



Heritage Assessment Report

Hunter Economic Zone

**WIPS Management Industrial
Development**

**Prepared for:
WIPS Management**

Reference 23403 – June 2007



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PROJECT: CULTURAL HERITAGE ASSESSMENT – WIPS MANAGEMENT, HUNTER ECONOMIC ZONE	
CLIENT:	WIPS MANAGEMENT
OUR REF.	23403
DATE:	JUNE 2007
APPROVED BY:	LARAINÉ NELSON
SIGNATURE:	
CHECKED BY:	MATTHEW DOHERTY
SIGNATURE:	

EXECUTIVE SUMMARY

WIPS Management has proposed the construction of a warehouse and associated facilities within the Hunter Economic Zone.

A desk top review and Archaeological survey of the proposed area was conducted by Laraine Nelson, Archaeologist of Harper Somers O'Sullivan.

The desk top review highlighted Archaeological issues in the Hunter Economic Zone and provided a predictive model for the survey area. An archaeological survey of the development area revealed a locale still largely covered by native vegetation with the north-west sector significantly cleared and disturbed.

No Aboriginal Cultural Heritage sites or Historic sites were located during the archaeological survey for the proposed WIPS Management facility. Therefore it is considered there are no archaeological constraints associated with the proposed development.

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1 INTRODUCTION

1.1 Overview

The area for the proposed WIPS Management development (Lot 7.79 of DP1037.79092) is located in the Cessnock Local Government area and is within the HEZ LEP Zone No. 4(h) – Hunter Employment Zone (HEZ).

The proposed development would cover 7.79 hectares and is bounded by land zoned 4(h) Hunter Employment zone. The majority of the area contains intact native bushland with approximately 1.3ha of cleared land in the northwest corner. The area proposed for development will now be referred to as the subject area. Refer to Figure 1-1 for Site Location

1.2 Development Proposal

WIPS Management proposes to construct a warehouse, office, car parking, access and services on the 7.79 hectare site (Figure 1-2). Of the 7.79 hectares, 0.96 hectares is to be retained as intact native vegetation. Access will be from the HEZ Spine Road, also known as HEZ Drive.

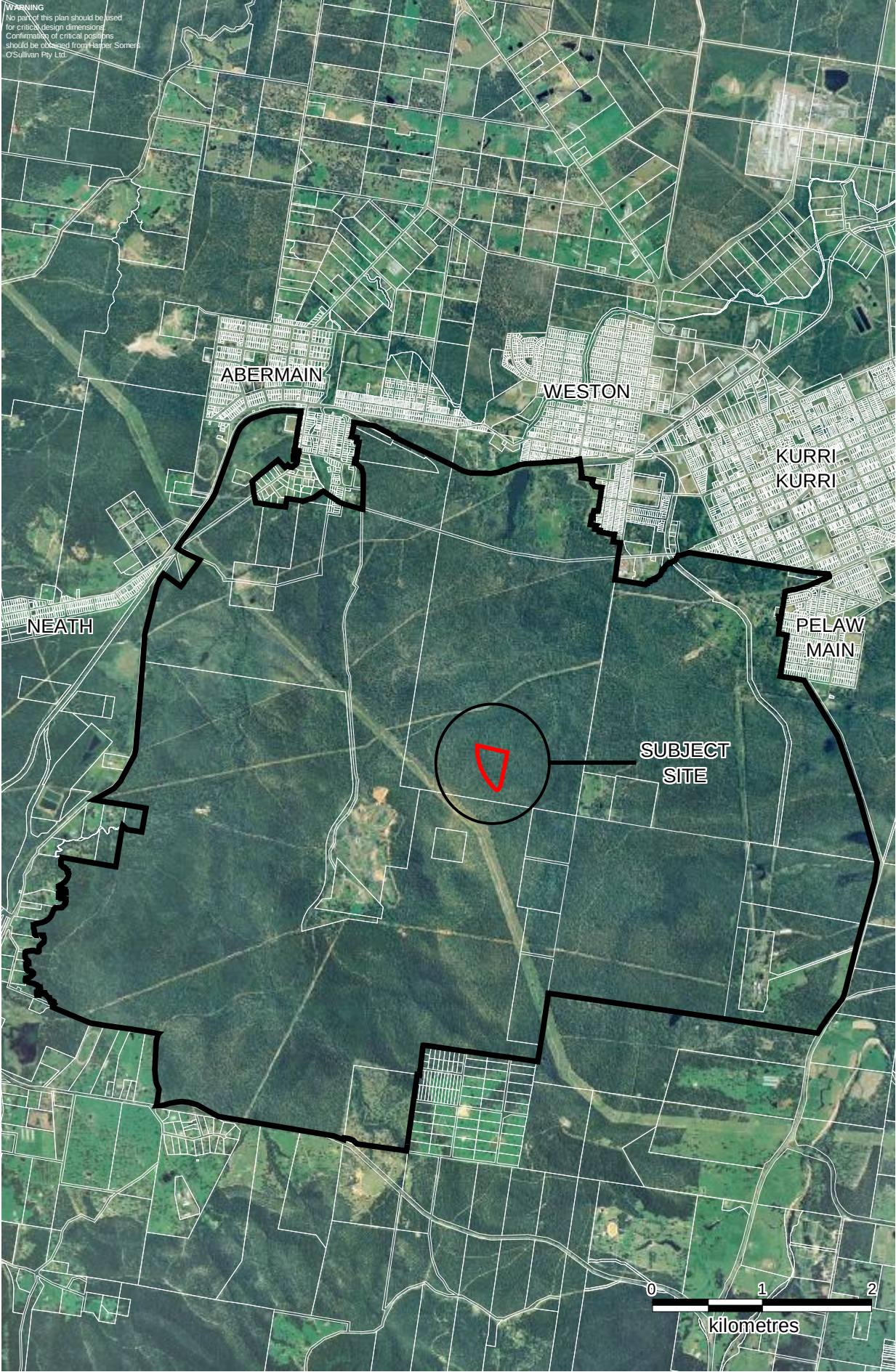
Conservation and landscaped areas will exist around the internal boundaries of the site. This will include a 10m vegetated buffer along the western boundary, between the site and the HEZ Spine Road. A parcel of existing vegetation that incorporates a creekline within the southern corner of the site will also be retained. The total area of existing vegetation to be retained is approximately 0.96ha. An additional 0.18ha of the area proposed for retention is currently cleared/regenerating due to the past construction of the HEZ Spine Road. Approximately 1.37ha of the site will be dedicated to landscaping, and an additional area of approximately 0.12ha will contain two detention basins.

