

136-146 & 148 DONNISON STREET, GOSFORD, NSW

ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

Report to Bathla Group

LGA: Central Coast

August 2023





EXECUTIVE SUMMARY

Apex Archaeology have been engaged to assist The Bathla Group to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 136-146 & 148 Donnison Street, Gosford, NSW. The project is located within the Central Coast LGA and has been approved as a State Significant Development (SSD-9813) under Part 4 (Division 4.1) of the *Environmental Planning & Assessment Act* (1979). Following determination of the SSD application, it was noted that any future development applications should be accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR).

This report details the results of the archaeological assessment of the site, prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (September 2010) (the Code of Practice). This report has been prepared in accordance with requirement C17 of the project approval.

The project proposes the construction of five residential and mix-use towers within the study area. These works will also include underground car parking, landscaping and services such as telecommunications, water and electricity. The study area is approximately 1.4 hectares and currently contains the former Gosford Town Shopping Centre, and a vacant block of land in the south east corner. It is bound by Henry Parry Drive along the western boundary and Donnison Street along the southern boundary. William Street forms half of the northern boundary and Albany Street North forms half of the eastern boundary. There are car parking areas and businesses that border the remaining areas of the former shopping complex.

A previous Aboriginal cultural heritage due diligence assessment of the study area undertaken by Extent Heritage Advisors in June 2019 did not identify any Aboriginal sites. Their investigation included a review of Aboriginal archaeological and heritage assessments completed in the surrounding area, as well as consideration of the environmental background and a pedestrian survey. The site was assessed as being heavily impacted by the construction of the current shopping mall, that is now derelict, and other former buildings. It was proposed that these works would have truncated the upper soil profile by at least 1m, which is the soil profile that most likely would have contained cultural material. With regards to the vacant lot in the southeast corner, the report stated that it would have been impacted by the construction of the surrounding multi-storey structures. It was recommended that works could proceed with caution.

Despite the results of this previous assessment, an ACHAR is required to meet conditions of the project approval, and therefore this report has been prepared in accordance with these requirements. This was completed in consultation with the Aboriginal communities.



A total of ten Aboriginal people and organisations registered an interest in being consulted for the project. The following list comprises the registered Aboriginal parties (RAPs) for the project:

- Darkinjung Local Aboriginal Land Council
- Amanda Hickey
- Awabakal Traditional Owners Aboriginal Corporation
- Awabakal and Guringai Pty Ltd
- Corroboree Aboriginal Corporation
- Gomeroy Consultation
- Gunjeewong Cultural Heritage
- Kamilaroi Yankuntjatjara Working Group
- Lower Hunter Aboriginal Incorporated
- Yurwang Gundana

The current investigation included a subsequent pedestrian survey that was undertaken by Apex Archaeology in December 2022. Although the Darkinjung Local Aboriginal Land Council confirmed a representative would be participating in this survey, they were unable to make it on the day due to unforeseen circumstances. The results of this survey, along with consideration of previous archaeological and heritage investigations within the surrounding area, and the past and current environment, found the entire site to have been completely impacted by previous constructions of buildings across the study area. Given the significant historical land disturbance that have occurred within the study-area boundaries, it was concluded that it is unlikely that any archaeological objects would be found in an intact context.

Based on the results of the cultural heritage and archaeological assessments, the following recommendations have been made for the project:

RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED

This report details the archaeological potential of the site, which has been assessed as negligible. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.

RECOMMENDATION 2: DEVELOPMENT BOUNDARIES

The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.



RECOMMENDATION 3: STOP WORK PROVISION

Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

RECOMMENDATION 4: REPORTING

One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database.

One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.



Apex Archaeology acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and in whose land this assessment took place, and to the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

DOCUMENT CONTROL

The following register documents the development and issue of the document entitled '136-146 & 148 Donnison Street, Gosford NSW: Aboriginal Cultural Heritage Assessment Report', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared by	Reviewed by	Comment	Issue Date
1 – Draft	Rebecca Bryant	Jenni Bate	Client Review	24 April 2023
2 – Draft	Jenni Bate	Bathla	RAP Review	9 June 2023
3 – Final	Jenni Bate	RAPs	Issue of final	30 August 2023



GLOSSARY OF TERMS

Aboriginal Object	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
ACHA	Aboriginal Cultural Heritage Assessment
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRs	<i>Aboriginal cultural heritage consultation requirements for proponents 2010</i>
AHIMS	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
AHIP	Aboriginal Heritage Impact Permit
ASIRF	Aboriginal Site Impact Recording Form
BP	Before Present, defined as before 1 January 1950.
Code of Practice	The DECCW September 2010 <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>
Consultation	Aboriginal community consultation in accordance with the DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> .
DA	Development Application
DECCW	The Department of Environment, Climate Change and Water (now Heritage NSW)
Disturbed Land	If land has been subject to previous human activity which has changed the land's surface and are clear and observable, then that land is considered to be disturbed
Due Diligence	Taking reasonable and practical steps to determine the potential for an activity to harm Aboriginal objects under the <i>National Parks and Wildlife Act 1974</i> and whether an application for an AHIP is required prior to commencement of any site works, and determining the steps to be taken to avoid harm
Due Diligence Code of Practice	The DECCW Sept 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>
GIS	Geographical Information Systems
GSV	Ground Surface Visibility
Harm	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet; responsible for overseeing heritage matters within NSW
ka	Kiloannus, a unit of time equating to 1,000 years
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	<i>NSW National Parks and Wildlife Act 1974</i>
NPWS	National Parks and Wildlife Service
OEH	The Office of Environment and Heritage of the NSW Department of Premier and Cabinet (now Heritage NSW)
PAD	Potential Archaeological Deposit
RAPs	Registered Aboriginal Parties



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1.0 INTRODUCTION

Apex Archaeology have been engaged to assist The Bathla Group to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 136-146 and 148 Donnison Street, Gosford, NSW. The project is located within the Central Coast LGA and has been approved as a State Significant Development (SSD-9813). Under the Conditions of Consent for Stage 1 Works, Part B (B1), an Aboriginal Cultural Heritage Assessment (ACHAR) in consultation with the local Aboriginal community must be submitted to the Planning Secretary for approval prior to commencement of demolition works.

This report has been prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011); the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, April 2010) (the ACHCRs); and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (September 2010) (the Code of Practice). It has been prepared to inform the Development Application (DA) for the project.

1.1 PROJECT PROPONENT

The proponent for the project is The Bathla Group. The project manager for the project was Jaimin Desai from The Bathla Group.

1.2 STUDY AREA AND PROJECT BRIEF

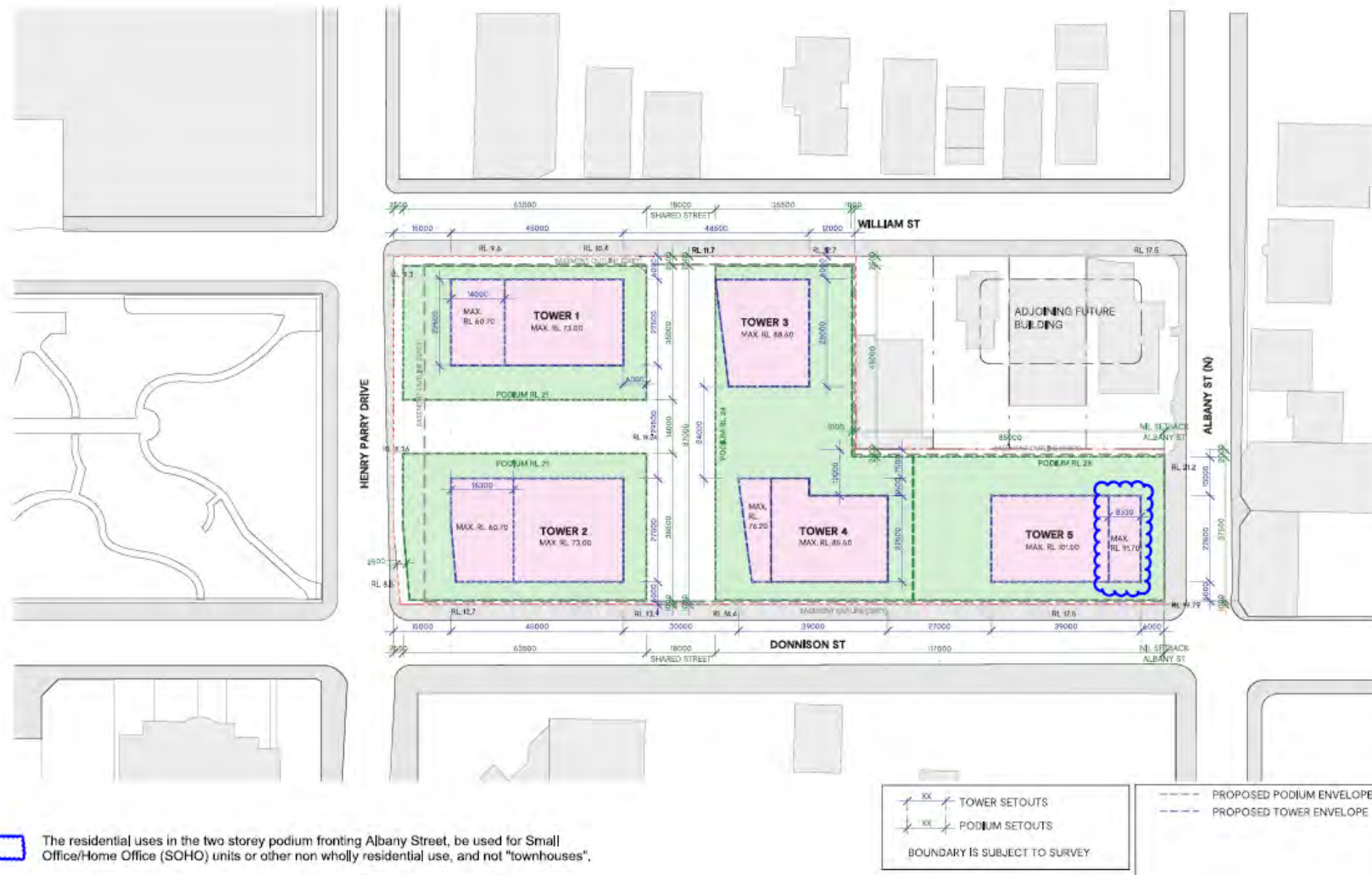
The study area is located at 136-146 and 148 Donnison Street Gosford, NSW and is approximately 77km north of the Sydney Central Business District CBD and 92 km southwest of Newcastle (Figure 1). The study area is within the Central Coast LGA and is legally defined as Lot 6 DP 598833 and Lot 1 DP 540292. It comprises approximately 1.4 ha and currently contains the Gosford Town Shopping Centre that is no longer occupied, and a vacant block of land in the southeast corner. It is bound by Henry Parry Drive along the western boundary and Donnison Street along the southern boundary. William Street forms half of the northern boundary and Albany Street North forms half of the eastern boundary. There are car parking areas and business offices that border the remaining areas of the former shopping complex (Figure 2).

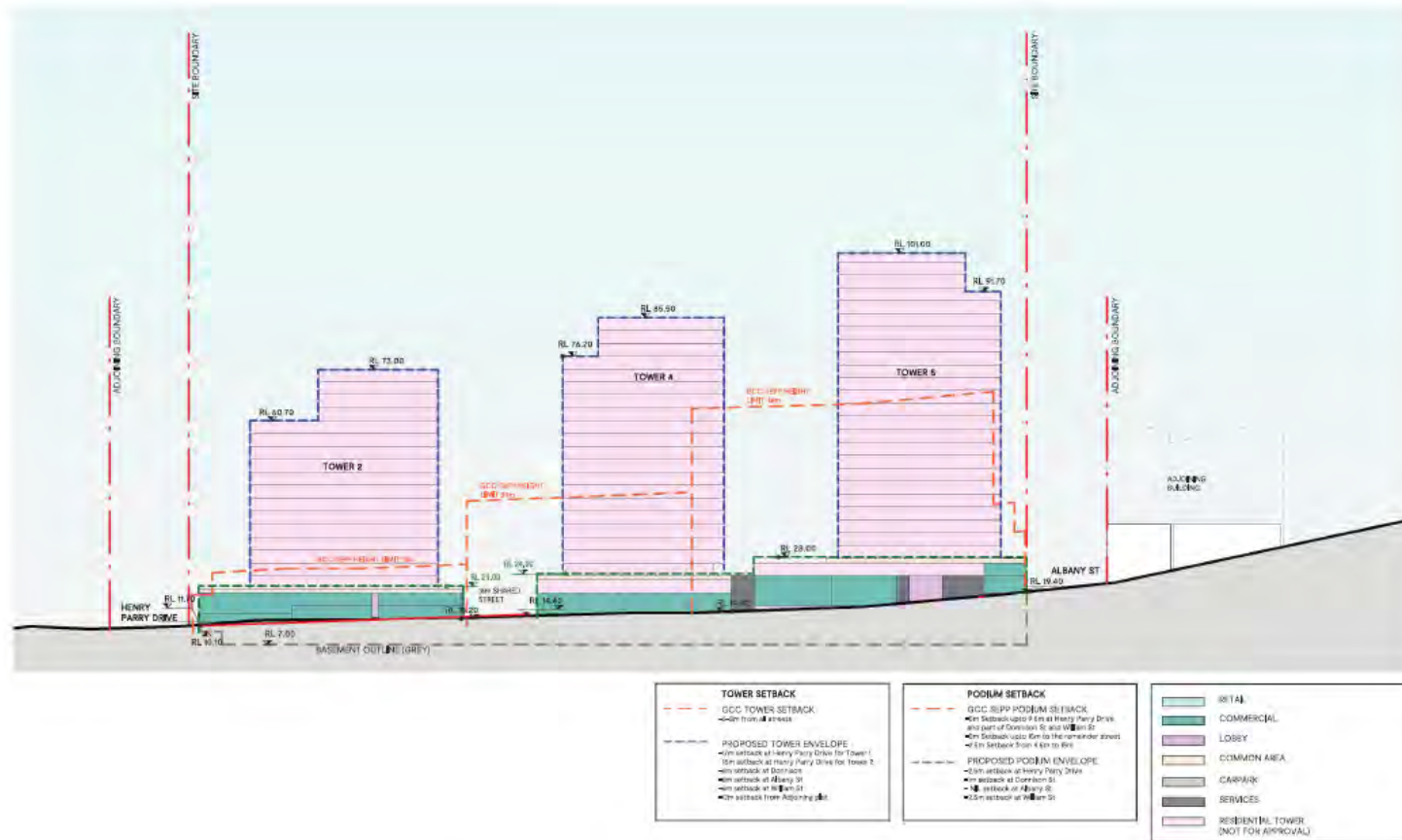
The proposed works (Figure 3, Figure 4 and Figure 5) will be undertaken in two stages. The first stage will involve the demolition of existing buildings and a substation, removal of existing on-site vegetation, extinguish easements and realignment of stormwater/sewer infrastructure. The next stage will involve the construction of three residential towers in the southern portion of the study area and two residential towers within the northern portions. Three of the towers will have commercial and/or retail spaces at the base the buildings, and the other two towers will have services at the base of the buildings. There is also proposed underground carparking, inground swimming pools and landscaping. These activities, along with



Study Area

Lot Boundary





Rev	Date	Description
1	14/04/22	ISSUED FOR DEVELOPMENT APPLICATIONS
2	14/04/22	ISSUED FOR DEVELOPMENT APPLICATIONS
3	14/04/22	ISSUED FOR DEVELOPMENT APPLICATIONS
4	14/04/22	ISSUED FOR DEVELOPMENT APPLICATIONS
5	14/04/22	ISSUED FOR DEVELOPMENT APPLICATIONS
6	14/04/22	ISSUED FOR DEVELOPMENT APPLICATIONS

Project:
GOS-BUC-AR22-ARCHITECTURE
136 DONNISON STREET, GOSFORD 2250

Project Number:
220619

Date:
14/04/22 2:35:17 PM

Scale:
1:100 @ A3

Sheet:
1 of 1

Drawing Title:
**MASTERPLAN - ELEVATION
DONNISON STREET**

Drawing Number:
DA-22

BUCHAN

Figure 4: Approved elevations of development from Donnison Street (Source: Buchan 2022)

