

Memo — Aboriginal Cultural Heritage Management Plan (Unexpected find of an Aboriginal object)

Project: Moorebank Precinct West (MPW) Stage 2 Project	Date: Friday, 16 October 2020
Client: J. Wyndham Prince	Authors: Ryan Taddeucci (Senior Heritage Consultant), Josh Symons (Principal)

1.1 Introduction

1.1.1 Project background and scope

Qube Holdings Limited (Qube) has been issued Development Consent (SSD 7709), under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act), to construct and operate an intermodal terminal (IMT) facility. The project is known as Moorebank Precinct West (MPW) Stage 2.

On 14 May 2020, Biosis identified an unexpected Aboriginal object within the MPW Stage 2 construction area. The Aboriginal object was neither identified in previous Aboriginal heritage assessments of MPW not registered on the Aboriginal Heritage Information Management System (AHIMS) database.

SSD 7709 Condition of Consent (CoC) B148-149 stipulate that works within the vicinity of an unexpected find must cease, a 10 m buffer area around the find must be established and the Office of Environment and Heritage (OEH) [now the Department of Premiere Cabinet – Heritage Division (DPC – Heritage Division)] must be contacted. Works may recommence if:

- the object or place is confirmed by DPC Heritage Division upon consultation with the Registered Aboriginal Parties (RAPs), not to be an Aboriginal object or Aboriginal place, or
- an Aboriginal Cultural Heritage Management Plan (ACHMP) is prepared in consultation with the RAPs and DPC – Heritage Division to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Planning Secretary, or
- DPC Heritage Division is satisfied as to the measures to be implemented in respect to the object or place and makes a written direction in the regard.

Artefact Heritage Services Pty Ltd (Artefact Heritage) has been engaged to prepare this ACHMP in compliance with CoC B148-149. This ACHMP was sent to the RAPs and the DPC – Heritage Division for review and comment in fulfilment of Condition B149 of SSD 7709.

1.1.2 Project site

The Project site (Figure 5) is generally bounded by the Georges River to the west, Moorebank Avenue to the east, the East Hills Railway Line to the south and the M5 Motorway to the north. It is located on Moorebank Avenue, Moorebank and forms Lot 1 in Deposited Plan (DP) 1197707. The

Project site also contains Lots 100 and 101 DP1049508, which are located north of Bapaume Road and west of Moorebank Avenue. The Project site is located wholly within Commonwealth Land.

The Project would also require works to upgrade the intersection of the MPW site with Moorebank Avenue and would therefore be undertaken on the following parcels of land:

- Moorebank Avenue, owned by the Commonwealth Government, south of Anzac Road Lot 2, DP 1197707 (formerly part of Lot 3001, DP 1125930)
- Moorebank Avenue, owned by Roads and Maritime Services, north of Anzac Road
- A portion of Bapaume Road, a public road that is the responsibility of Liverpool City Council
- A portion of Anzac Road, owned by Liverpool City Council, to the east of Moorebank Avenue

1.1.3 Description of unexpected find

Site name:	MPW2020-UXPF01
Site Type:	Artefact
Centroid:	MGA94 Zone 56 307826.63 mE 6242029.53mS
Site Extent:	3 m x 3 m

MPW2020-UXPF01 is located on an undulating levee, 150 m east of Georges River. The site is comprised of a single complete flake of basalt (Figure 1 and Figure 2), located immediately north of an unsealed road (Figure 3 and Figure 4). The artefact measures 24 mm x 19 mm x 8 mm and featured five scars on the dorsal surface and 21 mm of retouch on the left lateral margin. See Figure 5 for the location of the site in the Project site. In accordance with CoA B148(c), MPW2020-UXPF01was registered on the AHIMS database on 10 June 2020 (AHIMS ID 45-5-5332).

Figure 1: Complete flake of basalt, in-situ – view east



Figure 3: Context shot of site location – view north





Figure 4: Context shot of site location – view south





Figure 2: Complete flake of basalt



Figure 5: Location of MPW2020-UXPF01

1.1.4 Conditions of Approval

Development Consent (SSD 7709) includes a list of CoCs. The relevant CoCs and where they are addressed in this in this report are summarised in Table 1.

Table 1: CoC compliance table

CoCs	Section
 B148. If any Aboriginal object or Aboriginal place is identified on site, or suspected to be on site (other than those identified in the EIS). a) all work in the immediate vicinity of the object or place must cease immediately. b) a 10 m wide buffer area around the object or place must be cordoned off and, c) OEH must be contacted immediately. 	Section 1.2.2 states that this ACHMP was forwarded to DPC – Heritage Division for review and comment. Appendix B includes confirmation that the ACHMP has been received by DPC – Heritage Division. Section 1.1.3 states that the artefact was registered on the AHIMS database serving as notification to DPC – Heritage Division.
 B149. Works in the immediate vicinity may only recommence if: a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place, or b) an Aboriginal Cultural Heritage Management Plan is prepared in consultation with the Registered Aboriginal Parties and OEH to include the object or place and appropriate measures in respect in respect of it, and the Plan is approved by the Planning Secretary, or c) OEH is satisfied as to the measures to be implemented in respect to the object or place and makes a written direction in the regard. 	DPC – Heritage Division and the RAPs.

1.2 Consultation

1.2.1 Registered Aboriginal Parties

Aboriginal community consultation has been conducted throughout the MPW Stage 1 and MPW Stage 2 approvals and post-approvals process in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents 2010'. RAPs to be consulted for the project are listed in Table 2.

