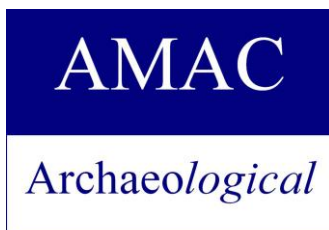


ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

Lot 22 DP 1072217, Lot 1 DP
42 Honeysuckle Drive and Cottage Creek
Newcastle NSW
(Newcastle LGA)



Benjamin Streat & Yolanda Pavincich

Archaeological Management & Consulting Group
& Streat Archaeological Services

**for
Doma Group**

**Version 4
February 2020**

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*Benjamin Streat
Director of Aboriginal Archaeology*



Archaeological Management & Consulting Group

AEGIS HERITAGE Pty Ltd ACN 126 155 020

Ph (02) 9568 6093
Fax (02) 9568 6093
Mob 0411 727 395
E-mail amac@archaeological.com.au



Streat Archaeological Services Pty Ltd

ACN 126 731 637 ABN 17 126 731 637

Ph (02) 9564 2206
Mob 0405 455 869
E-mail Streatarchaeological@netspace.net.au
Benjaminstreat@archaeological.com.au

Cover Image

Sample artefacts located from test excavation at 42 Honeysuckle Drive.
Aboriginal Test Trench 13, Spit 7 (Photo ID 11_1666)

ACKNOWLEDGEMENT OF COUNTRY

Doma Group would like to acknowledge the Traditional Custodians of the Newcastle Area– the Awabakal peoples– and pay respect to their cultural heritage, beliefs and continuing relationship with the land.

Doma Group would also like to acknowledge the post contact experiences of Aboriginal peoples who have attachment to the Sydney area.

“We pay our respect to the Elders – past, present and future – for they hold the memories, traditions, culture and hopes of Aboriginal Peoples in the area.”

Doma Group recognises the role of the registered Aboriginal parties in the management of the Aboriginal cultural heritage sites, landscape features and values of this project.

Doma Group would like to thank the Registered Aboriginal Parties for their participation in this project and for their valuable contribution to this Aboriginal Cultural Heritage Assessment which has been enriched by their willingness to share valuable aspects of their cultural knowledge especially in respect of Caring for Country

DOCUMENT REVIEW HISTORY

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20/02/2018 – 23/02/1018	Test Excavation carried out under ACHMP	N/A
	Test Excavation summary distributed to All Raps and ACHMP amended to include salvage excavation methodology	All RAPs, Doma and AMAC
04/09/2018 – 15/09/18.	Salvage Excavation carried	N/A
12/10/18	ACHMP amended to mitigate new building methodology	All RAPs, Doma and AMAC
26/10/18	Draft distributed to client	N/A
26/10/18	Amended Draft distributed to all RAPs	All RAPs, Doma and AMAC
02/11/18	ACHMP in place	All RAPs, Doma and AMAC
19/02/20	ACHMP SSD reissue and revised plans	All RAPs, Doma and AMAC

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EXECUTIVE SUMMARY

Introduction

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) was commissioned by Doma Group in October 2017, to prepare a *Preliminary Aboriginal Archaeological Assessment* (AMAC 2017) for the proposed State Significant Development (SSD) #8440 (Reapplied and issued SSD# 10378) for Lot 22 DP 1072217 and Lot 1 DP 1236765, street address 42 Honeysuckle Drive, Newcastle, New South Wales.

In response to the recommendations outlined in the *Preliminary Aboriginal Archaeological Assessment* and the results of the test excavation program, of which Aboriginal artefacts of cultural and archaeological significance were uncovered, this *Aboriginal Cultural Heritage Management Plan* (ACHMP) has been compiled in consultation with the relevant Registered Aboriginal Parties (RAPs) in order for the development to proceed as an SSD.

The result of the testing program indicated that the site is multi-layered and complex, requiring further investigation in order to understand the reclamation works and nature and density of the artefacts located within the two separate deposits found to be present on the site. A full test excavation report, *AMAC 2018 Aboriginal Excavation Report Lot 22 DP 1072217; 42 Honeysuckle Drive, Newcastle NSW (Newcastle LGA)*, contains further details of the program and results.

Salvage collection and excavation was undertaken over seven days 04/09/2018 – 15/09/18. The programme was also conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of 11 test trenches (100cm x 100cm).

Natural soil horizon to a depth of RL: 0.4 to be excavated/removed and or replaced within or from the study area has been subject to a mechanical screening process to separate the artefacts from the soil and/or any contaminants.

The project no longer comes under SSD #8440 due to changes with the proposed development, a new SSDA was applied for and as a result the project now comes under SSD #10378 (see Appendix One).

An Aboriginal Heritage Impact Permit (AHIP) and associated documentation is not needed as part of this development and its status as a State Significant Development. All such conditions and procedures which were the domain of an AHIP have now been replaced by this ACHMP as required as part of Development Consent (Section 4.12(8) Environmental Planning and Assessment Act 1979) and endorsed by the recommendations of the *Preliminary Aboriginal Archaeological Assessment* (AMAC 2017) and *Aboriginal Excavation Report* (AMAC 2018).

Aboriginal Consultation

Consultation, where possible, for this report has been undertaken in accordance with the Department of Planning, Industry and Environment (DPIE) and National Parks and Wildlife Act 1974: Part 6; *National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

A preliminary Aboriginal Archaeological Assessment has been prepared including a test excavation program where full Aboriginal consultation has taken place as per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010). Consultation has continued with registered stakeholders during the preparation of this ACHMP and its recommendations.

Due to the reapplied and issue of SSD# 10378 as well as revision of development plans, this document has been distributed to the Registered Aboriginal Parties (RAPs) for review.

Physical Evidence

Test excavation was undertaken over four days 20/02/2018 – 23/02/2018. The programme was conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of 15 test trenches (50cm x 50cm).

The Test Trenches were situated evenly across the site in order to obtain information and data that could systematically determine a distribution pattern and/or density pattern within a localised scale of the site.

Testing was broken into two areas, Aboriginal Test Trenches (ATT) 1-9 were located on the top of the hill (man-made) while ATT 10-15 were located along the flat/lower slope of the hill to the south. A total of 194 possible Aboriginal objects were excavated across both areas.

A natural A2 deposit was located towards the southern end of the study area, at the flat/lower slope of the man-made hill. A total of 40 possible Aboriginal artefacts were located within this natural A2.

The result of the testing program indicated that the site is multi-layered and complex, requiring further investigation in order to understand the reclamation works and nature and density of the artefacts located within the two separate deposits found to be present on the site. A full test excavation report, *AMAC 2018 Aboriginal Excavation Report Lot 22 DP 1072217; 42 Honeysuckle Drive, Newcastle NSW (Newcastle LGA)*, contains further details of the program and results.

Salvage collection and excavation was undertaken over seven days 04/09/2018 – 15/09/18. The programme was also conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of 11 test trenches (100cm x 100cm).

The trenches were situated at the point of deepest excavation (the lift shaft) on the site as indicated in the development plans (Figures Figure 5.1 -Figure 5.21) in order to mitigate the development impact.

Natural soil horizon to a depth of RL: 0.4 to be excavated/removed and or replaced within or from the study area was subject to a mechanical screening process to separate the artefacts from the soil and/or any contaminants.

This mechanical screening process was in accordance with the process approved by Mr Peter Townshend of Awabakal Local Aboriginal Land Council in the company of Mr. Scott Owen of BLOC on the 09/10/18 and as detailed in Section 7.3.5 of this ACHMP as well as the processes trialled in the presence of Peter Townsend (ALALC), Peter Leven

(ADTOAC), Tori Leven (GTLAC), Kane Leven (ATOAC), Luke Knight (WTOC) & Clive Suey (LHAI) on 22/10/18.

Natural deposit was located as a result of salvage excavation however it is thought to be part of the intertidal zone of the pre-European settlement shoreline. A total of 40 Aboriginal artefacts were located within the natural soil horizon.

As both the fill and the natural soil horizon contain Aboriginal artefacts and as some of this material is to be transported offsite and is not subject to an AHIP, mitigation is needed to take place, in order to separate the artefacts from any soil or fill to be removed from site and provisions made for the reburial of any archaeological material within the study area.

Significance

The study area contains moderate archaeological significance as a moderate number of artefacts were located. Of the artefacts located these were found not *in situ* due to the level of introduced material to the site and therefore these artefacts are found to hold very limited data that can contribute to any regional context.

The study area holds moderate archaeological significance and high cultural significance, intrinsic to the cultural heritage value of the Aboriginal community.

Recommendations

In order to further understand the complexity and multi-layered nature of the study area - further investigations have been recommended and formulated after consultation, where possible, with RAPs, the proponent and the DPIE.

The following plan of action aimed to manage the archaeological and cultural heritage values of the study area;

- Consultation, where possible, with the Registered Aboriginal Parties (RAPs) should continue throughout the duration of the development, as per the requirements detailed in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010);
- Surface artefacts were located during the survey and test excavation program in the study area, it was therefore recommended that a community collection of surface Aboriginal objects should take place prior to the development commencing. This was undertaken in full consultation, where possible, with the registered stakeholders. This surface community collection was seen as stage one of the further works program – see 7.3.1 and 7.3.7;
- The area identified as the artificial mound was found to contain Aboriginal objects within its fill, it was therefore recommended that further investigation/ collection take place in the form of a pre-salvage excavation monitoring program. This involved monitoring the fill removal of this designated artificial mound area and this ceased once either natural soil was encountered or sterile deposits (whichever came first), as under the direction of an archaeologist. This was undertaken in consultation, where possible, with the registered stakeholders. This pre-salvage excavation monitoring program was seen as stage two of the further works program – see 7.3.2;
- Once natural soil was located it was recommended that an open area salvage program take place in order to further understand the nature and extent of the

archaeological site and reclamation works of the study area. This was undertaken in consultation, where possible, with the registered stakeholders. This open area salvage program was seen as stage three of the further works program – see 7.3.3;

- All data collected from the further works program, will be analysed and synthesised into an Aboriginal Excavation Report. This excavation report is seen as stage four of the further works program – see 7.3.4.

When salvage excavation was completed as specified in section 7.3 the final elements of mitigation proceeded as follows:

- Any fill to be removed/excavated and/or replaced within or from the study area was subject to a mechanical screening process to separate the artefacts from the fill and/or any contaminants;
- These artefacts were collected and shall be reburied onsite and the area shall remain a registered archaeological site;
- Any natural soil horizon to a depth of RL: 0.4 to be excavated/removed and or replaced within or from the study area is subject to a mechanical screening process to separate the artefacts from the soil and/or any contaminants;
- This mechanical screening process was in accordance with the process approved by Mr Peter Townshend of Awabakal Local Aboriginal Land Council in the company of Mr. Scott Owen of BLOC on the 09/10/18 and as detailed in section 7.3.5 of this ACHMP as well as the processes trialled in the presence of Peter Townsend (ALALC), Peter Leven (ADTOAC), Tori Leven (GTLAC), Kane Leven (ATOAC), Luke Knight (WTOC) & Clive Suey (LHAI) on 22/10/18;
- The artefacts collected shall be reburied onsite and the area shall remain a registered archaeological site;
- The Cottage Creek (Figure 1.1) area shall be subject to a separate salvage excavation process in the future after it has ceased to be used as a hard stand parking area and when final plans are available.

Should any human remains be located during the following development;

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately;
- The NSW police and DPIE's Enviroline be informed as soon as possible;
- Once it has been established that the human remains are Aboriginal ancestral remains, DPIE and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

CONTACT DETAILS

Organisation	Contact	Contact Details
NSW Environment Line		131 555
NSW Newcastle Local Area Command		LAC Office: Church and Watts Streets Newcastle NSW 2300 Phone: 02 4929 0999 Fax: 02 4929 0762
Archaeological Management & Consulting Group	Mr. Benjamin Streat or Mr. Martin Carney	122c-d Percival Road Stanmore NSW 2048 Ph:(02) 9568 6093 Fax:(02) 9568 6093 Mob: 0405 455 869 Mob: 0411 727 395 benjaminstreat@archaeological.com.au
NSW Department of Planning and Environment	Archaeologist – Newcastle Regional office	PO Box 1002 Dangar NSW 2309 Ph: (02) 4927 3119 rog.hcc@environment.nsw.gov.au
A1 Indigenous Services	Carolyn Hickey	cazadirect@live.com
AGA Services	Ashley Sampson	Cacatua4service@tpg.com.au
Amanda Hickey Cultural Services	Amanda Hickey	amandahickey@live.com.au
Awabakal Descendants Traditional Owners	Pete Leven	Peterleven@y7mail.com
Awabakal LALC	Pete Townsend	culture@awabakallalc.com.au
Awabakal Traditional Owners Aboriginal Corp.	Kerrie Brauer	Kerrie@awabakal.com.au
Cacatua General Services	George Sampson	Cacatua4service@tpg.com.au
Didge Ngunawal Clan	Paul Boyd	didgengunawalclan@yahoo.com.au
Gidawaa Walang Cultural Heritage Consultancy	Ann Hickey	gidawaa.walang@hotmail.com
Guringai Tribal Link Aboriginal Corp.	Tracey Howie	tracey@guringai.com.au
Indigenous Learning	Craig Archibald	indiglearning@gmail.com
JTM Traffic Management	Norm Archibald	jtmanagement@live.com.au
Lower Hunter Aboriginal Incorporated	David Ahoy	lowerhunterai@gmail.com
Widescope Group	Steven Hickey	widescope.group@live.com
Worimi TOC	Candy Towers	worimitoc@hotmail.com

1.0 INTRODUCTION

1.1 BACKGROUND

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) was commissioned by Doma Group in October 2017, to prepare a *Preliminary Aboriginal Archaeological Assessment* (AMAC 2017) for the proposed State Significant Development (SSD) #8440 (Reapplied and issued SSD# 10378) for Lot 22 DP 1072217 and Lot 1 DP 1236765, street address 42 Honeysuckle Drive, Newcastle, New South Wales.

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The result of the testing program indicated that the site is multi-layered and complex, requiring further investigation in order to understand the reclamation works and nature and density of the artefacts located within the two separate deposits found to be present on the site. A full test excavation report, *AMAC 2018 Aboriginal Excavation Report Lot 22 DP 1072217; 42 Honeysuckle Drive, Newcastle NSW (Newcastle LGA)*, contains further details of the program and results.

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1.2 STUDY AREA

The study site is that piece of land described as Lot 22 DP 1072217 and Lot 1 DP 1236765, forming the following street address, 42 Honeysuckle Drive, Newcastle, Parish of Newcastle, County of Northumberland.

1.3 SCOPE

The aims of this ACHMP are to facilitate in the implementation of mitigation and conservation strategies for the study area. The proposed development will impact on Aboriginal archaeological deposits and objects and as such this document outlines the processes that have been set in place to manage this impact on the Aboriginal cultural heritage of the site.

Section 7 consists of the plan of action, which outlines the further works program as well as containing information on the appropriate course of action to manage the discovery of any human remains or previously unidentified Aboriginal objects on site, including the contact details of DPIE, NSW Police, the archaeologist and all RAPs.

1.4 AUTHOR IDENTIFICATION

The analysis of the archaeological background and the reporting were undertaken by Mr. Benjamin Streat (BA, Grad Dip Arch Her, Grad Dip App Sc), archaeologist and Director of Streat Archaeological Services Pty Ltd in association with Ms. Yolanda Pavincich (B. Arch, Grad Dip Cul Her) and Mr Steven J. Vasilakis (B. Arch. Hons.) and under the guidance of Mr. Martin Carney archaeologist and Managing Director of AMAC Group.

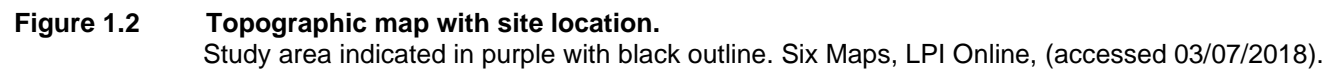
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- Chris Farrington, Bianca Hummel and Alex Moulis from Doma Group;
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- Matthew Blackert from Douglas and Partners Pty Ltd;
- Indigenous Learning;
- Gidawaa Walang Cultural Heritage Consultancy;
- Widescope Group;
- Cacatua General Services;
- Lower Hunter Aboriginal Incorporated;
- Didge Ngunawal Clan;
- Awabakal Local Aboriginal Land Council;
- Guringai Tribal Link Aboriginal Corp;
- Awabakal Traditional Owners Aboriginal Corp;
- Awabakal Descendants Traditional Owners;
- Amanda Hickey Cultural Services;
- A1 Indigenous Services;
- JTM Traffic Management;
- AGA Services;



Figure 1.1 Aerial of study area
Study area. Artificial Mound shown in orange and Cottage Creek area shown in green. Six Maps, LPI Online (accessed 11/02/20).



2.0 LEGISLATIVE CONTEXT AND STATUTORY CONTROLS

This section of the report provides a brief outline of the relevant legislation and statutory instruments that protect Aboriginal archaeological and cultural heritage sites within the state of New South Wales. Some of the legislation and statutory instruments operate at a federal or local level and as such are applicable to Aboriginal archaeological and cultural heritage sites in New South Wales. This material is not legal advice and is based purely on the author's understanding of the legislation and statutory instruments. This document seeks to meet the requirements of the legislation and statutory instruments set out within this section of the report.

2.1 COMMONWEALTH HERITAGE LEGISLATION AND LISTS

One piece of legislation and two statutory lists and one non-statutory list are maintained and were consulted as part of this report: the National Heritage List and the Commonwealth Heritage List.

2.1.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) offers provisions to protect matters of national environmental significance. This act establishes the National Heritage List and the Commonwealth Heritage List which can include natural, Indigenous and historic places of value to the nation. This Act helps ensure that the natural, Aboriginal and historic heritage values of places under Commonwealth ownership or control are identified, protected and managed (Australian Government 1999).

2.1.2 National Heritage List

The National Heritage List is a list which contains places, items and areas of outstanding heritage value to Australia; this can include places, items and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government's EPBC Act.

2.1.3 Commonwealth Heritage List

The Commonwealth Heritage List can include natural, Indigenous and historic places of value to the nation. Items on this list are under Commonwealth ownership or control and as such are identified, protected and managed by the Federal Government.

2.2 NEW SOUTH WALES STATE HERITAGE LEGISLATION AND LISTS

The state (NSW) based legislation that is of relevance to this assessment comes in the form of the acts which are outlined below.

