

# Huntlee Cultural Heritage Assessment

Modification 09



## Document status

Version	Purpose of document	Authored by	Reviewed by	Review date
1.0	Client review	B. Slack	A Byrne	13/08/2018

## Approval for issue

Name	Signature	Date
B.Slack		14/08/2018

This report was prepared by RPS Australia East Pty Ltd ABN 44 140 292 762 ('RPS') within the terms of its engagement and in direct response to a scope of services. This report is strictly limited to the purpose and the facts and matters stated in it and does not apply directly or indirectly and must not be used for any other application, purpose, use or matter. In preparing the report, RPS may have relied upon information provided to it at the time by other parties. RPS accepts no responsibility as to the accuracy or completeness of information provided by those parties at the time of preparing the report. The report does not take into account any changes in information that may have occurred since the publication of the report. If the information relied upon is subsequently determined to be false, inaccurate or incomplete then it is possible that the observations and conclusions expressed in the report may have changed. RPS does not warrant the contents of this report and shall not assume any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report howsoever. No part of this report, its attachments or appendices may be reproduced by any process without the written consent of RPS. All enquiries should be directed to RPS.

<b>Prepared by:</b>	<b>RPS AUSTRALIA EAST PTY LTD ABN 44 140 292 762</b>	<b>Prepared for:</b>	<b>LWP PROPERTY GROUP</b>
	Ground Floor, 241 Denison Street		<b>1 Triton Boulevard</b>
	Broadmeadow, NSW 2292		North Rothbury NSW 2335
	Australia		Australia
	PO Box 428, Hamilton NSW 2303		
<b>T:</b>	+61 2 4940 4200	<b>T:</b>	02 4938 3910
<b>E:</b>	newcastle@rpsgroup.com.au		
<b>Author:</b>	Ben Slack		
<b>Reviewed:</b>	Alexandra Byrne		
<b>Approved:</b>	Alexandra Byrne		
<b>No.:</b>	105216-7		
<b>Version:</b>	1.0		
<b>Date:</b>	14 August 2018		

## Executive Summary

---

Huntlee New Town Site (Huntlee) located at the north-western end of the Hunter Expressway is currently under development. RPS has been engaged by LWP Property Group to conduct a cultural heritage assessment for Modification 09 (MOD09) to the Huntlee Project Approval 10\_0137. MOD09 is a modification of the Huntlee development area to include additional areas TC1, TC2, TC4, TC5 and Area 16 which total an additional area of 38.1ha.

A desktop study has been undertaken to support the physical inspection. The desktop component has included a summary of the environmental context; a search of the NSW Aboriginal Heritage Information Management System (AHIMS) database; and a review of previous Aboriginal cultural heritage studies in the local area.

The AHIMS search recorded 72 Aboriginal cultural heritage sites in the North Rothbury area. No previously registered sites are located in the Project Area.

A visual inspection was carried out over three days by RPS Archaeologists together with Aboriginal sites officers. A total of eleven sites were identified during the survey; all of which comprise surface artefacts with one site also containing a potential archaeological deposit (PAD).

All newly identified sites will require salvage prior to any construction works. This will need to occur in consultation with the HARG and under the Huntlee Aboriginal Cultural Heritage Management Plan. Testing will also need to occur at the newly identified PAD site to determine the extent of any sub-surface deposits.

To ensure the protection of the recorded sites and mitigate against impact to any potential site the following recommendations are made:

### Recommendation 1

All surface artefacts identified during the visual inspection are to be salvaged prior to development works proceeding. This is to be conducted under the Huntlee ACHMP.

The area of PAD should undergo test excavation under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).

### Recommendation 2

All relevant staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction.

### Recommendation 3

This due diligence assessment must be kept by the LWP Property Group so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.

### Recommendation 4

If unrecorded Aboriginal sites or object/s are identified in the project area during works where HARG sites officers are not in attendance, then all works in the immediate area must cease and the area cordoned off. OEH must be notified via the Enviroline 131 555 so that the site can be adequately assessed and managed.

If Aboriginal sites are identified during monitored soil stripping works, then protocols are to be followed in the Huntlee Aboriginal Heritage Management Plan.

### Recommendation 5

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the

remains are thought to be Aboriginal, OEH must be contacted via the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

**Recommendation 6**

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.



# Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>III</b>
<b>1 INTRODUCTION.....</b>	<b>7</b>
1.1 Project Area .....	7
1.2 Proposed Activity .....	7
1.3 Authorship .....	7
<b>2 LEGISLATIVE CONTEXT .....</b>	<b>9</b>
2.1 <i>National Parks &amp; Wildlife Act 1974</i> .....	9
2.2 <i>National Parks and Wildlife Regulation 2009</i> .....	10
2.3 <i>Aboriginal Land Rights Act 1983</i> .....	10
2.4 <i>Environmental Planning and Assessment Act 1979</i> .....	10
<b>3 ENVIRONMENTAL CONTEXT .....</b>	<b>11</b>
3.1 Geology and Soils .....	11
3.2 Topography and Hydrology .....	11
3.3 Flora and Fauna.....	11
3.4 Land Use History .....	11
3.5 Synthesis of Environmental Context .....	12
<b>4 HERITAGE CONTEXT.....</b>	<b>13</b>
4.1 Aboriginal Heritage Information Management System (AHIMS) .....	13
4.2 Archaeological Literature Review .....	15
<b>5 VISUAL INSPECTION AND FIELD RESULTS.....</b>	<b>16</b>
5.1 Visual inspection.....	16
5.2 Visual Inspection Field Results and Summary .....	16
5.2.1 Area TC1 .....	16
5.2.2 Area TC2 .....	16
5.2.3 Area TC4 .....	16
5.2.4 Area TC5 .....	16
5.2.5 Area 16.....	17
<b>6 IMPACT ASSESSMENT .....</b>	<b>19</b>
<b>7 CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>21</b>
<b>8 PLATES .....</b>	<b>22</b>

## Tables

Table 1	Summary of AHIMS Site Types .....	13
Table 2	Assessment of archaeological potential.....	19
Table 3	Impact assessment .....	19

## Figures

Figure 1	Project Area.....	8
Figure 2	AHIMS Sites.....	14
Figure 3	Survey Results .....	18

## Plates

Plate 1	Area TC1 .....	23
Plate 2	HAF011 .....	23
Plate 3	HAF012 .....	23
Plate 4	Area TC2 .....	23
Plate 5	HAF001 .....	23
Plate 6	Area TC4 .....	23
Plate 7	HAF008 .....	24
Plate 8	Area TC5 .....	24
Plate 9	HAF002 .....	24
Plate 10	HAF003 .....	24
Plate 11	HAF004 .....	24
Plate 12	HAF010 .....	24
Plate 13	Seasonal drainage line – stage 16.....	25
Plate 14	Vegetation cover within stage 16 .....	25
Plate 15	HAF005 .....	25
Plate 16	Potential Stone Arrangement .....	25
Plate 17	HAS001 Artefacts.....	25

## Appendices

Appendix A	AHIMS
------------	-------

# 1 Introduction

---

RPS has been engaged by LWP Property Group to conduct a cultural heritage assessment for Modification 09 (MOD09) to the Huntlee Project Approval 10\_0137. MOD09 is a modification of the Huntlee development area to include additional areas TC1, TC2, TC4, TC5 and Area 16, shown on Figure 1.

In accordance with the Aboriginal Cultural Heritage Management Plan (ACHMP), consultation and inspection of the additional areas is required with the Huntlee Aboriginal Reference Group (HARG) members present.

The ACHMP was created as a requirement of the *Huntlee Stage 1 Project Approval (24 April 2014) 10\_0137 – Conditions of Approval (C3 and D9)*. The ACHMP outlines the roles of the Aboriginal sites officers and monitors throughout the development process.

## 1.1 Project Area

Huntlee New Town Site (Huntlee) located at the north-western end of the Hunter Expressway is currently under development. The entire Huntlee precinct covers approximately 812 hectares (ha) of urban land and approximately 797 ha of conservation land. The land zoned for urban use is expected to accommodate 200 ha of employment lands and up to 7,500 dwellings housing a projected population of approximately 21,000 people.

Huntlee is partly within the Cessnock and Singleton Local Government Areas (LGA) and is in close proximity to the suburbs of Branxton and North Rothbury.

There are five areas subject to this assessment totalling 38.1ha:

- TC1 (0.097ha)
- TC2 (0.397ha)
- TC4 (0.1898ha)
- TC5 (10.84ha)
- Area 16 (26.45ha)

## 1.2 Proposed Activity

The proposed activity will consist of residential subdivision, road construction, vegetation clearing and the installation of utilities.

## 1.3 Authorship

This report was prepared by RPS Heritage Consultant, Ben Slack. Visual inspection of the Project Area was undertaken by RPS Senior Archaeologist Dr Dragomir Garbov and Senior Geophysics Consultant Aaron Fogel. The report was reviewed by Alexandra Byrne, RPS Newcastle Acting Cultural Heritage Manager.







## 2 Legislative Context

---

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Although there are a number of Acts protecting and managing cultural heritage in New South Wales (see Appendix 1); the primary ones which apply to this report include:

- National Parks & Wildlife Act 1974
- National Parks & Wildlife Regulation 2009

In brief, the *National Parks & Wildlife Act 1974* protects Aboriginal heritage (places, sites and objects) within NSW; the National Parks and Wildlife Regulation 2009 provides a framework for undertaking activities and exercising due diligence.

