



M1 Pacific Motorway extension to Raymond Terrace

Submissions Report - Appendix I

June 2022



Australian Government

BUILDING OUR FUTURE





M1 Pacific Motorway extension to Raymond Terrace

Appendix I

Additional assessment - stage 1 procedure for Aboriginal cultural heritage consultation and investigation, and non-Aboriginal heritage database search results for construction footprint refinements

June 2022

Stage 1 procedure for Aboriginal cultural heritage consultation and investigation

Date: 10/06/2022

Attention: Ryan Massurit

██████████ 6 Stewart Avenue
Newcastle West, NSW 2302

Preliminary assessment results for proposed M1 Pacific Motorway extension to Raymond Terrace, additional areas.

Based on Stage 1 of the Procedure for *Aboriginal cultural heritage consultation and investigation (PACHCI)*. Resource 3

The assessment is based on the following due diligence considerations:

- A review of the AHIMS register shows no known artefacts in the additional areas.
- The cultural heritage potential of the additional areas is reduced due to past disturbance and current land uses.
- There is an absence of sandstone rock outcrops likely to contain Aboriginal art.
- Minimal soil exposure at Windeyers Creek prevents visual assessment opportunities.
- Cultural heritage assessment completed to date for the study area provides an adequate understanding of the risk for the additional areas.

Safeguards: Follow agreed methodologies and mitigation measures in the EIS and RtS.

Your project may proceed in accordance with the environmental impact assessment process, as relevant, and all other relevant approvals.

If the scope of your project changes, you must contact me and your regional environmental staff to reassess any potential impacts on Aboriginal cultural heritage.

If any potential Aboriginal objects (including skeletal remains) are discovered during the course of the project, all works in the vicinity of the find must cease.

Follow the steps outlined in the Roads and Maritime Services ***Unexpected Heritage Items, Heritage Procedure 02, November 2015.***

Yours Sincerely,

██████████

**Merredy Quinn- Bates
Aboriginal Engagement Team
Region North**

Transport for NSW

Project Justification

The proposed project will connect the existing M1 Pacific Motorway at Black Hill and the Pacific Highway at Raymond Terrace with the City of Newcastle and the Port Stephens Council local government areas (LGAs).

Project Overview

This Stage 1 assessment has been carried out to assess additional areas that are outside of the construction footprint presented for the M1 Pacific Motorway extension to Raymond Terrace project EIS and associated ACHAR.

The EIS was prepared for the project based on the original construction footprint. The additional areas described here are all within land that has been previously disturbed including road pavements, road shoulders, cleared agricultural land or commercial forestry land uses .

The original project construction footprint is presented in (Figure:1.)

Additional areas that will be included in the project construction footprint are presented in (Figures:2-5.) below.

Figure: 1. Original project area and construction footprint.

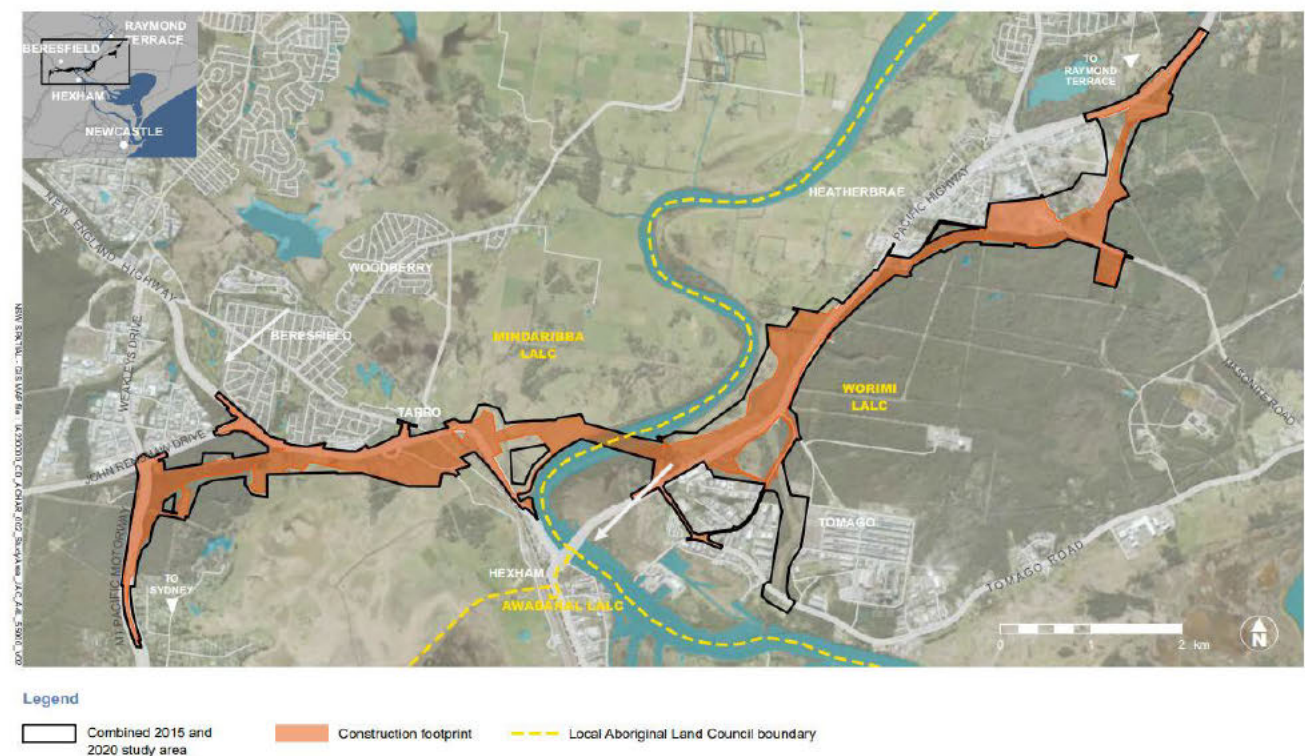
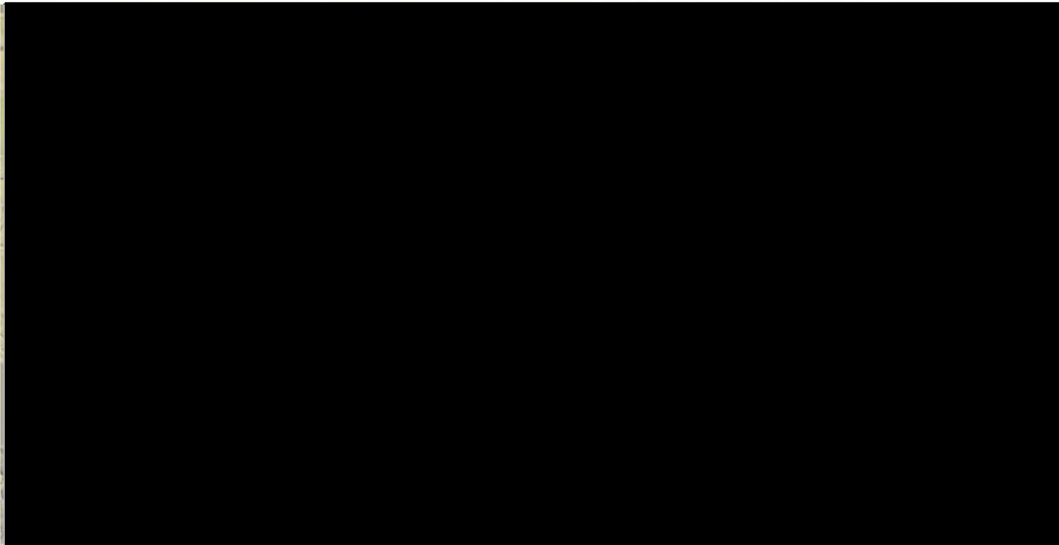
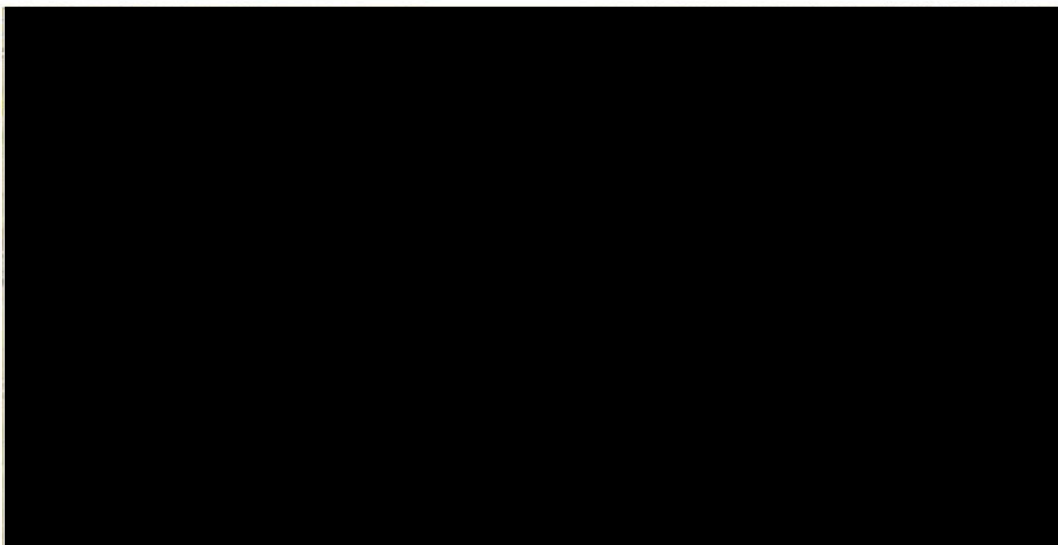