1.3 Scope of Assessment

The following assessment included:

- A review of all relevant documentation and statutory requirements with regard indigenous Cultural Heritage with reference to the DEC Aboriginal Heritage Information Management System (AHIMS) for known archaeological sites, the State Heritage Register, the Register of the National Estate, the Cessnock Local Environment Plan and the Register of the National Trust.
- A review of known Historical Heritage items conducted through investigation of the State Heritage Register, the Register of the National Estate, the Cessnock Local Environment Plan and the Register of the National Trust
- An investigation of previous studies, historical documents and environmental data to ascertain the probability of archaeological sites occurring, the type of site and the likelihood of disturbances that may have affected the integrity of potential sites.

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LEGEND

HEZ Study Area

Subject Site Boundary



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PROJECT: CULTURAL HERITAGE
ASSESSMENT

CLIENT: WIPS MANAGEMENT

TITLE: SITE LOCATION

Layout Ref: H:\HEZ\MAPINFO\23403 - Walltech\Flora and Fauna\23403_Figure_1-1_Site_Location_B-A4.WOR



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FIGURE: 1-1
PAGE: 2



CONTOUR INTERVAL:	N/A	DATUM:	MGA Zone 56 (GDA
SCALE:	1: 50000 at A4 Size	JOB NUMBER:	23403
DATE:	15/6/2007		
DRAWN:	D. Landenberger		

1. REDUCED LEVELS TAKEN FROM AS BUILT DOCUMENTATION, TO BE VERIFIED ON SITE

SITE AREA:	78570m2
WAREHOUSING AREA:	17809m2
MANUFACTURING AREA:	9241m2
OFFICE AREA:	744m2
GROSS FLOOR AREA:	27794m2
BUILDING FOOTPRINT:	28849m2
HARDSTAND:	21921m2
SITE COVERAGE:	36.7%
SOFT LANDSCAPING:	27800m2 35%

Contractors Must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.

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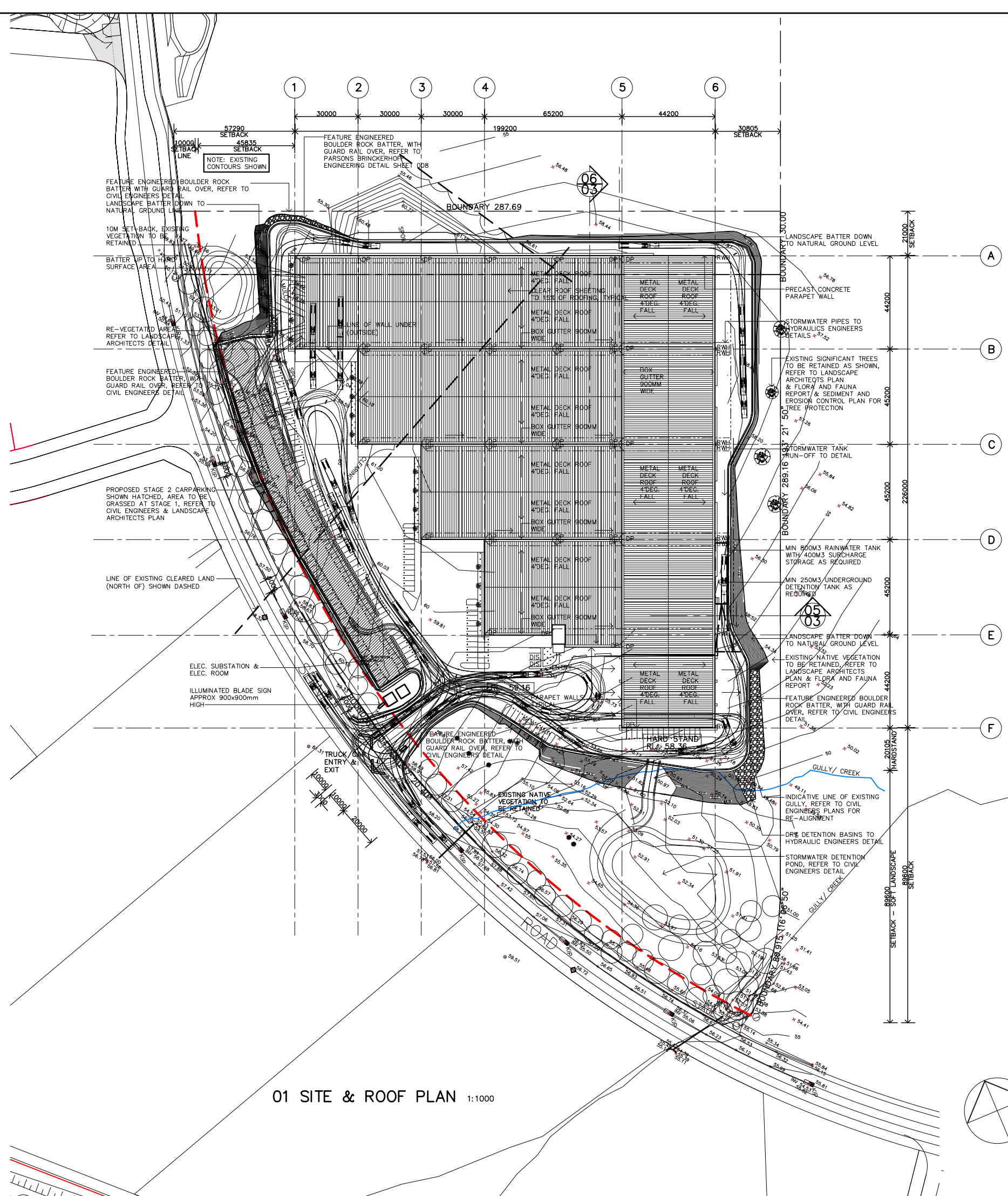
client WIPS MANAGEMENT

