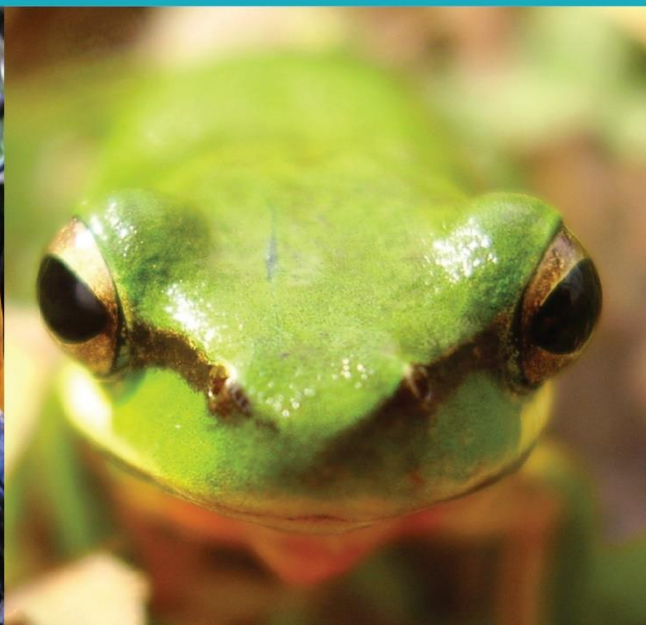




# TRAVERS BUSHFIRE & ECOLOGY

A TBE ENVIRONMENTAL COMPANY



## ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT

Proposed Development

7A-11 Racecourse Road, 5-9 Faunce Street and 36  
Young Street  
West Gosford

14 December 2022

(REF: 18URB09AB)



## Proposed Development

# ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT

7A-11 Racecourse Road, 5-9 Faunce Street and 36 Young Street, West Gosford

Report authors:	Samuel Riley ( <i>Consulting Archaeologist – Aboriginal and European Heritage</i> ) B.Arch MRes
Plans prepared:	Sandy Cardow B. Sc.
Reviewed by:	Michael Sheather-Reid (Accredited Assessor no. BAAS17085)
Date:	14/12/22
File:	18URB09AB



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*The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features is to be confirmed by a registered surveyor.*

# EXECUTIVE SUMMARY

*Travers Bushfire and Ecology* was engaged by Urbis, on behalf of Busways, to prepare an Aboriginal Heritage Due Diligence Assessment (ADD) for a proposed transport depot at Lots 71, 72, 73, 74 DP810836, Lot 6 DP801261, Lot 20 DP758466, Lot 18 DP1100223, Lot 16 DP1079150, Lot 15 DP1100216, Lot 13 and 14 DP1100206, Lot 12 DP1100110, Lot 11 DP758466 and Lot 1 DP651249 at 7A-11 Racecourse Road, 5-9 Faunce Street and 36 Young Street, West Gosford.

This Aboriginal Heritage Due Diligence Assessment has been undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Due Diligence Code of Practice) (Department of Environment, Climate Change & Water [DECCW] 2010).

A pedestrian survey of the Project Area was undertaken on 2 December 2022 by Samuel Riley (Archaeologist, TBE), Matthew Syron (Senior Culture and Heritage Officer, Darkinjung Local Aboriginal Land Council [LALC]) and Jacob Cain (Culture and Heritage Officer, Darkinjung LALC). The pedestrian survey focused on examining ground surface exposures for evidence of stone artefacts and classifying landforms within the study area.

No Aboriginal sites or areas of Potential Archaeological Deposit (PAD) were identified during the survey.

## Recommendations

The following recommendations are made with respect to the management the site in conjunction with statutory authorities and Local Aboriginal Representatives.

- In accordance with the Due Diligence Code of Practice, the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures required. It is recommended that a site officer from Darkinjung LALC and/or an archaeologist is present during the initial ground disturbing works for the bus parking, workshop and office buildings in the northern part of the study area.
- Unexpected Aboriginal objects remain protected by the National Parks & Wildlife Act. If any such objects, or potential objects are uncovered in the course of the activity, work in the vicinity must cease, and Heritage NSW and Darkinjung LALC be contacted for advice.
- A procedure for if suspected human remains are discovered and/or harmed in, on or under the land within the study area is provided.