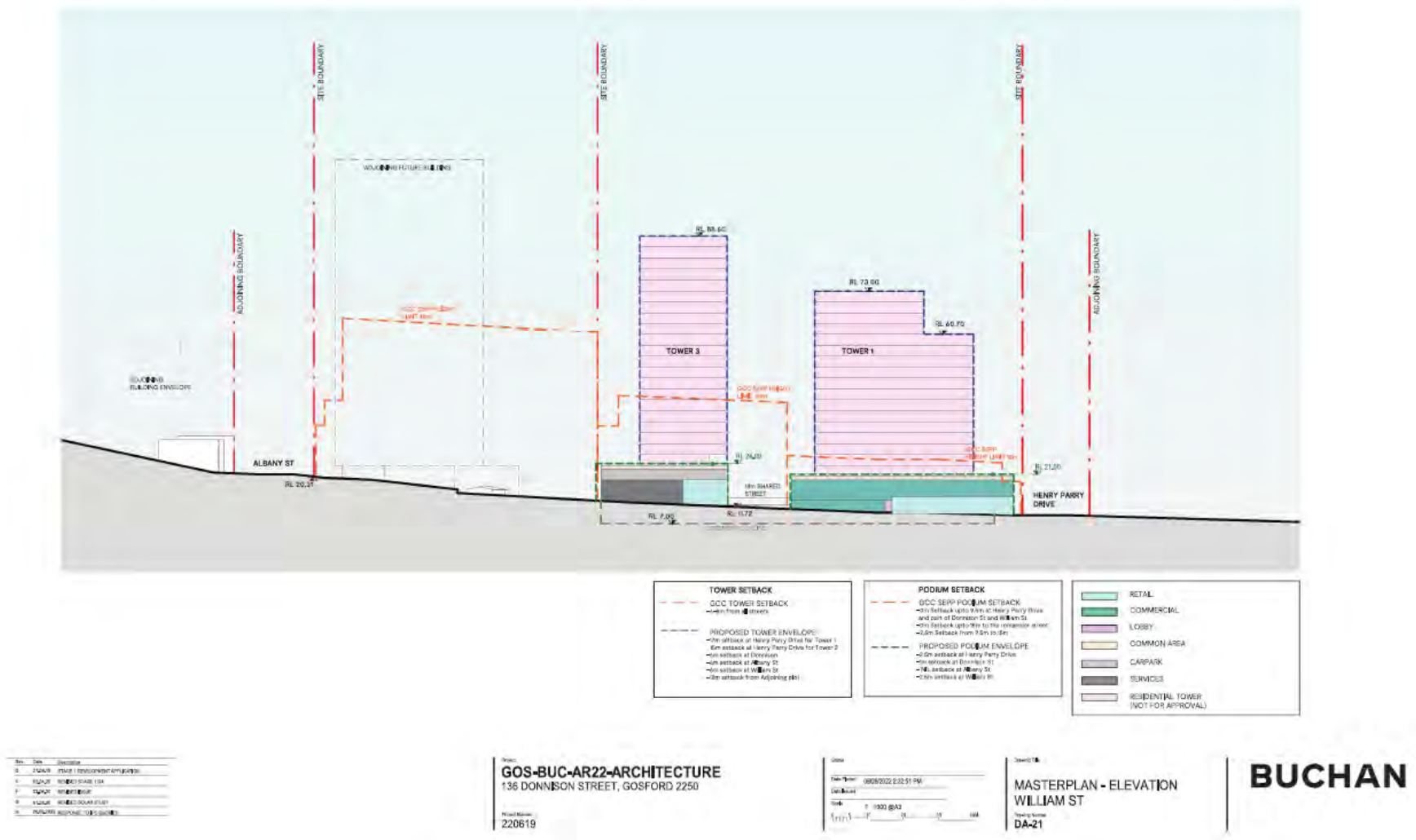


Figure 5: Approved elevations of development from William Street (Source: Buchan 2022)



the implementation of services such as water, electricity and telecommunications are expected to result in subsurface excavations and modification to the natural landscape. There is also a probability that excavated soil will be removed from the study area or redeposited within it, and other fill may be introduced to the site.

As all the above-mentioned activities may potentially impact any items of Aboriginal heritage, a more comprehensive investigation in the form of an Aboriginal cultural heritage assessment was required to determine the nature and extent of potential deposits within the study area, and whether any sites identified could be avoided by the proposed works.

1.3 STATUTORY CONTEXT

The current project has been approved as a State Significant Development (SSD-9813) under Part 4 (Division 4.1) of the *Environmental Planning & Assessment Act* (1979). Following determination of the SSD application, it was noted that any future development applications should be accompanied by an ACHAR. This report has been prepared in accordance with Requirement C17 of the project approval. In accordance with Requirement C16 of the project approval, an unexpected finds protocol has been prepared for the project. This is attached as an appendix to this report.

It is noted that the development consent for the project requires that, prior to commencement of demolition works on site, an ACHAR must be prepared in consultation with the Aboriginal community (Part B1 of development consent). B2 further outlined a process to waive the requirement to prepare an ACHAR; but much of the waiver process was similar to that required for preparation of an ACHAR, and as such it was determined it was most appropriate to undertake the ACHA process for the project.

1.3.1 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Part 4, division 4.7 State Significant Development of the EP&A Act outlines the requirements for assessment of State Significant Development. Section 4.41 outlines approvals and legislation that does not apply to SSD projects. This clause states:

1. The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)-
 - a) (repealed)
 - b) A permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*
 - c) An approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*
 - d) An Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1997*



- e) (repealed)
 - f) A bush fire safety authority under section 100B of the *Rural Fires Act 1997*
 - g) A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.
2. Division 8 of Part 6 of the *Heritage Act 12977* does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.
 3. A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purposed of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.

The EPA Act is administered by the Department of Planning and Environment and the Minister will determine this project. In accordance with this act, there is no requirement to obtain consent from Heritage NSW under the provisions of s.90 of the NPW Act.

1.3.2 NATIONAL PARKS AND WILDLIFE ACT 1974

The *National Parks and Wildlife Act 1974* provides protection for all Aboriginal objects and places within NSW. Aboriginal objects are defined as the material evidence of the Aboriginal occupation of NSW, while Aboriginal Places are defined as areas of cultural significance to the Aboriginal community. All Aboriginal objects are protected equally under the Act, regardless of their level of significance. Aboriginal Places are gazetted if the Minister is satisfied that the location was and/or is of special significance to Aboriginal people.

Following amendments to the NPW Act in 2010, approval to impact Aboriginal cultural heritage sites is only granted under a Section 90 AHIP, which is granted by Heritage NSW in the Department of Premier and Cabinet. In this instance, the requirement to obtain an AHIP under Section 90 of the NPW Act is “switched off” by the requirements of the EPA Act.

1.3.3 NSW NATIONAL PARKS AND WILDLIFE REGULATION 2019

Part 5, Division 2 of the *National Parks and Wildlife Regulation 2019* addresses Aboriginal objects and places in relation to the NPW Act 1974, and outlines how compliance with relevant codes of practice can be met.

Clause 58(1) outlines the defence of low impact acts or omissions to the offence of harming Aboriginal objects, which includes maintenance works on existing roads and fire trails, farming and land management work, grazing of animals, activities on land that has been disturbed that is exempt or complying development, mining



exploration work, removal of vegetation (aside from Aboriginal culturally modified trees), seismic surveying or groundwater monitoring bores on disturbed ground, or environmental rehabilitation work (aside from erosion control or soil conservation works such as contour banks).

Clause 58(4) outlines the definition of 'disturbed land', as land that "has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable".

Clause 59 relates to the notification of Aboriginal objects and sites and Clause 60 relates to the requirements for the consultation process to support an AHIP application. The regulation sets out the requirements broadly in line with those outlined in the ACHCRs.

1.4 OBJECTIVES OF THE ABORIGINAL CULTURAL HERITAGE ASSESSMENT

The archaeological investigation was undertaken to meet the requirements of the Code of Practice and ACHCRs.

The purpose of the archaeological investigation is to understand and establish the potential harm the proposed development may have on Aboriginal cultural heritage within the study area, both tangible and intangible.

Aboriginal community consultation was undertaken for the project with the aim of:

- Identifying the Aboriginal community members who can speak for Country within which the study area is located;
- Involving the Aboriginal community in making decisions about the management of their cultural heritage;
- Identifying, assessing and recording Aboriginal heritage values within the study area;
- Preparing an assessment of the cultural heritage values in consultation with the Aboriginal community;
- Identifying the potential impact of the proposed development on the assessed cultural heritage values; and
- Developing conservation and mitigation strategies for these values, with the aim of minimising impacts to cultural heritage wherever possible.

In addition, this report provides a significance assessment of the identified Aboriginal heritage values, as defined by the registered Aboriginal stakeholders (RAPs) for the project. Aboriginal people are the primary determinants of the significance of their cultural heritage and therefore Apex Archaeology cannot make a determination on the cultural significance without the input of the RAPs.

Any development works which disturb the ground surface have the potential to impact Aboriginal archaeological deposits and therefore an assessment of whether



the study area contains such deposits is required prior to the commencement of construction works. An assessment of whether the proposed development would impact these deposits (if present) is also necessary, and identification of to what extent the deposits would be impacted is also required. The degree of impact which may be allowable is determined, in part, with consideration of the level of cultural significance attributed to the cultural values of the study area, both tangible and intangible.

1.5 LIMITATIONS

This report relies in part on previously recorded archaeological and environmental information for the wider region. This includes information from AHIMS, which is acknowledged to be occasionally inaccurate, due to inaccuracies in recording methods. No independent verification of the results of external reports has been made as part of this report.

It should be noted that AHIMS results are a record only of the sites that have been previously registered with AHIMS and are not a definitive list of all Aboriginal sites within an area, as there is potential for sites to exist within areas that have not previously been subject to archaeological assessment.

Field investigations for this report included a pedestrian survey. The results are considered to be indicative of the nature and extent of Aboriginal archaeological remains within the study area, but it should be noted that Aboriginal objects and sites which have not been identified as part of this assessment may be present within the wider area.

It is recognised that Aboriginal people are the primary determinants of the significance of their cultural heritage, and as such, Apex Archaeology have relied on the Aboriginal community to provide cultural knowledge regarding the site, where they are willing and able to share such knowledge. However, there may be occasions where RAPs are unwilling or unable to share cultural knowledge regarding the site and thus our assessment of significance relies on scientific assessment only.



2.0 ABORIGINAL CONSULTATION PROCESS

This section details the Aboriginal community consultation undertaken to assist in the heritage assessment of the study area. Aboriginal consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* was undertaken by Apex Archaeology for this project.

Aboriginal community consultation is a requirement in order to make assessments of Aboriginal cultural values, as Aboriginal people are the primary determinants of the significance of their cultural heritage and therefore Apex Archaeology cannot make a determination on the cultural significance without the input of the RAPs. Aboriginal people often have a strong connection to their Country, and to their ancestors, both past and present.

Material evidence of past Aboriginal occupation of an area is a tangible link to the intangible traditions, lore, customs, beliefs and history. These intangible values provide a sense of belonging for Aboriginal people, and cultural heritage and cultural practices are kept alive through being incorporated into everyday life, which helps maintain a connection to the past and to the present. It is a vital part of the identity of Aboriginal people.

Therefore, it is important that Aboriginal people are afforded the opportunity to understand, comment on and have input into projects that may impact areas which may be culturally sensitive, or damage items of cultural significance. The process of Aboriginal community consultation provides this opportunity, and this ACHAR details the results of the consultation undertaken for this project.

2.1 THE CONSULTATION PROCESS

The *Aboriginal cultural heritage consultation requirements for proponents 2010* provide the process for undertaking consultation with the Aboriginal community. This process includes identification, registration, engagement and consultation with those Aboriginal people who may have cultural knowledge which is relevant to determining the cultural significance of Aboriginal objects and places which may be within the study area.

The Consultation Guidelines detail a number of stages for consultation, as follows:

- Identification of those people who should be consulted for the project
- Inviting Aboriginal people to register their interest in being consulted for the project
- Providing information regarding the nature and scope of the project to the Aboriginal people who have registered an interest in being consulted – the registered Aboriginal parties (RAPs)
- Providing opportunities for RAPs to comment on the proposed methodology for cultural heritage consultation



- Presenting information about the potential impacts of the proposed development for the RAPs to comment on
- Providing opportunities for RAPs to comment on the cultural significance of the proposed development area
- Providing opportunities for RAPs to comment on the draft reports detailing the results of the archaeological and cultural assessments for the project

2.2 STAGE 1 CONSULTATION: COMMENCEMENT

Stage 1 requires a list of Aboriginal people who may have cultural knowledge relevant to the area to be prepared from several sources of information. The first step requires enquiries to be made of certain statutory bodies regarding whether they are aware of Aboriginal people or organisations that may have an interest in the study area, and their contact details. Any Aboriginal people or organisations identified in this step must be contacted and invited to register an interest in the project. In addition, a notification must be placed in local print media requesting Aboriginal people or organisations to register their interest in the project. A list of those who register an interest must be compiled. A minimum of 14 days from the date of the letter or newspaper advertisement must be allowed for registrations of interest.

As a result of the Stage 1 activities, a list of Aboriginal people who wish to be consulted for the project is developed. These Aboriginal people become the registered Aboriginal parties – the RAPs – for the project.

Letters requesting the details of Aboriginal people who may hold cultural knowledge relevant to the study area and who may wish to be consulted for the project were sent to several statutory agencies on 10 October 2022. Copies of these letters and responses are attached in Appendix B. These Step 1 letters were sent to the following agencies:

- Heritage NSW
- Local Land Services (LLS)
- Central Coast Council (CCC)
- Darkinjung Local Aboriginal Land Council (DLALC)
- Office of the Registrar, Aboriginal Land Rights Act 1983 (NSW) (ORALRA)
- Native Title Services Corp (NTSCorp)

Responses were received from Heritage NSW, LLS, CCC and DLALC. Heritage NSW provided a list of Aboriginal people and organisations, LLS advised that Heritage NSW should be contacted regarding a contact list for Aboriginal communities, CCC advised to contact Darkinjung LALC, and DLALC emailed to express interest in registering for the project. The organisations provided by the agencies were invited to participate in consultation for the project.



An online search of the National Native Title Tribunal (NNTT) did not identify any Native Title Applications or Native Title Registrations over the study area.

The Aboriginal people and organisations identified during this initial stage were contacted via letter (email if provided or via post if no email address given) on 25 October 2022, inviting them to register an interest in the project. Registrations were accepted until 8 November 2022. This is Step 2 of Stage 1 of consultation. Copies of these letters are attached in Appendix C.

In addition, an advertisement was placed in the Newcastle Herald on 25 October 2022, inviting registrations of interest from people who may have cultural knowledge of the project area. A copy of the advertisement is attached in Appendix D.

A total of ten Aboriginal people and organisations registered an interest in being consulted for the project. The following list comprises the registered Aboriginal parties (RAPs) for the project:

- Darkinjung Local Aboriginal Land Council
- Amanda Hickey
- Awabakal Traditional Owners Aboriginal Corporation
- Awabakal and Guringai Pty Ltd
- Corroboree Aboriginal Corporation
- Gomeroy Consultation
- Gunjeewong Cultural Heritage
- Kamilaroi Yankuntjatjara Working Group
- Lower Hunter Aboriginal Incorporated
- Yurwang Gundana

2.3 STAGE 2 & 3 CONSULTATION: PRESENTATION AND GATHERING OF INFORMATION

During Stage 2, information about the proposed project is provided to the RAPs, including location, scale, proposed development plans, timeframes, methodologies and any other relevant details relating to the project. This information can be provided in writing or at a meeting (or both), and an opportunity for the RAPs to visit the site may also be provided.

During Stage 3, RAPs are invited to share information about the cultural significance of the study area, which can assist in the assessment of the cultural significance of the Aboriginal objects and/or places within the study area. The cultural heritage assessment informs and integrates with the scientific assessment of significance and therefore can assist in the development of mitigation and management measures for the project. A methodology detailing how this information will be gathered must be provided to the RAPs for comment and a minimum of 28 days must be allowed for responses to be received. Any feedback must be considered and implemented as appropriate into the methodology.



Stage 2 and 3 can be undertaken concurrently. The information about the project and the methodology for seeking cultural knowledge can be provided in the same written documentation or at the same meeting.

Details of the proposed project and the proposed methodology for undertaking the cultural heritage and archaeological assessments for the project were provided in writing to each of the RAPs on 9 November 2022. Comments were accepted until 6 December 2022. Responses were received from the following Groups:

- Kamilaroi Yankunytjatjara Working Group
- Yurwang Gundana

Yurwang Gundana agreed with the methodology and expressed an interest in field work. KYWG advised that they agree with our recommendations, and they also recommended that a connecting to Country Component be undertaken with the guidance of the Aboriginal community. Rebecca Bryant from Apex Archaeology responded to KYWC and advised that Apex Archaeology have not been engaged to undertake a connecting to country component but will include KYWG's comments in the report to the client. The RAP responses are attached in Appendix E.