project	PROPOSED NEW WAREHOUSE DEVELOPMENT
site	HEZ SPINE ROAD LOT 7 DP 1037092 KURRI KURRI
drawing	SITE & ROOF PLAN

scale	1:1000
date	JULY 2007
drawn	MN, AL, SH

drawing no.	AUT
issue	DA
revision	K

A01



1.4 Partnership

In accordance with the provisions of the *Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone* under the *Environmental Planning and Assessment Act 197.799* with regard the following:

Clause 57.79

- 5b.** Each of three locations, nominated by the National Parks and Wildlife Service, in areas shown hatched on the map marked “*Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone*” has been subject to an archaeology retrieval excavation undertaken by a person that the consent authority is satisfied is accredited as an archaeologist of Aboriginal heritage and the consent authority is satisfied that the excavations have been carried out in consultation with the relevant Aboriginal community group, and
- 5c** a surface inspection of the land to which this clause applies has been undertaken that the consent authority is satisfied was undertaken in conjunction with the relevant Aboriginal community and the consent authority has had regard to the results of that inspection to the extent that they relate to the issues of Aboriginal heritage.

Clause 57.79 (5b) has been satisfied by the work of Dr. Neville Baker, Senior Archaeologist, ERM Australia in December 2003. The subsequent report, *Aboriginal Archaeology Retrieval Excavation – Hunter Employment Zone, Cessnock NSW. Test Excavation Report* detailed his findings.

Clause 57.79 (5c) requires a surface inspection be conducted by an archaeologist of Aboriginal heritage in conjunction with the relevant Aboriginal community – in this instance Mindaribba Local Aboriginal Land Council. This combined effort is focused on ensuring that Aboriginal cultural heritage is considered and where necessary protected during the development process in HEZ.

With due regard to these provisions, Mr Rick Griffiths, CEO Mindaribba Local Aboriginal Land Council (LALC) was contacted by both mail and telephone to organise inspection of the subject area. Mr Griffiths declined to partake in the survey. He based his response on a belief that an archaeologist should not be included and that Mindaribba LALC should be the sole inspection authority.

In an endeavour to clarify the situation a letter detailing the requirements of the *Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone* under the *Environmental Planning and Assessment Act 197.799* was forwarded to Mr Griffiths by Mr Craig Anderson, Director. Harper Somers O’Sullivan.

Further attempts to arrange an inspection date were again fruitless. Attached in Appendix A is diary of the above process.

1.5 Legislative Context

It is incumbent on any land manager to adhere to legislative requirements that protect Indigenous Cultural Heritage in NSW. The relevant legislation is:

NSW National Parks and Wildlife Act 197.794, Amendment 2001 (NPW Act).

Section 90. *A person must not destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place.* The NPW Act provides statutory protection for all Aboriginal relics (not being a handicraft made for sale) with penalties levied for breaches of the Act.

Aboriginal Places (that may or may not contain archaeological material) are given protection under Section 84 of the NPW Act. This is a place that, *in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.*

Environmental Planning and Assessment Act 197.799 (EP&A Act)

The Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered including the impact on Cultural Heritage and specifically Aboriginal Heritage. Within the EP&A Act Parts III; IV; V relate to Aboriginal Heritage.

Part III: regulates the preparation of planning policies and plans; Part IV: governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement; Part V: Under this State Government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency are regulated. The National Parks and Wildlife Service is a Part V authority under the EP&A Act.

In brief, the NPW Act provides protection for Aboriginal objects or places while the EP&A Act ensures that Aboriginal Cultural Heritage is properly assessed in land use planning and development.

Other legislation of relevance to Aboriginal Cultural Heritage in NSW include: NSW Heritage Act (197.797.79) and NSW Local Government Act and at the Federal level: Aboriginal and Torres Strait Islander Heritage Protection Act (1984) and Australian Heritage Commission Act (197.795).

Environmental Planning and Assessment Act 197.799 (EP&A Act)

Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone

Archaeological surveys in the HEZ are governed by the requirements of the Act and the subsequent Amendment No.60. This is described in more detail in Section 1.5 *Partnership* of this report. The boundaries of the proposed Conservation Area (Archaeology) are still subject to discussion with the Department of Environment and Conservation (DEC), however it should be noted that the subject area is not within, or near, the area subject to these discussions.

2 ENVIRONMENTAL CONTEXT

2.1 Topography, Geology and Soils

The general location is the central lowlands of the NSW Hunter Valley. The subject area consists of a gentle slope and flat area associated with the two drainage lines in the southern sector. This pattern is consistent with the surrounding landscape. There are no marked topographical features other than the above mentioned drainage lines.

The area is part of the Greta Coal Measures typified by sandstone, conglomerates, siltstone and coal. The soil type most often associated with the subject areas Lower Hunter Spotted Gum-Ironbark Forest is the yellow podsollic and solodic soils of the Lower Hunter soil landscapes. These substrates are said to produce 'moderately fertile' soils (Kovac and Lawrie 1991).

2.2 Climate

The nearest weather station is Cessnock Post Office. It records the area as having a warm temperate climate with an average daily maximum of 24.6 degrees Celsius and average daily minimum of 11.1 degrees. The average annual rainfall is 7.7948.3 millimetres while rainfall occurs in each month the highest falls tend to occur in January to April. (Australian Bureau of Meteorology).