# LIST OF ABBREVIATIONS

ACHR	Aboriginal Cultural Heritage Regulation
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ALR Act	Aboriginal Land Rights Act 1983 (NSW)
DECCW	Department of Environment, Climate Change and Water (now Heritage NSW)
DPC	Department of Premier & Cabinet.
ha	hectares
km	kilometres
LALC	Local Aboriginal Land Council
LEP	local environment plan
LGA	local government area
m	metres
mm	millimetres
NPW Act	National Parks and Wildlife Act 1974 (NSW)
NPW Regulation	National Parks and Wildlife Regulation 2009
NSW	New South Wales
PAD	Potential Archaeological Deposit

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# 1. BACKGROUND

## 1.1 Project background

*Travers Bushfire and Ecology* was engaged by Urbis, on behalf of Busways, to prepare an Aboriginal Heritage Due Diligence Assessment (ADD) for the proposed construction of a bus depot on Racecourse Road, Faunce Street and Young Street, West Gosford.

## 1.2 Study area

The study area is located on Lots 71, 72, 73, 74 DP810836, Lot 6 DP801261, Lot 20 DP758466, Lot 18 DP1100223, Lot 16 DP 1079150, Lot 15 DP1100216, Lot 13 and 14 DP1100206, Lot 12 DP1100110, Lot 11 DP758466 and Lot 1 DP651249 at 7A-11 Racecourse Road, 5-9 Faunce Street and 36 Young Street West Gosford. The study area is located in the Parish of Gosford, County of Northumberland. The study area is located within the Darkinjung Local Aboriginal Land Council (LALC) area. Figure 1-1 shows the location of the study area.

## 1.3 Project description

The proposal includes the construction of a bus depot with the development including the following works:

- Demolition of existing structures and tree removal within the study area
- Bulk earthworks to level and terrace the site
- Construction of a new bus depot comprising of:
  - a) A workshop and office buildings
  - b) Bus wash and fuel bays
  - c) Approximately 113 car parking spaces
  - d) Approximately 96 bus parking spaces with electric bus charging facilities
- Associated site works including earthworks, retaining walls, drainage, essential services and landscaping.

Figure 1-2 shows the proposed works.

## 1.4 Methodology

This assessment consisted of the following tasks, in line with Stages 1-5 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Due Diligence Code of Practice) (Department of Environment, Climate Change & Water [DECCW] 2010):

- Assess the nature of the work activities with consideration of ground surface disturbance and the potential to impact on mature indigenous trees which may have been culturally modified.

- Assess the presence and nature of recorded Aboriginal sites in the surrounds of the study area through database searches and other sources of information such as relevant archaeological reports.
- Assess the past and present landscape features of the study area.
- Present evidence and findings from the site inspection.
- Assess the archaeological potential of the study area and any likely impact of the works on landforms of archaeological potential
- Provide recommendations for mitigation of impacts to any Aboriginal archaeological values.



**Figure 1-1 – Aboriginal heritage due diligence study area location and extent**





## 2. LEGISLATIVE CONTEXT

### 2.1 Commonwealth legislation

#### 2.1.1 *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*

Most state Aboriginal heritage databases provide protection for those sites with physical evidence. The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (*Commonwealth Act*) deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginal people in accordance with Aboriginal tradition'. In most cases, archaeological sites and objects registered under the *National Parks and Wildlife Act 1974 (NSW)* and *Heritage Act 1977 (NSW)* will also be Aboriginal places subject to the provisions of the *Commonwealth Act*.

There is no cut-off date and the *Commonwealth Act* may apply to contemporary Aboriginal cultural property as well as ancient sites. The *Commonwealth Act* takes precedence over state cultural heritage legislation where there is a conflict. The responsible Minister may make a declaration under Section 10 of the *Commonwealth Act* in situations where state or territory laws do not provide adequate protection of heritage places.

### 2.2 State legislation

#### 2.2.1 *National Parks and Wildlife Act 1974 (NSW)*

The *National Parks and Wildlife Act 1974 (NSW)* (*NPW Act*) provides statutory protection to all Aboriginal places and objects. An Aboriginal object is defined as:

*Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.*

An Aboriginal Place is declared by the Minister under section 86 of the *NPW Act*. Aboriginal Places are recognised for their special significance to Aboriginal culture. Aboriginal Places gazetted under the *NPW Act* are listed on the State Heritage Register established under the *Heritage Act 1977 (NSW)*.

