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Dear Adrian

**RE: AMENDED PART 3A APPLICATION FOR HINCHINBROOK CREEK ROAD/BRIDGE,
FORMER HOXTON PARK AIRPORT**

It is understood Mirvac propose to submit an amended Part 3A application for the Hinchinbrook Creek Road/Bridge. The Road/Bridge formed part of the MDCA [Mary Dallas Consulting Archaeologists] Aboriginal archaeological assessment report of the Part 3A lands in the former Hoxton Park Airport Site proposed for development by Mirvac. The full reference of the report is as follows:

Mary Dallas Consulting Archaeologists 2010. *Aboriginal Archaeological Assessment and Management Plan. Proposed Industrial/Commercial Development, Former Hoxton Park Airport Site, Hoxton Park, NSW.* Report to Mirvac Group.

The report contained an Aboriginal archaeological assessment of the potential impacts of future industrial/commercial subdivision and development of the site, as indicated in **Figure A** below. The development proposal assessed in the report included the construction of bulk warehouse facilities as well as the road/bridge link to the development area on the western side of Hinchinbrook Creek from Cowpasture Road. The proposal was to be assessed as a 'major project' under Part 3A of the Environmental Planning & Assessment Act 1979 (as amended).

Since the submission of the MDCA 2010 report, we understand that Mirvac is proposing to submit two separate development applications each to be assessed under Part 3A planning provisions and that one of these relates to the Hinchinbrook creek road/bridge proposal in its entirety [see **Figure A** area shaded red] below. Subsequent to the MDCA 2010 report, the RTA has required that the road/bridge be realigned slightly to the north. Specifically, it is 10m further north as it crosses Hinchinbrook Creek from the west and is 40m further north at its intersection with Cowpasture Road.

The MDCA 2010 report considered the potential Aboriginal heritage sensitivity of the proposed road/bridge corridor, undertook required Aboriginal community consultation, conducted archaeological field survey of the area of proposed impact (including the involvement of the local Aboriginal community), assessed the likely Aboriginal heritage potential of the area, prepared an Aboriginal Archaeological Management Plan to guide future works within the area and submitted this as part of the final report which was endorsed by Registered Aboriginal Stakeholder groups.



Figure A. (amended from Figure 2 of the MDCA 2010 report). The original report study area (yellow outline), showing the current separated Hinchinbrook Creek road/bridge proposal realignment area (shaded red). The green outlined area represents relatively undisturbed lands defined as HP PAD 1 along Hinchinbrook Creek within the former airport site but east of the main wholly disturbed runway area.

Given that there is a proposed re-alignment of the road/bridge, further site reconnaissance and additional Aboriginal community consultation was undertaken. The site reconnaissance confirmed that the new route was effectively covered by the original survey and that the



identification of archaeological potential [HP PAD 1] along the creek corridor and the road route remains appropriate. The recommended management of the HP PAD1 within the road/bridge easement remains appropriate.

Each of the Aboriginal stakeholder organisations, the Gandangara Local Aboriginal Land Council (GLALC), Darug Tribal Aboriginal Corporation (DTAC), the Darug Custodians Aboriginal Corporation (DCAC) and the Darug Aboriginal Cultural Heritage Assessments (DACHA)¹ were consulted on the new alignment and offered the opportunity to revisit the site and inspect the new route. All groups felt further field survey was not warranted as the earlier recommendations still applied. All groups asked that they be kept informed and included in the proposed excavations.

The road/bridge is being assessed under Part 3A as a separate proposal, the MDCA 2010 report covers the Aboriginal heritage issues relating to the proposal and can be submitted in full with this letter in support of the separate proposal.

This letter therefore highlights the relevant portions of the MDCA 2010 report which relate to the current Hinchinbrook Creek road/bridge proposal as a ready reference for reviewing the report in the context of this separate proposal.

Planning Context – this remains unchanged from that outlined in **Section 1.4** of the report.

Aboriginal Community Consultation – Aboriginal community consultation was undertaken for the report according to current DECCW Part 3A Assessment Guidelines² as outlined in **Section 1.5** of the report. Specifically this included public notification and direct consultation as per those guidelines and the identification of Registered Aboriginal Stakeholder groups for the project. Registered Aboriginal Stakeholders were involved in the archaeological survey of the current road/bridge proposal area. Letters of endorsement from the Registered Aboriginal Stakeholders for the Aboriginal Archaeological Management Plan in the report (which includes specific and separate management for the road/bridge impact area) is included as **Appendix 2** to the report. Further consultation with Registered Aboriginal Stakeholders on the re-alignment has been noted above. And they will continue to be involved in the proposed investigative work.