2.2.1 National Parks and Wildlife Act 1974

The NSW National Parks and Wildlife Act 1974 (as amended) defines Aboriginal objects and provides protection to any and all material remains which may be evidence of the Aboriginal occupation of lands continued within the state of New South Wales. The relevant sections of the Act are sections 84, 86, 87 and 90.

An Aboriginal object, formerly known as a relic is defined as:

'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains' (NSW Government, 1974).

It is an offence to harm or desecrate an Aboriginal object or places under Part 6, Section 86 of the NPW Act:

Part 6, Division 1, Section 86: Harming or desecrating Aboriginal objects and Aboriginal places:

- (1) *A person must not harm or desecrate an object that the person knows is an Aboriginal object.*

Maximum penalty:

- (a) *in the case of an individual—2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or*
- (b) *in the case of a corporation—10,000 penalty units.*

- (2) *A person must not harm an Aboriginal object.*

Maximum penalty:

- (a) *in the case of an individual—500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or*
- (b) *in the case of a corporation—2,000 penalty units.*

- (3) *For the purposes of this section, **circumstances of aggravation** are:*

- (a) *that the offence was committed in the course of carrying out a commercial activity, or*
- (b) *that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.*

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.

- (4) *A person must not harm or desecrate an Aboriginal place.*

Maximum penalty:

- (a) *in the case of an individual—5,000 penalty units or imprisonment for 2 years, or both, or*
- (b) *in the case of a corporation—10,000 penalty units.*
- (5) *The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.*
- (6) *Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.*
- (7) *A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.*
- (8) *If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).*

2.2.2 Environmental Planning & Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) states that environmental impacts of proposed developments must be considered in land use planning procedures. Four parts of this act relate to Aboriginal cultural heritage.

- Part 3, divisions 3 and 4 refer to Regional strategic plans and both Local Environmental Plans (LEP) and Development Control Plans (DCP), which are environmental planning instruments and call for the assessment of Aboriginal heritage among other requirements.
- Part 4 determines what developments require consent and what developments do not require consent. Section 4.15 calls for the evaluation of

The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality (NSW Government 1979).

This part of the legislation also addresses State Significant Developments as mentioned in division 4.7 with section 4.38 outlining the consent for State Significant Development in relation to the environmental planning instruments.

- Part 5 of this Act requires that impacts on a locality which may have an impact on the aesthetic, anthropological, architectural, cultural, historic, scientific, recreational or scenic value are considered as part of the development application process (NSW Government, 1979).

2.2.3 The Aboriginal Land Rights Act 1983

The NSW *Aboriginal Land Rights Act 1983* (ALR Act), administered by the NSW Department of Aboriginal Affairs, established the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The ALR Act requires these bodies to:

- take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law;
- promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

These requirements recognise and acknowledge the statutory role and responsibilities of New South Wales Aboriginal Land Council and Local Aboriginal Land Councils. The ALR Act also establishes the Office of the Registrar whose functions include but are not limited to, maintaining the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.

Under the ALR Act the Office of the Registrar is to give priority to the entry in the Register of the names of Aboriginal persons who have a cultural association with:

- lands listed in Schedule 14 to the NPW Act;
- lands to which section 36A of the ALR Act applies (NSW Government, 1974 & DECCW 2010).

2.2.4 The Native Title Act 1993

The *Native Title Act 1993* (NTA) provides the legislative framework to:

- recognise and protect native title;
- establish ways in which future dealings affecting native title may proceed, and to set standards for those dealings, including providing certain procedural rights

for registered native title claimants and native title holders in relation to acts which affect native title;

- establish a mechanism for determining claims to native title;
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The National Native Title Tribunal has a number of functions under the NTA including maintaining the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements and mediating native title claims (NSW Government, 1974 & DECCW 2010).

2.2.5 New South Wales Heritage Register and Inventory 1999

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1,500 items, in both private and public ownership. Places can be nominated by any person to be considered to be listed on the Heritage register. To be placed an item must be significant for the whole of NSW. The State Heritage Inventory lists items that are listed in local council's local environmental plan (LEP) or in a regional environmental plan (REP) and are of local significance.

2.2.6 Register of Declared Aboriginal Places 1999

The NPW Act protects areas of land that have recognised values of significance to Aboriginal people. These areas may or may not contain Aboriginal objects (i.e. any physical evidence of Aboriginal occupation or use). Places can be nominated by any person to be considered for Aboriginal Place gazettal. Once nominated, a recommendation can be made to EPA/DPIE for consideration by the Minister. The Minister declares an area to be an 'Aboriginal place' if the Minister believes that the place is or was of special significance to Aboriginal culture. An area can have spiritual, natural resource usage, historical, social, educational or other type of significance. Under section 86 of the NPW Act it is an offence to harm or desecrate a declared Aboriginal place. Harm includes destroying, defacing or damaging an Aboriginal place. The potential impacts of the development on an Aboriginal place must be assessed if the development will be in the vicinity of an Aboriginal place (DECCW 2010).

2.3 LOCAL PLANNING INSTRUMENTS

2.3.1 Newcastle Local Environmental Plan 2012

The Newcastle Local Environmental Plan was prepared by Newcastle City Council in 2012. Section 5.10 deals with Heritage Conservation. The plan states in Clause 1:

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Newcastle,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites, and
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

It is subsections c and d of this clause which are of relevance to this development.

The plan states in Clause 2, that consent is required when:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area.
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance.
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or;
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or;
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

In addition to this Clause 8 states:

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration.

This report is fulfilling section 8 (a) of this clause.

2.3.2 Newcastle Development Control Plan 2012

The Newcastle DCP states that:

Where a development will disturb the ground surface, provide documentation to satisfy the consent authority that the due diligence process has been followed. The documentation should include (but is not limited to) the following:

- A statement indicating the results of the AHIMS database search and any other sources of information considered.

- A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects.
- A statement indicating whether the proposed development is likely to harm Aboriginal objects.
- A statement indicating whether an Aboriginal Heritage Impact Permit (AHIP) is required.
- Where required, prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed development on Aboriginal cultural heritage consistent with the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.
- Where required, prepare an Aboriginal cultural heritage assessment report consistent with the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* that includes strategies to avoid or minimise harm to Aboriginal objects and places of cultural significance.
- Where the investigation and assessment requires the preparation of an Aboriginal cultural heritage assessment report, provide documentation to satisfy the consent authority that the relevant Aboriginal community and stakeholders have been involved in the decision-making process.

2.3.3 Newcastle Archaeological Management Plan

Suters Architects and Planners, in association with Lavelle, C and M.J. Doring Pty Ltd and Turner, created an Archaeological Management Plan for Newcastle City Council in 1997, regarding potential archaeological sites in Newcastle. This plan does not refer to Aboriginal Archaeology.

2.4 DUE DILIGENCE CODE OF PRACTICE FOR THE PROTECTION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES

This assessment conforms to the parameters set out in *the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010).

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* states that if;

- a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely, then further archaeological investigation and impact assessment is necessary.

2.5 CODE OF PRACTICE FOR ARCHAEOLOGICAL INVESTIGATION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES

This assessment conforms to the parameters set out in *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010).

2.6 GUIDELINES

This report has been carried out in consultation with the following documents which advocate best practice in New South Wales:

- Aboriginal Archaeological Survey, Guidelines for Archaeological Survey Reporting (NSW NPWS 1998);
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);
- Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1998);
- Australia ICOMOS 'Burra' Charter for the conservation of culturally significant places (Australia ICOMOS 1999);
- Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010);
- Protecting Local Heritage Places: A Guide for Communities (Australian Heritage Commission 1999).

3.0 ABORIGINAL CONSULTATION

Consultation, where possible, for this document was undertaken in accordance with *National Parks and Wildlife Act 1974: Part 6; Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010), for test excavation under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974*, (DECCW 2010). However, some deviation from these guidelines has occurred as a result of the implementation of Development Consent (Section 4.12(8) Environmental Planning and Assessment Act 1979), SSD #10378.

3.1 OVERVIEW OF ABORIGINAL COMMUNITY CONSULTATION

Consultation, where possible, for this report has been undertaken in accordance with the *Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

All registered stakeholders were given a copy of a proposed Aboriginal Cultural Heritage Research Design and Testing Methodology and given 28 days to respond. They were given the opportunity to tender and participate with fieldworks.

All registered stakeholders were given a copy of a proposed Aboriginal Cultural Heritage Management Plan. All registered parties have had the opportunity to review and comment on this document.

Changes to the development plans and reapplied SSD# 10378 have resulted in the amendment to this Aboriginal Cultural Heritage Management Plan and in response the document was reissued to the RAPs to review on the 19th February and had 7 days to review and comment on. The length of this review period reflects the level of changes that occurred of which no additional impact to the cultural heritage has been identified. Any additional comments received post the 26th February 2020 will still be included into the ACHMP.

4.0 TEST EXCAVATION AND SALVAGE EXCAVATION

Test excavation was undertaken over four days 20/02/2018 – 23/02/2018. The programme was conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of 15 test trenches (50cm x 50cm).

Salvage collection and excavation was undertaken over seven days 04/09/2018 – 15/09/2018. The programme was conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of 11 test trenches (100cm x 100cm).

4.1 SUMMARY OF TEST EXCAVATION

The test trenches were situated evenly across the site in order to obtain information and data that could systematically determine a distribution pattern and/or density pattern within a localised scale of the site.

Test excavation was undertaken over four days 20/02/2018 – 23/02/2018. The programme was conducted under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* and consisted of the excavation of 15 test trenches (50cm x 50cm).

The Test Trenches were situated evenly across the site in order to obtain information and data that could systematically determine a distribution pattern and/or density pattern within a localised scale of the site.

Testing was broken into two areas, Aboriginal Test Trenches (ATT) 1-9 were located on the top of the hill (man-made) while ATT 10-15 were located along the flat/lower slope of the hill to the south. A total of 194 possible Aboriginal objects were excavated across both areas.

Test excavation found that the hill, which encompasses majority of the study area, is artificial (man-made) and consists of over 75cm of fill (that could be explored under the *Code of Practice* (DECCW 2010) requirement of 50x 50cm test pits). The depth of the test pits, however, were limited by the reach capacity of the excavator.

The fill was found to be a mixed brown/grey silty sand, containing both European and Aboriginal artefacts as well as shell and building material throughout. A total of 157 Aboriginal artefacts were located within this mixed fill.

Natural A2 deposit was located towards the southern end of the study area at the flat/lower slope of the man-made hill. 40 Aboriginal artefacts were located within the natural A2. The natural was located at a consistent depth of 55cm below the mixed fill.

Test Trench 15 contained a shell deposit 7cm thick which consisted of large oyster shell, charcoal, slag and European artefacts, no Aboriginal artefacts were located in this shell deposit. The shell deposit was located between mixed fill and the natural A2. Further investigation is required in order to ascertain the extent and nature of the deposit. The soils observed through testing were redeposited mixed fills with remnant soils consistent with the Hamilton soil landscape (hm). This consisted of the Hm2 (A2

Natural Horizon). Yellow-orange to greyish yellow brown sand were present in some of the trenches. The soils were found to have an average depth of 75cm.

All evidence collected indicates that the site may still contain Aboriginal deposits. Due to the proposed piling excavation as part of the development, it is recommended that further investigation is warranted prior to these works taking place.

All Aboriginal objects and/or deposits or features of cultural significance identified during the programme of test excavation are outlined in *Aboriginal Excavation Report (AMAC 2019)*.

4.1.1 Stratigraphic Analysis

This section of the report is a summary of the soil profiles encountered. It aims to identify and ascertain the stratigraphic integrity of the site.

The soil landscape for the study area consists of the Hamilton soil profile (hm). The geology of the study area is consistent with the Hunter Plain. The test excavations found that the hill, located to the north and which encompasses most of the study area, is artificial (man-made) and that the soil consists of over 75cm of fill. The A1 horizon is possibly either redeposited natural or disturbed in this part of the site with the fill to be a mixed brown/grey silty sand, containing both European and Aboriginal artefacts as well as shell and building material throughout. This fill deposit is found to overlay in areas an A2 horizon.

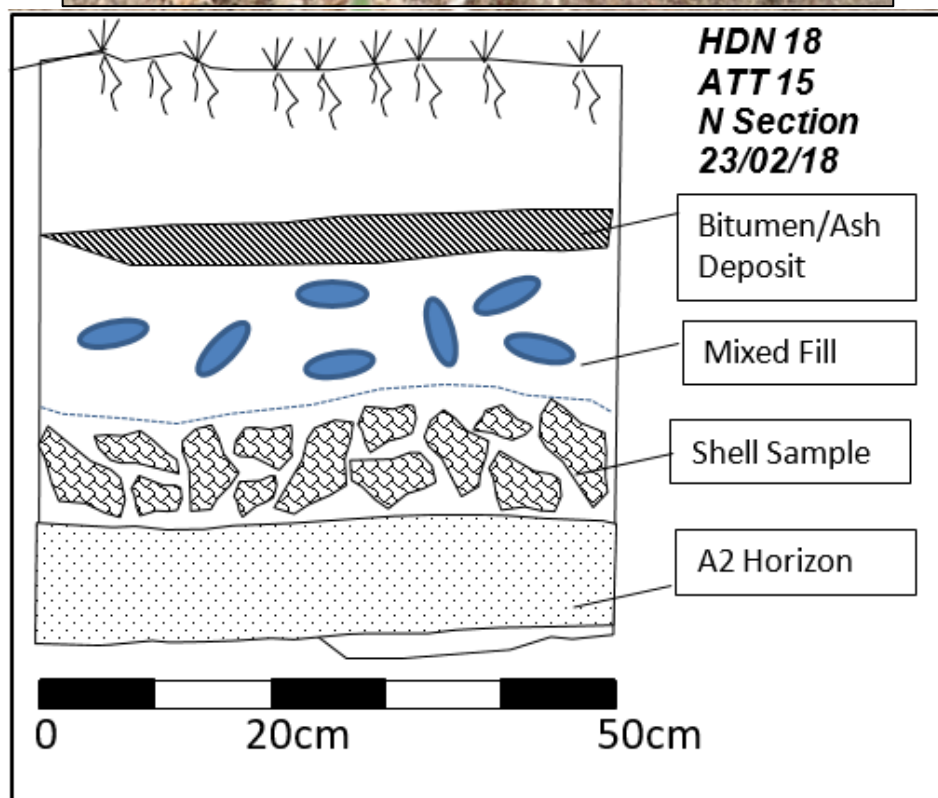
The A2 horizon was predominately located to the southern end of the hill on the flat/lower slope at a consistent depth of 55cm below the mixed fill and contained Aboriginal objects.

The level of disturbance and inclusions on the artificial hill indicates the deposits are not *in tact* and have been subject to activities which have reworked any potential *in tact* soils. The flat/lower slope, however, has potential *in tact* soils present below the A2 that has been identified in ATT 10, 11, 12, 13, 15.

Stratigraphy observed;

- A1 horizon either redeposited or disturbed natural consisting of a mixed fill of brown/grey silty sand with road-base and building material (unlocated on artificial hill & 55cm on the flat/lower slope) overlaying;
- A2 horizon (hm2) – light yellow/white/grey sand some stone and shell inclusions (present in area 2 - flat/lower slope).

4.1.2 Section Sample – Test Trench 15



4.1.3 Test Excavation Data Summary

Table 4.1 Testing Data Summary

Test Trench No.	Spit No.	Aboriginal Artefacts
1	1	1
	2	0
	3	1
	4	2
	5	5
	6	0
	7	4
	Total	13
2	1	5
	2	4
	3	3
	4	4
	5	0
	6	1
	7	1
	Total	18
3	1	0
	2	3
	3	1
	4	1
	5	3
	6	0
	Total	8
4	1	1
	2	4
	3	0
	4	1
	5	1
	6	6
	Total	13
5	1	1
	2	3
	3	4
	4	3
	5	3
	6	8
	Total	22
6	1	0
	2	0
	3	0
	4	0
	5	1
	6	3
	Total	4
7	1	1
	2	4
	3	6
	4	4
	15	2

	6	2
	7	1
	Total	20
8	1	1
	2	1
	3	0
	4	1
	5	0
	6	1
	7	0
	Total	4
9	1	1
	2	6
	3	1
	4	1
	5	1
	6	0
	Total	10
10	1	2
	2	4
	3	1
	4	2
	5	1
	6	0
	7	0
	Total	10
11	1	2
	2	0
	3	1
	4	0
	5	0
	6	0
	7	0
	Total	3
12	1	0
	2	1
	3	5
	4	1
	5	6
	6	7
	7	2
	8	5
	9	7
	10	7
	Total	41
13	1	0
	2	0
	3	5
	4	1
	5	4
	6	2
	7	6
	Total	18
14	1	0
	2	2

	3	1
	4	1
	5	1
	Total	5
15	1	1
	2	0
	3	1
	4	2
	5	2
	6	0
	7	2
	8	0
	Total	8
Total artefacts		197

4.2 SUMMARY OF SALVAGE EXCAVATION

Salvage collection and excavation was undertaken over seven days 04/09/2018 – 15/09/18. The programme was conducted under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales and consisted of the excavation of 11 test trenches (100cm x 100cm).

The trenches were situated at the point of deepest excavation (the lift shaft) on the site as indicated in the development plans (Figures Figure 5.1-Figure 5.21) in order to mitigate the development impact.

Natural deposits were located as a result of salvage excavation however it is thought to be part of the intertidal zone of the pre-European settlement shoreline. A total of 54 Aboriginal artefacts were located within the natural soil horizon.

Salvage excavation found that the hill, which encompasses majority of the study area, is artificial (man-made) and consists of over 220cm of fill.

The fill was found to be a mixed brown/grey silty sand, containing both European and Aboriginal artefacts as well as shell and building material throughout

Natural deposit was located to and a total of 54 Aboriginal artefacts were located within the natural A2. The natural soil was located was located at a consistent depth of 220cm below the mixed fill.

All Aboriginal objects and/or deposits or features of cultural significance identified during salvage excavation are detailed in the forthcoming in *Aboriginal Excavation Report (AMAC 2018)*.

4.2.1 Stratigraphic Analysis

This section of the report is a summary of the soil profiles encountered. It aims to identify and ascertain the stratigraphic integrity of the site.