The protection provided to Aboriginal objects applies regardless of the level of their significance or issues of land tenure. Aboriginal objects and places are afforded statutory protection in that it is an offence to knowingly or unknowingly desecrate an Aboriginal object or place under section 86 of the *NPW Act*.

In accordance with section 89A, any person who is aware of the location of an Aboriginal object must notify the Chief Executive in the prescribed manner within a reasonable time of becoming aware of that object. The prescribed manner is through preparation and submission of an Aboriginal Site Recording Form to the Aboriginal Heritage Information Management System (AHIMS) (DECCW 2010:14).

In order to undertake a proposed activity which is likely to involve harm to an Aboriginal object or Aboriginal Place, it is necessary to apply to Heritage NSW (Department of Premier and

Cabinet) for an Aboriginal Heritage Impact Permit (AHIP). AHIPs are issued by the Aboriginal Heritage Regulation Team (Heritage NSW) under Section 90 of the *NPW Act* and permit harm to certain Aboriginal objects and Aboriginal Places.

### **2.2.2 National Parks and Wildlife Regulation 2009 (NSW)**

The Due Diligence Code of Practice was adopted by the *National Parks and Wildlife Regulation 2009 (NSW) (NPW Regulation)* and introduced in October 2010 by Heritage NSW (formerly DECCW). The aim of the guideline is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP.

A due diligence assessment should take reasonable and practicable steps to ascertain whether there is a likelihood that Aboriginal objects will be disturbed or impacted during the proposed development. If it is assessed that sites exist or have a likelihood of existing within the development area and may be impacted by the proposed development, further archaeological investigations may be required along with an AHIP. If it is found to be unlikely that Aboriginal sites exist within the study area and the due diligence assessment has been conducted according to the Due Diligence Code of Practice, work may proceed without an AHIP.

This due diligence assessment seeks to comply with the *NPW Act*, by assisting the proponent in meeting their obligations under the *NPW Act*.

### **2.2.3 Native Title Act 1994 (NSW)**

The *Native Title Act 1994 (NSW)* was introduced to work in conjunction with the Commonwealth *Native Title Act 1993 (Cth)*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the *Native Title Act 1994 (NSW)*. A search was conducted of the Native Title register on 29 November 2022, but no claims were noted.

### **2.2.4 Aboriginal Land Rights Act 1983 (NSW)**

The *Aboriginal Land Rights Act 1983 (NSW) (ALR Act)* was introduced to compensate Aboriginal people in NSW for dispossession of their land. The *ALR Act* also established Aboriginal Land Councils (at State and Local levels).

These LALC have a statutory obligation under the *ALR Act* to:

- (a) Take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law
- (b) Promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area is within the boundary of the Darkinjung LALC. Preparation of this due diligence fulfils Darkinjung LALC's obligations under the *ALR Act*.

## 3. BACKGROUND

The purpose of this section is to assist in the prediction of:

- The potential of the landscape over time to have accumulated and preserved Aboriginal objects
- The ways Aboriginal people have used the landscape in the past with reference to the presence of resource areas, surfaces for art, other focal points for activities and settlement.
- The likely distribution of the material traces of Aboriginal land use based on the above

### 3.1 Environmental Context

#### 3.1.1 *Soil landscapes of the study area*

The study area is predominantly situated on the Erina soil landscape with the southwest corner of the study area being situated on the Disturbed Terrain soil landscape, as shown in Figure 3-4.

The Erina soil landscape is characterised by undulating to rolling rises and low hills on the Terrigal Formation, rounded narrow crests and moderately inclined slopes with a local relief of less than 60 m and slopes with a gradient less than 25%.

Soils of the Erina soil landscape generally consist of between 100 and 200 cm of yellow podzolic soils on fine-grained bedrock in poorly drained areas, 50-150 cm of Yellow Podzolic Soils and Yellow Earths on coarse-grained parent material, Yellow Earth on footslopes and greater than 300 cm of Structured Loams and Yellow Earths along drainage lines.

The Disturbed Terrain landscape consists of extensively disturbed terrain on a variety of geologies scattered mainly within the Somersby Plateau, Central Coast Lowlands and Awaba Hills. The terrain has been disturbed by human activity including areas of landfill, gravel pits, sandmining, ash deposit and sludge dispersal areas. The land surfaces are varied with most areas of landfill being level whilst many quarries have irregular steep sides.