### 2.1 *National Parks & Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* (NPW Act) is the principal Act providing protection for Aboriginal cultural heritage (objects and places) in NSW. It provides protection for Aboriginal cultural heritage irrespective of the level of archaeological or cultural heritage significance or land tenure. The Office of Environment and Heritage (OEH) is responsible for the administration of the NPW Act.

The NPW Act provides protection for Aboriginal cultural heritage in NSW. Section 86 of the NPW Act states:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object”
- “A person must not harm an Aboriginal object”
- “A person must not harm or desecrate an Aboriginal place”

Under the NPW Act, it is an offence to harm an Aboriginal object or place. Harming an Aboriginal object or place may result in a fine of up to \$550,000 for an individual and imprisonment for two years; and in the case of a corporation, a fine of up to \$1.1 million. The fine for a strict liability offence (s86 [2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act is defined as any act that: destroys defaces or damages the object; moves the object from the land on which it has been situated; causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under Section 90 of the NPW Act, or 2) that the proponent exercised due diligence in respect to Aboriginal cultural heritage for a strict liability offence. The due diligence defence states that if a person or company has exercised due diligence, liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If an Aboriginal object is identified during the proposed activity, all activity within that area must cease and OEH must be notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

#### **Notification of Aboriginal objects**

Under Section 89A of the NPW Act, the proponent must report all Aboriginal objects and places to the Director General of OEH within a reasonable time, unless already recorded on the Aboriginal Heritage Information Management System (AHIMS). Fines of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

## Investigating and Assessing Aboriginal Cultural Heritage

There are a number of procedural publications governing archaeological practice in NSW. The publications relevant to the investigation and assessment of Aboriginal cultural heritage include the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011:13), the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) (DECCW 2010) and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010) codifies a process for consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage. The requirements are consistent with the NPW Act and seek, *inter alia*, to conserve Aboriginal objects and places of significance to Aboriginal people. Consultation is therefore a fundamental part of the Aboriginal cultural heritage assessment process.

## 2.2 National Parks and Wildlife Regulation 2009

The *National Parks and Wildlife Regulation 2009* ("NPW Regulation") provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The NPW Regulation 2009 outlines the recognised due diligence codes of practice which are relevant to this report, but it also outlines procedures for Aboriginal Heritage Impact Permit (AHIP) applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs); amongst other regulatory processes.

## 2.3 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within NSW and to establish Local Aboriginal Land Councils. Under Section 36 of the Act, a Local Aboriginal Land Council, on behalf of Aboriginal people, is able to claim certain Crown land that:

- Is able to be lawfully sold, leased, reserved or dedicated;
- Is not lawfully used or occupied;
- Will not, or not likely, in the opinion of the Crown Lands Minister, be needed for residential purposes;
- Will not, or not likely, be needed for public purposes;
- Does not comprise land under determination by a claim for native title;
- Is not the subject of an approved determination under native title.

Claims for land are by application to the Office of the Registrar, *Aboriginal Land Rights Act 1983*.

## 2.4 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates a system of environmental planning and assessment for NSW. The Huntlee development was approved under the now-repealed Part 3A of the EP&A Act, which was replaced by the State significant development assessment process under Part 4. In lieu of an Aboriginal Heritage Impact Permit (AHIP), which was not required under Part 3A, Aboriginal heritage must be managed post approval under an ACHMP subject to the approval of the DP&I. Modification to the existing approval is permissible and as such this assessment has been prepared in support of the proposed modification and in accordance with the requirements of the management plan.

## 3 Environmental Context

---

The purpose of the environmental context is to understand the natural resources which may have influenced past Aboriginal occupation of the area.

### 3.1 Geology and Soils

The project area is predominately characterised by the Branxton soil group with a smaller central portion in the Rothbury soil group.

The Branxton group comprises Permian sandstone, shale, mudstone, siltstone, tuff and coal seams. Some types of tuff and mudstone are often used for Aboriginal tools in the Hunter region. Sandstone was an important element in the landscape for Aboriginal people, as it formed rockshelters and platforms for the maintenance of stone axes, the process of which forms what is known in the archaeological record as 'grinding grooves'. Soils are described as yellow Podzolic on mid slopes; with red Podzolic on crests and yellow Soloths on lower slopes and flats. Alluvial soils are associated with creeks (Kovac and Lawrie 1991:106).

The Rothbury group comprises Permian sandstone, shale, mudstone, siltstone, tuff and coal seams. Soils consist of red Podzolic on upper slopes; yellow Podzolic on midslopes; together with yellow Solodic soils and brown Soloths on lower slopes (Kovac and Lawrie 1991:338).

### 3.2 Topography and Hydrology

The Branxton group topography is described as undulating rises and low hills with a relief of 10-40 m with slopes of 5%. The hydrology associated with the Branxton group is described as having drainage lines spaced between 400–1500 m (Kovac and Lawrie 1991:106).