Environmental, Historical and Archaeological Context – this is outlined in **Sections 2 & 3** of the report and remains valid and unchanged since the time of writing.

Archaeological Field Survey and Assessment – this is described in **Section 4** of the report. It is noted that the area of the road/bridge proposal was examined and described separately in that report as 'Survey Unit 3' (see **Section 4.2, Figure 11** and **Section 4.3.3** of the report). It has been noted above that the original survey team covered the area of the re-alignment. The assessment of the Aboriginal archaeological sensitivity of this area was also separated from the remainder of the study area due to the less historically disturbed nature of this area (being within the creek corridor and relatively undisturbed by the adjacent airstrip). This is reflected in the definition of an area of subsurface Potential Archaeological Deposit or 'PAD' labelled **HPA PAD 1** within the creek corridor (encompassing a portion of the current road/bridge impact area) is specifically described in **Section 5.2.2** and shown in **Figure B** below.

¹ The following individuals were contacted: Alfred Singh of the GLALC; Gordon Morton of DACHA; Leanne Watson of the DCAC; and, Sandra Lee of the DTAC.

² Department of Environment and Conservation 2005. *DRAFT Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.



Aboriginal Archaeological Management Plan – the Aboriginal Archaeological Management Plan contained in the report was formulated to provide best practice heritage management for the known and potential Aboriginal archaeological remains within the examined area. Given the definition of **HPA PAD 1** within the creek corridor as an area of subsurface PAD, specific management actions were devised for the specific area of the current Hinchinbrook Creek Road/bridge proposal. These are as follows (unchanged from **Section 5.5** of the report):

- *Mirvac Group undertake subsurface archaeological investigation in the form of test excavation of any portions of **HPA PAD 1** proposed for impact, including the proposed M7-Cowpastures Road link road/bridge corridor and any possible future drainage works within the area of **HPA PAD 1**. These test excavations should precede any physical development works to the east of the current airstrip boundary fence. Dependent on the results of these test excavations, documented Aboriginal archaeological remains may be determined to require partial or total preservation or further partial or total salvage excavation.*
- *Any bushland regeneration or weed reduction program as may be proposed in the current Vegetation Management Plan [VMP] and which cover the Hinchinbrook Creek corridor would need to take into account registered Aboriginal sites and areas of archaeological potential, as outlined in **Figure 25**.*
- *All proposed archaeological works, namely artefact collection, proposed monitoring of certain earthworks and archaeological test excavation and artefact archival storage, should be conducted according to the 'Strategy for Proposed Archaeological Investigations'. Contained in **Appendix 1**³ of this report and be undertaken in partnership with the Registered Aboriginal Stakeholder groups.*
- *MDCA submit a Statement of Commitments to the Mirvac Group reflecting the recommended Aboriginal heritage management actions specified in this Aboriginal Archaeological Management Plan [see below].*
- *Registered Aboriginal Stakeholder groups to supply formal written comments on the Aboriginal Archaeological Management Plan for submission to Department of Planning with the final Aboriginal Archaeological Assessment Report for the project [see Appendix 2].*
- *AHIMS Records of any impacted registered sites are to be updated and submitted the DECCW AHIMS Registrar. These records will note what the Registered Aboriginal Stakeholder groups agreed to with respect to long term storage of any collected artefacts.*

Statement of Commitments – Aboriginal Heritage

The Mirvac Group will manage the Aboriginal Heritage on the Part 3A lands of the former Hoxton Park Airport site according to best archaeological practice and in consultation with a fully qualified archaeologist and the Registered Aboriginal Stakeholders, the GLALC, DTAC, DCAC and DACHA. The Aboriginal Archaeological Management Plan described in the current MDCA February 2010 report [Section 5.5], will form the basis of the heritage management.

³ The mentioned **Appendix 1** archaeological investigation strategy is appended to this letter. Section 1 of that strategy refers to an area outside of the current road/bridge proposal and is therefore not relevant and has been struck out. Section 2 however remains the intended strategy for conducting the recommended archaeological excavations.