In these areas of disturbed terrain most of the original soil has either been removed, buried or greatly disturbed. In gravel pits and quarries bedrock is often exposed, whilst in landfill areas transported earths, sediments and industrial and household wastes are found. These areas may be artificially topsoiled or covered by concrete or bitumen.

#### 3.1.2 *Topography and hydrology*

The topography of the study area slopes from the eastern edge of the study area towards the centre before flattening out across the cleared regions of the study area. There is a further gentle slope towards the western boundary of the study area. Much of the site appears to have been subject to fill works to flatten the terrain.

The closest natural watercourse to the study area is Narara Creek, located approximately 310 m northwest of the study area at its closest approach.

#### 3.1.3 *Vegetation*

Vegetation associated with the Erina soil landscape includes extensively cleared tall open forest with open heath in exposed coastal locations. Common species of the open forest include blackbutt (*Eucalyptus pilularis*), forest oak (*Allocasuarina torulosa*), turpentine (*Syncarpia glomulifera*), spotted gum (*E. maculata*), smooth-barked apple (*Angophora*



*costata*), grey ironbark (*E. paniculata*) and Sydney blue gum (*E. saligna*). Swamp mahogany (*E. robusta*) and swamp oak (*Casuarina glauca*) occur in poorly drained areas such as those around the edge of Brisbane Water.

Heathlands occur on exposed coastal headlands. They contain coastal banksia (*Banksia integrifolia*), black she-oak (*Allocasuarina littoralis*), native rosemary (*Westringia fruticosa*) and Sydney golden wattle (*Acacia longifolia* var. *sophorae*).

Due to considerable disturbances in the Disturbed Terrain soil landscape, very little natural vegetation remains.

## 3.2 Past and present land use

Historical aerals from 1975 (Figure 3-1), 1990 (Figure 3-2) and 2005 (Figure 3-3) show that the study area has been subject to considerable development, industrial land use and revegetation over the past fifty years. During the site inspection discussed in Section 4, an informant on site informed *TBE* that the study area was previously the site of brickworks during the 1970's:

- In 1975 the study area has been almost entirely cleared of vegetation. There has been significant development across the whole of the site for industrial purposes.
- In 1990, the sheds in the southern part of the study area and access roads have been removed, and there has been some revegetation.
- Revegetation has continued through 2005, and the north-eastern quadrant of the study area is being used for industrial purposes. There is little visible evidence remaining from the industrial land use from 1975.



**Figure 3-1: 1975 historical aerial**



*Figure 3-2: 1990 historical aerial*



*Figure 3-3: 2005 historical aerial*



### 3.3 Ethnohistoric context

Brisbane Waters provided a rich resource for the Darkinjung Peoples who occupied the strip of coastal land between Gosford and Wyong. The surrounding landscape formed natural borders between other nearby coastal groups including the Awabakal People and Wonnarua People to the north. With an estimated population of approximately 5,000 at the time of European contact, historical and archaeological documentation suggests that these coastal tribes were semi-sedentary, where social arrangements allowed for large numbers to cohabit within a single camp.

Coastal tribes depended heavily on marine resources such as fish and shellfish for their diets, but vegetation such as cabbage palms and bracken fern roots were also utilised as food (Dyall 1971). Land clearing was also conducted through the burning of grassland to encourage new growth and attract local wildlife. Based on the prominence of rock shelters within the Hawkesbury sandstone landscape, it is also evident that natural rock overhangs were utilised as places of temporary and repeated occupation.

The events of European colonisation saw the decimation of the Darkinjung population from the late 18<sup>th</sup> to the mid-19<sup>th</sup> Centuries due to several smallpox epidemics. The remaining population regrouped with neighbouring peoples to form mixed groups in the region.

### 3.4 Archaeological context

#### 3.4.1 Database searches

Caution should be exercised when using of the Heritage NSW Aboriginal Heritage Information Management System database to reach conclusions about site prevalence or distribution. For example, a lack of registered sites in a given area should not be seen as evidence that the area was not occupied by Aboriginal people. It may simply be an indication that the area has not been surveyed for cultural heritage or that the surveys were undertaken in areas of poor surface visibility. It is important to note that the nature and location of Aboriginal sites can be culturally sensitive information and should only be publicly disseminated with the express consent of the Aboriginal community.

