied in the environmental land zone post construction.
- Subject to the approval of Maitland City Council, Thornton Brentwood will endeavour to name the streets, park and drainage reserve after Awabakal names as recommended by Awabakal Guringai Pty Ltd.
- If any Indigenous artwork is to be commissioned as part of the development, Thornton Brentwood will engage Awabakal Guringai Pty Ltd to undertake the works.
- It was also discussed that informative and educational signage be included along the fence line in the Stage 2 environmental land zone. This will be included as a recommendation for the Stage 2 area.

A statement regarding the cultural significance of the study area to the Awabakal and Guringai people was also provided by Awabakal & Guringai Pty Ltd on 17 February 2021, along with a map of the Awabakal and Guringai land boundary (Photo 7);

Awabakal and Guringai are one of the 600 or more language groups or 'nations' that existed across Australia at the time of European contact and are part of the oldest and continuous living culture in human history. The Awabakal and Guringai presence within the Newcastle, Lake Macquarie and Central Coast Regions extends from the present day back many thousands of years and is reflected in both tangible and intangible aspects of Aboriginal culture and history. Past survey and assessments within our Traditional Country have identified Aboriginal Cultural Heritage Sites (the tangible evidence of occupation) and landscape features of cultural value embedded within a landscape that provided physical and spiritual sustenance (often intangible aspects) to the Awabakal and Guringai and those Aboriginal People they invited into their Country. The Awabakal and Guringai people also have a continuing, contemporary history of trying to protect and preserve the Newcastle, Lake Macauarie and Central Coast Regions. They maintain concerns over Development licences being approved in the region and the adverse impacts this has on their cultural values and landscape features and footprints of their ancestors which are being impacted through cumulative and overlapping development activity and unmonitored and unmanaged human recreational activity. As indicated by the statements provided by the Awabakal and Guringai peoples within the document, the mental, physical and spiritual wellbeing of the Awabakal and Guringai People and those Aboriginal Peoples that feel a connection to this landscape is a contemporary phenomenon and not just 'a thing of the past'. The Newcastle, Lake Macquarie and Central Coast Regions contain a plethora of registered Aboriginal cultural heritage sites identified as having Aboriginal cultural value and significance. The sites and landscape features link contemporary Awabakal and Guringai People with generations of their ancestors and are extremely important teaching places and places of spiritual renewal. Although the impact of European invasion dramatically changed Aboriginal life in Australia forever, the recent history of the Newcastle, Lake Macquarie and Central Coast Regions are also characterised by the cultural resilience of Aboriginal Peoples, for both those who have retained connection to Country and those that are reconnecting to Country. Recent history is also characterised by the movement of other Aboriginal Peoples into the Country of the Awabakal and Guringai and the development of their renewed attachments to the area. Whilst a diversity of attachment and experience is recognised, it is also recognised that the landscape, vegetation and watercourses of the Newcastle, Lake Macquarie and Central Coast Regions form part of an Aboriginal cultural landscape of traditional and contemporary cultural and spiritual value to many Aboriginal People. Aboriginal lore requires that the Aboriginal cultural landscape (which includes Aboriginal heritage sites, landscape features of cultural value, the plants, animals and water) of the Newcastle, Lake Macquarie and Central Coast Regions are cared for so that it will survive for future generations of our Peoples. The custodial rights and obligations of Aboriginal peoples Caring for Country underpin the principles of this document. It is highlighted, however, that the Awabakal and Guringai peoples in no way support any impact to Aboriginal sites, landscape features of Aboriginal cultural value or any aspect of the natural environment within the Newcastle Lake Macquarie Regions. Aboriginal people



## inherit the right and obligation to Care for Country, and endorsing any form of harm is assessed as culturally and ethically inappropriate." (Awabakal and Guringai Pty Ltd) © 2010.



#### Photo 7 Awakabal Guringai land boundaries (Source: Awabakal Guringai Pty Ltd)



#### 4.4.1 **Provision of final ACHA report**

A copy of the final ACHA (current version) was sent to RAPs on 26 April 2021 for their information and records. A copy of correspondence to RAPs is provided in Appendix 4.

#### 4.4.2 Project update

A project update was sent out to all RAPs on 3 May 2022 to advise that the project was on hold. Biosis confirmed with Heritage NSW that a project update would be sufficient to continue consultation for the Stage 2 part of the project. A copy of correspondence to RAPs is provided in Appendix 4.



## 5 Aboriginal cultural significance assessment

The two main values addressed when assessing the significance of Aboriginal sites are cultural values to the Aboriginal community and archaeological (scientific) values. This report will assess the cultural values of Aboriginal sites in the study area. Details of the scientific significance assessment of Aboriginal sites in the study area are provided in Appendix 6.

#### 5.1 Introduction to the assessment process

Heritage assessment criteria in NSW fall broadly within the significance values outlined in the Australia International Council on Monuments and Sites (ICOMOS) *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013) (the Burra Charter). This approach to heritage has been adopted by cultural heritage managers and government agencies as the set of guidelines for best practice heritage management in Australia. These values are provided as background and include:

- **Historical significance** (evolution and association) refers to historic values and encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. A place may have historic value because it has influenced, or has been influenced by, a historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives *in situ*, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.
- **Aesthetic significance** (Scenic/architectural qualities, creative accomplishment) refers to the sensory, scenic, architectural and creative aspects of the place. It is often closely linked with social values and may include consideration of form, scale, colour, texture, and material of the fabric or landscape, and the smell and sounds associated with the place and its use.
- **Social significance** (contemporary community esteem) refers to the spiritual, traditional, historical or contemporary associations and attachment that the place or area has for the present-day community. Places of social significance have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods or events. Communities can experience a sense of loss should a place of social significance be damaged or destroyed. These aspects of heritage significance can only be determined through consultative processes with local communities.
- Scientific significance (Archaeological, industrial, educational, research potential and scientific significance values) refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects. Assessment of scientific value is often based on the likely research potential of the area, place or object and will consider the importance of the data involved, its rarity, quality or representativeness, and the degree to which it may contribute further substantial information.

The cultural and archaeological significance of Aboriginal and historic sites and places is assessed on the basis of the significance values outlined above. As well as the Burra Charter significance values guidelines, various government agencies have developed formal criteria and guidelines that have application when assessing the significance of heritage places within NSW. Of primary interest are guidelines prepared by the Australian



Government, Heritage NSW and the Heritage Branch, and the NSW Department of Planning, Industry and Environment. The relevant sections of these guidelines are presented below.

These guidelines state that an area may contain evidence and associations which demonstrate one or any combination of the Burra Charter significance values outlined above in reference to Aboriginal heritage. Reference to each of the values should be made when evaluating archaeological and cultural significance for Aboriginal sites and places.

In addition to the previously outlined heritage values, the Heritage NSW *Guidelines to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) also specify the importance of considering cultural landscapes when determining and assessing Aboriginal heritage values. The principle behind a cultural landscape is that 'the significance of individual features is derived from their inter-relatedness within the cultural landscape'. This means that sites or places cannot be 'assessed in isolation' but must be considered as parts of the wider cultural landscape. Hence the site or place will possibly have values derived from its association with other sites and places. By investigating the associations between sites, places, and (for example) natural resources in the cultural landscape the stories behind the features can be told. The context of the cultural landscape can unlock 'better understanding of the cultural meaning and importance' of sites and places.

Although other values may be considered – such as educational or tourism values – the two principal values that are likely to be addressed in consideration of Aboriginal sites and places are the cultural/social significance to Aboriginal people and their archaeological or scientific significance to archaeologists and the Aboriginal community. The determinations of archaeological and cultural significance for sites and places should then be expressed as statements of significance that preface a concise discussion of the contributing factors to Aboriginal cultural heritage significance.

#### 5.2 Cultural (social significance) values

Cultural or social significance refers to the spiritual, traditional, historical and/or contemporary associations and values attached to a place or objects by Aboriginal people. Aboriginal cultural heritage is broadly valued by Aboriginal people as it is used to define their identity as both individuals and as part of a group (DECCW 2010, p.iii). More specifically it provides:

- A 'connection and sense of belonging to Country' (DECCW 2010, p.iii).
- A link between the present and the past (DECCW 2010, p.3).
- A learning tool to teach Aboriginal culture to younger Aboriginal generations and the general public (DECCWa 2010 p.3).
- Further evidence of Aboriginal occupation prior to European settlement for people who do not understand the magnitude to which Aboriginal people occupied the continent (DECCW 2010, p.3).

It is acknowledged that Aboriginal people are the primary determiners of the cultural significance of Aboriginal cultural heritage. A copy of this report was provided to RAPs for review and comment in accordance with consultation requirements. This provided RAPs with the opportunity to share cultural knowledge relevant to the study area and the wider landscape to inform Biosis' assessment of cultural significance. The outcome of the consultation process was that the RAPs considered the study area to contain cultural significance, with a statement received from Awabakal Guringai noting that "the landscape, vegetation and watercourses of the Newcastle, Lake Macquarie and Central Coast Regions form part of an Aboriginal cultural landscape of traditional and contemporary cultural and spiritual value to many Aboriginal People." Although the significance of the study area was not clearly defined and specific examples were not provided the cultural significance of the study area is considered high.



#### 5.3 Historic values

Historic significance refers to associations a place or object may have with a historically important person, event, phase or activity to the Aboriginal and other communities. Background research, a field investigation and consultation with the Aboriginal community has concluded that the study area is not known to have any historic associations. Therefore, this assessment has concluded that the study area has low historic significance.

#### 5.4 Archaeological (scientific significance) values

An archaeological scientific assessment was undertaken for the study area and is presented in detail as part of the attached AR (Appendix 6). Each sites archaeological significance was assessed against the NPWS criteria for archaeological significance assessment, which is based largely on the ICOMOS Burra Charter.

#### 5.5 Aesthetic values

The natural aesthetic values of the study area have been disturbed by tree clearing, recreational and quarrying activities. Large portions of the study area have become heavily vegetated by invasive weeds and/or heavily disturbed by activities within the study area. The surrounding landscape, however is closely linked with Aboriginal cultural values and provides a context for Aboriginal sites that gives a strong sense of place. Due to the partly disturbed nature of the study area, the aesthetic significance of the study area has been assessed as moderate. A copy of this report was provided to RAPs for review and comment in accordance with consultation requirements. This provided RAPs with the opportunity to share cultural knowledge relevant to the study area and the wider landscape to inform Biosis' assessment of aesthetic significance. No comments were received in response to the Stage 4 notification regarding the aesthetic significance of the study area.

#### 5.6 Statement of significance

The significance of sites was assessed in accordance with the following criteria:

• .

- Requirements of the Code.
- The Burra Charter.

. ..

- - - -

• Guide to Investigating and Reporting on Aboriginal Heritage.

The combined use of these guidelines is widely considered to represent the best practice for assessments of Aboriginal cultural heritage. The identification and assessment of cultural heritage values includes the four values of the Burra Charter: social, historical, scientific and aesthetic values. The resultant statement of significance has been constructed for the study area based on the significance ranking criteria assessed in Table 9.

Table 9	Significance assessment criteria	

Site name	Criteria	Ranking
RTRD02	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural	High



Site name	Criteria	Ranking
(AHIMS 38-4-1989)	significance, although that significance was not clearly defined and specific examples were not provided.	
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
RTRD03 (AHIMS 38-4-1976)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common moderate density site. The site extent has the potential to contain intact archaeological deposits in areas where soil deposits have not been disturbed.	Moderate
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
RTRD11 (AHIMS 38-4-1983)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
RTRD12 (AHIMS 38-4-1982)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	Moderate
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low



Site name	Criteria	Ranking
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
RTRD13 (AHIMS 38-4-1981)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
RTRD14 (AHIMS 38-4-1977)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
Thornton North Site 6 - Lot 20 (AHIMS 38-4- 0936)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common moderate density site that has been disturbed and has low research potential.	Moderate
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
Thornton North Site 7 - Lot 20 (AHIMS 38-4- 0937)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or	Low



Site name	Criteria	Ranking
	personage.	
	Scientific – the site is a common low density site. The site extent has the potential to contain intact archaeological deposits in areas where soil deposits have not been disturbed.	Moderate
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
Thornton North Site 8 - Lot 20 (AHIMS 38-4- 0938)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site. The site extent has the potential to contain intact archaeological deposits in areas where soil deposits have not been disturbed.	Moderate
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
Thornton North Site 9 - Lot 20 (AHIMS 38-4- 0939)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site. The site extent has the potential to contain intact archaeological deposits in areas where soil deposits have not been disturbed.	Moderate
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate
RTRD16 (AHIMS 38-4-2070)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon	Moderate



Site name	Criteria	Ranking
	the natural aesthetic value of the study area.	
RTRD17 (AHIMS 38-4-2071)	Cultural – discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance, although that significance was not clearly defined and specific examples were not provided.	High
	Historical – the site is not connected to any historical event or personage.	Low
	Scientific – the site is a common low density site that has been disturbed and has low research potential.	Low
	Aesthetic – The site has been impacted by historical land clearing, recreational and quarrying activities which have impacted upon the natural aesthetic value of the study area.	Moderate

## Table 10Statements of scientific significance for archaeological sites recorded within study<br/>area

Site Name	Statement of Significance
RTRD02 (AHIMS 38-4-1989)	RTRD02 consists of a low density artefact scatter. The site is in a poor condition within a highly disturbed context and is a commonly occurring site type within the area. The site has low research potential. Historical land clearing, land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD02 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD02 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD03 (AHIMS 38-4-1976)	RTRD03 consists of a moderate density artefact scatter and PAD. The site is in a fair condition within a partially disturbed context. The site extent has the potential to contain intact archaeological deposits in areas where soil deposits have not been disturbed. The site is a common site type within the area. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD03 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD03 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as moderate. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD11 (AHIMS 38-4-1983)	RTRD11consists of a low density artefact scatter. The site is in a poor condition within a highly disturbed context and is a commonly occurring site type within the area. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD11 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD11 is not connected to any historical event or personage and therefore possesses low



Site Name	Statement of Significance
	historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD12 (AHIMS 38-4-1982)	RTRD12 consists of a low density sub-surface artefact deposit located on a gentle slope. This site type occurs frequently in the region. This site demonstrates sporadic occupation of the slope landforms present within the study area. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD12 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD12 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD13 (AHIMS 38-4-1981)	RTRD13 consists of a low density sub-surface artefact deposit located on a gentle slope. This site type occurs frequently in the region. This site demonstrates sporadic occupation of the slope landforms present within the study area. This site is a commonly occurring site type within the area. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD13 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD13 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD14 (AHIMS 38-4-1977)	RTRD14 consists of a sub-surface artefact deposit consisting of an isolated silcrete core located on a gentle slope. This site type occurs frequently in the region. This site demonstrates sporadic occupation of the slope landforms present within the study area. This site is a commonly occurring site type within the area. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD02 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD02 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
Thornton North Site 6 - Lot 20 (AHIMS 38-4-0936)	This site was previously recorded by Hamm in 2004, and consisted of an artefact scatter of 40 artefacts, located upon a vehicle track within the southern portion of the study area. The site is situated within an area of 80.5 metres by 15.5 metres within a simple slope landform. The site is in poor condition and has been heavily disturbed. This site is a commonly occurring site type within the area. Test excavations adjacent to this site did not identify any subsurface archaeological deposits. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which Thornton North Site 6 has been identified, therefore the aesthetic significance of the site has been classified as moderate. Thornton North Site 6 is not connected to any historical event or personage and therefore possesses low historical significance. The



Site Name	Statement of Significance
	significance of this site has been assessed as moderate. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
Thornton North Site 7 - Lot 20 (AHIMS 38-4-0937)	This site was previously recorded by Hamm in 2004, and consisted of an isolated find, located along the southern bank of a drainage line upon an access track. The site is situated within an area of 1 square metre. This site was not relocated during this assessment and has been previously recorded in a poor condition. The site would have been considered a common site type within the region. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which Thornton North Site 7 has been identified, therefore the aesthetic significance of the site has been classified as moderate. Thornton North Site 7 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this item has been assessed as moderate due to the potential for archaeological sites to be located within the same landform. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
Thornton North Site 8 - Lot 20 (AHIMS 38-4-0938)	This site was previously recorded by Hamm in 2004, and consisted of an artefact scatter of two artefacts, located upon an ants nest upon an eroded vehicle track overlooking a drainage line within the southern portion of the study area. The site is situated within an area of 7 metres by 2 metres within a simple slope landform. This site was not relocated during this assessment. The site was in a poor condition at the time it was recorded. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which Thornton North Site 7 has been identified, therefore the aesthetic significance of the site has been classified as moderate. Thornton North Site 7 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this item has been assessed as moderate due to the potential for archaeological sites to be located within the same landform. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
Thornton North Site 9 - Lot 20 (AHIMS 38-4-0939)	This site was previously recorded by Hamm in 2004, and consisted of an artefact scatter of two artefacts, located along the southern bank of a drainage line, upon an eroded vehicle track within the southern portion of the study area. The site is situated within an area of 1 metre squared. This site was not relocated during this assessment. The site was in a poor condition at the time it was recorded. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which Thornton North Site 7 has been identified, therefore the aesthetic significance of the site has been classified as moderate. Thornton North Site 7 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this item has been assessed as moderate due to the potential for archaeological sites to be located within the same landform. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD16 (AHIMS 38-4-2070)	RTRD16 consists of an isolated artefact located on a gentle slope within a disturbed context. This site type occurs frequently in the region. This site demonstrates sporadic occupation of the slope landforms present within the study area. This site is a commonly occurring site type within the



Site Name	Statement of Significance
	area. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD16 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD16 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.
RTRD17 (AHIMS 38-4-2071)	RTRD17 consists of an isolated artefact located on a gentle slope within a disturbed context. This site type occurs frequently in the region. This site demonstrates sporadic occupation of the slope landforms present within the study area. This site is a commonly occurring site type within the area. The site has low research potential. Historical land clearing land use, recreational and quarrying activities within the study area have impacted on the aesthetic value of the landscape in which RTRD17 has been identified, therefore the aesthetic significance of the site has been classified as moderate. RTRD17 is not connected to any historical event or personage and therefore possesses low historical significance. The significance of this site has been assessed as low. The cultural significance of the site is considered to be high as discussions with the local Aboriginal communities identified that RAPs considered the study area to contain cultural significance.



### 6 Development limitations and mitigation measures

Within the study area, there are seven recorded Aboriginal sites that may be subject to harm (Figure 5). It is expected that the potential of harm to Aboriginal archaeological sites from the proposed works in the study area will be direct and result in total loss of value to Aboriginal sites. One site is subject to harm and is covered by AHIP # C0004256. A further four sites are also unlikely to be impacted directly by the proposed works and impacts are considered negligible through sufficient management strategies to avoid harm. Strategies to avoid or minimise harm to Aboriginal heritage in the study area are discussed below.

A summary of the potential impacts of the proposed works on known Aboriginal sites within the study area is provided in Table 11.

AHIMS site no.	Site name	Significance	Type of harm	Degree of harm	Consequence of harm
AHIMS 38-4-1989	RTRD02	Low	Direct	Total	Total loss of value – covered by AHIP #C0004256
AHIMS 38-4-1976	RTRD03	Moderate	No Harm	No Harm	No Harm
AHIMS 38-4-1983	RTRD11	Low	Direct	Total	Total loss of value
AHIMS 38-4-1982	RTRD12	Low	Direct	Total	Total loss of value
AHIMS 38-4-1981	RTRD13	Low	Direct	Total	Total loss of value
AHIMS 38-4-1977	RTRD14	Low	Direct	Total	Total loss of value
AHIMS 38-4-0936	Thornton North Site 6 - Lot 20	Moderate	Direct	Total	Total loss of value
AHIMS 38-4-0937	Thornton North Site 7 - Lot 20	Moderate	No Harm	No Harm	No Harm
AHIMS 38-4-0938	Thornton North Site 8 - Lot 20	Moderate	No Harm	No Harm	No Harm
AHIMS 38-4-0939	Thornton North Site 9 - Lot 20	Moderate	No Harm	No Harm	No Harm
AHIMS 38-4-2070	RTRD16	Low	Direct	Total	Total loss of value
AHIMS 38-4-2071	RTRD17	Low	Direct	Total	Total loss of value

#### Table 11 Summary of potential archaeological impact

#### 6.1 Potential risks to Aboriginal cultural heritage

The current proposed works within the study area include activities which could impact Aboriginal heritage sites or objects. If not mitigated the impact may include:



- Weed management.
- Revegetation.
- Filling in of quarry through bulk earthworks.
- Ground disturbance through earthworks for the construction of a drainage reserves.
- Construction of residential utilities including roads and services.
- Construction of residential buildings.
- Construction of a childcare facility.
- Development of neighbourhood parks that will also require further earthworks.

Left unmitigated, these activities have potential to completely remove or disturb archaeological deposits and Aboriginal objects.

#### 6.2 Avoiding harm to Aboriginal heritage

Harm cannot be avoided to all Aboriginal sites within the study area as a part of the proposed works.

AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 are currently protected under the Maitland LEP (2011) as part of an environmental management zone (E3) which will not be impacted by the development. However, the management of the E3 zone will need to be undertaken in a manner that will not impact upon surface artefacts and sub-surface deposits within this area.

However, impacts to AHIMS sites 38-4-1989, 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, 38-4-0927, and 38-4-0936, and sites RTRD15 (AHIMS 38-4-2069), RTRD16 (AHIMS 38-4-2070), and RTRD17 (AHIMS 38-4-2071) cannot be avoided by the proposed works. These sites are likely to undergo direct impacts through bulk earth works, machinery and vehicle movement and site preparation works. Impacts to these sites will therefore be direct with a total loss of value to all sites.

Future development of the Park Reserve located north of the southern portion of the study area following the completion of Stage 2 and 3 of the proposed development will also result in impacts to RTRD15 (AHIMS 38-4-2069). It is recommended that any AHIMS sites located within the Park Reserve be salvaged via community collection under AHIP #C0004256.

AHIMS 38-4-1989 was previously assessed in 2018 by Biosis and is currently covered by AHIP #C0004256, obtained in 2019. The future management of AHIMS 38-4-1989 should be undertaken in accordance with the conditions of AHIP #C0004256.

#### 6.3 Management and mitigation measures

Ideally, heritage management involves conservation of sites through the preservation and conservation of fabric and context within a framework of 'doing as much as necessary, as little as possible' (Australia ICOMOS 2013). In cases where conservation is not practical, several options for management are available. For sites, management often involves the salvage of features or artefacts, retrieval of information through excavation or collection (especially where impact cannot be avoided) and interpretation.

Avoidance of impacts to Aboriginal sites through design of the development is the primary mitigation and management strategy, and should be implemented where practicable.



As noted above the proposed works associated with Stage 2 and 3, and the development of the Park Reserve are unable to avoid impacts to ten Aboriginal sites within the study area. However, four Aboriginal sites will not be impacted by the proposed works. It is not feasible for the proposed works to completely avoid impacts to these sites; therefore, the following mitigation measures, which consider the principles of ESD and intergenerational equity in their design, are proposed.

## 6.3.1 Apply for an area wide AHIP to impact AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) within Stage 2

Biosis recommends that an area wide AHIP be obtained for Stage 2 of the proposed works which includes AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, 38-4-0927, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071). The AHIP should allow for direct impacts to occur through community collection and development works. The AHIP should be obtained prior to works proceeding. **The AHIP should be for a term of 10 years.** An AHIP is required for any activities likely to have an impact on Aboriginal objects or Places. Heritage NSW issues AHIPs under Part 6 of the NPW Act.

## 6.3.2 Cultural Heritage Awareness Training provided to all contractors prior to works commencing within Stage 2 impact area

This assessment has determined that the remainder of the Stage 2 impact area contains low potential and does not require further archaeological assessment. Consultation with RAPs on the future management of this portion of the site resulted in Cultural Heritage Awareness Training being recommended for all contractors prior to works commencing within Stage 2 impact area, by a suitably qualified Cultural Sites Officer.

#### 6.3.3 Management of AHIMS 38-4-7989 and RTRD15 (AHIMS 38-4-2069) under AHIP #C0004256

AHIMS 38-4-1989 and RTRD15 (AHIMS 38-4-2069) should be managed and salvaged via community collection in accordance with AHIP #C0004256 prior to the proposed works within the Stage 2 impact area and the Park Reserve being undertaken.

## 6.3.4 No further archaeological investigation (test or salvage excavation) of AHIMS sites 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, 38-4-0927, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) or within areas of low archaeological potential

No further archaeological test or salvage excavations will be required for AHIMS 38-4-1989, 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, 38-4-0927, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071). AHIMS 38-4-1989, 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, 38-4-0927, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) have been assessed as possessing low archaeological significance. These sites are low density artefact sites within highly disturbed contexts. The artefacts recovered during test excavations have been catalogued and analysed which has contributed to our knowledge and understanding of the nature and extent of these sites.

Further archaeological test or salvage excavations within areas of low archaeological potential located within the study area will not be required, as test excavations have determined that these areas contain low potential for the identification of further sites.

Test excavations undertaken within the study area have increased our current understanding of Aboriginal occupation in the study area, ensuring that any scientific and cultural information obtained can be accessed and used by future generations. Further archaeological testing of these sites is not recommended.

#### 6.3.5 Community Collection

AHIMS sites 38-4-0936, 38-4-1983, and RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) should be salvaged through community collection under an AHIP and in consultation with RAPs. An area wide AHIP



should also allow for community collection within the Stage 2 impact area to occur. This ensures that the most information possible is obtained from the sites prior to their destruction. Following collection of surface artefacts, an analysis of the complete artefact assemblage identified will be undertaken to provide further information about the potential uses of the site by Aboriginal people. This not only increases current understanding of the site but increases our knowledge of Aboriginal occupation in the wider Maitland region and ensures that any scientific and cultural information that we obtain can be accessed and used by future generations.

#### 6.3.6 Long term care agreement

The establishment of a long term care agreement in consultation with RAPs should be developed in order to ensure the artefacts are adequately cared for. Several management options are possible depending on the wishes of RAPs. Artefacts recovered from the test excavations and community collection can be given back to the Aboriginal community through a long term care agreement where they can then be used to teach subsequent generations about Aboriginal culture or can be reburied in a culturally appropriate place. This approach considers the principles of ESD and intergenerational equity and more importantly ensures that recovered artefacts are managed according to the wishes of RAPs.