The Rothbury group topography is described as undulating to rolling hills with relief of 60-80 m and slopes of 6-12%. The Rothbury group hydrology is described as having drainage lines spaced between 200–1000 m (Kovac and Lawrie 1991:338).

### 3.3 Flora and Fauna

Ecological investigations of the wider Huntlee project area have identified the following native vegetation communities: Hunter Valley Dry Rainforest; Central Hunter Riparian Forest along creek lines; Wollombi Redgum – River Oak Woodland in the area of Black Creek (west of the current project area); with the predominate vegetation group the Central Hunter Ironbark – Spotted Gum – Grey Box Forest; Hunter Lowland Redgum Forest. A total of 206 vertebrate fauna were recorded as part of the above investigation (RPS 2014). This suggests that there would have been a variety of food resources for Aboriginal people in the local area.

### 3.4 Land Use History

The first allocation of land grants for pastoral purposes in the area was in the late 1830s, with development of the area from that time onward. The discovery of the Greta coal seam in the late nineteenth century changed the pattern of land use in the lower Hunter Valley. In 1912 the presence of coal led to the establishment of the Rothbury Colliery which is in close proximity to the project area.

More recently the area has been used as an electricity easement and access roads. Historic clearing of vegetation would have also disturbed the soil horizons.

### 3.5 Synthesis of Environmental Context

The diversity in vegetation communities and the presence of a series of drainage lines would indicate the local environment would be favourable for occupation by Aboriginal people prior to settlement. The early settlers would have sought to modify the environment with clearing for pastures and crop planting; this would have resulted, in some cases, in disturbance to Aboriginal sites.



## 4 Heritage Context

The heritage context summarises surrounding Aboriginal sites and previous archaeological investigations which have been undertaken in the locality.

### 4.1 Aboriginal Heritage Information Management System (AHIMS)

The AHIMS database comprises Aboriginal cultural heritage sites previously recorded in NSW. A search of the database found 72 sites recorded within the search parameters (Table 1: Figure 2: and Appendix A AHIMS). All sites are recorded as containing surface artefacts, with one site also recorded as also having a Potential Archaeological Deposit (PAD). No previously registered AHIMS sites are located within the Project Area.

The search parameters were as follows:

Datum: GDA94 Zone 56  
 Eastings: 343435 - 346968  
 Northings: 6382960 - 6385220  
 Buffer: 0 metres

**Table 1 Summary of AHIMS Site Types**

Site Type	Frequency	Percent
Artefact Site (Number Unspecified)	49	68.05%
Isolated Find	15	20.83%
Artefact Scatter	4	5.56%
PAD	2	2.78%
Artefact Scatter, PAD	1	1.39%
Restricted Site	1	1.39%
<b>Total</b>	<b>72</b>	<b>100.00</b>





TITLE : FIGURE 2: PROJECT AREA WITH AHIMS

LOCATION : HUNTLEE  
NORTH ROTHBURY

DATUM:GDA 1994

DATE : 14/08/2018

VERSION (PLAN BY): A A3 (Natalie.Wood)

PROJECTION: GDA 1994 MGA Zone 56

PURPOSE: HERITAGE

PATH: J:\JOBS\105K\105216 North Rothbury (Huntlee)\10- Drafting\ArcGIS Map Documents\Arch\Report Figures -7\105216-7  
Figure 2 AHIMS A A3L 20180814.mxd

CLIENT: LWP PROPERTY GROUP  
JOB REF: PR105216-7

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303  
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

creativepeople  
making a difference

RPS



## 4.2 Archaeological Literature Review

### **RPS Australia, 2015 to present. ASIR recording for salvage works undertaken by the HARG.**

RPS has worked with the HARG to document artefacts salvaged during construction works at New Town, Huntlee, Stage 1 development. As detailed in the following report by Junburra Aboriginal Consultancy Services, the work is approximately 1.5 km from the current project area. The distribution of artefacts in terms of quantity reflects the Junburra report. The salvage work documented by RPS has investigated areas further away from the 'unnamed gully' described below and has demonstrated the numbers of artefacts salvaged become fewer than that recorded by Junburra Aboriginal Consultancy Services (2016) as distances increase from the 'unnamed gully'.

### **Junburra Aboriginal Consultancy Services, 2016, Aboriginal Cultural Heritage Assessment – Site Monitoring Report (New Town Development).**

This report detailed the results of artefact salvage during the construction process for the New Town, Huntlee, Stage 1 development. The salvage is recorded as Huntlee No1 on an Aboriginal Site Impact Recording Form lodged with OEH. The report provides artefact numbers recovered: PAD 1 hand excavation (n=3141); PAD 2 stockpile mechanical excavation (n=517); PAD 3 mechanical excavation (n=285); Road 1 Stockpile (n=173); Road 2 knapping floor hand excavation (n=112). The location of these sites is approximately 1.5 km north of the current project area.

