artefact

25 November 2020

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Dear Mike,

Re: Response to Heritage NSW letter regarding Aboriginal heritage assessment for SSD-01059 Northside Hospital, Gosford.

HNSW correspondence

I refer to the letter addressed to DPIE from Heritage NSW (HNSW) of 30th October 2020. The letter regarded the sufficiency of the *Aboriginal Cultural Heritage Assessment Report (ACHAR): Northside Private Hospital Gosford* (Artefact 9 September 2020). HNSW stated that they are of the view that the document does not meet the SEARs for the project.

> *the consultation completed for the project does not currently satisfy the project SEARs by failing to provide adequate evidence to demonstrate how Stages 2 and 3 of the consultation requirements have been met. HNSW recommends that additional information be supplied, clearly articulating how all Stages of the Consultation requirements have been addressed by the proponent.*

This letter outlines how the project SEARs have been met and provides the additional information requested by HNSW in regard to meeting the requirements of stages 2 and 3 of the Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010).

Addressing the SEARs

The project SEARs (SSD – 01059) state:

> *Prepare an aboriginal archaeology report in accordance with the relevant Office of Environment and Heritage (OEH) guidelines. Should any aboriginal heritage items be impacted by the proposed development, an Aboriginal Heritage Cultural Assessment must be submitted.*

Artefact prepared an Aboriginal Heritage Impact Assessment of the site in July 2019 in response to the SEARs. The assessment included consultation with the Darkinjung Local Aboriginal Land Council (LALC) and concluded that the site has been heavily disturbed and did not contain any Aboriginal objects, areas of archaeological potential or cultural values (as informed by the LALC). As such

Artefact recommended no further Aboriginal archaeological assessment or consultation was required and that an ACHAR was not considered necessary under the SEARs as Aboriginal heritage items were not to be impacted by the project.

A review of the SSD-01059 EIS documents by DPIE BCD followed by a letter received on 20 March 2020 recommend that although Aboriginal heritage values were not identified an ACHAR should be prepared for the site and consultation undertaken in adherence to the Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010).

Artefact was subsequently directed by Erilyan to provide an ACHAR and undertake Aboriginal consultation for the project. This process was completed and reported in the final ACHAR (Artefact September 2020).

Sufficiency of Stages 2 and 3 consultation

Stages 2 and 3 of consultation as outlined in the Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010) was undertaken and is evidenced in the ACHAR.

The aim of Stage 2 consultation is to "..to provide registered Aboriginal parties with information about the scope of the proposed project and the proposed cultural heritage assessment process." (Section 4.2 of the guidelines).

Stage 3 of the guidelines aims to " facilitate a process whereby registered Aboriginal parties can: (a) contribute to culturally appropriate information gathering and the research methodology (b) provide information that will enable the cultural significance of Aboriginal objects and/or places on the proposed project area to be determined (c) have input into the development of any cultural heritage management options (Section 4,3 of the Guidelines).

A table addressing how each requirement of Stage 2 and 3 was met by the project and evidenced in the ACHAR is included below.

Please don't hesitate to contact me if you require any additional information in regard to this advice.

Kind Regards,

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Reference	Requirements and guidelines reference section	How requirement was met	Where evidenced in the ACHAR
Section 4.2.1 (Stage 2)	The proponent must initiate arrangements for presenting the proposed project information to the registered Aboriginal parties (from Stage 1).	A letter was sent to all RAPs on 13th July outlining all project information as required. Due to the nature and scale of the project and given no Aboriginal heritage values has been identified in earlier stages a face to face meeting was not scheduled.	ACHAR Section 3.0 Consultation letter 13th July
Section 4.2.2 (Stage 2)	The presentation of proposed project information should provide the opportunity for:		
	a) the proponent to present the proposal, outline project details relevant to the nature, scope, methodology, and environmental and other impacts	The letter provided to RAPs on 13th July provided information on the location and scope of the project as well as the results of the Aboriginal archaeological assessment. The letter noted no Aboriginal heritage values has been identified and therefore no impacts to archaeology were expected. A methodology for the ACHAR preparation and consultation was provided.	Consultation letter 13th July – Section 1.1 and Section 1.2
	b) the proponent to outline the impact assessment process including the input points into the investigation and assessment activities	The assessment process was included in the consultation letter of July 13th. The letter invited RAPs to comment on the assessment methodology and provide suggestions. No suggestions were received,	Consultation letter 13th July – Section 1.3

Reference	Requirements and guidelines reference section	How requirement was met	Where evidenced in the ACHAR
	c) the proponent to specify critical timelines and milestones for the completion of assessment activities and delivery of reports	The consultation letter of 13th July provided information on the project stage, as the ACHAR was not done at the EIS preparation stage (due to the wording of the SEARs and later clarification by DPIE). The letter also provided information on date of response required.	Consultation letter 13th July – Section 1.1
	(d) the proponent and registered Aboriginal parties to clearly define agreed roles, functions and responsibilities	Clarification in the letter was provided on the role of RAPs as knowledge holders and consultation as a collaborative process.	Consultation letter 13th July – introduction
	(e) the registered Aboriginal parties to identify, raise and discuss their cultural concerns, perspectives and assessment requirements (if any).	The RAPs were invited to identify, raise and discuss their cultural concerns, perspectives and assessment requirements in the introduction to the consultation letter of 13th July.	Consultation letter 13th July – introduction
Section 4.2.3 (Stage 2)	The proponent should record or document that the proposed project information has been presented. This record or documentation should include any agreed outcomes, and any contentious issues that may require further discussion to establish mutual resolution (where applicable). The proponent should provide a copy of this record or documentation to registered Aboriginal parties.	A consultation log was kept in which all correspondence, outgoing and incoming was registered. No issues were raised so additional resolution on the project information was not required. The consultation log was provided to RAPs as part of the ACHAR review.	ACHAR Appendix 1