As the proposed development is required to be undertaken in stages Biosis recommends that the reburial of the artefacts in an appropriate location within the subject land be undertaken at the completion of all development works to avoid disturbance to the reburial site. Biosis proposes that the AHIP allows for the temporary storage of artefacts recovered during the subsequent community collection works at the following temporary storage location, along with artefacts recovered by Biosis in 2018 and Eco Logical in 2019 (Biosis 2018, Eco Logical 2019):

• A secure location in the Biosis Newcastle Office, Suite 8, 27 Annie Street, Wickham, NSW.

Once the proposed works have been completed, Biosis proposes that the cultural material be managed in line with the reburial methodology outlined in the ACHA amendment document supplied to Heritage NSW on 19 November 2018 (see Appendix 5). A summary of the proposed reburial methodology is detailed below:

- The Aboriginal artefacts identified during the test excavations, and any Aboriginal artefacts salvaged under an approved AHIP, should be reburied within the E3 conservation zone in the study area.
- The artefacts should be reburied at a depth of greater than 400 millimetres in order to mitigate against any future erosional processes.
- The artefacts should be reburied in a culturally appropriate matter (i.e wrapped in bark) if allowable.
- An AHIMS site recording form should be lodged for the reburied artefacts.

#### 6.3.7 Management of archaeological sites within the E3 zone

AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 within the E3 zone should be permanently fenced in order to prevent any unintentional impacts to the integrity of the sites over the lifespan of the proposed three stage development. The clearing of invasive flora species within the E3 zone will also need to be undertaken via spot spraying and steam cutting within the E3 zone to avoid any disturbance to subsurface soil deposits. Bush regeneration will also employ brush matting to avoid any disturbance to sites identified within the E3 zone. This management strategy will be included within the AHIP recommendations and no-go-zones will be established for each stage of the development.

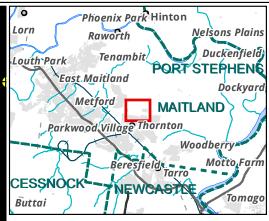


#### 6.3.8 Fencing of archaeological sites outside of the study area

Prior to any works taking place, the Stage 2 boundary should be clearly fenced in order to prevent any unintentional impacts to AHIMS sites located outside of the study area which will not be harmed by the proposed works. Fencing must remain in place over the lifespan of the proposed development.



Acknowledgements: Basemap © Land and Property Information 2016; Imagery © Nearmap 2019

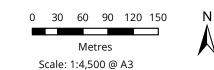


#### Legend

- Study area
  Stage 1
  AHIMS records
  Artefact
  E3 zone
- MAD no-go-zone

#### NOT TO BE MADE PUBLIC

# Figure 4 Aboriginal sites identified within the study area



Coordinate System: GDA 1994 MGA Zone 56

Matter: 37375, Date: 11 May 2022, Checked by: AV, Drawn by: AM, Last edited by: amackegard Location: P:37300s\37375\Mapping\37375\_F4\_AboriginalSites.mxd



## 7 Recommendations

Recommendations regarding the archaeological value of the site, and the subsequent management of Aboriginal cultural heritage is provided in the archaeological report (Appendix 6).

Strategies have been developed based on the archaeological (significance) of cultural heritage relevant to the study area and influenced by:

- Predicted impacts to Aboriginal cultural heritage.
- The planning approvals framework.
- Current best conservation practise, widely considered to include:
  - Ethos of the Australia ICOMOS Burra Charter.
  - The Code.

Prior to any impacts occurring within the study area, the following is recommended:

## Recommendation 1: Application for an AHIP to harm AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) within Stage 2 area

Biosis recommends that an application for an area wide AHIP for the stage 2 area be obtained to impact AHIMS 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071). The AHIP should allow for direct impacts to occur through community collection and development works. The AHIP should be obtained prior to works proceeding. **The AHIP should be for a term of 10 years.** An AHIP is required for any activities likely to have an impact on Aboriginal objects or Places. Heritage NSW issues AHIPs under Part 6 of the NPW Act.

## Recommendation 2: Cultural Heritage Awareness Training provided to all contractors prior to works commencing within Stage 2 impact area

Cultural Heritage Awareness Training should be provided to all contractors prior to works commencing within Stage 2 impact area, as recommended by RAPs.

#### **Recommendation 3: Salvage through community collection**

AHIMS sites 38-4-0936, 38-4-1983, and RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) should be salvaged through community collection under an AHIP and in accordance with a Community Collection Methodology prior to the proposed works being undertaken.

## Recommendation 4: Management of AHIMS 38-4-1989 and RTRD15 (AHIMS 38-4-2069) under AHIP #C0004256

AHIMS 38-4-1989 and RTRD15 (AHIMS 38-4-2069) should be managed and salvaged via community collection in accordance with AHIP #C0004256 prior to the proposed works within the Stage 2 impact area and the Park Reserve being undertaken.

## Recommendation 5: Fencing of Stage 2 site boundaries and Aboriginal sites that will not be harmed



Prior to any works taking place, the Stage 2 boundary should be clearly fenced in order to prevent any unintentional impacts to AHIMS sites located outside of the study area which will not be harmed by the proposed works. Fencing must remain in place over the over the lifespan of the proposed development.

Biosis also recommends that the foot slope landform in which AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 are located should be securely fenced to ensure the proposed works do not impact on any areas of high archaeological potential identified within the no-go zone (Figure 5). Fencing must remain in place over the lifespan of the proposed development.

#### Recommendation 6: Further archaeological works required if impacts cannot be avoided

It is recommended that test excavations be undertaken in consultation with the RAPs, if impact to AHIMS 38-4-1976, 38-4-0937, 38-4-0938, and 38-4-0939 cannot be avoided. Land management strategies related to the management of invasive flora species and bush regeneration within the E3 Zone, will need to be undertaken in a manner in which soil deposits will not be directly impacted within the E3 Zone.

#### **Recommendation 7: No further archaeological works**

No further archaeological test or salvage excavations are required for AHIMS sites 38-4-1983, 38-4-1982, 38-4-1981, 38-4-1977 38-4-0927, and 38-4-0936, and sites RTRD16 (AHIMS 38-4-2070) and RTRD17 (AHIMS 38-4-2071) or any areas within the current development footprint apart from the sites proposed for community collection or management under an AHIP. Once community collection has been undertaken, works may proceed with caution in these areas in line with the approved AHIP, and Recommendations 8 to 11.

#### **Recommendation 8: Establishment of a long term care agreement**

The establishment of a long term care agreement in consultation with RAPs should be developed in order to ensure the artefacts are adequately cared for. Several management options are possible depending on the wishes of RAPs. Artefacts recovered from the test excavations and community collection salvage may be returned to the Aboriginal community through a long term care agreement where they can then be used to teach subsequent generations about Aboriginal culture or can be reburied in a culturally appropriate place. This approach considers the principles of Ecologically Sustainable Development (ESD) and intergenerational equity and more importantly ensures that recovered artefacts are managed according to the wishes of RAPs.

#### **Recommendation 9: Discovery of unanticipated Aboriginal objects**

All Aboriginal objects and Places are protected under the NPW Act. It is an offence to disturb an Aboriginal site without a consent permit issued by Heritage NSW. Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and RAPs.

#### **Recommendation 10: Discovery of unanticipated Historical relics**

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. Heritage NSW will require notification if the find is assessed as a relic.

#### **Recommendation 11: Stop works provision – Discovery of Aboriginal ancestral remains**

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:



- 1. Immediately cease all work at that location and not further move or disturb the remains.
- 2. Notify the NSW Police and Heritage NSW Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
- 3. Not recommence work at that location unless authorised in writing by Heritage NSW



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## Appendices



## Appendix 1 Consultation log

#### Stage 1 – Notification of project proposal and registration of interest

#### Step 1 - Identification of Aboriginal people/parties with an interest in the study area.

Organisation contacted	Date and type of contact	Date and type of response	Response details
Heritage NSW	18/08/2020, email	24/08/2020, email	Provided a list of RAPs.
Native Title Services CORP Limited	18/08/2020, email	-	-
Office of the Registrar, Department of Aboriginal Affairs	18/08/2020, email	20/08/2020, email	Responded stating that there were no register Aboriginal Owners, but Mindaribba LALC should be consulted.
National Native Title Tribunal (NNTT).	18/08/2020, email	27/08/2020, email	Identified that the study area was free hold land and contained no claims.
Hunter Local Land Services	18/08/2020, email	18/08/2020, email	Automated response, stating email was received.
Maitland City Council	18/08/2020, email	-	-
Mindaribba Local Aboriginal Land Council (LALC)	18/08/2020, email	18/08/2020, phone	Registered an interest.

#### Step 2 - Public advertisement

The public notice was published in the *Maitland Mercury* on the Friday 21 August 2020. A copy of the advertisement is provided in Appendix 2.

#### **Step 3 - Registration of interest**

The registration period ran from the 2 September 2020 to 16 September 2020. Leeway was given to Aboriginal parties/groups who provided responses shortly after the close of this period and they have been registered as Aboriginal parties for consultation.

Organisation contacted	Date and type of contact	Date and type of response	Response details
A1 Indigenous Services	2/09/2020, email	3/09/2020, email	Registered an interest.
AGA Services	2/09/2020, email	14/09/2020, email	Registered an interest.
Aliera French Trading	2/09/2020, email	-	-
Arwarbukarl Cultural Resource Association, Miromaa Aboriginal Language and Technology Centre	2/09/2020, email	-	-



Organisation contacted	Date and type of contact	Date and type of response	Response details
Awabakal & Guringai Pty Ltd – Tracie Howie	2/09/2020, email	21/09/2020, email	Registered an interest.
Awabakal & Guringai Pty Ltd - Kerrie Brouer	2/09/2020, email	-	-
Awabakal Descendants Traditional Owners	2/09/2020, email	-	-
Awabacal Traditional Owners Aboriginal Corporation	2/09/2020, email	-	-
Cacatua Culture Consultants	2/09/2020, email	-	-
Corroboree Aboriginal Land Council	2/09/2020, email	-	-
Crimson-Rosie	2/09/2020, mail	-	-
Culturally Aware	2/09/2020, email	3/09/2020, email	Registered an interest.
DFTV Enterprises	2/09/2020, email	-	
Deslee Talbott Consultants	2/09/2020, email	-	-
Didge Ngunawal Clan	2/09/2020, email	3/09/2020, email	Registered an interest.
Divine Diggers Aboriginal Cultural Consultants	2/09/2020, email	3/09/2020, email	Registered an interest.
Gidawaa Walang & Barkuma Neighbourhood Centre Inc.	2/09/2020, email	-	-
Hunter Traditional Owner	2/09/2020, email	6/09/2020 and 8 /09/2020, email	Registered an interest.
Hunter Valley Cultural Surveying	2/09/2020, email	-	-
Hunters & Collectors	2/09/2020, email	-	-
Indigenous Learning	2/09/2020, email	-	-
Jarban & Mugrebea	2/09/2020, email	-	
Jumbunna Traffic Management Group Pty Ltd	2/09/2020, email	-	-
Kauma Pondee Inc.	2/09/2020, email	-	-
Kuwula Cultural Services	2/09/2020, email	-	-



Organisation contacted	Date and type of	Date and type of	Response details
	contact	response	
Kawul Pty Ltd trading as Wonn1 Sites	2/09/2020, email	3/09/2020, email	Registered an interest.
Lower Hunter Aboriginal Incorporated	2/09/2020, email	-	-
Lower Hunter Wonnarua Cultural Services	2/09/2020, email	-	-
Lower Wonnaruah Tribal Consultancy Pty Ltd	2/09/2020, mail (RP44 63700 51000 58732 82603)	-	-
Mayaroo	2/09/2020, email	-	-
Michael Green Cultural Heritage Consultant	2/09/2020, mail (RPP44 63700 51000 58732 78602)	-	-
Murra Bidgee Mullangari Aboriginal Corporation	2/09/2020, email	3/09/2020, email	Registered an interest.
Myland Cultural & Heritage Group	2/09/2020, email	-	-
Roger Matthews Consultancy	2/09/2020, mail (RPP44 63700 51000 58732 82609)	-	-
Ungooroo Aboriginal Corporation	2/09/2020, email	3/09/2020, email	Registered an interest.
Wallagan Cultural Services	2/09/2020, email	-	-
Wattaka Wonnarua CC Service	2/09/2020, email	6/09/2020, email	Registered an interest.
Widescope Indigenous Group	2/09/2020, email		-
Wonnarua Cultural Heritage	2/09/2020, mail (RP44 63700 51000 58732 81602)	-	-
Wonnarua Elders Council	2/09/2020, mail (RP44 63700 51000 58732 80605)	-	-



Organisation contacted	Date and type of contact	Date and type of response	Response details
Wonnarua National Aboriginal Corporation	2/09/2020, mail (RP44 63700 51000 58732 82609)	-	-
Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	2/09/2020, email	3/09/2020, email	Registered an interest.
Yinarr Cultural Services	2/09/2020, email	-	-
Kathleen Stewart Kinchela	2/09/2020, email		
Kevin Duncan	2/09/2020, email	-	-
Steve Talbott	2/09/2020, email	-	-
Confidential Aboriginal Group 1	2/09/2020, email	3/09/2020, email	Registered an interest.
Confidential Aboriginal Group 2	2/09/2020, email	3/09/2020, email	Registered an interest.

#### Step 4 – Notification of registered stakeholders

On 4 November 2020, Biosis provided a list of the Aboriginal stakeholders who had registered their interest in the project to Mindaribba LALC and Heritage NSW.

No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
1	Mindaribba Local Aboriginal Land Council (LALC)	4/11/2020, email	-	-
2	Heritage NSW	4/11/2020, email		

## Stage 2 and 3– Presentation of information about the proposed project and gathering information about cultural significance

#### Step 1 - Provision of project information pack and provision of project methodology pack

A copy of the information pack is provided in Appendix 3, along with a copy of the covering email is provided and responses from RAPs.



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
1	Mindaribba Local Aboriginal Land Council (LALC)	3/11/2020, email	-	-
2	DFTV Enterprises	3/11/2020, email	-	-
3	Culturally Aware	3/11/2020, email	-	-
4	Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	3/11/2020, email	-	-
5	Divine Diggers Aboriginal Cultural Consultants	3/11/2020, email	-	-
6	Didge Ngunawal Clan	3/11/2020, email	-	-
7	Ungooroo Aboriginal Corporation	3/11/2020, email	-	-
8	A1 Indigenous Services	3/11/2020, email	7/11/2020, email	A1 responded saying they have reviewed the information and support the methodology.
9	Kawul Pty Ltd trading as Wonn1 Sites	3/11/2020, email	-	-
10	Hunter Traditional Owner	3/11/2020, email	-	-
11	Wattaka Wonnarua CC Service	3/11/2020, email	-	-
12	Awabakal & Guringai Pty Ltd	3/11/2020, email	-	-
13	AGA Services	3/11/2020, email	-	-
14	Murra Bidgee Mullangari Aboriginal Corporation	3/11/2020, email	5/11/2020, email	Responded stating that the documents provided had been read and that they endorse recommendations made.
15	Confidential Aboriginal Party 1	3/11/2020, email	-	-
16	Confidential Aboriginal Party 2	3/11/2020, email	-	-



#### Step 2- Field survey

Organisation contacted	Date and type of contact	Date and type of response	Response details
Mindaribba LALC	18/08/2020, email	18/08/2020, phone	Confirmed availability to attend field investigation.
Mindaribba LALC	26 August 2020, field investigation		Jason Brown from Mindaribba LALC attended the field investigation. No comments were received on the cultural significance of the study area.

#### Stage 4 - Review of draft report

A copy of the draft ACHA and AR for this project was provided to RAPs on 23 December 2020. RAPs were given a minimum of 28 days to review and prepare feedback in response to Biosis' findings and recommendations. The response period closed on 1 February 2021.

#### Step 1 - Provision of draft report for review

No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
1	Mindaribba Local Aboriginal Land Council (LALC)	23/12/2020, email	-	-
2	DFTV Enterprises	23/12/2020, email	-	
3	Culturally Aware	23/12/2020, email	-	
4	Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	23/12/2020, email	-	-
5	Divine Diggers Aboriginal Cultural Consultants	23/12/2020, email	-	
6	Didge Ngunawal Clan	23/12/2020, email	-	-
7	Ungooroo Aboriginal Corporation	23/12/2020, email	-	-
8	A1 Indigenous Services	23/12/2020, email	-	-
9	Kawul Pty Ltd trading as Wonn1 Sites	23/12/2020, email	-	-
10	Hunter Traditional Owner	23/12/2020, email		



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
11	Wattaka Wonnarua CC Service	23/12/2020, email	-	-
12	Awabakal & Guringai Pty Ltd	23/12/2020, email	-	-
13	AGA Services	23/12/2020, email	-	-
14	Murra Bidgee Mullangari Aboriginal Corporation	23/12/2020, email	14/01/21, email	Responded that they have read the report and endorse the recommendations
15	Confidential Aboriginal Party 1	23/12/2020, email	-	-
16	Confidential Aboriginal Party 2	23/12/2020, email	-	-

#### Step 2 – Reminder of close of review period

No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
1	Mindaribba Local Aboriginal Land Council (LALC)	19/01/2021, email	-	-
2	DFTV Enterprises	19/01/2021, email	-	-
3	Culturally Aware	19/01/2021, email	19/01/2021, email	Tracey Skene provided the following statement; "Aboriginal Community should be offered contracts in these areas if they have Capabilities and Experienced along with any Employment opportunities that may arise to help with the economical benefits for Aboriginal Communities." for the proposed works. Biosis responded stating that this recommendation would be passed onto the proponent.
4	Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People	19/01/2021, email	-	-



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
	NSD1680/2013			
5	Divine Diggers Aboriginal Cultural Consultants	19/01/2021, email	-	-
6	Didge Ngunawal Clan	19/01/2021, email	-	
7	Ungooroo Aboriginal Corporation	19/01/2021, email	-	
8	A1 Indigenous Services	19/01/2021, email	-	-
9	Kawul Pty Ltd trading as Wonn1 Sites	19/01/2021, email	-	-
10	Hunter Traditional Owner	19/01/2021, email	-	
11	Wattaka Wonnarua CC Service	19/01/2021, email	-	
12	Awabakal & Guringai Pty Ltd	19/01/2021, email	21/01/21, Phone	Peter Leven contacted Biosis requesting a meeting to discuss the project and the reports. Concerns were expressed regarding the cultural sensitivity of the study area, and time allocated to review the extensive reports. A meeting was organised with Awabakal & Guringai Pty Ltd to discuss the reports.
	Awabakal & Guringai Pty Ltd	22/01/21, email	2/01/2021, meeting	Biosis organised a meeting with Awabakal & Guringai Pty Ltd. Awabakal & Guringai Pty Ltd expressed during the meeting concerns for the high cultural sensitivity of the study area and its importance and strong connection to the Awabakal people. It was requested by Awabakal & Guringai Pty Ltd that the opportunity be made for the collection of Aboriginal sites that may be uncovered by the proposed works before and following the removal of



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
				vegetation and soils within the study area (as 10 centimetre grader scrapes).
				It was also discussed that should vegetation and weed management works still be required to be undertaken within the study area that an Aboriginal contractor with experience in this field should be engaged to undertake the proposed works. It was also recommended that Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor.
	Awabakal & Guringai Pty Ltd	9/02/2021, email	16/02/21, meeting	<ul> <li>A meeting between the proponent and Awabakal &amp; Guringai Pty Ltd was undertaken on site on 16 February 2021, to discuss recommendations made by Awabakal &amp; Guringai Pty Ltd on 2 February 2021. The proponent provided the following summary of the meeting:</li> <li>Subject to the approval of Maitland City Council, Thornton Brentwood Pty Limited will endeavour to name the streets, park and drainage reserve after Awabakal names as recommended by Awabakal Guringai Pty Ltd;</li> <li>Awabakal Guringai Pty Ltd to be present for the scraping of the road reserve post clearing of the trees and prior to commencement of construction;</li> <li>Any artefact identified during the works will be removed immediately by</li> </ul>



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
				<ul> <li>Awabakal Guringai Pty Ltd and redeposited in the environmental land in Stage 2 post construction; and</li> <li>If any Indigenous artwork is to be commissioned as part of the development, Thornton Brentwood Pty Limited will engage Awabakal Guringai Pty Ltd to undertake the works.</li> <li>Informative and educational signage to be included along the fence line in the Stage 2 environmental land was also discussed.</li> </ul>
	Awabakal & Guringai Pty Ltd	17/02/2021	22/02/21, Phone	<ul> <li>Biosis proposed the following updates to considerations</li> <li>discussed between RAPs and the Proponent on 17 February 2021</li> <li>22 February 2021:</li> <li>Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor prior to the commencement of any works within the Stage 3 impact area.</li> <li>Awabakal Guringai Pty Ltd to be present for the scraping of the road reserve post clearing of the trees and prior to commencement of construction within the Stage 2 project area;</li> <li>An area wide AHIP should be proposed for Stage 2 due to the cultural sensitivity of this portion of the study area</li> <li>Any artefacts identified during the proposed works for Stage 2 will be removed immediately by Awabakal Guringai Pty Ltd and reburied in the environmental land zone post construction;</li> </ul>



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
				<ul> <li>Subject to the approval of Maitland City Council, Thornton Brentwood will endeavour to name the streets, park and drainage reserve after Awabakal names as recommended by Awabakal Guringai Pty Ltd;</li> <li>If any Indigenous artwork is to be commissioned as part of the development, will engage Awabakal Guringai Pty Ltd to undertake the works.</li> <li>It was also discussed that informative and educational signage to be included along the fence line in the Stage 2 environmental land zone. This will be included as a recommendation for the Stage 2 area.</li> <li>A phone call was made on 22/02/21 to confirm that Awabakal &amp; Guringai Pty Ltd were in agreeance with the proposed changes. Awabakal &amp; Guringai Pty Ltd confirmed that they were happy with the changes.</li> </ul>
	Awabakal & Guringai Pty Ltd	17/02/2021, email	17/02/21, email	Biosis requested the statement of heritage significance Awabakal & Guringai Pty Ltd wished to include within the ACHA. The following statement was provided: Awabakal and Guringai are one of the 600 or more language groups or 'nations' that existed across Australia at the time of European contact and are part of the oldest and continuous living culture in human history. The Awabakal and Guringai presence within the Newcastle, Lake Macquarie and Central Coast Regions extends from the present day back many thousands of years and is



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
				reflected in both tangible and intangible aspects of Aboriginal culture and history. Past survey and assessments within our Traditional Country have identified Aboriginal Cultural Heritage Sites (the tangible evidence of occupation) and landscape features of cultural value embedded within a landscape that provided physical and spiritual sustenance (often intangible aspects) to the Awabakal and Guringai and those Aboriginal People they invited into their Country. The Awabakal and Guringai people also have a continuing, contemporary history of trying to protect and preserve the Newcastle, Lake Macquarie and Central Coast Regions. They maintain concerns over Development licences being approved in the region and the adverse impacts this has on their cultural values and landscape features and footprints of their ancestors which are being impacted through cumulative and overlapping development activity. As indicated by the statements provided by the statements provided by the Awabakal and Guringai peoples within the document, the mental, physical and spiritual wellbeing of the Awabakal and Guringai Peoples that feel a connection to this landscape is a contemporary phenomenon and not just 'a thing of the past'. The Newcastle, Lake Macquarie and Central Coast Regions contain a



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
				plethora of registered Aboriginal cultural heritage sites identified as having Aboriginal cultural value and significance. The sites and landscape features link contemporary Awabakal and Guringai People with generations of their ancestors and are extremely important teaching places and places of spiritual renewal. Although the impact of European invasion dramatically changed Aboriginal life in Australia forever, the recent history of the Newcastle, Lake Macquarie and Central Coast Regions are also characterised by the cultural resilience of Aboriginal Peoples, for both those who have retained connection to Country and those that are reconnecting to Country. Recent history is also characterised by the movement of other Aboriginal Peoples into the Country of the Awabakal and Guringai and the development of their renewed attachments to the area. Whilst a diversity of attachment and experience is recognised, it is also recognised that the landscape, vegetation and watercourses of the Newcastle, Lake Macquarie and Central Coast Regions form part of an Aboriginal cultural landscape of traditional and contemporary cultural and spiritual value to many Aboriginal People. Aboriginal lore requires that the Aboriginal cultural landscape (which includes Aboriginal heritage sites, landscape features of cultural value, the plants, animals and water) of the



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
				Newcastle, Lake Macquarie and Central Coast Regions are cared for so that it will survive for future generations of our Peoples. The custodial rights and obligations of Aboriginal peoples Caring for Country underpin the principles of this document. It is highlighted, however, that the Awabakal and Guringai peoples in no way support any impact to Aboriginal sites, landscape features of Aboriginal cultural value or any aspect of the natural environment within the Newcastle Lake Macquarie Regions. Aboriginal people inherit the right and obligation to Care for Country, and endorsing any form of harm is assessed as culturally and ethically inappropriate." (Awabakal and Guringai Pty Ltd) © 2010.
13	AGA Services	19/01/2021, email	-	-
14	Murra Bidgee Mullangari Aboriginal Corporation	19/01/2021, email	-	-
15	Confidential Aboriginal Party 1	19/01/2021, email	-	-
16	Confidential Aboriginal Party 2	19/01/2021, email	-	-

# Project update

A project update was sent out to all RAPs on 3 May 2022 to advise that the project was on hold.

No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
1	Mindaribba Local Aboriginal Land Council (LALC)	03/05/2022, email	-	-
2	DFTV Enterprises	03/05/2022,	-	



No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
		email		
3	Culturally Aware	03/05/2022, email	-	
4	Yarrawalk (A division of Tocomwall Pty ltd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	03/05/2022, email	-	-
5	Divine Diggers Aboriginal Cultural Consultants	03/05/2022, email	-	-
6	Didge Ngunawal Clan	03/05/2022, email	-	-
7	Ungooroo Aboriginal Corporation	03/05/2022, email	-	-
8	A1 Indigenous Services	03/05/2022, email	-	-
9	Kawul Pty Ltd trading as Wonn1 Sites	03/05/2022, email	-	-
10	Hunter Traditional Owner	03/05/2022, email	-	-
11	Wattaka Wonnarua CC Service	03/05/2022, email	-	-
12	Awabakal & Guringai Pty Ltd	03/05/2022, email	-	
13	AGA Services	03/05/2022, email	-	-
14	Murra Bidgee Mullangari Aboriginal Corporation	03/05/2022, email	-	
15	Confidential Aboriginal Party 1	03/05/2022, email	-	
16	Confidential Aboriginal Party 2	03/05/2022, email	-	



Appendix 2 Stage 1: Notification of project proposal and registration of interest

From:	Madeleine Lucas
То:	"admin.hunter@lls.nsw.gov.au"
Subject:	33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:00:44 PM
Attachments:	PDFMailer.pdf
	image79e925.PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

Biosis is assisting Landlink Projects Pty Limited with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for further information. If you could please provide contact details for any such Aboriginal people or organisations by 5pm 1 September 2020 it would be greatly appreciated.