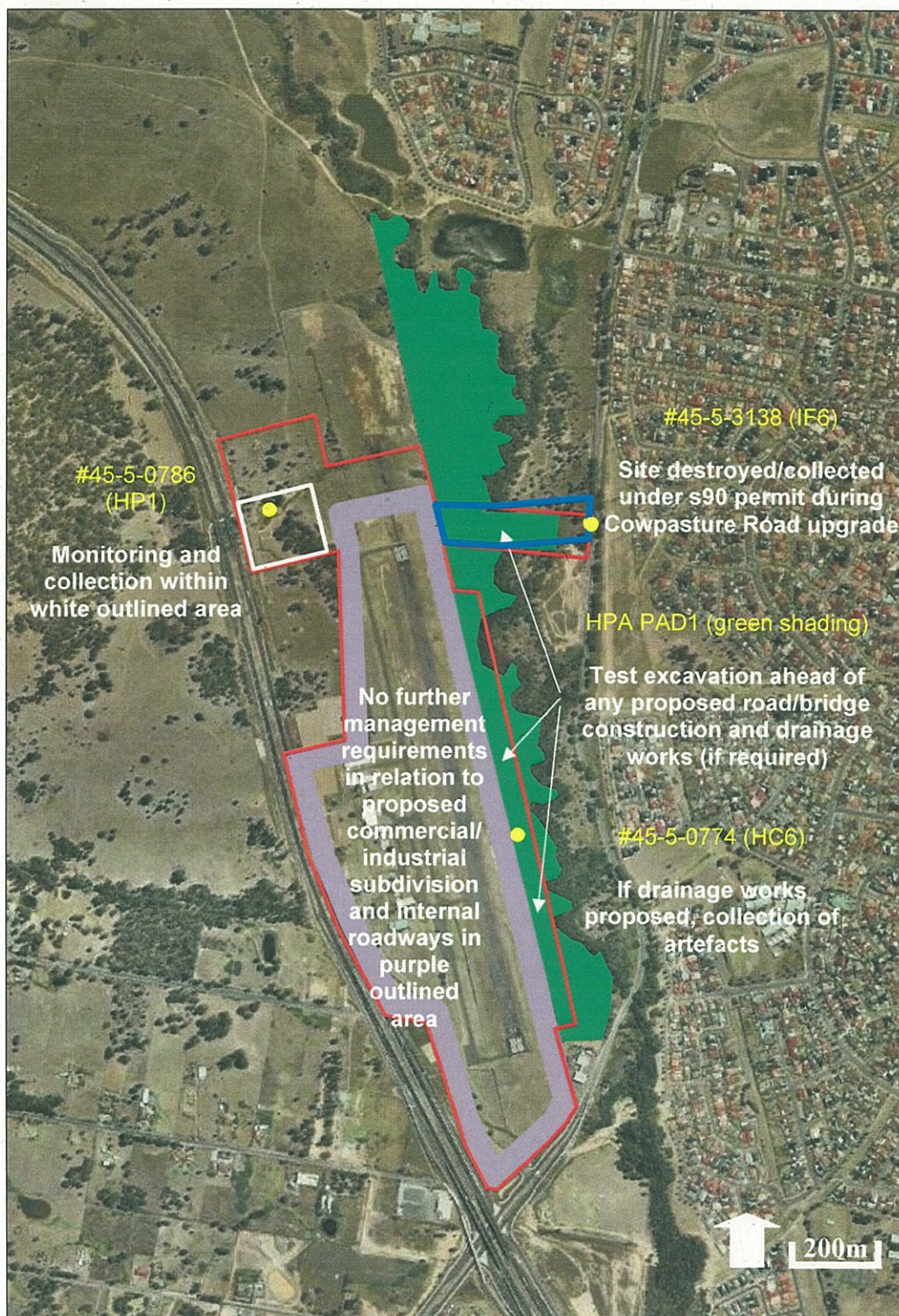


Figure B. Proposed management of Aboriginal sites and area of archaeological potential within the Hoxton Part airport site. The area relating to the current Hinchinbrook Creek road/bridge proposal is outlined in blue. Management relating to HPA PAD1 (the green shaded area) is as attached in Appendix 1 of the MDCA 2010 report.

(note: Figure B amended from Figure 25 of the MDCA 2010 report).



Summary and Conclusions

MDCA has evaluated the current Hinchinbrook Creek road/bridge proposal as a part of a broader study of the former Hoxton Park airport site as detailed in the MDCA 2010 report. As discussed above, the Aboriginal heritage management of the road/bridge remain unchanged from that assessed in the MDCA 2010 report.

The recommended management of the archaeological potential of the current Hinchinbrook Creek road/bridge proposal area is contained within an Aboriginal archaeological management plan in the report, the relevant sections of which are reproduced above. The management plan has been endorsed by the Aboriginal community stakeholder groups involved in the assessment (letters of support are contained within **Appendix 2** of the MDCA 2010 report). Additional consultation on the re-alignment was also undertaken.

