

Mr James Harris
Town Planning Manager
Southern Cross Community Housing Ltd
69 Kinghorne Street
NOWRA NSW 2541

By email:

James Harris, Town Planning Manager, Southern Cross Community Housing - jamesharris@allenprice.com.au

Stephen King, Manager Development & Construction, Southern Cross Community Housing - stephen@scch.org.au

cc: Jenni Bate, Director, Apex Archaeology - jenni@apexarchaeology.com.au

Dear James and Stephen

ABORIGINAL HERITAGE IMPACT PERMIT 5144

Seven lot subdivision 25 Moss Vale Road, Bomaderry

Thank you for your application for an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the *National Parks and Wildlife Act 1974* (the Act) received on 25 May 2023.

I understand that the proposed development involves demolition, site remediation, seven lot subdivision including six Torrens title lots and one public reserve, new roads and associated works as documented in Development Consent SF10851 issued on 20 December 2022.

Your AHIP application has been assessed and approved. Your AHIP is attached.

Aboriginal cultural heritage is important and invaluable. Please be aware of your responsibilities in relation to Aboriginal cultural heritage and the conditions of the attached permit.

Advice

Your works may need approval from other local, State or Commonwealth government authorities.

You may need to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Section 164 of the Act allows authorised officers to enter land if they suspect that an offence has been or is being committed.

Right of Appeal

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within **21 days** of the date this AHIP was issued.

If you require any further assistance do not hesitate to contact Lyndon Patterson, Senior Assessment Officer at Heritage NSW on 02 6022 0619 or via email at Lyndon.Patterson@environment.nsw.gov.au

Yours sincerely



Kym McNamara
Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under *National Parks and Wildlife Act 1974*)
15/08/2023

AHIP number: 5144

AHIP Issued to:

Southern Cross Community Housing Ltd
ABN: 50 307 328 813
69 Kinghorne Street
NOWRA NSW 2541

ADDITIONAL DETAILS FOR PUBLIC REGISTER

Name of development or project	Seven lot subdivision 25 Moss Vale Road, Bomaderry
Location	25 Moss Vale Road, Bomaderry Lot 1 DP 520502 Lot 110 DP 131219 Lot 129 DP 3060
Local Government Area(s)	Shoalhaven City Council
Description of harm authorised	• Salvage excavations • Harm to certain Aboriginal objects through the proposed works
AHIP commencement date and duration	Commencement date: 15/08/2023 Duration: 5 years

AHIP TO HARM ABORIGINAL OBJECTS

AHIP ISSUED SUBJECT TO CONDITIONS

This AHIP is issued pursuant to section 90 of the *National Parks and Wildlife Act 1974* (the Act). All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

***Note:** a dictionary defining terms used in this document are in Appendix A.

COMMENCEMENT AND DURATION OF AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP. Unless otherwise revoked in writing, this AHIP remains in force for 5 years from the date of commencement.

PROPOSED WORKS

The works comprise demolition of cattle yards, remediation works, seven lot subdivision including six Torrens title lots and one public reserve, construction of new roads, site works and dedication of land in accordance with Development Consent SF10851 issued by Shoalhaven City Council.

LAND TO WHICH THIS AHIP APPLIES

The land to which this AHIP applies is that land bound by the line identified as 'Study Area' and listed grid references as shown in Attachment 1.

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, detailed in the schedules that follow.

Any requirement to provide written notice to Heritage NSW may be complied with by emailing the notice to heritagemailbox@environment.nsw.gov.au

General Conditions	
Condition Number	Condition
Persons undertaking actions or works covered by this AHIP	
1	The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents, or invitees) are made aware of and comply with the conditions of this AHIP.
2	A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3	If an alternative to the nominated project manager is appointed, Heritage NSW must be notified of their contact details within 14 days of this appointment.
Notification of Registered Aboriginal Parties	
4	A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from Heritage NSW and at least 7 days before the start of works under this AHIP.
5	Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.
Indemnity	
6	This AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Planning and Environment, and their employees, agents, and contractors, in the absence of any wilful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from: - Any damage or destruction to any real or personal property; and - Injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