No other comments were received from any of the other RAPs for the project, and no specific cultural information pertaining to the study area was received from any of the RAPs for the project during this stage of consultation.

2.4 STAGE 4: REVIEW OF DRAFT REPORT

Stage 4 sees the preparation of the draft ACHAR, which details the results of the cultural heritage assessment. The draft is provided to the RAPs for their review and comment. A minimum of 28 days to comment on the ACHAR must be allowed. All comments must be addressed in the final document and the proponent's response to RAP comments must be included. Copies of any submissions received from RAPs must be included in the final ACHAR.

The draft report was provided to all RAPs on 9 June 2023, with comments accepted until 7 July 2023. Two responses were received, from Guringai and Darkinjung LALC. Both were positive. DLALC noted their approval of the recommendation for works to cease in the event of unexpected finds during works, and further consultation occurring with the RAPs in this event. No other comments were received. Copies of this consultation are attached in Appendix F.



3.0 SUMMARY AND ANALYSIS OF BACKGROUND INFORMATION

This section presents information about both the physical and cultural landscape in which the study area is located, as well as previous archaeological and ethnohistorical studies, to provide context and background to the existing knowledge of Aboriginal culture in the area.

3.1 DESCRIPTION OF THE STUDY AREA

The study area is located at 136-146 and 148 Donnison Street Gosford, NSW and is approximately 77km north of the Sydney CBD and 92km southwest of Newcastle (Figure 1 and Figure 2). The study area is within the Central Coast LGA in Northumberland County and within the Gosford Parish. It is legally defined as Lot 6 DP 598833 and Lot 1 DP 540292 and comprises approximately 1.4ha. The study area currently contains the Gosford Town Shopping Centre that is no longer occupied, and a vacant block of land in the southeast corner. It is bound by Henry Parry Drive along the western boundary and Donnison Street along the southern boundary. William Street forms half of the northern boundary and Albany Street North forms half of the eastern boundary. There are car parking areas and business offices that border the remaining areas of the former shopping complex.

3.2 EXISTING ENVIRONMENT

The study area is located within the geological structure known as the Sydney Basin, which is roughly bounded by the Great Dividing Range to the west, the coast to the east, Newcastle to the north and Durras, near Batemans Bay, to the south. The current study area is at the base of a coastal sandstone ridge that traverses in a northwest to southeast direction through Kantandra and Rubalara Reserve that are situated just east of the study area. The land encompassing the study area slopes in a moderate to gentle, north – south and west-east direction toward the harbour within Brisbane Waters, approximately 600m to the south. The study area is within the city of Gosford which has been extensively modified through land reclamation along the harbour front, quarrying of sandstone from the surrounding cliffs, and residential and commercial development. The immediate study area has been impacted by the construction of buildings that extend to the boundaries of the study area.

3.2.1 GEOLOGY, SOILS AND TOPOGRAPHY

The western section of the study area is mapped as being on disturbed terrain. This would have been a result of the reclamation works undertaken along the Gosford foreshore in the late 1930s. The eastern section is mapped as being within the Erina Soil Landscape that comprises yellow to red podzolic soils that varying in depth from approximately 100cm to over 200cm, depending on where they are in the landscape. The soils occur on rolling hills and foot slopes but are prone to very high erosion. The underlying geology for this soil type is within the Narrabeen Group that consists of lithic and quartz sandstone and siltstone, minor sedimentary breccia, claystone and conglomerate. The elevated cliffs bordering the study are Hawkesbury sandstone

that lies above the Narrabeen Group. This is finer grained and has been heavily quarried in the area for commercial use, including directly to the east of the current study area.

3.2.2 FLORA AND FAUNA

Although there is nothing left of the original landscape within the study area it would have consisted of tall open-forest (wet sclerophyll forest) with open – heath. Common species of the open-forest include spotted gum *Eucalyptus maculata*, grey ironbark *E. paniculata* and forest oak *Allocasuarina torulosa*. Turpentine gum *Syncarpia glomulifera* and Sydney blue gum *E. saligna* would have also been common (NSW Government SEED 2022). Many of these would have provided resources for Aboriginal people, either for dietary needs or to provide tools and implements.

3.2.3 HYDROLOGY

There are a number of unnamed natural drainage lines to the east of the area within Rumbalara Reserve that is situated in the elevated cliff area to the east. They do not appear to feed into any other surrounding creek systems so it is unclear if these would have provided reliable fresh water. The closest permanent water source would have been Narara Creek, approximately 2km to the west of the study area. However, this creek feeds into the tidal waters of Brisbane Water Bay so it is likely to have been salty or brackish for a considerable way upstream.

Watercourse classification ranges from first order through to fourth order (and above), with first order being the lowest, ie a minor creek or ephemeral watercourse, and fourth or above being a large watercourse such as a river (Figure 6), as defined by the Department of Planning and Environment (DPE). This classification is recognised as a factor which helps the development of predictive modelling in Aboriginal archaeology in NSW. Although Nara Creek is classified as a third order creek this classification system is not applicable as it is not known if the section of the creek closest to the study area would have provided a permanent water supply for Aboriginal people.

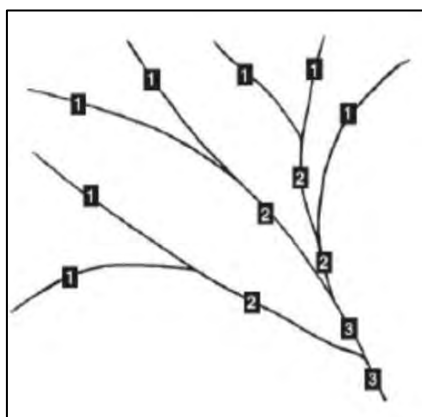


Figure 6: The Strahler system (Source: Department of Planning and Environment 2016).

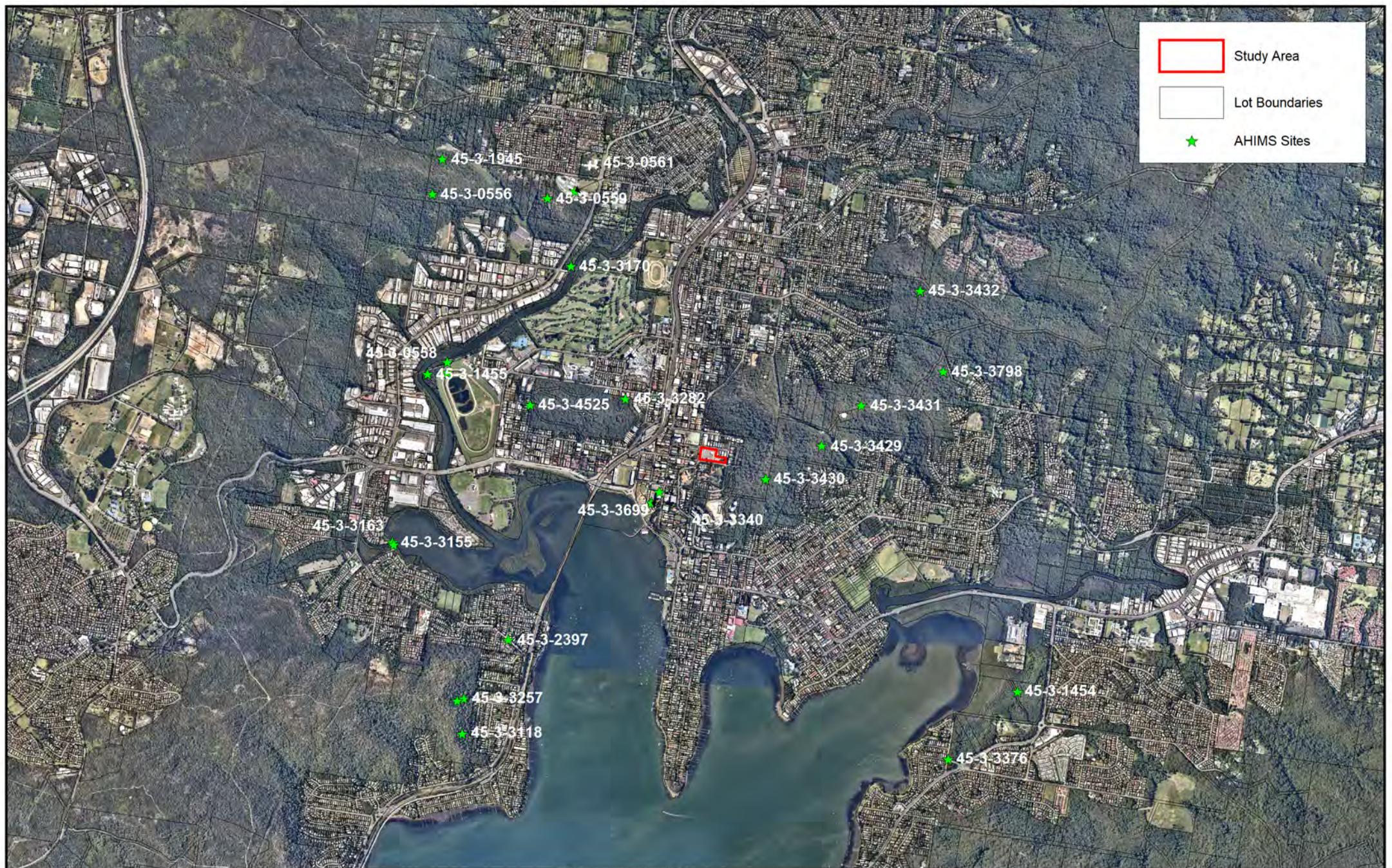
3.3 MATERIAL EVIDENCE OF ABORIGINAL LAND USE

3.3.1 AHIMS

An extensive 5km search centred on the study area was conducted of the AHIMS Register on 08 November 2022. A total of 25 sites were found to be registered as 'valid' (Figure 7). As can be seen in (Table 2) a wide variety of sites have been identified within 5km of the study area including shell middens, isolated stone artefacts and stone artefact scatters, grinding grooves and engravings and pigment art. Just under half of these were in rockshelters and the remaining were in open areas.

Table 1 Summary of registered Aboriginal heritage sites on AHIMS with 1km of the study area

Site ID	Site Name	Site features	Context
45-3-3155	Fagan's Bay	Shell: Artefact	Open Site
45-3-3163	Fagan's Bay	Shell: Artefact	Open Site
45-3-3118	BWNP Midden SWD Talinga Ave	Shell: Artefact	Closed Site
45-3-2397	Brisbane Water N.P	Art (pigment or engraved)	Closed Site
45-3-1454	Erina Avoca Drive	Shell: Artefact	Open Site
45-3-1455	Old Gosford Rd, Gosford Racecourse	Shell: Artefact	Open Site
45-3-0556	Narara	Art (pigment or engraved)	Closed Site
45-3-0558	Gosford, Narara Ck	Shell: Artefact	Open Site
45-3-0559	Gosford	Shell: Artefact	Closed Site
45-3-0561	Gosford	Grinding Groove: Artefact	Closed Site
45-3-1945	Strickland S.F. Two Hands and Charcoal SWA	Grinding Groove: Art (Pigment or Engraved)	Closed Site
45-3-3170	NC-M-1 (Gosford)	Shell	Open Site
45-3-3257	B.W.N.P. Point Claire; Stencil and Drawing SWA	Art (Pigment or Engraved): Shell	Closed Site
45-3-3282	Shelter with deposit	PAD; Shell	Closed Site
45-3-3340	Dane Drive PAD	PAD	Open Site
45-3-3376	Avoca Drive PAD	AD	Open Site
45-3-1456	Old Gosford Road (Gosford Racecourse)	Shell: Artefact	Open Site
45-3-3429	Rumbalara 1	Shell: Artefact	Closed Site
45-3-3430	Rumbalara 2	Artefact	Open Site
45-3-3431	Rumbalara 3	Artefact	Open Site
45-3-3432	Rumbalara 4	Shell: Artefact	Closed Site
45-3-3798	Rumbalara 5	Art (pigment or engraved)	Open Site
45-3-3699	ATO Mann Street	Artefact	Open Site
45-3-4373	Additional information from 45-3-3257	Art (pigment or engraved)	Closed Site
45-3-4525	Gosford CBD1	Shell	Open Site





3.3.2 PREVIOUS ARCHAEOLOGICAL ASSESSMENT

A number of previous archaeological assessments and research projects have been undertaken in the Central Coast region and within the immediate vicinity and current study area Table 3. In summary these have demonstrated that the whole of the region has been used by the Aboriginal people for at least the last 11,000 years. The combination of geology and climate within the Central Coast region created varied landscapes with numerous rivers and creeks that contained a plethora of natural resources that were used in their daily lives and would also have played a significant part in economic exchanges systems and ceremonial lives of Aboriginal people. However, the more recent archaeological assessments and excavations within the immediate study area have identified very little archaeological material. The few subsurface archaeological excavations that have been undertaken within Gosford area have been concentrated near the foreshore where there is a large amount of fill. Only a couple of stone artefacts have been located here in a disturbed context. Unfortunately, Gosford City has been heavily impacted by development since the 1800's that would have destroyed the majority of surface and subsurface archaeological material before it had been identified.

As with the registered Aboriginal sites, these studies and assessments are discussed in more detail in the Apex Archaeology (2023) Archaeological Report attached to this ACHA.

Table 2: Previous heritage assessments undertaken by archaeological consultants in the region

Consultant/Researcher	Date	Sites Identified/Type of Assessment or Study	Region
Patricia Vinnicombe	1980	Predictive model	Gosford And Wyong
Jo McDonald Cultural Heritage Management	2001	None	Woy Woy
Val Attenbrow	2003	Discussion of previous sites	Mangrove Mountain
AHMS	2007	One	Gosford
Insite Heritage	2011	None	Koolewong
AHMS	2011	2 PADs	Terrigal
RPS Harper Somers O'Sullivan	2011	None	Somersby, near Gosford
Attenbrow and Kononenko	2017	Usewear and residue analysis undertaken on ground-edged artefacts	Central Coast region
Extent Heritage Advisors	2019	None	Gosford
Heritage Now	2020	1site identified	Kariong
Archaeological Management and Consulting Group	2020	None (1 previously identified)	Mann Street, Gosford
Kleinfelder	2022	None	Empire Bay



3.4 ETHNOHISTORY

Ethnohistorical evidence is based on the reports of colonisers and do not tend to include the Aboriginal perspective, leading to a Eurocentric view of Aboriginality. Additionally, historical records can be contradictory and incomplete regarding the exact tribal boundaries and locations of ceremonial or domiciliary activities of Aboriginal people pre-contact within the Central Coast region. Boot (2002:58) notes:

The problem associated with ethnohistoric documents include their tendency to record unusual, rather than everyday events, and their focus on religious behaviour to the exclusion of woman and children (Attenbrow 1976:34; Sullivan 1983:12.4).

According to the Darkinjung Local Aboriginal Land Council (2022) the traditional boundaries of Darkinjung (Darkinyung) land extend from the Hawkesbury River in the south, Lake Macquarie in the north, the McDonald River and Wollombi up to Mt Yengo in the west and the Pacific Ocean in the east. Although it is not possible to determine how long these boundaries have existed, relatively recent research undertaken by the Australian Museum in conjunction with the University of New England shows the movement of ground-edged stone artefacts within these areas. Attenbrow et al. 2017 published some of their findings from a long-term research project that matched Aboriginal ground-edged stone artefacts, such as hatchets (axes) found within the Sydney Basin to their original geological source. The results showed that a number of ground-edged artefacts found along the coastal areas of the Central Coast matched the Peats Ridge-Popran creek basalt within the Mangrove Mountain area that is within the traditional lands of the Darkinjung people. Additionally, ground-edged artefacts found within the Mangrove Mountain area were found to match a cobble source along the banks of the Nepean-Hawkesbury River in the Castlereagh area of western Sydney. As noted by Attenbrow (2017:181), historical accounts documented by members of the First Fleet noted that Governor Phillip embarked on a trip along the Hawkesbury-Nepean River where he spoke with Aboriginal people collecting stones to make hatchets. Analysis of the reports by linguists in 2008 concluded that the people Governor Phillip conversed with on the banks of the Hawkesbury were Darkinjung-speakers who lived in what is now the Central Coast region (Attenbrow 2017:181).