Figure: 2. Additional areas- Heatherbrae and Racecourse



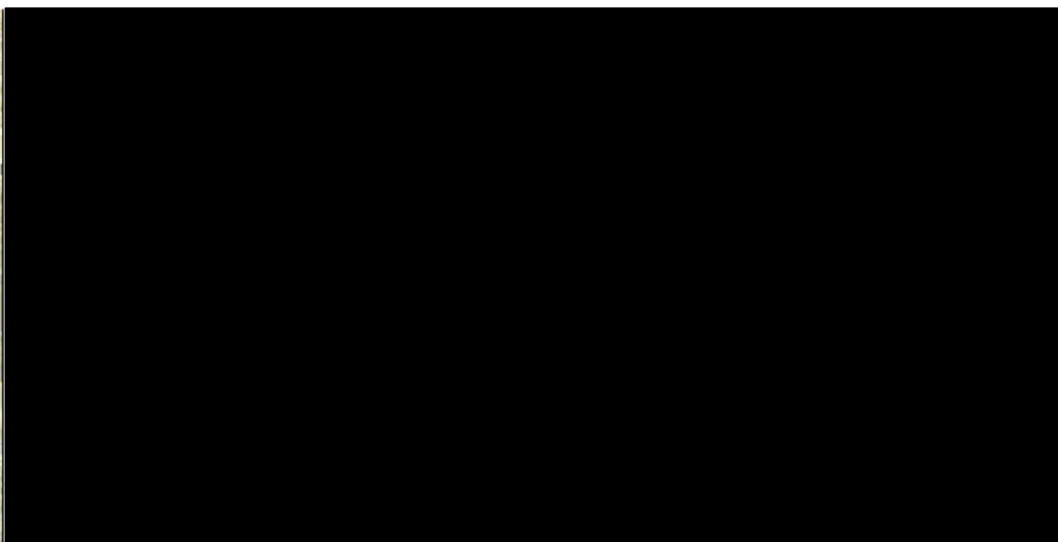
Racecourse and Heatherbrae - with Aboriginal cultural heritage detail

Figure: 3. Additional area- Hunter River.



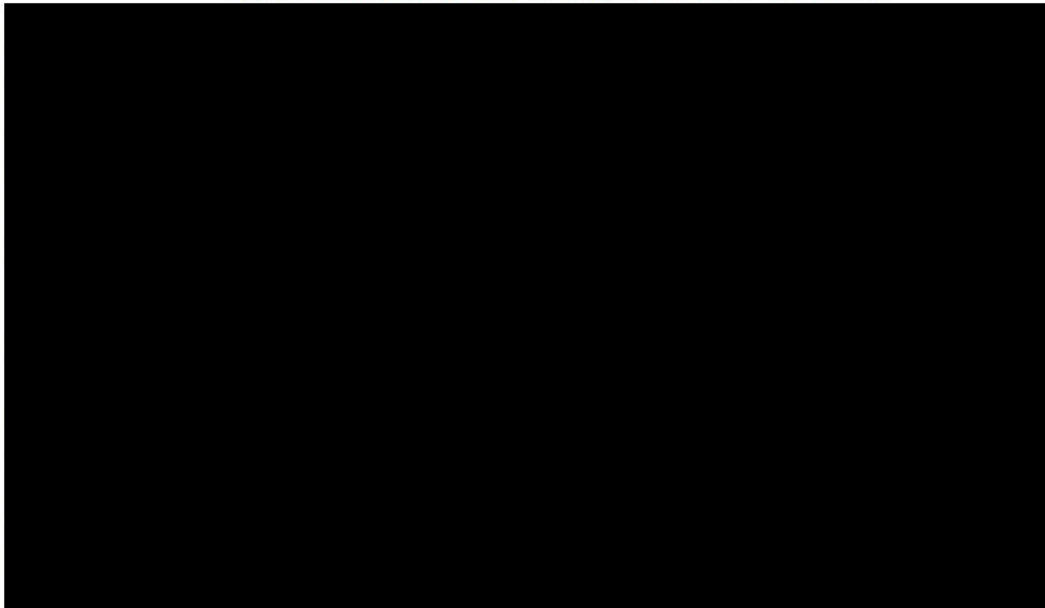
Hunter River - with Aboriginal cultural heritage detail

Figure: 4. Additional area- New England Highway and John Renshaw Drive.



