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Department of Planning, Industry and Environment
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Your reference: SSI-7319
Our reference: DOC21/629551-9

Advice provided via the Major Project Portal

Dear Mr Gorgioski

Advice on Environmental Impact Statement (EIS) – M1 Pacific Motorway extension to Raymond Terrace Project (SSI-7319) (Newcastle City Council, Port Stephens Council)

Thank you for referring the Environmental Impact Statement (EIS) for the above critical State Significant Infrastructure (SSI) to Heritage NSW for comment on 27 July 2021. We understand that Transport for NSW are seeking to extend the M1 Pacific Motorway at Black Hill for about 15 kilometres north to provide a motorway standard connection to the Pacific Highway at Raymond Terrace. The project was declared in September 2011 to be critical state significant infrastructure under the *NSW Environmental Planning and Assessment Act 1979*. Approval is sought under Part 5, Division 5.2 of the *Environmental Planning and Assessment Act 1979* and Part 9, Division 1 of the *Environment Protection and Biodiversity Conservation Act 1999*.

In preparing the following advice we have reviewed the following documents:

- Reissued Secretary's Environmental Assessment Requirements (SEARs) for SSI - 7319, issued 20 March 2019
- M1 Pacific Motorway extension to Raymond Terrace Aboriginal Cultural Heritage Assessment Report (ACHAR) - prepared by Jacobs for Transport for NSW, dated July 2021
- M1 Pacific Motorway extension to Raymond Terrace Environmental Impact Statement (EIS) - prepared by Transport for NSW, dated July 2021.

Aboriginal cultural heritage regulation review of EIS and ACHAR

Heritage NSW has reviewed the EIS and ACHAR and notes that sufficient survey and assessment has been undertaken of the project area. In addition, Aboriginal archaeological test excavations have been undertaken as required.

Archaeological Assessment Results

The archaeological assessment identified a total of 26 archaeological sites, potential archaeological deposits (PADs) and potential archaeological sensitivity (PAS) within the study area including:

- Five artefact scatters
- Four isolated artefacts
- Twelve subsurface artefact sites (confirmed PADs) and one extra AHIMS record combining two of these sites (i.e. a total of 12 subsurface artefact sites)
- Four artefact scatters with subsurface artefacts (confirmed PADs)

- One PAS.

Test Excavation Results

- 3,026 stone artefacts were recovered during the test excavation program
- 2,123 artefacts south side Hunter River, primarily in East Maitland Hills landscape region at Black Hill and Pleistocene dune bordering Hexham Swamp at Beresfield
- 903 artefacts north side Hunter River principally from the Tomago Sands.

Management Recommendations

A surface collection and salvage excavation program has been proposed during construction to help to mitigate impacts on Aboriginal cultural heritage.

- Post approval collection of surface artefacts recommended for 12 sites
- Post approval surface collection and salvage excavation recommended for 14 sites
- Management during construction to avoid impacts to remaining sites including exclusion fencing installed before construction recommended for four sites

Aboriginal Cultural Heritage Consultation

It is understood that Aboriginal consultation for the project has been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010). The results of the archaeological survey, test excavation and Aboriginal consultation were used to formulate the management recommendations including a salvage excavation methodology. The Registered Aboriginal Parties for the project helped develop and supported the recommendations included in the ACHAR.

Aboriginal cultural heritage regulation advice for EIS

Heritage NSW supports the Environmental management measures outlined by Jacobs in Section 9 (on pages 70-73) of the ACHAR (July 2021).

We recommend the EIS and any Construction Environmental Management Plan prepared for the project incorporate an unanticipated finds procedure for Aboriginal objects to ensure the Environmental management measures outlined in the ACHAR are included.

An Aboriginal Cultural Heritage Awareness Training induction should be developed in conjunction with Registered Aboriginal Parties and an appropriately qualified archaeologist (as per Wonn1 comment 29 January 2016 page 20 ACHAR). All contractors should participate in this induction before commencing work on site.

Please note: the above comments relate only to Aboriginal cultural heritage regulation matters. You may wish to seek separate advice from Heritage NSW in relation to matters under the *Heritage Act 1977*.

If you have any questions regarding the above advice please contact Kym McNamara, Archaeologist, Aboriginal Cultural Heritage Regulation – South, Heritage NSW, on (02) 6229 7028 or via email at kym.mcnamara@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
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Heritage NSW
 25 August 2021