Provided that:

- no future revisions to the location of the proposed Hinchinbrook Creek road/bridge proposal corridor are made; and
- the recommended management actions in the report, including archaeological test excavation, are undertaken ahead of proposed impacts under the methodology outlined in Appendix 1 of the report (as appended also to this letter)

MDCA do not consider that there is any requirement for the preparation of a revised or separate archaeological assessment in relation to the current Hinchinbrook Creek road/bridge proposal, nor is any further documentation required beyond the current letter and the original report.

Therefore if read in conjunction with the report, this letter contains sufficient information to appropriately manage the Aboriginal heritage potential of the current Hinchinbrook Creek road/bridge proposal, and for the assessment of those impacts for planning purposes.

If you require any clarification or further information, please do not hesitate to contact us.

Yours sincerely,

Mary Dallas
Principal Heritage Consultant
MDCA
16.8.10



Appendix 1 : Strategy for Proposed Archaeological Investigations.

Note: Except where text is struck through (as explained in the attached letter), this is unamended from the original report version



1. Monitoring and Collection Strategy

~~Any artefacts identified during collection of known surface sites or monitoring of initial earthworks will be subject to field recording (GPS location and photograph taken, and record of artefact type, raw material, size, cortex and platform type made) prior to collection.~~

~~These records will be submitted as part of a revised site recording to the DECCW AHIMS Registrar. This will also record the long-term storage location of the collected artefacts, as decided by the Aboriginal stakeholder groups. This will be decided upon completion of the archaeological test excavation program of HPA PAD 1 as discussed below.~~

2. Test Excavation Strategy

HPA PAD 1 is an area proposed for test excavation within the Hinchinbrook Creek corridor. Known proposed impacts relate to the construction of a road and bridge link across the corridor. Possible impacts may also arise from the construction of additional drainage works in the event current drainage channels are insufficient and additional tail outs need to be constructed.

HPA PAD 1 has the potential to contain buried archaeological deposit because it retains alluvial deposits which in part are relatively undisturbed. It is not known nor can it be accurately predicted on the current evidence that significant intact Aboriginal remains will be located in the designated PAD, however we can predict that any remains present are likely to be restricted to stone artefacts and other occupation material (e.g. charcoal, hearths).

The program of excavation would be restricted to the areas proposed for road/bridge construction and to any future designated area of drainage works.

The archaeological investigation could be undertaken using mechanical excavation via a series of 1x5m trenches spaced on a 20m grid along the road alignment within the Hinchinbrook Creek corridor. Excavations within any future proposed tail outs areas would be designed to investigate the areas of possible impact of those particular works. It is likely these excavations would be less than 1.5m deep.

The investigation would be undertaken under the Research Design and Burial Protocol included below which recognises that there may be historical archaeological considerations and the remote possibility that human remains may be unearthed. In the event historical archaeological items are identified, such as surviving elements of the historic use of the wartime use of Hoxton Park Airport as may have been located within the Hinchinbrook Creek corridor, these would be assessed, analysed and managed in consultation with a suitably qualified Historical Archaeological consultant in tandem with the Aboriginal archaeological investigations.

Archaeological Research Design

The testing program could be undertaken in two Stages. Stage 1 would cover the investigation of the road corridor and the bridge/creek crossing. Stage 2 [if required] could cover any investigation of areas as may in the future be proposed for additional drainage works.



Aims of the Proposed Archaeological Testing Program

The principal objective of the subsurface testing program would be to determine if Aboriginal cultural remains are located within the defined area of **HPA PAD 1** that would be impacted upon by the proposed works within the Hinchinbrook creek corridor. Specifically the testing program would aim to determine, through adequate sampling, whether any Aboriginal cultural remains exist within the area, and if so, their extent and significance. The testing program would also determine the need and extent of any further archaeological requirements (e.g. salvage or collection).

Research Questions

The following questions, necessarily broad in nature at this stage, are proposed to structure the excavation methodology and post excavation analysis and reporting.

How long have Aboriginal people used the land? Radiometric dating (of materials such as charcoal from hearths, thermoluminescence dating of buried sands) and recovery of certain artefact types (such as backed blades) would provide an indication of how long Aboriginal people have used this landscape.

How did Aboriginal people use the area? Analysis of the stone tools, site formation processes, location of specific activity areas would seek to retrieve the maximum possible information about how the area was used in the past, particularly in relation to freshwater swamps which may have existed in relatively close proximity.