The sites were located in association with an 'unnamed gully line running east-west'. During the initial survey for the works (Myall Coast Archaeological Services, 2012 – see following) there were no artefacts recorded. This is a likely result of the artefacts being subsurface; they were only sighted during excavation works.

### **Myall Coast Archaeological Services, 2012, Aboriginal Heritage and Archaeological Assessment, Huntlee Stage 1**

This assessment was undertaken to inform the proposed development of New Town, Huntlee, Stage 1. The area is to the immediate north of the current project area.

That assessment area was approximately 200 m from Black Creek, had good ground surface visibility and contained a number of first order drainage lines.

No Aboriginal cultural heritage sites were recorded during the assessment.

### **South East Archaeology, 2010, Branxton Recycled Water Transfer System: Aboriginal Heritage Assessment**

This survey and resulting report was for the Branxton Waste Water Treatment Works and 10 km rising main. The rising main south was located to the immediate west of Wine Country Drive and in close proximity to the current project area.

While only one Aboriginal cultural heritage site was recorded in the current project area, a total of nine Aboriginal heritage sites were recorded during the entire survey. All were recorded as either isolated artefacts or open artefact scatters. All site locations were described as highly disturbed as a result of previous works associated with road construction, power easements and Telstra cables.

The site comprised isolated artefacts (n=6) and artefact scatters (n=3). The largest scatter 37-6-2256 contained 14 artefacts, while the other two sites contained 2 and 3 artefacts respectively.

All sites, with the exception of one isolated artefact site (Branxton RW 2/A) were recorded in close proximity to creeks or associated tributaries. Those creeks were Black Creek (n=4); Dominick Creek (n=2) and Anvil Creek (n=2) (South East Archaeology 2010).

## 5 Visual Inspection and Field Results

---

The visual inspection was conducted over three days; the first inspection was carried out by RPS Senior Archaeologist Aaron Fogel on 18 July 2018 together with HARG representatives Donna Swan (WEC), Aden Perry (LHWCS) and Trevor Kennedy (Mindaribba LALC). The second visual inspection was carried out by RPS Senior Archaeologist Dr Dragomir Garbov on 25 and 26 July 2018 together with ARG representatives Jason Brown (Mindaribba LALC) and Tom Miller (LHWCS).

### 5.1 Visual inspection

Five separate areas were surveyed and specific information relevant to each is discussed below. All survey areas were methodically assessed using transects spaced approximately 15-20 m apart. Field Officers also had the freedom to divert from their respective transect line to investigate areas of interest as necessary.

Artefacts identified during the survey have been marked with a GPS coordinate, photographed and placed back on the ground in a safe location. This will allow for later investigations to more fully document the finds according to an existing.

### 5.2 Visual Inspection Field Results and Summary

#### 5.2.1 Area TC1

The area was assessed on 25/7/2018. Area TC1 represents an irregular trapezoid polygon with an approximate area of 800 m<sup>2</sup>. The area is generally flat with a slight easterly aspect. No endemic vegetation is present as the area has been extensively cleared and landscaped (Plate 1). The ground surface is partially covered with mulch. Visibility varies between 50% and 100%.

Two isolated finds (ID#HAF011, Plate 2 – mudstone flake and HAF012, Plate 3 – silcrete flake) were identified.

#### 5.2.2 Area TC2

The area was assessed on 25/7/2018. Area TC2 represents a triangular polygon to the west of Wine Country Drive with an approximate area of 2,500 m<sup>2</sup> delimited by three dirt tracks. Area TC2 is generally flat with a slight westerly aspect. Vegetation comprises remnant bush (Plate 4). Visibility is nil except the dirt tracks and their verges where ground surface visibility is 100%.

One isolated find (ID# HAF001, Plate 5 – silcrete flake) was identified.

#### 5.2.3 Area TC4

The area was assessed on 25/7/2018. Area TC4 represents a narrow elongated corridor with an approximate area of 1,000 m<sup>2</sup>, located on the western side of Wine Country Drive. The area encompasses a disused dirt track and adjacent strips of land, oriented west to east (Plate 6). Apart from the dirt track and its verges visibility was 0%. Full 100% exposure was observed at the bases of fallen trees. The dirt track represents a major disturbance of the natural soil profile. The dirt track verges provide full soil exposure at 100% visibility. Soils throughout the project area comprise skeletal topsoils overlying heavily eroded 'A' horizon weak silts, over partially exposed 'B' horizon clays.

One isolated find was identified (ID# HAF008, Plate 7 – red silcrete tool).

#### 5.2.4 Area TC5

The area was assessed on 25 and 26/7/2018. Area TC5 represents an irregular shaped polygon to the west of Wine Country Drive with an approximate area of 90,000 m<sup>2</sup>. It comprises a forested ridge oriented north –



south with gentle eastern and western slopes. Vegetation comprises remnant bushland and regrowth (Plate 8). Visibility was nil with the exception of several dirt tracks displaying 100% visibility. Dirt tracks and historic land clearance comprise the most evident disturbance factors identified during the assessment.