New England Highway and John Renshaw Drive - with Aboriginal cultural heritage detail

Figure: 5. Additional area- Windeyers Creek, Heatherbrae.



Windeyers Creek – with Aboriginal cultural heritage detail

Basic AHIMS Search

A search of the AHIMS register has been conducted for the additional areas added to the original construction footprint of the project. See (Figures:6 - 10.) below.

Figure: 6. Basic AHIMS Search- Heatherbrae.

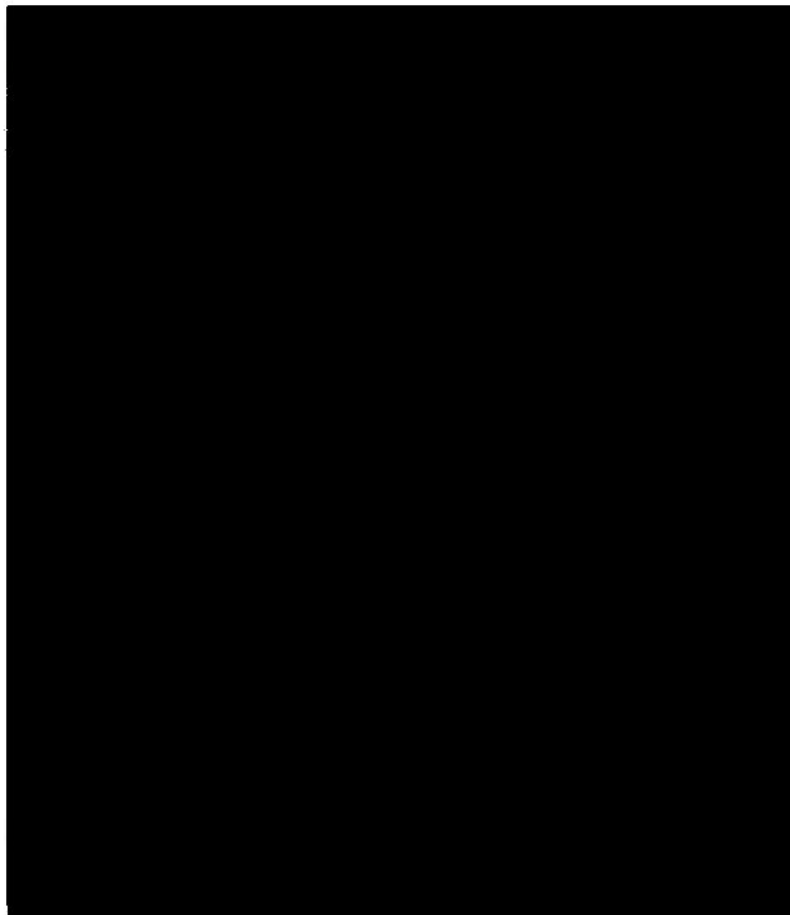


Figure: 7. Basic AHIMS Search- Racecourse

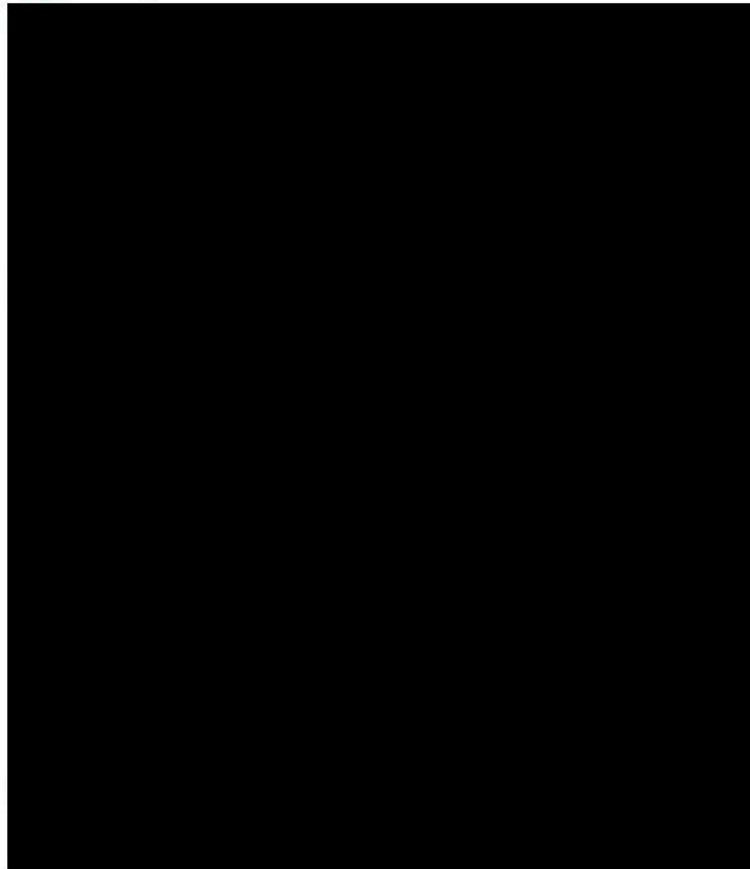


Figure: 8. Basic AHIMS Search- Hunter River.