Table 2: List of Registered Aboriginal Parties

Name	Organisation
Ricky Fields	DALI
Rebecca Jarvis	Tharawal LALC
Glenda Chalker	Cubbitch Barta Native Title Claimants Aboriginal Corporation
Anna O'Hara	Darug Land Observations

Name	Organisation
Justine Coplin	Darug Custodian Aboriginal Corporation (DCAC)
Celestine Everingham	DACHA
	Banyadjaminga
Brad Maybury	Gandangara Local Aboriginal Land Council
Danny Franks	Tocomwall

1.2.2 RAP and DPC – Heritage Division consultation

In accordance with CoC B149(b) the ACHMP must be prepared in consultation with the RAPs and DPC – Heritage Division. A draft copy of this report was forwarded to the RAPs and DPC – Heritage Division for review and comment on 25 June 2020, requesting comment by 9 July 2020. At the end of this period, responses from two RAPs were received. Neither response included comment on the ACHMP. DPC – Heritage Division also confirmed receipt of the ACHMP and confirmed that no comment would be provided. See Table 3 below of a summary or responses received and Appendix B for full consultation records.

Table 3: Summary of received comments

Contact	Organisation	Date received	Comment/ response
Ruth Sheridan	Gandangara LALC	26 June 2020	Request to remove Brad Maybury as the primary contact for the project and address all future correspondence to Ruth Sheridan and Darren Duncan.
Sam Higgs	DPC – Heritage Division	26 June 2020	Confirmed that DPC – Heritage Division has received a copy of the report and will not be providing comment.
Glenda Chalker	CBNTCAC	26 June 2020	Requests a copy of the Biosis 2018 salvage excavation report and the 'original heritage management plan'. A response was provided to Glenda explaining that Artefact Heritage does not hold a copy of the final Biosis 2018 report, and it is recommended Biosis is contacted directly for a copy. It was also advised no other heritage management plans have been produced for the MPW Stage 2 Project.

In accordance with advice received from the NSW Department of Planning, Industry and Environment (DPIE) additional consultation with the RAPs was completed. On 9 October 2020, a second copy of the ACHMP was issued to all RAPs requesting confirmation of receipt and comment. Danny Franks (Tocomwall) responded on 9 October 2020 to request a copy of the Biosis 2018 salvage excavation report and the 'original heritage management plan'. Danny was advised that the there is no other ACHMP other than the one provided, and that Artefact Heritage would seek approval to release the Biosis 2018 salvage report. On 14 October 2020, Tylah Blunden (DCAC) provided a response to the ACHMP supporting the reburial of the unexpected find and noting that the artefact is of high cultural significance to DCAC.

On 12 October 2020, all RAPs were contacted by telephone to confirm receipt of the ACHMP and request comment. Banyadjaminga was not contacted as no telephone number was provided at registration. All RAPs that were not reached by telephone were called again on 13 October 2020. See Table 4 below for the call log.

Table 4: Call log

Organisation	Date received	Comment/ response
Des Dyer (DALI)	12-Oct-20	Happy with methodology and recommendations, No further comment
Tharawal LALC	12-Oct-20	No answer
Glenda Chalker (CBNTCAC)	12-Oct-20	Has received the stage 1 report. Happy with the ACHMP. Understands that artefacts will be reburied in the Biobanking area. Will attend the scar tree removal.
DLO	12-Oct-20	No answer, left a message
DCAC	12-Oct-20	No answer
Celestine Everingham (DACHA)	12-Oct-20	No comment. DACHA is closing and no further responses will be issued.
Gandangara LALC	12-Oct-20	No answer
Scott Franks (Tocomwall)	12-Oct-20	Advised to speak to Danny Franks.
Danny Franks (Tocomwall)	13-Oct-20	Ryan Taddeucci (Artefact Heritage) spoke to Danny Franks (Tocomwall) and advised that Artefact Heritage is currently seeking approval to release the Biosis 2018 Salvage report and that it will be sent as soon as possible. Ryan also advised that the ACHMP issued on Friday 9 October 2020 is the only ACHMP for the project. Danny confirmed receipt of the issued ACHMP and confirmed that Tocomwall has no comment on that document.
Justine Coplin (DCAC)	13-Oct-20	Justine Coplin advised that the report is currently under review and advice is anticipated by the end of the day. Ryan provided a verbal summary of the document and Justine approved the ACHMP.
DLO	13-Oct-20	No answer, left a message (called at 11:05 am)
Tharawal LALC	13-Oct-20	Called Tharawal phone number and all alternate numbers, no response at 11:10 am
Gandangara LALC	13-Oct-20	Spoke to reception and was advised that Darren Duncan is out on site and Ruth Sheridan is currently unavailable (11:15 am). Reception will pass a message on to Ruth, who will call back when available.

1.3 Legislative context

1.3.1 Legislation

This ACHMP has been prepared in accordance with the relevant legislative requirements, policies and procedural guidelines applicable to Aboriginal heritage and its protection in New South Wales. These are summarised below.

Table 5: Summary of relevant legislation

Legislation	Description	Implication for this ACHMP
Environmental Planning and Assessment Act 1979	This Act establishes a system of environmental planning and assessment of development proposals for the State.	Project approval conditions and obligations have been incorporated into the current ACHMP.
National Parks and Wildlife Act 1974	The National Parks and Wildlife Act 1974 (NPW Act) provides statutory protection to all Aboriginal places and 'objects'. In order to undertake a proposed activity which is likely to involve harm to an Aboriginal place or object, it is necessary to obtain an Aboriginal Heritage Impact Permit (AHIP), to be issued under Section 90 of the Act.	Impact to Aboriginal heritage items have been identified for the project. Impacts consistent with SSD 7709 do not require approval under Section 90 of the NPW Act. Management of Aboriginal heritage is outlined in Section 1.6 of this plan.
Aboriginal Land Rights Act 1983	1983 is administered by the NSW Department of Human Services -Aboriginal Affairs. This Act established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the Act to; (a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and (b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.	The Project site is not subject to a claim under the Aboriginal Land Rights Act.
	The Project site is within the boundary of the Awabakal LALC.	