Four sites within TC5 were identified (ID#HAF002; Plate 9 – silcrete flake; HAF003, Plate 10 – two silcrete flakes; HAF004, Plate 11 – mudstone core and HAF010, Plate 12 – mudstone flake).

### 5.2.5 Area 16

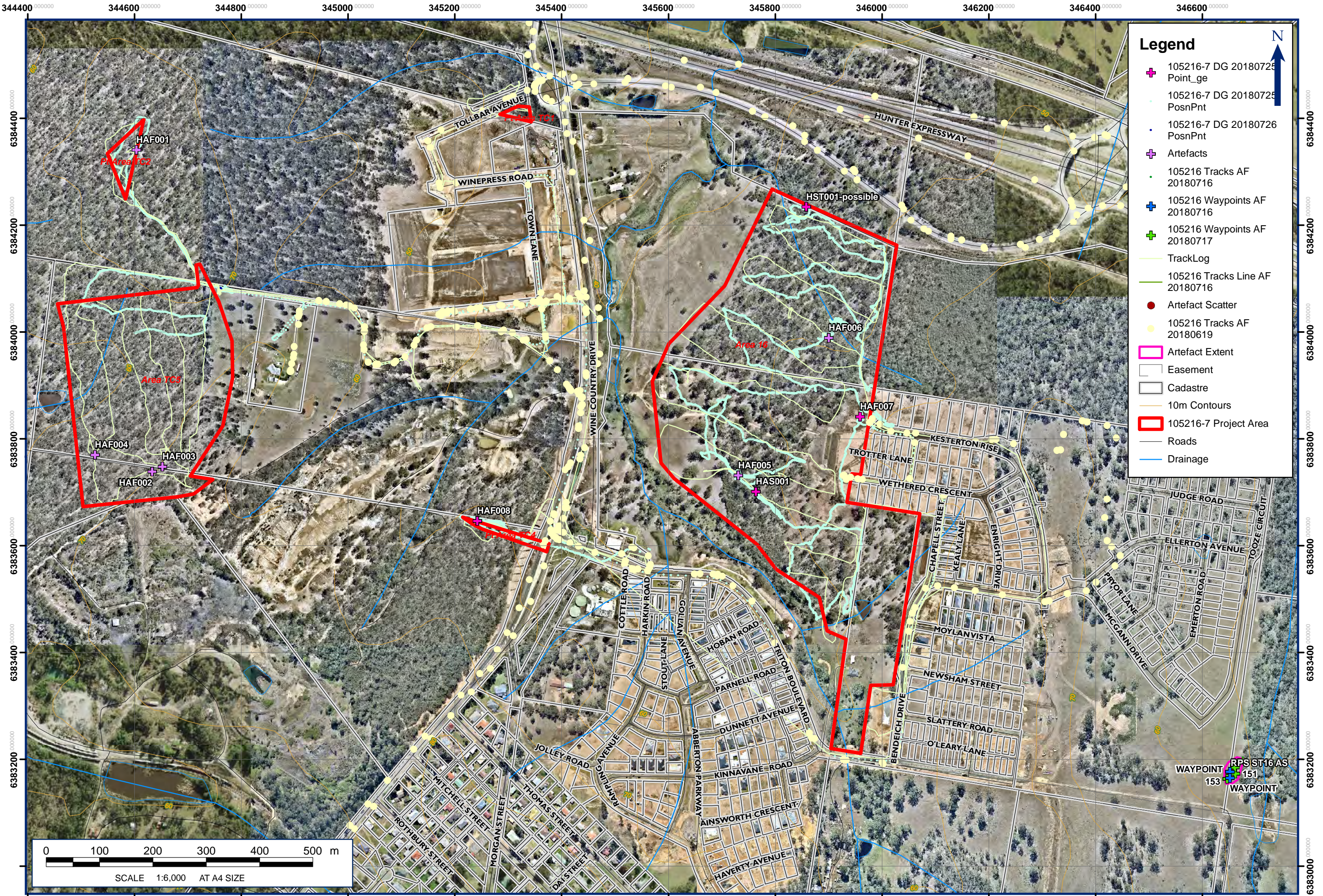
The area was assessed on 25/7/2018. Area 16 represents an irregular shaped polygon to the east of Wine Country Drive with an approximate area of 157,000 m<sup>2</sup>. The area is characterised by generally flat terrain covered with remnant bushland and recent regrowth. The area is crossed by a seasonal drainage line running from the south east to the north west across the north eastern portion of the polygon (Plate 13). An unnamed seasonal creek line is running along the western boundary of the area. Due to the character of vegetation, visibility across the larger part of Area 16 has been assessed as nil (Plate 14). Several soil exposures have been observed as a result of fallen trees and trackways. Major disturbances through land clearing, farming activities, construction and demolition have been identified along the western boundary of Area 16, along the edge of the current tree line. Soils throughout the Project Area comprise skeletal topsoils overlying 'A' horizon silts in different stages of erosional degradation, exposure of 'B' horizons has been revealed.