The soil landscape for the study area consists of the Hamilton soil profile (hm). The geology of the study area is consistent with the Hunter Plain. The test excavations found that the hill, located to the north and which encompasses most of the study area, is artificial (man-made) and that the soil consists of over 220cm of fill. The horizon is possibly either redeposited natural or disturbed in this part of the site with the fill to be a mixed brown/grey silty sand, containing both European and Aboriginal artefacts as well as shell and building material throughout. This fill deposit is found to overlay in areas an A2 horizon.

The A2 horizon was predominately located to the south of the hill on the flat/lower slope at a consistent depth of 220cm below the mixed fill and contained Aboriginal objects.

Stratigraphy observed;

- A1 horizon either redeposited or disturbed natural consisting of a mixed fill of brown/grey silty sand with road-base and building material (220cm on artificial hill & 55cm on the flat/lower slope) overlaying;
- A2 horizon (hm2) – light yellow/white/grey sandstone and shell inclusions.

4.2.2 Salvage Excavation Data Summary

Table 4.2 Salvage Data Summary

Salvage Trench No.	Spit No.	Aboriginal Artefacts
1	1	4
	2	1
	3	0
	4	0
	5	0
	Total	5
2	1	5
	2	3
	3	2
	4	1
	5	1
	Total	12
3	1	2
	2	1
	3	2
	4	0
	5	0
	Total	5
4	1	0
	2	0
	3	0
	4	1
	5	0
	Total	1
5	1	0
	2	0
	3	0
	4	3
	5	2
	6	0
	Total	5
6	1	0
	2	0
	3	0
	4	0
	5	0
	6	2
	Total	2
7	1	2
	2	3
	3	0
	4	0
	15	0
	6	1
	Total	6
8	1	1
	2	1
	3	1

	4	0
	5	0
	6	0
	Total	3
9	1	0
	2	0
	3	2
	4	0
	5	0
	6	0
	Total	2
10	1	1
	2	1
	3	3
	4	0
	5	4
	6	0
	Total	9
11	1	0
	2	0
	3	0
	4	0
	5	0
	6	0
	Total	0
12	1	2
	2	0
	3	2
	4	0
	5	0
	Total	4
Total artefacts		54

5.0 PROPOSED ACTIVITY

The development proposed for the site 42 Honeysuckle Drive, Newcastle is a nine-storey mixed hotel, residential and commercial building at ground level – no basement is proposed. Excavation will be required for several elements across the site footprint: installation of services, lift pits, stairwells, fire tanks, re-use tanks, water quality devices and deep root planting zones (Figure Figure 5.7– Figure 5.18

Filling and levelling works will need to take place as part of the proposed works. The construction plans have not yet been issued.

At ground level, the building does not cover the entire allotment and the remaining curtilage will be used as outdoor dining in the forecourt with landscaping at the entrance (Figure 5.7).

Development plans are included below for clarification (Figures Figure 5.1 -Figure 5.21).

5.1 POTENTIAL HARM TO ABORIGINAL OBJECTS AND CULTURAL HERITAGE

The proposed development activity will disturb the ground surface and will disturb Aboriginal objects and areas of cultural significance. The study area has been shown through test excavation and salvage to contain moderate archaeological significance, this is due to significant disturbance.

The proposed development does present a direct threat to previously unrecorded *in tact* Aboriginal site.

5.2 ASSESSING HARM

The test excavation and salvage program confirmed that the proposed development will impact Aboriginal objects and features of archaeological and cultural significance. An extensive amount of fill associated with the artificial mound encompassing majority of the study area, is found to contain artefacts as well as *in tact* soils below and towards the southern end. The potential for *in tact* Aboriginal objects is high however the material has been assessed as having moderate significance on count to the disturbed nature of the deposits. Therefore, it can be seen that the proposed development has a high potential to impact/ harm identified archaeological deposits both *in tact and not intact*.



**Archaeological Management And Consulting Group
& Streat Archaeological Services Pty Ltd
February 2020**



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& Streat Archaeological Services Pty Ltd
February 2020**



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& Streat Archaeological Services Pty Ltd
February 2020**

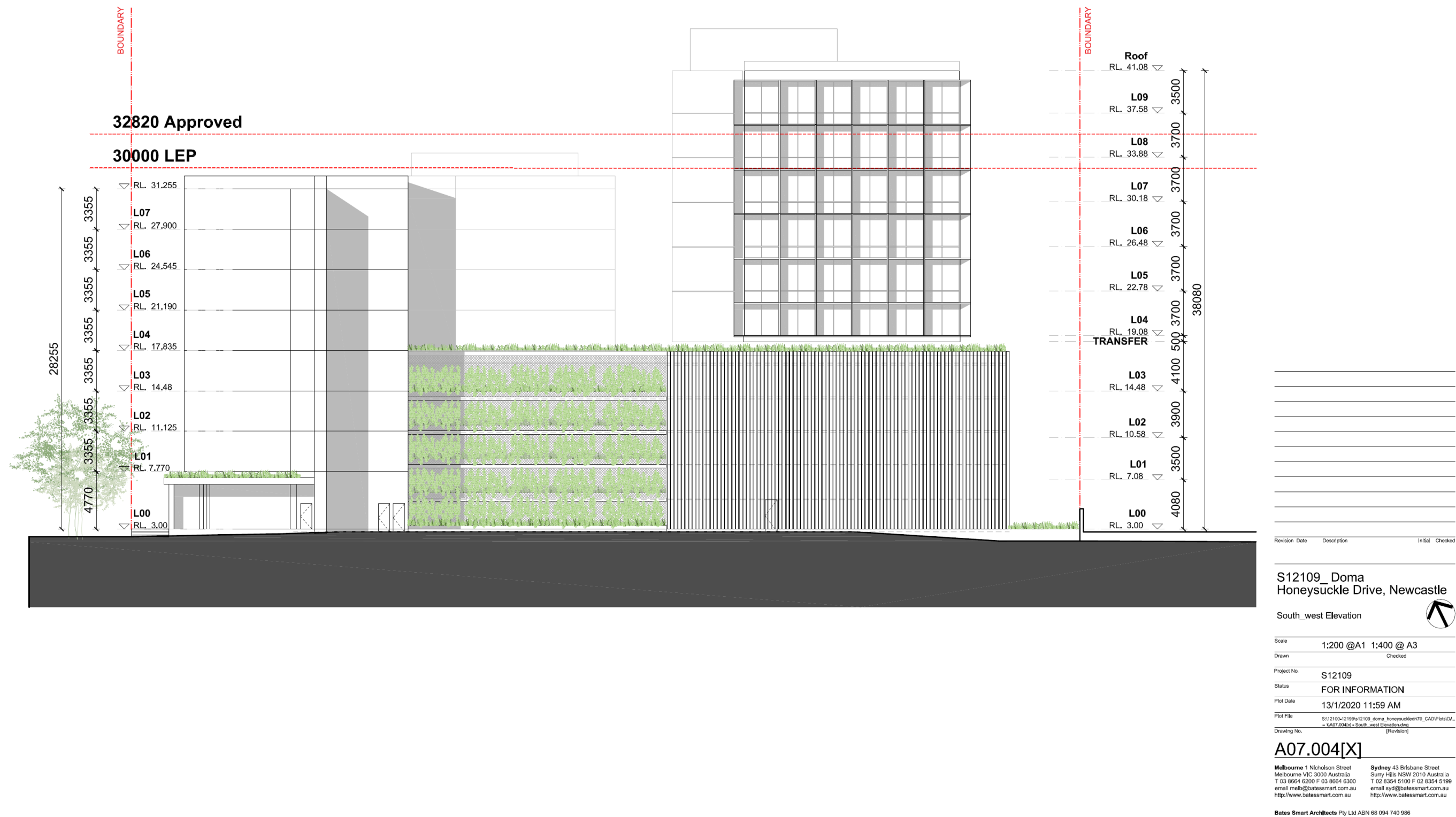


Figure 5.4 South west elevation
Bates Smart (January 2020) Drawing No. A07.004[X].



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February 2020**

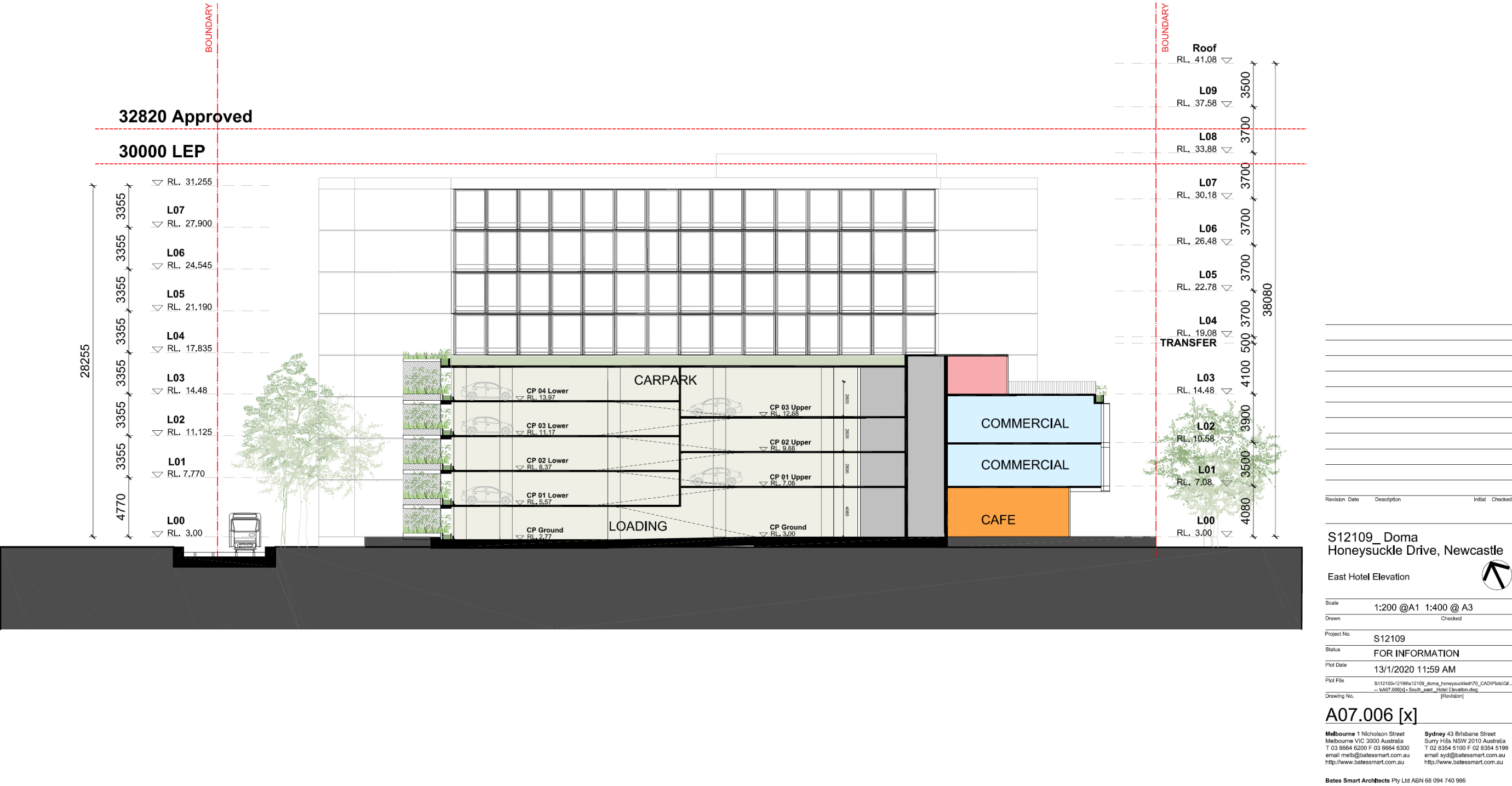


Figure 5.6 East hotel elevation
Bates Smart (January 2020) Drawing No. A07.006[X].



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.
All drawings to be read in conjunction with all architectural documents and all other consultants documents.
Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.
All drawings may not be reproduced or distributed without prior permission from the architect.

	Carpark	ACC Carpark	Motorbike
GL	18		
L01	34	6	2
L02	34	6	2
L03	34	6	2
L04-CP	31		6

TOTAL	151	18	12
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TOTAL Carpark Spaces	169
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TOTAL Motorbike Spaces	12
------------------------	----

2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
Revision	Date	Description	Initial	Checked

S12109_Doma
Honeysuckle Drive, Newcastle

Ground Level Plan

Scale: 1:200 @A1 1:400 @ A3
Drawn: Checked

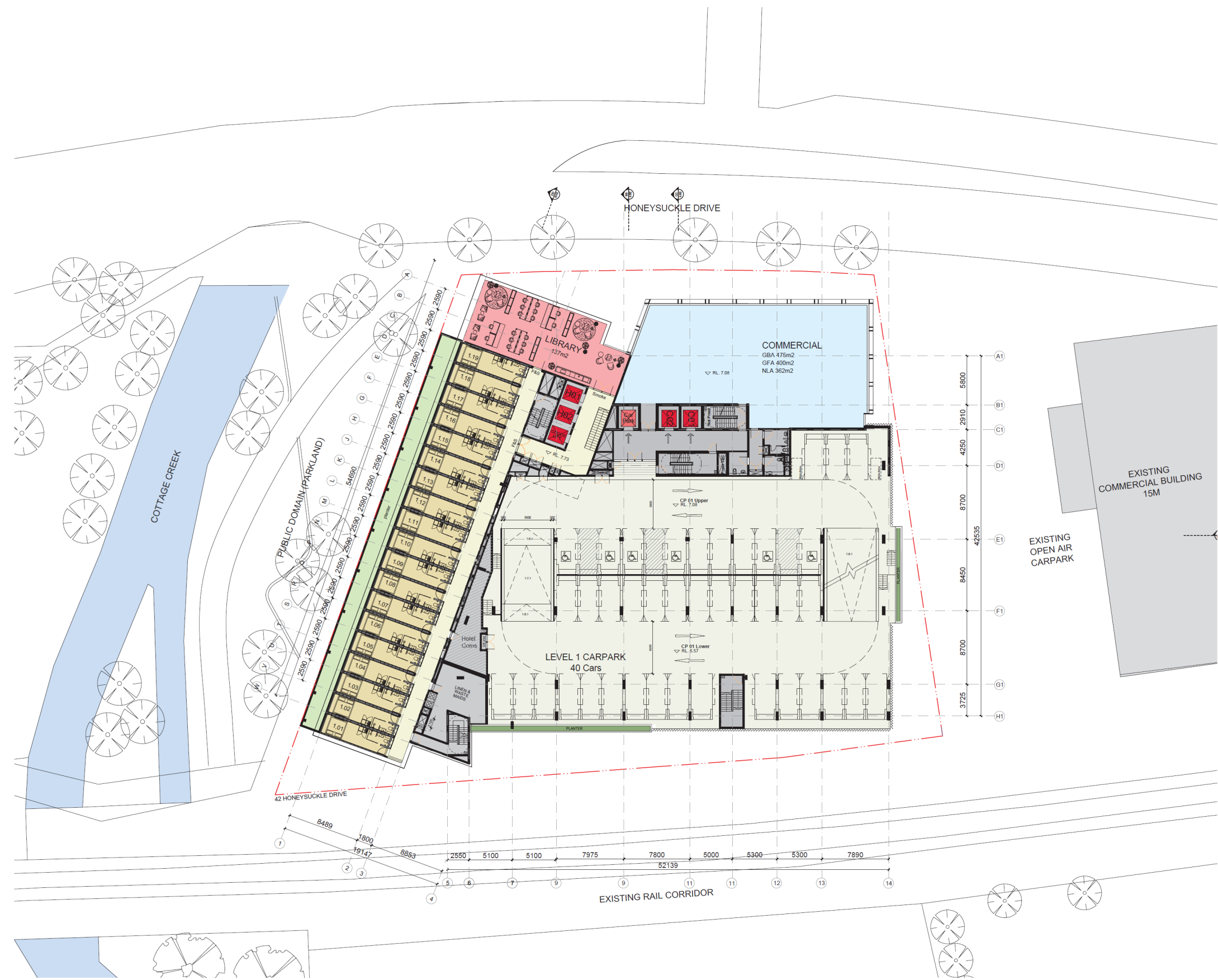
Project No. S12109
Status FOR INFORMATION
Plot Date 8/1/2020 8:49 PM
Plot File S:\12109-12199\12109_doma_honeysuckledr\0_CAD\Plot\CA...
Drawing No. A03.000[2] [Revision]

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8654 6200 F 03 8654 6300
email mel@bates-smart.com.au
http://www.bates-smart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@bates-smart.com.au
http://www.bates-smart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

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	Carpark	ACC Carpark	Motorbike
GL	18		
L01	34	6	2
L02	34	6	2
L03	34	6	2
L04-CP	31		6
TOTAL	151	18	12
TOTAL Carpark Spaces	169		
TOTAL Motorbike Spaces	12		

Figure 5.8
Level 01
Floor Plan
Bates Smart
(January
2020)
Drawing No.
A03.001[2].