Kind regards, Madeleine Lucas Research Assistant - Heritage

M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



Leaders in Ecology and Heritage Consulting

Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

From:	Madeleine Lucas
То:	"adminofficer@oralra.nsw.gov.au"
Subject:	33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:00:43 PM
Attachments:	PDFMailer.pdf
	imagec5eb8f.PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

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From:	Madeleine Lucas
To:	"information@ntscorp.com.au"
Subject:	33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:00:43 PM
Attachments:	PDFMailer.pdf
	imaged92a0c.PNG

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From:	Madeleine Lucas
To:	"heritagemailbox@environment.nsw.gov.au"
Subject:	33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:00:43 PM
Attachments:	PDFMailer.pdf
	image050f3c PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

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Kind regards, Madeleine Lucas Research Assistant - Heritage

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From:	Madeleine Lucas
То:	"info@maitland.nsw.gov.au"
Subject:	33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:00:44 PM
Attachments:	PDFMailer.pdf
	image57e8cc.PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

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Kind regards, Madeleine Lucas Research Assistant - Heritage

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From:	Madeleine Lucas
То:	"ceo@mindaribbalalc.org"
Subject:	33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:18:15 PM
Attachments:	PDFMailer771.pdf
	imageae6b27.PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

Biosis is assisting Landlink Projects Pty Limited with consultation with the Aboriginal community to inform the ACHA and would like to invite Mindaribba LALC to register for the project. Please see the attached PDF for further information. If you could please provide contact details for any such Aboriginal people or organisations by 5pm 1 September 2020 it would be greatly appreciated.

Kind regards,

Madeleine Lucas Research Assistant - Heritage

M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au



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From:	Madeleine Lucas
То:	<u>"enquiries@nntt.gov.au"</u>
Subject:	33608 - Westgate Ave ACHA- Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:23:19 PM
Attachments:	PDFMailer221.pdf
	33608.NNTT.search.form.docx
	image0ba53b.PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

Biosis is assisting Landlink Projects Pty Limited with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for further information and the relevant NNTT search form. If you could please provide contact details for any such Aboriginal people or organisations by 5pm 1 September 2020 it would be greatly appreciated.

Kind regards,

Madeleine Lucas Research Assistant - Heritage

M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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Maitland City Council 285-287 High Street Maitland NSW 2320

Dear Sir or Madam,

### RE: 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales: Aboriginal Cultural Heritage Assessment, Notification to Agencies <sub>Our Ref: Matter 33608</sub>

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Biosis is assisting Landlink Projects Pty Limited with consultation with the Aboriginal community to inform the ACHA. Consultation with the Aboriginal community for this assessment will be undertaken in accordance with the Aboriginal *Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) (consultation requirements).

The purpose of the Aboriginal community consultation is to provide sufficient information for the assessment of Aboriginal cultural heritage values and to assist Heritage NSW, Department of Premier and Cabinet in the consideration and determination of an Aboriginal Heritage Impact Permit. The project will be undertaken in accordance with the *National Parks and Wildlife Act 1974*.

As per section 4.1 of the consultation requirements, Biosis is seeking to identify Aboriginal people who may have an interest in the study area and hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Thornton area. If you could please provide contact details for any such Aboriginal people or organisations by **5pm 1 September 2020** it would be greatly appreciated.

In accordance with section 4.1.3 (a) of the consultation requirements, please note that the relevant client contact for this project is:

Landlink Projects Pty Limited Dean Turner Project Director Tel: 0422 378 785 Email: dean@landlinkproperty.com.au

All correspondence regarding provision of names and contact details of Aboriginal people who may hold cultural knowledge relevant to the study area should be provided in writing by **5pm 1 September 2020** to:



Biosis Pty Ltd 8/27 Annie Street Wickham NSW 2293 <u>akeevers-eastman@biosis.com.au</u>

If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Yours sincerely

Ashley Keevers-Eastman



National Native Title Tribunal GPO Box 9973 Sydney NSW 2001

Dear Sir or Madam,

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Yours sincerely

Ashley Keevers-Eastman



Mindaribba Local Aboriginal Land Council Po Box 401 East Maitland NSW 2323

Dear Sir or Madam,

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The purpose of the Aboriginal community consultation is to provide sufficient information for the assessment of Aboriginal cultural heritage values and to assist Heritage NSW, Department of Premier and Cabinet in the consideration and determination of an Aboriginal Heritage Impact Permit. The project will be undertaken in accordance with the *National Parks and Wildlife Act 1974*.

As per section 4.1 of the consultation requirements, Biosis wish to invite Mindaribba Local Aboriginal Land Council to register an interest in the project. Biosis is also seeking to identify Aboriginal people who may have an interest in the study area and hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the Thornton area. If you could please provide contact details for any such Aboriginal people or organisations by **5pm 1 September 2020** it would be greatly appreciated.



In accordance with section 4.1.3 (a) of the consultation requirements, please note that the relevant client contact for this project is:

#### Land Link Property Dean Turner Project Director Tel: 0422 378 785 Email: dean@landlinkproperty.com.au

All correspondence regarding provision of names and contact details of Aboriginal people who may hold cultural knowledge relevant to the study area should be provided in writing by **5pm 1 September 2020** to:

## Ashleigh Keevers-Eastman

Biosis Pty Ltd 8/27 Annie Street Wickham NSW 2293 akeevers-eastman@biosis.com.au

If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Yours sincerely

Ashley Keevers-Eastman



Heritage NSW, Department of Premier and Cabinet Level 6, 10 Valentine Ave Parramatta NSW 2124

Dear Sir or Madam,

### RE: 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales: Aboriginal Cultural Heritage Assessment, Notification to Agencies <sub>Our Ref: Matter 33608</sub>

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Yours sincerely

Ashley Keevers-Eastman



Native Title Services Corporation PO Box 2105 Strawberry Hills NSW 2012

Dear Sir or Madam,

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Office of the Registrar Aboriginal Land Rights Act 1983 PO Box 5068 Parramatta NSW 2124

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Hunter Local Land Services 52 Kyle Street Rutherford NSW 2320

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Yours sincerely

Ashley Keevers-Eastman

From:	LLS Admin Hunter Mailbox
То:	Madeleine Lucas
Subject:	Automatic reply: 33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:12:41 PM

From:	Admin Hunter
To:	Madeleine Lucas
Subject:	Thankyou for your email Re: 33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Tuesday, 18 August 2020 2:10:54 PM

Thank you for your email correspondence. We endeavour to reply to your request within 5-10 business days, but some requests will take longer than this. Should you have an urgent query in relation to Emergency Animal Disease, there is a hotline that can be reached on 1800 675 888

--

Regards

Hunter Local Land Services 816 Tocal Rd | Private Bag 2010 | Paterson NSW 2421 | t: 1300 795 299 | t: (02) 4938 4900 e: admin.hunter@lls.nsw.gov.au | W: www.lls.nsw.gov.au/hunter

www.hunter.lls.nsw.gov.au/our-region/contact-us

#### ?

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

From:	OEH HD Heritage Mailbox
То:	Madeleine Lucas
Subject:	Automated Response
Date:	Tuesday, 18 August 2020 2:02:21 PM
Attachments:	image002.png

Thank you for your email to Heritage NSW, Department of Premier and Cabinet. We will respond to your email as soon as possible.

#### Coronavirus (COVID 19)

Given the rapid spread of coronavirus (COVID-19) Heritage NSW has taken steps to protect the safety, health and wellbeing of our staff, partners and communities. We have implemented a number of safeguards that meet official Australian Government COVID-19 guidelines. Whilst our offices remain open, we have well established flexible working arrangements for our teams across NSW, and we will continue to adapt as necessary as these guidelines continue to evolve. Face-to-face meetings and field work/site visits with our customers are now subject to new rules on gatherings and social distancing measures. There may also be some short delays in processing postage in the coming weeks.

We are committed to supporting our communities during this developing situation and we thank you for your patience and understanding.

#### Aboriginal cultural heritage regulation is now part of Heritage NSW

From 1 July 2020 Heritage NSW began managing Aboriginal cultural heritage regulatory functions under the *National Parks and Wildlife Act 1974*. Now the government functions for the management of Aboriginal cultural heritage is within the one State government agency. All the staff that previously carried out these functions in the Department of Planning, Industry and Environment have been welcomed into Heritage NSW.

#### **Applications**

If you have submitted an application under the *Heritage Act 1977* or the *National Parks and Wildlife Act 1974*, it will first be reviewed for completeness and then allocated to the appropriate assessment team. An officer will contact you if any additional information is required. The completeness check is generally completed within 7-14 business days. We aim to process applications within the timeframes below:

Application Type	Timeframe (Commences once an application is complete)
Section 57(2) Exemption Notification	14 days
Planning Proposals	21 days
Section 139 Exceptions	
Section 140 Permits	
Section 4.55 Modifications	
Integrated Development Applications	If advertised: 21 days following receipt of submissions, or advice there were no submissions,
	or
	If not advertised: 40 days
Section 60 Applications	40 days (or 60 days if advertised)
Section 65A Modifications	
Section 90 Aboriginal Heritage Impact Permit	60 days

#### State Heritage and Aboriginal Place Nominations

Nominations for listing under the *Heritage Act 1977* (State Heritage Register) must accompany a nomination form available on our website

(https://www.heritage.nsw.gov.au/protecting-our-heritage/nominate-listing-on-the-stateheritage-register/). SHR Nominations are considered by the State Heritage Register Committee who will decide whether the nomination will proceed to the next stage of assessment.

Nominations for Aboriginal Place listings under the *National Parks and Wildlife Act 1974*, are allocated to the relevant team within 2 business days. An officer will contact you if any additional information is required. The Aboriginal Place proposal form is available on our

website: https://www.heritage.nsw.gov.au/protecting-our-heritage/nominating-an-aboriginalplace/

#### Aboriginal Cultural Heritage Conservation and Repatriation

Programs supported by Heritage NSW include the ACH Conservation and Repatriation of Aboriginal ancestors and objects. This work is managed by staff located across NSW. Enquiries into these programs are sent to the relevant team within 2 business days. One of our staff will respond to you directly. Please advise us of any requests to modify our projects or timeframes to better accommodate your needs.

#### A new Heritage Management System is coming!

We are working to improve our systems to make it easier for you to work with us. Early next year, we will be releasing a new Heritage Management System, which will provide:

- Improved heritage search tools, and
- The ability to submit, pay and track the progress of applications online

Further updates will be provided as work progresses.

Further information is also available at <a href="https://www.heritage.nsw.gov.au/">https://www.heritage.nsw.gov.au/</a>

Sincerely



Customer Strategies Heritage, Department of Premier and Cabinet.

Locked Bag 5020, Parramatta 2124 T (02) 9873 8500

#### ------

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This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From:	Rosalie Neve
To:	Ashleigh Keevers-Eastman
Subject:	RE: 33608 - Westgate Ave ACHA - Stage 1 Notification
Date:	Monday, 24 August 2020 2:22:27 PM
Attachments:	image001.png
	HNSW response 32 Honetmyrtle St Thornton CR request.pdf

Response attached

From: Madeleine Lucas [mailto:MLucas@biosis.com.au]
Sent: Tuesday, 18 August 2020 2:01 PM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Subject: 33608 - Westgate Ave ACHA - Stage 1 Notification

Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Landlink Projects Pty Limited.

Biosis is assisting Landlink Projects Pty Limited with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for further information. If you could please provide contact details for any such Aboriginal people or organisations by 5pm 1 September 2020 it would be greatly appreciated.

Kind regards, **Madeleine Lucas** Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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The information transmitted including attachments is intended only for the person or entity to which it is addressed and may contain copyright material, or information that is confidential or is exempt from disclosure by law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you received this in error, please contact the sender and delete the material from your computer. The views expressed in this email are those of the sender except where the sender expressly and with authority states them to be the views of Biosis Pty Ltd. Biosis Pty Ltd does not represent that this email is free of errors, viruses or interference. When using email to communicate with Biosis Pty Ltd, access to that information by Biosis Pty Ltd personnel is strictly limited and controlled.

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## **Madeleine Lucas**

From:	Geospatial Search Requests <geospatialsearch@nntt.gov.au></geospatialsearch@nntt.gov.au>
Sent:	Thursday, 27 August 2020 2:03 PM
То:	Madeleine Lucas
Subject:	RE: 33608 - Westgate Ave ACHA- Stage 1 Notification

Your email has been received and is being actioned. For information regarding timeframes and what you will receive in response please refer to our website at this address: <u>http://www.nntt.gov.au/assistance/Pages/Searches-and-providing-Register-information.aspx</u>

Geospatial Searches National Native Title Tribunal | Perth Email: <u>GeospatialSearch@nntt.gov.au</u> | <u>www.nntt.gov.au</u>

## **Madeleine Lucas**

From:	Geospatial Search Requests < GeospatialSearch@NNTT.gov.au>
Sent:	Thursday, 27 August 2020 6:19 PM
То:	Madeleine Lucas
Subject:	RE: SR20/853 - 33608 - Westgate Ave ACHA- Stage 1 Notification - SR20/853

# UNCLASSIFIED

Native title search – *NSW Parcels* – *Lots* 425 & 428 on DP1262858 Your ref: *N/A* - Our ref: *SR20/853* 

Dear Madeleine Lucas,

Thank you for your search request received on 27 August 2020 in relation to the above area.

**Please note:** The following parcels listed in your correspondence were not found on the National Native Title Tribunal's records as 27 August 2020: *Lots 425 & 428 on DP1262858*. We have provided the results for *Lot 326 on DP1260843* as we believe this has been subdivided into the deposited plan containing the lots in your search request.

Based on the records held by the National Native Title Tribunal as at 27 August 2020 it would appear that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

#### Search Results

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

- Schedule of Native Title Determination Applications
- Register of Native Title Claims
- Native Title Determinations
- Indigenous Land Use Agreements (Registered and notified)

At the time this search was carried out, there were <u>no relevant entries</u> in the above databases.

#### Cadastral Data as at: 01/07/2020

Parcel ID	Feature Area SqKm	Tenure	NNTT file number	Name	Categor
326//DP1260843	0.1882	FREEHOLD	No overlap		

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our <u>website</u>.

Information on native title claims and freehold land can also be found on the Tribunal's website here: Native title claims and freehold land.

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

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

#### Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

### The Tribunal accepts no liability for reliance placed on enclosed information

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

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

Geospatial Searches National Native Title Tribunal | Perth Email: <u>GeospatialSearch@nntt.gov.au</u> | <u>www.nntt.gov.au</u>

From: Madeleine Lucas
Sent: Thursday, 27 August 2020 12:01 PM
To: Geospatial Search Requests
Subject: SR20/853 - FW: 33608 - Westgate Ave ACHA- Stage 1 Notification

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

Please see the attached search request form.

Kind regards, Madeleine

From: Enquiries <<u>Enquiries@nntt.gov.au</u>> Sent: Tuesday, 18 August 2020 4:32 PM To: Madeleine Lucas <<u>MLucas@biosis.com.au</u>> Subject: RE: 33608 - Westgate Ave ACHA- Stage 1 Notification

### UNCLASSIFIED

Good Afternoon Madeleine,

Thank you for your enquiry regarding Register Searches. To enable us to complete the search appropriately and adequately, please forward your request, along with a Geospatial Search Form, to the following email address: <u>GeospatialSearch@NNTT.gov.au</u>

A Geospatial Search Form must accompany your request. Search request forms are available for download from our website at:

http://www.nntt.gov.au/assistance/Geospatial/Pages/Geospatial\_Searches.aspx

Further information on searching our Registers is available at: <u>http://www.nntt.gov.au/assistance/Pages/Searches-and-providing-Register-information.aspx</u>

# Please note:

**Freehold Land** - The National Native Title Tribunal does not hold data sets for freehold tenure. For further information on freehold land and native title claims, please visit our website at: <u>http://www.nntt.gov.au/nativetitleclaims/Pages/Native-title-claims-and-freehold-land.aspx</u>

**Cultural Heritage** - The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. In NSW, the National Native Title Tribunal has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas.

Thanks

Kind Regards Madeline

Enquiries Public enquiry hours are 8.30am to 4.30pm National Native Title Tribunal Email <u>enquiries@nntt.gov.au</u>

From: Madeleine Lucas <<u>MLucas@biosis.com.au</u>> Sent: Tuesday, 18 August 2020 2:23 PM To: Enquiries <<u>Enquiries@nntt.gov.au</u>> Subject: 33608 - Westgate Ave ACHA- Stage 1 Notification

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Biosis is assisting Landlink Projects Pty Limited with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for further information and the relevant NNTT search form. If you could please provide contact details for any such Aboriginal people or organisations by 5pm 1 September 2020 it would be greatly appreciated.

Kind regards,

Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au



Leaders in Ecology and Heritage Consulting

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Good Morning Ashleigh,

Please find attached, results as per your Aboriginal Cultural Heritage Assessment request.

Regards

Rachel Rewiri Project Officer (Aboriginal Owners) Office of the Registrar, *Aboriginal Land Rights Act 1983* 

Ph: 8633 1266 www.oralra.nsw.gov.au



20 August 2020

By email: akeevers-eastman@biosis.com.au

Ashleigh Keevers-Eastman Biosis Pty Ltd 8/27 Annie Street WICKHAM NSW 2293

Dear Ashleigh,

### **Request - Search for Registered Aboriginal Owners – Ref: Matter 33608**

We refer to your email dated 18 August 2020 seeking the identification of Aboriginal organisations and people who may have an interest in the proposed subdivision of Honeymyrtle Street and Westgate Avenue in Thornton, New South Wales.

Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

We suggest you contact the Mindarriba Local Aboriginal Land Council on (02) 4015 7000 or via email – ceo@mindaribbalalc.org as they may wish to participate.

Yours sincerely

Rachel Rewiri Project Officer Office of the Registrar, Aboriginal Land Rights Act 1983

From:	Madeleine Lucas
To:	<u>"didgengunawalclan@yahoo.com.au"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:53 PM
Attachments:	PDFMailer.pdf
	imaged133e5.PNG

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information.

Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

If you wish to register your interest please provide your contact details in writing via post or email by 5pm 16 September 2020.

Kind regards, Madeleine Lucas Research Assistant - Heritage

M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	Madeleine Lucas
To:	<u>"m-desley@hotmail.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:53 PM
Attachments:	PDFMailer.pdf
	imagec47c37.PNG

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From:	Madeleine Lucas
To:	"deckavale@hotmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:52 PM
Attachments:	PDFMailer.pdf
	imagee9b4c8.PNG

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From:	Madeleine Lucas
To:	"tracey@marrung-pa.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:52 PM
Attachments:	PDFMailer.pdf
	imageb46677.PNG

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From:	Madeleine Lucas
То:	Madeleine Lucas
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:51 PM
Attachments:	PDFMailer.pdf
	imagecfc7c9.PNG

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From:	Madeleine Lucas
To:	"cacatua4service@tpg.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:51 PM
Attachments:	PDFMailer.pdf
	imagef2f401.PNG

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From:	Madeleine Lucas
To:	"kerrie@awabakal.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:50 PM
Attachments:	PDFMailer.pdf
	imagec6d605.PNG

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To:	"awabakal.to@gmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:50 PM
Attachments:	PDFMailer.pdf
	image377af4.PNG

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Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
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Attachments:	PDFMailer.pdf
	image73f999.PNG

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From:	Madeleine Lucas
To:	"tracey@guringai.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:49 PM
Attachments:	PDFMailer.pdf
	imagea7b5a9.PNG

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From:	Madeleine Lucas
To:	<u>"contact@acra.org.au"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:49 PM
Attachments:	PDFMailer.pdf
	image559874.PNG

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M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	Madeleine Lucas
To:	"alierafrenchtrading@outlook.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:48 PM
Attachments:	PDFMailer.pdf
	imagee14cea.PNG

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To:	"aga.services@hotmail.com"
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Date:	Wednesday, 2 September 2020 3:28:48 PM
Attachments:	PDFMailer.pdf
	imageb389ae.PNG

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From:	Madeleine Lucas
To:	"gomeroi.namoi@outlook.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:07 PM
Attachments:	PDFMailer.pdf
	image84ffc1.PNG

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From:	Madeleine Lucas
To:	<u>"kevin.duncan@bigpond.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:06 PM
Attachments:	PDFMailer.pdf
	image9f2e3b.PNG

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From:	Madeleine Lucas
To:	<u>"dontminemeay@gmail.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:06 PM
Attachments:	PDFMailer.pdf
	image8a262b.PNG

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From:	Madeleine Lucas
To:	"scott@tocomwall.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:05 PM
Attachments:	PDFMailer.pdf
	image0201cb.PNG

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From:	Madeleine Lucas
To:	"I.perry@optusnet.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:04 PM
Attachments:	PDFMailer.pdf
	image832124.PNG

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To:	Madeleine Lucas
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:04 PM
Attachments:	PDFMailer.pdf
	imagea64e7f.PNG

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Date:	Wednesday, 2 September 2020 3:29:04 PM
Attachments:	PDFMailer.pdf
	image4d1564.PNG

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From:	Madeleine Lucas
To:	<u>"widescope.group@live.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:03 PM
Attachments:	PDFMailer.pdf
	image60a29d.PNG

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From:	Madeleine Lucas
To:	"deshickey@bigpond.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:03 PM
Attachments:	PDFMailer.pdf
	imagef3b9b5.PNG

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From:	Madeleine Lucas
To:	<u>"wallangan@outlook.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:03 PM
Attachments:	PDFMailer.pdf
	imagebd4d32.PNG

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From:	Madeleine Lucas
To:	<u>"admin@ungooroo.com.au"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:03 PM
Attachments:	PDFMailer.pdf
	imaged5edb7.PNG

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To:	Madeleine Lucas
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:03 PM
Attachments:	PDFMailer.pdf
	imageb8ccc2.PNG

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From:	Madeleine Lucas
To:	<u>"warren@yarnteen.com.au"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:02 PM
Attachments:	PDFMailer.pdf
	imagef75454.PNG

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From:	Madeleine Lucas
To:	"murrabidgeemullangari@yahoo.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:29:02 PM
Attachments:	PDFMailer.pdf
	imagefdd130.PNG

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From:	Madeleine Lucas
To:	<u>"rara02@bigpond.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:59 PM
Attachments:	PDFMailer.pdf
	image18612c.PNG

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Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:59 PM
Attachments:	PDFMailer.pdf
	image13ef65.PNG

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From:	Madeleine Lucas
To:	"tn.miller@southernphone.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:58 PM
Attachments:	PDFMailer.pdf
	image08a95c.PNG

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Attachments:	PDFMailer.pdf
	image408b60.PNG

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From:	Madeleine Lucas
To:	"Wonn1sites@gmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:57 PM
Attachments:	PDFMailer.pdf
	image6786ac.PNG

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From:	Madeleine Lucas
To:	"vicki.slater@hotmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:57 PM
Attachments:	PDFMailer.pdf
	image2c37d7.PNG

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If you wish to register your interest please provide your contact details in writing via post or email by 5pm 16 September 2020.

