

Prepared for:

HEZ Nominees Pty Ltd.

**Level 9, 1 Chifley Square
SYDNEY NSW 2000**

Aboriginal Heritage Assessment - Precinct 1, Pelaw Main Bypass and Station Road Extension, Hunter Economic Zone.

Draft

ENSR Australia Pty Ltd (HLA ENSR)

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Distribution

Aboriginal Heritage Assessment - Precinct 1, Pelaw Main Bypass and Station Road Extension, Hunter Economic Zone.

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Plate P1: Transect 1, looking south. Note the shallow duplex soils to the right of the photograph, the exposed geological clays in the centre of the photograph, and the dense Eucalypt woodland encompassing the transect.

Plate P2: Transect 1, looking east. The two Aboriginal representatives are located on either side of one of the drainage lines within Precinct 1. Note the lack of a defined creek in this area.

Plate P3: Transect 2, looking south. Note the dense Eucalypt vegetation and leaf litter within this transect.

Plate P4: Transect 2, looking south

Plate P5: Transect 3, looking north. This photograph shows one of the poorly defined creek lines within Precinct 1. The depth of this creek has been intensified by modifications to the drainage from the Spine Road to the south.

Plate P6: Transect 3, looking north.

Plate P7: Transect 4, looking north. This photograph shows the wetlands and vegetation coverage located just east of the proposed Pelaw Main Bypass.

Plate P8: Transect 4, looking west. This photograph shows one of the poorly defined creeks located in the HEZ, and the dense vegetation in this area.

Plate P9: Transect 5, looking north towards the railway line.

Plate P10: Spine Road 1, looking east. The object was located on the edge of a drainage line, which is visible to the right of the photograph. The Spine Road is just visible behind the trees.

Plate P11: A silcrete core identified as Spine Road 1.

Plate P12: Silcrete core identified as Spine Road 1 - detail photograph of platform preparation.

Plate P13: Silcrete core identified as Spine Road 1 - detail photograph of dorsal scar on core.

Appendices

Appendix A AHIMS Search

Appendix B Aboriginal Community Consultation

Executive Summary

- This report is prepared for HEZ Nominees Pty Ltd (as trustee for the HEZ Unit Trust) by ENSR Australia Pty Limited (HLA ENSR) to identify Aboriginal heritage within *Precinct 1*, the *Pelaw Main Bypass*, and Station Road Extension within the Hunter Economic Zone (HEZ),
- This report has been developed in consultation with the Mindaribba Local Aboriginal Land Council, and utilising the Department of Environment and Climate Change's (2005) *Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (with reference to Part 3A of the *Environmental Planning and Assessment Act, 1979*), and (2004) *Interim Community Consultation Requirements*;
- The report undertakes a review of existing archaeological information for the region, and a search of the AHIMS database. Specific findings include:
 - several previous studies have been conducted in the local and regional area. Most notably studies by Brayshaw (1981, 1982), Djekic (1984), McIntyre (1984), Umwelt (2002), ERM (2003), Roberts (2002, 2004) Harper Somers O'Sullivan (2003, 2007) have all previously investigated the general region;
 - an AHIMS search identified 31 previously documented Aboriginal sites within a 50 x 50 km search around the Study Area, which was dominated by undefined sites and isolated finds. Four of these sites are located in the immediate vicinity of the Study Area, specifically HEZ 2, HEZ 6, UTCA1, and UTCA2 – all isolated finds or low concentration artefact scatters;;
- A physical inspection of the Study Area identified the area as marginally disturbed (through mining and infrastructure activities) with a dense coverage of Eucalypt woodland and patches of Kurri Sand Swamp woodland. Effective coverage was poor due to the thick coverall of grasses and Acacia shrubs. However, the investigation revealed an absence of defined creek lines or sand sheets, both likely factors in Aboriginal site location; .
- One Aboriginal site was found within the Study Area as part of this investigation. *Spine Road 1* is an isolated find (a silcrete core), that was located on immediately to the west of the Spine Road in the northwest of Precinct 1;
- *Spine Road 1* was identified as of low archaeological significance due to its disturbed location, lack of research potential and high representativeness within the local region;
- Recommendations include the following:
 - *Spine Road 1*, located within the northwest section of Precinct 1, should be collected by a heritage professional in consultation with the registered Aboriginal communities prior to any development activities. Identification of the "keeping place" of this site, should be identified in conjunction with the Aboriginal communities prior to the site's collection;
 - With the exception of *Spine Road 1* there are no apparent constraints to development in Precinct 1, Pelaw Main Bypass and Station Road extension in relation to Aboriginal heritage; and
 - In the event that previously undiscovered Aboriginal objects (or potential Aboriginal objects) are discovered during construction, all works in the vicinity