General Conditions	
Condition Number	Condition
Breach of AHIP Conditions	
7	The AHIP holder must notify Heritage NSW in writing as soon as practicable after becoming aware of: a. Any contravention of s.86 of the Act not authorised by an AHIP, and/or b. Any contravention of the conditions of this AHIP. Where Heritage NSW suspects that an incident has occurred which may have breached the Act or AHIP, Heritage NSW and/or Authorised Officer appointed under the Act may request a written incident report, which includes the following: a. the nature of the incident b. the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places c. the nature and location of these Aboriginal objects/or Aboriginal places, referring to and providing maps and photos where appropriate d. any conditions of an AHIP which may have been breached, and e. the measures which have been take or will be taken to prevent a recurrence of the incident. The incident report must be provided to the Heritage NSW office within the timeframe specified in the request.
Human Remains	
8	All human remains in, on or under the land must not be harmed.
9	If any human remains (other than any human remains described in the attached schedule) are discovered and/or harmed in, on or under the land, the AHIP holder must: a. Not further harm these remains b. Immediately cease all work at the location c. Secure the area to avoid further harm to the remains d. Notify the local police and Department of Planning and Environment's 'Environment Line' on 131 555 as soon as practicable and provide any available details of the remains and their location, and e. Not recommence any work at the location unless authorised in writing by Heritage NSW.

Standard Conditions	
Condition Number	Condition
Minimisation of Harm	
10	To ensure that harm to Aboriginal objects is minimised, the '25 Moss Vale Road, Bomaderry, NSW Aboriginal Cultural Heritage Management Plan' (Apex Archaeology, 17 May 2023), provided with the application, must be implemented and complied with.
Harm	
Salvage Excavation	
11	Salvage excavations may be carried out in, on or under each area described in Schedule B2.
12	Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further analysis. The excavations and analysis of Aboriginal objects must be carried out in accordance with section '2.0 Salvage Methodology' contained in '25 Moss Vale Road, Bomaderry, NSW Aboriginal Cultural Heritage Management Plan' (Apex Archaeology, 17 May 2023:10-15) that was provided with the application (refer to Attachment 3).
Harm through the proposed works	
13	The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorises harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
14	Aboriginal objects described in Schedule C must not be harmed unless: all excavations described in Schedule B2 have been completed in the area.

Standard Conditions	
Condition Number	Condition
Salvage Excavation Report	
15	A salvage excavation report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this AHIP). The report must: - include a short summary of the report - describe any ongoing consultation with or involvement of representatives of Registered Aboriginal Parties in relation to this AHIP - provide details of the Aboriginal objects which were fully or partially harmed while undertaking the actions - if any salvage excavations were authorised by this AHIP, provide a description of the methods and results of the salvage excavation - comment on the effectiveness of any mitigation measures that were implemented - comment on the effectiveness of any management plan which was in place - if any Aboriginal objects were moved to a temporary storage location, a description of the nature and types of Aboriginal objects which are now at that location - detail the results of any analysis of Aboriginal objects - detail the long-term management arrangements for any Aboriginal objects, and - include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted.
16	The report must be submitted to the Heritage NSW office (heritagemailbox@environment.nsw.gov.au) and the Aboriginal Heritage Information System (AHIMS) Registrar (ahims@environment.nsw.gov.au) within 9 months of the completion of the actions.
17	A copy of the report including a summary of the report in plain English must be sent by registered post to each Registered Aboriginal Party within 14 days of the report being submitted to Heritage NSW.
Temporary Storage	
18	Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to one of the temporary storage locations specified below: Location 1: Apex Archaeology Offices, 26 Kalatta Grove, Worrigee. Location 2: Beth White Archaeology Offices, 15 Heathcote St, Picton. Storage particulars: Locked Storage Cabinet.
19	Heritage NSW must be notified of an alternative temporary storage location at least 7 days prior to the move.
20	Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Standard Conditions	
Condition Number	Condition
21	Requirement 26 'Stone artefact deposition and storage' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW , must be complied with unless the Registered Aboriginal Parties agree to an alternative deposition method.
Long term management	
22	If objects are to be transferred under a Care and Control Agreement to an Aboriginal person or organisation representing Aboriginal people in accordance with section 85A(1)(c) of the NPW Act an application for a Care Agreement must be completed.
23	If reburial is to be undertaken of objects Requirement 26 'Stone artefact deposition and storage' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW , must be complied with unless the Registered Aboriginal Parties agree to an alternative deposition method.
Aboriginal Site Impact Recording Form	
24	Aboriginal Site Impact Recording Forms must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Scheduled B and C, within 4 months of the completion of the salvage excavation actions authorised by this AHIP. Note: - The Aboriginal Site Impact Recording Form must be updated with information about the site in each relevant field. Reference to a report is not an acceptable substitute for site information. - The Aboriginal Site Impact Recording Form can be found here - Contact details for the AHIMS Registrar can be found here