Reference	Requirements and guidelines reference section	How requirement was met	Where evidenced in the ACHAR
Section 4.2.4 (Stage 2)	Depending on the nature, scale and complexity of the proponent's project, it may be reasonable and necessary for the proponent to: (a) conduct additional project information sessions to ensure that all necessary information about the project is provided and enable registered Aboriginal parties to provide information about the cultural significance of Aboriginal object(s) and/or place(s) that may be present on the proposed project area (b) create the opportunity for registered Aboriginal parties to visit the project site.	As the ACHAR assessment had not identified any Aboriginal heritage values (including cultural and archaeological), and the project was within highly disturbed land it was not necessary to undertake additional steps as per section 4.2.4	ACHAR Section 6.4 and Section 7
Section 4.3.1 (Stage 3)	The proponent must present and/or provide the proposed methodology(s) for the cultural heritage assessment to the registered Aboriginal parties.	The proposed methodology was provided in Section 1.3 of the letter sent to all RAPs on 13th July 2020	Consultation letter 13th July 2020 (Section 1.3)
Section 4.3.2 (Stage 3)	The registered Aboriginal parties must be given the opportunity to review and provide feedback to the proponent within a minimum of 28 days of the proponent providing the methodology. The review should identify any protocols that the registered Aboriginal parties wish to be adopted into the information gathering process and assessment	RAPs were given the opportunity to respond within 28 days. The ACHAR was sent out to review on the 11 August for review once the methodology consultation period had been completed. Responses supporting the ACHAR methodology where received from Widescope, A1 Indigenous Services and	ACHAR section 3.2 Appendix 1 Consultation letter 13th July 2020

Reference	Requirements and guidelines reference section	How requirement was met	Where evidenced in the ACHAR
	methodology and any matters such as issues/areas of cultural significance that might affect, inform or refine the assessment methodology. Comments should be provided in writing, or may be sought verbally by the proponent and accurately recorded.	Amanda Hickey. Darkingung LALC had provided comment during the original assessment preparation.	
Section 4.3.3 (Stage 3)	As part of this consultation, the proponent must also seek cultural information from registered Aboriginal parties to identify: (a) whether there are any Aboriginal objects of cultural value to Aboriginal people in the area of the proposed project (b) whether there are any places of cultural value to Aboriginal people in the area of the proposed project (whether they are Aboriginal places declared under s.84 of the NPW Act or not). This will include places of social, spiritual and cultural value, historic places with cultural significance,	The consultation letter of 14th July specifically requested information on Aboriginal objects and places including places of cultural value.	Consultation letter 14th July 2020 (introduction)
Section 4.3.4 (Stage 3)	Some information obtained from registered Aboriginal parties may be sensitive or have restricted public access. The proponent must, in consultation with registered Aboriginal parties, develop and implement appropriate protocols for sourcing and holding cultural information. In some cases the sensitive information may be provided to	No information obtained was identified as sensitive	n/a

Reference	Requirements and guidelines reference section	How requirement was met	Where evidenced in the ACHAR
	the proponent by an individual and the proponent should not share that information with all registered Aboriginal parties or others without the express permission of the individual.		
Section 4.3.5 (Stage 3)	Information obtained in 4.3.4 is used to understand the context and values of Aboriginal object(s) and/or place(s) located on the proposed project site. This information must be integrated with the scientific (archaeological) assessment of significance. Together the context, values, and scientific assessment provide the basis for assessing Aboriginal heritage values and recommending management options. The information collected by the proponent during the consultation process must be used only to inform decision making for any application for an AHIP, unless the registered Aboriginal parties agree otherwise.	No Aboriginal objects or places were identified within the project site. A significance assessment was prepared as part of the ACHAR. As no Aboriginal archaeological or cultural values were identified management measures were limited to unexpected finds procedure. An AHIP is not required under SSD approvals.	ACHAR Section 6.4, Section 7.3, Section 8.0 and Section 11.
	The proponent must seek the views of registered Aboriginal parties on potential management options. Management options will include ways to avoid or mitigate harm and/or conserve known Aboriginal object(s) and/or place(s). Management options should consider how	No Aboriginal heritage values were identified in the archaeological assessment of during consultation in preparation of the ACHAR. RAPs did not identify any cultural values. Management options were therefore limited to an unexpected find policy. No comment from	ACHAR Section 6.4 and Section 7

Reference	Requirements and guidelines reference section	How requirement was met	Where evidenced in the ACHAR
	Aboriginal people can continue their association with identified Aboriginal heritage values.	RAPs were received on this suggested management measure during ACHAR review.	
	The proponent must document all feedback received in Stage 3 from registered Aboriginal parties in the final cultural heritage assessment report. This must include copies of any submissions received and the proponents response to the issues raised. In some cases this may require an acknowledgment of sensitive information and a list of Aboriginal people who should be contacted for permission to receive further details.	The consultation log and copies of all correspondence are included in Appendix 1 of the final ACHAR. No sensitive information was raised.	ACHAR - Appendix 1