Legislation	Description	Implication for this ACHMP
Native Title Act 1994	The Native Title (New South Wales) Act 1994 was introduced to work in conjunction with the Commonwealth Native Title Act 1993. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act.	Native title has not been determined over the subject site. There are no active native title claims over the subject site. No specific implications for this ACHMP.

1.3.2 Guidelines

Several guidelines and standards relating to the management of Aboriginal cultural heritage have been used as part of the assessment process. These include:

- Code of Practice for the archaeological investigation of Aboriginal objects in NSW (OEH 2010)
- Aboriginal cultural heritage consultation requirements for proponents 2010 (OEH 2010)
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2010)

1.4 Archaeological background

A detailed assessment of previous archaeological research in the region can be found in NOHC (2014) and AHMS (2012). NOHC and AHMS have conducted archaeological investigations, including test excavations, within the Proposal site. The findings of these investigations are summarised below.

NOHC 2014 MPW Concept Design Aboriginal Heritage Assessment

Three Aboriginal heritage field surveys of the Project site undertaken by NOHC are summarised in Table 6 below.

Table 6: Summary of NOHC surveys

Date	Area	Results	
December 2010	Commonwealth land to the east of the Georges River	 Identification of five artefact sites (MA1-MA5) Identification of three scarred trees (MA6-MA8) Identification of three PADs (MAPAD1, PAD1 and PAD2) Identification of three archaeological sensitivity landforms (MRSA1-3) 	
February 2013	LCC land	Identification of one PAD (MAPAD2)	

Date	Area	Results	
May 2014	Commonwealth land to the west of the Georges River and the central and southern rail options	 No Aboriginal objects were observed across the ground surface within the central rail access option; however, areas of potentially intact deposits were identified along the banks of the Georges River that may contain archaeological evidence. No Aboriginal objects were observed across the ground surface within the southern rail access option; however, it was noted that the potential exists for relatively intact deposits at depth that may contain archaeological evidence. Survey of the southern rail access option was restricted to the eastern bank; the western bank being the Glenfield landfill, which displays low archaeological potential. 	

NOHC completed a test excavation program in September 2012. A total of 59 test pits were excavated across the MAPAD1, MAPAD2, PAD2, MRSA1, MRSA2 and MRSA3 with 264 artefacts recovered from 26 pits. A mechanical test pit methodology was employed in all test locations where the predicted archaeological potential is no greater than low (MA1 & PAD1, MA5 and MRSA3). A-hand excavation methodology was employed for all test pits in areas of predicted moderate to high archaeological sensitivity (MAPAD1, PAD2, and MRSA3), to minimise the likelihood of damage to artefacts. There were no artefacts recovered from MRSA3 or PAD2. Following the test excavations, the areas of PADs and representative landforms were given the site names identified in Table 7.

PAD/MRSA	Site Name
MAPAD1	MA9
MAPAD2	MAPAD2, MA11, MA12 and MA13
MRSA1	MA10

Table 7: Updated site names following 2012 test excavations

Further excavations were conducted along the western side of the Georges River in 2013 within MAPAD2. A total of 45 test pits were excavated with 14 artefacts recovered from nine test pits. MRSA2 was not excavated due to safety concerns. The assessment recommended that MRSA2, the western extent of MA10 and areas along the Georges River required further subsurface testing.

The excavation programs concluded that where intact deposits occur, Aboriginal occupation appears to be focussed upon the tertiary terrace edge. The upper catchment of Anzac Creek does not appear to have been a focus of Aboriginal activities that left an archaeological record. Riverside margins of elevated flats in close proximity to higher order drainage, i.e. the Georges River, were favoured locations for repeated and/or longer term encampments. The confluence of resources at site MA9 appears to have been a target of Aboriginal activity. The excavation results from this site were found to indicate a relatively continuous, moderate to high density distribution of artefacts with a diverse range of artefact and material types present.

The excavations along the western side of the Georges River found that the extent of fluvial deposition of sands inhibited the testing of the lower pre-1836 floodplain deposits. It was considered that sandy deposits at or below 10 metres Australian Height Datum (AHD) within the Casula-Moorebank section of the Georges River Riparian Corridor are likely to be the result of sedimentation processes caused by the construction of the Liverpool Weir (c. 1836).

NOHC Sept 2014 MPW Aboriginal Heritage Assessment Addendum, Archaeological Subsurface Testing – MRSA2

NOHC conducted subsurface testing of MRSA2 in September 2014. The excavations recovered 34 artefacts from three test excavation units. The excavations were found to support the model of archaeological sensitivity presented by NOHC in 2012. Following the excavations, the boundaries of MRSA2 were refined to reflect the concentration of artefacts and the site was designated MA14. The site was recommended for salvage prior to any impacts occurring.

Archaeological & Heritage Management Solutions 2015 MPE Stage 1 Proposal Aboriginal Heritage Impact Assessment

Archaeological & Heritage Management Solutions (AHMS) completed an Aboriginal heritage impact assessment as part of concept approval of the MPE Stage 1 Proposal, located next to the Proposal site and overlapping with the southern boundary of the Proposal site. As part of the approval process for the MPE Stage 1 Proposal, the SEARS required further investigation of PADs delineated in the original survey report completed by AHMS in 2012. A test excavation program was conducted within the MPE site to further determine the nature and extent of the Aboriginal heritage resource of PAD2 and PAD3. PAD2 extends west of Moorebank Avenue and PAD3 extends to the east of Moorebank Avenue.

The northern extent of PAD2 had previously been tested by NOHC in 2014. The testing program conducted by AHMS was focussed around the southern extent and the area adjacent to Georges River.

A total of 13 test pits were excavated as part of the program. These were divided as seven test pits within PAD2 and six test pits on either side of Anzac Creek within PAD3. The program avoided placing excavation units within the modern floodplain closest to Georges River. Test pits were placed 50 metres from Georges River along upper slope and elevated terraces and 30 to 40 metres from Anzac Creek.