A significant portion of Area 16 (26,000 m<sup>2</sup>, or 16.5%), located in its extreme south eastern corner, was off limits to the survey team due to it still being privately occupied and has not been assessed.

One isolated find (ID# HAF005, Plate 15 – silcrete flake), one potential stone arrangement (ID# HAF006, Plate 16) and one artefact scatter with potential archaeological deposit (PAD; ID# HAS001, Plate 17) have been identified.

Artefact scatter with PAD ID# HAS001 is located in the southern portion of the Project Area in a limited ground area of approximately 150 m<sup>2</sup> to the north of a dirt track, disturbed as a result of vehicles crossing in wet conditions. Among the petrographic material brought to the surface as a result of the disturbance three Aboriginal artefacts (silcrete flakes) were identified. The soil profile displays some remnant 'A' horizon soils.







## 6 Impact Assessment

The results of previous archaeological studies in the general area have identified Aboriginal sites on gentle slopes near creek lines. Survey was undertaken using transects and targeting areas of exposed soil. The archaeological survey identified 11 surface artefact sites and one area of PAD.

The proposed development works will impact all areas and therefore surface artefacts will need to be salvaged prior to any works proceeding, this is to be conducted under the Huntlee ACHMP.

The area of PAD will require sub-surface testing under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010), in order to assess the level of sub-surface deposit prior to works proceeding.

**Table 2 Assessment of archaeological potential**

Site	Survey Unit	Archaeological potential
HAF011 – Isolated find	TC1	Nil to low
HAF012 – Isolated find	TC1	Nil to low
HAF001 – Isolated find	TC2	Nil to low
HAF008 – isolated find	TC4	Nil to low
HAF002 – Isolated find	TC5	Nil to low
HAF003 – Artefact scatter	TC5	Nil to low
HAF004 – Isolated find	TC5	Nil to low
HAF010 - Isolated find	TC5	Nil to low
HAF005 – Isolated find	Area 16	Nil to low
HAF006 – Possible stone arrangement	Area 16	Nil to low
HAS001 - PAD	Area 16	Low to moderate

**Table 3 Impact assessment**

Site	Type of harm	Degree of harm	Consequence of harm
HAF011 – Isolated find	Direct	Total	Total loss of value
HAF012 – Isolated find	Direct	Total	Total loss of value
HAF001 – Isolated find	Direct	Total	Total loss of value
HAF008 – isolated find	Direct	Total	Total loss of value
HAF002 – Isolated find	Direct	Total	Total loss of value
HAF003 – Artefact scatter	Direct	Total	Total loss of value
HAF004 – Isolated find	Direct	Total	Total loss of value
HAF010 - Isolated find	Direct	Total	Total loss of value
HAF005 – Isolated find	Direct	Total	Total loss of value

Site	Type of harm	Degree of harm	Consequence of harm
HAF006 – Possible stone arrangement	Direct	Total	Total loss of value
HAS001 - PAD	Direct	Total	Total loss of value



## 7 Conclusions and Recommendations

---

The Project Area was surveyed in five survey units with varying levels of visibility and exposure and thus resulted in differing levels of survey coverage. Eleven Aboriginal sites were identified, all contain surface artefact sites, one of which (HAS001) also contained an area of PAD.

To ensure the protection of the recorded sites and mitigate against impact to any potential site, the following recommendations are made.

### Recommendation 1

All surface artefacts identified during the visual inspection are to be salvaged prior to development works proceeding. This is to be conducted under the Huntlee ACHMP.

The area of PAD should undergo test excavation under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).

### Recommendation 2

All relevant staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, which may be implemented as a heritage induction.

### Recommendation 3

This due diligence assessment must be kept by the LWP Property Group so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.

### Recommendation 4

If unrecorded Aboriginal sites or object/s are identified in the project area during works where HARG sites officers are not in attendance, then all works in the immediate area must cease and the area cordoned off. OEH must be notified via the Enviroline 131 555 so that the site can be adequately assessed and managed.

If Aboriginal sites are identified during monitored soil stripping works, then protocols are to be followed in the Huntlee Aboriginal Heritage Management Plan.

### Recommendation 5

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted via the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

### Recommendation 6

If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.