A review of numerous historical maps and documents published since the late 1800s by white settlers regarding the original Aboriginal inhabitants of the Central Coast area shows there are contradictory theories on the names of the peoples who lived here at the time of contact. Over the past eight years considerable discussion has centred on the use of name Guringai in connection to their traditional boundaries. According to Laurie Bimson (2022), a traditional owner and director of the Guringai Tribal Link Aboriginal Corporation, Guringai Country is proposed to extend from Lane Cove River in Sydney to Lake Macquarie. In 2015, the Aboriginal Heritage Office (AHO) that is based in Sydney and supports a number of local government councils issued a document 'Filling a Void'. This was in response to numerous inquiries they



had received by local councils and the general public regarding the historical use of the word 'Guringai'. The AHO notes that regarding the Sydney area, original documents from those on the First Fleet recognised that there was a distinction in language or dialect between the Aboriginal people of the coast, inland and those further north of Broken Bay, but there was no record of the word Kuring-gai in the early accounts.

The AHO outlined that John Fraser's 1892 book was the first to state that the 'Kuringai' was a 'tribe' that stretched from the Macleay River (Northern Tablelands and Mid North Coast) to south of Sydney. It was suggested that it is possible that Fraser was influenced by the name of the Gringai tribe of the Hunter River district and 'kuri' for men. Variations of this name were then subsequently used by a number of researchers. In the 1960s linguist Arthur Capel reanalysed the south central coastline and identified that the Kuringgai (Guringai) was spoken on the north side of Port Jackson and extended to Tuggerah Lakes. Helen Brayshaw, a consultant archaeologist who completed her PhD on the Aboriginal people of the Hunter River district also noted that the 'Gringai' lived near the junction of the Paterson and Allyn Rivers in the Hunter region but refers to the 'kuringgai', following Fraser and Capel, as living in both north and south of Broken Bay.

As noted by the AHO other researchers did not support the existence of the Guringai's traditional boundaries to extend into the Sydney and Central Coast areas. For example, Scott and Bennett in 1873 referred to the 'Gringai tribe' as a sub-branch of numerous native people that once inhabited the lower portions of the Hunter and Karuah valleys. Additionally, entomologist, ethnologist and anthropologist Norman Tindale who produced the Australia-wide tribal boundaries map showing the distribution of the Aboriginal tribes of Australia removed Fraser's 'kuringgai' geographic range entirely. More recently an article published in the Koori Mail (December 4, 2019) by Mr Bob Syron, a Registered Aboriginal Owner of Worimi Guringai Lands, stated that his language group, Guringay/Gringai has been extensively recorded from the Port Stephens, Barrington and Dungog areas.

Although there is conflicting historical documentation of the people who once inhabited the Gosford area it is apparent that a thriving Aboriginal population inhabited the area prior to colonisation, and the arrival of European settlers dramatically and negatively impacted the Aboriginal people of the Central Coast Region.

In general, it is believed that Aboriginal society was constructed of a hierarchy of social levels and groups, with fluid boundaries (Peterson 1976). The smallest group comprising a family of a man and his wife/wives, children and some grandparents, referred to as a 'clan' (Attenbrow 2010). These clans formed bands, which were small groups of several families who worked together for hunting and gathering purposes (Attenbrow 2010). Regional networks were formed containing a number of



bands that generally shared a common language dialect and/or had a belief in a common ancestor. Networks would come together for specific ceremonial purposes.

The traditional lifestyles of Aboriginal groups depended largely on the environment in which they lived. Whilst coastal groups utilised marine and estuarine resources, hinterland groups relied on freshwater and terrestrial animals and plants. Gosford is within the coastal region which would have had an abundance of fish, shell fish and crustaceans, as well as small animals such as wallabies, possums, small birds and reptiles. These animals along with a variety of plant resources were available year-round within the Central Coast region and would have formed part of the Aboriginal peoples' diet.



4.0 ABORIGINAL CULTURAL HERITAGE SIGNIFICANCE ASSESSMENT

4.1 INTRODUCTION

Cultural or social significance can be defined as relating to the spiritual, traditional, historical and/or contemporary associations and values attached to a place or objects by Aboriginal people. Further, the tangible and intangible evidence of their cultural heritage is valued by Aboriginal people as it forms an essential part of their cultural identity and their connection to Country (DECCW 2010a).

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a) acknowledge that:

- Aboriginal people have the right to maintain their culture, language, knowledge and identity
- Aboriginal people have the right to directly participate in matters that may affect their heritage
- Aboriginal people are the primary determinants of the cultural significance of their heritage

Undertaking consultation with Aboriginal people ensures that potential harm to Aboriginal objects and places from proposed developments is identified and mitigation measures developed early in the planning process.

4.2 CRITERIA

The Burra Charter is considered an appropriate framework for the assessment of cultural heritage, which can be made based on the following assessment criteria:

- **Social value:** Also referred to as cultural value, this criterion considers the spiritual, traditional, historical or contemporary associations an area or place has for Aboriginal people
- **Historic value:** the relationship between a place and people, events, phases or activities of importance to the Aboriginal community
- **Scientific value:** assessment under this criterion considered the ability of a landscape, place, area or object to inform scientific research and/or analysis and to assist in answering research questions
- **Aesthetic value:** the ability of a place, area, landscape or object to demonstrate aesthetic characteristics, or possess creative or technical values

These should be graded so as to allow the significance to be described and compared as high, moderate or low.

4.3 SIGNIFICANCE ASSESSMENT

SOCIAL VALUE

The Aboriginal community are best placed to make a determination of the social or cultural value of the study areas. No specific comments regarding the social value



of the areas to Aboriginal people have been received from the RAPs to date, although it is noted that all areas with evidence of Aboriginal occupation hold significance to Aboriginal people.

HISTORIC VALUE

No previously recorded sites are located within the study area. The site is not known to have specific historic value to Aboriginal people.

SCIENTIFIC VALUE

No archaeological material was identified within the study area and it has been heavily disturbed by previous land use activities. It was not considered to hold value under this criterion.

AESTHETIC VALUE

Generally, aesthetic value is determined by the response evoked by a setting. The study area is not considered to have value under this criterion.

4.4 CULTURAL SIGNIFICANCE ASSESSMENT

Generally, all Aboriginal sites are of high significance and importance to the Aboriginal community, both locally and more broadly. The Aboriginal social or cultural value of the study area can only be determined by the Aboriginal community and to date, no comments have been received regarding the specific social significance of the study area.

4.5 STATEMENT OF ARCHAEOLOGICAL SIGNIFICANCE

The study area located at 136-146 Donnison Street, Gosford, is considered to have low Aboriginal cultural significance due to the lack of the cultural material present within the study area. It is acknowledged that the area was inhabited by Aboriginal people in the past and the evidence of this occupation existed within the wider area, even if it has subsequently been disturbed.



5.0 PROPOSED ACTIVITY

The proposed works will be undertaken in two stages. The first stage will involve the demolition of existing buildings and a substation, removal of existing on-site vegetation, extinguish easements and realignment of stormwater/sewer infrastructure. The next stage will involve the construction of three residential towers in the southern portion of the study area and two residential towers within the northern portions. There is also proposed underground carparking, inground swimming pools and landscaping. These activities, along with the implementation of services such as water, electricity and telecommunications are expected to result in subsurface excavations and modification to the natural landscape. There is also a probability that excavated soil will be removed from the study area or redeposited within it, and other fill may be introduced to the site.

5.1 JUSTIFICATION

The proposed works are for a mixed-use development that will contain residential apartments, business offices and retail outlets. The project will revitalise the Gosford area and provide business opportunities for the local community.



6.0 AVOIDING AND MINIMISING HARM

6.1 AVOIDANCE OF HARM

The study area does not contain Aboriginal archaeological evidence and thus no harm avoidance or mitigation is necessary.

6.2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

It is a requirement of Section 2A(2) of the NPW Act to apply the principles of Ecologically Sustainable Development (ESD) when considering any impact to Aboriginal objects and places. ESD integrates economic and environmental considerations, which includes cultural heritage, into decision-making processes. In general, ESD can be achieved through consideration and implementation of two key principles, being intergenerational equity and the precautionary principle.

Intergenerational equity refers to the present generation having consideration for the health, diversity and productivity of the environment for those generations to come. In terms of Aboriginal cultural heritage, this relates to cumulative impacts to Aboriginal objects and places within a region. Intergenerational equity therefore relies on the understanding that a reduction in the number of Aboriginal objects and places within a region results in fewer opportunities for Aboriginal people to access their cultural heritage in the future. Thus, it is essential to understand what comprises the Aboriginal heritage resource, both known and potential, when assessing intergenerational equity within a region.

The precautionary principle relates to threats of serious or irreversible environmental damage, and that lack of scientific certainty regarding the degree of potential damage should not be a reason to postpone adequate reasonable measures to prevent harm to the environment. Regarding Aboriginal cultural heritage, the precautionary principle relates to where a proposed development may seriously or irreversibly impact Aboriginal objects or places, or their significance; and where there may be uncertainty relating to the integrity, rarity or representativeness of Aboriginal cultural values. The Code of Practice outlines that a precautionary approach should be taken to avoid or reduce damage to Aboriginal objects or places, with cost-effective measures implemented wherever possible. Additionally, a cumulative impact assessment should be completed to determine how the proposed development would impact the cultural resource in the wider region.

Consideration should be given to the significance of the sites present within an area, and whether they are able to transmit cultural information to future generations, or to act as teaching aids.

The study area is assessed as being of low cultural significance, based on the information available at this stage.



6.2.1 INTERGENERATIONAL EQUITY

As no Aboriginal cultural material was identified within the study area, it is considered that the impact of the development of this site would be negligible with regards to the ongoing transmission of cultural knowledge to future generations. The proposal is not considered to impact on intergenerational equity.

6.2.2 CUMULATIVE IMPACTS

The cumulative impact of the project on the Aboriginal cultural resource must be considered as part of an assessment, and managed appropriately and sensitively. Avoidance of impact is the best practice approach wherever possible, particularly for sites that are intact, contain high numbers of artefacts, or are considered significant to the community.

In terms of cumulative impact, the site does not contain evidence of Aboriginal occupation. Overall, it is considered that the proposal has negligible impact on the Aboriginal cultural heritage of the region.

6.3 ABORIGINAL COMMUNITY INPUT

The RAPs have been consulted as part of this project, and their input, where received, has been incorporated into the report and recommendations.



7.0 RECOMMENDATIONS

The following recommendations are made on the basis of:

- The statutory requirements of the NP&W Act 1974;
- The requirements of Heritage NSW;
- The results of the cultural and archaeological assessment;
- An assessment of the likely impacts of the proposed development; and
- The interests of the registered Aboriginal stakeholders and the cultural heritage record.

It was found that:

- There were no previously registered sites within the study area.
- No surface artefacts were identified during the survey.
- No areas considered to have potential for subsurface archaeological deposits were identified within the study area.
- The area was considered to be disturbed throughout due to historical clearance, land use practices and development.
- The site is not considered to contain potential for Aboriginal cultural material to be present.

The following recommendations have been made.

RECOMMENDATION 1: NO FURTHER ARCHAEOLOGICAL ASSESSMENT REQUIRED

This report details the archaeological potential of the site, which has been assessed as negligible. No further archaeological assessment is required for the site. No application for an Aboriginal Heritage Impact Permit (AHIP) is necessary, as no Aboriginal heritage sites would be impacted by the proposed works.

RECOMMENDATION 2: DEVELOPMENT BOUNDARIES

The proposed development works must be contained within the assessed boundaries for this project. If there is any alteration to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in managing Aboriginal objects and places which may be present in an appropriate manner.

RECOMMENDATION 3: STOP WORK PROVISION

Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.



In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

RECOMMENDATION 4: REPORTING

One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database.

One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.



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APPENDIX A: CORRESPONDENCE LOG

22172 136-146 Donnison Street, Gosford, NSW – Consultation Log

Date	Type of Consultation	Parties Contacted	Outcome
10/10/2022	Requesting details of Aboriginal individuals or organisations with cultural knowledge of the area and who may wish to participate in consultation (Section 4.1.1 of ACHCRs)	Heritage NSW	17/10/2022 – emailed letter received with list of stakeholders for Central Coast LGA
		Darkinjung LALC	11/10/2022 – email received requesting registration for the project and advising they would like to be involved in all aspects of the project
		(Greater Sydney) LLS	No response
		Central Coast City Council	No response
		NTSCorp	No response
		ORALRA	No response
		National Native Title Tribunal	No response
25/10/2022	Advertisement for registrations of interest for consultation from Aboriginal people or organisations with cultural knowledge relevant to the area	Advertisement placed in <i>Newcastle Herald</i>	No responses
25/10/2022	Letters sent to identified individuals and organisations from Section 4.1.1 of ACHCRs Letter sent via email if address provided; and by post where email not available	A1 Indigenous Services	No response
		Corroboree Aboriginal Corporation	24/10/2022-email received form Marilyn Johnson requesting registration.
		Kawul Pty Ltd trading as Wonn1 Sites	No response
		Lower Hunter Aboriginal Incorporated	26/10/2022 – email received requesting registration.
		Michael Green Cultural Heritage Consultant	No response
		WATTAKA Pty Ltd	No response
		Widescope Indigenous Group	No response
		Didge Ngunawal Clan	No response
		Yinarr Cultural Services	No response
		Awabakal Traditional Owners Aboriginal Corporation	05/11/2022 – email received requesting.

	Metropolitan Local Aboriginal Land Council	No response
	Kevin Duncan	No response
	Awabakal & Guringai Pty Ltd	24/10/2022 – email received requesting registration. Rebecca Bryant emailed Tracie to advise Kerrie Brauer is on the NSW Heritage list for this organisation as well. Tracie replied to advise that Kerrie should be listed for Awabakal Traditional Owners Aboriginal Corporation. RB advised she will do so.
	Awabakal Descendants Traditional Owners Aboriginal Corporation	02/11/2022 – email received from
	B-H Heritage Consultants	No response
	Kyle Howie	No response
	Trudy Smith	No response
	Yvette and Jackson Walker	No response
	Sharon Hodgetts	No response
	Darkinjung Local Aboriginal Land Council	No response
	Guringai Tribal Link Aboriginal Corporation	No response
	Tim Selwyn	No response
	Metropolitan Local Aboriginal Land Council	No response
	Amanda Hickey Cultural Services	28/10/2022 – email received requesting registration
	Phillip Pullbrook	No response
	Renee Sales	No response
	Gunjeewong Cultural Heritage Aboriginal Corporation	28/10/2022 – email received requesting registration
	Woka Aboriginal Corporation	No response
	Kamilaroi Yankuntjatjara Working Group	01/11/2022- email received requesting registration
	Gomery Cultural Consultants	28/10/2022 – Received email requesting registration

		Yurwang Gundana Consultancy Cultural Heritage Services.	31/10/2022 -email received requesting registration.
		Trent Hodgetts	No response
		Glen Morris	No response
09/11/2022	Provision of project information and methodology	Darkinjung LALC	No response
		Amanda Hicky	No response
		Awabakal and Guringai Pty Ltd	No response
		Awabakal Traditional Owners Aboriginal Corporation	No response
		Gomeroy	No response
		Corroboree Aboriginal Corporation	No response
		Gunjeewong	No response
		Kamilaroi Yankuntjatjara Working Group	16/12/2002 – received an email advising the group agrees with the information and methodology but suggested that there is room for a ‘connecting to country’ design for the project. Rebecca Bryant from Apex Archaeology replied and advised that although Apex Archaeology has not been engaged to undertake this, she would advise the clients of the group’s suggestions.
		Lower Hunter Aboriginal Incorporated	No response
		Yurwang Gundana Cultural Heritage	12/11/2022 - email received from Merekai Bell advising they agree with the Information and Methodology document and would like to be part of field work
5/12/2022	Site Survey Confirmation	Darkinjung LALC	Sent confirmation email to Matthew Syron for site inspection but did not receive a response
6/12/2022	Site Survey Confirmation	Darkinjung LALC	Contacted Darkinjung LALC to confirm site survey as hadn’t received a response from Matthew Syron. Was advised that Matthew was not in the office, but the booking was in the calendar.