What stone materials were chosen and how were they worked? The stone artefact analysis would attempt to source the raw materials used and to determine their relative proportions amongst the excavated samples. Technological information regarding possible raw material reduction would be sought. Evidence for silcrete minimal decortication and possibly heat treatment may be expected, whilst evidence for primary and secondary flaking and bipolar knapping using anvils may also be revealed.

What types of artefacts were produced? Adherence to standard procedures and protocols in quantifying and classifying the recovered stone artefacts would provide a means to determining what artefact types were produced and/or discarded on-site.

What were different artefact types used for? Functional analysis of potential residue/use-wear evidence on selected samples of stone and or shell artefacts may provide an indication of what different artefacts were used for.

How does this place compare to other Aboriginal sites in the surrounding region? Inter-site comparison of the excavated stone artefact assemblage (and their component parts)

Do any Historical archaeological elements remain in the area which might require specialist Historical archaeological consideration, including detailed recording.



Field Methodology

The following archaeological testing methodology is proposed. Archaeological investigations would utilise a combination of mechanical and manual testing methods. Manual testing and detailed recording would be specifically employed in the event of the discovery of archaeological features or buried former land surfaces, or significant historical archaeological features (in conjunction with an appropriately qualified Historical Archaeological consultant).

A mechanical excavator with batter bucket would be used to excavate a series of archaeologically monitored test trenches on a 20m grid across the area of PAD. These trenches would be approximately 0.5m in width and 1-2m in length. Maximum depth is anticipated to be significantly less than 1.5m but if greater (and therefore in excess of Occupational Health and Safety Act limits), stepped /benched trenches or shoring would be used.

The trenches would be excavated in 0.1m-0.2m spits through the alluvial deposits until any archaeological features (including burial cuts) or buried former land surfaces are located, or else until archaeological sterile horizons (clay subsoil) or bedrock are reached. Any archaeological features (excepting human remains – see below) would be recorded and potentially manually excavated using standard archaeological techniques and recording methods (e.g. where appropriate arbitrary 0.05m-0.1m spits or following stratigraphy).

A sample of twenty 10L buckets of deposit from each spit of each mechanically excavated trench would be wet-sieved onsite using nested 2.5 and 5mm sieves to retrieve any Aboriginal archaeological material. This would be sufficient to determine the presence/absence and general density of any Aboriginal archaeological remains within the areas tested

All cultural material and samples of matrix deposit will be bagged and labelled. Soil profiles will be recorded and pH tests will taken at intervals throughout the stratigraphic profile. Post excavation handling, analysis and storage of retrieved items, excluding human remains, would be undertaken according to methods and outcomes agreed upon between the registered Aboriginal stakeholder groups and the Mirvac Group. This may include reburial at an agreed upon place within the creek corridor which could be managed for preservation in the long term. At this time, similar discussions would be undertaken regarding artefacts collected during collection/monitoring works as described in **Section 1**.

This is considered sufficient to determine the presence/absence of any Aboriginal cultural remains and to characterise the nature and extent of any such remains if located as a basis for management decisions in relation to the current proposal (e.g. preservation of documented remains, partial/complete salvage, destruction).



Burial Protocol

In the event a modern or ancient grave cut or burial is identified the excavation will cease and the procedure outlined in **Figure 1** will be applied to ensure appropriate management of human skeletal material whether or not it is associated with an Aboriginal archaeological site.

These protocols are based on the following legislative provisions:

Aboriginal skeletal remains are protected by the NSW National Parks & Wildlife Act 1974 as amended. It is an offence to disturb or damage or destroy Aboriginal skeletal remains.

The Coroner's Act 1980 [s13B and s13C] applies to deaths in NSW which have occurred over the last 100 years. This Act takes precedence over the NPWS Act. If human remains are determined to be Aboriginal and less than one hundred years old they should be treated as a potential crime scene. If Police believe that an Aboriginal site was a crime scene [ie., a site containing a suspicious burial and that the skeletal remains are less than 100 years old, they will work with NPWS [now Department of Environment Conservation Climate Change and Water [DECCW], to ensure Aboriginal sites are not needlessly disturbed during their criminal investigations.