SCHEDULE A: ABORIGINAL OBJECTS THAT MUST NOT BE HARMED

A1. HUMAN REMAINS

All human remains in, on or under the land must not be harmed, 'other than any human remains identified in Schedule B4,' as specified by the conditions of this AHIP.

A2. ABORIGINAL OBJECTS THAT ARE IDENTIFIED ON AHIMS

Not applicable.

A3. NO-HARM AREAS

Not applicable.

SCHEDULE B: ABORIGINAL OBJECTS THAT MAY BE HARMED THROUGH THE CERTAIN ACTONS

B1. MOVEMENT ONLY

Not applicable.

B2. SALVAGE EXCAVATIONS

Salvage excavations may be carried out in the areas identified in Attachment 3: Salvage Excavation Methodology, but only in accordance with the conditions of this AHIP.

The salvage excavation area comprises the following known Aboriginal objects, as identified on AHIMS (excluding Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Restricted access (Y/N)	Easting	Northing	Datum
Part	52-5-0996	Artefact	Moss Vale Road artefact scatter 1	N	279627	6142082	GDA 56
Whole	52-5-0997	Artefact	Moss Vale Road artefact scatter 2	N	279504	6142040	GDA 56

B3. COMMUNITY COLLECTION

Not applicable.

B4. OTHER

Not applicable.

SCHEDULE C: ABORIGINAL OBJECTS WHICH MAY BE HARMED THROUGH THE PROPOSED WORKS

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1. HARM OF ABORIGINAL OBJECTS IDENTIFIED ON AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Restricted Access (Y/N)	Easting	Northing	Datum
Whole	52-5-0996	Artefact	Moss Vale Road artefact scatter 1	N	279627	6142082	GDA 56
Whole	52-5-0997	Artefact	Moss Vale Road artefact scatter 2	N	279504	6142040	GDA 56
Part	52-5-0998	Artefact	Moss Vale Road artefact scatter 3	N	279432	6142095	GDA 56

*Note – in this context “part” means “that part of the site that is within the land to which this AHIPS applies”

C2. AREAS WHERE HARM OF ABORIGINAL OBJECTS IS AUTHORISED

All Aboriginal objects in, on or under the land which is identified as ‘Study Area’ in Figure 1: AHIP map in Attachment 1.

A harm minimisation area for vegetation management is identified in purple in Figure 2 in Attachment 2.

ATTACHMENT 1: LAND TO WHICH THIS AHIP APPLIES

The land to which this AHIP applies is identified as 'study area' and bound by coordinates in Figure 1.



Figure 1: AHIP map (Apex Archaeology, 2023)

ATTACHMENT 2: HARM MINIMISATION AREA

Works in the area identified in purple in Figure 2 below are to be conducted in accordance with the Aboriginal Cultural Heritage Management Plan (Apex Archaeology, 2023).