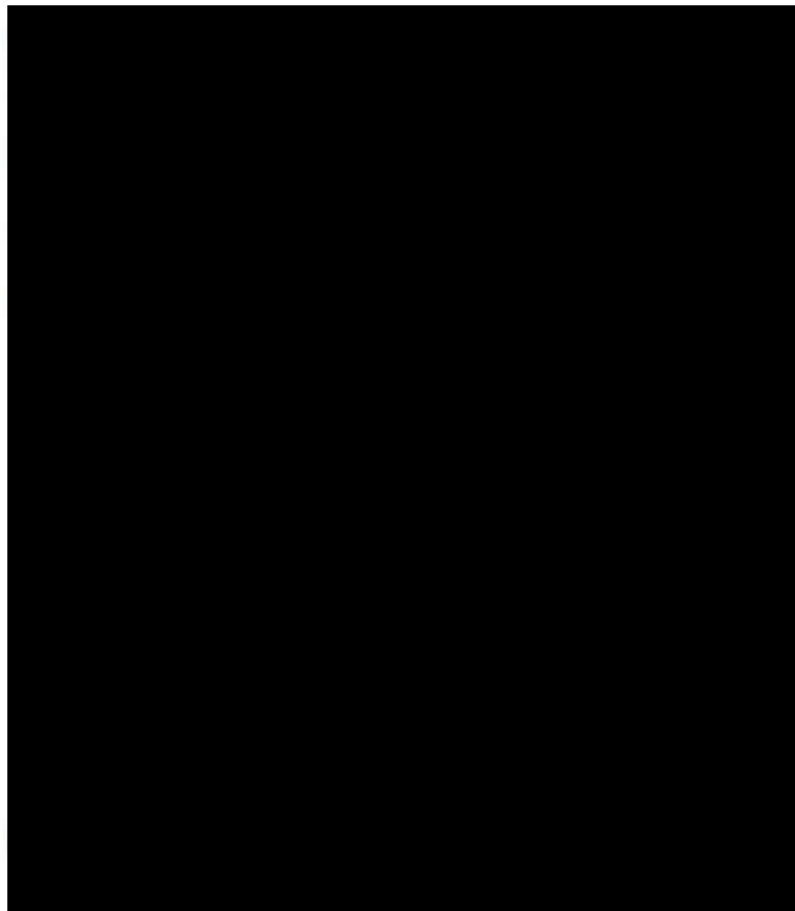


Figure: 9. Basic AHIMS Search- New England Highway and John Renshaw Drive.



Figure: 10. Basic AHIMS Search- Windeyers Creek, Heatherbrae.

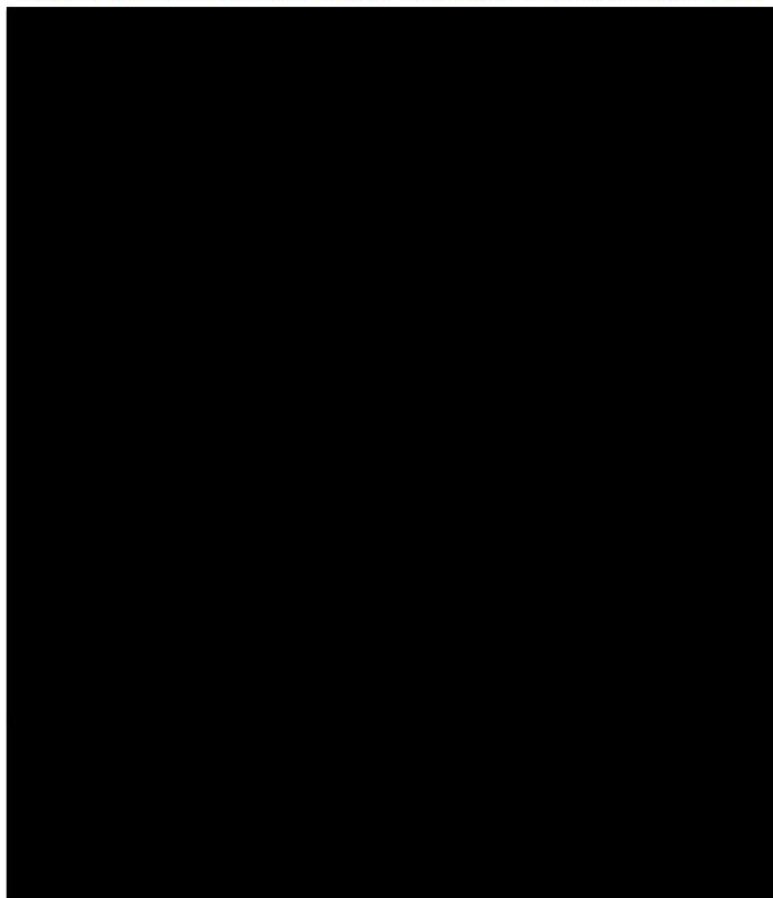
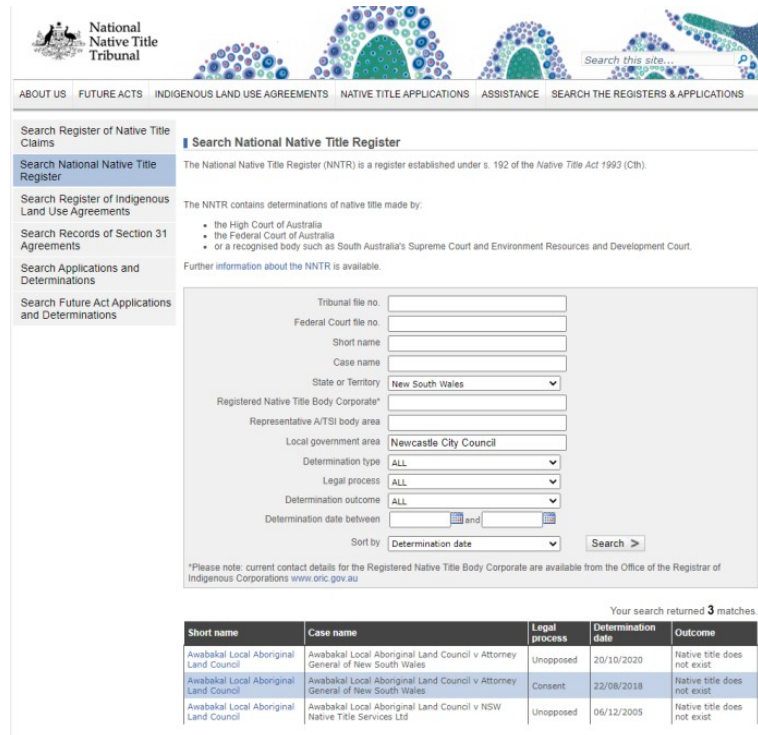


Figure 11. Native Title in additional areas- Newcastle LGA



Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR contains determinations of native title made by:

- the High Court of Australia
- the Federal Court of Australia
- or a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Further information about the NNTR is available.