2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
Revision		Date	Description	Initial
				Checked

S12109_Doma
Honeysuckle Drive, Newcastle

Level 01 Floor Plan

Scale 1:200 @A1 1:400 @ A3
Drawn Checked

Project No. S12109

Status FOR INFORMATION

Plot Date 8/1/2020 8:49 PM

Plot File S:\12109-12199\12109_doma_honeysuckle\12109_CAD\Drawings\A03.001[2] - Level 01 Floor Plan.dwg

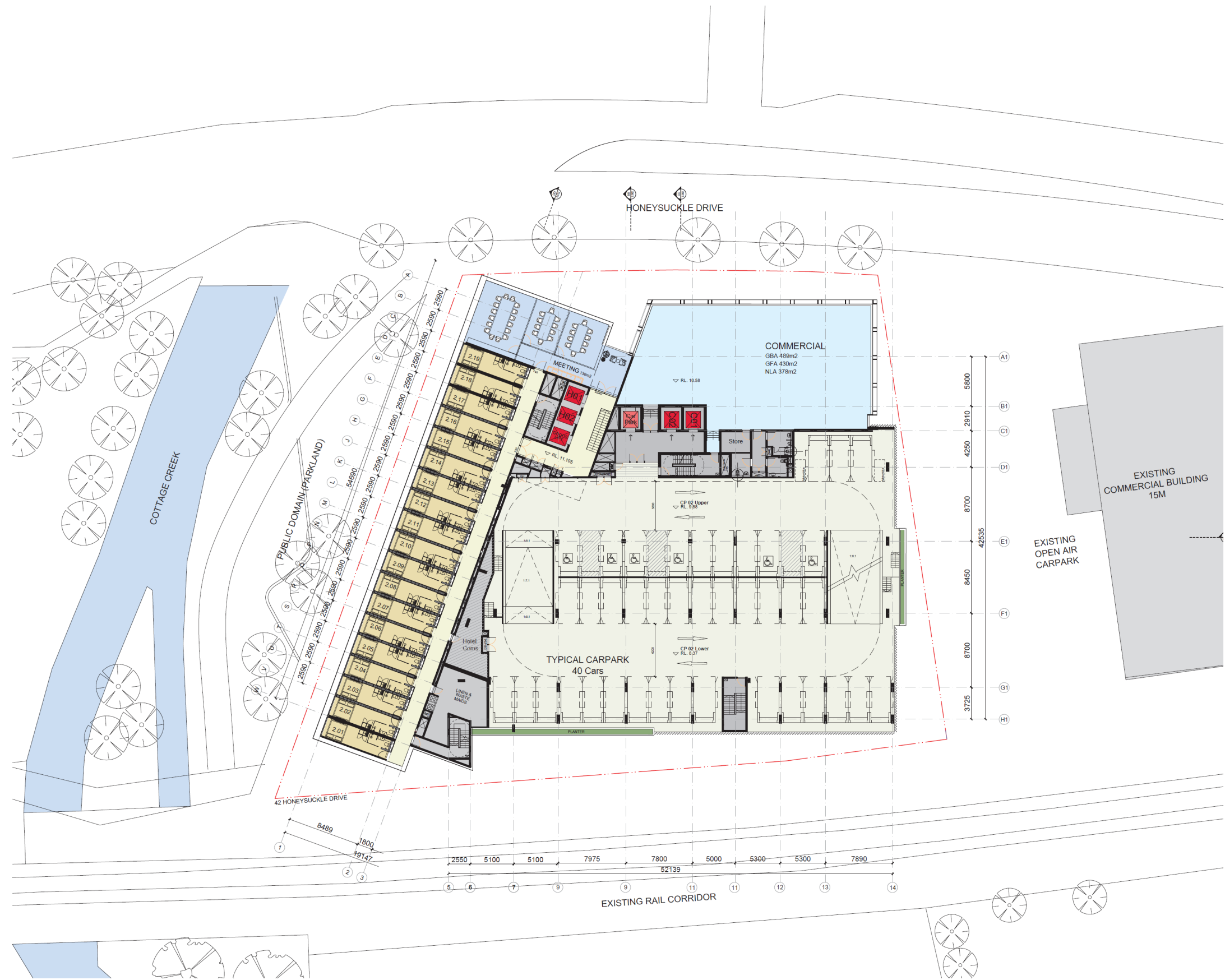
Drawing No. A03.001[2] (Revision)

Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 9564 6200 F 03 9564 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
http://www.batesmart.com.au

Bates Smart Architects Pty Ltd ABN 68 094 740 986

BATESSMART



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	Carpark	ACC Carpark	Motorbike
GL	18		
L01	34	6	2
L02	34	6	2
L03	34	6	2
L04-CP	31		6

TOTAL	151	18	12
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TOTAL Carpark Spaces	169
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TOTAL Motorbike Spaces	12
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2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
Revision	Date	Description	Initial	Checked

S12109_Doma
Honeysuckle Drive, Newcastle

Level 02 Floor Plan

Scale: 1:200 @A1 1:400 @ A3

Drawn: _____ Checked: _____

Project No: S12109

Status: FOR INFORMATION

Plot Date: 8/1/2020 8:49 PM

Plot File: S:\12109-12109\12109_Doma_honeysuckle\02_CAD\Plot02.dwg

Drawing No: _____ [Revision]

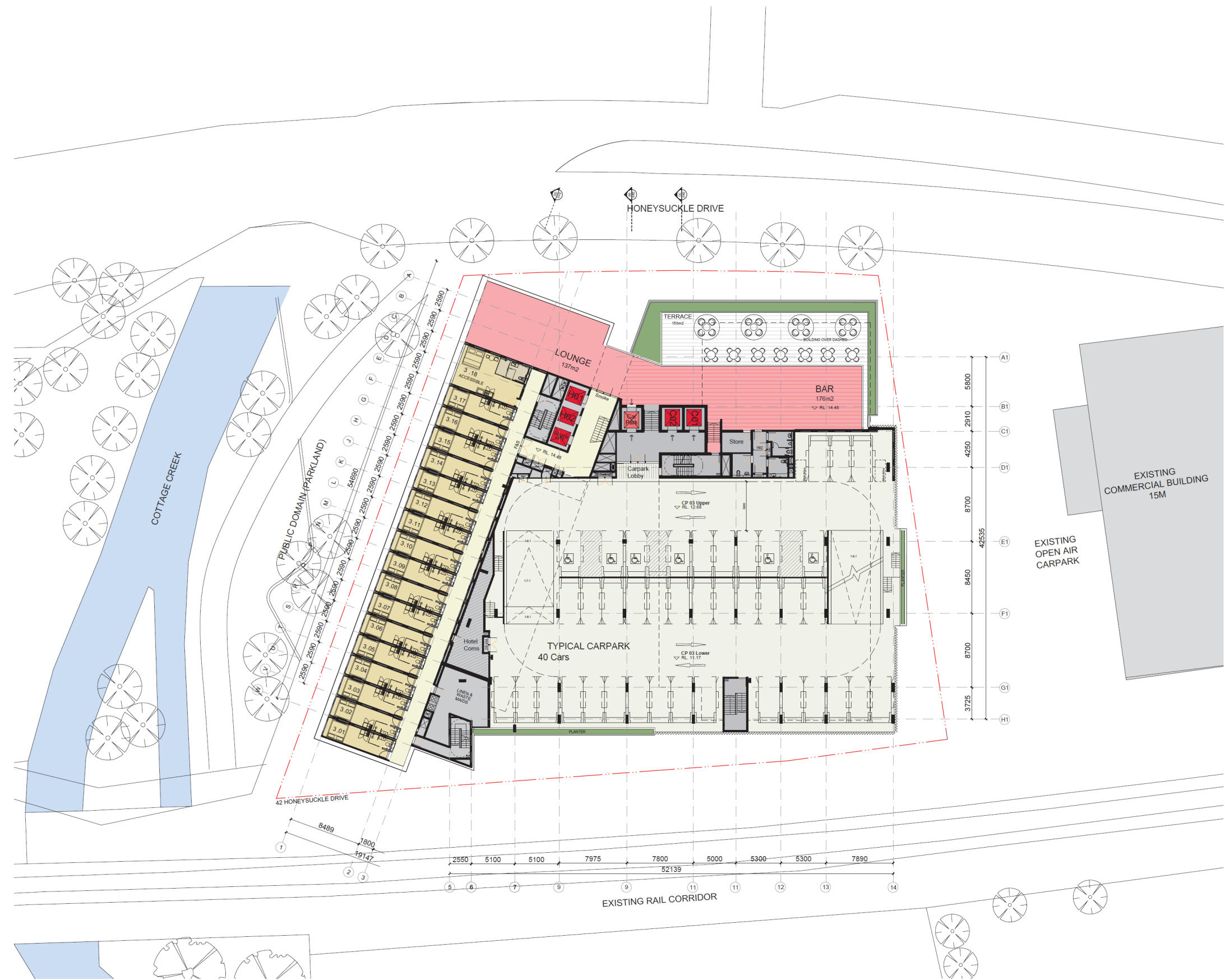
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Melbourne: 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email: melb@batesmart.com.au
http://www.batesmart.com.au

Sydney: 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email: syd@batesmart.com.au
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	Carpark	ACC Carpark	Motorbike
GL	18		
L01	34	6	2
L02	34	6	2
L03	34	6	2
L04-CP	31		6

TOTAL	151	18	12
-------	-----	----	----

TOTAL Carpark Spaces	169
----------------------	-----

TOTAL Motorbike Spaces	12
------------------------	----

S12109_Doma
Honeysuckle Drive, Newcastle

Level 03 Floor Plan

Scale: 1:200 @A1 1:400 @ A3
Drawn: _____ Checked: _____

Project No: S12109

Status: FOR INFORMATION

Plot Date: 8/1/2020 8:49 PM

Plot File: S:\12109-12109\12109_Doma_honeysuckle\03_CAD\Plot03.dwg
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Drawing No: _____ [Revision]

A03.003[2]

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Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email: melb@bates-smart.com.au
http://www.bates-smart.com.au

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email: syd@bates-smart.com.au
http://www.bates-smart.com.au

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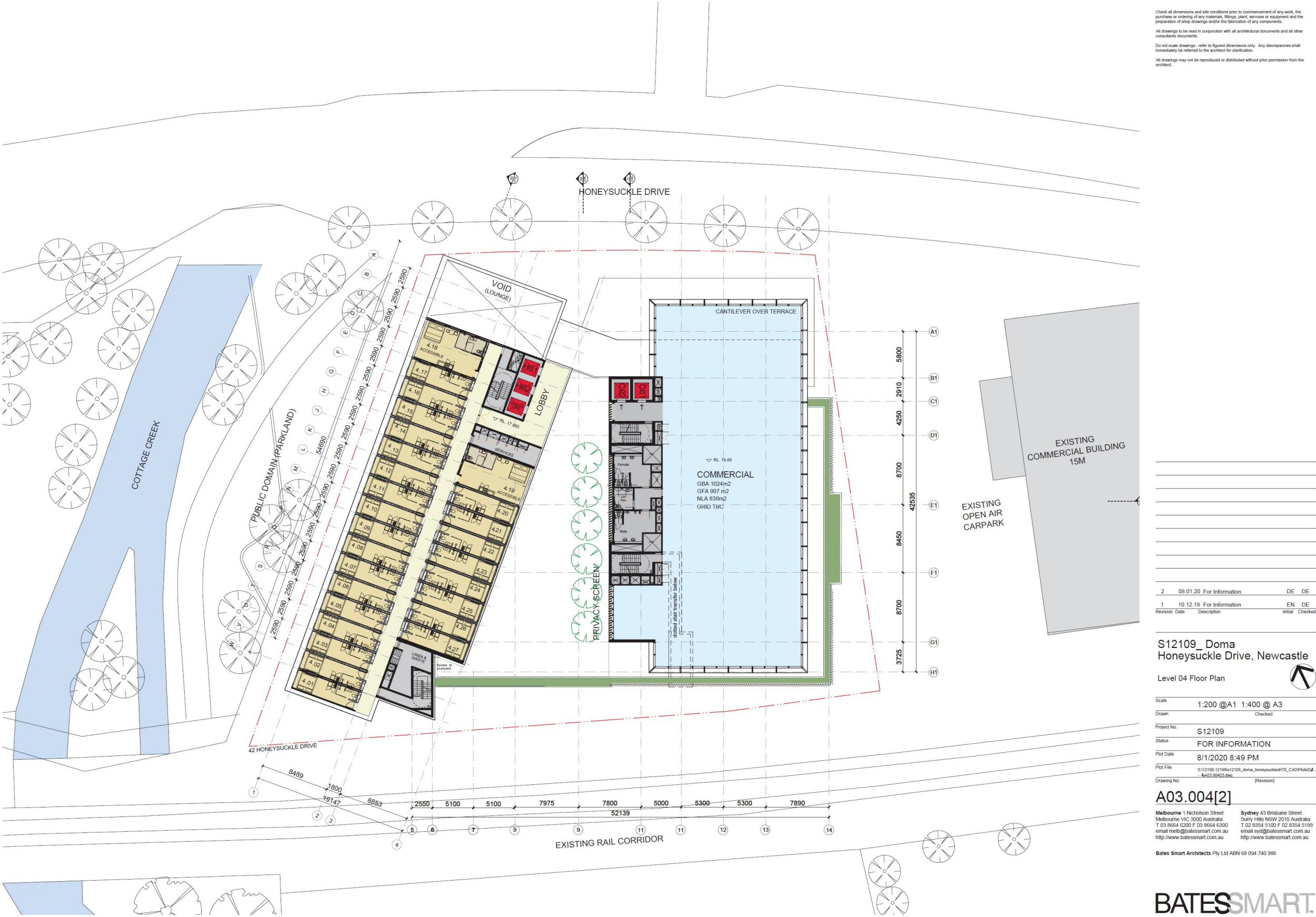
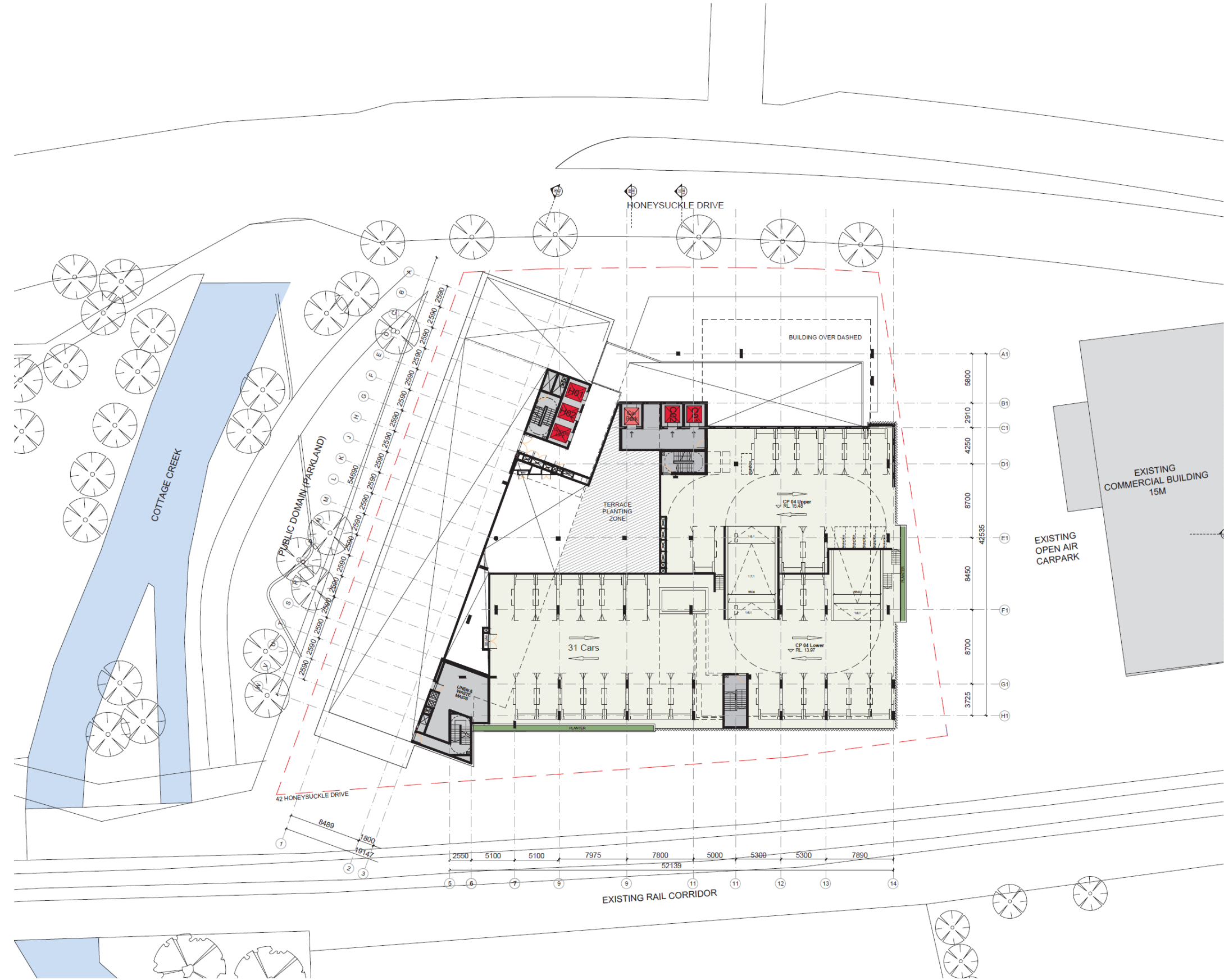


Figure 5.11
Level 04
Floor Plan
Bates Smart
(January
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Drawing No.
A03.004[2].



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	Carpark	ACC Carpark	Motorbike
GL	18		
L01	34	6	2
L02	34	6	2
L03	34	6	2
L04-CP	31		6
TOTAL	151	18	12
TOTAL Carpark Spaces	169		
TOTAL Motorbike Spaces	12		

Figure 5.12
Level 04
carpark
Bates Smart
(January
2020)
Drawing No.
A03.004[2].