2.3 Waterways

Two small creek lines, best described as ephemeral drainage lines, traverse the southern portion of the subject area. The first and lesser line traverses the subject area for approximately 110 metres and joins the slightly more substantial drainage line from the south east corner, off-site. Both drainage lines have been intersected by the HEZ Spine Road and are now channelled under the road through culverts.

2.4 Flora and Fauna

The vegetation community on the subject site is described as, Lower Hunter Spotted Gum-Ironbark Forest (RPS HSO, 2007), best described as an open forest. Lower Hunter Spotted Gum – Ironbark Forest is dominated by *Corymbia maculata*, (Spotted Gum) and *Eucalyptus fibrosa* (Broad-leaved Ironbark), while *E. punctata* (Grey Gum) and *E. crebra* (Grey Ironbark) occur occasionally. The understorey is marked by the prickly shrub *Bursaria spinosa*.

The fauna largely reflects that of the open forest. A total of 240 vertebrate fauna taxa have been recorded across the HEZ Study Area to date. The subject area is only a small component of the HEZ however the diversity of fauna across the HEZ overall provides an indication of the potential of the area in terms of Aboriginal resource potential (RPS HSO, 2007)

2.5 Land Use

The northwest sector of the subject area has been cleared and used as a stockpile for soil and rubble from other areas of the HEZ. The remainder of the subject area has not been developed and remains as native bushland.

3 ABORIGINAL HERITAGE

3.1 Archaeology of the Locality

Previous research in the central lowlands of the Hunter Valley has found a marked tendency for Aboriginal Cultural material to be located within close proximity of resource rich areas such as creeks and swamps (Haglund et al. 1992, Dean-Jones & Mitchell 1993, Kuskie & Parkes 2002). A further preferred area has been found to be ridgelines that provide a good vantage point over those swamps and creeks (Silcox & Ruig 1995, Kuskie & Kamminga 2000).

Within the HEZ a number of surveys and test excavations have been carried out. They include a general survey of the HEZ (Silcox, 1999) and area specific surveys (Roberts 2002, 2004, 2005). The outcomes were the result of foot based surveys informed by previous assessment of site predictability.

The study by Environmental Resource Management Australia (ERM 2003), managed by archaeologist Neville Baker, was based on the results of test excavations on three landform areas deemed of archaeological potential by the DEC. The subsequent 2004 ERM report, again by Neville Baker, was based on a geomorphological study to determine the extent of the archaeologically significant Aeolian sands associated with Chinamans Hollow Creek.

The findings of the HEZ specific studies support the outcomes of archaeological investigations in the region. That is the most sensitive areas, in terms of Aboriginal cultural material, are to be found in close proximity to reliable water sources and resource rich areas.

3.2 DEC Aboriginal Heritage Management System

Silcox (1999) accessed the AHIMS database with the following results:

Table 3-1 – Aboriginal Archaeological Sites – AHIMS Database

Site type	Number of sites
Open campsite	21
Axe grinding grooves	16
Isolated find	13
Carved tree	1
Stone arrangement	1
Shelter with art	1

Silcox's 1999 survey located an additional 13 open campsites and 13 isolated finds with an investigation by NPWS staff resulting in a further 2 isolated finds.

It should be noted that large tracts of NSW have not been subject to systematic survey and therefore areas may contain Aboriginal objects or places and not be recorded with DEC on the AHIMS database.

3.3 Heritage Register Listings

The NSW Heritage Office State Heritage Register Database and the Australian Heritage Commission Register for the National Estate Database were searched for Aboriginal sites. There are no Aboriginal sites near the subject area. It should be noted however that not all indigenous places or items are listed.

3.4 Predictive Model for the Study Area

Previous surveys of the Lower Hunter provide an indication of the range of site types that may be located in the survey area:

Open campsites or stone artefact scatters

This common site type can range from a few stone flakes to a high density site with a complex range of artefact types. The simplest example may be evidence of a single occupation while a more artefact dense site can provide a record of an intensely used area. As with an isolated find, stone artefact scatters may indicate the visible evidence of a much larger site below the surface.

Axe grinding grooves

These are the result of the production of edge ground stone axes or adzes. To produce a sharp edge the axe blank (or re-worked axe) was honed on a natural stone surface near a source of water. The water was required for lubricating the grinding process. Axe grinding grooves can be identified by features such as a narrow short groove, with greatest depth near the groove centre. The grooves also display a patina developed through friction between stone surfaces. Generally a series of grooves are found as a result of the repetitive process.

Isolated find

An individual stone artefact found without any obvious association to other artefacts. Isolated artefacts are a common find and may be the result of an accidental or intentional discard. An isolated find may flag the occurrence of other less visible artefacts in the vicinity or may indicate disturbance or relocation after the original discard.

Modified trees

These are trees where bark has been removed to make a shelter, canoe, shield or other article. Notches were also carved in trees to permit easier climbing. The easiest to identify are carved trees with distinct patterns, these often indicate the presence of a ceremonial or burial ground. Criteria for identifying modified trees include: the age of the tree; type of tree (the bark of many trees is not suitable, also introduced species would be unlikely subjects); axe marks (with the need to determine the type of axe - stone or steel – though Aborigines after settlement did use steel); shape of the scar (natural or humanly scarred); height of the scar above the ground (reasonable working height with consideration given to subsequent growth).

Stone arrangement

These served a variety of functions such as to mark ceremonial, burial or initiation sites and can be found as a simple arrangement or a complex pattern over a large area. In the Port Stephens area a series of large stone circles were still visible until recently (Brayshaw 1984).

Shelter with art

Rock art and rock shelters can be discounted due to a lack of large stone outcrops in the survey area.

Traditional burial sites

Burial sites may occur as a range of types. The dead may have been cremated, or been placed in hollow trees, on ledges or buried, generally in soft sand or earth.

4 HISTORICAL HERITAGE

4.1 General

In 1999 Rheinberger conducted an assessment of the Historic Heritage potential of the HEZ. Described in his Report is an area that in terms of European impact has an industrial character, based on the number of coal mines in the area and associated infrastructure. Rheinberger in conclusion recommended the establishment of designated Heritage Precincts.