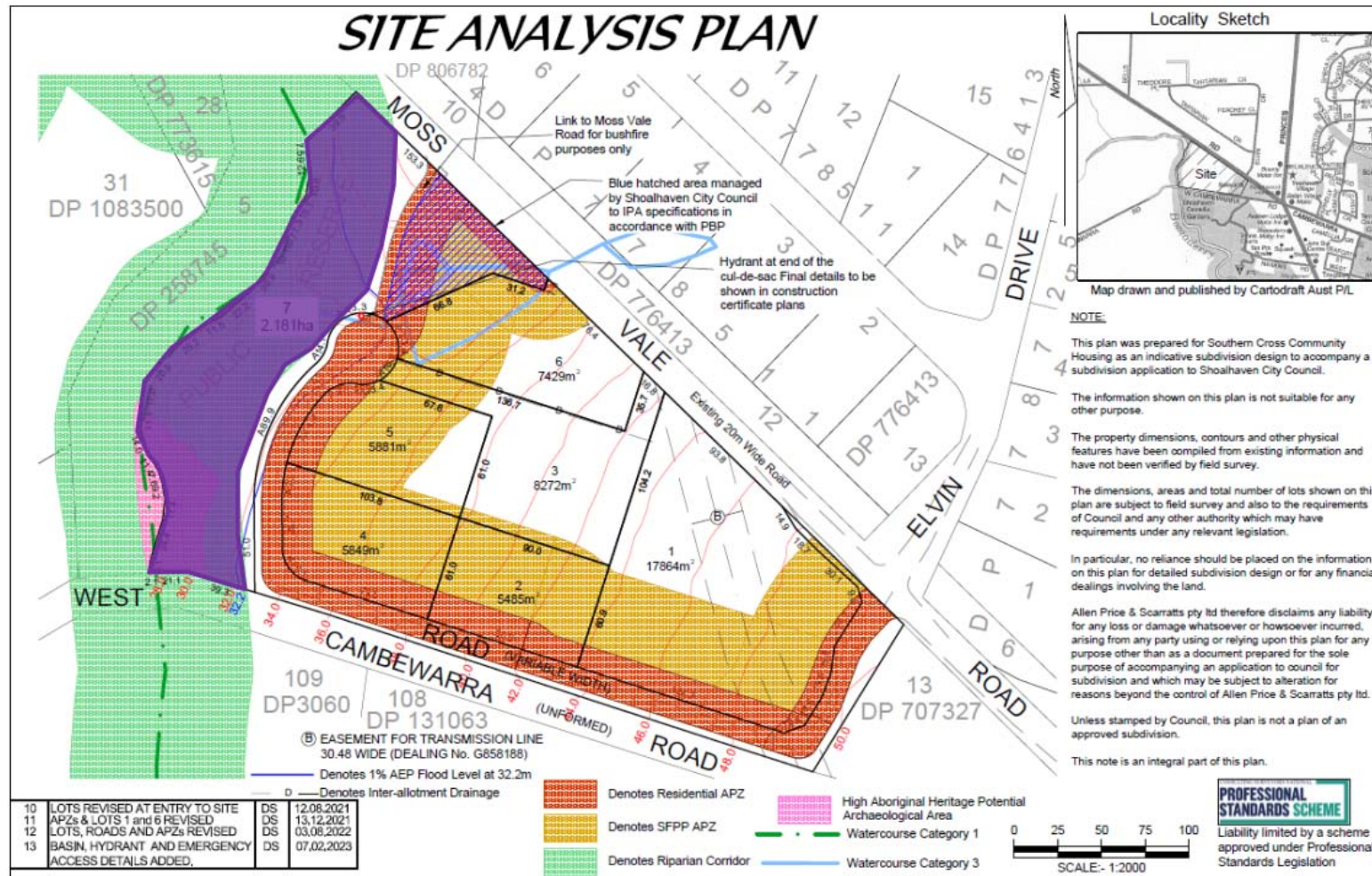


Figure 2: Harm minimisation area (in purple) in the public reserve (Apex Archaeology, 2023).