2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
Revision	Date	Description	Initial	Checked

S12109_Doma
Honeysuckle Drive, Newcastle
Level 04 Carpark

Scale 1:200 @A1 1:400 @A3
Drawn Checked
Project No. S12109
Status FOR INFORMATION
Plot Date 8/1/2020 8:49 PM
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Drawing No. A03.004CP[2] [Revision]

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Melbourne VIC 3000 Australia
T 03 8954 6200 F 03 8954 6300
email mel@batesmart.com.au
http://www.batesmart.com.au

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Sydney NSW 2010 Australia
T 02 8954 6100 F 02 8954 5119
email syd@batesmart.com.au
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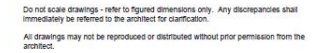
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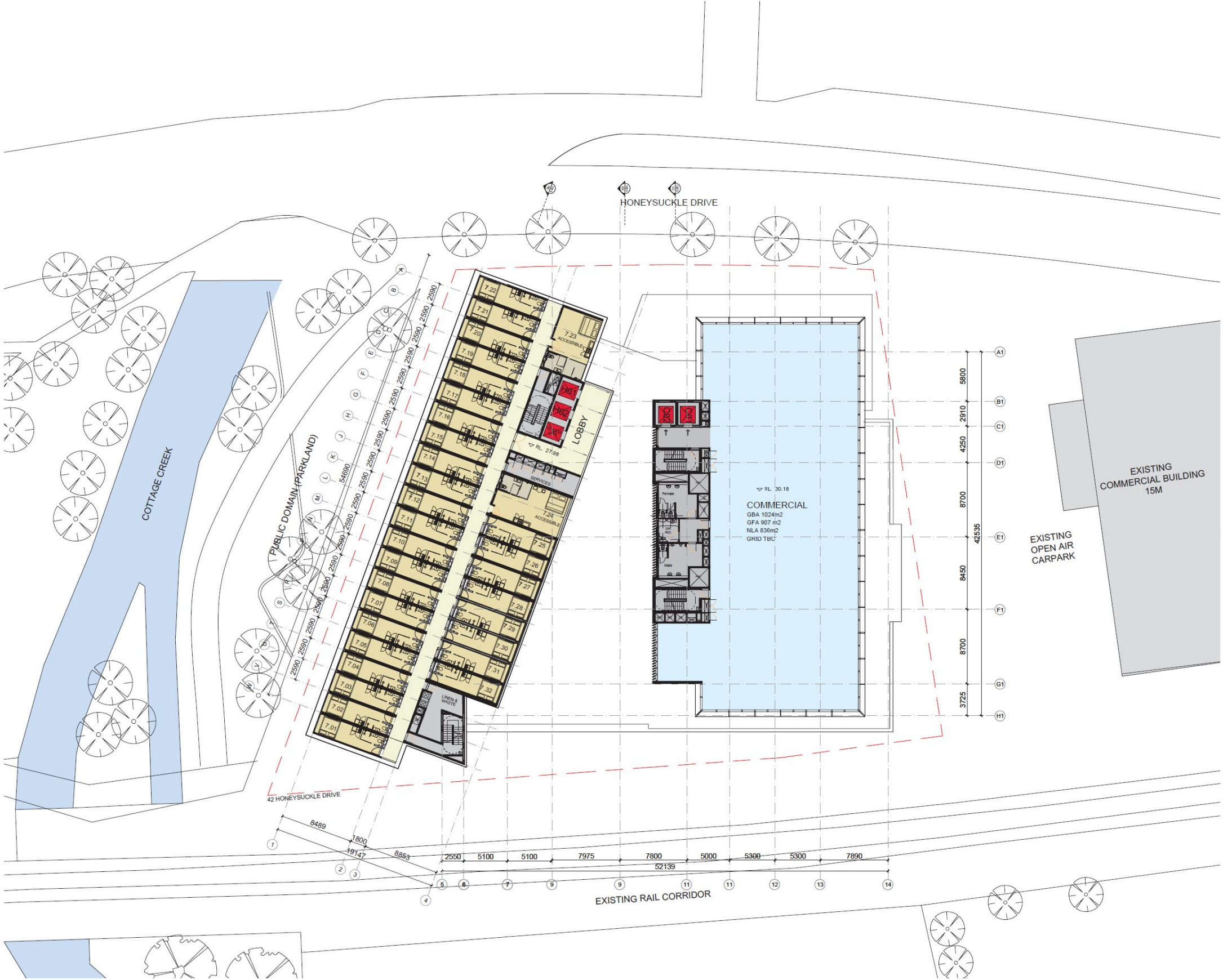
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Figure 5.15
Level 07
Floor Plan
Bates Smart
(January
2020)
Drawing No.
A03.007[2].

2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
Revision		Date	Description	Initial

S12109_Doma
Honeysuckle Drive, Newcastle

Level 07 Floor Plan

Scale 1:200 @A1 1:400 @A3
Drawn Checked

Project No. S12109
Status FOR INFORMATION
Plot Date 8/1/2020 8:50 PM
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Drawing No. (Revision)

A03.007[2]
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Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email melb@batesmart.com.au
http://www.batesmart.com.au
Sydney 43 Brisbane Street
Sydney NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
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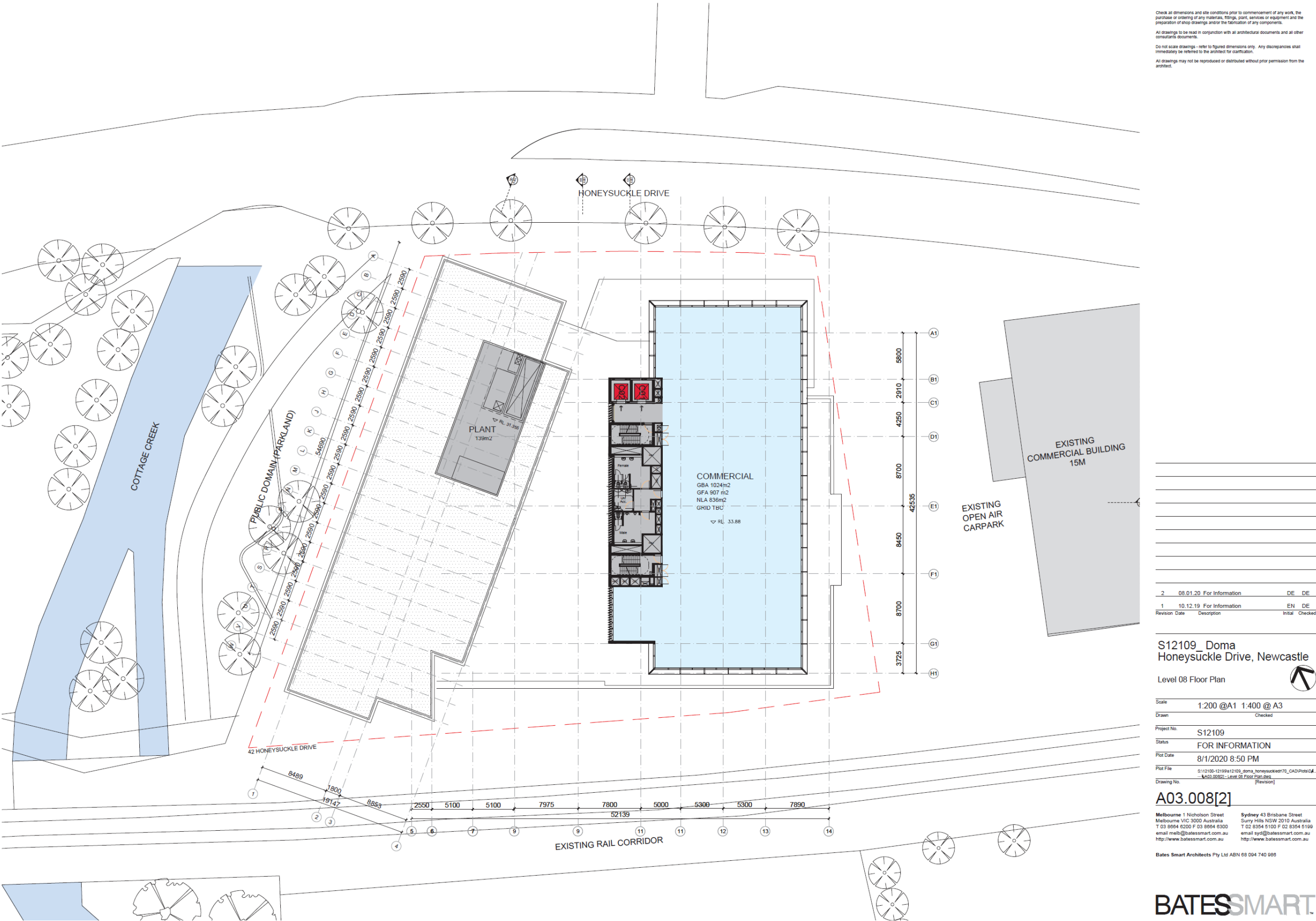


Figure 5.16
Level 08
Floor Plan
Bates Smart
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Drawing No.
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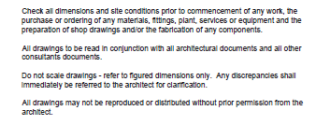



Figure 5.17
Level 09
Floor Plan
Bates Smart
(January
2020)
Drawing No.
A03.009[2].

2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
Revision	Date	Description	Initial	Checked

S12109_Doma
Honeysuckle Drive, Newcastle

Level 09 Floor Plan 

Scale	1:200 @A1 1:400 @ A3
Drawn	Checked

Project No. S12109

Status **FOR INFORMATION**

Plot Date 8/1/2020 8:50 PM

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Drawing No. _____ (Revision) _____

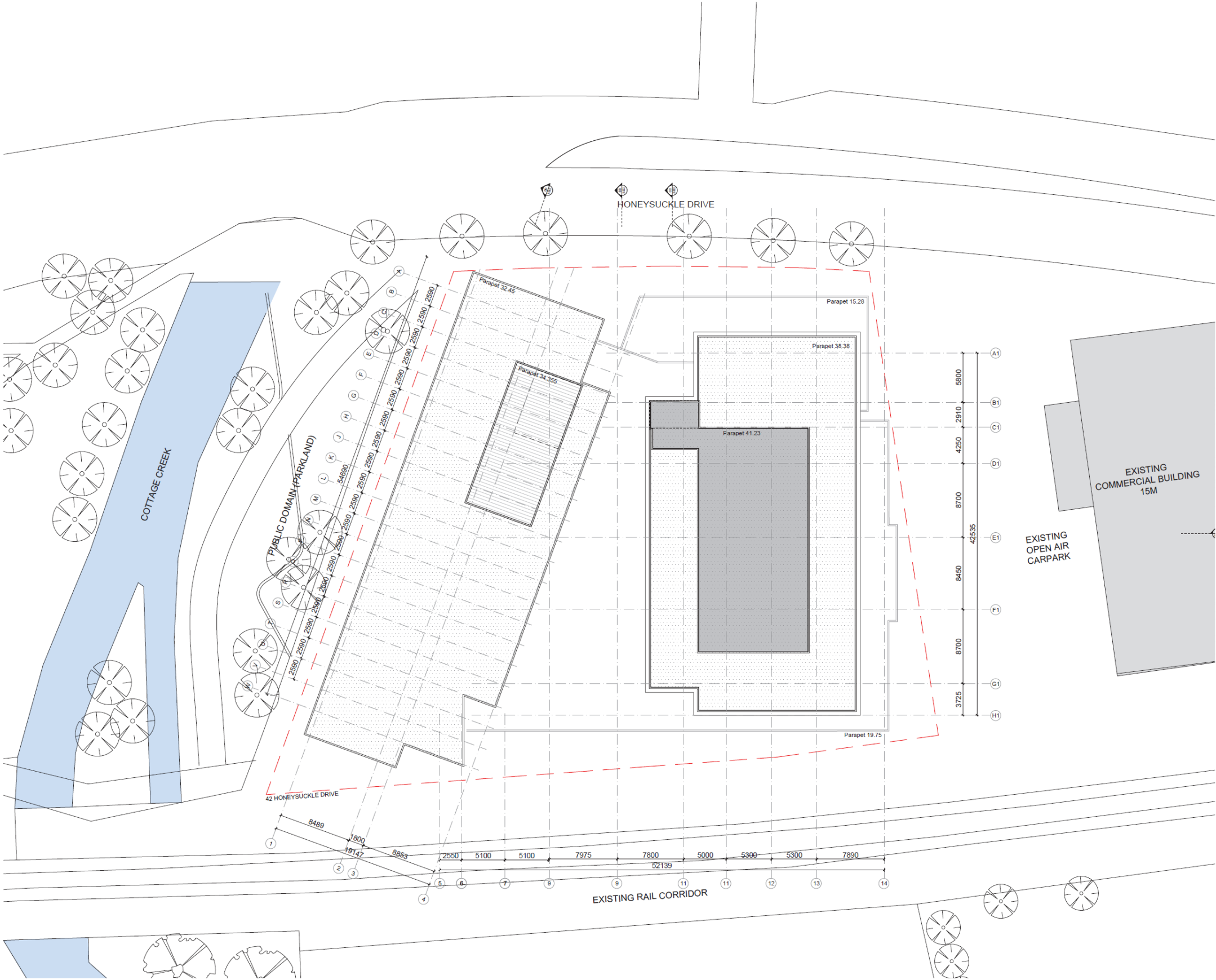
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Melbourne 1 Nicholson Street
Melbourne VIC 3000 Australia
T 03 8664 6200 F 03 8664 6300
email melb@batesmart.com.au
<http://www.batesmart.com.au>

Sydney 43 Brisbane Street
Surry Hills NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
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Figure 5.18
Roof plan
Bates Smart
(January
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Drawing No.
A03.010[2].

2	08.01.20	For Information	DE	DE
1	10.12.19	For Information	EN	DE
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S12109_Doma
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Roof Plan

Scale 1:200 @A1 1:400 @A3

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Project No. S12109

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Plot Date 8/1/2020 8:50 PM

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Drawing No. A03.010[2] (Revision)

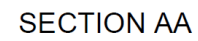
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Melbourne VIC 3000 Australia
T 03 8564 8200 F 03 8564 8300
email mel@batesmart.com.au
http://www.batesmart.com.au

Sydney 43 Brisbane Street
Sunny Hill NSW 2010 Australia
T 02 8354 5100 F 02 8354 5199
email syd@batesmart.com.au
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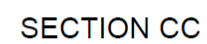
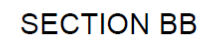
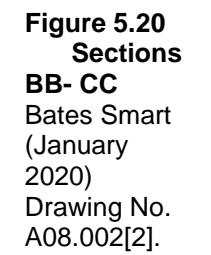
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Figure 5.19 Section AA-BB
Bates Smart (January 2020) Drawing No. A08.001[2].



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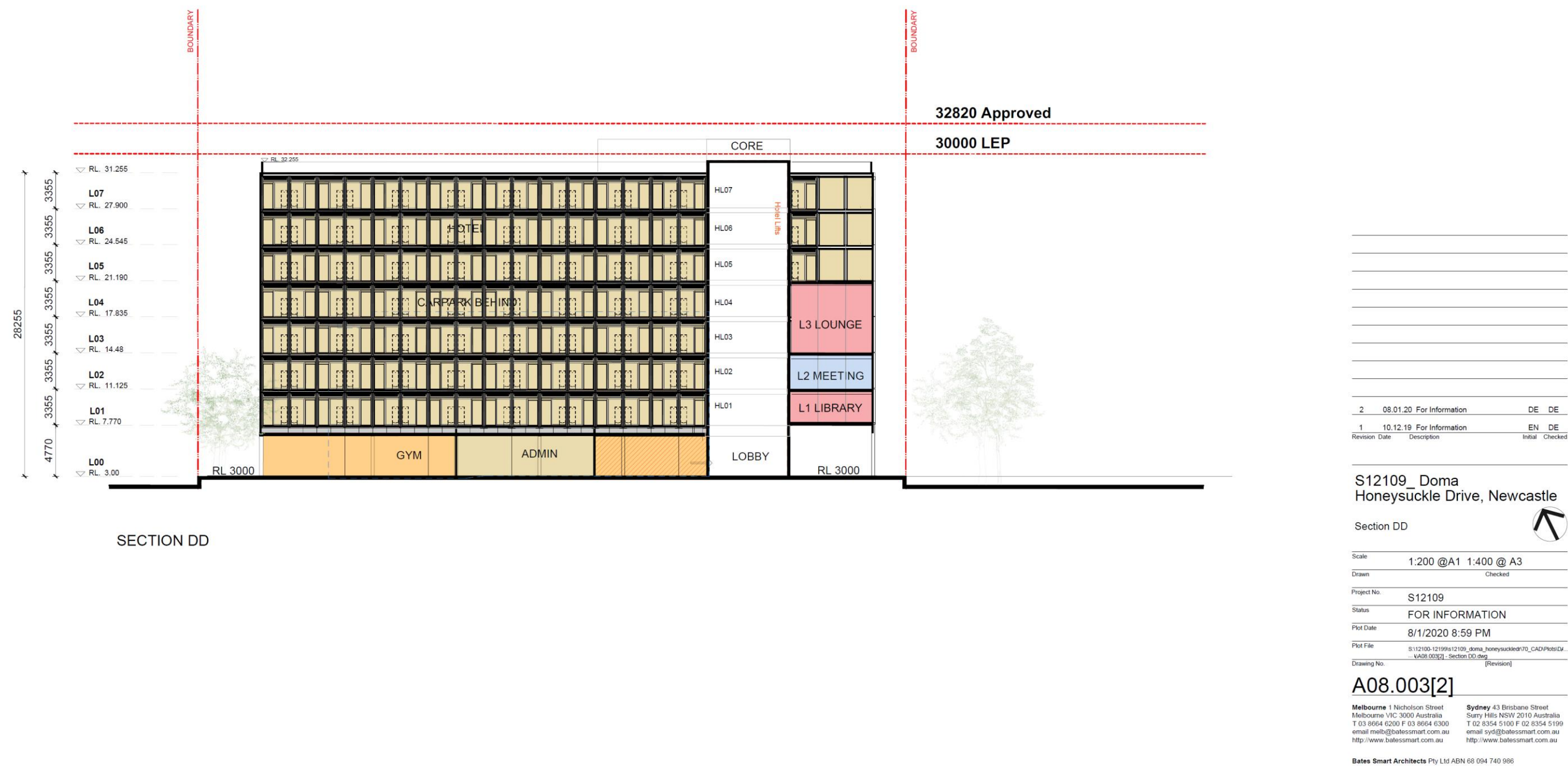


Figure 5.21 Section DD
Bates Smart (January 2020) Drawing No. A08.003[2].

6.0 SIGNIFICANCE ASSESSMENT

The processes of assessing significance for items of cultural heritage value are set out in *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) formulated in 1979 and based largely on the Venice Charter of International Heritage established in 1966. Archaeological sites may be significant according to four criteria, including scientific or archaeological significance, cultural significance to Aboriginal people, representative significance which is the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to the scientific, cultural, representative or educational criteria and sites are also assessed on whether they exhibit historic or cultural connections.

The criteria for assessing significance values are set out below;

- a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
- b) An item has strong or special association with the life or works of a person, or groups of persons, of importance in the cultural or natural history of NS (or the cultural or natural history of the local area).
- c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- e) natural history of the local area

6.1 ARCHAEOLOGICAL SIGNIFICANCE

6.1.1 Educational Significance

The educational value of any given location will depend on the importance of any archaeological material located, on its rarity, quality and the contribution this material can have on any educational process (Australia ICOMOS, 1999 p. 11).

Low/moderate educational significance can be assigned to the study area as a low/moderate number of artefacts were located, with the potential for further artefacts to be uncovered. The objects however, are neither rare nor representative and are not of particularly high quality and as such have a very limited contribution to make to any educational process relating to this matter.

In addition to this, majority of the artefacts are all located in what may be regarded as not *in situ* and as such have lost stratigraphic integrity which further reduces the educational significance.

One question that may be of interest is to compare the assemblage with other assemblages within the region to ascertain if it is representative of redeposited local material or if it comes from further afield.

6.1.2 Scientific Significance

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located, on its rarity, quality and on the

degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

Low/moderate scientific significance can be assigned to the study area as a low/moderate number of artefacts were located, however with the potential for further *in tact* artefacts to be uncovered. The objects however, are neither rare nor representative and are not of particularly high quality and as such have a very limited contribution to make to any scientific data relating to this matter.