7/12/2022	Site Survey	Darkinjung LALC	Unfortunately, Matthew was unable to undertake the field inspection due to an unforeseen emergency that day.
9/6/2023	Provision of draft report to all RAPs for comment	Darkinjung LALC	17/7/2023 – late response received stating that DLALC agreed area highly disturbed, and supporting recommendation for all work to cease and to “communicate with the Aboriginal community on next steps” in the event of unexpected finds.
		Amanda Hickey	No response
		Awabakal and Guringai Pty Ltd	12/06/2023 – email of thanks received from Tracey Howie.
		Awabakal Traditional Owners Aboriginal Corporation	No response
		Gomeroy	No response
		Corroboree Aboriginal Corporation	No response
		Gunjeewong	No response
		Kamilaroi Yankuntjatjara Working Group	No response
		Lower Hunter Aboriginal Incorporated	No response
		Yurwang Gundana Cultural Heritage	No response



APPENDIX B: STEP 1 LETTERS AND RESPONSES

From: rebecca@apexarchaeology.com.au
To: ["undisclosed recipients"](#)
Bcc: adminofficer@oralra.nsw.gov.au; ask@centralcoast.nsw.gov.au; corrine.quinlan@dlalc.org.au; darkinjung@dlalc.org.au; gs.service@lls.nsw.gov.au; heritagemailbox@environment.nsw.gov.au; information@ntscorp.com.au
Subject: 136-146 and 148 Donnison Street, Gosford - Commencement of Aboriginal Cultural Heritage Assessment
Date: Monday, 10 October 2022 3:59:08 PM
Attachments: [image001.png](#)
[22172 136-146 148 Donnison St Gosford Consultation letter -ACHA.pdf](#)

Good afternoon,

Please find attached a letter requesting contact details for any Aboriginal individuals or organisations who may be interested in being consulted for a project at 136-146. 148 Donnison Street, Gosford, NSW within the Central Coast Council LGA

Please feel free to contact me if you have any questions at all.

Warm regards,



10 October 2022

**Establishing a Register of Interest for an Aboriginal Cultural Heritage Assessment –
development proposal, 136-146 and 148 Donnison Street, Gosford, NSW**

This letter is sent in accordance with Section 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRs) in order to initiate Stage 1 of the Aboriginal consultation process in relation to the above project.

The Bathla Group (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 136-146 and 148 Donnison Street, Gosford, NSW (Figure 1 and Figure 2). The land is legally defined as Lot 6 DP 598833 and Lot 1 DP 540292. The project is located within the Central Coast LGA. The project is being assessed as part of a State Significant Development Application (SSDA) and the ACHA is required to address the Secretary's Environmental Assessment Requirements (SEARs) for the project under Schedule 3, Part B.

A process of Aboriginal community consultation in accordance with the ACHCRs is being initiated by Apex Archaeology on behalf of the proponent. Apex Archaeology will be undertaking a full archaeological assessment under the ACHCRs.

In accordance with Section 4.1.2 of the ACHCRs, I am writing to request any information you may have regarding Aboriginal stakeholders who may have cultural knowledge relevant to determining the significance of Aboriginal objects that may be located within the study area. Any identified Aboriginal individuals or organisations will be invited to register an interest in the project and participate in the consultation process.

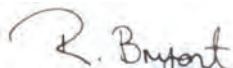
The proponent's project manager is Jaimin Desai who can be contacted via email at jaimin.desai@bathla.com.au

Information regarding Aboriginal stakeholders can be sent to PO Box 236, Nowra, NSW 2541, or rebecca@apexarchaeology.com.au. I am available to assist with any inquiries about the process and can be contacted by telephone on 0405 236 821.

We would appreciate a response within 14 days of the date of this letter wherever possible.

Kind regards,

Rebecca Bryant



Archaeologist
Apex Archaeology
E: rebecca@apexarchaeology.com.au
M: 0405 236 821



Figure 1: Location of study area (red flag within red circle) within Gosford (Source: SixMaps 2022)



Figure 2: Location of study area (shaded in red) within Gosford (Source: SixMaps 2022)

From: rebecca@apexarchaeology.com.au
Sent: Tuesday, 1 November 2022 2:39 PM
To: 'Glenn Cannard'
Subject: RE: 136-146 and 148 Donnison Street, Gosford - Commencement of Aboriginal Cultural Heritage Assessment

Good afternoon Glenn,

Thank you very much for your reply.

I have contacted the Dakinjung LALC and they have registered for the project.

Warm regards,

Rebecca

From: Glenn Cannard <Glenn.Cannard@centralcoast.nsw.gov.au>
Sent: Monday, 31 October 2022 11:55 AM
To: rebecca@apexarchaeology.com.au
Subject: RE: 136-146 and 148 Donnison Street, Gosford - Commencement of Aboriginal Cultural Heritage Assessment

Hi Rebecca,

Apologies in the delayed response, this has just recently been brought to my attention.

Given the local situation Council generally advise you contact the local Darkinjung Local Aboriginal Land Council initially on matters related to cultural consultation with the local Aboriginal community.

There CEO is Brendan Moyle and he can be reached on brendan.moyle@dlalc.org.au

Kind Regards
Glenn

Glenn Cannard
Unit Manager
Community and Culture
Central Coast Council
P.O. Box 20 Wyong, NSW 2259
t: 02 4325 8348
m: 0417 386 449
e: Glenn.Cannard@centralcoast.nsw.gov.au



 Please consider the environment before printing this email

From: rebecca@apexarchaeology.com.au <rebecca@apexarchaeology.com.au>

Sent: Monday, 10 October 2022 3:59 PM

To: 'undisclosed recipients' <jenni@apexarchaeology.com.au>

Subject: 136-146 and 148 Donnison Street, Gosford - Commencement of Aboriginal Cultural Heritage Assessment

[EXTERNAL EMAIL] Do not click any links or attachments unless you have checked the sender and trust the content is safe. If you are unsure, please report this to I&T Service Desk via the Portal.

Good afternoon,

Please find attached a letter requesting contact details for any Aboriginal individuals or organisations who may be interested in being consulted for a project at 136-146. 148 Donnison Street, Gosford, NSW within the Central Coast Council LGA

Please feel free to contact me if you have any questions at all.

Warm regards,



rebecca@apexarchaeology.com.au

From: Matthew Syron <Matthew.Syron@dlalc.org.au>
Sent: Tuesday, 11 October 2022 10:50 AM
To: rebecca@apexarchaeology.com.au
Subject: 136-146 and 148 Donnison Street, Gosford, NSW

Yaama Rebecca,

Darkinjung LALC, would like to be involved in this upcoming Project and wish to kept up to date with any processes that we may be able to help with.

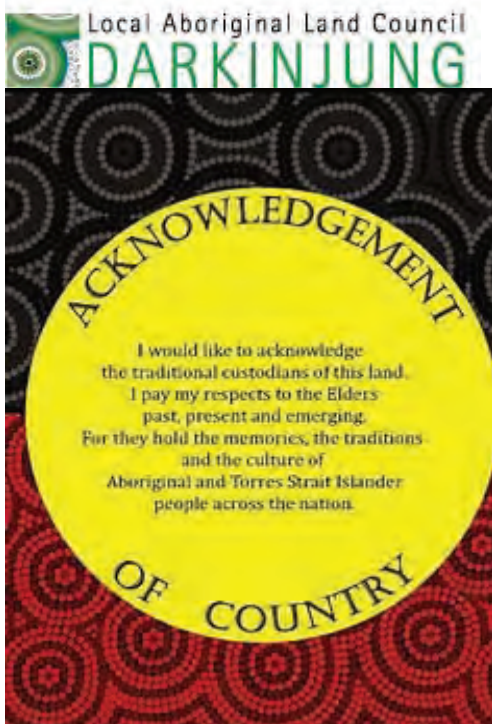
Please let me know of any site meetings planned as I would very much like to attend and as our books are filling up quick I'd like to lock this in ASAP.

Yilaalu

Matthew Syron

Senior Cultural & Heritage Officer

0416 330 099



Sent from [Mail](#) for Windows



Heritage NSW
Department of Planning and Environment

Our reference: Doc22/901077

Rebecca Bryant
Archaeologist
Apex Archaeology
Po Box 236
Nowra NSW 2541

17/10/2022

Dear Rebecca,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECCW ABORIGINAL
CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

Subject: 136-146 and 148 Donnison Street, Gosford, NSW.

Thank you for your correspondence dated 10 October 2022 to Heritage NSW (Department of Premier and Cabinet) regarding the above project.

Attached is a list of known Aboriginal parties for the proposed development at the **Central Coast** Local Government Area that Heritage NSW considers likely to have an interest in the activity.

Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties.

Receipt of this list does not remove the requirement of a proponent/ consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

Under Section 4.1.6. of the Consultation Requirements, you must also provide a copy of the names of each Aboriginal person who registered an interest to the relevant Heritage NSW office and Local Aboriginal Land Council (LALC) within 28 days from the closing date for registering an interest.

Please note that the contact details in the list provided by Heritage NSW may be out of date as it relies on Aboriginal parties advising Heritage NSW when their details need changing. If individuals/companies undertaking consultation are aware that any groups contact details are out of date, or letters are returned unopened, please contact either the relevant stakeholder group (if you know their more current details) and/or Heritage NSW. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.

If you have any questions about this advice, please email:
heritagemailbox@environment.nsw.gov.au or contact (02) 9873 8500.

Yours sincerely



Barry Gunther, Aboriginal Senior Assessment Officer
Environment and Heritage – Heritage NSW
Department of Planning and Environment
Aboriginal Heritage Regulation Branch – South Heritage NSW

Attachment A:

Registered Aboriginal Interests DPE RAP List for the **Central Coast** Local Government Area.

From: [LLS GS Service Mailbox](#)
To: rebecca@apexarchaeology.com.au
Subject: Re: 136-146 and 148 Donnison Street, Gosford - Commencement of Aboriginal Cultural Heritage Assessment
Date: Tuesday, 11 October 2022 1:58:17 PM
Attachments: [image001.png](#)
[Outlook-NSW Govern.png](#)
[Outlook-rkfwzrw4.png](#)
[Outlook-yicgvocx.png](#)
[Outlook-ncu2f1ea.png](#)
[Outlook-4hfxlyl.png](#)

Dear Ms Bryant

Thank you for your recent letter seeking assistance to identify Aboriginal stakeholder organisations and persons who may hold an interest in Country at the project area designated in your correspondence.

Greater Sydney Local Land Services (GS LLS) acknowledges that Local Land Services (formerly as Catchment Management Authorities) has been listed in Section 4.1.3.(g) of the Aboriginal Cultural Heritage Consultation requirements for proponents 2010, to support Part 6, of the NSW National Parks and Wildlife Act 1974 as a source of information to obtain the 'names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places'.

GS LLS understands and respects the significant role and values that tangible and intangible Aboriginal Cultural Heritage holds for First Nations/Aboriginal people with Country. GS LLS also partners with many First Nations communities on Caring for Country projects that aim to protect and enhance those tangible and intangible values in Country including Aboriginal Cultural Heritage. GS LLS considers Aboriginal Cultural Heritage matters in relation to its role in land management and considers cultural heritage issues in the context of Natural Resource Management.

However, GS LLS feels that it is not a primary source of contact for First Nations (Aboriginal) communities or persons that may inform or provide comment on development or planning issues.

GS LLS strongly recommends you contact Heritage NSW to seek their advice on all-inclusive contact lists of persons and organisations who 'speak for Country' and that may assist with your investigation.

Regards

Customer Service Team
Local Land Services | Greater Sydney
Department of Regional NSW

Level 4, 2-6 Station Street Penrith
PO Box 4515 WESTFIELD PENRITH

Office Hours: 8.30am - 4.30pm

E: gs.service@lls.nsw.gov.au | **W:** www.lls.nsw.gov.au



Department of Regional NSW

You can also get in touch with us is through our [online enquiry form](#)

How would you rate our service today?



Your opinion is valuable and will help us improve our service

Greater Sydney Local Land Services acknowledges we operate in and deliver services throughout Country of First Nations people in the Greater Sydney Region.

We recognise and respect Elders and cultural knowledge holders, past and present, while acknowledging the unique and diverse enduring cultures and histories of all First Nations people. Always was and always will be Aboriginal land.

From: rebecca@apexarchaeology.com.au <rebecca@apexarchaeology.com.au>

Sent: Monday, 10 October 2022 3:58 PM

To: 'undisclosed recipients' <jenni@apexarchaeology.com.au>

Subject: 136-146 and 148 Donnison Street, Gosford - Commencement of Aboriginal Cultural Heritage Assessment

Good afternoon,

Please find attached a letter requesting contact details for any Aboriginal individuals or organisations who may be interested in being consulted for a project at 136-146. 148 Donnison Street, Gosford, NSW within the Central Coast Council LGA

Please feel free to contact me if you have any questions at all.

Warm regards,



Show search results for Gos...

Measurement



Kilometers

Measurement Result

3.02 Kilometers

Clear

Press CTRL to enable snapping

Search result

Gosford Town Centre Car Park, Albany St N,
Gosford, Central Coast, New South Wales,
2250, AUS

[Zoom to](#)



APPENDIX C: STEP 2 LETTERS AND RESPONSES

From: rebecca@apexarchaeology.com.au
To: "undisclosed recipients"
Bcc: Amandahickey@live.com.au; bunyipnick50@gmail.com; cazadirect@live.com; corroboreecorp@bigpond.com; darkinoong@gmail.com; darrenhampton4@gmail.com; deshickey@bigpond.com; didgengunawalclan@yahoo.com.au; dontminemeay@gmail.com; Gunjeewongculturalheritage21@hotmail.com; hamptonralph46@gmail.com; hunters_1@bigpond.com; kerrie@awabakal.com.au; kevin.duncan@bigpond.com; kinghampton77@gmail.com; kyle@guringai.com.au; leannekirkman1964@gmail.com; lowerhunterai@gmail.com; mischelle.morris@outlook.com; ngunawal56@outlook.com; peterleven@y7mail.com; philipkhan.acn@live.com.au; pipulbrook@gmail.com; sharonhodgetts@hotmail.com; tim@girrigirra.com.au; trenthodgetts@gmail.com; widescope.group@live.com; wokacorp@yahoo.com; Wonn1sites@gmail.com; yinarculturalservices@bigpond.com; Yurwang.Gundana.C.H.S@outlook.com; yvettewalker1@hotmail.com
Subject: RE: 136-146, 148 Donnison Street, Gosford - Invitation to register
Date: Tuesday, 25 October 2022 9:48:39 AM
Attachments: [image001.png](#)
[22172 136-146 148 Donnison St Gosford -Stakholder Invitation.pdf](#)

Good morning,

Your details have been provided by Heritage NSW as an Aboriginal person or organisation who might like to take part in consultation for a project at 136-146, 148 Donnison Street, Gosford, NSW.

Please find attached a letter with more information and inviting you to register your interest by the close of business, Tuesday 8th November 2022.

Please get in touch if you have any questions. I look forward to hearing from you.

Kind regards,



Rebecca Bryant
ARCHAEOLOGIST
0405 236 821
REBECCA@APEXARCHAEOLOGY.COM.AU
WWW.APEXARCHAEOLOGY.COM.AU

25 October 2022

Establishing a Register of Interest for an Aboriginal Cultural Heritage Assessment – development proposal, 136-146 and 148 Donnison Street, Gosford, NSW.

This letter is sent in accordance with Section 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRs) in order to initiate Stage 1 of the Aboriginal consultation process in relation to the above project.

The Bathla Group (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 136-146 and 148 Donnison Street, Gosford, NSW (Figure 1 and Figure 2). The land is legally defined as Lot 6 DP 598833 and Lot 1 DP 540292. The project is located within the Central Coast LGA. The project is being assessed as part of a State Significant Development Application (SSDA) and the ACHA is required to address the Secretary's Environmental Assessment Requirements (SEARs) for the project under Schedule 3, Part B.

The purpose of consultation with Aboriginal people for this project is to assist the proponent in identifying Aboriginal people with cultural knowledge relevant to determining the significance of Aboriginal objects at this location.

The proponent invites Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and places within the study area to register an interest in the process of Aboriginal community consultation.

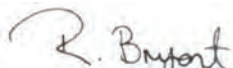
Please consider whether it is culturally appropriate for you to be consulted for this project prior to registering your interest in consultation.

Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to both Heritage NSW and the Darkinjung Local Aboriginal Land Council (DLALC). Please advise at the time of registration if you do not wish for your details to be forwarded to either entity.