A suitably qualified Physical Anthropologist should be on site throughout the course of subsurface test excavations to determine:

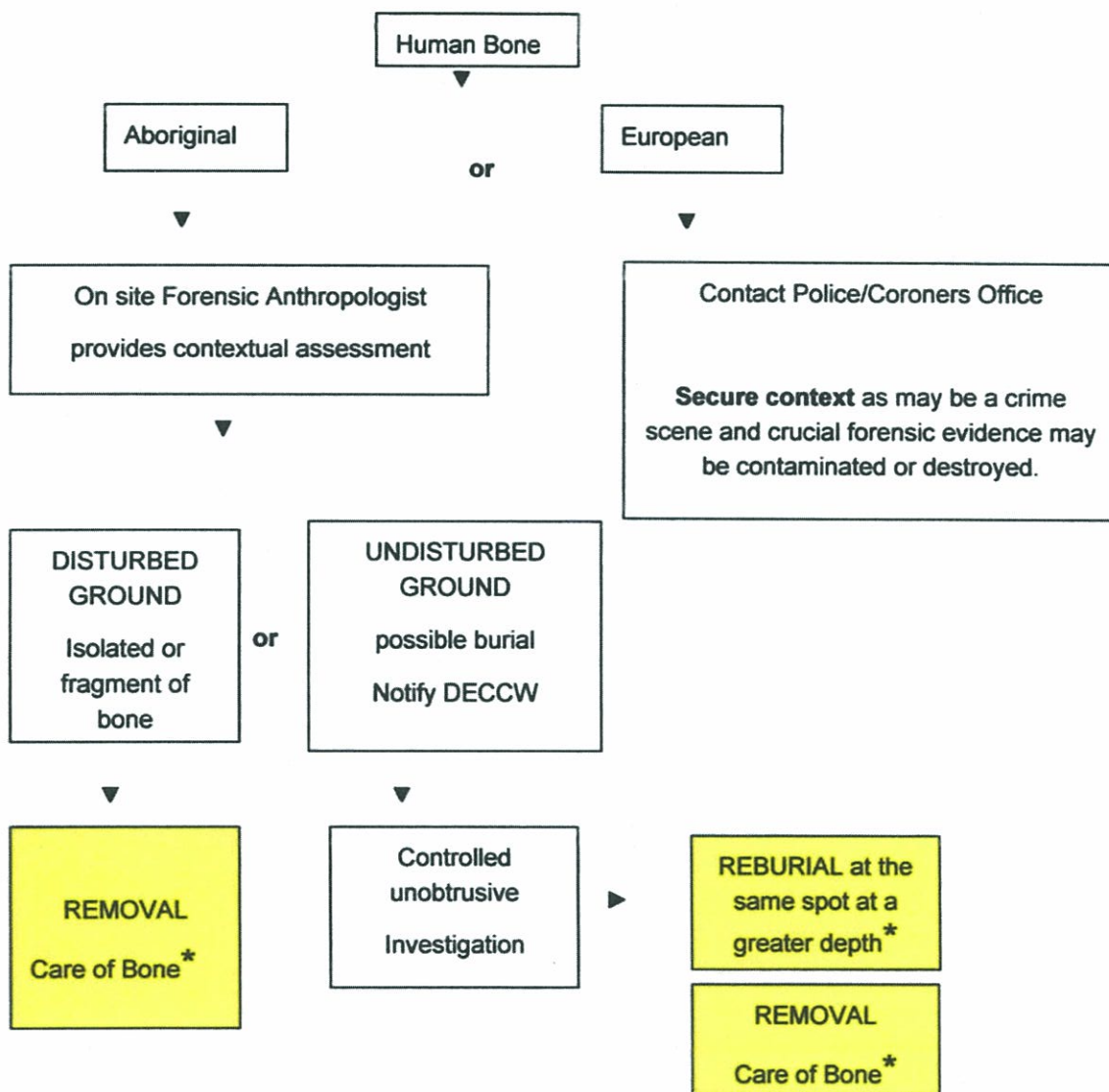
1. whether the bone is human or animal, and
2. if human, whether the bone is Aboriginal or European.

If the bones are determined to be European or young or relatively recent Aboriginal bones showing signs of a suspicious or violent death, the Coroner's Office has jurisdiction over such remains. Further investigation must be done under that Office's direction.

The discovery of Aboriginal skeletal material is regarded as an exceptional circumstance In archaeological investigations. While under Part 3A projects DECCW s.87 or s.90 AHIPermits are not required, the discovery of Aboriginal burials in the circumstance of a Part 3A development project, should involve consultation with DECCW. The Burial Discovery Protocol identifies agreed and permissible actions in the field.



Figure 1 : Burial/Human Bone Discovery Procedure for Part 3 A projects.



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* These procedures to be determined by the registered Aboriginal Stakeholder groups for this project.