In addition to this majority of the artefacts are all located in what may be regarded as not *in situ* and as such have lost stratigraphic integrity which further reduces the scientific significance.

6.1.3 Representative Significance

The representative value of any given location will depend on rarity and quality of any archaeological material located and on the degree to which this representativeness may contribute further substantial information to an educational or scientific research process. (Australia ICOMOS, 1999 p.11).

Low/moderate representative significance can be assigned to the study area as a low/moderate number of artefacts were located, however with the potential for further *in tact* artefacts to be uncovered. The objects however, are neither rare and are seen to be representative of a relatively common artefact assemblage from a disturbed context both locally and regionally and are not of a particularly high quality.

In addition to this majority of the artefacts are all located in what may be regarded as not *in situ* and as such have lost stratigraphic integrity which further reduces the scientific significance.

6.2 SOCIAL AND CULTURAL SIGNIFICANCE

As defined in the 'Burra Charter' (ICOMOS, 1999) cultural significance is broken into three parts: aesthetic, historic and scientific value for past, present or future generations. Cultural significance is a concept which assists in estimating the value of any given place. Places that are likely to be of significance are those which can contain information which may assist with the understanding of the past or enrich the present, and which will be of value to future generations. The meaning of these terms in the context of cultural significance is outlined below. It should be noted that they are not mutually exclusive, (Australia ICOMOS, 1999 p.12).

6.2.1 Historic Significance

A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives *in situ*, or where the settings are substantially *in tact*, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. (Australia ICOMOS, 1999 p.11).

No historical significance has yet been assigned to the study area by any participating registered Aboriginal parties.

6.2.2 Scientific Significance

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located, on its rarity, quality and on the degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

No scientific significance has yet been assigned to the study area by any participating registered Aboriginal parties.

One question that may be of interest is to compare the assemblage with other assemblages within the region to ascertain if it is representative of redeposited local material or if it comes from further afield.

6.2.3 Aesthetic Significance

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use. (Australia ICOMOS, 1999 p.11).

No aesthetic significance has yet been assigned to the study area by any participating registered Aboriginal parties.

7.0 PLAN OF ACTION

The objectives of the further works program are to systematically record and recover subsurface artefacts and information relating to the soil landscape. The resulting data will aid in our understanding of the landscape patterning and its relationship with the archaeological record.

7.1 GENERAL ACHMP PARAMETERS

- The proposed development has approved status as a State Significant Development (SSD) and therefore any recommendations of excavation will be in compliance with the requirements of the Development Consent (Section 4.12(8) Environmental Planning and Assessment Act 1979), SSD #10378.
- All parties (DOMA Group, AMAC, SAS Pty Ltd, RAP's) have been informed and understand that an Aboriginal Heritage Impact Permit (AHIP) is not needed as part of this development. All such conditions and procedures which were the domain of an AHIP have now been replaced by this ACHMP as required as part of Development Consent (Section 4.12(8) Environmental Planning and Assessment Act 1979), SSD #10378
- This ACHMP sets out clear procedures for the archaeological monitoring, salvage excavation, recording, reporting and management of all expected and unexpected Aboriginal archaeological/cultural objects and deposits.
- All participants shall follow Safe Work Method Statements (SWMS) as agreed to as part of the site induction process.
- All RAPs and archaeologists shall provide relevant, adequate and up to date insurance documents.

7.2 RECOMMENDATIONS

In order to further understand the complexity and multi-layered nature of the study area - further investigations have been recommended and formulated after consultation, where possible, with RAPs, the proponent and the DPIE.

The following plan of action aimed to manage the archaeological and cultural heritage values of the study area;

- Consultation, where possible, with the Registered Aboriginal Parties (RAPs) should continue throughout the duration of the development, as per the requirements detailed in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010);
- Surface artefacts were located during the survey and test excavation program in the study area, it was therefore recommended that a community collection of surface Aboriginal objects should take place prior to the development commencing. This was undertaken in full consultation, where possible, with the registered stakeholders. This surface community collection was seen as stage one of the further works program – see 7.3.1 and 7.3.7;
- The area identified as the artificial mound was found to contain Aboriginal objects within its fill, it was therefore recommended that further investigation/ collection take place in the form of a pre-salvage excavation monitoring program. This involved monitoring the fill removal of this designated artificial mound area and

this ceased once either natural soil was encountered or sterile deposits (whichever came first), as under the direction of an archaeologist. This was undertaken in consultation, where possible, with the registered stakeholders. This pre-salvage excavation monitoring program was seen as stage two of the further works program – see 7.3.2;

- Once natural soil was located it was recommended that an open area salvage program take place in order to further understand the nature and extent of the archaeological site and reclamation works of the study area. This was undertaken in consultation, where possible, with the registered stakeholders. This open area salvage program was seen as stage three of the further works program – see 7.3.3;
- All data collected from the further works program, will be analysed and synthesised into an Aboriginal Excavation Report. This excavation report is seen as stage four of the further works program – see 7.3.4.

When salvage excavation was completed as specified in section 7.3 the final elements of mitigation proceeded as follows:

- Any fill to be removed/excavated and/or replaced within or from the study area was subject to a mechanical screening process to separate the artefacts from the fill and/or any contaminants;
- These artefacts were collected and shall be reburied onsite and the area shall remain a registered archaeological site;
- Any natural soil horizon to a depth of RL: 0.4 to be excavated/removed and or replaced within or from the study area is subject to a mechanical screening process to separate the artefacts from the soil and/or any contaminants;
- This mechanical screening process was in accordance with the process approved by Mr Peter Townshend of Awabakal Local Aboriginal Land Council in the company of Mr. Scott Owen of BLOC on the 09/10/18 and as detailed in section 7.3.5 of this ACHMP as well as the processes trialled in the presence of Peter Townsend (ALALC), Peter Leven (ADTOAC), Tori Leven (GTLAC), Kane Leven (ATOAC), Luke Knight (WTOC) & Clive Suey (LHAI) on 22/10/18;
- The artefacts collected shall be reburied onsite and the area shall remain a registered archaeological site;
- The Cottage Creek (Figure 1.1) area shall be subject to a separate salvage excavation process in the future after it has ceased to be used as a hard stand parking area and when final plans are available.

Should any human remains be located during the following development;

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately;
- The NSW police and DPIE's Enviroline be informed as soon as possible;
- Once it has been established that the human remains are Aboriginal ancestral remains, DPIE and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

The archaeological and cultural heritage significance of the study area carries with it implications for the development and management of the study area. The following

vision statement captures the vision and aims of the conservation policies for the study area that arise from the development of the study area, its archaeological and cultural heritage significance, and relevant constraints and opportunities.

A background analysis of the environmental and cultural context revealed that the study area does contain items or areas of Aboriginal archaeological and cultural significance.

The study area contains areas of high potential for disturbed Aboriginal archaeological objects or features of conservation value. As this area may have contained resources which may have been utilised by Aboriginal occupants and has a high potential to contain archaeological or cultural material it has been designated to be the subject of mitigative strategies (AMAC 2018).

The following mitigative strategies outlined in this section have been formulated in consultation with RAPs and designed in accordance with DPIE requirements and policies. The policies are sufficiently flexible in recognising both operational constraints and requirements, while enabling as much as is possible of the archaeological and cultural resource of the study area to be recovered.

7.3 STAGED PROGRAM FOR FURTHER WORKS

Due to the varied nature of the proposed further works and specific order of timing that will be required in line with the proposed development plan. All recommended further works as endorsed through this document have been placed into stages.

This aims to effectively and efficiently conduct these investigations with minimal disturbance to the stratigraphic integrity and data and ensuring there are controls in place in collecting a suitable sample for research content as well aiming to provide an opportunity for the Aboriginal community to salvage prior to the full impact of the study site.

7.3.1 Stage 1: Surface community collection

This recommendation is for a surface collection of the study area prior to any development works taking place. This involves the manual collection of all Aboriginal cultural surface material. This is to be undertaken in consultation, where possible, and participation of the RAPs.

7.3.1.1 Community collection methodology

The following excavation parameters are proposed:

- The impacted area will be traversed on foot and all material located within this development zone will be subject to collection. If material is located, prior to its collection, the following should be undertaken;
- Once the artefacts have been collected they will be placed within a secure zip lock bag and labelled with the site number, date and status as being surface collected then placed in a larger zip lock bag for processing.
- If archaeological and cultural material is found which does not belong to the registered site. An AHIMS Aboriginal Site Impact Recording Form will be completed and submitted to the AHIMS Registrar as soon as practicable.
- All collected material will undergo processing including an assemblage photograph and artefact count with this data being included in the final open area salvage report.

- Any archaeological/cultural material that is, in the opinion of the archaeologist and the stakeholders, to not be of similar educational, scientific, representative, and cultural significance, should be subject to a further assessment and review with the final excavation report.
- After artefact collection the appropriate AHIMS site card(s) shall be updated and/or amended to reflect the results and status of the site. This may involve multiple site registrations in order to accurately record the study area as a complex multi-layered site.

7.3.2 Stage 2: Pre-Salvage Excavation Monitoring (Fill removal)

The proposed pre-salvage excavation monitoring program is based on the results of previous archaeological assessments and test excavation undertaken on the site by Archaeological Management and Consulting (AMAC 2018). This has been undertaken in consultation, where possible, with RAPs.

The area identified as the artificial mound was found to contain Aboriginal objects within its fill, it is therefore recommended that further investigation/ collection take place in the form a excavation monitoring prior to development taking place. This will involve monitoring the fill removal from the mound of which the excavated fills will be stockpiled, and sample sieved by the RAPs – as much as is possible during the excavation time frame. All un-sieved material shall remain on site unless further agreement between the RAPs, the proponent and with DPIE.

7.3.2.1 Pre- salvaged excavation methodology

The following excavation parameters are proposed:

- Two RAPs shall be on site at any one time.
- RAPs s shall work in association with a suitably qualified archaeologist.
- The proponent or the proponent's representative (machine operator) will mark out the area to be disturbed prior to commencement of each section.
- A flat edged (mud bucket) shall remove layers of fill at the direction of the archaeologist.
- The machine operator will strip any introduced fills.
- This operation will be monitored - the exposed layer will be observed for any potential artefacts.
- Introduced fills will be stockpiled and sample sieved by the RAPs. As much as is possible to be sieved in the excavation time frame. All un-sieved material shall remain on site unless further agreement between the RAPs, the proponent and with DPIE.
- Areas of monitoring of fill removal and sample sieving shall be signed off by the archaeologist and the RAPs.
- No natural A1 soil horizon is to be excavated as part of this process.
- All material excavated from the excavation units will be sieved using nested 3mm and 5mm aperture wire-mesh sieve.
- All artefacts either European or Aboriginal in origin shall be bagged and clearly labelled with the job title, excavation unit and date.

7.3.3 Stage 3: Open area salvage excavation Program

Once natural soil is exposed over the entirety of the study area, it is recommended that an open area salvage program take place in order to further understand the nature and extent of the archaeological site and reclamation works of the study area. This should be undertaken in consultation, where possible, with the registered stakeholders.

7.3.3.1 Research context

The following research questions are based on the information that has been gathered from previous excavations within the study area and its vicinity, as well as, making an attempt to place the site in a regional context and offer some explanation for the activities that may have taken place within the study area including reclamation works.

- Are Aboriginal archaeological or cultural materials present? If so are these archaeological or cultural materials present within discreet elements of the study area?
- What level of disturbance is present within the study area?
- What level of bioturbation is present within the study area?
- Is it possible to assign a relative temporal framework to all or some of the excavated material?
- Is it possible to assign an absolute temporal framework (via C14 or OSL dating) to any of the excavated material?
- Are these materials present in Holocene or Pleistocene age deposits?
- Are rare or representative archaeological or cultural materials present?
- Are locally or regionally significant archaeological or cultural material present in any Holocene age deposits that may be present?
- Are locally or regionally significant archaeological or cultural material present in any Pleistocene age deposits that may be present?
- What artefact densities are represented by any assemblage located within the study area?
- What do these artefact densities suggest about the level and nature of activity that took place within the study area?
- How do these artefact densities compare at a local and regional level?
- Are features such as hearth or middens present within the study area?
- What raw materials were chosen for the manufacture of stone implements?
- Is there any observable change in raw material usage evident within any assemblage that is located within the study area?
- Is there any observable flaking technology change within any assemblage that is located within the study area?
- What was the nature and extent of the activity that took place within the study area and how does the study area compare with other sites in the immediate vicinity and similar landforms to the study area?
- Are any materials that could be associated with personal adornment located within any assemblage that is located within the study area?
- How can the information from any assemblage excavated contribute to the temporal and geographic information regarding local and regional site patterning?

7.3.3.2 Open area salvage methodology

The following excavation parameters are proposed:

- Excavation units must be excavated in 100cm x 100cm units.
- Areas of concentrated artefact activity and or features which have been identified as a result of the test excavation and are scheduled for significant impact shall be investigated to understand the nature and extent of the area or feature.
- Salvage excavation units will be combined and excavated as necessary to understand the site characteristic for each excavation area.
- Identifiable features if apparent shall be excavated in full if appropriate and practicable (see below *Excavation of Archaeological Features*).
- The minimum surface area of salvage excavation shall be which is significant enough to gain a representative sample from within the study area
- Based on the evidence of the excavation units, 10cm spits or sediment profile/stratigraphic excavation (whichever is smaller) will be implemented.
- All material shall be bucketed, clearly labelled with the job title, excavation unit, spit number and date.
- Each excavation unit (test trench) shall have a separate excavation (context) sheet upon which the characteristics and nature of the spits will all be recorded.
- Each spit shall have its characteristics and nature recorded on the context sheet as well as any features and depth of excavation.
- All material excavated from the excavation units will be sieved using nested 3mm and 5mm aperture wire-mesh sieve.
- All artefacts either European or Aboriginal in origin shall be bagged and clearly labelled with the job title, excavation unit, spit number and date.

7.3.3.3 Excavation of archaeological features

Any archaeological features including but not limited to hearths, contact archaeology shell middens and/or knapping floors if discovered shall be subject to the following:

- Identifiable features if apparent and due to be impacted shall be excavated in full if the excavation director in consultation, where possible, with the RAPs are of the opinion that the excavation of the feature can contribute substantially to the cultural and archaeological knowledge of the study area and/or the region.
- Once the nature and location of the feature has been established during salvage excavation preliminary recording will be carried out (photographs of profiles and plan drawings and GPS location). The excavation of any feature shall not extend outside any given excavation square. If needed salvage excavations units will be combined and excavated as necessary to understand the feature characteristics and extent and to expose the feature in entirety if possible.
- In feature excavation only - a new spit or a new stratigraphic unit shall be recorded using scale-drawn plans of the features if appropriate and noticeable changes have occurred.
- Based on the evidence of the first excavation unit, 10cm spits or sediment profile/stratigraphic excavation (whichever is smaller) will then be implemented.

- All material excavated from the feature excavation units will be sieved using a 5mm aperture wire-mesh sieve.
- All artefacts either European or Aboriginal in origin shall be bagged and clearly labelled with the job title, excavation unit, spit number and date.
- In the event that an archaeological feature has been located and is in an area to be impacted and as such requires excavation, feature excavation shall take place until one or more of the following has been satisfied:
 - The feature has been adequately understood and has been appropriately recorded. This decision will be made in consultation with DPIE, the RAPs and archaeologist.
 - The feature has been fully recorded or removed.
 - The significance of the feature being investigated is clearly understood and it has been adequately investigated and recorded. This decision will be made in consultation with DPIE, the RAPs and archaeologist.

7.3.3.4 Designated artificial mound area subject to salvage excavation



7.3.4 Stage 4: Final excavation report

All data collected through the further works program, will be analysed and synthesised into a final excavation report.

7.3.5 Stage 5: Screening of fill and soil and replacement of fill

Any fill to be removed/excavated and/or replaced within/or from the study area shall be subject to a mechanical screening process to separate the artefacts from the fill and/or any contaminants. These artefacts shall be reburied onsite and the areas shall remain a registered archaeological site

Any natural soil horizon to a depth of RL: 0.8 to be excavated/removed and or replaced within/or from the study area, shall be subject to a mechanical screening process to separate the artefacts from the soil and/or any contaminants.

This mechanical screening process shall be in accordance with the process approved by Mr Peter Townshend of Awabakal Local Aboriginal Land Council in the company of Mr. Scott Owen of BLOC on the 09/10/18 and as detailed below, as well as the processes trialled in the presence of Peter Townsend (ALALC), Peter Leven (ADTOAC), Tori Leven (GTLAC), Kane Leven (ATOAC), Luke Knight (WTOC) & Clive Suey (LHAI) on 22/10/18.

- A mechanical screen is to be placed onsite and the 20mm matts are to be installed –wet material cannot through the screen, so all material will need to be dry before screening.
- Up to 30% soil will be stockpiled on site at any one time– this will be passed through the screen for collection of artefacts – the byproduct will result in ballast rock and foreign materials which will be separated into various stockpiles, these piles may contain bonded asbestos and these pieces will need to be removed prior to any handling. This is to be done with BLOC's asbestos assessor and under the assessor's directions.
- Once the natural sand layer is encountered this too will need to pass through the screen as artefacts have also been located within this material. The yellow sand will be removed from site once it has been screened note that the natural sand layer starts at approx. RL 2.0m. The final excavation layer of sand will be no lower than 0.8m so approx. 1200mm of the natural sand will be removed.
- The "void" that is created from the removal of natural sand will then be filled with the imported fill that has been screened – it will be proofed, rolled and the site level will be built back up to RL2.5.
- No material either fill or soil will be removed from site without screening if it is thought to contain artefacts.
- Fill material not leaving site will be sorted for contaminants by hand and will remain onsite.

7.3.6 Stage 6: Surface community collection cottage creek area

This recommendation is for a surface collection of the study area prior to any development works taking place. This involves the manual collection of all Aboriginal cultural surface material. This is to be undertaken in consultation, where possible, with participating RAPs.