The project manager is Jaimin Desai who can be contacted via email at jaimin.desai@bathla.com.au. Aboriginal stakeholders can register their interest by PO Box 236, Nowra, NSW 2541; via phone on 0405 236 821; or via rebecca@apexarchaeology.com.au

Registrations of interest will be accepted until close of business, **Tuesday 8 November 2022.**

Kind regards,
Rebecca Bryant



Archaeologist
Apex Archaeology
E: rebecca@apexarchaeology.com.au
M: 0405 236 821

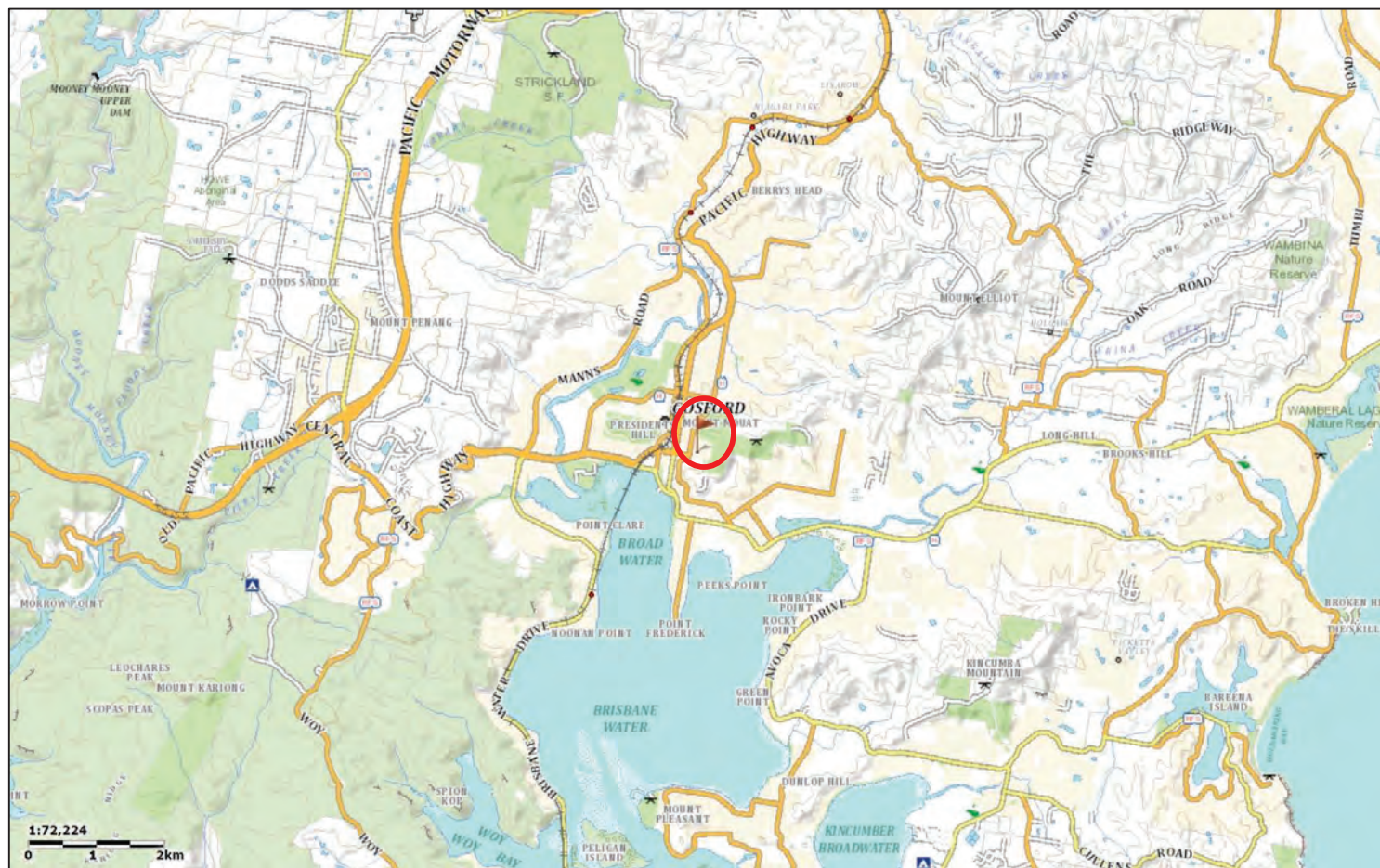


Figure 1. Approximate location of proposed development indicted by flag circled in red (Source: Six Maps NSW Government 2022)



Figure 2: Location of study area (shaded in red) within Gosford (Source: SixMaps 2022)



APPENDIX D: ADVERTISEMENT

Connect with Classifieds

NEWCASTLE
HERALD

Phone: 131 696
Email: classifieds@newcastleherald.com.au



NEWCASTLE
HERALD

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Place a Classifieds ad

- 131 696
- classifieds@newcastleherald.com.au
- Save time, submit online 24/7 addirect.com.au

Print and online packages available throughout Australia

Advertising self service enquiries: acmadonline@austcommunitymedia.com.au



Self Service

In Memoriam



MCCLELLAND
Carmen M.,

In loving memory of the worlds' best mum,
I miss you each and every day,
Your loving son,
Ron

For Sale

A range of preloved 4 wheel mobility scooters

In top condition
Workshop checked, all with front baskets and rear bags

Free delivery
0418 430 643

careerone

Wanted to Buy

TOOLS old tools, guitars, fishing items, old model trains and cars, jewellery, Dvd/Cd. Riz 0431 296741

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#1 CASH FOR CARS

If you've got old cars give Yogi a call and we will give you some cash
0487 810 022
7 days a week!!!

SHOP ONLINE FOR LESS

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Public Notices



NOTICE OF INTENT TO TREAT AQUATIC WEEDS

In accordance with the conditions imposed on Licence Number 5346 issued by the NSW Environment Protection Authority and pursuant to the Protection of the Environment Operations Act 1997, notice is given that Hunter Water intends to treat aquatic weeds within the waters and wetland of Balickera Canal.

The herbicides 'Roundup Biactive' (active ingredient Glyphosate) and 'Brushoff' (active ingredient Metsulfuron-Methyl) will be used to treat weeds in the Balickera Canal and the northern section of Grahamstown Dam.

This work will be carried out by qualified contractors during November and December 2022, weather conditions permitting.

Under the terms and conditions of the Licence, the following warning is provided to customers in the subject area: "not to use, drink or swim in the water" during the period of treatment.

Any further enquiries may be directed to Rhys Blackmore, Catchment Operations on 1300 657 657.

hunterwater.com.au



Aboriginal Cultural Heritage Assessment Invitation to Register Interest - HN534-A

Heritage Now is acting for Empire Marinas Group (EMG) with respect to potential on-land and on-water alterations and additions (the Potential Project) at its Marmong Point Marina. Marmong Point Marina is located at Marmong Point on the north-western shores of Lake Macquarie, 15 kilometres south-west of Newcastle.

We are requesting Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage within and adjoining the existing extent of Marmong Point Marina to register with us for consultation on the Potential Project. Further details regarding the Potential Project will be provided to people who register.

Records of the consultation undertaken will be included in an Aboriginal Cultural Heritage Assessment (ACHA), which we will prepare for the Potential Project. In the event that EMG ultimately submits a Development application for the Potential Project, the ACHA will be included in that application to assist the Consent Authority to understand the significance of Aboriginal cultural heritage in relation to the Potential Project and whether an Aboriginal Heritage Impact Permit (AHIP) is required with respect to any works proposed in the Potential Project. If an AHIP is ultimately required, the consultation recorded in the ACHA will assist EMG prepare the AHIP application and assist the Department of Premier and Cabinet Secretary (or a delegate under the National Parks and Wildlife Act 1974) in his or her consideration and determination of the AHIP application.

In accordance with the *Aboriginal Cultural Heritage Consultation Requirements 2010*, please send your registration to:

Jenna Weston
1/48 Kalaroo Road, Redhead NSW 2290
hello@heritagenow.com.au by 8 November 2022.

Please be advised that your details will be forwarded to Heritage NSW and the Local Aboriginal Land Council, unless you inform us that you do not want your details released.

Public Notices

Aboriginal Cultural Heritage Assessment; 136-146 and 148 Donnison Street, Gosford, NSW

Notification and Registration of Aboriginal Interests

The Bathla Group (the proponent) has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed Development at 136-146 and 148 Donnison Street, Gosford, NSW. The land is legally defined as Lot 6 DP 598833 and Lot 1 DP 540292. The project is located within the Central Coast LGA. The proponent's project manager is Jaimin Desai who can be contacted via email at jaimin.desai@bathla.com.au

The assessment will inform a State Significant Development Application under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* and is required to include Aboriginal community consultation in accordance with the Section 4.1.3 of the *Heritage NSW Aboriginal cultural heritage consultation requirements for proponents*. The purpose of consultation with Aboriginal people is to assist the Department of Premier and Cabinet (DPC) in the DPC Secretary's consideration and determination of the application.

The proponent invites Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and places within the study area to register an interest in the process of Aboriginal community consultation.

Please note that details of the Aboriginal people or organisations who register an interest in consultation will be forwarded to both Heritage NSW and the Darkinjung Local Aboriginal Land Council (DLALC). Please advise at the time of registration if you do not wish for your details to be forwarded to either entity.

Please consider if it is culturally appropriate for you to be consulted for this project before registering your interest.

Aboriginal stakeholders can register their interest by post to PO Box 236, Nowra, NSW 2541; via phone on 0405 236 821; or via rebecca@apexarchaeology.com.au. Please include the name and contact details of your preferred contact person in your registration.

Registrations will be accepted until COB Tuesday 8 November 2022.

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APPENDIX E: METHODOLOGY, COVER LETTERS AND RESPONSES

136-146 & 148 DONNISON STREET, GOSFORD, NSW

METHODOLOGY AND PROJECT INFORMATION

LGA: Central Coast

November 2022





Apex Archaeology would like to acknowledge the Aboriginal people who are the traditional custodians of the land in which this project is located. Apex Archaeology would also like to pay respect to Elders both past and present.

DOCUMENT CONTROL

The following register documents the development and issue of the document entitled '136-146 and 148 Donnison Street, Gosford, NSW – Methodology and Project Information', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared by	Reviewed by	Comment	Issue Date
1 – Draft	Rebecca Bryant	Jenni Bate	Issue for RAP review	9 November 2022



GLOSSARY OF TERMS

Aboriginal Object	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
ACHA	Aboriginal Cultural Heritage Assessment
ACHCRs	The DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i>
AHIMS	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
AHIP	Aboriginal Heritage Impact Permit
BP	Before Present, defined as before 1 January 1950.
Code of Practice	The DECCW September 2010 <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>
Consultation	Aboriginal community consultation in accordance with the DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> . Consultation is not a required step in a due diligence assessment; however, it is strongly encouraged to consult with the relevant Local Aboriginal Land Council and to determine if there are any Aboriginal owners, registered native title claimants or holders, or any registered Indigenous Land Use Agreements in place for the subject land
DA	Development Application
DECCW	The Department of Environment, Climate Change and Water – now Heritage NSW
Disturbed Land	If land has been subject to previous human activity which has changed the land's surface and are clear and observable, then that land is considered to be disturbed
DPIE	Department of Planning, Industry and Environment
Due Diligence	Taking reasonable and practical steps to determine the potential for an activity to harm Aboriginal objects under the <i>National Parks and Wildlife Act 1974</i> and whether an application for an AHIP is required prior to commencement of any site works, and determining the steps to be taken to avoid harm
Due Diligence Code of Practice	The DECCW Sept 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>
GIS	Geographical Information Systems
GSV	Ground Surface Visibility
Heritage NSW	Heritage NSW in the Department of Premier and Cabinet, responsible for heritage matters within NSW
Harm	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i>
OEH	Office of Environment and Heritage – now Heritage NSW
RAPs	Registered Aboriginal Parties



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1.0 INTRODUCTION

The Bathla Group has engaged Apex Archaeology to assist in preparing an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed development at 136-146 and 148 Donnison Street, Gosford, NSW.

A process of Aboriginal community consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (the ACHCRs) has been initiated by Apex Archaeology.

The following document provides information about the project, and outlines the detailed methodology for cultural heritage assessment, field survey and test excavation (as required) that Apex Archaeology will be utilising for this project, along with the proposed heritage management activities. It has been developed to address requirements of Section 4.3 in the ACHCRs. The assessment would also be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice).

1.1 STUDY AREA AND PROJECT BRIEF

The study area (Figure 1) is located within the city of Gosford, which is approximately 77 km north of the Sydney CBD, and within the Central Coast Local Government Area (LGA). The study area is located at 136 -146 and 148 Donnison Street, Gosford, NSW (Figure 2). It is approximately 3.6 ha in size and is legally defined as Lot 6 DP 598833 and Lot 1 DP 540292. The proposed development is for the construction of five multistorey building towers for mixed-use development, which includes residential apartments, business offices and retail outlets (Figure 3).

These works will be assessed as a State Significant Development (SSD-9813) under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979*. The Independent Planning Commission as the declared consent authority has required that an Aboriginal Cultural Heritage Assessment report as per requirement in Schedule 2, C16 p.8 and Schedule 3, B1-B4 (P.19) be prepared. This is to be undertaken in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

As a result, Apex Archaeology has been engaged to undertake this project to assist the consent authority in their assessment of the proposal.

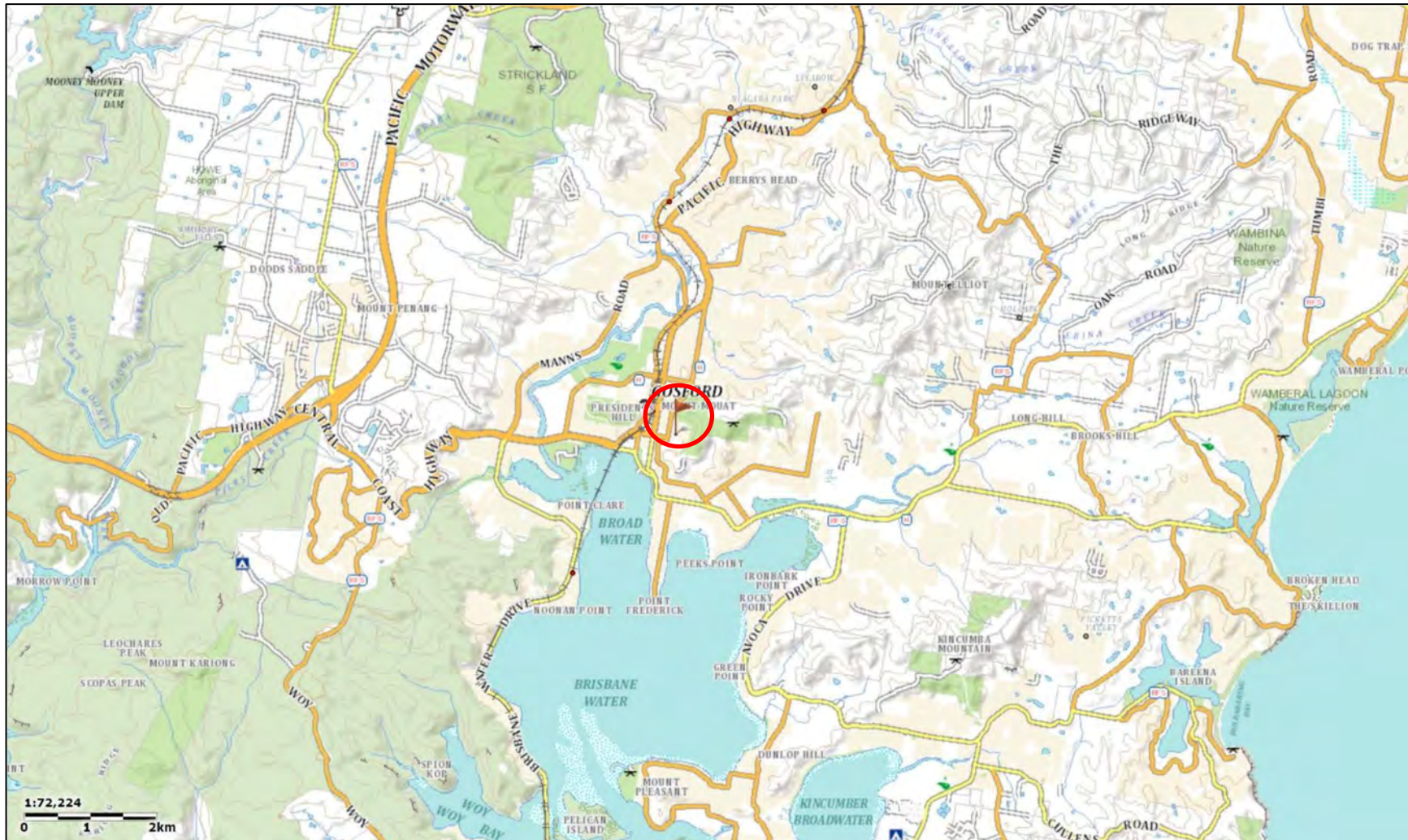


Figure 1: Study area (circled in red) in its regional context (Source: NSW Imagery 2022)



Figure 2: Study area within 136-146 and 148 Donnison Street, Gosford, NSW (Source: Google Maps 2022).