##### Extensive AHIMS search

An extensive AHIMS search was undertaken on 1 December 2022 (Client Service ID: 737052) with the following coordinates:

Lat, Long from: -33.4276, 151.3218

Lat, Long to: -33.4186, 151.3372

Four Aboriginal sites and zero Aboriginal Places were identified in the search. There are no recorded sites within 100 m of the study area.

For the four sites within the search area, a total of two different site features are recorded. The closest site to the study area is AHIMS site #45-3-4525. This site was subject to harm under an AHIP (#4747) issued in June 2021.

The results of the extensive search are shown in Table 3-1 below. The distribution of registered sites is shown in Figure 3-4.

*Table 3-1– AHIMS Extensive search results in proximity to the study area*

Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Site features
45-3-1455	Old Gosford Road Gosford Racecourse	AGD	56	343880	6300590	Open site	Valid	Shell, Artefact
45-3-0558	Gosford; Narara Ck;	AGD	56	344033	6300606	Open site	Valid	Shell, Artefact
45-3-1456	Old Gosford Road (Gosford Racecourse)	AGD	56	344060	6300680	Open site	Valid	Shell, Artefact
45-3-4525	Gosford CBD1	GDA	56	344775	6300544	Open site	Valid	Shell

### 3.4.2 Other database searches

The following heritage registers were accessed on 29 November 2022:

- World Heritage List (Australian Heritage Council/UNESCO)
- The National Heritage List (Australian Heritage Council)
- Commonwealth Heritage List (Australian Heritage Council)
- Register of the National Estate (Australian Heritage Council): This is a non-statutory list which is retained as an archive of the previous listing process
- The State Heritage Register (NSW Heritage Office)
- The Register of the National Trust of Australia: This is a non-statutory listing.
- Central Coast Local Environmental Plan (LEP) 2022
- AHIP Public Register

There are no sites listed on these registers located within the study area.

### 3.4.3 Previous archaeological assessments

It is important to review the results of previous studies in proximity to the study area, as they provide insights into locations where sites are most likely to be found, and the variety and contents of those sites.

In 2004, Navin Officer conducted a cultural heritage assessment at Tathra Street, West Gosford for the proposed construction of a Concrete Batching Plant. The study area is located at the base of a hill which is predominantly covered with woodland vegetation. The onsite survey identified three rock shelters with midden deposits. These sites were recorded and registered on AHIMS but were not situated within the proposed development footprint. No further archaeological investigation was recommended.

In 2007 an Aboriginal heritage assessment was conducted by AHMS at the intersection of Dane Drive and Masons Parade for proposed upgrades to road infrastructure in the area. The investigation identified one Potential Archaeological Deposit (PAD) at Dane Drive. A test excavation program conducted by AMAC Group at 32 Mann Street in 2017 determined that this PAD was located within reclaimed fill and no Aboriginal objects or features of significance were located.

In 2008, ARC Heritage undertook a test excavation program for proposed extensions to Avoca Drive at Green Point. Ten test pits and five test trenches were excavated as part of the



program. One quartzite flake was identified as a result of the test excavation program, which was identified in the A1 horizon of the Erina soil landscape.

In 2016 AMAC Group undertook a test excavation program on the Australian Taxation Office development property at 38 Mann Street. A total of ten pits were excavated, in which a total of two artefacts were located. The site was found to sit on a layer of fill beneath which was the A horizon in which the artefacts were identified.

In 2020 AMAC Group completed an Aboriginal Cultural Heritage Assessment Report for a proposed mixed-use development at 26-32 Mann Street, Gosford. A test excavation program was completed, during which a total of nine test pits were excavated. No Aboriginal objects or features of significance were identified during the test excavation program.

### **3.5 Summary and predictive model**

Prior to European settlement, the Brisbane Water estuary system and its associated tributaries would have supported an environment with a wide range of resources for use by Aboriginal people. The study area has been considerably disturbed through industrial land use dating back to at least 1975. There are four registered AHIMS sites located in proximity to the study area, though these are generally closer to significant landscape features than the study area.

If any sites are identified in the study area, they will likely comprise of isolated artefacts or shell middens, as these are the predominant site types which have been identified in the vicinity of the study area. Based on previous studies in the surrounding area and the level of ground disturbance, the study area has been assessed as having low archaeological potential and low archaeological sensitivity.