ATTACHMENT 3: SALVAGE EXCAVATION METHODOLOGY

2.0 SALVAGE METHODOLOGY

A salvage methodology was attached to the ACHA and outlines the staged salvage approach for the site, as follows:

Stage 1 Salvage Pits:

The salvage excavations are to be undertaken to establish a clearer understanding of the dimensions, nature and significance of the known sub-surface deposits.

- Stage 1 – 3m x 3m salvage pits would be excavated as follows:
 - Previously excavated test pits would require re-excavation as part of the salvage, as these would have been backfilled during test excavations.
 - 10/24/25/26 (1m² initial test pit expansion) would be expanded to the required 3m x 3m dimension.
 - 13, 21, 22, 27, and 28 (50x50cm initial test pits) would be excavated to the required 3m x 3m dimension.
 - These are shown on Figure 3.
 - Nominal total open area (new) for Stage 1 = 54m²

Stage 2 Salvage Pits:

- Stage 2 – Expansion of open areas, if required, subject to artefact density and meeting appropriate triggers for expansion, up to 85m² (dispersed over the entire area depending on results – additional 31m²).
- Expansion triggers are as follows:
 - Artefact incidences of high density encountered within a context which warrants further investigation or salvage. The high-density threshold will be defined based on results of Stage 1 Salvage, although is likely to be pits with more than 9 items, based on the results of the test excavations.
 - Any level of artefact incidence within a stratigraphic or pedological context which warrant further investigation
 - *In situ* non-human bone material relating to Aboriginal occupation of the area.
 - The remains of a hearth in a relatively undisturbed condition.
 - A lithic flaking floor in a relatively undisturbed condition.
 - An arrangement of stones (showing evidence of deliberate placement by a human agency) in a relatively undisturbed condition.
 - A dense layer or lens of cultural material.
- Stage 2 salvage will involve the continued excavation of 1m x 1m salvage pits adjacent to stage 1 salvage pits which meet the above triggers.
- Stage 2 salvage excavation will cease when previous pits no longer meet the above triggers.

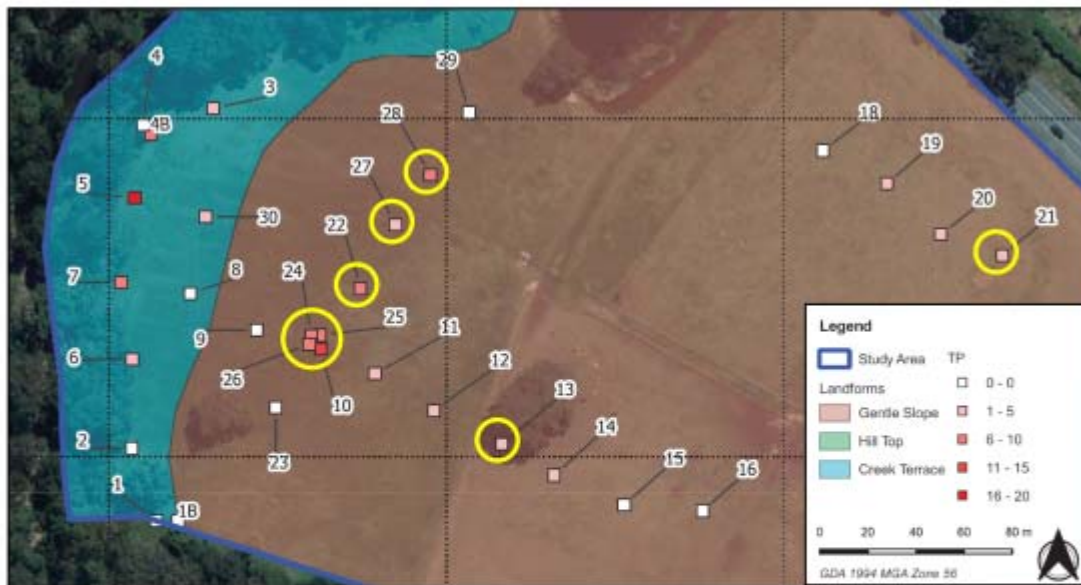


Figure 3: Test pits identified for further investigation (Source: Austral Archaeology 2022 with Apex Archaeology additions)

