



Gabrielle Allan
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Department of Planning, Industry and Environment

Your reference: Bobs Farm SSD-6395 RTS
Our reference: DOC21/125708

Advice provided via the Major Projects Portal

Dear Ms Allan

Request for Advice - Bobs Farm Sand Mine SSD-6395 – Response to Submissions – Aboriginal cultural heritage

Thank you for your referral uploaded to the Major Projects Portal on 22 February 2021 inviting comment from Heritage NSW (HNSW) in relation to the Aboriginal cultural heritage information provided for the Response to Submissions for the proposed State Significant Development (SSD) at Bobs Farm Sand Mine (SSD-6395) in the Port Stephens Local Government Area.

HNSW has reviewed the Aboriginal Heritage information response to submissions documents and associated information supplied on the Major Project Portal including:

- *Bobs Farm Sand Mine SSD 6395 Response to Submissions Report (RTSR)* (prepared by AMMOS Resource Management Pty Ltd dated February 2021)
- *Bobs Farm Sand Mine Test Excavation Archaeological Report (TER)* (prepared by Advitech Environmental on behalf of AMMOS Resource Management Pty Ltd dated 6 August 2020) – Annex 3
- *Aboriginal Cultural Heritage Management Plan Bobs Farm Sand Mine Rev 9 (ACHMP)* (prepared by Advitech Environmental on behalf of Tattersall Lander dated 10 November 2020) – Annex 3.

The *Bobs Farm Sand Mine Aboriginal Cultural Heritage Assessment Report Rev 5 (ACHAR)* (prepared by Advitech Environmental on behalf of Tattersall Lander dated 30 January 2020) was included in Annex 3 of the supplied documents. The ACHAR was prepared for the current SSD-6395 application to satisfy the Secretary's Environmental Assessment Requirements issued in April 2017.

Response to Submissions Report

Section 2 Table 2.1 of the Response to Submissions (RTSR) states that there were 12 submissions relating to Aboriginal cultural heritage matters. The RTSR was confusing providing general and detailed information relating to Aboriginal cultural heritage investigations that have been undertaken but does not clearly identify the nature of each submission and therefore it is unclear whether the responses in the RTSR are adequate. HNSW also notes that Section 5.1.1 refers to a proposed World Heritage Area, but it is not clear what part of the project it relates to and how this will impact on Aboriginal cultural heritage within the SSD-6395 disturbance boundary.

HNSW Recommendations – Response to Submissions Report

1. A table should be provided clarifying the nature of the responses received relating to Aboriginal cultural heritage and how each response has been addressed.

2. Clarification is required as to whether the information in Section 5.1.1 of the RTSR applies to impacts to Aboriginal cultural heritage in the SSD-6395 project area.

AHIP C0005692 – Test Excavation Report (TER)

Aboriginal Heritage Impact Permit (AHIP C0005692) was issued for Lot 254 DP753204 and Lot 51 DP1015671, 3631 Nelson Bay Road, Bobs Farm, NSW on the 14 April 2020 for the proposed Bobs Farm Sand Mine. The AHIP was required to allow archaeological test excavation to determine the status, nature and extent of the archaeological potential in the transgressive dune area to inform the Environmental Impact Assessment. The five previously registered AHIMS (Aboriginal Heritage Information Management System) midden sites included in the AHIP are located on a sand dune to the north-west of the orchard and farm buildings in the project area:

- AHIMS Site 38-4-2016 (BF-SC1-14)
- AHIMS Site 38-5-0350 (BF-SC2-14)
- AHIMS Site 38-5-0351 (BF-SC3-14)
- AHIMS Site 38-5-0352 (BF-SC4-14)
- AHIMS Site 38-5-0353 (BF-SC5-14)

Test excavation was conducted at all five sites.

HNSW is not satisfied that the nature and extent of the archaeological potential in the transgressive dune has been adequately characterised in the test excavation report (TER). The stratigraphic profile has not been clearly described. Section 8.2 of the TER is contradictory. It states that the stratigraphy was consistent across the five test pits (A1, A2, B and C horizons) but also states that Advitech was limited in being able to reach the B horizon in some cases. Excavation of each of the test pits ceased at depths of less than 100 centimetres and organic material and roots were still present. It is not clear why excavation was stopped at this level. The test pit excavation recording sheets and accompanying photographs do not provide any clarification.

Subsurface shell was found in test pit 2 (TP2) at AHIMS 38-5-0352 with surface shell nearby. The shell material retrieved from TP2 was reburied onsite at the location of TP1. The TER includes Aboriginal site impact recording (ASIR) forms for the sites, but the site cards have not been updated on AHIMS at this time. It is not clear if the ASIRs have been submitted to AHIMS.

HNSW Recommendations – Test Excavation Report

3. HNSW requires clarification in order to determine whether further test excavation is required. Justification for ceasing excavation at less than 100 centimetres in each of the pits should be provided as it is not clear why excavation was stopped at this level and the information relating to the stratigraphic profiles in the pits is contradictory.
4. Site cards must be submitted to AHIMS for registration on the AHIMS data base for any Aboriginal objects identified within the SSD-6395 disturbance boundary and Aboriginal site impact recording forms must also be submitted to AHIMS.
5. The results of the test excavation must be provided in an updated ACHAR and sent to the registered Aboriginal parties.

Aboriginal Cultural Heritage Management Plan

The ACHMP has been prepared specifically for management and mitigation of Aboriginal cultural heritage for the proposed Bobs Farm Sand Mine SSD-6395 project Lot 10 DP1071458, Lot 254 DP753204 and Lot 51 DP1015671, 3631 Nelson Bay Road, Bobs

Farm. The ACHAR (Advitech January 2020) and TER (Advitech August 2020) were attached to the ACHMP.

The primary purpose or objectives of the ACHMP is to manage and mitigate all known surface and subsurface Aboriginal objects. HNSW notes that Section 3.2 of the ACHMP does not include this objective.

HNSW Recommendations - ACHMP

6. Section 3.2 of the ACHMP should be updated to include management and mitigation of all known surface and subsurface Aboriginal objects in the purpose and scope of the ACHMP.
7. On approval of the SSD, Community Collection and Salvage Excavation of Aboriginal objects within the SSD-6395 disturbance boundary will be managed by the ACHMP. The Aboriginal objects retrieved from TP2 and reburied at TP1, must be collected prior to ground disturbance works occurring in that area.
8. Section 4.7 of the ACHMP should be updated regarding long-term management of Aboriginal objects collected and any application for a Care and Control Agreement must be in consultation with the RAPs.
9. The ACHMP should be reviewed regularly and updated as required to ensure the document remains current. Changes triggering an update of the ACHMP should include:
 - a. After community collection or salvage excavation of Aboriginal objects.
 - b. Changes to relevant Aboriginal cultural heritage legislation.
10. The ACHMP must be updated in consultation with the registered Aboriginal parties.
11. A final copy of the ACHAR must be sent to the RAPs and submitted to HNSW for their records once comments and recommendations have been addressed.
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If you have any questions, please contact Gillian Goode, Archaeologist, at Heritage NSW, on 0499 588 790 or gillian.goode@environment.nsw.gov.au.

Yours sincerely



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