Search Criteria:

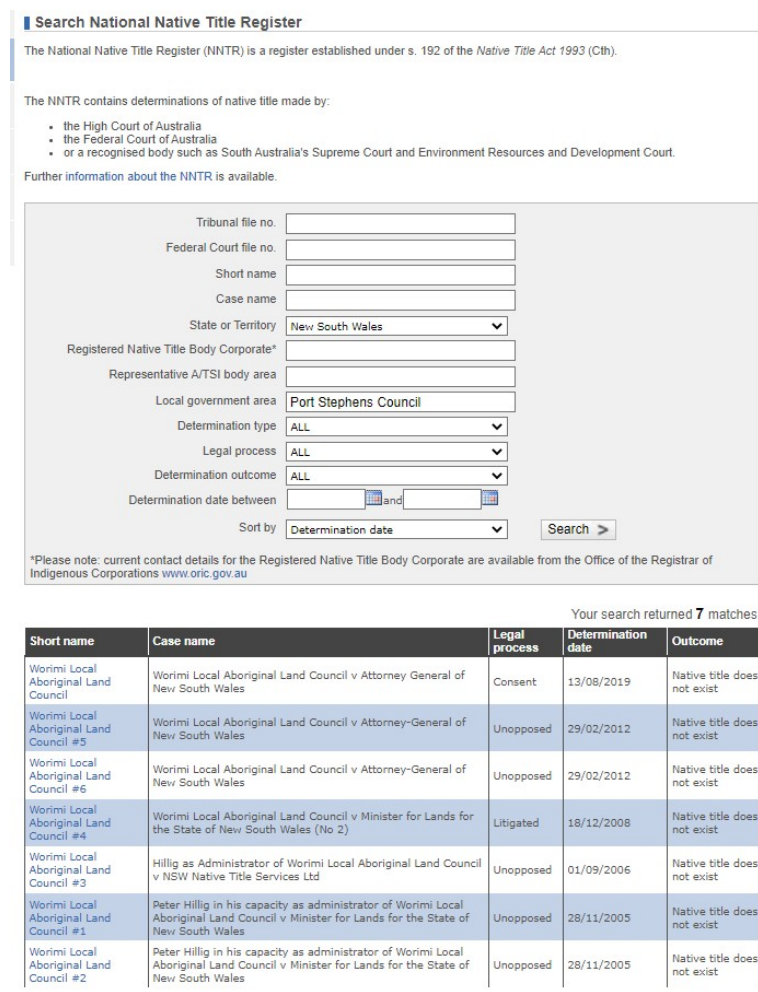
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- Federal Court file no.:
- Short name:
- Case name:
- State or Territory: **New South Wales**
- Registered Native Title Body Corporate*:
- Representative A/TSI body area:
- Local government area: **Newcastle City Council**
- Determination type: **ALL**
- Legal process: **ALL**
- Determination outcome: **ALL**
- Determination date between: [] and []
- Sort by: **Determination date**

*Please note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

Your search returned **3** matches.

Short name	Case name	Legal process	Determination date	Outcome
Awabakal Local Aboriginal Land Council	Awabakal Local Aboriginal Land Council v Attorney General of New South Wales	Unopposed	20/10/2020	Native title does not exist
Awabakal Local Aboriginal Land Council	Awabakal Local Aboriginal Land Council v Attorney General of New South Wales	Consent	22/08/2018	Native title does not exist
Awabakal Local Aboriginal Land Council	Awabakal Local Aboriginal Land Council v NSW Native Title Services Ltd	Unopposed	06/12/2005	Native title does not exist

Figure 12. Native Title in additional areas- Port Stephens LGA



Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR contains determinations of native title made by:

- the High Court of Australia
- the Federal Court of Australia
- or a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Further information about the NNTR is available.

Search Criteria:

- Tribunal file no.:
- Federal Court file no.:
- Short name:
- Case name:
- State or Territory: **New South Wales**
- Registered Native Title Body Corporate*:
- Representative A/TSI body area:
- Local government area: **Port Stephens Council**
- Determination type: **ALL**
- Legal process: **ALL**
- Determination outcome: **ALL**
- Determination date between: [] and []
- Sort by: **Determination date**

*Please note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

Your search returned **7** matches.

Short name	Case name	Legal process	Determination date	Outcome
Worimi Local Aboriginal Land Council	Worimi Local Aboriginal Land Council v Attorney General of New South Wales	Consent	13/08/2019	Native title does not exist
Worimi Local Aboriginal Land Council #5	Worimi Local Aboriginal Land Council v Attorney-General of New South Wales	Unopposed	29/02/2012	Native title does not exist
Worimi Local Aboriginal Land Council #6	Worimi Local Aboriginal Land Council v Attorney-General of New South Wales	Unopposed	29/02/2012	Native title does not exist
Worimi Local Aboriginal Land Council #4	Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales (No 2)	Litigated	18/12/2008	Native title does not exist
Worimi Local Aboriginal Land Council #3	Hillig as Administrator of Worimi Local Aboriginal Land Council v NSW Native Title Services Ltd	Unopposed	01/09/2006	Native title does not exist
Worimi Local Aboriginal Land Council #1	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales	Unopposed	28/11/2005	Native title does not exist
Worimi Local Aboriginal Land Council #2	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales	Unopposed	28/11/2005	Native title does not exist

The Native Title Register illustrates there are no existing AHIMS sites or Native Titles applications in the proposed additional areas.

The additional sites were reviewed via desktop methods, and it was confirmed that they are located in disturbed areas modified by previous or current land uses such as road reserves, agricultural lands or commercial forestry lands.

The extent of disturbance suggests that the locations present a low risk for the presence of artefact's and a disturbed context that would limit the value of any potential additional detailed investigations to understand potential risk. A review of the project specific ACHAR highlights that the artefact's identified during the broad investigations are easily impacted by existing site disturbance. The presence of non-native vegetation cover in some of the sites limits the opportunities for site investigations.

The work in the additional areas was assessed as being unlikely to have a further impact on Aboriginal Cultural Heritage and is consistent to what has been described and assessed in the ACHAR (and EIS).

The proposed additional works are able to proceed following the implementation of mitigation measures established in the EIS and Submissions Report.

Mindaribba, Worimi and Awabakal Local Aboriginal Land Councils should be consulted in relation to matters dealing with the lands within their boundaries.

If you require further assistance regarding to Aboriginal Cultural Heritage matters, please contact me on [REDACTED].

Attachment A

Activity checklist

Procedure for Aboriginal Cultural Heritage Consultation and Investigation - Resource 3.

1. Project details

Project name: M1 Pacific Motorway extension to Raymond Terrace

Name of Project Manager: Ryan Massurit

Name of Environment Officer: Stuart Pigott

Corporate Communications Officer: Riccardo Martinelli

Name of Aboriginal Cultural Heritage Officer: Merredy Quinn- Bates

Project WBS: [REDACTED]

2. Purpose of this assessment

This resource provides a checklist of actions associated with the four stages of the ***Procedure for Aboriginal cultural heritage consultation and investigation.***

It can be used to:

- Assist TfNSW staff to ensure that the appropriate actions have been completed for a particular project.
- Demonstrate that the TfNSW have been duly diligent in considering harm to Aboriginal cultural heritage prior to project implementation.

A copy of this checklist must be kept on the project file.


3. Project Overview

The proposed project will connect the existing M1 Pacific Motorway at Black Hill and the Pacific Highway at Raymond Terrace with the City of Newcastle and the Port Stephens Council local government areas (LGAs).

This Stage 1 assessment has been carried out to assess seven areas that are outside of the original construction footprint for the M1 Pacific Motorway extension to Raymond Terrace project.