## 8 Plates

---



**Plate 1**      **Area TC1**



**Plate 2**      **HAF011**



**Plate 3**      **HAF012**



**Plate 4**      **Area TC2**



**Plate 5**      **HAF001**



**Plate 6**      **Area TC4**

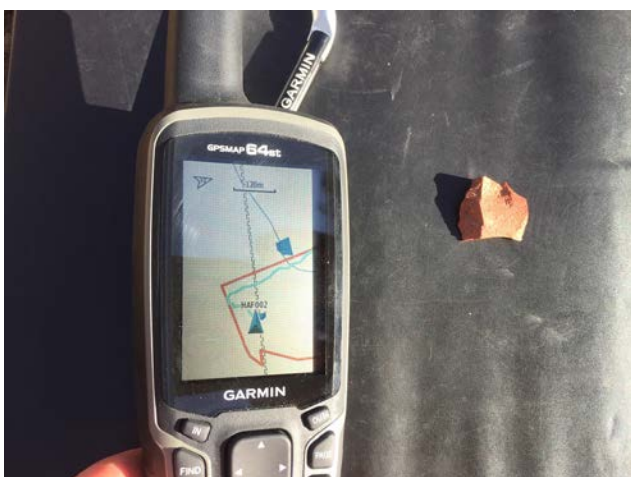




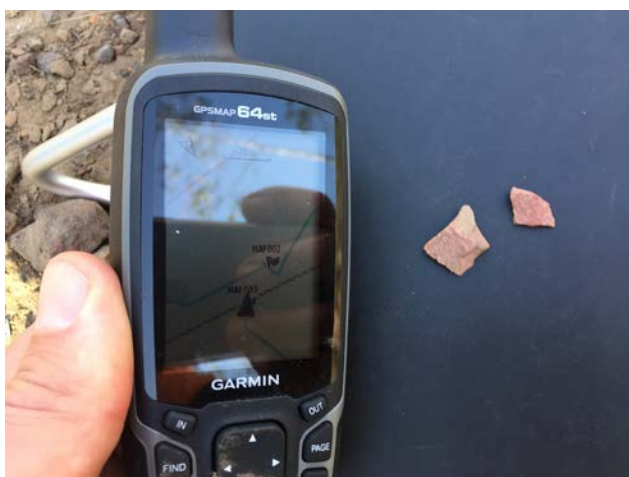
**Plate 7**      **HAF008**



**Plate 8**      **Area TC5**



**Plate 9**      **HAF002**



**Plate 10**      **HAF003**



**Plate 11**      **HAF004**



**Plate 12**      **HAF010**





**Plate 13** Seasonal drainage line – stage 16



**Plate 14** Vegetation cover within stage 16



**Plate 15** HAF005



**Plate 16** Potential Stone Arrangement



**Plate 17** HAS001 Artefacts



# AHIMS Web Services (AWS)

## Extensive search - Site list report

Your Ref/PO Number : 105216-7

Client Service ID : 363920

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
37-6-1720	Red House Creek 1b/PAD	GDA	56	346452	6385184	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		100451,10054 3,102113
	<u>Contact</u> Searle	<u>Recorders</u>	Doctor.Jodie Benton							
37-6-2257	Branxton RW 22/A	GDA	56	346147	6385002	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Peter Kuskie							
37-6-2258	Branxton WWTW 2/A	GDA	56	346627	6385197	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Mr.Peter Kuskie							
37-6-3549	Huntlee 4	GDA	56	346143	6383215	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Gillian Goode							
37-6-3550	Huntlee 5	GDA	56	346045	6383256	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Gillian Goode							
37-6-3551	Huntlee 7	GDA	56	345997	6383332	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Gillian Goode							
37-6-3400	Huntlee 8	GDA	56	346178	6383174	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3401	Huntlee 9	GDA	56	346188	6383173	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3402	Huntlee 10	GDA	56	346177	6383176	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3403	Huntlee 11	GDA	56	345988	6383240	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3404	Huntlee 12	GDA	56	345988	6383240	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3405	Huntlee 13	GDA	56	345988	6383240	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3406	Huntlee 14	GDA	56	345988	6383240	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Ms.Cheng-Yen Loo							
37-6-3655	Huntlee 15	GDA	56	345637	6383000	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Mr.Ben Slack							
37-6-3656	Huntlee 18	GDA	56	346137	6383592	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Mr.Ben Slack							
37-6-1313	Anvil Creek RTA 11 IF	AGD	56	345965	6384253	Open site	Valid	Artefact : 1		102113
	<u>Contact</u>	<u>Recorders</u>	Umwelt (Australia) Pty Limited,Leila McAdam							
37-6-1314	Anvil Creek RTA 12 IF	AGD	56	345100	6384384	Open site	Valid	Artefact : 1		

Report generated by AHIMS Web Service on 14/08/2018 for Ben Slack for the following area at Datum :GDA, Zone : 56, Eastings : 343435 - 346968, Northings : 6382960 - 6385220 with a Buffer of 0 meters. Additional Info : Due Diligence. Number of Aboriginal sites and Aboriginal objects found is 72

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.