Subsequent to this in 2002 Cessnock City Council *Local Environment Plan (Amendment 60) – Hunter Employment Zone* was gazetted identifying Heritage Precincts for future reference. The subject area is not within or near these Heritage Precincts. Figure 4-1 Heritage Precincts – Hunter Economic Zone.

4.2 Search of Historical Registers

A search of known historical heritage items was made through accessing Commonwealth and State heritage registers, the Cessnock Local Environment Plan and the City of Cessnock Heritage Study (Pike and Walker 1994).

State Heritage Register and Inventory

The State Heritage database is maintained by the NSW Heritage Office and lists all items that have been identified as of heritage value on Regional Environment Plans and Local Environment Plans throughout NSW. The State Heritage Register lists those places which are of State Significance listed for the Kurri Kurri area is:

- Richmond Main Colliery. South Maitland Coalfields.

The NSW State Heritage Inventory contains those items of regional and local significance. Listed for Kurri Kurri is:

- Chelmsford Hotel, Lang Street.
- South Maitland Railway (incl. earthworks, structures and ancillary equipment).
- General Cemetery, Hospital Road.
- Kurri Kurri Fire Station, Lang Street.
- Kurri Kurri Hotel, Lang Street.
- Railway Tunnel, George Booth Drive.
- Richmond Main Colliery System.
- Station Hotel, Victoria Street.

Hunter Regional Environment Plan 1989

The Hunter Regional Environment Plan lists those items of regional significance already cited in the NSW State Heritage Inventory and also:

- Hebburn No. 1 Colliery
- Hebburn No. 2 Colliery

Cessnock Local Environment Plan (LEP) 1989

The Cessnock Local Environment Plan lists those items of local importance including those above and in addition the following Kurri Kurri sites:

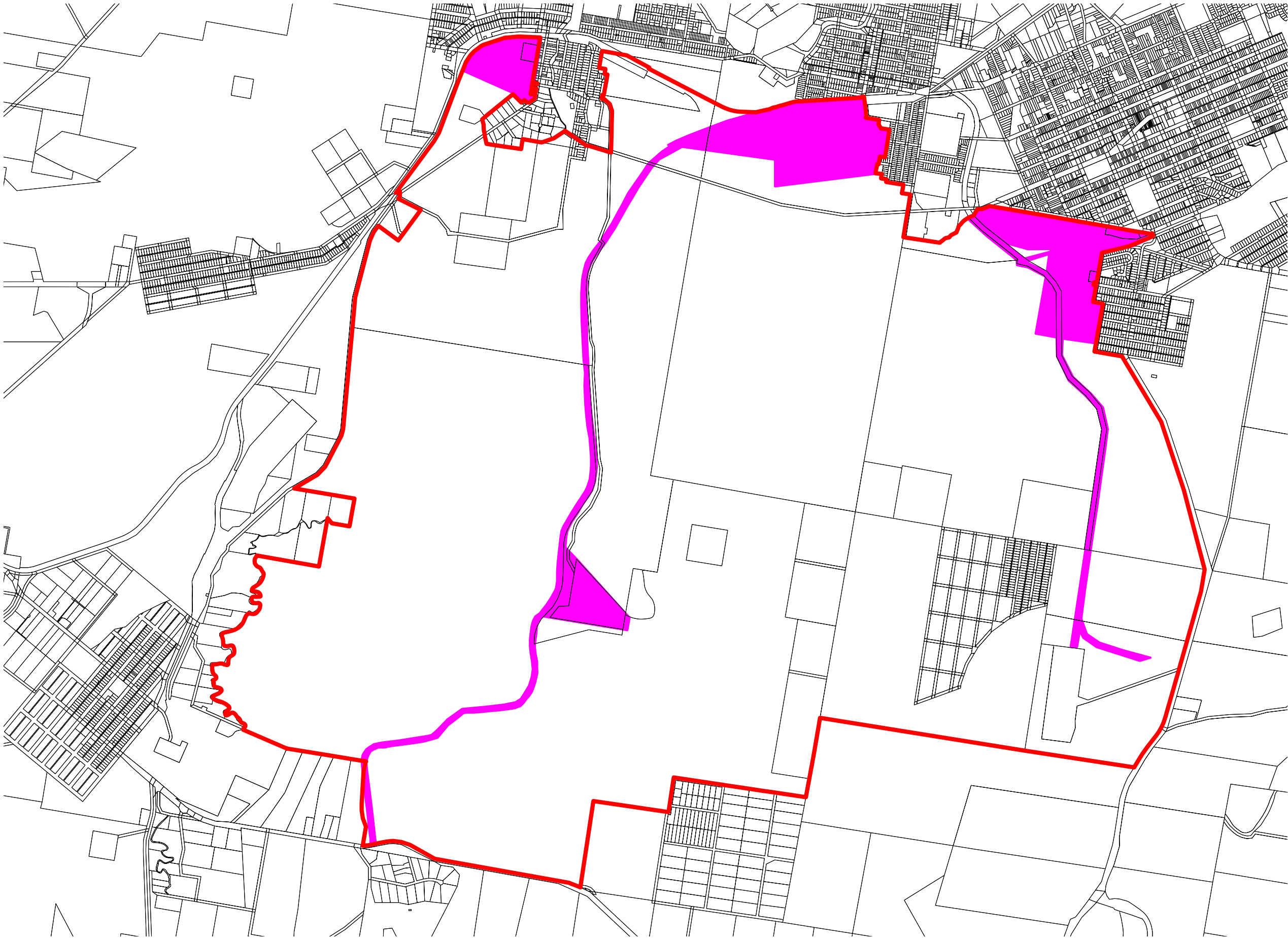
- Former Bickmore's store, Lang Street.
- Hebburn Dam.
- All earthworks etc. along the railway line from Hebburn Dam to Elrington.
- All earthworks etc. along the Richmond Vale railway line.
- Hebburn No.1 Colliery precinct.
- Hebburn No.2 Colliery precinct.