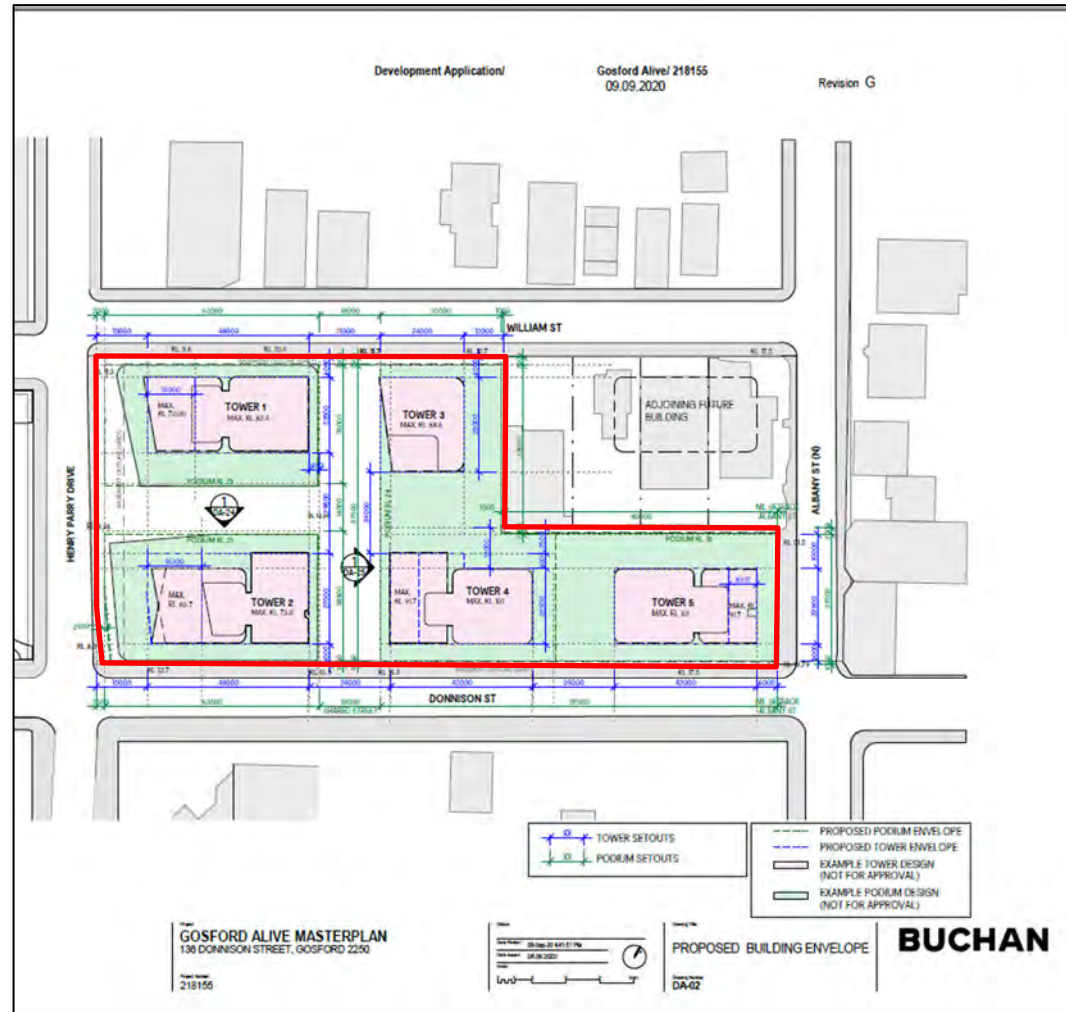


Figure 3: Proposed layout of mix-development towers within study area outline in red (Source: Buchan 2020)



1.2 PURPOSE OF CONSULTATION

In accordance with the ACHCRs, the purpose of consultation with Aboriginal people and organisations is to:

- Understand Aboriginal people's views and concerns about the proposed project;
- Understand the Aboriginal cultural heritage values present within the area;
- Assist in gathering relevant information about the cultural significance and values of the area;
- Consider cultural and scientific significance and values as part of the design of the methodology;
- Assist in developing cultural heritage management options and recommendations for the area; and
- To assist the Chief Executive in their consideration and determination of any AHIP application that may be required.

Please note, Section 3.4 of the ACHCRs states the following:

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation...The proponent is not obligated to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

Reasonable costs will be paid by the proponent to any Aboriginal people engaged to assist with site inspections or other activities which may be required, such as salvage excavation. However, these activities are separate to the consultation process and do not form part of the process itself.

1.3 COVID POLICIES

Apex Archaeology takes the safety of our staff and the wider community very seriously. All recommendations from both the NSW Government and NSW Health will be implemented as necessary, including social distancing, wearing of masks, limiting the number of participants in meetings, ensuring adequate locations for meetings are selected if they should occur, and any other restrictions that may be implemented. As such, we are encouraging communications via phone, email, post, or video conferencing as appropriate.



2.0 CULTURAL HERITAGE ASSESSMENT

Apex Archaeology recognises that “Aboriginal people are the primary determinants of the cultural significance of their heritage” (DECCW 2010). As such, Apex Archaeology will consult with the Aboriginal community to provide an opportunity for cultural knowledge relating to the study area to be recorded and included in the Cultural Heritage Assessment.

As the need for test excavation in this instance is not known, a methodology has been prepared to guide test excavations and prepare a test excavation report in accordance with the *2010 Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (Code of Practice) if required. The steps involved are presented below.

2.1 FULL ASSESSMENT

A full assessment would comprise production of an Aboriginal Cultural Heritage Assessment Report (ACHAR) to meet the ACHCRs and an Archaeological Technical Report (ATR) to meet the Code of Practice requirements.

The ACHAR would outline the results of the Aboriginal community consultation, while the ATR would outline the results of the Aboriginal archaeological assessment of the study area. The report would be prepared in order to support any Aboriginal Heritage Management Plan if necessary. The Consultation Guidelines and the Code of Practice are complementary and work with each other to allow a comprehensive assessment of Aboriginal cultural heritage within an area.

2.2 THE ACHCRs

The *Aboriginal cultural heritage consultation requirements for proponents* (ACHCRs) detail how consultation with the Aboriginal community is to be undertaken in order to assess the cultural significance of an area. There are four stages, as detailed below. Each stage has statutory timeframes associated to ensure sufficient time is allowed for registered Aboriginal parties (RAPs) to provide an appropriate response.

STAGE 1: NOTIFICATION OF PROJECT PROPOSAL AND REGISTRATION OF INTEREST

Stage 1 requires a list of Aboriginal people who may have cultural knowledge relevant to the area to be prepared from several sources of information. The first step requires enquiries to be made of certain statutory bodies regarding whether they are aware of Aboriginal people or organisations that may have an interest in the study area, and their contact details. Any Aboriginal people or organisations identified in this step must be contacted and invited to register an interest in the project. In addition, a notification must be placed in local print media requesting Aboriginal people or organisations to register their interest in the project. A list of those who register an interest must be compiled. A minimum of 14 days from the date of the letter or newspaper advertisement must be allowed for registrations of interest.



This stage has been completed for this project and a total of nine Aboriginal stakeholders have registered an interest in being consulted for the project.

STAGE 2: PRESENTATION OF INFORMATION ABOUT THE PROPOSED PROJECT

During Stage 2, information about the proposed project is provided to the RAPs, including location, scale, proposed development plans, timeframes, methodologies and any other relevant details relating to the project.

STAGE 3: GATHERING INFORMATION ABOUT CULTURAL SIGNIFICANCE OF THE PROJECT

During Stage 3, RAPs are invited to share information about the cultural significance of the study area, which can assist in the assessment of the cultural significance of the Aboriginal objects and/or places within the study area. The cultural heritage assessment informs and integrates with the scientific assessment of significance and therefore can assist in the development of mitigation and management measures for the project. Any feedback must be considered and implemented as appropriate into the methodology.

In this instance Apex Archaeology is providing this document in fulfilment of Stage 2 and 3 of the Consultation Guidelines.

STAGE 4: REVIEW OF DRAFT CULTURAL HERITAGE ASSESSMENT REPORT

Stage 4 sees the preparation of the draft ACHA Report, which details the results of the cultural heritage assessment. The draft is provided to the RAPs for their review and comment. A minimum of 28 days to comment on the ACHAR must be allowed. All comments must be addressed in the final document and the proponent's response to RAP comments must be included. Copies of any submissions received from RAPs must be included in the final ACHAR.

2.3 THE CODE OF PRACTICE

The Code of Practice provides a guideline for undertaking the archaeological and scientific assessment of Aboriginal archaeological sites within NSW. There are a number of requirements to be followed which will enable an assessment of the nature and extent of any archaeological deposits within the study area.

Previous archaeological work within an area can provide important information about the archaeological context of an area which can be used in the development of a predictive model for the specific study area, along with the ethnohistorical context of a study area. Sources of information include previous archaeological assessment reports and searches of the Aboriginal Heritage Information Management System (AHIMS), and the results will be included in the ACHAR prepared for the project.

An understanding of the landscape context in which a study area is located can assist in the assessment of the likelihood of archaeological material being preserved (if present), and if it is likely to be present, how well it may have been preserved. It can also assist in predicting how Aboriginal people may have used the area in the



past and therefore how any archaeological material may have been distributed across the landscape. A number of factors must be included, such as past land use, landforms present, geomorphic activity within the study area, any erosion, types of soils present and natural resources within the area.

Based on the information identified during the above process, a predictive model of Aboriginal land use of the area will be developed, which considers how archaeological evidence may have been distributed across the landscape. This predictive model will include an assessment of how and why Aboriginal people may have utilised the area in the past (for example, for subsistence activities, camping, ceremonial purposes, etc) and will consider both the spatial and temporal relationships of archaeological sites. Statements about the archaeological potential of specific areas within the study area will be made and presented in the ATR.

2.4 TEST EXCAVATION

This document forms a part of the Aboriginal community consultation in accordance with the Consultation Guidelines, which must have been implemented and completed to the stage of inviting comments on the methodology at a minimum, prior to undertaking test excavation. A detailed sampling strategy for both survey and test excavation is also proposed in this document. At this stage, the need for test excavation has not yet been determined. In the event test excavations are required within the study area, they would be undertaken in accordance with the detailed methodology proposed in Section 3.3.

Test excavations must be conducted in accordance with Requirement 16 of the Code of Practice, which details the size of test pits, spacing, sieving methodology, and other details relating to test excavations. Any archaeological objects recovered during excavation must be recorded and managed appropriately.

2.5 RAP INPUT

If comments are received from RAPs stating that an alternative method would be preferred for any of the following sections, these will be considered and alternatives may be proposed, with this document updated to reflect the amendments.

RAPs are under no obligation to share any cultural knowledge that they do not wish to share. It should be noted that our ultimate goal is to protect and avoid any known sites of archaeological and/or cultural significance, and if we do not know the location of these, we cannot ensure they are avoided.



3.0 DETAILED METHODOLOGY

Apex Archaeology has prepared the following detailed methodologies for assessment of cultural significance, field survey, preparation of test pit locations, manual excavation of test pits, additional salvage and recording of test pits. Indicative test pit locations have not been identified at this stage and will be refined should the need for test excavation arise.

3.1 CULTURAL SIGNIFICANCE

In order to gather information about the cultural significance of the study area, the following procedures will be followed for the project:

Aboriginal people who have registered an interest in being consulted for the project (registered Aboriginal parties – RAPs) may have an opportunity to visit the site and discuss the impacts that have already occurred within the site, and what is proposed as part of the development. During this visit, RAPs may have an opportunity to discuss any cultural knowledge that they may have regarding the site, should they wish to disclose such. RAPs would also have the opportunity to share knowledge either in writing or via telephone if they prefer. Additionally, requests for cultural knowledge may be made in writing.

Wherever possible, we prefer to communicate in writing, generally via email if possible. This is for a number of reasons, as follows:

- It ensures all information shared is recorded appropriately, which can be missed in phone conversations.
- It ensures all participants in consultation are able to provide a measured and considered response, rather than being ‘put on the spot’ by a phone call, and thus all participants can respond at their leisure within the consultation timeframes.
- It ensures consultation can be undertaken in an appropriately civil manner by all participants.

Any cultural knowledge provided by the RAPs will be treated in the manner determined by the RAPs. Any requests for knowledge to be kept confidential or restricted in terms of who may access the information would be respected. Electronic documents would be password protected where necessary to protect the integrity of the information. Information would only be included in reports where permission to include such is given.

Should you prefer to be consulted in a manner other than in writing (email or letter), please advise as a response to this document and advise your preferred manner of consultation.



3.2 FIELD SURVEY SAMPLING STRATEGY

The field survey will be completed in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, September 2010) (the Code of Practice); and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011). The field survey is not intended to be an opportunity for gathering information regarding the cultural significance of the area, but rather is a scientific inspection of the area to determine the current state and archaeological potential of the site. The survey will be undertaken in accordance with the following:

- The study area will be visually inspected by pedestrian survey;
- The study area will be surveyed utilising pedestrian transects, with each participant responsible for inspecting a 2m wide transect on each pass;
- If stone artefacts are identified on the ground each item will have a flag placed at its location;
- The Archaeologist will record each item as per the lithic site recording form and lithic item recording form detailed below;
- The study area will be recorded utilising survey recording forms. The following is a list of attributes that will be recorded for each area surveyed:
 - Survey area;
 - Recorder name;
 - Date;
 - Landform element;
 - Slope;
 - Distance to watercourse;
 - Vegetation;
 - Land surface;
 - Rock outcrops;
 - Detection limiting factors; and
 - Ground disturbance.
- The study area will be divided into survey units based on landform and given ratings in the following categories:
 - Survey area (as defined by the length of area surveyed multiplied by two. A participant in this instance can only see 1m either side at a time. Survey area covered increases when more participants are added);
 - Total area surveyed;
 - Percentage of sample inspected;
 - Archaeological visibility (this is a percentage of potential within the landform);
 - Surface visibility;
 - Exposure type; and
 - Effective survey coverage
- Photos of each survey unit will be taken and identifying photograph file numbers recorded on the survey recording forms.
- Aboriginal lithic site recording forms will be used to record artefact scatters and isolated finds. The following list of attributes will be recorded for each site:
 - Site Number;



- Survey Area;
 - Date;
 - Recorder name;
 - Total number of artefacts recorded;
 - Visible extent of artefacts;
 - Extent of surface exposure;
 - GPS reading;
 - Sub-surface potential;
 - Research potential;
 - Raw stone material available;
 - Ground Disturbance;
 - Vegetation;
 - Photographs of site; and
 - Site plan.
- Each artefact will be recorded using a lithic item recording form with the following attributes recorded:
 - Artefact number;
 - Locus;
 - Colour;
 - Stone material;
 - Lithic item type;
 - Length, Width & Thickness (mm);
 - Cortex Percentage;
 - Cortex type; and
 - Comments.

3.3 TEST PIT LAYOUT

Only if test excavations are required, the following methodology would be implemented:

- Under the Code of Practice, a maximum of 0.5% of the area of a PAD can be excavated during test excavations. The presence of PAD has not been determined. Therefore, a maximum area cannot be determined at this stage, if at all.
- Transects will be spaced at 10m, with pits at 20m intervals, in a 'checkerboard' fashion, in accordance with the method described in Orton 2000:90 whereby a staggered square grid is considered more efficient than a square grid for undertaking subsurface sampling;
- Test pits will be oriented north – south using a handheld compass for accuracy;
- Test pits will avoid areas clearly disturbed;
- The location of the north west corner of the first test pit will be recorded by GPS, and following pits will be tied into the transect using the distance and bearing technique. This method requires a 60m or 100m tape measure and compass to measure from the initial test pit. The tape is run out from the first pit and subsequent pits laid out at 10m intervals;



- Each test pit will have a flag placed in the north-west corner with the test square number in sequence and Easting and Northing of its location written on it, taken from the GPS coordinate for the initial pit and extrapolated based on the location of the pit in relation to the initial pit; and
- Each test pit will be planned to scale using 1mm grid paper (additional landscape features including trees, fence lines, creeks and contour lines will also be added).