2.1 RESEARCH QUESTIONS

The following research questions are proposed to frame the salvage strategy:

1. Can the extent of artefact concentrations observed from the initial test excavations be better refined?
2. How does the artefactual density during the salvage program compare to the testing program? Has a greater volume of excavation yielded similar or different results in terms of characterising the site?
3. What is the variation in density of cultural material across this area? Can individual knapping floors or functional processes be identified?
4. Does the additional artefactual material contribute/alter the existing analysis of the nature of this site?
5. Are the results of the salvage program consistent with other sites excavated within the locality and region? How can the results be compared and/or contrasted?

2.2 EXCAVATION METHODOLOGY

- All pits will be 1m² and excavated in 5cm spits by hand using a shovel, hand shovel and trowel as appropriate. Spit depths will be consistently checked with a hand tape measure to ensure accuracy of excavation depth;
- If cultural features (e.g. hearths, heat treatment pits, knapping floors) are identified during excavation, excavation with hand tools (e.g. hand shovel and shovel) will cease and continue with trowel only;
- Locations of identified features will be planned onto 1mm graph paper. X, Y and Z coordinates of individual artefacts from in-situ knapping floors will be

recorded and photographed prior to removal (where possible) and continuation of excavation;

- The presence of any one or combination of the following triggers will determine if further excavation will continue in any of the initial open area expansion sites (Stage One) and will be utilised during further expansion in Stage Two:
 - The relative density of artefact frequencies. If higher numbers of artefacts are identified in one or more parts of the initial excavation, they will be further explored;
 - Based on the results of Paten's test excavation, pits with more than eight items in any 1m² area would be expanded, up to the maximum areas outlined in Section 3.2.1 and 3.2.2;
 - Variations of raw materials that warrant further investigation;
 - Unusual artefact types are found, e.g. complete flakes, tools, cores, other types such as ground edged implements etc;
 - Evidence of artefact manufacture is found, e.g. conjoining artefacts, flaking debitage, micro-debitage, complete flakes, broken flakes; tool manufacture or maintenance;
 - Evidence of different activities, indicated by different artefact types e.g. backed artefacts, partly made backed artefacts and backing debitage, tool retouching debitage, debitage with dorsal grinding and retouched and/or used tools, different raw materials and raw materials with distinctive banding or inclusions;
 - Chronological material (any materials that can be used to date artefactual materials);
 - Taphonomic/site formation indicators; and
 - Any other relevant features appropriate for further investigations, e.g. archaeological features such as evidence of burning in a hearth, stone features; clay features etc.
- Charcoal samples for dating (C₁₄) will only be taken during in-situ excavation of accurately identified cultural features (e.g. hearths and heat treatment pits);
- If hearths, heat treatment locations, ovens, etc are uncovered, consideration will be given to consulting with an expert regarding archaeomagnetic and paleomagnetic samples to date and obtain cultural data from the heating events;
- Any charcoal samples will be recovered and placed into aluminium foil, securely sealed, and placed into zip lock bags, clearly labelled and provenanced;
- The soil from each spit will be placed in 10L plastic buckets and transported to the sieving station;
- To ensure sufficient control of each spit excavated, a bag will be written to accompany the buckets from each spit. The following information will be

recorded on each bag: site name, date, pit location (easting & northing) and name of excavator;

- All material from each test pit will be dry sieved through table sieves (1 x 1m) with a wire mesh aperture gauge of 5mm, with the option to include 3mm mesh depending on the soil matrix;
- Wet sieving may be necessary depending on the soil matrix, and will be implemented if necessary;
- All material recovered from the sieving process will be checked by a qualified archaeologist with experience in artefact identification prior to being placed into the spit bag;
- Artefact counts will be recorded for each spit; and
- Lithic analysis will be undertaken by Dr Beth White who is a specialist with suitable experience (30+ years).