7.3.6.1 Surface collection methodology

The following excavation parameters are proposed:

- The impacted area will be traversed on foot and all material located within this development zone will be subject to collection. If material is located, prior to its collection, the following should be undertaken;

- Once the artefacts have been collected they will be placed within a secure zip lock bag and labelled with the site number, date and status as being surface collected then placed in a larger zip lock bag for processing.
- If archaeological and cultural material is found which does not belong to the registered site. An AHIMS Aboriginal Site Impact Recording Form will be completed and submitted to the AHIMS Registrar as soon as practicable.
- All collected material will undergo processing including photography of any assemblages of artefacts as well as an artefact count. This data being included in the final open area salvage report.
- Any archaeological/cultural material that is, in the opinion of the archaeologist and the stakeholders, to not be of similar educational, scientific, representative, and cultural significance, should be subject to a further assessment and review with the final open area salvage report.
- After artefact collection the appropriate AHIMS site card(s) shall be updated and/or amended to reflect the results and status of the site. This may involve multiple site registrations in order to accurately record the study area as a complex multi-layered site.

7.3.7 Stage 7: Open area salvage excavation program cottage creek area

Once natural soil is exposed over the entirety of the study area, it is recommended that an open area salvage program take place in order to further understand the nature and extent of the archaeological site and reclamation works of the study area. This should be undertaken in consultation, where possible, with the registered stakeholders.

7.3.7.1 Research context

The following research questions are based on the information that has been gathered from previous excavations within the study area and its vicinity, as well as, making an attempt to place the site in a regional context and offer some explanation for the activities that may have taken place within the study area including reclamation works.

- Are Aboriginal archaeological or cultural materials present? If so are these archaeological or cultural materials present within discreet elements of the study area?
- What level of disturbance is present within the study area?
- What level of bioturbation is present within the study area?
- Is it possible to assign a relative temporal framework to all or some of the excavated material?
- Is it possible to assign an absolute temporal framework (via C14 or OSL dating) to any of the excavated material?
- Are these materials present in Holocene or Pleistocene age deposits?
- Are rare or representative archaeological or cultural materials present?
- Are locally or regionally significant archaeological or cultural material present in any Holocene age deposits that may be present?
- Are locally or regionally significant archaeological or cultural material present in any Pleistocene age deposits that may be present?

- What artefact densities are represented by any assemblage located within the study area?
- What do these artefact densities suggest about the level and nature of activity that took place within the study area?
- How do these artefact densities compare at a local and regional level?
- Are features such as hearth or middens present within the study area?
- What raw materials were chosen for the manufacture of stone implements?
- Is there any observable change in raw material usage evident within any assemblage that is located within the study area?
- Is there any observable flaking technology change within any assemblage that is located within the study area?
- What was the nature and extent of the activity that took place within the study area and how does the study area compare with other sites in the immediate vicinity and similar landforms to the study area?
- Are any materials that could be associated with personal adornment located within any assemblage that is located within the study area?
- How can the information from any assemblage excavated contribute to the temporal and geographic information regarding local and regional site patterning?

7.3.7.2 Open area excavation methodology

The following excavation parameters are proposed:

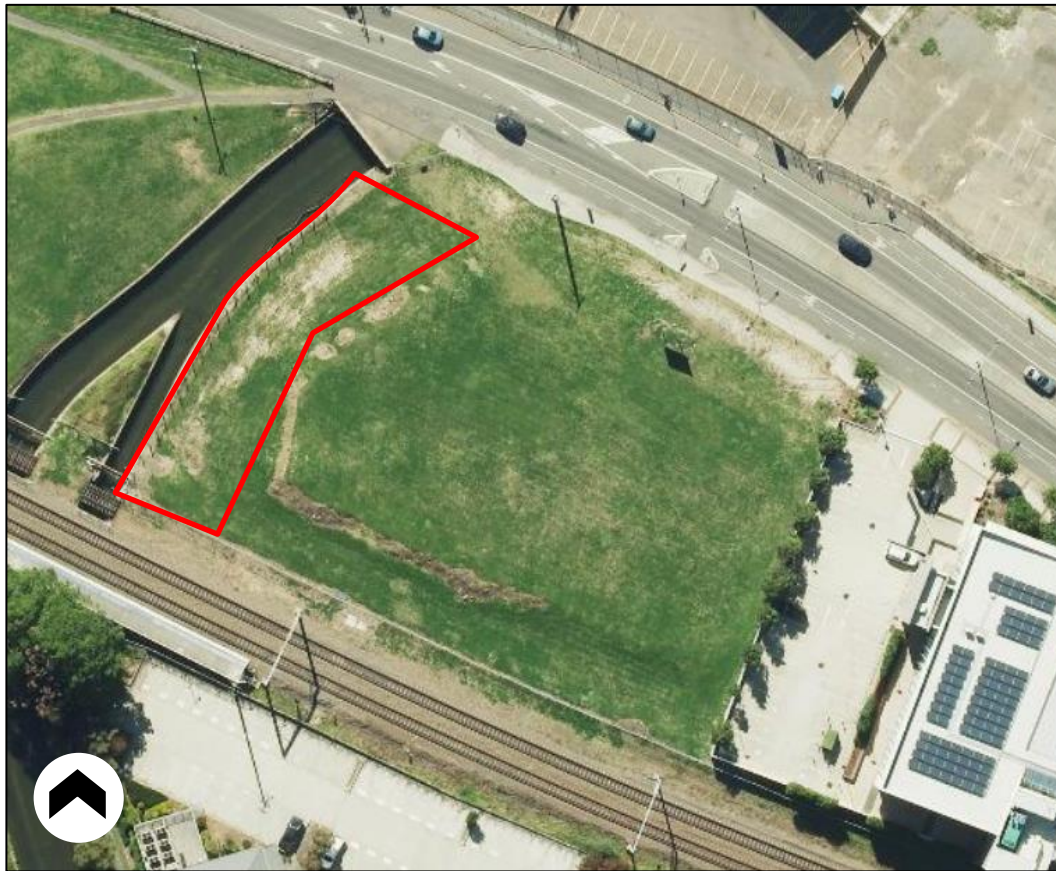
- Excavation units must be excavated in 100cm x 100cm units.
- Areas of concentrated artefact activity and or features which have been identified as a result of the test excavation and are scheduled for significant impact shall be investigated to understand the nature and extent of the area or feature.
- Salvage excavation units will be combined and excavated as necessary to understand the site characteristic for each excavation area.
- Identifiable features if apparent shall be excavated in full if appropriate and practicable (see below *Excavation of Archaeological Features*).
- The minimum surface area of salvage excavation shall be which is significant enough to gain a representative sample from within the study area
- Based on the evidence of the excavation units, 10cm spits or sediment profile/stratigraphic excavation (whichever is smaller) will be implemented.
- All material shall be bucketed, clearly labelled with the job title, excavation unit, spit number and date.
- Each excavation unit (test trench) shall have a separate excavation (context) sheet upon which the characteristics and nature of the spits will all be recorded.
- Each spit shall have its characteristics and nature recorded on the context sheet as well as any features and depth of excavation.
- All material excavated from the excavation units will be sieved using nested 3mm and 5mm aperture wire-mesh sieve.
- All artefacts either European or Aboriginal in origin shall be bagged and clearly labelled with the job title, excavation unit, spit number and date.

7.3.7.3 Excavation of archaeological features

Any archaeological features including but not limited to hearths, contact archaeology shell middens and/or knapping floors if discovered shall be subject to the following:

- Identifiable features if apparent and due to be impacted, shall be excavated in full at the discretion of the excavation director in consultation, where possible, with the RAPs, are of the opinion that the excavation of the feature can contribute substantially to the cultural and archaeological knowledge of the study area and/or the region.
- Once the nature and location of the feature has been established during salvage excavation preliminary recording will be carried out (photographs of profiles and plan drawings and GPS location). The excavation of any feature shall not extend outside any given excavation square. If needed, salvage excavations units will be combined and excavated as necessary to understand the feature characteristics and extent and to expose the feature in entirety if possible.
- In feature excavation only - a new spit or a new stratigraphic unit shall be recorded using scale-drawn plans of the features if appropriate and noticeable changes have occurred.
- Based on the evidence of the first excavation unit, 10cm spits or sediment profile/stratigraphic excavation (whichever is smaller) will then be implemented.
- All material excavated from the feature excavation units will be sieved using a 5mm aperture wire-mesh sieve.
- All artefacts either European or Aboriginal in origin shall be bagged and clearly labelled with the job title, excavation unit, spit number and date.
- In the event that an archaeological feature has been located and is in an area to be impacted and as such requires excavation, feature excavation shall take place until one or more of the following has been satisfied:
 - The feature has been adequately understood and has been appropriately recorded. This decision will be made in consultation with DPIE, the RAPs and archaeologist.
 - The feature has been fully recorded or removed.
 - The significance of the feature being investigated is clearly understood and it has been adequately investigated and recorded. This decision will be made in consultation with DPIE, the RAPs and archaeologist.

7.3.7.4 Cottage creek area



7.3 8 Care and control and interpretation

If any archaeological material is recovered it shall be subject to a care and control agreement established after the nature and significance of the archaeological or cultural material is understood as per requirement 26 of the *Code of Conduct for the investigation of Archaeological objects in NSW*.

Any artefacts recovered shall be subject to an as yet unestablished care and control agreement. A secure temporary storage location in accordance with requirement 26 of the *Code of Conduct for the investigation of Archaeological objects in NSW*, shall be established (ALALC Offices, Islington) pending any agreement being reached as to the long-term management of the salvaged Aboriginal objects.

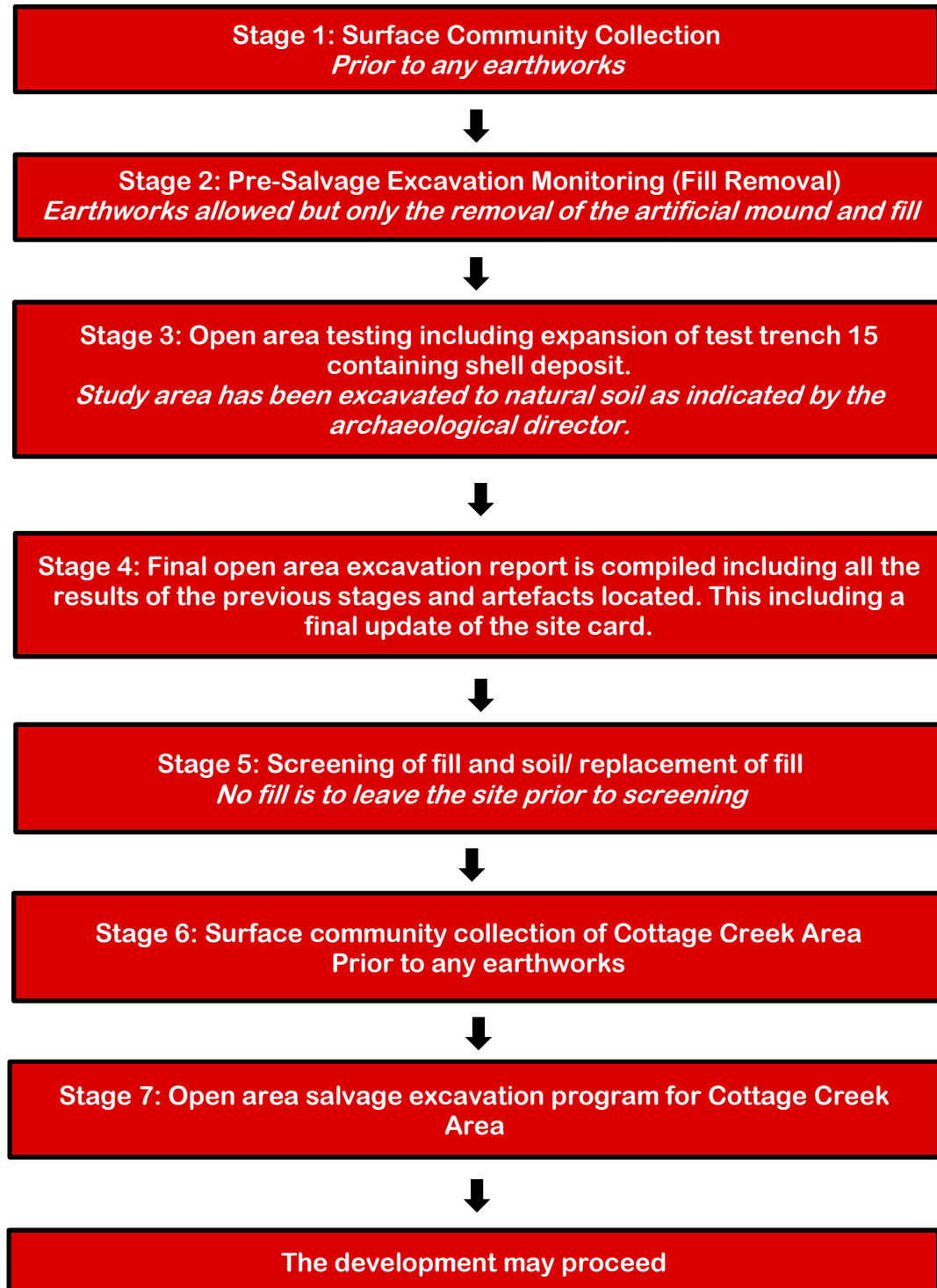
The excavation director is responsible for ensuring that procedures are put in place so that Aboriginal objects are not harmed. The location of the secure temporary storage location will be submitted to AHIMS with a site update record card for the site(s) in question.

If long term management of any objects recovered has not been decided in a timely fashion, the objects will be lodged with the Australian Museum.

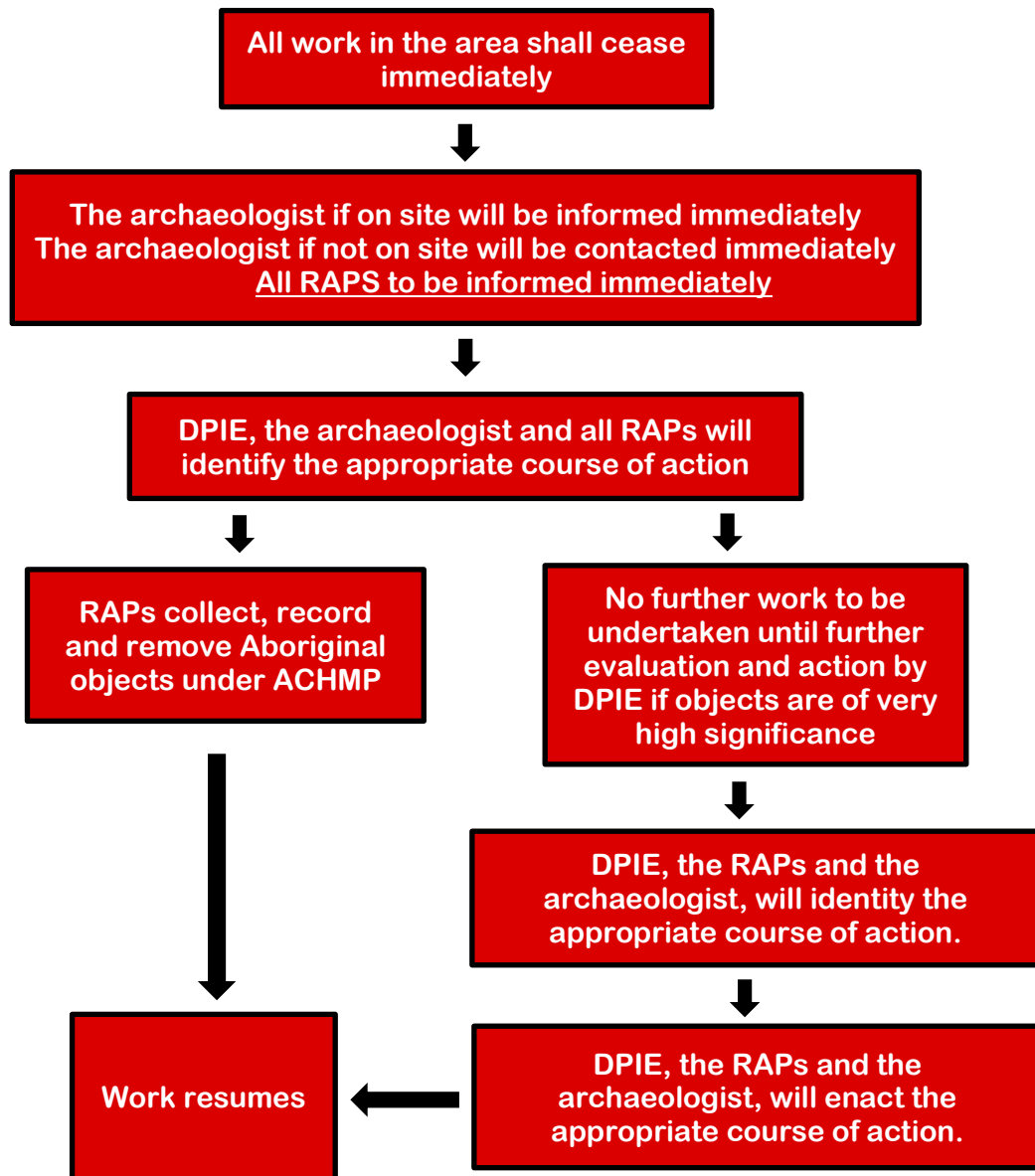
7.4 FLOW CHARTS

The following are flow charts for the course of action for the listed potential archaeological constraints that all signatories to the ACHMP, have read, understood and agreed to.