#### Legend

- |   |  |
|---|--|
| <span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px;"></span> Site boundary (source:CAD) | <b>Soil Landscape (source:DPIE)</b>  |
| <span style="background-color: yellow; border: 1px solid black; border-radius: 50%; padding: 2px;">A</span> Cultural site | <span style="display: inline-block; width: 15px; height: 10px; background-color: orange;"></span> ALwy |
|   | <span style="display: inline-block; width: 15px; height: 10px; background-color: purple;"></span> DTxx |
|   | <span style="display: inline-block; width: 15px; height: 10px; background-color: brown;"></span> ERer  |
|   | <span style="display: inline-block; width: 15px; height: 10px; background-color: blue;"></span> WATER  |

Aerial source: Neamap



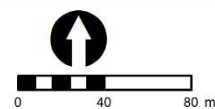
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**Soil landscapes and AHIMS results**

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Disclaimer: The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy; the location of all mapped features are to be confirmed by a registered surveyor.

**Figure 3-4: Soil landscapes and AHIMS search results in vicinity of the study area**



## 4. VISUAL INSPECTION

### 4.1 Aims

The primary aims of the visual inspection were:

- To establish if the study area contained areas of ground disturbance and map the extent and nature of that disturbance
- Identify any landscape features in the study area which may contain Aboriginal archaeological deposit. That is, areas of Potential Archaeological Deposit (PAD).

### 4.2 Timing, personnel and methodology

The visual inspection was undertaken of the study area on foot over one day on 2 December 2022 with the following in attendance:

- Samuel Riley (Archaeologist, TBE)
- Matthew Syron (Senior Culture and Heritage Officer, Darkinjung LALC)
- Jacob Cain (Culture and Heritage Officer, Darkinjung LALC)

A photographic record and field notes were kept of the inspection. GPS tracks were taken to record any noted features during the inspection, and are shown in Figure 4-8.

### 4.3 Results




The survey was undertaken early-mid morning, in sunny conditions. The entire study area was traversed by three surveyors within the proposed extent of activities.

The general topography of the study area is primarily flat across the centre with a slope from the eastern boundary (Figure 4-1). It appears that the study area has been flattened using imported fill. It is unlikely that significant in situ topsoil deposits are present in the study area.




Disturbances inside the study area are widespread. Concrete slabs which served as the foundations of buildings from the brickworks which was previously located in the study area are still present (Figure 4-2). An occupied dwelling sits along the western boundary of the study area (Figure 4-3). There has also been a considerable amount of gravel and fill which has been imported to the site to create access roads and flatten the terrain. Animal disturbances are also present, as the study area is commonly used for training horses.


Ground cover across the study area generally consisted of dense vegetation and grass covering, as well as numerous concrete slabs. Some exposures of soil were visible alongside introduced gravel (Figure 4-4, Figure 4-5). Exposure and visibility across the study area ranged between 0 and 40% and was constrained to exposures of topsoil providing views of the ground surface (Figure 4-6). The eastern boundary of the study area was unable to be traversed due to dense vegetation (Figure 4-7).

No Aboriginal objects or PADs were identified within the study area. Due to the considerable ground surface disturbance across the study area, it has been assessed as having low potential to contain subsurface scatters of stone artefacts.

Photograph	Description
	<p>Figure 4-1: View south from centre of study area</p>
	<p>Figure 4-2: View west of remnant concrete slab in study area</p>
	<p>Figure 4-3: View west from top slope showing fencing in central study area and dwelling on the eastern boundary</p>



Photograph	Description
	<p>Figure 4-4: View north of introduced gravel in the study area</p>
	<p>Figure 4-5: Topsoil exposure in northern study area</p>
	<p>Figure 4-6: View north of introduced gravel and fill in the study area</p>

Photograph	Description
	<p>Figure 4-7: View east of dense vegetation along western boundary</p>