Kind regards, Madeleine Lucas Research Assistant - Heritage

M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



Leaders in Ecology and Heritage Consulting

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From:	Madeleine Lucas
To:	"kaumapondee@live.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:57 PM
Attachments:	PDFMailer.pdf
	image9316d8.PNG

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To:	"jtmanagement@live.com.au"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:57 PM
Attachments:	PDFMailer.pdf
	image2c0628.PNG

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From:	Madeleine Lucas
To:	"les.atkinson@hotmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:56 PM
Attachments:	PDFMailer.pdf
	image4bcca8.PNG

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From:	Madeleine Lucas
To:	"indiglearning@gmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:55 PM
Attachments:	PDFMailer.pdf
	image3bc057.PNG

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From:	Madeleine Lucas
To:	"tamatthews10@hotmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:55 PM
Attachments:	PDFMailer.pdf
	image5e5fab.PNG

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From:	Madeleine Lucas
To:	<u>"microlith99@gmail.com"</u>
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:55 PM
Attachments:	PDFMailer.pdf
	image8ea0cd.PNG

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From:	Madeleine Lucas
To:	"hto.paulette@gmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:54 PM
Attachments:	PDFMailer.pdf
	imagee5aa34.PNG

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From:	Madeleine Lucas
To:	"gidawaa.walang@hotmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:54 PM
Attachments:	PDFMailer.pdf
	image0cb645.PNG

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From:	Madeleine Lucas
To:	"dedemaree3@hotmail.com"
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Date:	Wednesday, 2 September 2020 3:28:54 PM
Attachments:	PDFMailer.pdf
	image53da1d.PNG

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Wattaka Wonnarua CC Service Des Hickey 4 Kennedy Street Singleton NSW 2330

Dear Des,

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#### Ashleigh Keevers-Eastman

Biosis Pty Ltd 8/27 Annie Street Wickham NSW 2293 <u>akeevers-eastman@biosis.com.au</u>



# Land Link Property Dean Turner Project Director Tel: 0422 378 785 Email: <u>dean@landlinkproperty.com.au</u>

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Madeleine Lucas Research Assistant



Widescope Indigenous Group Steven Hickey 73 Russell Street Emu Plains NSW 2750

Dear Steven,

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Wonnarua Cultural Heritage Gordon Griffiths 19 O'Donnell Crescent Metford NSW 2323

Dear Gordon,

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Wonnarua Elders Council Richard Edwards PO Box 844 Cessnock NSW 2325

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Wonnarua National Aboriginal Corporation Laurie Perry 254 John Street Singleton NSW 2330

Dear Laurie,

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Yarrawalk (A division of Tocomwall Pty Itd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013 Scott Franks PO Box 76 Carringbah NSW 1495

Dear Scott,

# **RE: 1** Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation

Our Ref: Matter 33608

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Yinarr Cultural Services Kathleen Stewart Kinchela Lot 5 Westwood Estate Merriwa NSW 2329

Dear Kathleen,

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Kevin Duncan 95 Moala Parade Charmhaven NSW 2263

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Madeleine Lucas Research Assistant



Steve Talbott 73 Kiah Road Gilleston Heights NSW 2321

Dear Steve,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation

Our Ref: Matter 33608

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Biosis Pty Ltd 8/27 Annie Street Wickham NSW 2293 akeevers-eastman@biosis.com.au



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Madeleine Lucas Research Assistant



A1 Indigenous Services Carolyn Hickey 10 Marie Pitt Place Glenmore Park NSW 2745

Dear Carolyn,

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Madeleine Lucas Research Assistant



AGA Services Asheligh, Gregory and Adam Sampson 22 Ibis Parade Woodberry NSW 2322

Dear Asheligh, Gregory and Adam,

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Madeleine Lucas Research Assistant



Aliera French Trading Aliera French 17 Kalinda St Blacksmiths NSW 2281

Dear Aliera,

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Madeleine Lucas Research Assistant



Arwarbukarl Cultural Resource Association, Miromaa Aboriginal Language and Technology Centre Darren McKenny 849 Hunter St Newcastle West NSW 2302

Dear Darren,

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Madeleine Lucas Research Assistant



Awabakal & Guringai Pty Ltd Tracy Howie PO Box 122 Rutherford NSW 2320

Dear Tracy,

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Awabakal & Guringai Pty Ltd Kerrie Brauer PO Box 122 Rutherford NSW 2320

Dear Kerrie,

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Madeleine Lucas Research Assistant



Awabakal Descendants Traditional Owners Peter Leven PO Box 137 Budgewoi NSW 2262

Dear Peter,

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Awabacal Traditional Owners Aboriginal Corporation Kerrie Brauer PO Box 122 Rutherford NSW 2320

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Madeleine Lucas Research Assistant



Cacatua Culture Consultants Donna and George Sampson 22 Ibis Parade Woodberry NSW 2322

Dear Donna and George,

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Madeleine Lucas Research Assistant



Crimson-Rosie Jeffery Matthews 6 Eucalyptus Ave Muswellbrook NSW 2333

Dear Jeffery,

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Madeleine Lucas Research Assistant



Culturally Aware Tracy Skene 7 Crawford Place Muswellbrook NSW 2333

Dear Tracy,

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DFTV Enterprises Derrick Vale Snr 5 Mountbatten Close Rutherford NSW 2320

Dear Derrick,

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Madeleine Lucas Research Assistant



Deslee Talbott Consultants Deslee Matthews Unit 2. 19 South Street Gunnedah NSW 2380

Dear Deslee,

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Didge Ngunawal Clan Paul Boyd & Lilly Carroll 33 Carlyle Crescent Cambridge Gardens NSW 2747

Dear Paul Boyd,

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#### Ashleigh Keevers-Eastman

Biosis Pty Ltd 8/27 Annie Street Wickham NSW 2293 <u>akeevers-eastman@biosis.com.au</u>



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Madeleine Lucas Research Assistant



Divine Diggers Aboriginal Cultural Consultants Deidre Perkins 6 Ashleigh St Heddon Greta NSW 2321

Dear Deidre,

## RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

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Madeleine Lucas Research Assistant



Gidawaa Walang & Barkuma Neighbourhood Centre Inc. Craig Horne & Debbie Dacey-Sullivan 76 Lang Street Kurri Kurri NSW 2327

Dear Craig Horne,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation

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Madeleine Lucas Research Assistant



Hunter Traditional Owner Paulette Ryan 165 Susan Street Scone NSW 2337

Dear Paulette,

## RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

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Madeleine Lucas Research Assistant



Hunter Valley Cultural Surveying Luke Hickey 165 Susan Street Scone NSW 2337

Dear Luke ,

## RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

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Madeleine Lucas Research Assistant



Hunters & Collectors Tania Matthews Unit 1/19 South Street Gunnedah NSW 2380

Dear Tania,

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Madeleine Lucas Research Assistant



Indigenous Learning Criag Archibald 2 Victoria Street Bellbird Heights NSW 2325

Dear Criag,

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Madeleine Lucas Research Assistant



Jarban & Mugrebea Les Atkinson 11 Nelson Street Cessnock NSW 2325

Dear Les,

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Madeleine Lucas Research Assistant



Jumbunna Traffic Management Group Pty Ltd Norm Archibald 17 Flobern Ave Wauchope NSW 2446

Dear Norm,

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Madeleine Lucas Research Assistant



Kauma Pondee Inc. Jill Green Unit 6/ 1 Central Stree Lambton NSW 2305

Dear Jill,

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Madeleine Lucas Research Assistant



Kuwula Cultural Services Vicky Slater 33 Gardner Circuit Singleton NSW 2330

Dear Vicky,

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Madeleine Lucas Research Assistant



Kawul Pty Ltd trading as Wonn1 Sites Arthur Fletcher 619 Main Road Glendale NSW 2285

Dear Arthur,

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Madeleine Lucas Research Assistant



Lower Hunter Aboriginal Incorporated David Ahoy 5 Killara Drive Cardiff South NSw 2285

Dear David,

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Madeleine Lucas Research Assistant



Lower Hunter Wonnarua Cultural Services Lea-Anne Ball 51 Bowden Street Heddon Greta NSW 2321

Dear Lea-Anne,

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Madeleine Lucas Research Assistant



Lower Wonnaruah Tribal Consultancy Pty Ltd Barry Anderson 156 The Inlet Road Buluga NSW 2330

Dear Barry,

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Biosis Pty Ltd 8/27 Annie Street Wickham NSW 2293 <u>akeevers-eastman@biosis.com.au</u>



## Land Link Property Dean Turner Project Director Tel: 0422 378 785 Email: <u>dean@landlinkproperty.com.au</u>

Please note that as per 4.1.5 of the consultation requirements, the contact details of all registered Aboriginal parties for this project will be forwarded through to Heritage NSW and Mindaribba Local Aboriginal Land Council (LALC). If you do not want your details forwarded on to Heritage NSW and Mindaribba LALC please notify Biosis at the time of your registration.

If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant



Mayaroo Tracey White PO Box 168 Kurri Kurri NSW 2327

Dear Tracey,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. The project is to be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979.* 

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The purpose of the Aboriginal community consultation is to provide sufficient information for the assessment of Aboriginal cultural heritage values and to assist Heritage NSW, Department of Premier and Cabinet (Heritage NSW) in the consideration and determination of an Aboriginal Heritage Impact Permit. The project will be undertaken in accordance with the *National Parks and Wildlife Act 1974*.

Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

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If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant



Michael Green Cultural Heritage Consultant Michael Green 115A Lake View Parade Blacksmiths NSW 2281

Dear Michael,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

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If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant



Murra Bidgee Mullangari Aboriginal Corporation Ryan Johnson & Darleen Johnson-Carroll PO Box 246 Seven Hills NSW 2147

Dear Ryan Johnson,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. The project is to be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*.

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If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant



Myland Cultural & Heritage Group Warren Schillings 30 Taurus Street Elermore Vale NSW 2287

Dear Warren,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation

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If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant



Roger Matthews Consultancy Roger Matthews 105 View Street Gunnedah NSW 2380

Dear Roger,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation

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Madeleine Lucas Research Assistant



Ungooroo Aboriginal Corporation Alan Paget Po Box 3095 Singleton NSW 2330

Dear Alan,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

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If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant



Wallagan Cultural Services Maree Waugh PO Box 40 Cessnock NSW 2325

Dear Maree,

# RE: 1 Westgate Avenue, Thornton, New South Wales: Invitation to Register for Aboriginal Community Consultation Our Ref: Matter 33608

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If you have any queries regarding the project please don't hesitate to contact Ashleigh Keevers-Eastman on the details above.

Madeleine Lucas Research Assistant

# **Madeleine Lucas**

From:
Sent:
To:
Subject:

Carolyn .H <cazadirect@live.com> Thursday, 3 September 2020 1:38 PM Madeleine Lucas Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification



Contact: Carolyn Hickey M: 0411650057 E: Cazadirect@live.com A: 10 Marie Pitt Place, Glenmore Park, NSW 2745 ACN: 639 868 876 ABN: 31 639 868 876

Hi,

I would like to register for consultation and field work, I hold cultural knowledge relevant to determining the cultural significance of any Aboriginal objects and values that exist within the project area. Kind Regards, Carolyn Hickey

From: Madeleine Lucas Sent: Wednesday, 2 September 2020 3:28 PM To: 'cazadirect@live.com' Subject: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information. Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

If you wish to register your interest please provide your contact details in writing via post or email by 5pm 16 September 2020.

Kind regards, Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au bioSiS.

Leaders in Ecology and Heritage Consulting

# Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

The information transmitted including attachments is intended only for the person or entity to which it is addressed and may contain copyright material, or information that is confidential or is exempt from disclosure by law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you received this in error, please contact the sender and delete the material from your computer. The views expressed in this email are those of the sender except where the sender expressly and with authority states them to be the views of Biosis Pty Ltd. Biosis Pty Ltd does not represent that this email is free of errors, viruses or interference. When using email to communicate with Biosis Pty Ltd, access to that information by Biosis Pty Ltd personnel is strictly limited and controlled.

# **Madeleine Lucas**

From: Sent: To: Subject: cacatua4service@tpg.com.au Monday, 14 September 2020 9:58 AM Madeleine Lucas AGA Services EOI

Madeleine,

AGA Service would like to express our interest in being registered for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (lots 425 and 428 DP 1262858) Aboriginal Cultural Heritage Assessment.

AGA Services is an Aboriginal owned partnership business that aims to assist proponents in undertaking cultural heritage work according to all processes and approved conditions, while ensuring compliance to work specific practices.

Our Organisation is fully insured and registered with DOPIE. We have undertaken work on all types of sites. Please do not hesitate to contact us if you require more information.

Yours truly

A Sampson G Sampson A Sampson

Ashley Sampson Gregory Sampson Adam Sampson

----- Original Message -----From: "Madeleine Lucas"

To: "cacatua4service@tpg.com.au" Cc:

Sent: Wed, 2 Sep 2020 05:28:51 +0000 Subject: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information.

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#### Kind regards,

Madeleine Lucas Research Assistant - Heritage

M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u> Leaders in Ecology and Heritage Consulting

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# **Madeleine Lucas**

From:	Tracey Howie <tracey@guringai.com.au></tracey@guringai.com.au>
Sent: To:	Monday, 21 September 2020 6:14 PM Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Dear Madeleine,

Please register Awabakal & Guringai Pty.Ltd for the proposed ACHA for Stage 2 & 3 of the 3 staged subdivision, 1 Westgate Ave, Thornton NSW.

We wish to be actively involved in all aspects relating to our culture, heritage, Country and community. We look forward to hearing from you.

Kind regards Tracey AWABAKAL&GURINGAI

Tracey Howie | Director | Awabakal & Guringai Pty Ltd ABN : 81 609 498 491 | ACN : 609 498 491 M : 0404 182 049 | E : <u>tracey@guringai.com.au</u> PO Box 122 Rutherford NSW 2320 Australia

From: Madeleine Lucas [mailto:MLucas@biosis.com.au]
Sent: Wednesday, 2 September 2020 3:29 PM
To: 'kerrie@awabakal.com.au'
Subject: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information.

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Kind regards,

Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au

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Virus-free. <u>www.avast.com</u>

# **Madeleine Lucas**

From:	Tracey Skene <tracey@marrung-pa.com.au></tracey@marrung-pa.com.au>
Sent:	Wednesday, 2 September 2020 4:29 PM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Good Afternoon Madeline,

Culturally Aware would like to put their EOI in for the 1 Westgate Avenue Thornton,NSW . I have been involved in my Heritage and Culture for 25 + yrs and very familiar with this area and its Cultural Landscape. Please include me on the list of EOI to be consulted in regards to this project.

Thanks Tracey Skene Culturally Aware mob 0474106537

Kind regards Tracey Skene 7 Crawford Place,Millfield NSW 2325 Mobile 0474106537



On Wed, Sep 2, 2020 at 3:28 PM Madeleine Lucas <<u>MLucas@biosis.com.au</u>> wrote: Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information. Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

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Kind regards, **Madeleine Lucas** Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	Danny Franks <danny@tocomwall.com.au></danny@tocomwall.com.au>
Sent:	Thursday, 3 September 2020 8:47 AM
То:	Madeleine Lucas
Cc:	Scott Franks
Subject:	33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Good Morning Madeleine,

Please accept this email as Tocomwall's ROI for Westgate Ave, Thornton.

Please be advised that Tocomwall Pty Ltd represents the only registered Native Title claimant group, the PCWP for this LGA.

We wish to be commercially engaged on this project. I understand that consultation should not be confused with paid employment under 4.1.2 of the Consultation guidelines etc.

We are how ever the only native title group that holds cultural knowledge necessary to provide accuracy in this assessment.

regards,

**Danny Franks** 

Cultural Heritage Manager Tocomwall Pty Ltd M: 0415226725



# Breach of Confidentiality

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resupplying the e-mail and attached files. Content and views expressed in this e-mail may be those of the sender, and are not necessarily endorsed by of Puliyapang Pty Ltd.



From:	Darleen Johnson <murrabidgeemullangari@yahoo.com.au></murrabidgeemullangari@yahoo.com.au>
Sent:	Thursday, 3 September 2020 4:57 PM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Attachments:	PDFMailer.pdf

Hi Madeleine,

Please register our corporation for the above project, we have been doing aboriginal cultural heritage projects for over 28 years.

Kind regards

Darleen Johnson

On Wednesday, 2 September 2020, 03:29:08 pm AEST, Madeleine Lucas wrote:

Good afternoon,

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Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	Deidre Perkins <dedemaree3@hotmail.com></dedemaree3@hotmail.com>
Sent:	Wednesday, 2 September 2020 6:35 PM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Hello Madeleine, I would love to register for this job as I hold great interest in this area. I am reliable and I can do a good days work and great team member. Thank you for your email, Kind regards Deidre Get Outlook for Android

From: Madeleine Lucas
Sent: Wednesday, September 2, 2020 3:28:53 PM
To: 'dedemaree3@hotmail.com'
Subject: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information. Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

If you wish to register your interest please provide your contact details in writing via post or email by 5pm 16 September 2020.

Kind regards, Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



Leaders in Ecology and Heritage Consulting

Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

From:	Des Hickey <deshickey@bigpond.com></deshickey@bigpond.com>
Sent:	Sunday, 6 September 2020 7:27 PM
То:	Madeleine Lucas
Subject:	RE: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification
Attachments:	imagef3b9b5.PNG

Hi Madeleine

Thank you for your email, I am not sure if I registed for this project, if not please register my interest and group.

Thanks' Des

Sent from Mail for Windows 10

From: <u>Madeleine Lucas</u> Sent: Wednesday, 2 September 2020 3:29 PM To: <u>'deshickey@bigpond.com'</u> Subject: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information. Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

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Kind regards, **Madeleine Lucas** Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	Decka Vale <deckavale@hotmail.com></deckavale@hotmail.com>
Sent:	Wednesday, 2 September 2020 4:06 PM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

G'day Madeleine

DFTV ENTERPRISES would like to register an interest in the community consultation process for this project.

Kind Regards

Derrick Vale

From: Madeleine Lucas
Sent: Wednesday, 2 September 2020 3:28 PM
To: 'deckavale@hotmail.com'
Subject: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information. Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the project outlined above.

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Kind regards, **Madeleine Lucas** Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	lilly carroll <didgengunawalclan@yahoo.com.au></didgengunawalclan@yahoo.com.au>
Sent:	Wednesday, 2 September 2020 7:46 PM
To:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

Hi Madeleine,

DNC would like to register and interest into Westgate Avenue Thornton ACHA

Kind regards Paul Boyd & Lilly Carroll Directors DNC

# Sent from Yahoo Mail for iPhone

On Wednesday, September 2, 2020, 3:29 pm, Madeleine Lucas wrote:

### Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information.

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Kind regards,

Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



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From:	Paulette Ryan <hto.paulette@gmail.com></hto.paulette@gmail.com>
Sent:	Sunday, 6 September 2020 7:24 PM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Ave Thornton ACHA Stage 1 Notification

To whom it may concern I Paulette Ryan would like to put a expression of interest for the up coming project. Kind regards Paulette Ryan From HTO 0431109001 phone

On Wed, 2 Sep 2020 at 3:28 pm, Madeleine Lucas <<u>MLucas@biosis.com.au</u>> wrote:

Good afternoon,

Biosis Pty Ltd (Biosis) is currently undertaking an Aboriginal Cultural Heritage Assessment (ACHA) for Stage 2 and 3 of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (Lots 425 and 428 DP 1262858) (the project), on behalf of Land

Link Property. Biosis is assisting Land Link Property with consultation with the Aboriginal community to inform the ACHA. Please see the attached PDF for more information.

Biosis on behalf of Land Link Property therefore wish to invite Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s)/and or Places in the vicinity of the study area, to register their interest in the

project outlined above.

If you wish to register your interest please provide your contact details in writing via post or email by 5pm 16 September 2020.

Kind regards,

# Madeleine Lucas

Research Assistant - Heritage

M:

0437 705 064

D:

(02) 4911 4043

E:

mlucas@biosis.com.au



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confidential or is exempt from disclosure by law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you received

this in error, please contact the sender and delete the material from your computer. The views expressed in this email are those of the sender except where the sender expressly and with authority states them to be the views of Biosis Pty Ltd. Biosis Pty Ltd

does not represent that this email is free of errors, viruses or interference. When using email to communicate with Biosis Pty Ltd, access to that information by Biosis Pty Ltd personnel is strictly limited and controlled.

-null

From: Sent: To: Subject: Attachments: Lynne Fletcher <kauwul@gmail.com> Thursday, 3 September 2020 2:53 PM Madeleine Lucas EOI for Westgate Avenue Thornton Scan.pdf

Good Afternoon Madeleine

Thank you for the opportunity to send in our EOI for this project

Please contact Arthur on 0402146193 or email wonn1sites@gmail.com if you have any questioned

Yours in Culture

Kind Regards

Arthur -Kauwul and Lynne Fletcher

From:	Admin Accounts	
То:	Ashleigh Keevers-Eastman	
Subject:	1 Westgate Avenue, Thornton	
Date:	Thursday, 3 September 2020 1:39:35 PM	
Attachments:	image001.png	
	image002.png	
	image003.png	
	image004.png	
	image005.png	
	image006.png	

Good afternoon Ashleigh,

Ungooroo Aboriginal Corporation would like to register our interest for the Aboriginal Cultural Heritage Assessment for stage 2 & 3 of the subdivision of 1 Westgate Avenue, Thornton.

For all correspondence please email **Chernai Smith** at <u>adminaccounts@ungooroo.com.au</u>, please cc in **Taasha Layer** at <u>taasha@ungooroo.com.au</u> and Debbie Chenery at <u>accounts@ungooroo.com.au</u>

Contact details:	
Ungooroo:	PHONE 02 6571 5111
	FAX 02 6571 5777

Taasha Layer CEO: MOBILE 0428924714

#### Address:

Shop 1 – 4, 157-159 John Street The Singleton Business Centre, Singleton NSW 2330

Please contact myself, Taasha or Debbie for any information regarding this project.





Kind Regards Chernai Smith | Accounts Assistant

PHONE 02 6571 5111 MOBILE EMAIL POST PO Box 3095, Singleton NSW

adminaccounts@ungooroo.com.au2330 WEB www.ungooroo.com.au

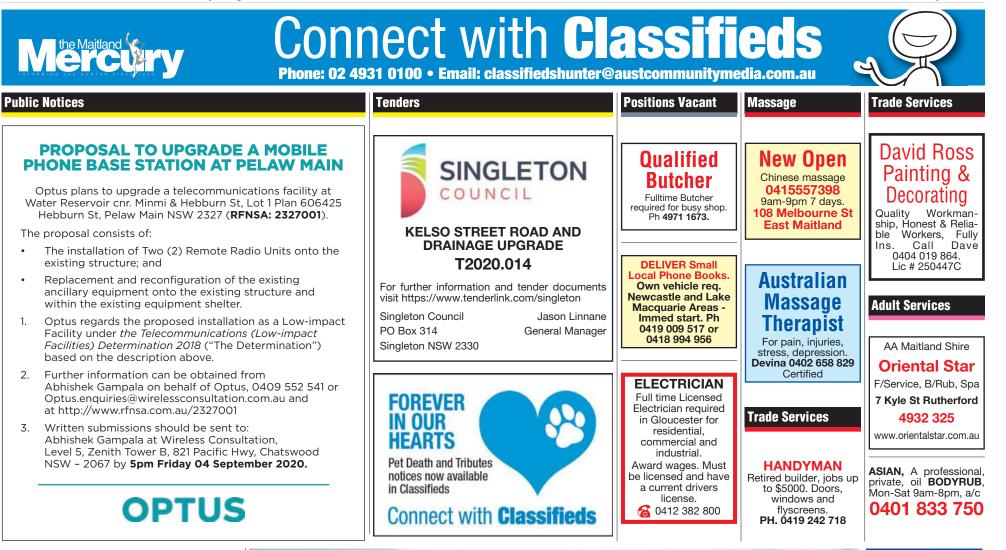


LOCATION Shop 1 – 4, 157-159 John Street The Singleton Business Centre, Singleton NSW 2330



Ungooroo Aboriginal Corporation acknowledges Aboriginal and Torres Strait Islander people as the Traditional Owners. We would like to acknowledge the Traditional Owners of our area, the Wanaruah People.

We pay our respect to the elders past, present and future for they hold the memories, traditions, culture and hope of Indigenous peoples in Australia.



## Notification and Registration of Aboriginal Interest

Biosis is undertaking an Aboriginal Cultural Heritage Assessment for Stage 2 subdivision of 32 Honeymyrtle Street and Stage 3of the three staged subdivision of 1 Westgate Avenue, Thornton, New South Wales (NSW) (Lots 425 and 428 DP 1262858), within the Maitland Local Government Area on behalf of Landlink Projects Pty Limited: **Dean Turner**, Project Director, email:

dean@landlinkproperty.com.au

Biosis invites Aboriginal people who hold cultural knowledge in determining the significance of Aboriginal object(s) and/ or places in the vicinity of the above area to register their interest in a process of community consultation.

The purpose of Aboriginal community consultation is to assist Land Link Property in preparing an Aboriginal Heritage Impact Permit application and to assist Heritage NSW, Department of Premier and Cabinet in their consideration and determination of the application. The project will be undertaken in accordance with the

National Parks and Wildlife Act 1974

To register an interest in this project please contact **Ashleigh Keevers-Eastman**, Biosis Pty Ltd, address: 8/27 Annie Street Wickham NSW 2293, email:

akeevers-eastman@biosis.com.au

Please note that the name of each group that registers for consultation on this project will be provided to Heritage NSW and the Local Aboriginal Land Council unless the group specifies that they do not want their details released.

Registrations must be received before **5PM 4** September 2020

Bringing

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Barbara. 92





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From:	Madeleine Lucas
Sent:	Wednesday, 4 November 2020 4:16 PM
То:	'ceo@mindaribbalalc.org'; 'heritagemailbox@environment.nsw.gov.au'
Cc:	Ashleigh Keevers-Eastman
Subject:	33608 - Westgate ACHA notification to Heritage NSW and MLALC

Biosis Pty Ltd is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales. Please find below a list of Aboriginal stakeholders who have registered their interest in the project, as per the requirements of Section 4.1.6 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010).

## **Registered Aboriginal Parties**

Mindaribba Local Aboriginal Land Council

DFTV Enterprises

Confidential group

**Culturally Aware** 

Yarrawalk (A division of Tocomwall Pty Itd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013

Divine Diggers Aboriginal Cultural Consultants

Didge Ngunawal Clan

Confidential group

Ungooroo Aboriginal Corporation

A1 Indigenous Services

Kawul Pty Ltd trading as Wonn1 Sites

Wattaka Wonnarua CC Service

Awabakal & Guringai Pty Ltd

AGA Services

Hunter Traditional Owner

Murra Bidgee Mullangari Aboriginal Corporation

Kind regards, **Madeleine Lucas** Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



Leaders in Ecology and Heritage Consulting

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Appendix 3 Stage 2 and 3: Presentation of information about the proposed project and Gathering information about cultural significance

From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:33 PM
То:	'cazadirect@live.com'
Subject:	33608 - Westgate ACHA Stage 2/3
Attachments:	A1.pdf

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

It would be appreciated if you would provide feedback on the project information and methodology attached to this email to Biosis by **1 December 2020** either by email, phone or return mail.

Kind regards,

Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>

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Madeleine Lucas Tuesday, 3 November 2020 3:36 PM 'aga.services@hotmail.com' 33608 - Westgate ACHA Stage 2/3 AGA.pdf

Good afternoon,

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

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From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:35 PM
То:	'tracey@guringai.com.au'
Subject:	33608 - Westgate ACHA Stage/3
Attachments:	Awabakal.pdf

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

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From:	
Sent:	
То:	
Subject:	
Attachments:	

Madeleine Lucas Tuesday, 3 November 2020 3:29 PM 'tracey@marrung-pa.com.au' 33608 - Westgate ACHA Stage 2/3 Culturally aware.pdf

Good afternoon,

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

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From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:28 PM
То:	'deckavale@hotmail.com'
Subject:	33608 - Westgate ACHA Stage 2/3
Attachments:	DFTV Enterprises.pdf

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

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Madeleine Lucas Tuesday, 3 November 2020 3:31 PM 'dedemaree3@hotmail.com' 33608 - Westgate ACHA Stage 2/3 Divine Diggers.pdf

Good afternoon,

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Madeleine Lucas Tuesday, 3 November 2020 3:31 PM 'didgengunawalclan@yahoo.com.au' 33608 - Westgate ACHA Stage 2/3 DNC.pdf

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From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:36 PM
То:	'hto.paulette@gmail.com'
Subject:	33608 - Westgate ACHA Stage 2/3
Attachments:	Hunter TO.pdf

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From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:34 PM
То:	'Wonn1sites@gmail.com'
Subject:	33608 - Westgate ACHA Stage 2/3
Attachments:	Kawul.pdf

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

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Madeleine Lucas Tuesday, 3 November 2020 3:26 PM 'ceo@mindaribbalalc.org' 33608 - Westgate ACHA Stage 2/3 MLALC.pdf

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Madeleine Lucas Tuesday, 3 November 2020 3:37 PM 'murrabidgeemullangari@yahoo.com.au' 33608 - Westgate ACHA Stage 2/3 Murra.Bidgee.pdf

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Madeleine Lucas Tuesday, 3 November 2020 3:32 PM 'adminaccounts@ungooroo.com.au' 33608 - Westgate ACHA Stage 2/3 Ungooroo AC.pdf

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From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:34 PM
То:	'deshickey@bigpond.com'
Subject:	33608 - Westgate ACHA Stage 2/3
Attachments:	Wattaka.pdf

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Kind regards,

Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>

Leaders in Ecology and Heritage Consulting

Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

From:	Madeleine Lucas
Sent:	Tuesday, 3 November 2020 3:30 PM
То:	'scott@tocomwall.com.au'
Subject:	33608 - Westgate ACHA Stage 2/3
Attachments:	Yarrawalk.Tocomwall.pdf

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

It would be appreciated if you would provide feedback on the project information and methodology attached to this email to Biosis by **1 December 2020** either by email, phone or return mail.