3.4 EXCAVATION METHODOLOGY

- Test pits will be 50 x 50cm;
- All test pits will be excavated in 5cm spits by hand using a shovel, mattock and trowel. Spit depths will be consistently checked with a hand tape measure to ensure accuracy of excavation depth. Once the first test pit has been excavated and an understanding of the stratigraphy has been obtained, following test pits for that transect may be excavated stratigraphically;
- Test pit excavation will cease on reaching basal clay, bedrock or a culturally sterile layer, or at the discretion of the archaeologist;
- Test pits may be combined to form 1m² squares by digging four contiguous 50 x 50 cm test pits to determine if artefact concentrations continue;
- If artefact concentrations warrant further expansion (5 or more artefacts) continuation of 1m² test pits into a 3m² open area may also be necessary. This is the maximum open area allowed for under the Code of Practice. If artefact concentrations are still high once a 3m² area has been excavated then this area would be prioritised for salvage;
- If cultural features (e.g. hearths, heat treatment pits, knapping floors) are identified during excavation, excavation with hand tools (e.g. mattock and shovel) will cease and continue with trowel only;
- Locations of identified features will be planned onto 1mm graph paper. X, Y and Z coordinates of individual artefacts from in-situ knapping floors will be recorded prior to removal (where possible) and continuation of excavation;
- Charcoal samples for dating (C14) will only be taken during in-situ excavation of accurately identified cultural features (e.g. hearths and heat treatment pits);
- Any charcoal samples will be recovered and placed into aluminium foil, securely sealed, and placed into zip lock bags, clearly labelled and provenanced;
- The soil from each spit will be placed in 10L plastic buckets and transported to the sieving station;
- To ensure sufficient control of each spit excavated, a bag and tag will be written to accompany the buckets from each spit. The following information will be recorded on each bag and tag: site name, date, pit location (easting & northing) and name of excavator;
- All material from each test pit will be wet sieved through table sieves (1 x 1m) with a wire mesh aperture gauge of 3mm and 5mm depending on the soil matrix;
- All material recovered from the sieving process will be checked by a qualified archaeologist with experience in artefact identification prior to being placed into the spit bag; and



- Artefact counts will be recorded for each spit.

3.5 RECORDING

- Each spit will be recorded on a spit sheet with the following information:
 - site name;
 - date;
 - excavator name;
 - spit number;
 - spit depth;
 - pit location (easting & northing);
 - start levels & end levels;
 - bucket count and end total bucket count;
 - soil description;
 - description of disturbance;
 - description of artefacts (material type & artefact type if in situ);
 - in situ recording of artefacts where possible (xyz coordinates); and
 - photograph details (from surface and of each spit to base).
- Each test pit will have a section planned on 1mm grid paper.

3.6 ARTEFACTS

Any artefacts that are recovered from the test excavation will be analysed by an archaeologist experienced in artefact analysis and interpretation. At the conclusion of the project all artefacts will be reburied on site in accordance with Requirement 26 of the Code of Practice. Artefacts will be temporarily held at Apex Archaeology's office during the analysis and stored in a lockable safe. Once the artefacts are reburied the location will be recorded and provided to AHIMS. It is likely that reburial cannot occur until the development has been completed and a suitable location identified.

3.7 CESSATION OF EXCAVATION

Excavations will cease upon reaching basal clay, bedrock or a culturally sterile layer, or at the discretion of the archaeologist (for example, if it becomes unsafe to continue excavation due to depth).

3.8 BACKFILL AND SALVAGE EXCAVATION

At the conclusion of the testing program, all test pits will either be backfilled (by collapsing the sides of the test pit in with a shovel or mattock, and/or filling with spoil or clean fill to return the pit to original ground level). If a test pit has yielded a significant artefact deposit requiring further salvage then the pit will be securely bunded off with wooden stakes and bunding so that expansion (open area excavation) can be undertaken more easily at a later stage.



4.0 INFORMATION SOUGHT

As required by Section 4.3 of the ACHCRs, Apex Archaeology is seeking the following information from your organisation:

- feedback on the proposed methodology outlined above;
- any protocols that you would like adopted during this project to obtain and/or use cultural information;
- any Aboriginal objects of cultural significance and/or importance that you are aware of within the study area;
- any places of cultural significance and/or importance that you are aware of within the study area;
- your preference for the management of any archaeological material recovered during works (ie community repatriation, reburial on site, deposition with appropriate museum);
- guidance on the protocols, sensitivity, use and/or distribution of any cultural information that you provide Apex Archaeology; and
- whether you require any further information on the project.

We respectfully request that any comments are provided by CoB Tuesday 6 December 2022.



5.0 REFERENCES

DECCW 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. DECCW, Sydney South.

DECCW 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. DECCW, Sydney South.

DECCW 2010. *Aboriginal cultural heritage consultation requirements for proponents 2010*. DECCW, Sydney South.

OEH 2011. *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*. OEH, Sydney South.

Orton, C, 2000. *Cambridge Manuals in Archaeology: Sampling in Archaeology*. Cambridge University Press, Cambridge.



RAP CORRESPONDENCE

From: rebecca@apexarchaeology.com.au
To: "Matthew Syron"
Cc: jenni@apexarchaeology.com.au
Subject: RE: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information
Date: Wednesday, 9 November 2022 9:23:05 AM
Attachments: [image001.png](#)
[22172 136-146 Donnison Street, Gosford - Project info.pdf](#)

Good morning Matthew,

I hope you are well and enjoying the lovely sun that's returned.

Please find attached the information and methodology document for the project at 136-146 & 148 Donnison Street, Gosford.

Could please provide any comments or recommendations by Tuesday 6th December.

Also, you mentioned in your last email that your books are filling up for site meetings. Could you please advise if you would be available for a site inspection at 9.00 am for (1/2 day) on the either on Wed 7th , Thurs 8th , or Fri the 9th Dec. I can arrange to be there early from 8.00am if it's more convenient.

In the meantime, if you have any questions whatsoever, please contact me.

Warm regards,

Rebecca



Rebecca Bryant
ARCHAEOLOGIST

0405 236 821

REBECCA@APEXARCHAEOLOGY.COM.AU

WWW.APEXARCHAEOLOGY.COM.AU

From: rebecca@apexarchaeology.com.au
To: ["undisclosed recipients"](#)
Bcc: Amandahickey@live.com.au; corroboreecorp@bigpond.com; Gunjeewongculturalheritage21@hotmail.com; kerrie@awabakal.com.au; leannekirkman1964@gmail.com; lowerhunterai@gmail.com; philipkhan.acn@live.com.au; tracey@guringai.com.au; Yurwang.Gundana.C.H.S@outlook.com
Subject: RE: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information
Date: Wednesday, 9 November 2022 9:02:37 AM
Attachments: [image001.png](#)
[22172 136-146 Donnison Street, Gosford - Project info.pdf](#)

Good afternoon,

Thank you for your registration of interest in the above project. Please find attached further information about the project, as well as the proposed methodology for the assessment.

Could you please provide any comments you may have by CoB Tuesday 6 December 2022.

Please get in touch if you'd like to discuss the project further.

Kind regards,

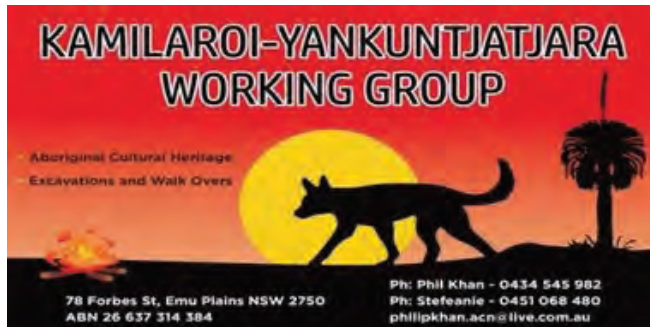


From: [Phil Khan](#)
To: rebecca@apexarchaeology.com.au
Subject: RE: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information
Date: Tuesday, 7 February 2023 10:32:30 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Rebecca,

Thank you, much appreciated. Have a great day.

Kind Regards
Kadibulla Khan



Sent from [Mail](#) for Windows 10

From: rebecca@apexarchaeology.com.au
Sent: Tuesday, 7 February 2023 10:04 AM
To: 'Phil Khan'
Subject: RE: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information

Hi Kadibulla,

Thank you for your reply and apologies for the delay in responding to your email.

Apex archaeology has not been engaged to undertake a Connecting to Country component for this project. However, I will include KYWG's recommendation that it be undertaken with guidance from the Aboriginal community in the final report to the client.

Please contact me if you would like to discuss this further or have any questions whatsoever.

Warm regards,

Rebecca

From: Phil Khan <philipkhan.acn@live.com.au>
Sent: Friday, December 16, 2022 10:48 AM
To: rebecca@apexarchaeology.com.au
Subject: Re: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information

Hi Rebecca,

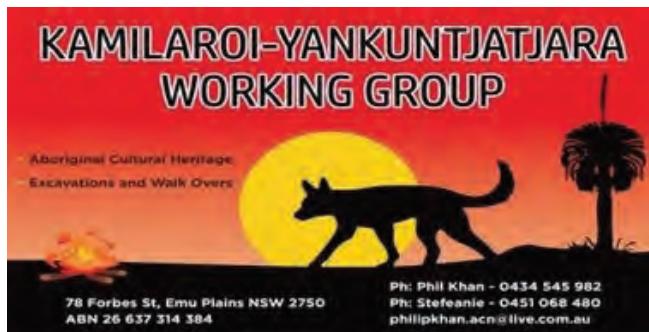
Thank you for your ACHA methodology for proposed 136-148 Donnison St, Gosford.

The site is highly significant to our people there are water ways and resource rich areas full of flora and fauna. There are tangible and intangible aspects to the area and surrounding area, these aspects are

what makes up our culture. not only is there physical aspects relating to our culture but there is the intangible the dreaming story's, song line, and also today's dreaming or story of our resilience and continuing culture.

There is room to connect with Country for your project, for your design seek advice we believe connecting with Country should be met with the guidance of the Aboriginal community. With our recommendation we would like to agree to your recommendations and we support your report. We look forward to furthering consultation within this project.

Kind Regards
Kadibulla Khan



From: rebecca@apexarchaeology.com.au <rebecca@apexarchaeology.com.au>
Sent: Wednesday, 9 November 2022 9:02 AM
To: 'undisclosed recipients' <jenni@apexarchaeology.com.au>
Subject: RE: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information

Good afternoon,

Thank you for your registration of interest in the above project. Please find attached further information about the project, as well as the proposed methodology for the assessment.

Could you please provide any comments you may have by CoB Tuesday 6 December 2022. Please get in touch if you'd like to discuss the project further.

Kind regards,



rebecca@apexarchaeology.com.au

From: yurwang gundana <Yurwang.Gundana.C.H.S@outlook.com>
Sent: Saturday, 12 November 2022 6:56 PM
To: rebecca@apexarchaeology.com.au; 'undisclosed recipients'
Subject: Re: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information

Yuma, I hope you are doing well

Yurwang Gundana agrees with the methodology and wishes to be a part of the fieldwork

Thanks
Merekai Bell
Yurwang Gundana Cultural Heritage Services

Get [Outlook for Android](#)

From: rebecca@apexarchaeology.com.au <rebecca@apexarchaeology.com.au>
Sent: Wednesday, November 9, 2022 9:02:17 AM
To: 'undisclosed recipients' <jenni@apexarchaeology.com.au>
Subject: RE: 136-146 & 148 Donnison Street, Gosford NSW- Method and Project Information

Good afternoon,

Thank you for your registration of interest in the above project. Please find attached further information about the project, as well as the proposed methodology for the assessment.

Could you please provide any comments you may have by CoB Tuesday 6 December 2022. Please get in touch if you'd like to discuss the project further.

Kind regards,





APPENDIX F: DRAFT REPORT EMAILS AND RESPONSES

From: [Jenni Bate](#)
To: [Undisclosed Recipients](#)
Cc: [Rebecca Bryant](#)
Bcc: [Amanda De Zwart](#); tracey@guringai.com.au; [Kerrie Brauer](#); [Corrroboree Aboriginal Corporation](#); [Shayne Dickson](#); [Phil Khan](#); leannekirkman1964@gmail.com; lowerhunterai@gmail.com; [yurwang gundana](#); matthew.syron@dlalc.org.au; [Darkinjung](#)
Subject: 136-146 and 148 Donnison Street, Gosford - Draft ACHA and AR report
Date: Friday, 9 June 2023 2:20:16 PM
Attachments: [22172 136-146 Donnison Street, Gosford Draft AR.pdf](#)
[22172 136-146 Donnison Street, Gosford Draft ACHA.pdf](#)

Good afternoon,

Thanks again for your registration of interest in the above project. Please find attached the draft reports for your review and comment.

The assessment concluded that the site was highly disturbed through past construction works and did not retain any archaeological potential. An unexpected finds protocol has been attached to the ACHA as an appendix.

We look forward to receiving your comments by CoB Friday 7 July 2023. Please don't hesitate to get in touch if you have any questions.

Kind regards,



Apex Archaeology is proud to support the [Immunisation Foundation of Australia](#) through our workplace giving program.

From: [Jacob Cain](#)
To: [Jenni Bate](#)
Cc: [Rebecca Bryant](#)
Subject: Re: 136-146 and 148 Donnison Street, Gosford - Draft ACHA and AR report
Date: Monday, 17 July 2023 11:34:22 AM
Attachments: [Outlook-cid_image0.png](#)

Yaama Jenni,

Sorry I missed the cut off date for comments, this all seems ok to me, and I agree that this area has been highly disturbed.

You covered a recommendation I was going to say which is to cease all work and communicate with the Aboriginal Community on next steps if anything of our heritage was to be found.

Kind regards,

Jacob Cain | Culture, Heritage & Education Officer



Phone: 02 4351 2930 **Fax:** [02 4351 2946](#)

Postal: [PO%20Box%20401%20Wyong%20NSW%202259]PO Box 401 Wyong NSW 2259

Website: darkinjung.com.au

From: Jenni Bate <jenni@apexarchaeology.com.au>

Sent: Friday, June 9, 2023 2:20 PM

To: Undisclosed Recipients <jenni@apexarchaeology.com.au>

Cc: Rebecca Bryant <rebecca@apexarchaeology.com.au>

Subject: 136-146 and 148 Donnison Street, Gosford - Draft ACHA and AR report

Good afternoon,

Thanks again for your registration of interest in the above project. Please find attached the draft reports for your review and comment.

The assessment concluded that the site was highly disturbed through past construction works and did not retain any archaeological potential. An unexpected finds protocol has been attached to the ACHA as an appendix.

We look forward to receiving your comments by CoB Friday 7 July 2023. Please don't hesitate to get in touch if you have any questions.

Kind regards,



Jenni Bate
DIRECTOR - ARCHAEOLOGIST

0422 229 179

JENNI@APEXARCHAEOLOGY.COM.AU

WWW.APEXARCHAEOLOGY.COM.AU

Apex Archaeology is proud to support the [Immunisation Foundation of Australia](#) through our workplace giving program.

From: [Tracey Howie](#)
To: [Jenni Bate](#)
Cc: [Rebecca Bryant](#)
Subject: Re: 136-146 and 148 Donnison Street, Gosford - Draft ACHA and AR report
Date: Monday, 12 June 2023 2:43:47 PM

Thank you Jenni.

Regards,

Tracey

A W A B A K A L & G U R I N G A I



Tracey Howie | Director | Awabakal & Guringai Pty Ltd
ABN : 81 609 498 491 | ACN : 609 498 491
M : 0404 182 049 | E : tracey@guringai.com.au
PO Box 122 Rutherford NSW 2320 Australia

On 9 Jun 2023, at 2:20 pm, Jenni Bate <jenni@apexarchaeology.com.au> wrote:

Good afternoon,

Thanks again for your registration of interest in the above project.
Please find attached the draft reports for your review and comment.

The assessment concluded that the site was highly disturbed through past construction works and did not retain any archaeological potential. An unexpected finds protocol has been attached to the ACHA as an appendix.

We look forward to receiving your comments by CoB Friday 7 July 2023. Please don't hesitate to get in touch if you have any questions.

Kind regards,

<image001.jpg>

Apex Archaeology is proud to support the [Immunisation Foundation of Australia](#) through our workplace giving program.

<22172 136-146 Donnison Street, Gosford Draft AR.pdf><22172 136-146 Donnison Street, Gosford Draft ACHA.pdf>



APPENDIX G: UNEXPECTED FINDS PROTOCOL

Should unanticipated Aboriginal archaeological material be encountered during site works, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.



APPENDIX H: ARCHAEOLOGICAL REPORT