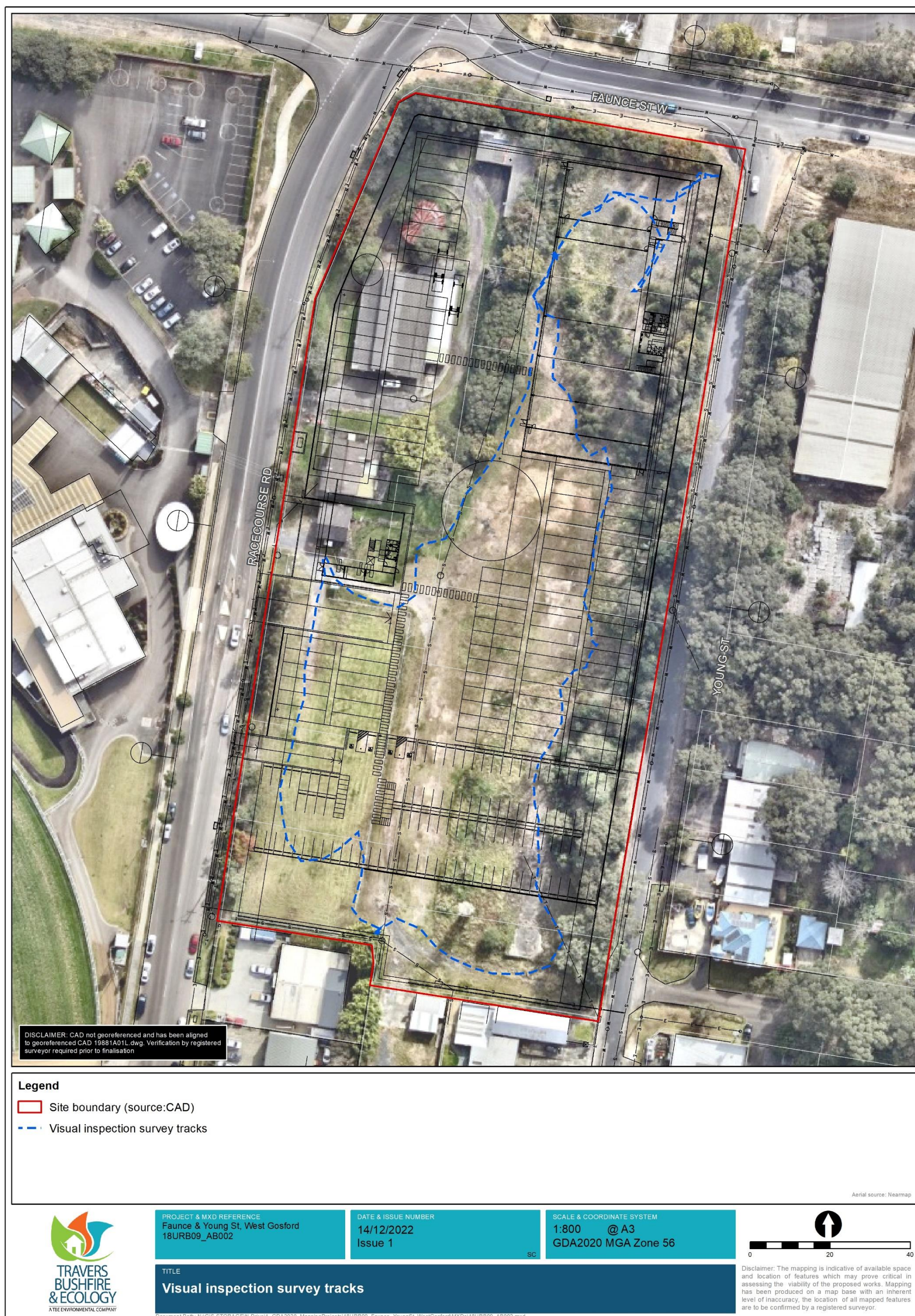


Figure 4-8: Visual inspection survey tracks



## 5. ASSESSMENT OF ARCHAEOLOGICAL SENSITIVITY

### 5.1 Discussion

Archaeological sensitivity is closely related to observed levels of ground disturbance. However, other factors are also taken into account when assessing archaeological sensitivity, such as whether Aboriginal objects were located on the surface, and whether the area is within a sensitive landform unit according to the predictive statements.

Landscape features may indicate the presence of Aboriginal objects, as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. It is essential to determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects. The Due Diligence Code of Practice (DECCW 2010:12) defines these landscapes as:

- Within 200 m of waters, or
- Located within a sand dune system, or
- Located on a ridgetop, ridge line or headland, or
- Located within 200 m below or above a cliff face, or
- Within 20 m of or in a cave, rock shelter or a cave mouth.

The study area does not contain and is not in the vicinity of any of the above sensitive landscape features.