Kind regards,

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3 November 2020

**DFTV Enterprises** 

Derrick Vale Snr 5 Mountbatten Close Rutherford NSW 2320

Dear Derrick Vale Snr,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

## Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293 Phone: 02 4911 4040

ACN 006 175 097 ABN 65 006 175 097

Email: <u>newcastle@biosis.com.au</u>

biosis.com.au



Yours sincerely

1h

Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

# The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

# **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



# Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

# **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
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The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



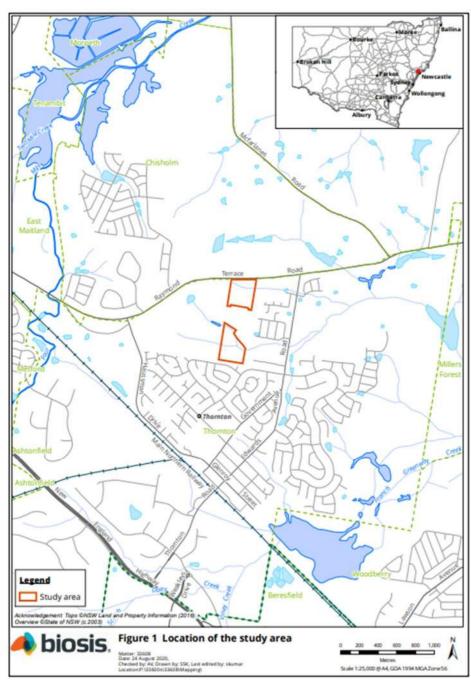
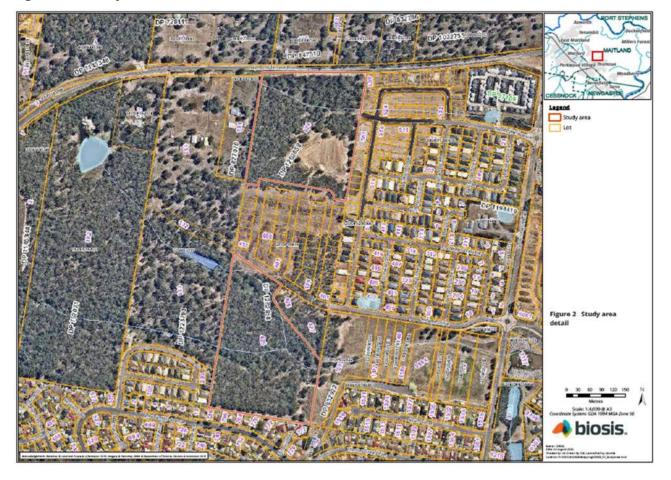


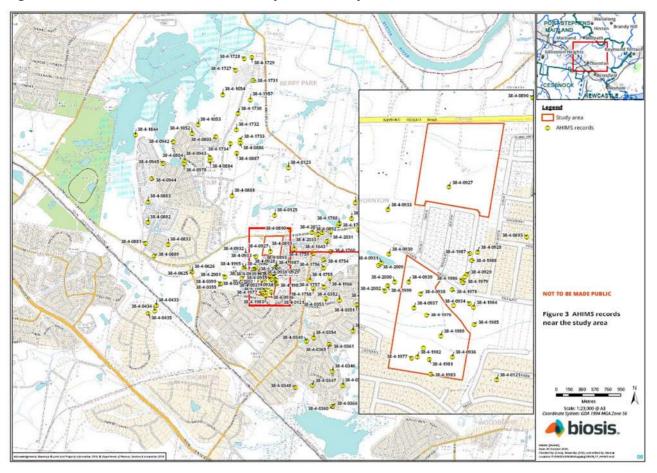
Figure 1 Location of the study area



## Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Divine Diggers Aboriginal Cultural Consultants

Deidre Perkins 6 Ashleigh St Heddon Greta NSW 2321

Dear Deidre Perkins,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

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It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	****	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



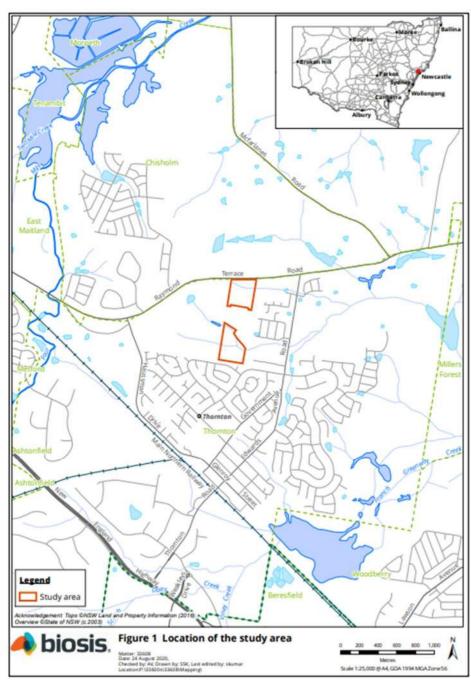
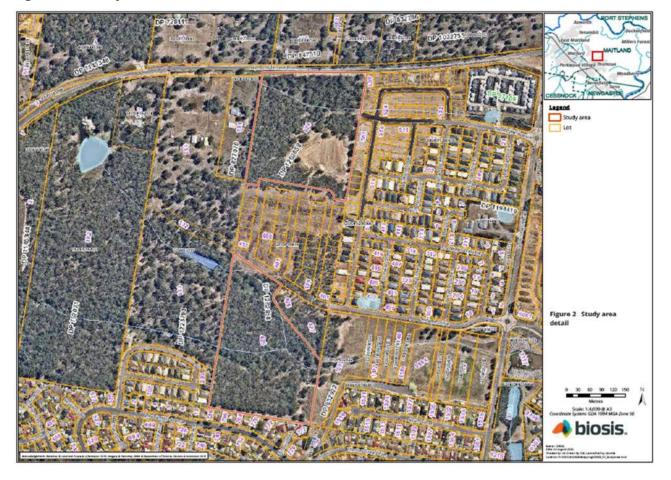


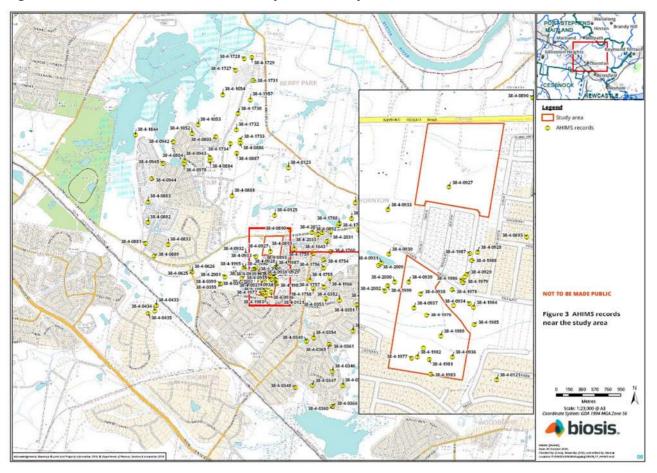
Figure 1 Location of the study area



## Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Didge Ngunawal Clan

Paul Boyd & Lilly Carroll 33 Carlyle Crescent Cambridge Gardens NSW 2747

Dear Paul Boyd & Lilly Carroll,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd
Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
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- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

### **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

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10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



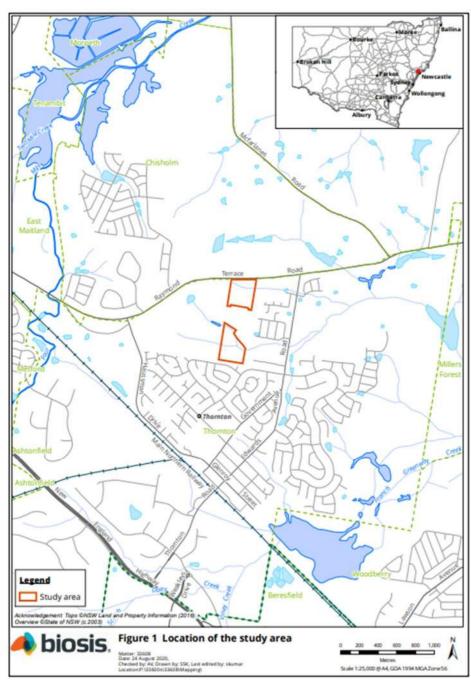
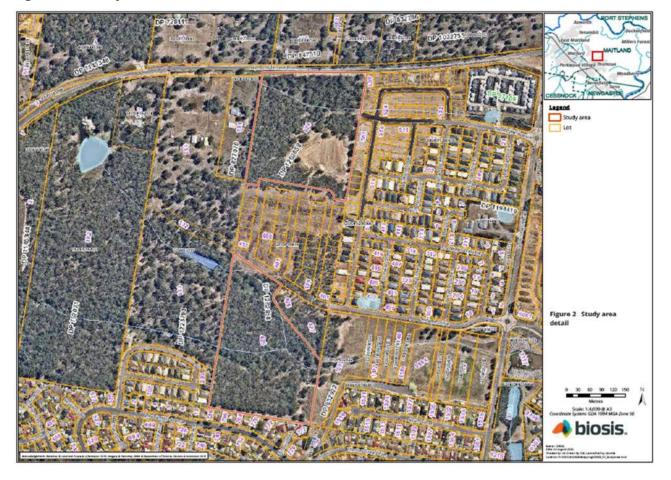


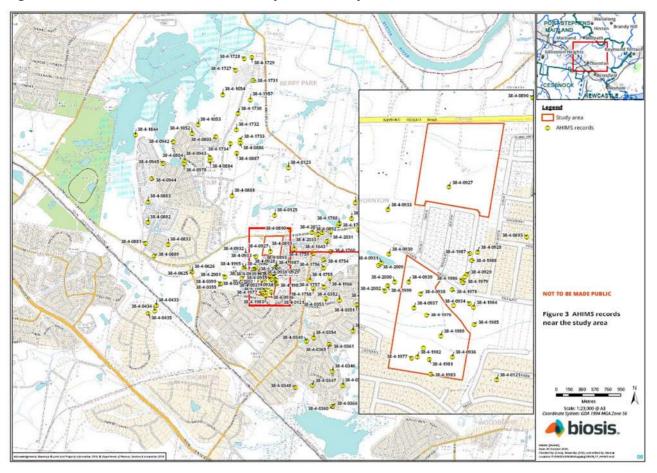
Figure 1 Location of the study area



## Figure 2 Study area detail







#### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

### **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

### **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Hunter Traditional Owner

Paulette Ryan 165 Susan Street Scone NSW 2337

Dear Paulette Ryan,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293 Phone: 02 4911 4040

ACN 006 175 097 ABN 65 006 175 097 E

Email: newcastle@biosis.com.au

biosis.com.au



Yours sincerely

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Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

### **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
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#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



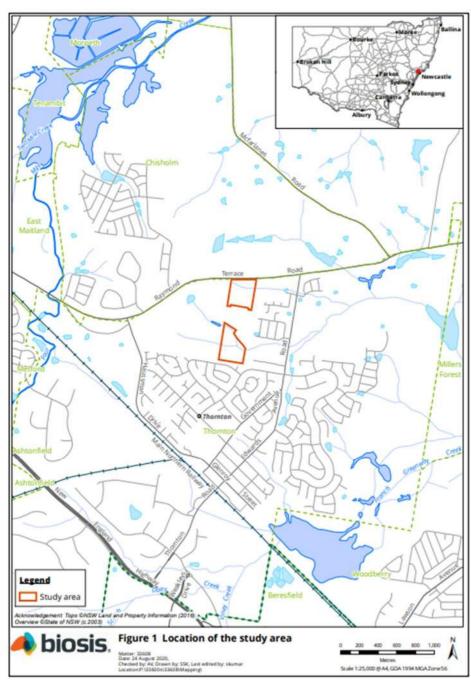
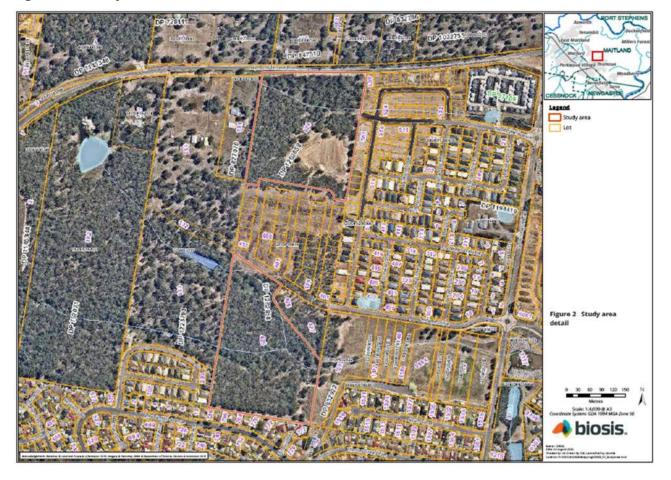


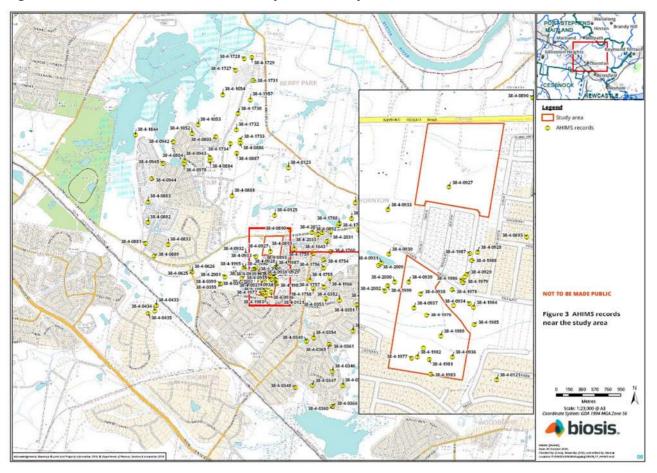
Figure 1 Location of the study area



## Figure 2 Study area detail







#### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

### **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

### **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Kawul Pty Ltd trading as Wonn1 Sites

Arthur Fletcher 619 Main Road Glendale NSW 2285

Dear Arthur Fletcher,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
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3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
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3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



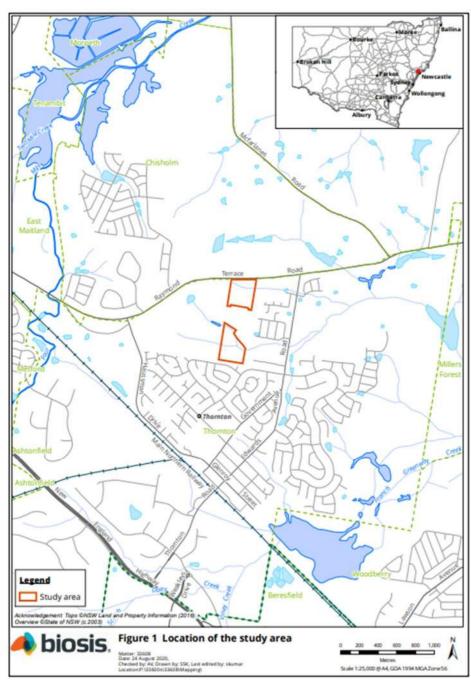
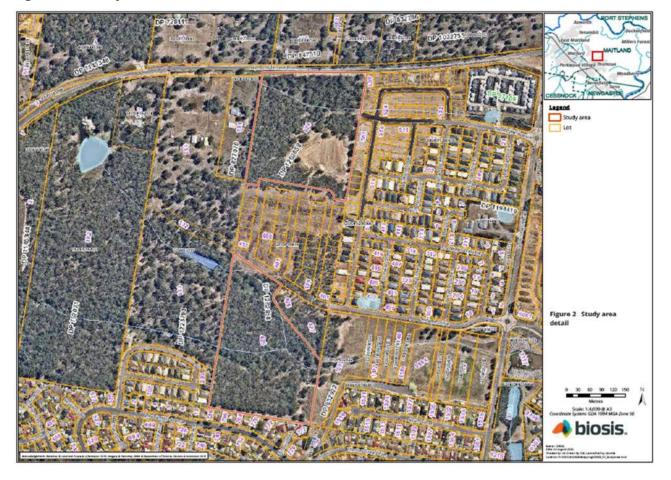


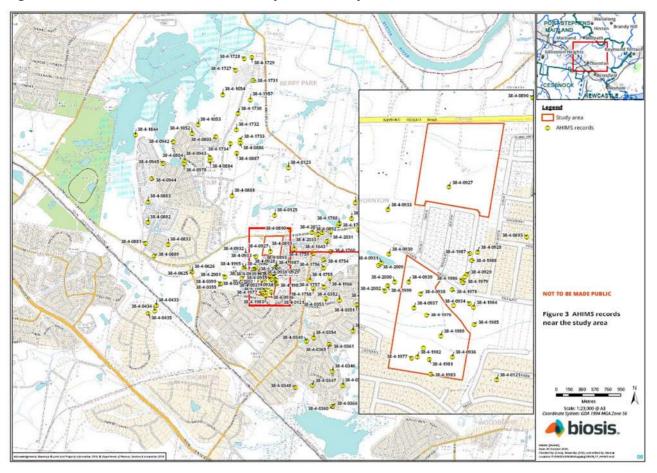
Figure 1 Location of the study area



## Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Mindaribba Local Aboriginal Land Council

Po Box 401 East Maitland NSW 2323

Dear Sir or Madam,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



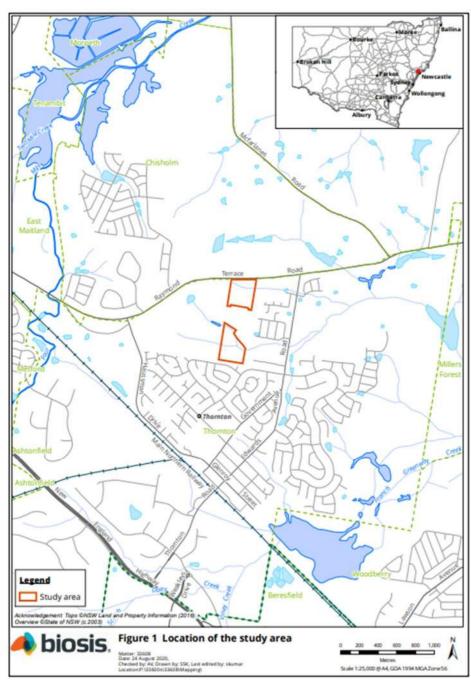
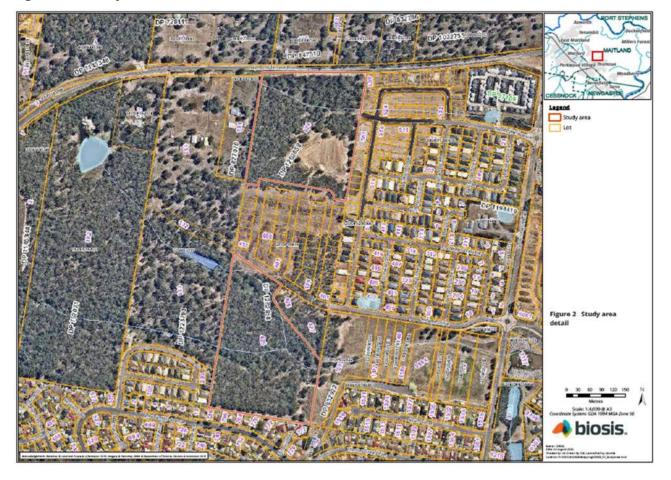


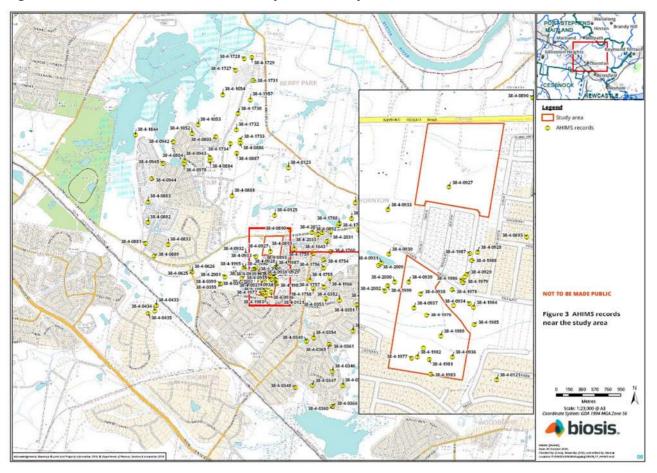
Figure 1 Location of the study area



## Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



# Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Murra Bidgee Mullangari Aboriginal Corporation

Ryan Johnson & Darleen Johnson-Carroll PO Box 246 Seven Hills NSW 2147

Dear Ryan Johnson & Darleen Johnson-Carroll,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd
Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

# The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

# **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



# Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
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The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

# **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

# **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



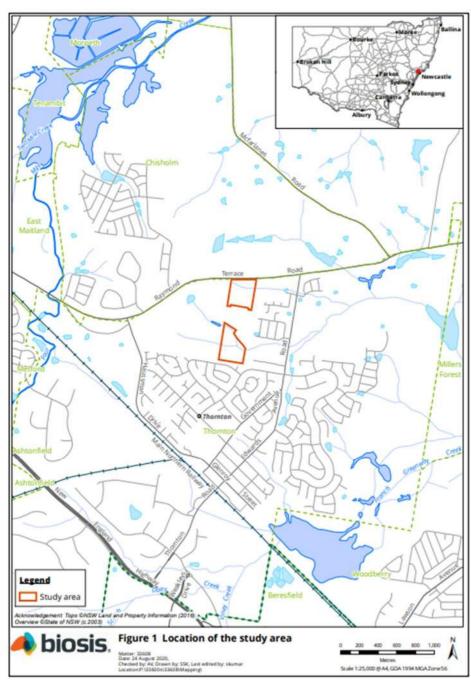
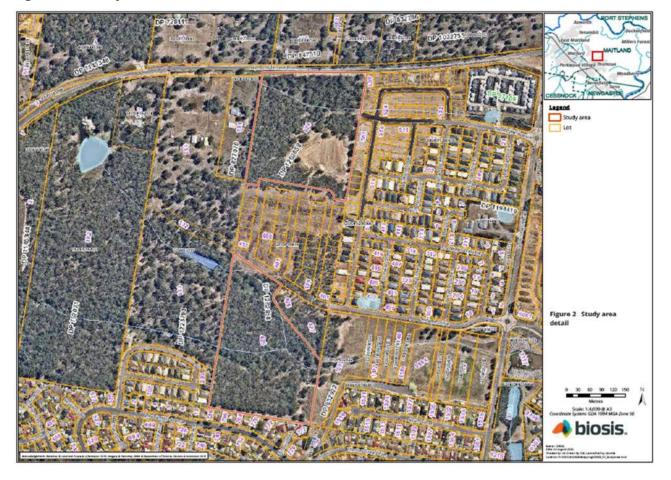


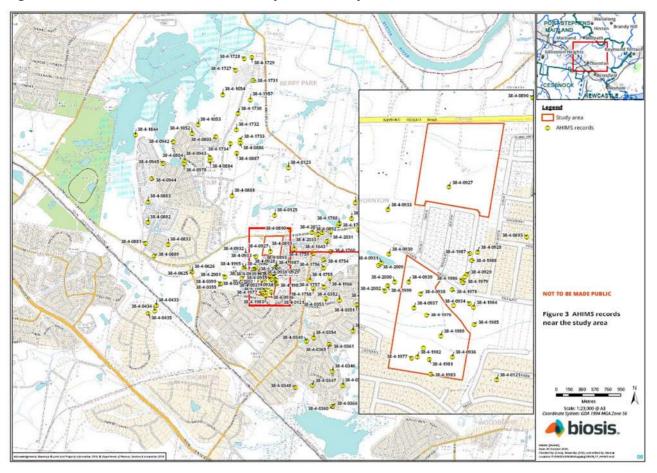
Figure 1 Location of the study area



# Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





# Figure 4 Test excavations completed by Biosis in 2018



# Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

# **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

# **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

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# **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
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Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

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Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

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The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
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- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



# Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Ungooroo Aboriginal Corporation

Chernai Smith Shop 1 – 4, 157-159 John Street Singleton NSW 2330

Dear Chernai Smith,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

# The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

# **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



# Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
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The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

# **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

# **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



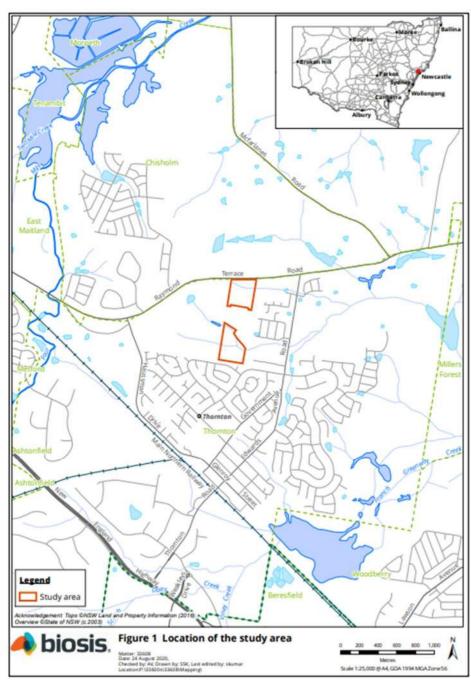
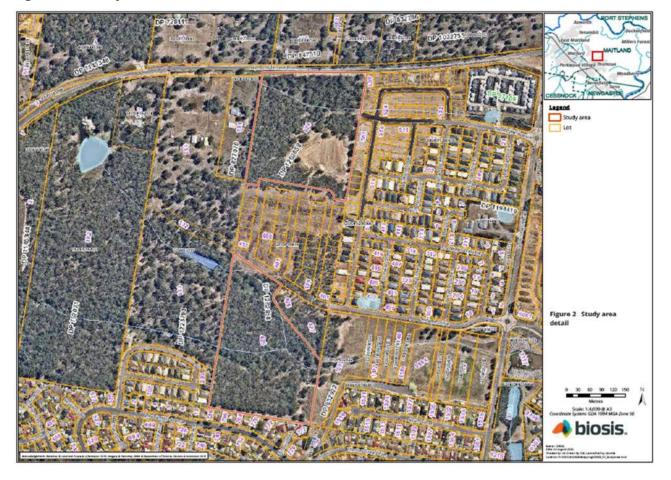