An environmental impact statement (EIS) has been prepared for the project based on the original construction footprint. The seven additional areas are all within land that has been previously disturbed including road pavements, road shoulders, cleared agricultural land and commercial forestry areas.

4. Action Checklist

Action		Status <input checked="" type="checkbox"/>
<p>Action 1: Is the activity exempt development in accordance with the Environmental assessment procedure for routine and minor works? If yes, the project may proceed in accordance with all other relevant approvals. If no, proceed to Action 2.</p>		
<p>Action 2: Undertake a Basic Search of AHIMS. Are sites located in the study area? If yes, undertake an Extensive Search.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Date: Completed by: Lachlan Sweeney
<p>Action 3: Provide project details and AHIMS results to ACHA and RES.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Action 4: ACHA and RES to advise PM whether the project is likely to harm Aboriginal objects or places.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Outcomes: Are known or potential impacts to objects or places likely? If no, proceed in accordance with all other relevant approvals and environmental impact assessment processes.</p> <p>If yes, proceed to Stage 2.</p> <p>Note: For large or complex projects, it may not be feasible to do a Stage 2 survey. Has a cultural heritage constraints mapping been suggested instead? If yes, engage an archaeologist and Aboriginal stakeholders to prepare this.</p>	No impact- Works to proceed.	25/ 03/ 2022  Merredy Quinn- Bates

Transport for NSW

Non-Aboriginal heritage database search results

Search Results

No results found.

Enter at least one search criterion.

[Search Hints](#)

<input type="button" value="Search"/> <input type="button" value="Reset form"/>	
Place name	
Street name	
Town or suburb	State New South Wales <input type="button" value="v"/>
Country	

Advanced search options

List World Heritage List <input type="button" value="v"/> <i>Different lists will provide different status and class options</i>	
Local Government Area Newcastle	Place ID number
Legal status --All-- <input type="button" value="v"/>	Class --All-- <input type="button" value="v"/>
Keyword Search	
<input type="checkbox"/> Description <input checked="" type="checkbox"/> Statement of Significance <input checked="" type="checkbox"/> Place history	
Latitude/Longitude	
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<input type="radio"/> Wholly within region <input checked="" type="radio"/> Wholly or partially within region	
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1:100,000 eg 2357 1:250,000 eg SF-50-01	

Search Hints

- Not all fields need to be filled in. The fewer you fill in the more results you will get.
- If you cannot find a place, check spelling and try alternative names. Reduce the number of words that you include and use fewer fields.
- The Local Government field used on its own will provide a comprehensive list of places in an area.

Report Produced: Mon Mar 14 13:48:50 2022



Search Results

No results found.

Enter at least one search criterion.

[Search Hints](#)

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Street name	
Town or suburb	State
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Country	

Advanced search options

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World Heritage List						
<i>Different lists will provide different status and class options</i>						
Local Government Area	Place ID number					
Port Stephens						
Legal status	Class					
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Keyword Search						
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Longitude 1		S	Longitude 2			
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<input checked="" type="radio"/> Wholly or partially within region						
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<i>1:250,000 eg SF-50-01</i>						

Search Hints

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- If you cannot find a place, check spelling and try alternative names. Reduce the number of words that you include and use fewer fields.
- The Local Government field used on its own will provide a comprehensive list of places in an area.

Report Produced: Mon Mar 14 13:59:22 2022



Search Results

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Enter at least one search criterion.

[Search Hints](#)

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Street name	
Town or suburb	State
	--All--
Country	

Advanced search options

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Search Hints

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- If you cannot find a place, check spelling and try alternative names. Reduce the number of words that you include and use fewer fields.
- The Local Government field used on its own will provide a comprehensive list of places in an area.

Report Produced: Mon Mar 14 14:31:16 2022



Search Results

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Enter at least one search criterion.

[Search Hints](#)

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Street name	
Town or suburb	State
	--All--
Country	

Advanced search options

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<i>Different lists will provide different status and class options</i>						
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Port Stephens						
Legal status	Class					
Listed place	--All--					
Keyword Search						
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Search Hints

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- The Local Government field used on its own will provide a comprehensive list of places in an area.

Report Produced: Mon Mar 14 14:33:02 2022



[Back to Summary](#)

Commonwealth Heritage Places

City of Newcastle Local Government Area

Place ID	Place Name	State	Heritage Class	Legal Status	Website
105335	Fort Wallace	NSW	Historic	Listed place	Australian Heritage
105373	Nobbys Lighthouse	NSW	Historic	Listed place	Australian Heritage

[Back to Summary](#)