City of Cessnock Heritage Study 1994

The study recorded a diverse range of heritage items none of which are located in the subject area. This study was valuable in defining as a theme, the importance of mining and its associated infrastructure and communities to the Cessnock region, and for the purposes of this study the Kurri Kurri area.

4.3 Predictive Model for the Study Area

The results of database searches (Heritage Council, Cessnock LEP, Hunter Regional Environment Plan and the City of Cessnock Heritage Study) provided a concept of the types of sites and activities that could have been carried out in the subject area. The economy of the Lower Hunter has been based on agriculture and mining. It is the cultural remains of these activities together with residential use that are most likely to occur in the subject area.



KEY

Hunter Economic
Zone Boundary

Heritage Precincts



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PROJECT: CULTURAL HERITAGE ASSESSMENT

CLIENT: WIPS MANAGEMENT

TITLE: HERITAGE PRECINCTS WITHIN HEZ

Layout ref: H:\HEZ\MAPINFO\23403 - Walltech\Heritage\23403_Figure_4-1_Heritage_Precincts B-A3

REV	DESCRIPTION	DATE	APPR.
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D			



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FIGURE: 4-1
PAGE: 12



CONTOUR INTERVAL: N/A	DATUM: AMG Zone 56 (AGD 84)
JOB NUMBER: 23403	SCALE: 1: 30000 at A3 Size
	DATE: 20/6/2007
	DRAWN: D. Landenberger

5 FIELD SURVEY – Aboriginal and Historic Heritage

5.1 Methodology

The reports of Silcox (1999), Roberts (2000) and Rheinberger (1999) were consulted for any recordings Aboriginal or Historic sites in or adjacent the study area and to ascertain the potential of the area to contain sites. None were noted and the area was not considered to show archaeological potential.

The subject area consists of a low crest on the northern boundary of the site progressing to a gentle slope as you move south toward the flat area of the drainage lines on the southern boundary. The subject area was surveyed on foot utilising landform units. In keeping with the five morphological types of landform elements described by Speight (1984) (crest; slope; flat; open depression and closed depression) the crest, slope and flat were examined as individual units. The survey was conducted in six transects over three landform units – slope, flat and crest. Refer to Table 5-1 Archaeological Survey Units – Aboriginal Heritage and Figure 5-1 Archaeological Survey.

For items of historic value the general area was considered a potential source of items relating to mining, farming or residential use

5.2 Survey

The survey was conducted over a half day with the aid of a Field Assistant. An open forest gave ready access to the majority of the subject area. In general the greatest hindrance to visibility was leaf litter that was consistently dense. Trees of suitable age were inspected for evidence of modification.

Visibility on the slope was most affected by the presence of dense leaf litter. Some earth surfaces could be seen notably where animals had been scratching or digging around the roots of trees. Refer to Appendix B - Photograph 1.

On the flat the drainage lines and adjacent areas were inspected with particular emphasis on exposures. Generally visibility was assisted by only patchy grass and leaf litter cover. Toward the western boundary, near the HEZ Spine Road, the construction of drainage pipes had left areas disturbed which assisted in observation. Refer to Appendix B - Photograph 2.

The majority of the crest has been cleared and is now used for storage and dumping of soil, rock and rubble from other sections of the HEZ. The area was inspected but the confusion of soil, etc made identifying cultural heritage material problematic. The area is still used for dumping with a number of trucks accessing during the archaeological survey. Refer to Appendix B - Photograph 3.

In general, across the subject area, a number of geological/soil tests had been conducted. The material extracted remained and consisted largely of dense clay, a shale-like material and in some instances fine, worn gravels. Across the subject area the only stone observed was what had been extracted through the geological testing or dumped from here from locations off-site.

5.3 Findings

Indigenous

The survey found no items of Aboriginal cultural materials.

Non-Indigenous

A remnant of steel fencing 'rope' found toward the eastern boundary of the subject area is of a type extensively used in mining areas. Refer to Appendix B - Photograph 4.

5.4 Analysis

Aboriginal Heritage

No artefacts were located during the survey.

This type of landscape, in previous surveys of the area, has not shown potential for locating Aboriginal artefacts (Silcox 1999, Roberts 2002, Baker 2003). Silcox (1999) in his survey of the HEZ found the greatest concentration of sites on the lower slopes and terraces within 300 metres of reliable watercourses. This supports other statements on site predictability and access to fresh water. The closest reliable watercourse to the subject area is approximately 580 metres (Chinamans Hollow Creek). Neither of the two ephemeral drainage lines would provide an adequate or reliable source of fresh water. In addition the area could not be considered in terms described by the Reports above as a resource rich area.