Part 8A, Clause 80 (4) of the NPW Regulation states that land is disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable. Examples of activities that may have caused disturbance are provided in the NPW Regulation as:

- (a) Soil ploughing
- (b) Construction of rural infrastructure (such as dams and fences)
- (c) Construction of roads, trails and tracks (including fire trails and tracks and walking tracks)
- (d) Clearing of vegetation
- (e) Construction of buildings and the erection of other structures
- (f) Construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)
- (g) Substantial grazing involving the construction of rural infrastructure
- (h) Construction of earthworks associated with anything referred to in paragraphs (a)-(g).

The visual inspection has confirmed that disturbed land occurs partially within the study area as a result of (c), (d), (e) and (f).

### 5.2 Conclusions



A search of the AHIMS database did not identify registered sites within the study area. Overall, the study area has been assessed as demonstrating low archaeological sensitivity and potential for Aboriginal objects and/or in situ archaeological deposits.

In accordance with the Due Diligence Code of Practice (DECCW 2010), the proposed works within the study area will not impact on identified Aboriginal objects or areas where Aboriginal objects are likely to occur beneath the ground surface.

## 6. RECOMMENDATIONS

The following recommendations regarding Aboriginal heritage are based on consideration of:

- Statutory requirements under the NPW Act
- Due Diligence Code of Practice (DECCW 2010)
- There being no identified impacts to known or unknown Aboriginal archaeological deposits.

It was found that:

- No previously recorded Aboriginal sites are located within the study area
- No Aboriginal objects, or areas where Aboriginal objects are likely to occur beneath the ground surface, were identified within the study area.
- The study area is of low Aboriginal archaeological sensitivity and low archaeological potential.

The following recommendations are made:

- In accordance with the Due Diligence Code of Practice (DECCW 2010), the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures required. It is recommended that a site officer from Darkinjung LALC and/or an archaeologist is present during the initial ground disturbing works for the bus parking, workshop and office buildings in the northern part of the study area.
- Unexpected Aboriginal objects remain protected by the NPW Act. If any such objects, or potential objects, are uncovered in the course of the activity, work in the vicinity must cease, and Heritage NSW and Darkinjung LALC be contacted for advice.
- If suspected human remains are discovered and/or harmed in, on or under the land within the study area, the following actions must be undertaken:
  - The remains must not be harmed/further harmed
  - Immediately cease all works at that particular location
  - Secure the area to avoid further harm to the remains
  - Notify the NSW police and the Environment Line (Department of Planning, Industry and Environment) on 131 555 as soon as practicable and provide any details of the remains and their location.
  - Do not recommence any work at that particular location unless authorized in writing by Heritage NSW or Department of Planning, Industry and Environment.

## 7. BIBLIOGRAPHY

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Office of Environment & Heritage - OEH, (2011). *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*. Office of Environment and Heritage, Department of Premier and Cabinet, Sydney.

## APPENDIX 1. EXTENSIVE AHIMS SEARCH RESULTS

<div>  <div> <b>AHIMS Web Services (AWS)</b>            Extensive search - Site list report         </div> <div>           Your Ref/PO Number : 18URB09            Client Service ID : 737052         </div> </div>										
SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-3-1455	Old Gosford Road Gosford Racecourse	AGD	56	343880	6300590	Open site	Valid	Shell : •, Artefact : •	Midden	377,98683
	<a href="#">Contact</a>							<a href="#">Permits</a>		
45-3-0558	Gosford;Narara Ck;	AGD	56	344033	6300603	Open site	Valid	Shell : •, Artefact : •	Midden	98683
	<a href="#">Contact</a>							<a href="#">Permits</a>		
45-3-1456	Old Gosford Road (Gosford Racecourse)	AGD	56	344030	6300680	Open site	Valid	Shell : •, Artefact : •	Midden	377
	<a href="#">Contact</a>							<a href="#">Permits</a>		
45-3-4525	Gosford CBD1	GDA	56	344775	6300544	Open site	Valid	Shell : •		
	<a href="#">Contact</a>							<a href="#">Permits</a>	4747	
		<a href="#">Recorders</a>	MCH - McCardle Cultural Heritage Pty Ltd, Ms. Penny McCardle							

### \*\* Site Status

Valid - The site has been recorded and accepted onto the system as valid.

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground.

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified.

Report generated by AHIMS Web Service on 01/12/2022 for Samuel Riley for the following area at Lat, Long From : -33.4276, 151.3218 • Lat, Long To : -33.4186, 151.3372. Number of Aboriginal sites and Aboriginal objects found is 4

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

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