of the find would cease and the relevant Environmental Representative would be informed to determine the subsequent course of action. The Environmental Representative would, if required, notify a heritage professional to obtain advice on how to proceed. Works would not recommence until any heritage requirements identified through this process have been met; and

- Should suspected skeletal material be uncovered during the course of any site works or through subsidence landscape modification, all works must cease and the DECC the NSW Police and the NSW Coroners office contacted immediately, regardless of any existing environmental approvals.
- contractors who work within the confines of the Study Area should be made aware of these recommendations, and advised of the importance and protection of Aboriginal Objects/Sites by State legislation. All contractors should be advised of the need to stop work and contact the relevant Environmental Representative should Aboriginal Objects/Sites be identified during construction.

1.0 Introduction

Valad Property Group (Valad) is seeking project approval for the development of several activities in the Hunter Economic Zone (HEZ) under Part 3A of the Environmental Planning and Assessment Act., Specifically the development of *Precinct 1*, the *Pelaw Main Bypass*, and an extension of Station Street connecting Scott Street and *Transmission Line Road*. ENSR Australia Pty Limited (HLA ENSR) was engaged by Valad to undertake an assessment of Aboriginal heritage, including the identification of any heritage items/sites/places, outline any potential impacts to heritage and provide appropriate mitigation measures or constraints associated with the proposed activity.

This document has been undertaken in accordance with the Department of Environment and Climate Change (DECC) *Cultural Heritage Standards and Guidelines Kit* (1997), *Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (with reference to Part 3A of the *Environmental Planning and Assessment Act, 1979*) (2005), and *Interim Community Consultation Requirements for Applicants* (2004).

1.1 Aims, Objectives and Timing

The main aims of the study are to identify and record the extent and nature of any Aboriginal heritage issues by:

- validation of known sites and/or items within the Study Area through archaeological survey;
- archaeological survey of the Study Area to locate any additional sites and/or items;
- assessment of the Study Area to delineate any areas of high archaeological sensitivity or potential;
- consultation with the relevant local Aboriginal community groups;
- assessing the potential impacts of the proposed development on any known archaeological materials and areas of archaeological potential within the Study Area;
- assessing the significance of any archaeological material identified; and
- presenting recommendations for the management of and/or mitigation of construction impact on the archaeological resource identified.

1.2 Study Area

There are three distinct locations investigated as part of this study (**Figure 1**), namely:

- Precinct 1 is a 94 ha area located within centre of the HEZ. The area is a quasi-rectangular shape that is situated to the between the Spine Road to the south, the *Transmission Line Road* to the north, a large 330 kV corridor to the west, and a large clearing to the east. The Spine Road initially abuts the south of the precinct, before turning north and bisecting the area through the centre;
- Pelaw Main Bypass is a proposed 2 km long road from the entrance of the HEZ on Leggetts Drive and ending on John Renshaw Drive, east of Stanford Merthyr. The proposed bypass runs in a southwest-northeast orientation and is located to the west of several small natural wetlands in this area; and

- Station Street extension is a proposed link between Scott Street and *Transmission Line Road*. For the purpose of this study, the proposed road is only about 200 m long – originating at the railway line and ending in line with Cessnock Road, and passing over a former coal colliery. Currently, the road links to an unsealed road that joins the *Transmission Line Road* (which was being sealed during the site investigation), and will eventually connect the Spine Road with Scott Road, north of the railway.

For the purpose of this report, these three areas are referred to as the 'Study Area' hereafter – where individual areas are discussed they are referenced as "Precinct 1", 'Pelaw Main Bypass' and 'Station Road extension'.

