

Mr Carl Dumpleton
Senior Team Leader – Resource Assessments
Planning and Assessment
Department of Planning & Environment
4PSQ, 12 Darcy Street,
PARRAMATTA NSW 2150

By email: Carl.Dumpleton@planning.nsw.gov.au

Dear Mr Dumpleton

Response to Submission comments for Howlong Sand and Gravel Quarry Expansion (SSD-8804)

Thank you for your referral dated 22 February 2022 inviting comments from Heritage NSW on the above State Significant Development (SSD) Response to Submissions.

The following comments are provided to address the applicant's response to the Aboriginal cultural heritage issues raised:

- We note that a report 'Howlong Sand and Gravel Expansion Project Aboriginal Cultural Heritage Assessment' (Landskape, February 2021) was prepared and submitted in response to previous comments provided on 22 May 2020 for SSD-8804 and SEARs issued.
- In response to the report prepared, there has been insufficient assessment of Aboriginal cultural heritage for our agency to support this SSD.
- We request that additional assessment is undertaken, specifically further archaeological test excavation. We request that stop the clock provisions be implemented for this SSD while additional assessment is completed and presented to Heritage NSW for comment.

Detailed comments in relation to report prepared and additional assessment requested are provided in Attachment A.

If you have any questions regarding the above advice, please contact Lyndon Patterson, Senior Assessment Officer, Heritage Assessments at Heritage NSW, on 02 6022 0619 or Lyndon.Patterson@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kym McNamara'.

Kym McNamara

Senior Assessments Officer

Heritage NSW

Department of Premier and Cabinet

(by Delegation)

Date: 15 March 2022

Enclosed: Attachment A: Detailed comments on Aboriginal cultural heritage assessment

Attachment A – Detailed comments on Aboriginal cultural heritage assessment

We note that the report 'Howlong Sand and Gravel Expansion Project Aboriginal Cultural Heritage Assessment' (Landskape, February 2021) was prepared and submitted in response to previous comments provided on 22 May 2020 for SSD-8804. Heritage NSW has reviewed the report and has identified the following issues and request the following additional information:

1. Test excavation undertaken did not conform with the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales' (Code of Practice) Requirement 16 due to the following points:
 - a. The seven test pits excavated were placed at the perimeter of the Stage 4 area at various distances apart between 150 and 200 metres (Landskape, 2021:28, Figure 19). The test excavation units were not placed on a systematic grid or transects with regular spacing (see Requirement 16a – 1).
 - b. The report states "all hand excavated material was removed in maximum 100mm spits" (2021:26). The Code of Practice requirement 16a – 7 requires that the first excavation unit must be excavated and documented in 5 cm spits at each area – either PAD or site – being investigated. Base on the evidence of the first excavation unit, 10 cm spits or sediment profile/stratigraphic excavation (whichever is smaller) may they be implemented (DECCW, 2021:26). Clarification is sought to determine if this requirement was met.
2. The seven 0.5m x 0.5 m test pits excavated in the stage 4 area were insufficient to categorise the potential of subsurface archaeological material in the Stage 4 area which is 24.5 ha in size. Although we note the Stage 4 area has been subject to agricultural activities, we consider the area sensitive for Aboriginal cultural heritage due to the terrace landform and the location between the Murray River and Black Swan Creek. We request an additional program of test excavation be undertaken to sample the different areas comprising:
 - a. Stage 4 - This would include the placement of test pits on a grid or transects with regular spacing to sufficiently investigate stage 4 for the presence of Aboriginal objects. A copy of the test excavation sampling strategy will need to be provided to Heritage NSW in accordance with requirement 15c of the Code of Practice.
 - b. Stage 3 - To confirm these alluvial sandy deposits do not contain Aboriginal objects including stone artefacts, shell midden material, mounds, hearths, burials or other features. This would include the placement of test pits on a grid or transects with regular spacing and provision of the sampling strategy and notification to Heritage NSW in accordance with requirement 15c of the Code of Practice.
3. We request more detailed description of soils, landform and past land practices of each of the areas of Stages 1, 2 and 3 and 4 and how this may have affected the presence or absence and survival of any Aboriginal cultural heritage material.
4. In the recommendations (2021:38), if Aboriginal objects are identified, Heritage NSW must be notified via AHIMS in accordance with section s89A of the *National Parks and Wildlife Act 1974*.
5. Heritage NSW recommends screening of sand be considered by the applicant and preferably implemented and if any human skeletal remains are identified that works in the affected area cease and Environment Line be notified on 131 555.

6. Heritage NSW recommends regular monitoring and reporting for Aboriginal cultural heritage be considered and implemented (e.g. every 6 months frequency) by the Howlong Sand and Gravel Quarry. Any Aboriginal objects that are identified must be notified to Heritage NSW via AHIMS and Environment Line on 131 555.

We request that stop the clock provisions be implemented while the additional assessment is completed and presented to Heritage NSW for comment.