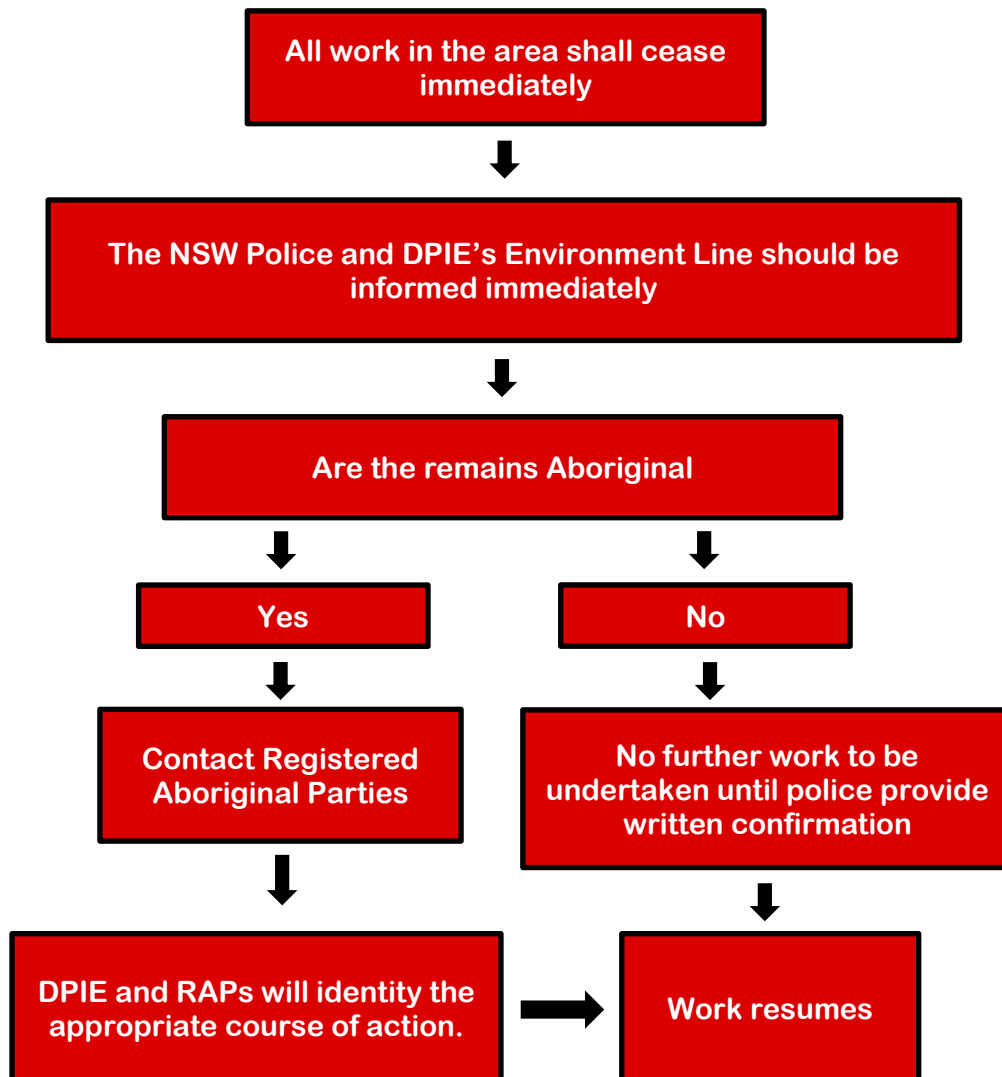
7.4.1 Flow chart illustrating the various stages of investigation



7.4.2 Flow chart for The Discovery of unexpected Aboriginal Archaeological Material



7.4.3 Flow Chart for the procedure for the discovery of human remains



7.5 CONTACT DETAILS

The contact details for the following archaeologist, NSW Police, DPIE and Registered Aboriginal Parties are as follows:

Organisation	Contact	Contact Details
NSW Environment Line		131 555
NSW Newcastle Local Area Command		LAC Office: Church and Watts Streets Newcastle NSW 2300 Phone: 02 4929 0999 Fax: 02 4929 0762
Archaeological Management & Consulting Group	Mr. Benjamin Streat or Mr. Martin Carney	122c-d Percival Road Stanmore NSW 2048 Ph:(02) 9568 6093 Fax:(02) 9568 6093 Mob: 0405 455 869 Mob: 0411 727 395 benjaminstreat@archaeological.com.au
NSW Department of Planning and Environment	Archaeologist – Newcastle Regional office	PO Box 1002 Dangar NSW 2309 Ph: (02) 4927 3119 rog.hcc@environment.nsw.gov.au
A1 Indigenous Services	Carolyn Hickey	cazadirect@live.com
AGA Services	Ashley Sampson	Cacatua4service@tpg.com.au
Amanda Hickey Cultural Services	Amanda Hickey	amandahickey@live.com.au
Awabakal Descendants Traditional Owners	Pete Leven	Peterleven@y7mail.com
Awabakal LALC	Pete Townsend	culture@awabakallalc.com.au
Awabakal Traditional Owners Aboriginal Corp.	Kerrie Brauer	Kerrie@awabakal.com.au
Cacatua General Services	George Sampson	Cacatua4service@tpg.com.au
Didge Ngunawal Clan	Paul Boyd	didgengunawalclan@yahoo.com.au
Gidawaa Walang Cultural Heritage Consultancy	Ann Hickey	gidawaa.walang@hotmail.com
Guringai Tribal Link Aboriginal Corp.	Tracey Howie	tracey@guringai.com.au
Indigenous Learning	Craig Archibald	indiglearning@gmail.com
JTM Traffic Management	Norm Archibald	jtmanagement@live.com.au
Lower Hunter Aboriginal Incorporated	David Ahoy	lowerhunterai@gmail.com
Widescope Group	Steven Hickey	widescope.group@live.com
Worimi TOC	Candy Towers	worimitoc@hotmail.com

8.0 REPORTING

All ACHMP works carried out during the 42 Honeysuckle Project will be documented to a standard comparable to that required by the *Code of Practice for Archaeological Investigation of Aboriginal Objects* (DECCW 2010) and in consultation where possible with Registered Aboriginal Parties.

9.0 SITE WORKS

Site works will be carried out by the RAPs listed below or their representatives.

Organisation	Contact	Contact Details
Awabakal Descendants Traditional Owners	Pete Leven	Peterleven@y7mail.com
Awabakal LALC	Pete Townsend	culture@awabakallalc.com.au
Awabakal Traditional Owners Aboriginal Corp.	Kerrie Brauer	Kerrie@awabakal.com.au
Guringai Tribal Link Aboriginal Corp.	Tracey Howie	tracey@guringai.com.au
Lower Hunter Aboriginal Incorporated	David Ahoy	lowerhunterai@gmail.com
Worimi TOC	Candy Towers	worimitoc@hotmail.com

Four (4) Raps will be onsite at any one time and it is envisaged that at least six (6) full working days will be required to sort all screened material

All RAPs have provided relevant insurance and fee details to Bloc (The Contracted Builder)

Scott Owen (BLOC) will liaise directly with Peter Townshend and if needed other RAPs about site days and endeavour to give RAPs at least 48 hours notice prior to each site day commencing.

If mediation is required AMAC are to be contacted

Organisation	Contact	Contact Details
Archaeological Management & Consulting Group	Mr. Benjamin Streat or Mr. Martin Carney	122c-d Percival Road Stanmore NSW 2048 Ph:(02) 9568 6093 Fax:(02) 9568 6093 Mob: 0405 455 869 Mob: 0411 727 395 benjaminstreat@archaeological.com.au

10.0 REVIEW PROCEDURES

Once this ACHMP has been agreed to by all parties. No alteration of procedures shall take place without the involvement of all parties. All RAP individuals and organisations shall be informed in writing of the proposed review and all parties and their respective organisations will be given appropriate time frames to respond to changes.

APPENDICES

APPENDIX ONE: SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (02/06/17) SSD #10378

Planning Secretary's Environmental Assessment Requirements Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD-10378
Project Name	Mixed use development including commercial / retail uses and hotel accommodation
Location	42 Honeysuckle Drive, Newcastle (Lot 22 DP 1072217)
Applicant	DOMA HOLDINGS (HONEYSUCKLE) PTY LTD
Date of Issue	6 November 2019
General Requirements	<p>The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the proposed development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> adequate baseline data consideration of potential cumulative impacts due to other development in the vicinity measures to avoid, minimise and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment justification of impacts. <p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the EP&A Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived a detailed cost report prepared in accordance with Newcastle Section 94A Development Contributions Plan 2009 an estimate of the jobs that will be created by the future development during the construction and operational phases of the development certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context Address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (State & Regional Development) 2011 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy 55 – Remediation of Land Draft State Environmental Planning Policy – Remediation of Land Newcastle Local Environmental Plan 2012.

Permissibility

Detail the nature and extent of any prohibitions that apply to the development.

Development Standards

Identify compliance with the development standards applying to the site and provide justification for any contravention of the development standards.

Address the relevant planning provisions, goals and strategic planning objectives in the following:

- NSW State Priorities
- Future Transport Strategy 2056 and supporting plans
- Better Placed – an integrated design policy for the built environment of NSW 2017
- NSW Planning Guidelines for Walking and Cycling
- Hunter Regional Plan 2036
- Newcastle Urban Renewal Strategy 2014
- Greater Newcastle Future Transport Plan
- Greater Newcastle Metropolitan Plan 2036
- Port of Newcastle Port Development Plan (PDP) 2015
- Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019
- Relevant City of Newcastle policies, codes and guidelines (where required pursuant to relevant Local Environmental Plan)
- Guide to Traffic Generating Development (RMS 2002)
- NSW Aquifer Interference Policy (2012)
- Guidelines for Controlled Activities on Waterfront Land (2018)
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.

2. Building use

The EIS shall:

- include a table identifying the proposed land uses including a floor-by-floor breakdown of gross floor area (GFA), total GFA and site coverage
- include details of the proposed uses and/or operational details for the development, including but not limited to:
 - o fit-out and operational details
 - o preliminary operational management plan.

3. Design excellence

The EIS shall include a design excellence strategy prepared in consultation with the Government Architect NSW, demonstrating how the proposal will achieve design excellence. This strategy shall:

- identify the process to ensure that design excellence is achieved
- demonstrate how comments from the Government Architect NSW have been addressed.

4. Built Form and Urban Design

- Address design quality, with specific consideration of bulk and scale, overall site layout, axis, vistas and connectivity, open spaces and edges, ground floor activation, primary elements, gateways, façade, rooftop, mechanical plant, massing, setbacks, building articulation, materials and choice of colours
- Assess the potential amenity impacts of the proposal including overshadowing, noise, reflectivity, visual privacy, wind, and view loss impacts
- Demonstrate that the proposal addresses and provides amenity to the light rail corridor and existing developments to the south and the proposed

	<p>pedestrian/cycle link to run adjacent to the Cottage Creek drainage channel</p> <ul style="list-style-type: none"> · Provide design approaches to mitigate any potential flooding.
	<p>5. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> · Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated in the design, construction and ongoing operation phases of the development · Demonstrate how the proposed development responds to sustainable building principles and best practice, and improves environmental performance through energy efficient design, technology and renewable energy · Include a description of the measures that would be implemented to minimise consumption of resources, water and energy, proposed alternative water supplies, proposed end uses of potable and non-potable water, and water sensitive urban design.
	<p>6. Noise</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> · identify any sensitive receivers to noise in the vicinity of the site · identify the main noise generating sources and activities at all stages of construction, and any noise sources during operation · outline measures to minimise and mitigate the potential noise impacts on surrounding occupiers of land · identify the likely noise impacts and acoustic measures required to ensure acceptable internal amenity, noting the proximity to the operational areas of the Port of Newcastle.
	<p>7. Transport and Accessibility (Construction and Operation)</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> · include a traffic, parking, servicing and access assessment identifying any impacts of the proposed development on the traffic and transport network and pedestrian cyclist safety adjacent to the site. Any associated impacts and/or mitigation measures are to be included in the EIS · assess the impacts of the traffic generated on the local road network, and surrounding intersections (including Hannell Street / Honeysuckle Drive intersections) using SIDRA or similar traffic model and any potential need for upgrading or road works (local and classified) to maintain existing levels of service · address the impacts of the proposal having regard to the cumulative traffic impact of other proposed developments in the area and the impact of the Newcastle Light Rail project.
	<p>8. Mine Subsidence</p> <p>Provide a Geotechnical Investigation and Report which addresses potential subsidence risks, stabilisation works required/undertaken and confirms suitability of the site for the proposed development.</p>
	<p>9. Flooding</p> <p>The EIS is to include an assessment of any potential flood risk on site in accordance with any relevant provisions of the NSW Floodplain Development Manual (2005), The Throsby, Cottage and CBD Flood Study 2004, the Newcastle Floodplain Risk Study 2012 and the Honeysuckle Redevelopment Area Flood Study including an:</p> <ul style="list-style-type: none"> · assessment of existing flood behaviour and impact of sea level rise, climate change, and ecosystem migration;

- assessment of potential flood impacts on the proposed development and measures to mitigate any potential flooding;
- assessment of potential impacts of the proposed development on flood behaviour at the site and impacts on adjacent land, and measures to mitigate any potential flooding;
- emergency management measures and evacuation;
- consistency with any floodplain risk management plans;
- compatibility with the flood hazard of the land;
- assessment of whether the proposal will significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and
- detailed consideration of the proposed drainage associated with the proposal, including stormwater and drainage infrastructure.

10. Drainage

Provide details of all drainage associated with the proposal, including stormwater and drainage infrastructure.

11. Water

The EIS shall:

- include an assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measure proposed to reduce and mitigate these impacts
- identify proposed surface and groundwater monitoring activities and methodologies.

12. Heritage

The EIS shall include a Heritage Impact Statement and an Aboriginal Cultural Heritage Report that considers any potential impact(s) of the proposed development.

13. Utilities

The EIS shall:

- address the existing capacity of the site to service the development proposed and any augmentation requirements for utilities, including arrangements for electrical network requirements, drinking water, waste water and recycled water
- identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure. The existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies.

14. Public Benefit and Contributions

The EIS shall including a detailed cost report prepared in accordance with Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019, to determine the contributions required for the proposal.

15. Biodiversity

The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act, except where a waiver for preparation of a BDAR has been granted.

16. Servicing and Waste

	Identify, quantify and classify the likely waste streams to be generated during construction and operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, mechanical plant) for the site.
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>EP&A Regulation 2000</i>. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> · architectural drawings (to a usable scale at A3) · architectural design statement · landscape drawings (to a usable scale at A3) · landscape design statement · site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings · site analysis plan · shadow diagrams · ESD statement · pre-submission consultation statement · heritage impact assessment · access impact statement · traffic and parking assessment, including SIDRA modelling files · visual and view impact analysis and photomontages · stormwater concept plan · operational management plan · operational waste management plan · preliminary construction management plan, including a construction traffic and pedestrian management plan, construction noise and vibration management plan, construction waste management plan and cumulative impact of construction activities on other nearby sites · geotechnical and structural report · services and infrastructure report · contamination assessment · schedule of materials and finishes.
Consultation	<p>During the preparation of the EIS, you are required to consult with the relevant local, State or Commonwealth Government authorities, service providers, and the local community. You must consult with the City of Newcastle and the Office of the Government Architect.</p> <p>The EIS must describe the pre-submission consultation process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.</p>
Further consultation after 2 years	If you do not lodge a DA and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

APPENDIX TWO: STAKEHOLDER RESPONSES TO AMENDED ACHMP:

The amended ACHMP was emailed out on Friday 12 October and received the following responses.

Organisation	Contact	Phone 19-22/10/18	Email 19/10/18
Worimi Traditional Indigenous Corp.	Candy Towers	Agrees to ACHMP recommendations	
Lower Hunter Aboriginal Incomp.	David Ahoy	Agrees to ACHMP recommendations	
Awabakal Descendants Traditional Owners	Peter Leven	Agrees to ACHMP recommendations	
Awabakal Local Aboriginal Land Council	Peter Townsend	Agrees to ACHMP recommendations	
Guringai Tribal Link Aboriginal Corp	Tracey Howie	Agrees to ACHMP recommendations	
Awabakal Traditional Owners Aboriginal Corp	Kerrie Brauer	Agrees to ACHMP recommendations	
Indigenous Learning	Craig Archibald		No response after multiple attempts
Gidawaa Walang Cultural Heritage Consultancy	Craig Horn		No Comments
Widescope Group	Steven Hickey	Agrees to ACHMP recommendations	
Cacatua General Services	George Sampson		Agrees to ACHMP recommendations
Didge Ngunawal Clan	Paul Boyd	Agrees to ACHMP recommendations	
Amanda Hickey Cultural Services	Amanda Hickey	Agrees to ACHMP recommendations	
A1 Indigenous Services	Carolyn Hickey	Agrees to ACHMP recommendations	
JTM Traffic Management	Norm Archibald		No response after multiple attempts
AGA Services	Ashley Sampson		Agrees to ACHMP recommendations

The ACHMP was reamended and distributed to the RAPs for review and comment on Wednesday 19th February. The following responses were received;

Awabakal & Guringai response

From: Tracey Howie <tracey@guringai.com.au>
Sent: Tuesday, 25 February 2020 5:17 PM
To: Kerrie Brauer
Cc: Steven John Vasilakis; Ben Streat; stevenvasilakis@archaeological.com.au; PeterLeven
Subject: Re: 42 Honeysuckle Drive, Newcastle - Aboriginal Cultural Heritage Management Plan

Hi Yolanda,

We agree with Kerrie Brauer's comments.
There's not any change that effects our cultural heritage so we have no comments to add.

Thank you Yolanda,
Kind regards
Tracey

A W A B A K A L & G U R I N G A I

Tracey Howie | Director | Awabakal & Guringai Pty Ltd
ABN : 81 609 498 491 | ACN : 609 498 491
M : 0404 182 049 | E : tracey@guringai.com.au
PO Box 122 Rutherford NSW 2320 Australia

Awabakal Traditional Owners Aboriginal Corporation

From: Kerrie Brauer <kerrie@awabakal.com.au>
Sent: Tuesday, 25 February 2020 4:16 PM
To: 'Consultation'
Cc: 'Ben Streat'; stevenvasilakis@archaeological.com.au; 'PeterLeven'; 'Tracey Howie'
Subject: RE: 42 Honeysuckle Drive, Newcastle - Aboriginal Cultural Heritage Management Plan

Hi Yolanda,

Thank you for your email.

I appreciate the up-date and keeping us informed, and I don't see any need for additional comments if the recommendations and cultural aspects remain unchanged.

Kind regards,
Kerrie Brauer



Kerrie Brauer | Director | Administration | Awabakal Traditional Owners Aboriginal Corporation
M: 04 12 86 63 57 | E: kerrie@awabakal.com.au | www.awabakal.com.au
PO Box 122 Rutherford NSW 2320 Australia

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Awabakal Local Aboriginal Land Council

From: Culture <culture@awabakallalc.com.au>
Sent: Tuesday, 25 February 2020 2:19 PM
To: Consultation
Cc: Benjamin Street (AMAC)
Subject: RE: 42 Honeysuckle Drive, Newcastle - Aboriginal Cultural Heritage Management Plan

Hi Yolanda

Thanks for sending this through.

ALALC accepts this draft report, and is ok for it to be finalised, as we (RAP's & Archaeologists) did a great job excavating & salvaging objects, considering the context of the site.

Regards

Peter Townsend
Culture & Heritage Officer



Ph: 02 49654532
Fax: 02 49654531
Mob: 0439217405

Yamadumarang - Yamakara, I am a Wiradjuri - Weilwan man. I acknowledge the traditional custodians, the land and waterways on which I reside and work on.