The test excavations recovered 28 artefacts from PAD2. The majority of artefacts were from those test pits located closest to the Georges River. This area was designated as MA14 by AHMS (different MA14 to that identified in CoC B144 of SSD 7709). Optical Stimulated Luminescence (OSL) dates obtained for this site indicate that the underlying sand sheet began forming around 60 000 years ago. OSL samples taken in association with the upper assemblage returned dates between 3-4,000 years Before Present (yBP) and samples in associated with the lower assemblage returned a date of18,000 yBP.

Consultation with RAPs for the MPE Project identified an area of cultural heritage value on the western side of Georges River. This area was considered to be a southern extension of MAPAD2 identified by NOHC (2014b).

An area of cultural heritage value was identified by AHMS (2015) on the western side of the Georges River. The margins of the Georges River were also identified as sensitive landforms and part of a tertiary terrace in the MPW Concept Plan EIS (NOHC 2014b). This landform was only partially investigated by NOHC (2014b). As such, further investigation of this area would be required. Further investigation would entail test excavation, in consultation with RAPs, and salvage excavation where artefact concentrations or intact Aboriginal archaeological deposits are identified.

Artefact Heritage 2016 Moorebank Precinct West (MPW) Stage 2 Proposal Aboriginal Heritage Impact Assessment

Artefact Heritage prepared an Aboriginal Heritage Impact Assessment to support the Environmental Impact Statement (EIS) for MPW Stage 2 approvals. That EIS technical paper included a review of previous assessments completed within Project site and identified discrepancies in the names assigned to sites by NOHC, AHMS and the AHIMS register. These discrepancies are summarised in

the Table 8 below. Where the site is registered the AHIMS name has been used in this report to limit confusion. Where the sites are not registered the naming convention established by NOHC for Aboriginal sites has been followed.

AHIMS ID	AHIMS name	NOHC name	AHMS name	Name used in this report
45-5-4281	MAPAD2	MA13	-	MAPAD2
45-5-4427	MA13	_	_	MA13
_	_	MRSA2/MA14	_	MA14
_	_	PAD2	PAD2/MA14	PAD2

Table 8: Site names used in this report

Biosis 2018 Moorebank Intermodal Terminal: Archaeological Salvage Report

Biosis were engaged to prepare and implement a salvage strategy for surface collection at MA1, MA2, MA3, MA4, and MA5, and subsurface excavation at MA5 and MA9 under SSD 5066 for Stage 1 Early Works at MPW. The salvage excavations involved the placement of 1 m x 1 m pits across a grid. Pits were expanded when high densities of artefacts were identified. A total of 25 pits were excavated within MA5 to a maximum depth of 1.2 m. The excavations at MA5 retrieved 468 artefacts. A total of 25 pits were excavated within MA9 to a maximum depth of 1.2 m. The excavations at MA9 retrieved 331 artefacts.

The study by Biosis concluded that landform and distance from water had an impact on site distribution, with artefacts becoming more numerous closer to creeks, and along higher order creeks. It also found that although artefacts are found on all landforms, landform type influences artefact distribution, with the preference being for slightly elevated, well-drained areas in the lower parts of valleys.

Optically Stimulated Luminescence (OSL) dating of MA5 yielded a date range of $2,800 \pm 300 \text{ yBP} - 9,300 \pm 1,000 \text{ yBP}$. Similarly, the OSL dating of MA9 yielded a date range of $2,900 \pm 300 \text{ yBP} - 16,400 \pm 1,500 \text{ yBP}$.

The high frequency of tools recorded in the assemblage lead Biosis to interpret the sites as having been used as either tool processing areas or as camp sites where tools were discarded. Biosis interpreted the high number of backed artefacts and fragments identified within the assemblages of MA5 and MA9 as an indicator that backed artefacts were being produced within these areas.

It was found that artefacts were present at 400 – 600 mm at MA5, and at 200 – 400 mm at MA9. Biosis interpreted this as evidence of isolated periods of intensive occupation at each site.

Extent Heritage Advisors 2018 Moorebank Intermodal Terminal Development (Package 1) Aboriginal Archaeological Salvage Excavation Report

Extent Heritage Advisors (Extent) were engaged to complete salvage excavations within MAPAD2 (previously excavation by AHMS under the name MA14). A total of 683 artefacts were retrieved from 81 salvage pits (1 m x 1 m). The majority of the salvage pits (80) were excavated to a depth of 1 m with only a single pit excavated to 1.3 m. Samples for OSL dating were retrieved, the results are summaries in Table 9 below.

Depth (mm)	Date range (yBP)
0 – 450	3,000 - 8,000
450 – 800	22,000 - 14,000
800 – 1000	22,000 - 60,000

Table 9: Summary of Extent OSL dates

The assessment found that the artefact assemblage and OSL dates were reflective of the Eastern Regional Sequence. It was noted that further wide scale excavation would not yield additional data of substantial archaeological significance and that further investigations should focus on post excavation analysis and smaller higher resolution investigations.

Conclusion

The Proposal site has been subject to extensive surface and sub-surface archaeological investigations since 2012 as part of the MPW development approval process. MPW2020-UXPF01 has not been previously identified or reported in previous assessments completed for the MPW project.

1.5 Impacts and risks

MPW2020-UXPF01 is currently protected by a 10 m buffer zone. However, this buffer is impeding the proposed works. Taphonomic processes are likely to displace the unexpected find from the buffer zone and it is likely to be harmed by construction and operational impacts that are planned within the Project site.

1.6 Management measures

1.6.1 Community collection

RAPs will be provided with an opportunity to collect the identified Aboriginal object, and any other Aboriginal objects that may be identified during the collections. The location and context of recovered objects will be recorded. Artefacts will be removed from site and analysed as part of salvage excavation reporting being undertaken separately.