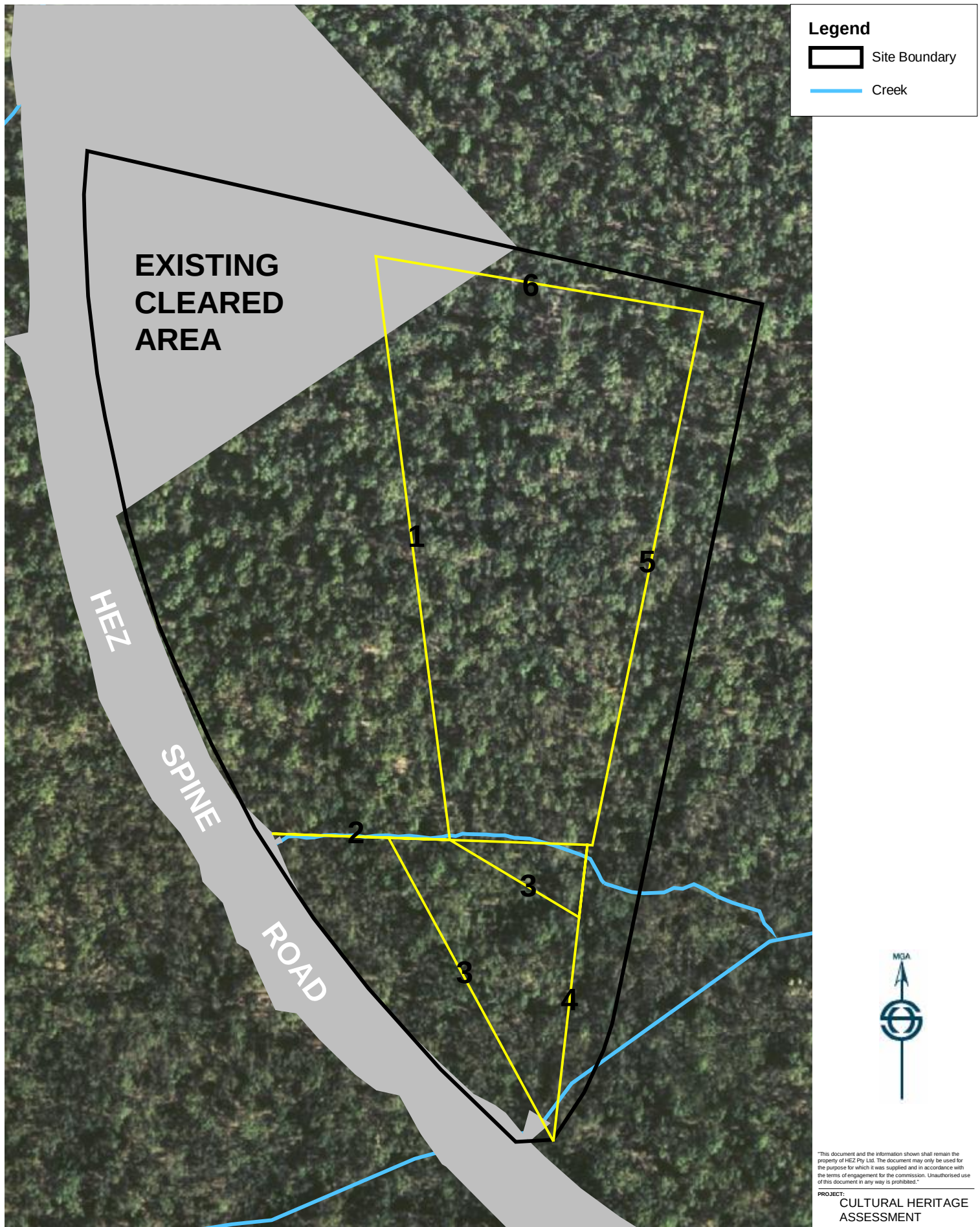
Historic Heritage

A length of steel cable found usually in mining areas was located during the survey. This was not associated with any other mining artefacts. The survey did not reveal any instance of mining activities being carried out in the subject area

In addition the survey revealed a landscape that would hold little attraction for farming or settlement purposes. The area still remains covered by native vegetation. The subject area does not appear to have been farmed however the length of steel cable toward the eastern boundary appears to have been used as fencing material. There were no visible fence posts the wire being attached to trees. While it is possible that the area could be used for grazing the absence of permanent water would indicate that it would not be intensive in nature.

Table 5-1 Archaeological Survey Units – Aboriginal Heritage

Survey Unit	Landform unit	Dimensions	Exposure	Visibility	Estimate of effective coverage	Results
1	Slope	234m x 4m	<5% Bare patches, animal activity	<20% Leaf litter	<0.25%	nil
2	Flat	150m x 4m	<10% Erosion / drainage line	<50% Leaf litter	5%	nil
3	Slope	180m x 4m	<5% Bare patches, animal activity	<20% Leaf litter	<0.25%	nil
4	Flat	110m x 4m	<10% Erosion/ drainage line/ gully.	50% Leaf litter	5%	nil
5	Slope	340m x 4m	<5% Bare patches, animal activity	<20% Leaf litter	<0.25%	nil
6	Crest	110m x 4m	100% Road surface	7.790% Background noise - Introduced gravels, stone	100%	nil



Legend

- Site Boundary
- Creek



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PROJECT: CULTURAL HERITAGE ASSESSMENT

CLIENT: WIPS MANAGEMENT

TITLE: ARCHAEOLOGICAL SURVEY

CONTOUR INTERVAL:	N/A	DATUM:	MGA Zone 56 (GDA 94)
SCALE:	1: 2000 at A4 Size	JOB NUMBER:	23403
DATE:	21/6/2007		
DRAWN:	D. Landenberger		

LAYOUT REF: H:\HEZ\MAPINFO\23403 - WALLTECH\HERITAGE
23403-FIGURE 5-1 ARCHAEOLOGICAL SURVEY-B-A3



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ABN 11 093 343 858 E: survey@hso.com.au
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FIGURE: 5-1
PAGE: 16



6 CONCLUSION

6.1 Aboriginal Cultural Heritage

No Aboriginal heritage sites were located during the survey of the subject area. Vegetation provided no hindrance to the subject area and visibility around the drainage lines was reasonable. There is a possibility that sites, particularly Aboriginal ones, could be obscured by dense leaf litter and grasses.

It is considered that there are no archaeological constraints associated with the proposed development.

It is important to note however:

- If during the course of construction work Aboriginal cultural material are found work should cease immediately and the DEC and Mindaribba LALC notified. Activity should only recommence when appropriate and approved management provisions are in place.

6.2 Historic Heritage

No historic sites were located in the subject area. It is considered that there are no archaeological constraints associated with the proposed development.

- In terms of European Cultural Heritage, the steel cable found has most likely been moved to the subject area from elsewhere. It is commonly seen throughout the Kurri Kurri area. While it is certainly not rare or unique there could be value in offering it to Richmond Vale Railway Museum, or a similar group for their use in future restoration work.