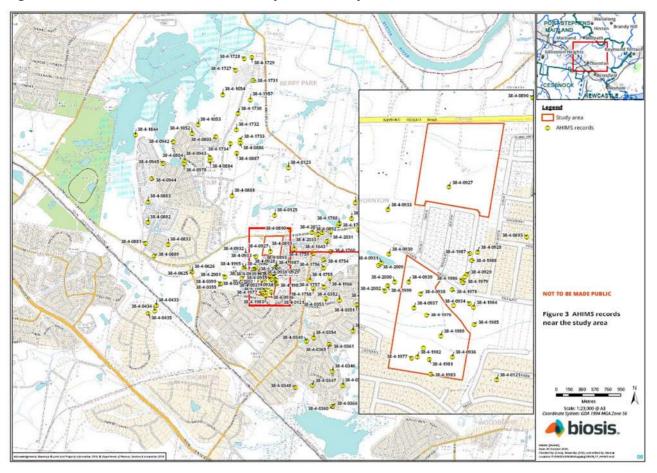
Figure 1 Location of the study area



# Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





# Figure 4 Test excavations completed by Biosis in 2018



# Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

# **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

# **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

# **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

# **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
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- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
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\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

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- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



# Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Wattaka Wonnarua CC Service

Des Hickey 4 Kennedy Street Singleton NSW 2330

Dear Des Hickey,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd
Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

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Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

# The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



# Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
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The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

# **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

# **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



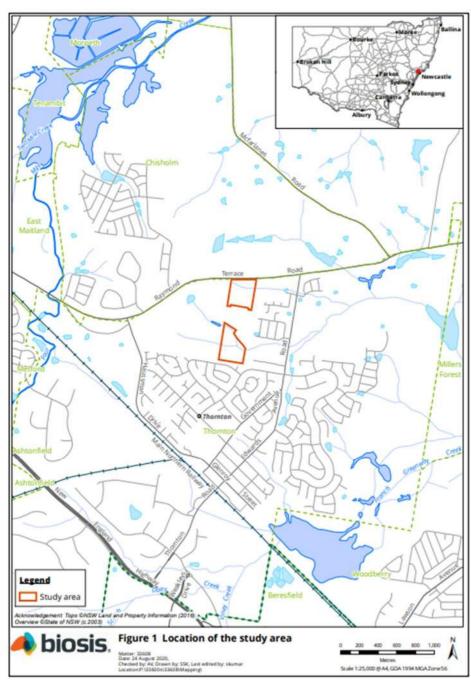
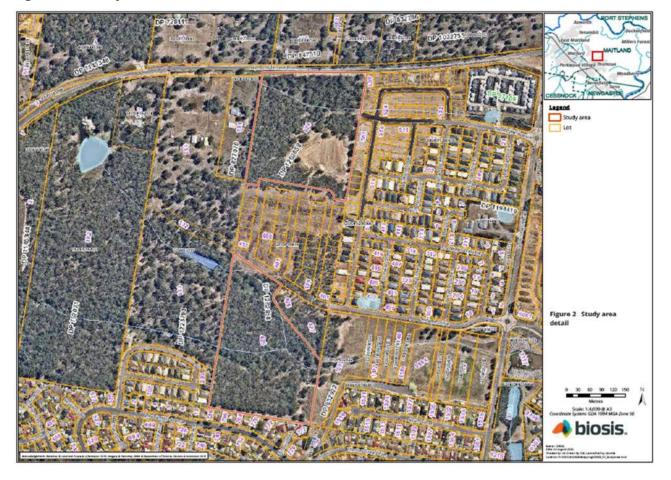


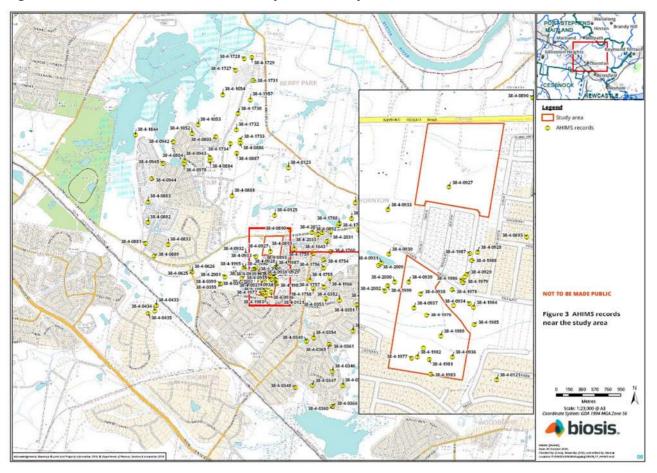
Figure 1 Location of the study area



# Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





# Figure 4 Test excavations completed by Biosis in 2018



# Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

# **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

# **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



# Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

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3 November 2020

Yarrawalk (A division of Tocomwall Pty Itd), Tocomwall Pty Ltd on behlaf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013

Scott Franks PO Box 76 Carringbah NSW 1495

Dear Scott Franks,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

Ashleigh Keevers-Eastman 8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd
Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

IL

Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

# The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



# Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

# **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

# **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



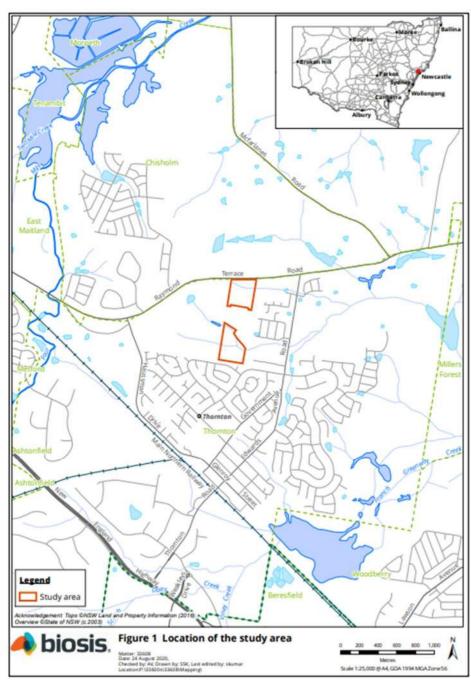
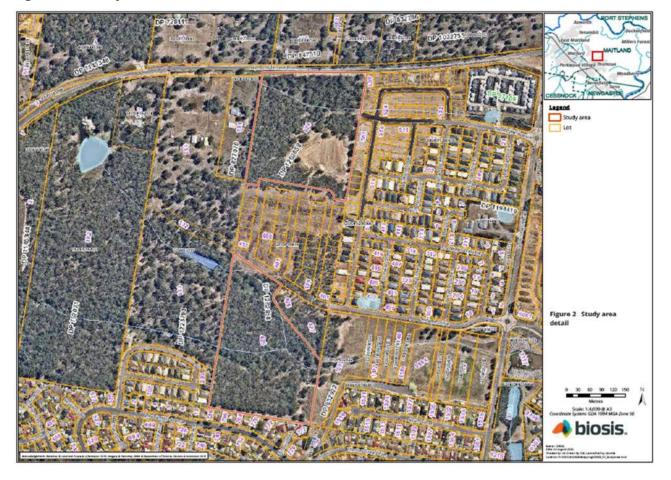


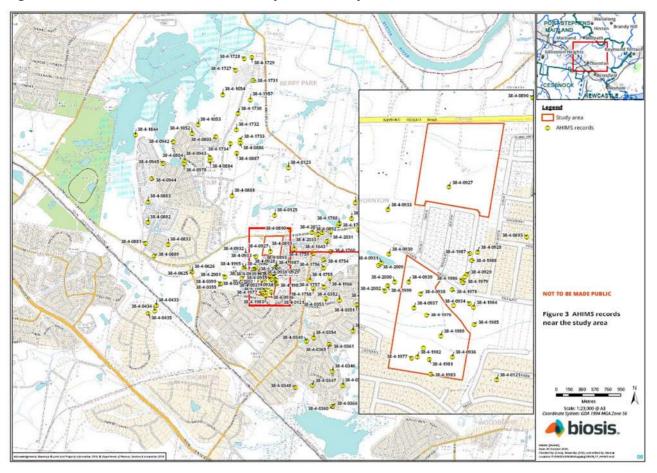
Figure 1 Location of the study area



# Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





# Figure 4 Test excavations completed by Biosis in 2018



# Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

A1 Indigenous Services

Carolyn Hickey 10 Marie Pitt Place Glenmore Park NSW 2745

Dear Carolyn Hickey,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd
Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

1h

Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
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- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

### **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

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	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



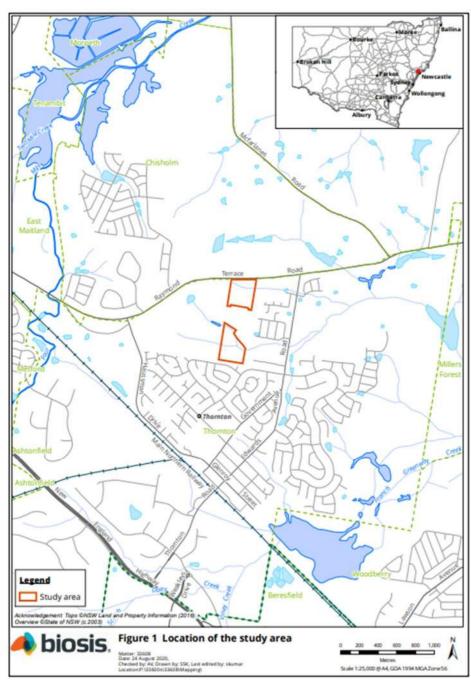
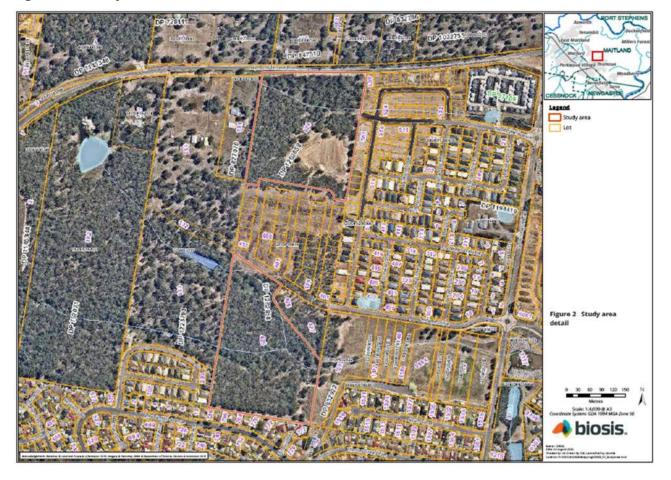


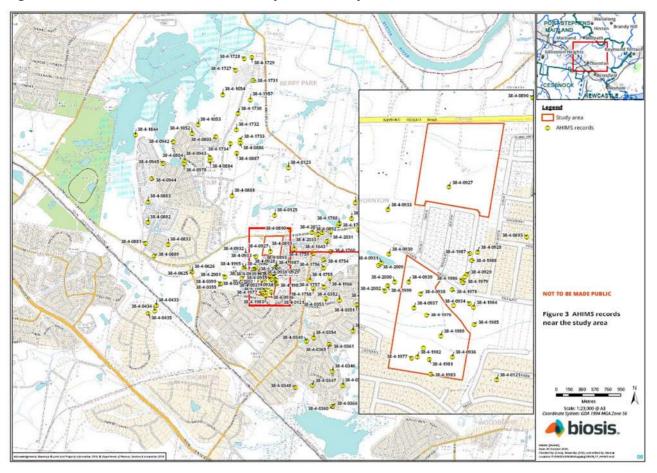
Figure 1 Location of the study area



## Figure 2 Study area detail







#### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



## Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

### **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

### **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

#### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

AGA Services

Asheligh, Gregory and Adam Sampson 22 Ibis Parade Woodberry NSW 2322

Dear Asheligh, Gregory and Adam Sampson,

## RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

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Madeleine Lucas Research Assistant



## Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

### **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

#### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

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Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
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#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

#### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

#### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



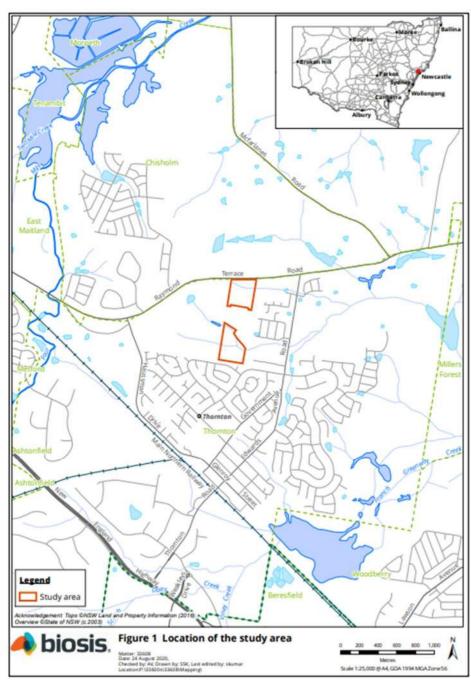
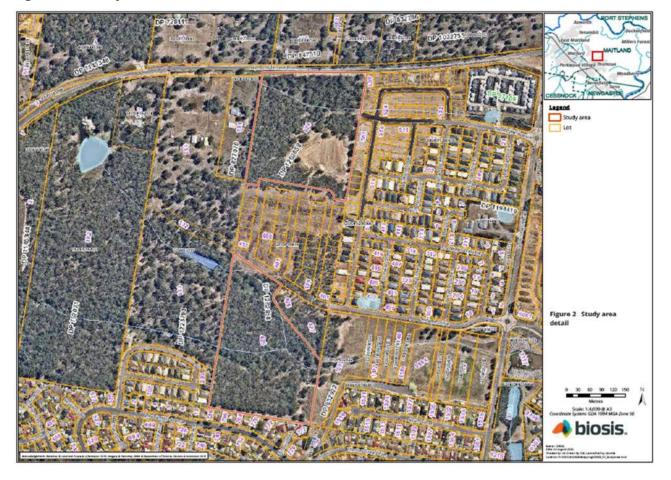


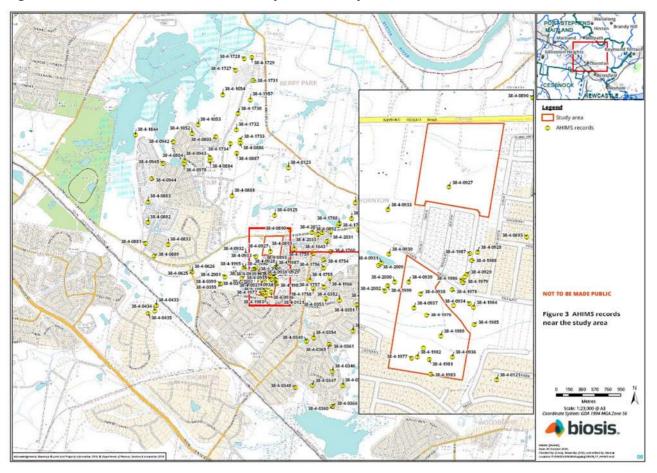
Figure 1 Location of the study area



## Figure 2 Study area detail







#### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



# Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

Awabakal & Guringai Pty Ltd

Tracy Howie PO Box 122 Rutherford NSW 2320

Dear Tracy Howie,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293



Yours sincerely

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Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

Each section of the ACHA methodology will be undertaken in consultation with the RAPs for the project. Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.



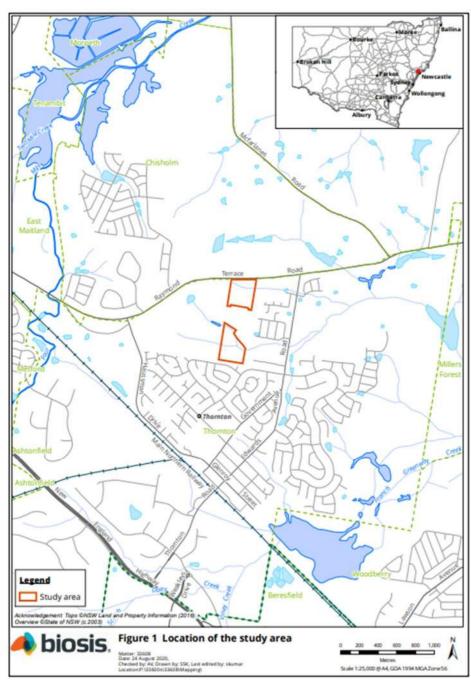
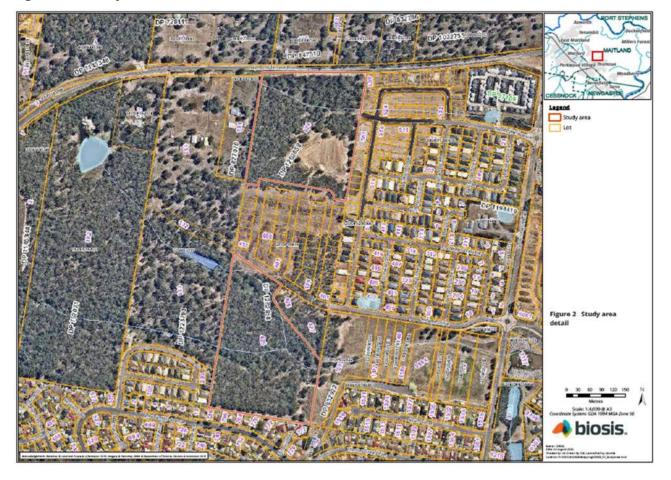


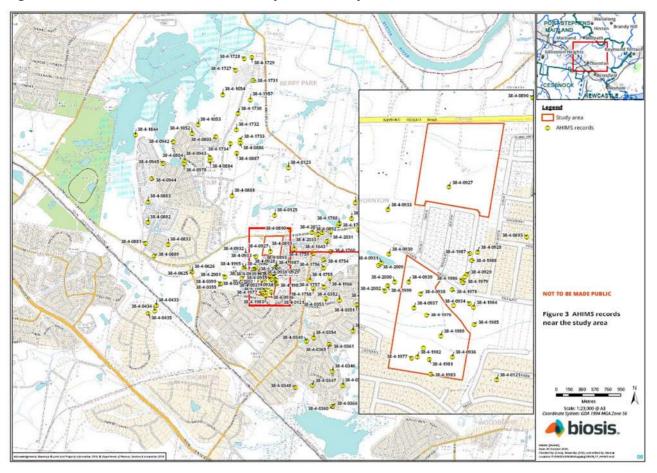
Figure 1 Location of the study area



## Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





## Figure 4 Test excavations completed by Biosis in 2018



# Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

The purpose of the stage 3 document below is to provide RAPs with information about the proposed ACHA methodology for the project, and to seek feedback on the Aboriginal cultural values present within the study area.

The assessment methodology includes the following tasks:

## **Background research**

Background research has been undertaken as part of Biosis 2018 ACHA assessment. Background research was undertaken to identify known Aboriginal sites, areas of potential archaeological sensitivity and previous disturbance, and inform the predictive modelling for the assessment/study area. The following steps were completed

- A search of the AHIMS database will be completed to identify registered sites in the vicinity of the assessment/study area. The results of the AHIMS search will be used to obtain relevant site cards and relevant previously completed Aboriginal cultural heritage assessments.
- A review of relevant reports identified through the AHIMS search will be undertaken.
- A review of aerial photographs and other resources to gauge the existing landscape and previous history of land disturbance will be undertaken.
- A review of the historical heritage databases will be undertaken.
- A brief summary of the historical uses of the study area will be developed.

The background research undertaken as part of Biosis' 2018 assessment will be incorporated into the ACHA to be prepared for Stage 2 and 3, and will be updated to include any new reports, AHIMS sites, or information.

## **Consultation with the Aboriginal community**

This task will provide the Aboriginal community with the opportunity to participate in decisions regarding the management of their cultural heritage by providing proponents information regarding cultural significance and opportunities to input into management options.



Aboriginal community consultation will be undertaken in accordance with the consultation requirements, which includes:

- COMPLETED. Biosis ascertained the names of Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/ or places within the study area.
- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

## **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

## **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



# of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

# Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



## Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.



3 November 2020

**Culturally Aware** 

Tracy Skene 7 Crawford Place Muswellbrook NSW 2333

Dear Tracy Skene,

# RE: Stage 2 and 3 Aboriginal Community Consultation – 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, New South Wales, Aboriginal Cultural Heritage Assessment

Our Ref: Matter 33608

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (NSW) (the study area) (Figure 1 and Figure 2). The proposed development will be assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Maitland City Council.

The purpose of the ACHA is to determine the impacts the proposed development will have on any Aboriginal heritage values present within the study area. The ACHA will also assist Thornton Brentwood in developing their plans in order to minimise the impacts the works will have on Aboriginal heritage values.

The following project information and assessment methodology has been provided in accordance with section 4.2 and section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) (consultation requirements). The aim of this letter is to provide you with information about the project, and the proposed ACHA process and to seek your feedback to inform the ACHA.

It would be appreciated if you would provide feedback on the project information and methodology presented in this letter to Biosis by **1 December 2020** either by email, phone or return mail.

Please address feedback to:

#### Ashleigh Keevers-Eastman

8/27 Annie Street Wickham NSW 2293 Mobile: 0428 175 025 Email: akeevers-eastman@biosis.com.au

Please do not hesitate to contact me if you require additional information or have any queries about the methodology or information provided.

Biosis Pty Ltd
Newcastle Resource Group

Suite 8, 27 Annie Street Wickham NSW 2293 Phone: 02 4911 4040

ACN 006 175 097 ABN 65 006 175 097

Email: <u>newcastle@biosis.com.au</u>

biosis.com.au



Yours sincerely

1h

Madeleine Lucas Research Assistant



# Stage 2 – Project information

The aim of the stage 2 document is to provide Registered Aboriginal Parties (RAPs) with information about the scope of the project, and the proposed cultural heritage assessment process, and to seek their feedback on the project.

## The project

Thornton Brentwood are in the process of preparing Development Applications (DA's) for Stage 2 and Stage 3 of the proposed subdivision of what was previously known as 530 Raymond Terrace Road, Thornton, NSW. The proposed works will potentially consist of a further 98 residential lots, a neighbourhood park, and a second drainage reserve within the northern portion of the study area.

Potential impacts to Aboriginal heritage values within the study area will include:

- Weed management.
- Revegetation works.
- Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve.
- Construction of utilities including roads and services.
- Development of neighbourhood parks that will also require further earthworks.

Biosis has been engaged by Thornton Brentwood to undertake the ACHA to support the DA's and to obtain an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal sites which will be harmed by the proposed development. The ACHA will be prepared in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The ACHA will include an Archaeological Report (AR) prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code) and consultation with Aboriginal community in accordance with the consultation requirements. The ACHA will inform Thornton Brentwood of any potential for the project to impact on or expose Aboriginal objects or sites. Biosis will provide recommendations based on the outcomes of the ACHA.

## **Study area**

The study area encompasses 1 Westgate Avenue and 32 Honeymyrtle Street, Thornton, NSW (Lot 425 and 428 DP1262858). The study area is located within the Maitland local government area (LGA), and is situated approximately 30 kilometers from the Newcastle central business district (CBD) and 10 kilometres south east from Maitland CBD (Figure 1). The study area encompasses approximately 14 hectares of private land (Figure 2).



## Background

Biosis completed an ACHA for 530 Raymond Terrace Road, Thornton, in 2018 which included a survey and test excavations within the Stage 2 and 3 development areas (now known as 1 Westgate Avenue and 30 Honeymyrtle Close, Thornton, NSW) (Biosis 2018). The ACHA was prepared to obtain an Aboriginal Heritage Impact Permit for Stage 1 of the proposed development. As consultation for the project is no longer current, consultation in line with stages 1 - 4 of the consultation requirements and an updated ACHA and AR must be undertaken for the project.

### **Previous assessments**

A desktop assessment was undertaken as part of the ACHA, which included a search of the Aboriginal Heritage Information Management System (AHIMS) database and a review of regional and local archaeological reports to assess the potential for Aboriginal heritage values or items to be present within the study area. A search of the AHIMS register identified 114 Aboriginal cultural heritage sites registered within the vicinity of the study area. Ten of these AHIMS sites were located within the study area (Table 1).

Site no.	Site name	AHIMS number	Site description
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter
2	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find
3	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter
4	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter
5	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter
6	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter
7	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD
8	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD
9	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD
10	Parkwood	38-4-0124	Artefact

Table 1	<b>AHIMS sites</b>	previously	recorded	within	the study	v area
	AIIIIII SILCS	previously	i ccoi aca	wwielini	the study	y ui cu

The study area had been previously assessed by Hamm (2004) and McCardle (2010). Hamm's (2004) assessment identified nine artefact sites, consisting of isolated finds and artefact scatters (Table 1). Hamm concluded that these sites showed a continued use of landscape features such as well-drained topographies and drainage lines. No further sites were recorded by McCardle in 2010, and the sites previously recorded by Hamm were not relocated. McCardle suggested this was due to the 2007 floods, which may have displaced surface artefacts identified by Hamm.

A search of the AHIMS database also indicated that Jones (1986) had recorded an artefact scatter of 50 artefacts (Parkwood, AHIMS #38-4-0124) (Table 1). However, a review of the site card for site #38-4-0124, confirmed that the site is not located within the study area. A review of the site card for site #38-4-0124, indicated that the site is located within 300 metres of Raymond Terrace Road, on the right hand side of an improved 3<sup>rd</sup> order drainage line.



Biosis conducted a field survey and archaeological test excavations as part of the 2018 ACHA under the *Code of Practice for the Investigation of Aboriginal Objects in New South Wales (DECCW 2010a)* (the Code). The survey was undertaken on Friday 25 May 2018, by Ashleigh Keevers-Eastman, Biosis archaeologist, and Jason Brown, site officer from Mindaribba Local Aboriginal Land Council (LALC). The overall effectiveness of the survey for examining the ground for Aboriginal sites was deemed high.

During the field investigations 11 previously unrecorded Aboriginal heritage sites were recorded within the study area (Table 2). These sites consisted of one PAD site, five isolated finds, and five artefact scatters.

Following the results of the field investigations, a test excavation program was undertaken to determine whether subsurface archaeological deposits could be identified within undisturbed areas located within the vicinity of Aboriginal sites which had been identified during the survey, and as a result of the AHIMS search. Test excavations were conducted in accordance with Requirement 16a of the Code. The test excavation program identified three low density artefact scatters (Table 2).