1.6.2 Artefact analysis, storage, and long-term management

Any recovered artefacts will be analysed in accordance with the Artefact Heritage salvage methodology. Any Aboriginal objects that are removed from the land by actions authorised by CoC (SSD 7709) will be moved as soon as practicable to the temporary storage location at the offices of Heritage Consultant engaged to complete the salvage excavations under CoC (SSD 7709).

While in temporary storage, artefacts will be stored in a locked storage cupboard. Aboriginal objects under temporary storage will not be subject to future harm. Objects will be stored until agreement is reached about the long-term management of Aboriginal objects in consultation with the RAPs.

Any Aboriginal objects recovered during salvage excavations, community collection activities and/or the proposed development works conducted under CoC (SSD 7709), will be managed consistently with the previously retrieved Aboriginal objects from the Project site.



1.6.3 Salvage reporting

Details regarding the identification, recording and collection of any Aboriginal objects will be included within the Aboriginal Cultural Heritage Salvage Report prepared in accordance with CoC B147 (SSD 7709).

1.7 References

- AHMS, 2015. SIMTA Intermodal Terminal Facility Stage 1: Aboriginal Heritage Impact Assessment, Report to Hyder Consulting Pty Ltd.
- Artefact Heritage. August 2016. Moorebank Precinct West (MPW) Stage 2 Proposal Aboriginal Heritage Impact Assessment. Report to Arcadis
- Bannerman, S. M. & Hazelton, P.A. 1990. Soil Landscapes of Penrith 1:100,000 Sheet. Soil Conservation Service of New South Wales. Sydney.
- Biosis. July 2017a. Moorebank Intermodal Terminal: Aboriginal cultural heritage salvage strategy. Report for Liberty Industrial on behalf of the Sydney Intermodal Terminal Alliance
- Biosis. July 2017b. Moorebank Intermodal Terminal: Construction Heritage Management Plan. Report for Liberty Industrial on behalf of the Sydney Intermodal Terminal Alliance
- Biosis. August 2018. Moorebank Intermodal Terminal: Archaeological Salvage Report. Report for Liberty Industrial on behalf of the Sydney Intermodal Terminal Alliance
- Hiscock, P. and Attenbrow, V. 2005. Australia's Eastern Regional Sequence Revisited: Technology and Change at Capertee 3. Oxford: BAR Monograph Series 1397 Archaeopress.
- Navin Officer Heritage Consultants. June 2014a, Moorebank Intermodal Terminal Aboriginal Heritage Assessment. Report prepared for Parsons Brinckerhoff
- Navin Officer Heritage Consultants. September 2014b, Moorebank Intermodal Terminal Aboriginal Heritage Assessment Addendum Archaeological Subsurface Testing – MRSA2. Report prepared for Parsons Brinckerhoff
- Navin Officer Heritage Consultants. April 2015, Moorebank Intermodal Terminal Aboriginal Heritage Assessment Addendum-Scar Tree Assessment (MA6 and MA7). Report prepared for Parsons Brinckerhoff

APPENDIX A: MPW2020-UXPF01 SITE CARD



Aboriginal Site Recording Form

AHIMS Registrar PO Box 1967, Hurstville 2220 NSW

AHIMS site II): 45-5-5332			Date recorded:	10-06-2020
Site Location Information Site name: MPW2020-UXPF01					
Easting: 3	07827	Northing:	6242030	Coordinates must b	e in GDA (MGA)
Horizontal A	ccuracy (m):	3			
Zone: 56		Location method:	Non-Differentia	IGPS	
Recorder Info (The person responsib		nd submission of this form	1)		
Title	Surna	me		First name	
Mr. Tadde			Ryan		
Organisation:	Artefact Heritage				
Address:	35 Saunders Stre	et, Pyrmont NWS 20)09		
Phone: 02951	188411 E	-mail: ryan.tadde	eucci@artefact.net.	au	
Site Context	Information				
Land Form Pattern:	Undulating Plain		Land Use:	Service Corridor	
Land Form Unit:	Levee		Vegetation:	Revegetated	
Distance to Water (m):		mary port: Artefact Heri	itage 2020, ACHM	Р	
How to get to the site:	-	t site is through Chat a vehicle track to the		orth along Ripon	
Other site information:					

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5.		
Description:		
Other Site Info:		

Site plan



Site photographs



Further information contact

Title	Surname	First name
Organisa	tion:	
Address:		
Phone:	E-mail:	

4

APPENDIX B: CONSULTATION DOCUMENTS



Good afternoon,

Qube Holdings Limited (Qube) has been issued Development Consent (SSD 7709), under Part 4, Division 4.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to construct and operate an intermodal terminal (IMT) facility. The project is known as Moorebank Precinct West (MPW) Stage 2. On 14 May 2020, Biosis identified an unexpected Aboriginal object within the MPW Stage 2 construction area. The Aboriginal object was neither identified in previous Aboriginal heritage assessments of MPW not registered on the Aboriginal Heritage Information Management System (AHIMS) database. SSD 7709 Condition of Consent (CoC) B148-149 stipulate that works within the vicinity of an unexpected find must cease, a 10 m buffer area around the find must be established and the Office of Environment and Heritage (OEH) [now Department of Planning Industry and Environment – Heritage (DPIE – Heritage)] must be contacted. Works may recommence if an Aboriginal Cultural Heritage Management Plan (ACHMP) is prepared in consultation with the RAPs and DPIE – Heritage to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Planning Secretary.

Artefact Heritage Services Pty Ltd (Artefact Heritage) has been engaged to prepare this ACHMP. In accordance with CoC B149, please find attached a copy of the draft ACHMP for your review and comment. It would be greatly appreciated if you could provide a written response to confirm receipt of the attached document and any feedback by 9 July 2020.

If you require any further information or have any questions, please do not hesitate to contact me.