It is important to note however:

- If historic relics are uncovered work should cease. The NSW Heritage Council should be notified and activity should not resume until appropriate and approved management provisions are in place.

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APPENDIX A Communication between RPS HSO & Mindaribba LALC

Record of communication between Harpers Somers O'Sullivan and Mindaribba Local Aboriginal Land Council. March 2006 to May 2006.

Prior to the following communication a number of phone calls had been placed to the Office of Mindaribba Local Aboriginal Land Council for CEO, Mr Rick Griffiths. Initially Mr Griffiths was not available and a request that the phone calls be returned were not met. A conversation was first held with Mr Griffiths on 21 March 2006 and the following is a record of the subsequent discussions:

KEY

RG	Rick Griffiths. Chief Executive Officer. Mindaribba Local Aboriginal Land Council.
MLALC	Mindaribba Local Aboriginal Land Council.
CA	Craig Anderson. Director. Harper Somers O'Sullivan
MD	Matthew Doherty. Senior Project Manager. Harper Somers O'Sullivan.
LN	Laraine Nelson. Archaeologist. Harper Somers O'Sullivan.
ICA	Independent Colleges of Australia

Date	Persons	Conversations
15 March 2006	MD to MLALC	MD - Request for Sites Officer for WIPS and ICA inspection - 24 March 2006 proposed. MLALC - Request to be forwarded to RG.
21 March 2006	LN to RG	LN - Request for Sites Officer for WIPS and ICA inspection - 24 March 2006 proposed. RG - An Archaeologist was not required and inspection would be carried out by MLALC at a future unspecified date <i>and</i> further discussions would be between RG and MD.
21 March 2006	MD to RG	MD - Request for Sites Officer for WIPS and ICA inspection date of 24 March 2006 proposed. RG - No commitment given.
21 March 2006	RG to MD	RG - An Archaeologist was not required and inspection would be carried out by MLALC at a future unspecified date.
23 March 2006	RG to MD	RG - MLALC would be available for archaeological survey on 24 March. MD - LN had re-scheduled work and was not available for that date.
24 March 2006	CA to RG	A letter (see attached) outlining the <i>Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone</i> under the <i>Environmental Planning and Assessment Act 197.799</i> and requesting participation by MLALC as required under the Act.

The survey was re-scheduled for 4 May 2006.

Date	Persons	Conversations
12 April 2006	MD to RG	MD - Request for Sites Officer for WIPS and ICA inspection - 4 May 2006 proposed. RG - No commitment given.
28 April 2006	MD to RG	MD - Request for Sites Officer for WIPS and ICA inspection - 4 May 2006 proposed. Request that MLAC Sites Officer meet with Archaeologist at the HEZ Spine Road and Leggetts Drive junction at 8.30am. RG - No commitment given.

The survey for the proposed WIPS Management development in the Hunter Economic Zone was conducted on 4 May 2006. Laraine Nelson and Matthew Doherty waited at the arranged meeting point until 8.50am (meeting time was 8.30am). As the Independent Colleges of Australia (ICA) was included, to ensure there had been no confusion with meeting location, the team then proceeded to the ICA site and waited until 9.20am. The archaeological survey then progressed without the assistance of Mindaribba Local Aboriginal Land Council.

Attachment 1

Our Ref: 20351

24 March 2006

MINDARIBBA LOCAL ABORIGINAL LAND COUNCIL
1A CHELMSFORD DRIVE
METFORD NSW 2323

ATTENTION: RICK GRIFFITHS

Dear Sir,

**RE: ARCHAEOLOGICAL SURVEYS
HUNTER ECONOMIC ZONE**

I would like to request the participation of a Sites Officer from Mindaribba Local Aboriginal Land Council in a number of forthcoming surveys in the Hunter Economic Zone (HEZ). Mindaribba Local Aboriginal Land Council has provided invaluable information and assistance in the past on Aboriginal cultural heritage issues pertaining to the region and in particular the HEZ and I would like to continue this fruitful relationship.

As you will be aware the HEZ development is progressed under the *Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone* under the *Environmental Planning and Assessment Act 1979*. That states on pg 12:

Clause 57.79

- 5b.** Each of three locations, nominated by the National Parks and Wildlife Service, in areas shown hatched on the map marked “*Cessnock Local Environment Plan 1989 (Amendment No. 60) – Hunter Employment Zone*” has been subject to an archaeology retrieval excavation undertaken by a person that the consent authority is satisfied is accredited as an archaeologist of Aboriginal heritage and the consent authority is satisfied that the excavations have been carried out in consultation with the relevant Aboriginal community group, and
- 5c** a surface inspection of the land to which this clause applies has been undertaken that the consent authority is satisfied was undertaken in conjunction with the relevant Aboriginal community and the consent authority has had regard to the results of that inspection to the extent that they relate to the issues of Aboriginal heritage.

Clause 57.79 5b has been satisfied by the work of Dr. Neville Baker, Senior Archaeologist, ERM Australia in December 2003. The subsequent report, *Aboriginal Archaeology Retrieval Excavation – Hunter Employment Zone, Cessnock NSW. Test Excavation Report* detailed his findings.

Clause 57.79 5c requires a surface inspection be conducted by an archaeologist of Aboriginal heritage in conjunction with the relevant Aboriginal community – Mindaribba Local Aboriginal Land Council. This combined effort is focused on ensuring that Aboriginal cultural heritage is considered and where necessary protected during the development process in HEZ.

I look forward to the participation of Mindaribba Local Aboriginal Land Council, in conjunction with our archaeologists, in progressing work in the HEZ.

If you have any further enquiries regarding the above please do not hesitate to contact the writer.

Yours faithfully

HARPER SOMERS O'SULLIVAN PTY LTD

Craig Anderson
Director
B.App.Sc (EAM) M.P.I.A.

APPENDIX B Photographs



Plate 1 - Slope and vegetation



Plate 2 – Drainage line area disturbed by adjacent road works



Plate 3 – Crest with the soil disposal area.



Plate 4 - Wire rope seen in background