2.3 RECORDING

- Each spit will be recorded on a standard spit sheet with the following information:
 - site name;
 - date;
 - excavator name;
 - spit number;
 - spit depth;
 - pit location (easting & northing);
 - start levels & end levels;
 - bucket count and end total bucket count;
 - soil description;
 - description of disturbance;
 - description of artefacts (material type & artefact type if *in situ*);
 - in situ recording of artefacts where possible (xyz coordinates); and
 - photograph details (from surface and of each spit to base).
- Sections will be planned on 1mm grid paper should it be warranted.

2.4 CESSATION OF EXCAVATION

Excavations will cease upon reaching basal clay, bedrock or a culturally sterile layer, or at the discretion of the archaeologist. Additionally, excavations would cease upon excavation of an assemblage sufficient to answer the questions. The decision to cease based on sufficiency would be made in consultation with the lithic analyst for the project.

Excavation would also cease in the event evidence of contact archaeology is identified, and Heritage NSW would be contacted to determine the appropriate approach. The site is not considered likely to have potential for contact archaeology to be present.

2.5 BACKFILL AND SALVAGE EXCAVATION

It is considered likely that civil works would start on completion of salvage excavations and as such, the civil contractor will deal with the open pits as part of the site works.

2.6 POST-EXCAVATION ANALYSIS

On completion of salvage works within the study area, both surface and subsurface, all artefacts recovered would be analysed by Dr Beth White as outlined in Section 3.5. Further, a salvage report detailing the results of the surface collection and salvage excavations would be prepared and provided to all RAPs for the project, as well as to AHIMS for inclusion on the report database.

Aboriginal Site Impact Recording Forms (ASIRFs) would be prepared for the impacted sites, detailing the results of the surface and subsurface salvage works undertaken within the area.

On reburial of artefacts recovered during all archaeological activities within the site, a new site card would be submitted to AHIMS detailing the location of the reburied items.

2.7 ARTEFACT MANAGEMENT

Artefacts recovered from both the initial Austral Archaeology test excavations and the subsequent salvage excavations will be reburied on site within the location shown on Figure 3, within the proposed conservation area of the site. No future impact is proposed within this area. Once reburied, the location would be registered with AHIMS as a new site which would not be impacted in future. Artefacts recovered during salvage works would be stored at Apex Archaeology's offices until reburial can occur.



Appendix 7 Proposed location for the reburial of artefacts

2109 - 25 Moss Vale Road - N27790

Source: NSW LPI Basemap

Drawn by: WA Date: 2021-04-07



AUSTRAL
ARCHAEOLOGY

Figure 4: Artefact reburial location (Source: Austral Archaeology 2022)

APPENDIX A: Dictionary

In this AHIP, unless the contrary is indicated, the terms below have the following meanings:

Aboriginal object	has the same meaning as in the <i>National Parks and Wildlife Act 1974</i>
Act	means the <i>National Parks and Wildlife Act 1974</i>
AHIMS	means the Aboriginal Heritage Information Management System maintained by Heritage NSW, as defined in section 90Q of the Act
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading “AHIP issued to”
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged, or which were subsequently submitted in support of the application
Community collection	means the collection of Aboriginal objects by one or more Registered Aboriginal Parties or their representatives
Community collection area	means an area described as a community collection area in relevant schedule
DPE	means the Department of Planning and Environment
No-harm area	means those areas described in relevant schedule
Proposed works	means the works described in the table at the front of this AHIP under “Brief description of proposal.”
Public register	means the public register established under section 188F of the Act, that contains details of AHIPs issued by Heritage NSW, as described under the heading “Information about this AHIP”
Registered Aboriginal Parties	means Registered Aboriginal Parties listed in the application
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed
Salvage excavation area	means any area described as a salvage excavation area in the relevant schedule
Test excavation	means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects and to assist in the assessment of management options for the site
Test excavation area	means any area described as a test excavation in the relevant schedule