Kind regards, Ryan Taddeucci Senior Heritage Consultant

ARTEFACT Cultural Heritage Management | Archaeology | Heritage Interpretation

Telephone: 61 2 9518 8411 Mobile: 0423 381 482 Address: Suite 56, Jones Bay Wharf, 26-32 Pirrama Rd, Pyrmont NSW 2009 Web: www.artefact.net.au

We acknowledge the Traditional Custodians of Country in which we live and work, and pay our respects to them, their culture and their Elders past, present and emerging

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Ryan Taddeucci

From:	Ruth Sheridan <rsheridan@glalc.org.au></rsheridan@glalc.org.au>
Sent:	Friday, 26 June 2020 10:42 AM
То:	Ryan Taddeucci
Cc:	Melissa Williams; Darren Duncan
Subject:	Updated contact details for communications with Gandangara Local Aboriginal Land Council as RAP

Dear Ryan,

Please note that the new contact person for Gandangara Local Aboriginal Land Council regarding site work and salvages is Darren Duncan, Culture and Heritage Officer, cc: Ruth Sheridan, Manager: Policy, Research & Communications:

Darren Duncan: <u>dduncan@glalc.org.au</u> Ruth Sheridan: <u>rsheridan@glalc.org.au</u>

I note that we have contacted you before regarding this change of contact details. This is very important for us so that we do not miss any works, but also any unexpected finds, such as that which has come through recently with the find in the Moorebank precinct. We were only notified of this through second hand contact.

Please remove Brad Maybury as the contact person for Gandangara Local Aboriginal Land Council. Please also remove Darrel Fabar from the Registered Aboriginal Party list in association with our area.

Although we are aware that the OEH process of open tender to all RAPs is the standard process in NSW, we do assert that as the statutory body constituted to represent Traditional Custodians of the jurisdiction that we cover (see *Aboriginal Land Rights Act 1983* NSW) s 52 (2)), GLALC is the primary cultural authority tasked with preserving and protecting Aboriginal Culture and Heritage at our local level. The same pertains to Tharawal Local Aboriginal Land Council within its jurisdiction.

This is not to discount the standard process of allowing other independent RAPs to establish themselves and enter into site work, but it is important to note that GLALC should always be prioritised in the negotiations as a statutory authority.



Kind regards,

Dr Ruth Sheridan Manager, Policy, Research & Communications

Gandangara Local Aboriginal Land Council 64 Macquarie Street, Liverpool NSW 2170 | P.O Box 1038 Liverpool BC 1871 Ph: (02) 9602 5280 M 0478758284 E: <u>rsheridan@glalc.org.au</u>

Gandangara Local Aboriginal Land Council acknowledges the Cabrogal People of the Darug Nation as the Traditional Custodians of the land we span. GLALC pays respects to Elders past, present and emerging. We also acknowledge the Tharawal (also historically known as D'harawal), which continue to have a longstanding relationship with this Country & our community. GLALC continues to value the generations of knowledge Aboriginal people embed within our organisation and community.

Ryan Taddeucci

From:	Ryan Taddeucci
Sent:	Sunday, 28 June 2020 4:39 PM
То:	Glenda Chalker
Subject:	RE: Moorebank Precinct West (MPW) Stage 2 Proposal – Unexpected find

Hi Glenda,

Thank you for providing your response. Artefact Heritage does not hold a copy of the final salvage report produced by Biosis. It is recommended that you contact Biosis directly to obtain a copy.

The heritage management plan that was attached to my previous email is the only management plan developed for the Moorebank Intermodal Precinct West - Stage 2 following the declaration of development consent on 11 November 2020. Artefact Heritage was not involved in any works completed for Moorebank Intermodal Precinct West - Concept & Stage 1 and does not hold a copy of any management plans completed for previous project stages.

Kind regards, Ryan Taddeucci Senior Heritage Consultant

ARTEFACT Cultural Heritage Management | Archaeology | Heritage Interpretation

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From: Glenda Chalker <kgchalker@bigpond.com>
Sent: Friday, 26 June 2020 6:47 PM
To: Ryan Taddeucci <ryan.taddeucci@artefact.net.au>
Subject: Re: Moorebank Precinct West (MPW) Stage 2 Proposal – Unexpected find

Ryan,

Could you please resend me the original heritage management plan. Also I have never seen the Biosis 2018 report, is it available, or should I ask Biosis?

Thanking you Glenda Chalker

On 25 Jun 2020, at 7:39 pm, Ryan Taddeucci <<u>ryan.taddeucci@artefact.net.au</u>> wrote:

Good afternoon,

Qube Holdings Limited (Qube) has been issued Development Consent (SSD 7709), under Part 4, Division 4.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to construct and operate an intermodal terminal (IMT) facility. The project is known as Moorebank Precinct West (MPW) Stage 2. On 14 May 2020, Biosis identified an unexpected Aboriginal object within the MPW Stage 2 construction area. The Aboriginal object was neither identified in previous Aboriginal heritage assessments of MPW not registered on the Aboriginal Heritage Information Management System (AHIMS) database. SSD 7709 Condition of Consent (CoC) B148-149 stipulate that works within the vicinity of an unexpected find must cease, a 10 m buffer area around the find must be established and the Office of Environment and Heritage (OEH) [now Department of Planning Industry and Environment – Heritage (DPIE – Heritage)] must be contacted. Works may recommence if an Aboriginal Cultural Heritage Management Plan (ACHMP) is prepared in consultation with the RAPs and DPIE – Heritage to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Planning Secretary.

Artefact Heritage Services Pty Ltd (Artefact Heritage) has been engaged to prepare this ACHMP. In accordance with CoC B149, please find attached a copy of the draft ACHMP for your review and comment. It would be greatly appreciated if you could provide a written response to confirm receipt of the attached document and any feedback by **9 July 2020**.

If you require any further information or have any questions, please do not hesitate to contact me.