1.3 Project Team

The Project Team consists of archaeologists and specialists from HLA ENSR. Alan Williams and Toni Massey carried out the site inspection with the relevant Aboriginal communities. Alan Williams prepared this report assisted by Toni Massey. Neville Baker undertook technical review. Zina Doueih and Tim Osborne provided administrative and drafting support.

1.4 Report Structure

This report is structured as follows:

- **Section 2.0** provides information on the project and proposed development;
- **Section 3.0** provides information on the applicable heritage legislation;
- **Section 4.0** outlines the methods adopted, including Aboriginal community consultation and involvement;
- **Section 5.0** provides discussion on the existing environment, including soils, geology, Aboriginal and archaeological site history, physical inspection and an assessment of the significance of Aboriginal sites;
- **Section 6.0** describes the results of the field investigation;
- **Section 7.0** provides a significance assessment;
- **Section 8.0** provides an impact assessment;
- **Section 9.0** discusses mitigation measures and a summary of recommendations;
- **Appendix A** provides the Aboriginal Heritage Information Management System (AHIMS) site search data as received from DECC;
- **Appendix B** provides an Aboriginal Community Consultation Log; and
- **Appendix C** provides a glossary of terms.

1.5 Limitations

This assessment is based on the existing environmental and archaeological knowledge of the Study Area. If previously recorded surface archaeological materials are found within the immediate locality, they are identified and discussed.

Predictions have been made about the probability of subsurface archaeological materials occurring within the Study Area. It is possible that materials may occur in any landscape context, and the assessment of subsurface materials refers to the likelihood of occurrence based on surface indications and environmental context.

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HLA ENSR has undertaken a search of the AHIMS held by the DECC. The search results are provided in **Appendix A**.

As stated in the qualifying letter from the Acting AHIMS Administrator, register searches are constrained by the amount of data in the register and the quality of that data (for example grid references can be inaccurate). Large areas of NSW may not have been systematically searched and may contain Aboriginal objects and other heritage values not recorded on AHIMS.

Additionally, the AHIMS reports database can only be searched by the title of the report, which may not indicate the geographical location of the area covered. This means that it is possible that some known sites and some reports may have been omitted from this study. Sites and report information may vary in the AHIMS database and therefore the accuracy of information provided from AHIMS is only valid on the day the register is searched - while sites presented by AHIMS are unlikely to change, additional information may be provided after the dates of the search.

A summary of the statutory requirements regarding Aboriginal heritage is provided in **Section 3**. This is provided based on experience with the heritage system in NSW and does not purport to be legal advice. It should be noted that legislation, regulations and guidelines change over time, and users of the report should satisfy themselves that the statutory requirements have not changed since the report was written.

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2.0 Project Description

The project is seeking to obtain the necessary environmental approvals for three specific activities:

- 1 the development of Precinct 1;
- 2 the proposed installation of the Pelaw Main Bypass; and
- 3 the creation of a bitumened road link between Scott Road and *Transmission Line Road*.

At this stage, Precinct 1 is proposed for subdivision to permit future industrial and employment generating developments. The only specific development occurring within Precinct 1 at this stage is the construction and operation of a manufacturing facility for the production of wall and floor panels with acoustic-rated and fire-rated properties.

The proposed Pelaw Main Bypass is proposed to provide the HEZ with an efficient route to Newcastle and Hexham, which at this stage is only accessible through the use of Leggetts Drive and Station Road to John Renshaw Drive. This proposed route will permit direct access to John Renshaw Drive without causing traffic issues in the southern parts of Kurri Kurri and Stanford Merthyr. The proposed bypass is a two lane rural standard road with other ancillary development including filter lanes, access lanes and drainage modifications.

The Station Road extension is proposing to create a link between Scott Road and the *Transmission Line Road*, which will permit access to the manufacturing facility within Precinct 1 and will further complete the Spine Road to permit access to the northern parts of HEZ from Kurri Kurri. Currently, the railway does not permit any vehicular crossing in this area, restricting the access of the HEZ in this location near the Kurri Kurri hospital. The connection of Scott Road with the *Transmission Line Road* will permit the expansion of the Spine Road from Leggetts Drive through to Scott Road, allowing access to the HEZ from the north. The proposed activity includes the extension of the currently unsealed road from Scott Road, north to the railway line. This area has previously been mined for coal.