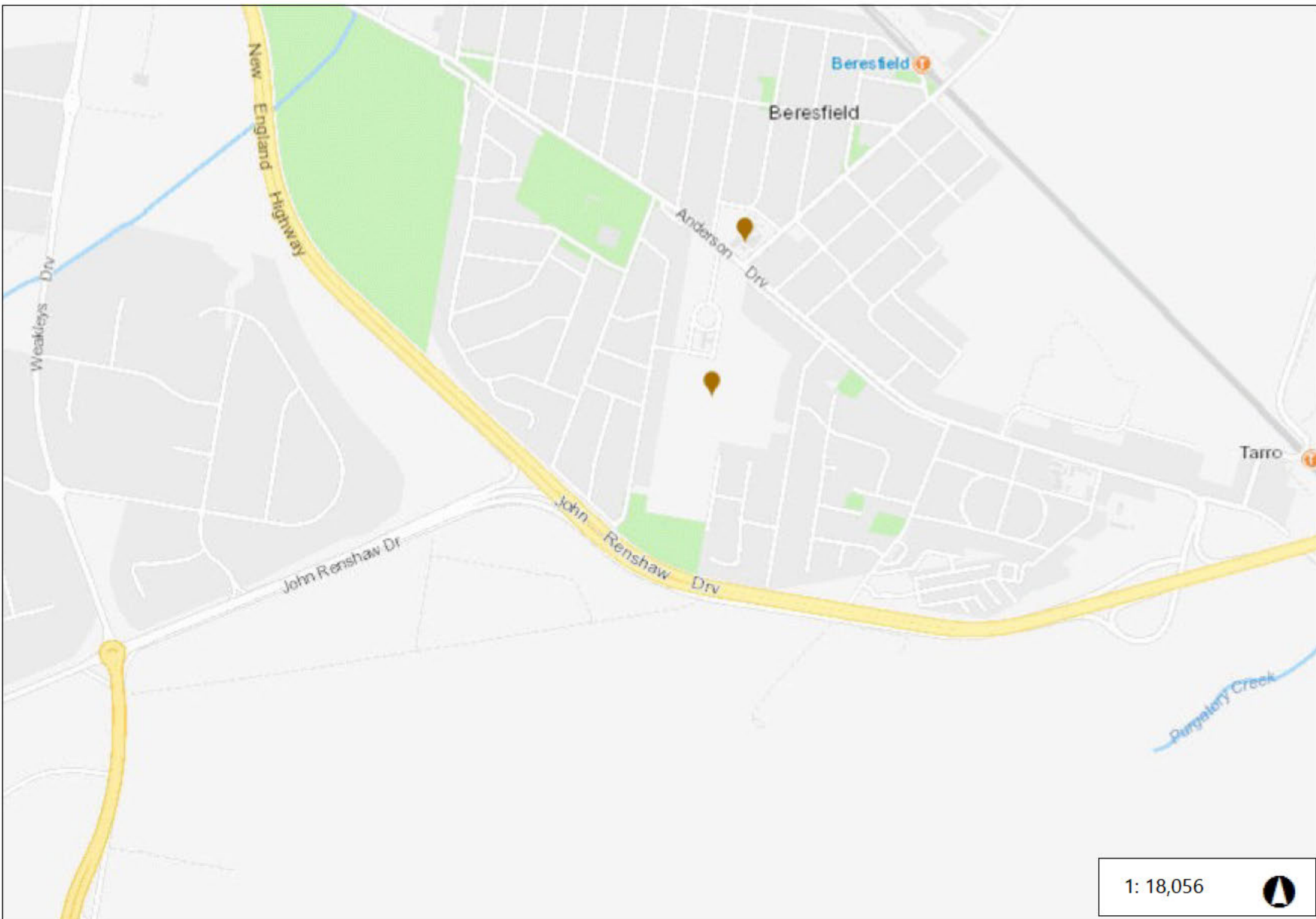
Commonwealth Heritage Places

Port Stephens Local Government Area

Place ID	Place Name	State	Heritage Class	Legal Status	Website
105639	Williamtown RAAF Base	NSW	Historic	Listed place	Australian Heritage

Local Environment Plan heritage listings

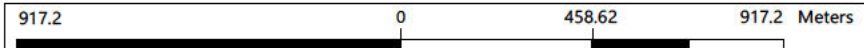
Item Name	Location	Item Type	Local Govt Area	Record Owner
BLACK HILL				
Black Hill 1 Water Reservoir	Lot 1 Unknown BLACK HILL NSW 2322	Built	Newcastle	SGOV
BERESFIELD				
Beresfield Public School	181 Anderson Drive BERESFIELD NSW 2322	Built	Newcastle	LGOV
Beresfield Public School - Building B00B	181-183 Anderson Drive BERESFIELD NSW 2322	Built	Newcastle	SGOV
Beresfield Public School - Building B00B	181-183 Anderson Drive BERESFIELD NSW 2322	Built	Newcastle	SGOV
Newcastle Crematorium	176 Anderson Drive BERESFIELD NSW 2322	Complex / Group	Newcastle	LGOV
HEXHAM				
Glen Lovett Hall (Former)	187 Old Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Goninans Administration Building	230 Old Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Hannel Family Vault	398B Maitland Road HEXHAM NSW 2322	Archaeological-Terrestrial	Newcastle	LGOV
Hexham Bridge	Pacific Highway HEXHAM NSW 2322	Built	Newcastle	LGOV
Hexham Bridge over Hunter River	Pacific Highway HEXHAM NSW 2322	Built	Newcastle	SGOV
Hexham Public School (Former)	227 Old Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Hexham Railway Station	Pacific Highway HEXHAM NSW 2322	Built	Newcastle	SGOV
J & A Brown's Hexham Workshops	100 Old Maitland Road HEXHAM NSW 2322	Archaeological-Terrestrial	Newcastle	LGOV
Oak Factory	189 Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Railway Station	Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Slab Shed (Demolished)	2 Old Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Travellers Rest Hotel (Former)	23 Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
Uniting Church & Hall (Former)	63 Old Maitland Road HEXHAM NSW 2322	Built	Newcastle	LGOV
HEATHERBRAE				
Moreton Bay Fig Trees	2279 Pacific Highway Road Reserve HEATHERBRAE NSW 2324	Landscape	Port Stephens	LGOV
Tomago # 2 Spray Basin	2034 Pacific Hwy HEATHERBRAE NSW 2324	Built	Port Stephens	SGOV
Tomago # 8 Vacuum Pumping Station	2034 Pacific Hwy HEATHERBRAE NSW 2324	Built	Port Stephens	SGOV
Tomago Sands Scheme	2034 Pacific Hwy HEATHERBRAE NSW 2324	Built	Port Stephens	SGOV



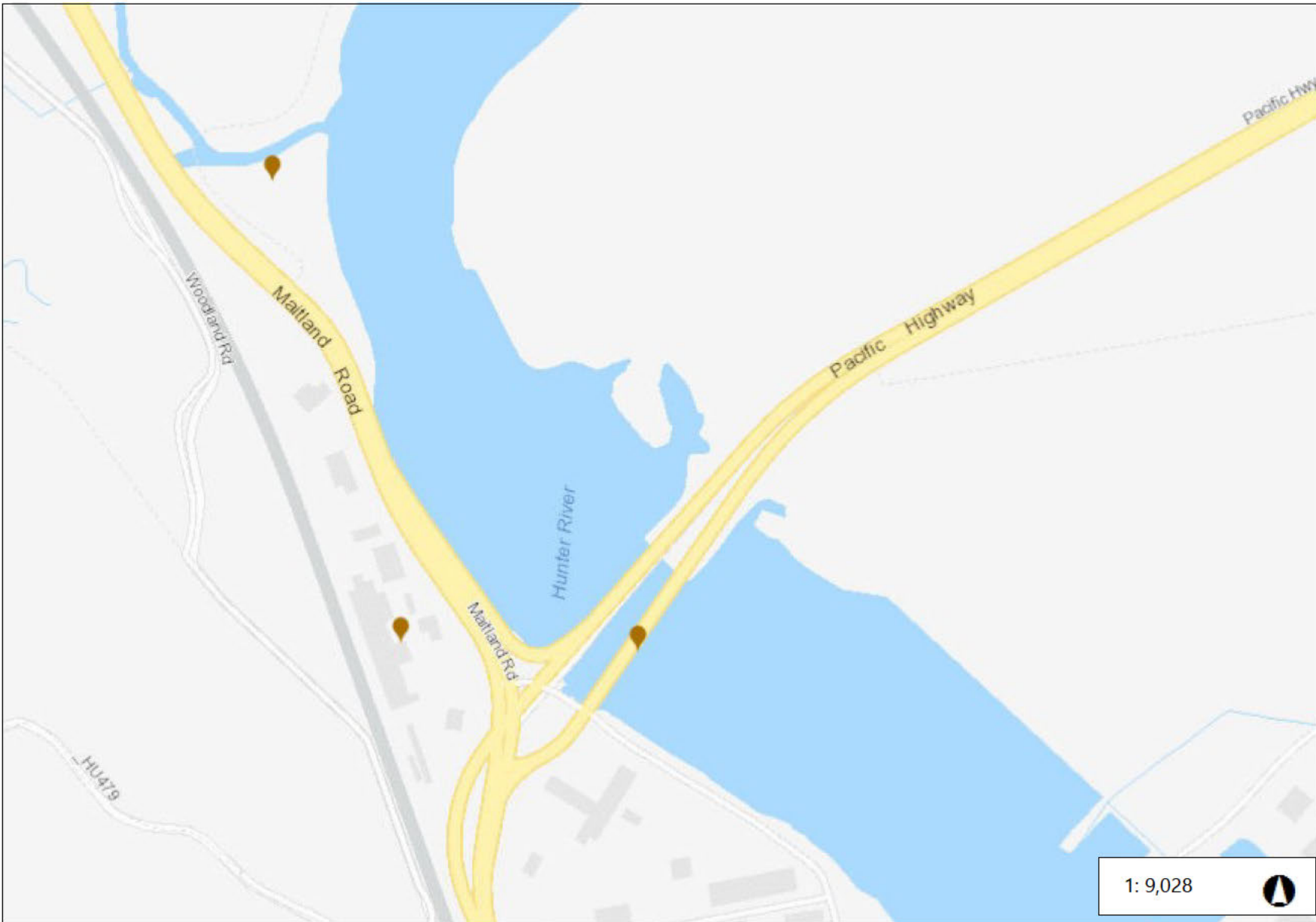
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- State Heritage Register
- Aboriginal Place
- 📍 Local Environmental Plan
 - Cluster (label denotes number)
- 📍 Aboriginal Place
 - Cluster (label denotes number)
- 📍 State Heritage Register
 - Cluster (label denotes number)
- 📍 Interim Heritage Order
 - Cluster (label denotes number)