Site no.	Site name	AHIMS number	Site description
1	RTRD01	38-4-1978	Artefact Scatter
2	RTRD02	38-4-1989	Artefact Scatter
3	RTRD03	38-4-1976	Artefact Scatter, PAD
4	RTRD04	38-4-1979	Isolated Find
5	RTRD05	38-4-1980	Isolated Find
6	RTRD06	38-4-1988	Isolated Find
7	RTRD07	38-4-1987	Isolated Find
8	RTRD08	38-4-1986	Isolated Find
9	RTRD09	38-4-1985	Artefact Scatter
10	RTRD10	38-4-1984	Artefact Scatter
11	RTRD11	38-4-1983	Artefacts Scatter
12	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter
13	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter
14	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find

#### Table 2Sites located and recorded during the 2018 survey and test excavations

The ACHA concluded that the proposed Stage 1 works would impact upon 12 Aboriginal sites. An AHIP was therefore obtained for AHIMS #38-4-1978, #38-4-1989, #38-4-1979, #38-4-1980, #38-4-1988, #38-4-1987, #38-4-1986, #38-4-1984, #38-4-1928, #38-4-1929, #38-4-1934, #38-4-1935 to allow for harm and community collection. An AHIP was granted on 7 February 2019.

Community collection works were carried out over a period of three days between 22 to 26 February 2019 under AHIP #C0004256, by Ecological with Mindaribba LALC in attendance. Eleven AHIMS sites were



collected (refer to Table 3), and are temporarily stored at Biosis Newcastle Office in accordance with AHIP #C0004256, until reburial can be undertaken.

	AHIMS No.	Name	Site type	Status on AHIMS
1	RTRD01	38-4-1978	Artefact Scatter	Destroyed
2	RTRD04	38-4-1979	Isolated Find	Destroyed
3	RTRD05	38-4-1980	Isolated Find	Destroyed
4	RTRD06	38-4-1988	Isolated Find	Destroyed
5	RTRD07	38-4-1987	Isolated Find	Destroyed
6	RTRD08	38-4-1986	Isolated Find	Destroyed
7	RTRD10	38-4-1984	Artefact Scatter	Destroyed
8	Thornton North Site 2 - Lot 20	38-4-0928	Isolated Find	Destroyed
9	Thornton North Site 3 - Lot 20	38-4-0929	Artefact Scatter	Destroyed
10	Thornton North Site 4 - Lot 20	38-4-0934	Artefact Scatter	Valid
11	Thornton North Site 5 - Lot 20	38-4-0935	Artefact Scatter	Destroyed

### Table 3 AHIMS site collected under AHIP #C0004256

AHIMS #38-4-0934 remained recorded as valid on the AHIMS database. Correspondence with Tyler Beebe from Ecological on 30 October 2020, confirmed that and Aboriginal Site Impact Recording Form was submitted to the AHIMS database to update their status to destroyed, however an error must have occurred and the change has not been completed.

#### **Current assessment**

As part of the current ACHA, Biosis conducted an updated search of the AHIMS database (Client Service ID: 529575) on 24 August 2020. The updated AHIMS search identified 81 Aboriginal sites within a 1.5 by 1.5 kilometre search area, centred on the study area (Figure 3). Eleven AHIMS sites were identified to be located within the study area and are outlined in Table 4.



	AHIMS No.	Name	Site type	Status on AHIMS
1	Thornton North Site 1 - Lot 20	38-4-0927	Artefact Scatter	Valid
2	Thornton North Site 6 - Lot 20	38-4-0936	Artefact Scatter	Valid
3	Thornton North Site 7 - Lot 20	38-4-0937	Isolated Find, PAD	Valid
4	Thornton North Site 8 - Lot 20	38-4-0938	Artefact Scatter, PAD	Valid
5	Thornton North Site 9 - Lot 20	38-4-0939	Isolated Find, PAD	Valid
6	RTRD02	38-4-1989	Artefact Scatter	Valid
7	RTRD03	38-4-1976	Artefact Scatter, PAD	Valid
8	RTRD11	38-4-1983	Artefacts Scatter	Valid
9	RTRD12	38-4-1982	Subsurface Deposit, Artefact Scatter	Valid
10	RTRD13	38-4-1981	Subsurface Deposit, Artefact Scatter	Valid
11	RTRD14	38-4-1977	Subsurface Deposit, Isolated Find	Valid

### Table 4 AHIMS sites located in the study area

It is considered likely that should additional sites be identified within the study area, they will most likely consist of artefact sites associated with transitory occupation, due to the abundance of food resources historically present within the study area, and the proximity of well-drained topographies along drainage lines where sites have been previously recorded.

## **Project schedule**

The proposed schedule and time allocations for the consultation stages are summarised below.

Action	Timeframe	Potential constraints and limitations
Commencement of Aboriginal community consultation – advertising of project and notification to stakeholders	Completed	Project advertised in the Maitland Mercury on 21 August 2020. Notices sent to identified Aboriginal parties 2 September 2020.
Notices sent to identified Aboriginal parties	2 September 2020	N/A
Aboriginal stakeholder registration period	2 September 2020 to 16 September 2020	Registration period expired on 16 September 2020
Field investigation	Completed	Wednesday 26 August 2020



Gathering information about cultural siginifcance	Continuous	N/A
Review of draft report	ТВС	28 days review time allowed under the consultation guidelines.
Final report	ТВС	ТВС

## **Responsibilities and roles**

As part of the consultation process, RAPs are expected to respond to requests for cultural information and comment on draft reporting, as appropriate, in accordance with their role specified in section 5 of the consultation requirements. Biosis and the proponent, in accordance with their role under section 5 of the consultation requirements, will consult with the Aboriginal community by supplying suitable project information and providing the opportunity for Aboriginal stakeholders to provide input into the heritage management process.

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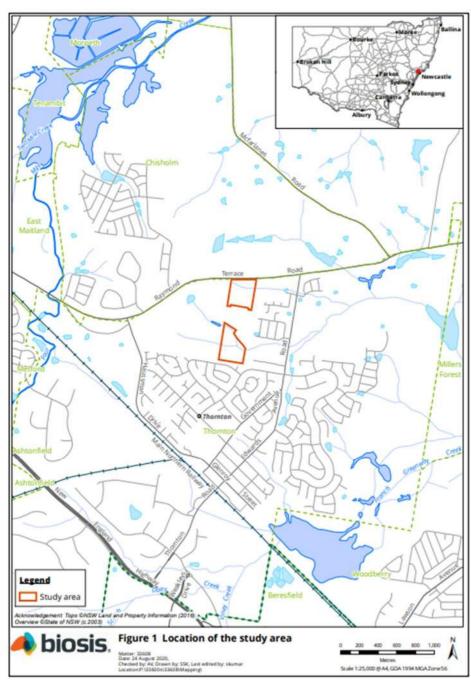
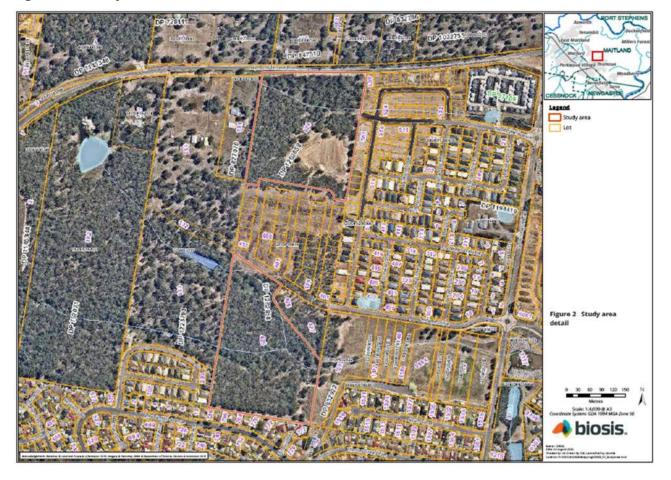


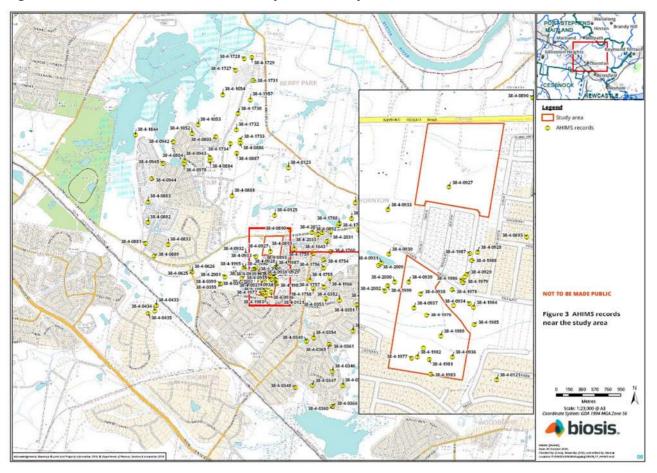
Figure 1 Location of the study area



### Figure 2 Study area detail







### Figure 3 AHIMS sites within the vicinity of the study area





### Figure 4 Test excavations completed by Biosis in 2018



### Stage 3 – Gathering information about cultural significance

The aims of stage 3 of the consultation process is to facilitate a process where RAPs for the project can:

- Contribute to culturally appropriate information gathering and the research methodology.
- Provide information that will enable the cultural significance of Aboriginal objects and/or places in the study area to be determined.
- Have input into the development of any cultural heritage management options (DECCW 2010a, p.12).

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- A brief summary of the historical uses of the study area will be developed.

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- COMPLETED. Aboriginal stakeholders were provided with notification by letter of the project on 2 September 2020 via Biosis on behalf of Thornton Brentwood, and given the opportunity to be involved in consultation.
- This document outlines the details of the project and proposed archaeological methodology. The RAPs must be given an opportunity to review and provide feedback to the proponent within a minimum of 28 days of Biosis providing the methodology document.
- The DRAFT ACHA report and AR will be provided to all RAPs for comment the proponent must allow 28 days for comment. All comments and correspondence sent and received regarding the project will be included in the final report in an appendix.

### **Culturally sensitive material**

Biosis invites RAPs to provide culturally appropriate information via mail, email or phone with regards to this project.

Cultural information provided will be recorded in the Aboriginal consultation log and discussed in the report. If the information is regarded as too sensitive to be made public then RAPs should advise Biosis and identify the nature of the sensitivity. Biosis will then arrange for the recording of the information in accordance with its sensitivity. Documents which hold sensitive information will clearly list, on the front cover, who can have access to the document. These documents will be stored securely.

### **Field investigation**

A site inspection consisting of a pedestrian survey of the Stage 2 and 3 development areas has been completed in order to identify any previously unrecorded Aboriginal objects, sites, or areas of potential, and in an attempt to identify AHIMS sites located within the study area.

Recording during the field investigation followed requirements 5 to 10 of the Code and industry best practice. Information recorded during the field investigation included:

- Aboriginal objects or sites present in the study area during the investigation.
- Survey coverage.
- Any resources that may have potentially have been exploited by Aboriginal people.
- Landforms.
- Photographs of the site indicating landform.
- Evidence of disturbance.
- Aboriginal artefacts, culturally modified trees or any other Aboriginal sites.



Where possible, identification of natural soil deposits within the study area will be undertaken. Representative photographs of survey units, landform, vegetation coverage, ground surface visibility will be undertaken.

Detailed results of the field investigation will be provided in the draft ACHA report and AR.

#### **Test excavations**

Test excavations were carried out across the extent of the study area in 2018. The test excavations targeted areas of moderate potential across all landforms. A total of 37 test pits were excavated across 19 transects, at 10 – 20 metre intervals. No subsurface testing was conducted within the E3 Zone located within the study area, where site AHIMS #38-4-1979, #38-4-0939, #38-4-0938, #38-4-0937, were recorded as this portion of the site was to be conserved.

Of the 37 test pits excavated, only four contained artefacts. No cultural deposits were identified within the flat crest landform upon which AHIMS #38-4-0927 was located, within the northern portion of the study area, less than 150 metres away from a 1<sup>st</sup> order drainage line.

Subsurface testing was also conducted along the simple slopes of the area proposed for Stage 1 of the subdivision (Figure 4), where a majority of sites located within the study area had been identified previously. No artefacts were retrieved during the testing of this portion of the study area.

The simple slopes within the southern-most extent of the study area were also excavated to determine whether subsurface archaeological deposits were present. 21 artefacts were recovered from Transect 12, which was situated across a gentle slope within the south-western portion of the study area.

#### Aims

The principle objectives of the test excavations are to identify and understand the nature, extent and significance of any areas of potential archaeological deposit within the study area. This will further our knowledge of Aboriginal archaeological site patterning within the study area and enable the predictive model to be further tested and refined.

The aims of the testing program are to:

- Determine the nature and extent of potential sub-surface archaeological deposits that may be found in areas of high and moderate archaeological potential
- Identify if the archaeological material occurs in an intact, undisturbed context, by examining the soil profile and stratigraphy
- Analyse and interpret any archaeological finds (such as stone artefacts, hearths, etc.) recovered during the testing program
- Inform current knowledge of Aboriginal occupation and land use models of the region
- Provide management and mitigation measures for Aboriginal archaeological objects located during the subsurface testing program
- Test the predictive model and answer the research questions developed as part of this assessment

#### Test excavation methodology

Test excavations across the study area will conform to the following methodology:

• Test excavations will be conducted in 50 x 50 centimetre units



- The test pits will be excavated by hand (inclusive of trowels, spades and other hand tools) along transects at intervals of between 10 – 20 metres or other justifiable and regular spacing (being no smaller than five metres).
- The first test pit within a site or PAD area will be excavated in five centimetre spits; the subsequent test pits conducted within the site or PAD area can then be excavated in either 10 centimetre spits or stratigraphic units (whichever is smaller) to the base of Aboriginal object-bearing units being the removal of the A-horizon soil deposit down to the sterile clay or bedrock layer (B-horizon).
- If the depth of deposit prevents reaching sterile deposits within the 50 x 50 centimetre test pit, additional 50 x 50 centimetre test pits may be excavated adjacent to the original test pit (for example expanding the test pit to 50 x 100 centimetres) to reach the sterile deposits.
- Test pits may be combined and excavated as necessary in 50 x 50 centimetre units for the purposes of further understanding site characteristics. Note that under the Code of Practice, the maximum area that can be excavated in any one continuous area is three metres squared (3 m<sup>2</sup>).
- The Code of Practice dictates that the maximum surface area of all test excavation units must be no greater than 0.5% of the PAD or area being investigated.
- All excavated soil will be sieved in 5mm sieves. Wet sieving will be undertaken for the purposes of these test excavations.
- All cultural material will be collected, bagged and clearly labelled. They will be temporarily stored in the Biosis office for analysis (at Suite 8 27 Annie Street, Wickham, NSW).
- For each test pit that is excavated, the following documentation will be taken:
  - Unique test pit identification number.
  - GPS coordinate of each test pit.
  - Munsell soil colour and texture.
  - Amount and location of cultural material within the deposit.
  - Nature of disturbance where present.
  - Stratigraphy.
  - Archaeological features (if present).
  - Photographic records.
  - Spit records.
- Test excavation units will be backfilled as soon as practicable
- An AHIMS Site Impact Recording form will be completed and submitted to the AHIMS Registrar for any sites impacted during test excavations.
- In the event that suspected human remains are identified works will immediately cease and the NSW Police and OEH will be notified.
- Test excavations will cease when enough information\* has been recovered to adequately characterise the objects present with regard to their nature and significance.

\*Enough information is defined by OEH as meaning "the sample of excavated material clearly and self-evidently demonstrates the deposit's nature and significance. This may include things like locally or regionally high object density: presence of rare or representative objects: presence



### of archaeological features: or locally or regionally significant deposits stratified or not." (DECCW 2010b).\*

#### Storage of cultural material

Any cultural material identified during field investigations will be temporarily stored in the Biosis, Newcastle office for analysis (8/27 Annie Street Wickham NSW 2293).

Once the cultural material has been analysed, the cultural material can be managed in the following manners:

- Cultural material can be held by the Aboriginal community under a care and control agreement.
- Cultural material can be returned to country and reburied as soon as practicable in a secure location in accordance with Requirements 16b and 26 of the Code.

### Biosis requests any comments regarding the care and control of any cultural material be included as part of the review of this assessment methodology.



### Reporting

Biosis will prepare an ACHA and AR for the project. The ACHA will document the findings of the assessment, and detail the consultation process. The AR will be included as an appendix to the ACHA and will document the desktop assessment and field investigation.

The main aim of the report is to document the assessment of potential development related impacts to Aboriginal cultural heritage and to formulate strategies to manage these impacts. Reporting will follow the guidelines of the Heritage NSW Department of Premier and Cabinet (Heritage NSW), in particular the consultation requirements, the Code, and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The ACHA report will contain:

- Details of the Aboriginal consultation process undertaken as part of the assessment.
- A review and summary of the environmental context of the study area.
- A review and summary of the Aboriginal archaeological context of the study area.
- Aboriginal site significance assessment.
- Impact assessment.
- Management strategies.
- Maps detailing any Aboriginal sites identified during the assessment process.

The RAPs will be provided with the draft ACHA report and AR, and their comments on the report content sought. Comments on the report's content are to be provided to Biosis by the party's respective nominated spokesperson(s). All comments not provided in writing will be recorded in an informal logbook by Biosis. These comments and responses to these comments will be documented in the final ACHA.

As part of this methodology registered Aboriginal parties will be provided with the draft report for comment and allowed **28 days** for review.

The final report will incorporate all comments and will be forwarded on to RAPs once completed.

### References

Biosis 2018, *Aboriginal Cultural Heritage Assessment: 530 Raymond Terrace Road, Thornton, NSW.*, Report for Thornton Brentwood. Authors: A. Keevers-Eastman, A. Vella & T. Gooley Biosis Pty Ltd, Newcastle, NSW. Project no. 27532.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change, Sydney NSW.

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Department of Environment and Climate Change, Sydney NSW.

Hamm, G 2004, Archaeological assessment of Lot: 20 DP: 10419 Raymond Terrace Road Thornton North, Maitland Council, Report to A.V. Randell.



McCardle Cultural Heritage 2010, *Thornton North Lot 20: Indigenous Archaeological Assessment*, For Paradigm Planning and Development Consultants Pty Ltd.

OEH 2011, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet, Sydney NSW>.

From: Sent: To: Subject: Attachments: Carolyn .H <cazadirect@live.com> Saturday, 7 November 2020 8:04 PM Ashleigh Keevers-Eastman Re: 33608 - Westgate ACHA Stage 2/3 A1.PL2021.pdf; A1.WC2021.pdf



Contact: Carolyn Hickey M: 0411650057 E: Cazadirect@live.com A: 10 Marie Pitt Place, Glenmore Park, NSW 2745 ACN: 639 868 876 ABN: 31 639 868 876

Hi Ashleigh, I have reviewed the information and support the Methodology. A1 would like to be involved in the future field work. please find insurances attached.

Kind Regards Carolyn Hickey

From: Madeleine Lucas Sent: Tuesday, 3 November 2020 3:33 PM To: 'cazadirect@live.com' Subject: 33608 - Westgate ACHA Stage 2/3 Good afternoon, Thank you for registering your interest in the

Thank you for registering your interest in the Westgate Avenue and Honeymyrtle Street Subdivision Project. Biosis Pty Ltd (Biosis) is currently undertaking the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of Thornton Brentwood for Stage 2 and Stage 3 of the three staged subdivision of 1 Westgate Avenue, and 32 Honeymyrtle Street, Thornton, New South Wales (the study area).

It would be appreciated if you would provide feedback on the project information and methodology attached to this email to Biosis by **1 December 2020** either by email, phone or return mail.

Kind regards, Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: <u>mlucas@biosis.com.au</u>



Leaders in Ecology and Heritage Consulting

Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society. is confidential or is exempt from disclosure by law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you received this in error, please contact the sender and delete the material from your computer. The views expressed in this email are those of the sender except where the sender expressly and with authority states them to be the views of Biosis Pty Ltd. Biosis Pty Ltd does not represent that this email is free of errors, viruses or interference. When using email to communicate with Biosis Pty Ltd, access to that information by Biosis Pty Ltd personnel is strictly limited and controlled.

From:	Darleen Johnson <murrabidgeemullangari@yahoo.com.au></murrabidgeemullangari@yahoo.com.au>
Sent:	Thursday, 5 November 2020 2:00 PM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate ACHA Stage 2/3
Attachments:	Murra.Bidgee.pdf

Hi Madeleine,

I have read the project information and methodology for the above project, I endorse the recommendations made.

Kind regards

Darleen Johnson

0490051102

On Tuesday, 3 November 2020, 03:36:42 pm AEDT, Madeleine Lucas wrote:

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Kind regards,

Madeleine Lucas Research Assistant - Heritage M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au bioSiS.som.au

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Appendix 4 Stage 4: Review of draft cultural heritage assessment report

From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:48 AM
То:	'cazadirect@live.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

Thank you for registering for the Westgate and Honeymyrtle, Thornton ACHA project. Please see the below link for a copy of the draft ACHA and AR report for your review.

#### https://spaces.hightail.com/receive/yXNQID4JxL

It would be appreciated if you could provide comments on the report in writing via email or post by **5pm 1 February 2021** to Ashleigh Keevers-Eastman (see details below).

Ashleigh Keevers-Eastman Project Archaeologist <u>Akeevers-eastman@biosis.com.au</u> 0428 175 025

If you have any issues accessing the report or questions regarding the project please don't hesitate to contact Ashleigh or I.

Kind regards, Madeleine

# Madeleine Lucas Archaeologist M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au HAPPY follows FROM THE TEAM AT **biosis**.

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:46 AM
То:	'aga.services@hotmail.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:46 AM
То:	'tracey@guringai.com.au'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:49 AM
То:	'tracey@marrung-pa.com.au'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:50 AM
То:	'deckavale@hotmail.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:49 AM
То:	'didgengunawalclan@yahoo.com.au'
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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:49 AM
То:	'dedemaree3@hotmail.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:46 AM
То:	'hto.paulette@gmail.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:47 AM
То:	'Wonn1sites@gmail.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:50 AM
То:	'ceo@mindaribbalalc.org'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:45 AM
То:	'murrabidgeemullangari@yahoo.com.au'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:52 AM
То:	'accounts@ungooroo.com.au'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

Thank you for registering for the Westgate and Honeymyrtle, Thornton ACHA project. Please see the below link for a copy of the draft ACHA and AR report for your review.

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:48 AM
То:	'adminaccounts@ungooroo.com.au'
Cc:	'taasha@ungooroo.com.au'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Madeleine Lucas
Sent:	Wednesday, 23 December 2020 9:47 AM
То:	'deshickey@bigpond.com'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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То:	'scott@tocomwall.com.au'
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From: Madeleine Lucas <MLucas@biosis.com.au>
Sent: Wednesday, 23 December 2020 9:45 AM
To: 'murrabidgeemullangari@yahoo.com.au' <murrabidgeemullangari@yahoo.com.au>
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Sent: Wednesday, 23 December 2020 9:46 AM
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From:Ashleigh Keevers-EastmanTo:"cazadirect@live.com"Subject:RE: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 ConsultationDate:Tuesday, 19 January 2021 10:58:43 AMAttachments:image2bc5d3.PNG

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From:	Ashleigh Keevers-Eastman
То:	"adminaccounts@ungooroo.com.au"
Cc:	<u>"taasha@ungooroo.com.au"</u>
Subject:	RE: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation
Date:	Tuesday, 19 January 2021 10:58:28 AM
Attachments:	imagebee3b2.PNG

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M: 0428 175 025 D: (02) 4911 4042 E: <u>akeevers-eastman@biosis.com.au</u>



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From: Madeleine Lucas <MLucas@biosis.com.au>
Sent: Wednesday, 23 December 2020 9:49 AM
To: 'didgengunawalclan@yahoo.com.au' <didgengunawalclan@yahoo.com.au>
Subject: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

https://spaces.hightail.com/receive/yXNQID4JxL

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Kind regards, Madeleine

Madeleine Lucas Archaeologist M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au HAPPY for from the team at biosis.

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Sent: Wednesday, 23 December 2020 9:49 AM
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From: Madeleine Lucas <MLucas@biosis.com.au>
Sent: Wednesday, 23 December 2020 9:50 AM
To: 'deckavale@hotmail.com' <deckavale@hotmail.com>
Subject: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

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From:	Ashleigh Keevers-Eastman
То:	<u>"ceo@mindaribbalalc.org"</u>
Cc:	"Jason Brown"
Subject:	RE: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation
Date:	Tuesday, 19 January 2021 10:55:47 AM
Attachments:	image80ace0.PNG

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From: Madeleine Lucas <MLucas@biosis.com.au>
Sent: Wednesday, 23 December 2020 9:50 AM
To: 'ceo@mindaribbalalc.org' <ceo@mindaribbalalc.org>
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From: Madeleine Lucas <MLucas@biosis.com.au>
Sent: Wednesday, 23 December 2020 9:52 AM
To: 'accounts@ungooroo.com.au' <accounts@ungooroo.com.au>
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From:	Darleen Johnson <murrabidgeemullangari@yahoo.com.au></murrabidgeemullangari@yahoo.com.au>
Sent:	Thursday, 14 January 2021 11:31 AM
То:	Madeleine Lucas
Subject:	Re: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation

Hi Madeleine

I have read the project information and ACHA for the above project, I endorse the recommendations made.

Kind regards

Ryan Johnson

0475565517

On Wednesday, 23 December 2020, 09:45:26 am AEDT, Madeleine Lucas wrote:

Good morning,

Thank you for registering for the Westgate and Honeymyrtle, Thornton ACHA project. Please see the below link for a copy of the draft ACHA and AR report for your review.

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Good Morning Ashleigh,

With the potential impacts to Aboriginal heritage values within the study area that will be below impacts:

Weed management.

Revegetation works.

Ground disturbance through earthworks for the construction residential dwellings and a drainage

reserve.

Construction of utilities including roads and services.

Development of neighbourhood parks that will also require further earthworks.

Aboriginal Community should be offered contracts in these areas if they have Capabilities and Experienced along with any Employment opportunities that may arise to help with the economical benefits for Aboriginal Communities.

Kind regards Tracey Skene 7 Crawford Place, Millfield NSW 2325 Mobile 0474106537

?