Kind regards,

Ryan Taddeucci Senior Heritage Consultant

ARTEFACT

Cultural Heritage Management | Archaeology | Heritage Interpretation

Telephone: 61 2 9518 8411 Mobile: 0423 381 482 Address: Suite 56, Jones Bay Wharf, 26-32 Pirrama Rd, Pyrmont NSW 2009 Web: <u>www.artefact.net.au</u>

<image001.gif> We acknowledge the Traditional Custodians of Country in which we live and work, and pay our respects to them, their culture and their Elders past, present and emerging

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<19125-MPW Stage 2-ACHMP-20200625_DRAFT.pdf>

Ryan Taddeucci

From:	Sam Higgs <sam.higgs@environment.nsw.gov.au> on behalf of OEH ROD GSB Aboriginal Cultural Heritage Mailbox <gs.ach@environment.nsw.gov.au></gs.ach@environment.nsw.gov.au></sam.higgs@environment.nsw.gov.au>
Sent:	Friday, 26 June 2020 3:29 PM
То:	Ryan Taddeucci; OEH ROD GSB Aboriginal Cultural Heritage Mailbox
Cc:	Josh Symons
Subject:	RE: Moorebank Precinct West (MPW) Stage 2 Proposal – Unexpected find

Thanks Ryan. Document received. We have no comment at this time.

Regards, Sam

Aboriginal Heritage Regulation Planning Team Greater Sydney

Climate Change & Sustainability | Department of Planning, Industry and Environment **E** gs.ach@environment.nsw.gov.au Level 10, 4 Parramatta Square, 12 Darcy St, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Ryan Taddeucci <ryan.taddeucci@artefact.net.au>
Sent: Thursday, 25 June 2020 7:40 PM
To: OEH ROD GSB Aboriginal Cultural Heritage Mailbox <gs.ach@environment.nsw.gov.au>
Cc: Josh Symons <josh.symons@artefact.net.au>
Subject: Moorebank Precinct West (MPW) Stage 2 Proposal – Unexpected find

ATTN: Archaeology team

Good afternoon,

Qube Holdings Limited (Qube) has been issued Development Consent (SSD 7709), under Part 4, Division 4.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), to construct and operate an intermodal terminal (IMT) facility. The project is known as Moorebank Precinct West (MPW) Stage 2. On 14 May 2020, Biosis identified an unexpected Aboriginal object within the MPW Stage 2 construction area. The Aboriginal object was neither identified in previous Aboriginal heritage assessments of MPW not registered on the Aboriginal Heritage Information Management System (AHIMS) database. SSD 7709 Condition of Consent (CoC) B148-149 stipulate that works within the vicinity of an unexpected find must cease, a 10 m buffer area around the find must be established and the Office of Environment and Heritage (OEH) [now Department of Planning Industry and Environment –

Heritage (DPIE – Heritage)] must be contacted. Works may recommence if an Aboriginal Cultural Heritage Management Plan (ACHMP) is prepared in consultation with the RAPs and DPIE – Heritage to include the object or place and appropriate measures in respect of it, and the Plan is approved by the Planning Secretary.

Artefact Heritage Services Pty Ltd (Artefact Heritage) has been engaged to prepare this ACHMP. In accordance with CoC B149, please find attached a copy of the draft ACHMP for review and comment by DPIE – Heritage. It would be greatly appreciated if DPIE – Heritage could provide a written response to confirm receipt of the attached document and any feedback by **9 July 2020**.

If you require any further information or have any questions, please do not hesitate to contact me.

Kind regards, Ryan Taddeucci Senior Heritage Consultant

ARTEFACT

Cultural Heritage Management | Archaeology | Heritage Interpretation

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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



Good afternoon,

I am writing to follow up on my last email sent on 25 June 2020 regarding the attached Aboriginal Cultural Heritage Management Plan (ACHMP). Can you please provide written confirmation that the attached ACHMP is satisfactory to allow the implementation of mitigation measures and for works in the vicinity of an unexpected find to recommence? If you are unable to provide comment on the attached document, can you please reply to this email noting that you have no comment?

Kind regards, Ryan Taddeucci Senior Heritage Consultant

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Ryan Taddeucci

From:	Danny Franks <danny@tocomwall.com.au></danny@tocomwall.com.au>
Sent:	Friday, 9 October 2020 5:16 PM
То:	Ryan Taddeucci; Scott Franks
Subject:	Re: Moorebank Precinct West (MPW) Stage 2 Proposal – Unexpected find

Hi Ryan,

Could you please sent me the Biosis 2018 Salvage excavation report along with the original heritage management plan.

regards,

Danny Franks

Cultural Heritage Manager Tocomwall Pty Ltd M: 0415226725



Breach of Confidentiality

This email and any files transmitted with it are confidential and intended solely for the use of the individual to whom they are addressed. If you have received this email in error please notify the sender. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. Although the company has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

From: Ryan Taddeucci <ryan.taddeucci@artefact.net.au>
Sent: Friday, 9 October 2020 5:10 PM
To: Ryan Taddeucci <ryan.taddeucci@artefact.net.au>
Subject: Moorebank Precinct West (MPW) Stage 2 Proposal – Unexpected find

Good afternoon,

I am writing to follow up on my last email sent on 25 June 2020 regarding the attached Aboriginal Cultural Heritage Management Plan (ACHMP). Can you please provide written confirmation that the attached ACHMP is satisfactory to allow the implementation of mitigation measures and for works in the vicinity of an unexpected find to recommence? If you are unable to provide comment on the attached document, can you please reply to this email noting that you have no comment?