1: 18,056



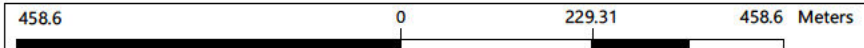
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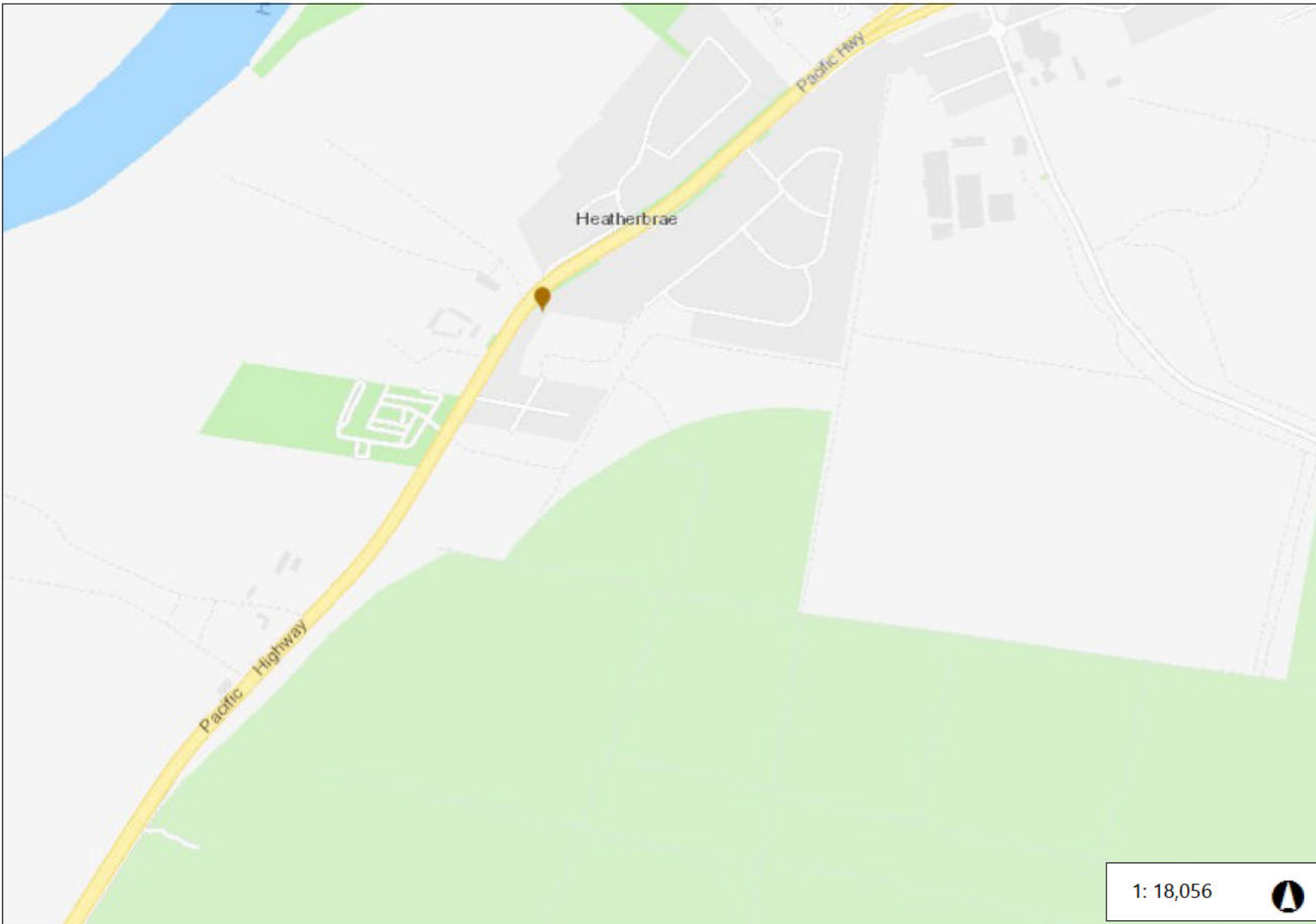
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- Local Environmental Plan
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- State Heritage Register
 - Cluster (label denotes number)
- Interim Heritage Order
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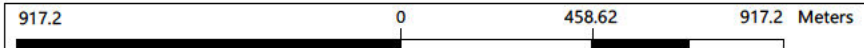
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Legend

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- ◆ State Heritage Register
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- ◆ Interim Heritage Order
- Cluster (label denotes number)

1: 18,056



Notes













Notes



1: 9,028 



Legend

-  World Heritage Areas NSW
-  SEPP
-  State Heritage Register
-  Aboriginal Place
-  Local Environmental Plan
-  Cluster (label denotes number)
-  Aboriginal Place
-  Cluster (label denotes number)
-  State Heritage Register
-  Cluster (label denotes number)
-  Interim Heritage Order
-  Cluster (label denotes number)

Notes

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