On Tue, Jan 19, 2021 at 10:57 AM Ashleigh Keevers-Eastman <<u>AKeevers-Eastman@biosis.com.au</u>> wrote:

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## Ashleigh Keevers-Eastman

# Project Archaeologist

### Akeevers-eastman@biosis.com.au

### 0428 175 025

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Ashleigh

Ashleigh Keevers-Eastman Project Archaeologist M: 0428 175 025 D: (02) 4911 4042 E: <u>akeevers-eastman@biosis.com.au</u> Biosis Logo

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#### Statement of Significance by the Awabakal and Guringai Peoples:

Awabakal and Guringai are one of the 600 or more language groups or 'nations' that existed across Australia at the time of European contact and are part of the oldest and continuous living culture in human history. The Awabakal and Guringai presence within the Newcastle, Lake Macquarie and Central Coast Regions extends from the present day back many thousands of years and is reflected in both tangible and intangible aspects of Aboriginal culture and history. Past survey and assessments within our Traditional Country have identified Aboriginal Cultural Heritage Sites (the tangible evidence of occupation) and landscape features of cultural value embedded within a landscape that provided physical and spiritual sustenance (often intangible aspects) to the Awabakal and Guringai and those Aboriginal People they invited into their Country.

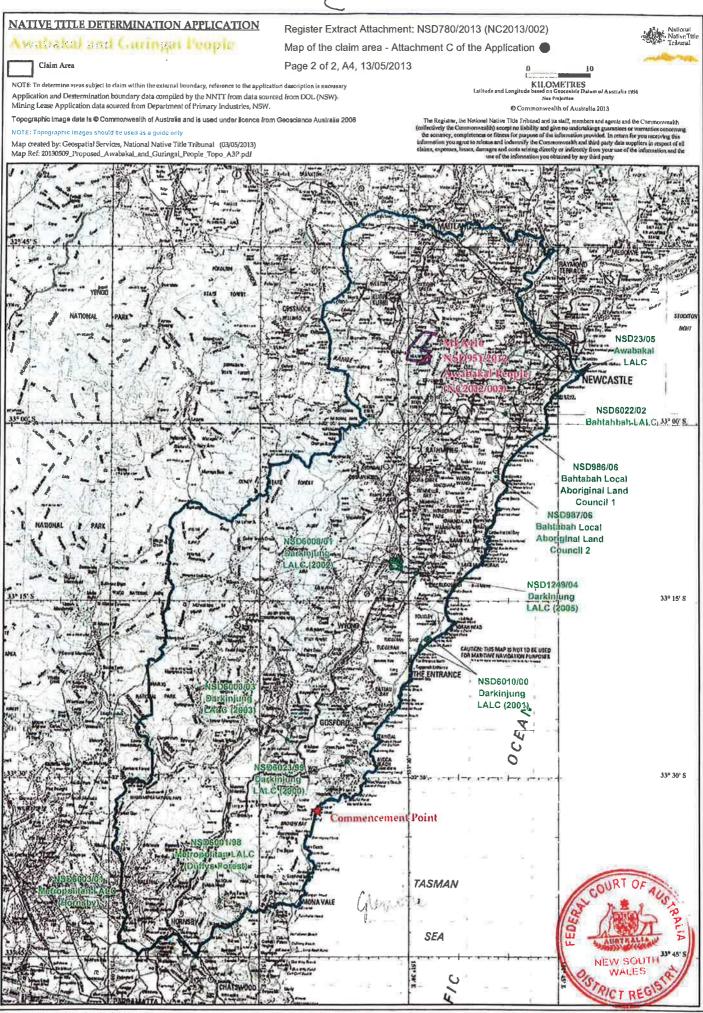
The Awabakal and Guringai people also have a continuing, contemporary history of trying to protect and preserve the Newcastle, Lake Macquarie and Central Coast Regions. They maintain concerns over Development licences being approved in the region and the adverse impacts this has on their cultural values and landscape features and footprints of their ancestors which are being impacted through cumulative and overlapping development activity and unmonitored and unmanaged human recreational activity.

As indicated by the statements provided by the Awabakal and Guringai peoples within the document, the mental, physical and spiritual wellbeing of the Awabakal and Guringai People and those Aboriginal Peoples that feel a connection to this landscape is a contemporary phenomenon and not just 'a thing of the past'. The Newcastle, Lake Macquarie and Central Coast Regions contain a plethora of registered Aboriginal cultural heritage sites identified as having Aboriginal cultural value and significance. The sites and landscape features link contemporary Awabakal and Guringai People with generations of their ancestors and are extremely important teaching places and places of spiritual renewal.

Although the impact of European invasion dramatically changed Aboriginal life in Australia forever, the recent history of the Newcastle, Lake Macquarie and Central Coast Regions are also characterised by the cultural resilience of Aboriginal Peoples, for both those who have retained connection to Country and those that are reconnecting to Country. Recent history is also characterised by the movement of other Aboriginal Peoples into the Country of the Awabakal and Guringai and the development of their renewed attachments to the area. Whilst a diversity of attachment and experience is recognised, it is also recognised that the landscape, vegetation and watercourses of the Newcastle, Lake Macquarie and Central Coast Regions form part of an Aboriginal cultural landscape of traditional and contemporary cultural and spiritual value to many Aboriginal People.

Aboriginal lore requires that the Aboriginal cultural landscape (which includes Aboriginal heritage sites, landscape features of cultural value, the plants, animals and water) of the Newcastle, Lake Macquarie and Central Coast Regions are cared for so that it will survive for future generations of our Peoples.

The custodial rights and obligations of Aboriginal peoples Caring for Country underpin the principles of this document. It is highlighted, however, that the Awabakal and Guringai peoples in no way support any impact to Aboriginal sites, landscape features of Aboriginal cultural value or any aspect of the natural environment within the Newcastle Lake Macquarie Regions. Aboriginal people inherit the right and obligation to Care for Country, and endorsing any form of harm is assessed as culturally and ethically inappropriate." (Awabakal and Guringai Pty Ltd) © 2010.



Filepath:P:\GE0\_INFO\Products\NSW\NTDA\Proposed\Awabakal and Guringal People\Mapping\GT2013\_0643\_Map\_de\_Description\20130509\_Awabakal\_and\_Guringal\_Topo\_A3P.wor

From:	Ashleigh Keevers-Eastman
To:	"Kerrie Brauer"
Cc:	Tracey Howie; peterleven@y7mail.com
Subject:	RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA
Date:	Thursday, 18 February 2021 8:31:20 AM
Attachments:	jmage001.gif

Thank you Kerrie. We will include this in our reporting. Ash

From: Kerrie Brauer

Sent: Wednesday, 17 February 2021 6:10 PM

To: Ashleigh Keevers-Eastman

Cc: Tracey Howie ; peterleven@y7mail.com

**Subject:** RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Ashleigh,

Please find attached the Awabakal & Guringai claim map and Statement of Significance as discussed.

Happy to supply any further information if requested.

Cheers Kerrie

From: Ashleigh Keevers-Eastman [mailto:AKeevers-Eastman@biosis.com.au] Sent: Monday, 15 February 2021 7:20 AM **To:** Kerrie Brauer; Tracey Howie; Taryn Gooley; <a href="mailto:peterleven@y7mail.com">peterleven@y7mail.com</a> **Subject:** Re: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Kerrie. Sorry I was on leave last Friday and forgot to send this through. Meeting is still on today for 10am. We will meet up at the end of Hillgate Drive Thornton, NSW. Be sure to bring along some water and enclosed shoes etc for walking around site today. Kind regards Ashleigh Sent from my SAMSUNG Galaxy S7 on the Telstra Mobile Network ----- Original message ------From: Kerrie Brauer <<u>kerrie@awabakal.com.au</u>> Date: 13/2/21 9:56 am (GMT+10:00) To: Ashleigh Keevers-Eastman <<u>AKeevers-Eastman@biosis.com.au</u>> Subject: RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Ashleigh, We haven't received the details for the site meeting on Monday and wondering if it's still going ahead. **Cheers Kerrie** From: Ashleigh Keevers-Eastman [mailto:AKeevers-Eastman@biosis.com.au] Sent: Wednesday, 10 February 2021 5:54 PM To: 'Kerrie Brauer'; 'Tracey Howie'; 'PeterLeven' Cc: Taryn Gooley Subject: RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Kerrie, I can confirm that the client is available for a meeting next Monday at 10 am. I will send through details for a site meeting. Kind regards, Ashleigh

From: Kerrie Brauer <kerrie@awabakal.com.au>

Sent: Wednesday, 10 February 2021 5:26 PM

**To:** Ashleigh Keevers-Eastman <<u>AKeevers-Eastman@biosis.com.au</u>>; 'Tracey Howie'

<tracey@guringai.com.au>; 'PeterLeven' peterleven@y7mail.com>

Cc: Taryn Gooley <<u>TGooley@biosis.com.au</u>>

**Subject:** RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Ashleigh,

Thank you for your email.

I have spoken with Tracey and Peter and unfortunately we would not be available due to other

commitments this week, and would be available on Monday 15<sup>th</sup> February at 10am if that's ok. Kind regards,

Kerrie Brauer

A W A B A K A L & G U R I N G A I

Kerrie Brauer | Director | Awabakal & Guringai Pty Ltd ABN : 81 609 498 491 | ACN : 609 498 491

M : 0412 866 357 | E : <u>kerrie@awabakal.com.au</u>

PO Box 122 Rutherford NSW 2320 Australia

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From: Ashleigh Keevers-Eastman [mailto:AKeevers-Eastman@biosis.com.au]
Sent: Tuesday, 9 February 2021 6:46 PM
To: 'Tracey Howie'; PeterLeven; Kerrie Brauer
Cc: Taryn Gooley

**Subject:** Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi all,

Our client has requested a meeting with you all on site to discuss your recommendations for the future management of the site, so that we might come of an agreement on what steps should be in place during the lifespan of the project.

Would you please be able to confirm if you have availability on Thursday 11 February?

If you are unavailable would you be able to confirm when you might next be able to attend site? Kind regards,

Ash Ashleigh Keevers-Eastman Project Archaeologist M: 0428 175 025 D: (02) 4911 4042 E: akeevers-eastman@biosis.com.au Biosis Logo

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Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

Hi Tracey,

Thank you for your response. I will pass this onto the proponent. Unfortunately I am not privy to information in this regard, and am unsure if all contractors for future work have already be engaged. None the less I will pass this on. Kind regards, Ashleigh From: Tracey Skene Sent: Tuesday, 19 January 2021 11:51 AM To: Ashleigh Keevers-Eastman Subject: Re: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation Good Morning Ashleigh, With the potential impacts to Aboriginal heritage values within the study area that will be below impacts: Weed management. Revegetation works. Ground disturbance through earthworks for the construction residential dwellings and a drainage reserve. Construction of utilities including roads and services. Development of neighbourhood parks that will also require further earthworks. Aboriginal Community should be offered contracts in these areas if they have Capabilities and Experienced along with any Employment opportunities that may arise to help with the economical benefits for Aboriginal Communities.

Kind regards

Tracey Skene 7 Crawford Place, Millfield NSW 2325 Mobile 0474106537



On Tue, Jan 19, 2021 at 10:57 AM Ashleigh Keevers-Eastman <<u>AKeevers-Eastman@biosis.com.au</u>> wrote:

Hi,

This is a reminder that the review period for the Westgate and Honeymyrtle, Thornton ACHA and AR reports will end on 1 February 2021.

It would be appreciated if you could provide comments on the report in writing via email or post by **5pm 1 February 2021** to Ashleigh Keevers-Eastman (see details below).

Ashleigh Keevers-Eastman Project Archaeologist <u>Akeevers-eastman@biosis.com.au</u> 0428 175 025

If you have any issues accessing the report or questions regarding the project please don't hesitate to contact me. Kind regards, Ashleigh Ashleigh Keevers-Eastman Project Archaeologist M: 0428 175 025 D: (02) 4911 4042 E: akeevers-eastman@biosis.com.au **Biosis Logo** ? Leaders in Ecology and Heritage Consulting Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society. The information transmitted including attachments is intended only for the person or entity to which it is addressed and may contain copyright material, or information that is confidential or is exempt from disclosure by law. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you received this in error, please contact the sender and delete the material from your computer. The views expressed in this email are those of the sender except where the sender expressly and with authority states them to be the views of Biosis Pty Ltd. Biosis Pty Ltd does not represent that this email is free of errors, viruses or interference. When using email to communicate with Biosis Pty Ltd, access to that information by Biosis Pty Ltd personnel is strictly limited and controlled From: Madeleine Lucas <<u>MLucas@biosis.com.au</u>> Sent: Wednesday, 23 December 2020 9:49 AM To: 'tracey@marrung-pa.com.au' <tracey@marrung-pa.com.au> Subject: 33608 - Westgate Honeymyrtle, Thornton ACHA - Stage 4 Consultation Good morning, Thank you for registering for the Westgate and Honeymyrtle, Thornton ACHA project. Please see the below link for a copy of the draft ACHA and AR report for your review. https://spaces.hightail.com/receive/yXNOID4JxL It would be appreciated if you could provide comments on the report in writing via email or post by **5pm 1 February 2021** to Ashleigh Keevers-Eastman (see details below). Ashleigh Keevers-Eastman Project Archaeologist Akeevers-eastman@biosis.com.au 0428 175 025 If you have any issues accessing the report or questions regarding the project please don't hesitate to contact Ashleigh or I. Kind regards, Madeleine **Madeleine Lucas** Archaeologist M: 0437 705 064 D: (02) 4911 4043 E: mlucas@biosis.com.au

Please be advised our offices will be closed from COB Wednesday 23 December 2020. We will reopen Monday 4 January 2021.

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From:	Kerrie Brauer
То:	Ashleigh Keevers-Eastman
Cc:	Tracey Howie; peterleven@y7mail.com
Subject:	RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA
Date:	Wednesday, 17 February 2021 6:10:44 PM
Attachments:	image001.gif
	Awabakal & Guringai Peoples Statement of Significance.pdf
	<u>Awabakal and Guringai Core Claim Map.pdf</u>

Hi Ashleigh,

Please find attached the Awabakal & Guringai claim map and Statement of Significance as discussed.

Happy to supply any further information if requested.

Cheers Kerrie

From: Ashleigh Keevers-Eastman [mailto:AKeevers-Eastman@biosis.com.au] Sent: Monday, 15 February 2021 7:20 AM To: Kerrie Brauer; Tracey Howie; Taryn Gooley; peterleven@y7mail.com Subject: Re: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Kerrie. Sorry I was on leave last Friday and forgot to send this through. Meeting is still on today for 10am. We will meet up at the end of Hillgate Drive Thornton, NSW. Be sure to bring along some water and enclosed shoes etc for walking around site today. Kind regards Ashleigh Sent from my SAMSUNG Galaxy S7 on the Telstra Mobile Network ----- Original message ------From: Kerrie Brauer Date: 13/2/21 9:56 am (GMT+10:00) To: Ashleigh Keevers-Eastman Subject: RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Ashleigh, We haven't received the details for the site meeting on Monday and wondering if it's still going ahead. **Cheers Kerrie** From: Ashleigh Keevers-Eastman [mailto:AKeevers-Eastman@biosis.com.au] Sent: Wednesday, 10 February 2021 5:54 PM To: 'Kerrie Brauer'; 'Tracey Howie'; 'PeterLeven' Cc: Taryn Gooley Subject: RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Kerrie, I can confirm that the client is available for a meeting next Monday at 10 am. I will send through details for a site meeting. Kind regards, Ashleigh From: Kerrie Brauer

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To: Ashleigh Keevers-Eastman ; 'Tracey Howie' ; 'PeterLeven'

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**Subject:** RE: Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi Ashleigh,

Thank you for your email.

I have spoken with Tracey and Peter and unfortunately we would not be available due to other

commitments this week, and would be available on Monday 15<sup>th</sup> February at 10am if that's ok.

Kind regards,

Kerrie Brauer

A W A B A K A L & G U R I N G A I

Kerrie Brauer | Director | Awabakal & Guringai Pty Ltd ABN : 81 609 498 491 | ACN : 609 498 491 M : 0412 866 357 | E : kerrie@awabakal.com.au

#### PO Box 122 Rutherford NSW 2320 Australia

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From: Ashleigh Keevers-Eastman [mailto:AKeevers-Eastman@biosis.com.au]
Sent: Tuesday, 9 February 2021 6:46 PM
To: 'Tracey Howie'; PeterLeven; Kerrie Brauer
Cc: Taryn Gooley

**Subject:** Meeting on site with Biosis and Proponent for Westgate Honey Myrtle ACHA Hi all,

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If you are unavailable would you be able to confirm when you might next be able to attend site? Kind regards,

Ash Ashleigh Keevers-Eastman Project Archaeologist M: 0428 175 025 D: (02) 4911 4042 E: akeevers-eastman@biosis.com.au Biosis Logo

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#### Hi Kerrie

Thank you for your time on the phone this morning

I just wanted to send through a recap to be included within the ACHA for the meeting held on 2 Feb 2021 your review and comment. I have also sent a recap for the meeting held on site on 16 February 2021, with proposed changes (in red) to what was considered vesterday in consultation with the propon

- A meeting was held on 2 February 2021 to discuss the ACHA and AR with Awabakal & Guringai Pty Ltd. The following individuals attended the meeting:
  - Biosis Archaeologist Taryn Gooley
  - Biosis Archaeologist Ashleigh Keevers-Eastman.
  - Awabakal & Guringai Ptv Ltd Cultural Sites Officer Peter Leven.
  - Awabakal & Guringai Pty Ltd Director Tracie Howi
  - Awabakal & Guringai Ptv Ltd Director Kerrie Brauer

Awabakal & Guringai Pty Ltd expressed during the meeting concerns for the high cultural sensitivity of the study area and its importance and strong connection to the Awabakal people. It was requested by Awabakal & Guringai Pty Ltd that the opportunity be made for the collection of Aboriginal sites that may be uncovered by the proposed works before and following the removal of vegetation and soils within the study area (as 10 centimetre grader scrapes).

It was also discussed that should vegetation and weed management works still be required to be undertaken within the study area that an Aboriginal contractor with experience in this field should be engaged to undertake the proposed works. It was also recommended that Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor.

A meeting between the proponent and Awabakal & Guringai Pty Ltd was undertaken on site on 16 February 2021, to discuss recommendations made by Awabakal & Guringai Pty Ltd on 2 February 2021, followed by correspondence with Biosis on 17/02/2021

The following considerations were proposed as a result:

• Cultural Heritage Awareness Training should be provided to all contractors on site by a suitably qualified Aboriginal contractor prior to the commencement of any works within the Stage 3 impact area.

- Awabakal Guringai Pty Ltd to be present for the scraping of the road reserve post clearing of the trees and prior to commencement of construction within the Stage 2 project area;
- An area wide AHIP should be proposed for Stage 2 due to the cultural sensitivity of this portion of the study area
   Any artefacts identified during the proposed works for Stage 2 will be removed immediately by Awabakal Guringai Pty Ltd and reburied in the environmental land zone post construction Subject to the approval of Maitland City Council, Thornton Brentwood Pty Limited will endeavour to name the streets, park and drainage reserve after Awabakal names as recommended by Awabakal
- Guringai Pty Ltd;
- If any indigenous artwork is to be commissioned as part of the development, Thornton Brentwood Pty Limited will engage Awabakal Guringai Pty Ltd to undertake the works
- It was also discussed that informative and educational signage to be included along the fence line in the Stage 2 environmental land zone. This will be included as a recommendation for the Stage 2 area. A statement was also provided by Awabakal & Guringai Pty Ltd on XX February 2021, regarding the cultural significance of the site to the Awabakal people;

#### \*Insert statement\*

Would you be able to provide the statement to be included within the report regarding the connection the Awabakal people have with the study area as discussed? And would you be able to confirm whether Awabakal & Guringai Pty Ltd are happy with the above changes or would like to add any chnages

Kind regards,

Ach

Ashleigh Keevers-Eastn Project Archaeologis M: 0428 175 025 D: (02) 4911 4042 E a eastman@biosis.com.au

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#### From: Kerrie Brauer

Sent: Tuesday, 16 February 2021 4:15 PM

To: 'James Turner' ; Ashleigh Keevers-Eastman Cc: Taryn Gooley ; Tracey Howie ; peterleven@y7mail.com

Subject: RE: Stage 3 AHIP - 1 Westgate Avenue Thornton

#### Hi James.

We would like to thank you all for arranging the meeting and listening to the information we shared today it was much appreciated I have included the email addresses for Tracey and Peter and am sure if there is anything else Tracey and Peter will pass it on

Many thanks,

. Kerrie Braue AWABAKAL&GURINGAI

#### Kerrie Brauer | Director | Awabakal & Guringai Pty Ltd ABN : 81 609 498 491 | ACN : 609 498 491

wabakal.com.au

#### M : 0412 866 357 | E : kerrie@awabakal.com PO Box 122 Rutherford NSW 2320 Australia

stained as a result of such viruses, and recipients are advised to carry out their own checks. Plu

### From: James Turner [mailto:james@landlinkproperty.com.au] Sent: Tuesday, 16 February 2021 2:56 PM To: kerrie@awabakal.com.au; Ashleigh Keevers-Eastman

Cc: Taryn Gooley Subject: Stage 3 AHIP - 1 Westgate Avenue Thornton

#### Hi Ashleigh and Kerrie,

Firstly, many thanks to Awabakal Guringai for meeting myself and Dean on site this morning. It's always rewarding to learn about the use of the land and cultural significance of the area. I just wanted to highlight briefly what we discussed this morning as considerations for inclusion in the Stage 3 AHIP so we can finalise the report and lodge with Heritage NSW. These considerations being

- Subject to the approval of Maitland City Council, Thornton Brentwood Pty Limited will endeavour to name the streets, park and drainage reserve after Awabakal names as recommended by Awabakal Guringai Pty I td:
  - Awabakal Guringai Pty Ltd to be present for the scraping of the road reserve post clearing of the trees and prior to commencement of construction;
- Any artefact identified during the works will be removed immediately by Awabakal Guringai Pty Ltd and redeposited in the environmental land in Stage 2 post construction; and
   If any Indigenous artwork is to be commissioned as part of the development, Thornton Brentwood Pty Limited will engage Awabakal Guringai Pty Ltd to undertake the works.

We also discussed informative and educational signage to be included along the fence line in the Stage 2 environmental land. This will be included as a recommendation under the Stage 2 AHIP when it comes time to lodge that. As discussed Kerrie if you could forward these points to Tracie and Peter to confirm it would be much appreciated. If I've missed anything or we need further elaboration please let me know and once we're all confirmed Biosis can lodge the documentation.

Also Ashleigh, Kerrie asked about invoicing for today. I'm not familiar with the process if you could confirm



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Also Ashleigh, Kerrie asked about invoicing for today, I'm not familiar with the process if you could confirm.

Inanks	again,	talk soc	on,	

?

James Turner   james@landlinkproperty.com.au Project Manager   28-30 Bolton Street Newcastle 230
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From:	Charlotte Allen
Sent:	Monday, 26 April 2021 5:23 PM
То:	'Caza X'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Further to your registration for the Westgate and Honeymyrtle, Thornton ACHA project, the final ACHA can be downloaded for your records from the following webpage: <u>https://spaces.hightail.com/receive/XedgcDraFf</u>. Please note this link expires on 31 May 2021.

If you have any questions regarding the final ACHA, please contact:

Ashleigh Keevers-Eastman Project Archaeologist <u>akeevers-Eastman@biosis.com.au</u> 0428 175 025

Kind regards, Charlotte **Charlotte Allen** Project Archaeologist M: 0437 641 267 D: (02) 9101 8712 E: <u>callen@biosis.com.au</u>



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Charlotte Allen Monday, 26 April 2021 5:25 PM 'aga.services@hotmail.com' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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From:	Charlotte Allen
Sent: To:	Monday, 26 April 2021 5:24 PM 'Tracey Howie'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

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Charlotte Allen Monday, 26 April 2021 5:19 PM 'tracey@marrung-pa.com.au' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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Charlotte Allen Monday, 26 April 2021 5:17 PM 'deckavale@hotmail.com' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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Kind regards, Charlotte **Charlotte Allen** Project Archaeologist M: 0437 641 267 D: (02) 9101 8712 E: <u>callen@biosis.com.au</u>



#### Leaders in Ecology and Heritage Consulting

### Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

Charlotte Allen Monday, 26 April 2021 5:20 PM 'dedemaree3@hotmail.com' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

Further to your registration for the Westgate and Honeymyrtle, Thornton ACHA project, the final ACHA can be downloaded for your records from the following webpage: <u>https://spaces.hightail.com/receive/XedgcDraFf</u>. Please note this link expires on 31 May 2021.

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Charlotte Allen Monday, 26 April 2021 5:25 PM 'hto.paulette@gmail.com' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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From:Charlotte AllenSent:Monday, 26 April 2021 5:23 PMTo:'Wonn1sites@gmail.com'Subject:33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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Charlotte Allen Monday, 26 April 2021 5:16 PM 'ceo@mindaribbalalc.org' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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Charlotte Allen Monday, 26 April 2021 5:26 PM 'murrabidgeemullangari@yahoo.com.au' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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From:	Charlotte Allen
Sent:	Monday, 26 April 2021 5:22 PM
То:	'adminaccounts@ungooroo.com.au'
Cc:	'taasha@ungooroo.com.au'; 'accounts@ungooroo.com.au'
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

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Kind regards, Charlotte Charlotte Allen Project Archaeologist M: 0437 641 267 D: (02) 9101 8712 E: callen@biosis.com.au



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Charlotte Allen Monday, 26 April 2021 5:24 PM 'deshickey@bigpond.com' 33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

Good afternoon,

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From:	Charlotte Allen
Sent:	Monday, 26 April 2021 5:19 PM
То:	Scott Franks
Subject:	33608 - Westgate Honeymyrtle, Thornton ACHA - Final ACHA

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### **Anthea Vella**

From:Anthea VellaSent:Tuesday, 3 May 2022 12:14 PMSubject:33608/37375 - Westgate Honeymyrtle, Thornton ACHA Stage 2 - Project Update<br/>May 2022

Good afternoon,

Following on from your registration on the Westgate Honeymyrtle, Thornton ACHA please be advised that this project is currently on hold.

As the last consultation was sent in May 2021 and Biosis has confirmed with Heritage NSW that this project update is sufficient to continue consultation for the project.

The client has advised that Stage 2 had been put on hold while negotiating road design with Council and RFS. This has now progressed and the project is ready to proceed.

Biosis will be assisting in the preparation of an AHIP application for Stage 2 and will send this through once submitted to Heritage NSW.

If you have any questions please let me know.

Kind regards, Anthea



Appendix 5 Biosis 2018 Amendment of ACHA following further Aboriginal community consultation



### Appendix 6 Archaeological report