Kind regards, Ryan Taddeucci Senior Heritage Consultant

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DARUG CUSTODIAN ABORIGINAL CORPORATION

PO BOX 81 WINDSOR 2756 PHONE: 0245775181 FAX: 0245775098 MOBILE: 0452464441 Tylah 0414962766 Justine EMAIL: tylahblunden97@hotmail.com Justinecoplin@optusnet.com.au

Attention: Artefact

Date: 14/10/20

Subject: ACHMP Moorebank precinct west

Dear

Ryan Taddeucci,

We have received the Aboriginal Cultural Heritage Management Plan, We would like to add that our sites are a complex and not all separate sites and recommend that the connections are interpreted throughout the project. Information gathered during these projects is of high significance, once our sites are gone there is no other evidence of the sites or connections. This area has shown in recent excavations and surveys that this is a Darug landscape and there are still numerous parts of our histories to be recorded. Darug people stayed in this area to present times, the oral histories of this area support the families staying here for thousands of years.

Darug custodians believe that this 'unexpected find' is not very unexpected it just shows how much destruction of Aboriginal heritage and culture remains to happen when sites are destroyed and developed.

An Aboriginal Cultural Heritage Management Plan should also speak about cultural significance of the land alongside the archaeological significance.

1.6.2 Artefact analysis, storage, and long-term management

The goal should be to return the artefacts back to country in a safe place within a reasonable timeframe. far too many artefacts from projects sit in boxes from various archaeological excavations for extremely long time.

Regards

dr-

Tylah Blunden

We acknowledge and pay respect to the Darug people, the traditional Aboriginal custodians of this land.

ORGANISATION	CONTACTED BY	<u>TYPE</u>	DATE	COMMENT
OUTGOING	CONTACTED DI	<u></u>	DAIL	
DALI	Ryan Taddeucci/Artefact Heritage	Emoil		25-Jun-20 ACHMP for two week review.
		Email		
TLALC	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
CBNTCAC	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
DLO	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
DCAC	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
DACHA	Ryan Taddeucci/Artefact Heritage	Letter		25-Jun-20 ACHMP for two week review.
Banyadjaminga	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
GLALC	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
Tocomwall	Ryan Taddeucci/Artefact Heritage	Email		25-Jun-20 ACHMP for two week review.
loconiwan	Ryan radicace, Artelact Hentage	Linan		25 Jul 20 Achieve for two week review.
INCOMING				
				Request to remove Brad Maybury as the primary contact for the project and address all future correspondence to Ruth
Ryan Taddeucci/Artefact Heritage	Ruth Sheridan/Gandangara LALC	Email		26-Jun-20 Sheridan and Darren Duncan.
				Requests a copy of the Biosis 2018 salvage excavation report and the 'original heritage management plan'. A response
				was provided to Glenda explaining that Artefact Heritage does not hold a copy of the final Biosis 2018 report, and it is
				recommended Biosis is contacted directly for a copy. It was also advised no other heritage management plans have
Ryan Taddeucci/Artefact Heritage	Glenda Chalker/CBNTCAC	Email		26-Jun-20 been produced for the MPW Stage 2 Project.
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OUTGOING				
DALI	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
TLALC	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
CBNTCAC	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
DLO	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
	,			•
DCAC	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
DACHA	Ryan Taddeucci/Artefact Heritage	Letter		09-Oct-20 Follow up on ACHMP
Banyadjaminga	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
GLALC	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
Tocomwall	Ryan Taddeucci/Artefact Heritage	Email		09-Oct-20 Follow up on ACHMP
INCOMING				
Ryan Taddeucci/Artefact Heritage	Danny Franks/Tocomwall	Email		09-Oct-20 Requests a copy of the Biosis 2018 salvage excavation report and the 'original heritage management plan'.
				The ACHMP should address cultural values of the site. DCAC considers the artefact to be of high cultural significance as
Ryan Taddeucci/Artefact Heritage	Tylah Blunden (DCAC)	Email		14-Oct-20 it is part of a complex connected to other sites within the area. Artefacts should be reburied on Country.
	. ,			
OUTGOING				
DALI	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 Happy with methodology and recommendations, No further comment
TLALC	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 No answer
				Has received the stage 1 report. Happy with the ACHMP. Understands that artefacts will be reburied in the Biobanking
CBNTCAC	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 area. Will attend the scar tree removal.
DLO	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 No answer, left a message
DCAC	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 No answer
DACHA	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 No comment, please be advised that business is closing and no further response will be issued
GLALC	Ryan Taddeucci/Artefact Heritage			
		Phonecall		12-Oct-20 No answer
Tocomwall	Ryan Taddeucci/Artefact Heritage	Phonecall		12-Oct-20 Advised to speak to Danny Franks.
Banyadjaminga				No phone number provided.
				Ryan spoke to Danny Franks and advised that Artefact is currently seeking approval to release the Biosis 2018 Salvage
				report and that it will be sent as soon as possible. Ryan also advised that the issued ACHMP is the ACHMP issued on
				Friday is the only ACHMP for the project. Danny confirmed receipt of the issued ACHMP and confirmed that Tocomwall
Tocomwall	Ryan Taddeucci/Artefact Heritage	Phonecall		13-Oct-20 has no comment on that document.
	,,			Justine Copland advised that the report is currently under review and advice is anticipated by the end of the day. Ryan
DCAC	Ryan Taddaucci /Artofact Haritaga	Phonecall		
	Ryan Taddeucci/Artefact Heritage			13-Oct-20 provided a verbal summary of the document and Justine approved the ACHMP.
DLO	Ryan Taddeucci/Artefact Heritage	Phonecall		13-Oct-20 No answer, left a message (called at 11:05 am)

TLALC	Ryan Taddeucci/Artefact Heritage	Phonecall	13-Oct-20 Called Tharawal phone number and all alternate numbers, no response at 11:10 am
			Spoke to reception and was advised that Darren is out on site today and Ruth is currently unavailable (11:15 am).
GLALC	Ryan Taddeucci/Artefact Heritage	Phonecall	13-Oct-20 Reception will pass a message on to Ruth, who will call back when available.