



**UrbanGrowth
NSW**

**ABORIGINAL CULTURAL
HERITAGE MANAGEMENT
PLAN – SANCTUARY, FLETCHER**

February 2014

UrbanGrowth NSW

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN – SANCTUARY, FLETCHER

February 2014

Prepared by
Umwelt (Australia) Pty Limited
on behalf of
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1.0 Introduction

The *Sanctuary, Fletcher – Overarching Aboriginal Cultural Heritage Management Plan* (ACHMP) was originally adopted in September 2008. This revision is to allow updates to the ACHMP to make it current with a number of variations to Aboriginal Heritage Impact Permits (AHIPs) that have been approved by the Office of Environment and Heritage (OEH) since 2008. The revised ACHMP also includes subsequent management decisions made by UrbanGrowth NSW and the Sanctuary Aboriginal Cultural Heritage Liaison Committee (ACHLC) in consultation with OEH and Newcastle City Council (NCC).

This revised ACHMP provides for the ongoing management of Aboriginal cultural heritage within Sanctuary by UrbanGrowth NSW in consultation with the Local Awabakal Consultative Group (LACG) until December 2021 at which time it is proposed the subdivision will be completed, the current AHIPs will lapse and the management requirements ACHMP will no longer be applicable.

1.1 The Project

UrbanGrowth NSW (trading entity for Landcom) has approval for a large lot residential subdivision on a 121 hectare site at Fletcher (refer to **Figures 1.1** and **1.2**). The land is identified as Lot 22, DP 1063858, Parish of Hexham, County Northumberland. Approximately 890 residential lots and associated community facilities (schools, community centre, etc.) have been approved for the Estate.

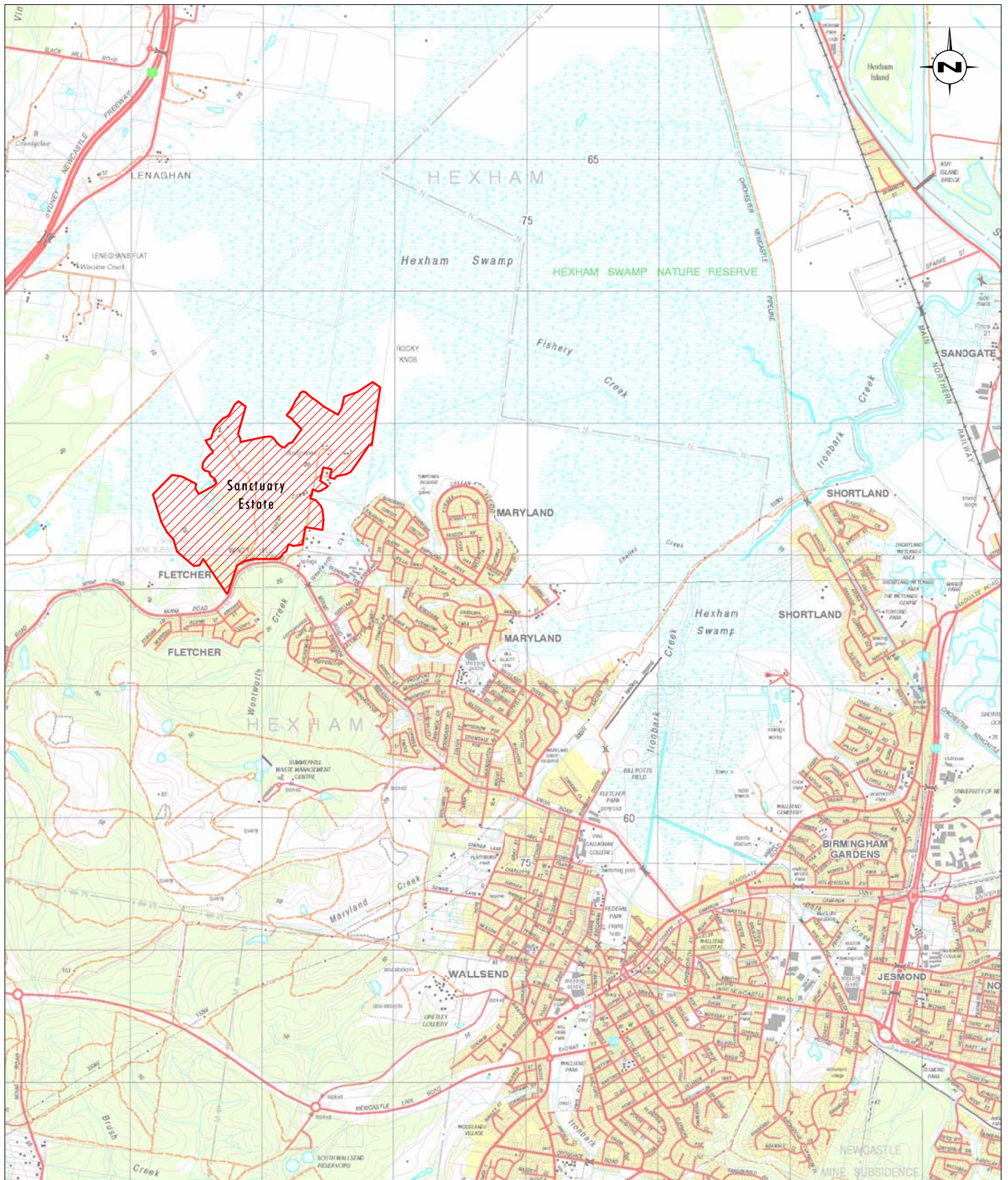
Sanctuary (formerly known as Bluegum Vista) and granted development consent by NCC in 1998. UrbanGrowth NSW entered into an agreement to develop the land in stages over a period of years. **Figure 1.2** shows the 2013 Design and Master Plan for Sanctuary, including the layout of residential lots, roads, community facilities, display homes and parks and reserves.

An average of approximately 84 lots, in distinct precincts, are being released each year. This gradual release of land means that initial ground disturbing earthworks and the construction of dwellings is also being staged over several years.

Sanctuary includes two Aboriginal Heritage Conservation Areas (AHCAs), selected in consultation with Awabakal Local Aboriginal Land Council, with reference to the results of detailed archaeological studies (Umwelt 2002). These conservation areas have been set aside from development in perpetuity.

1.2 Commitment of UrbanGrowth NSW

Assessment and management of the Aboriginal cultural heritage values of Sanctuary has been ongoing since 1998. UrbanGrowth NSW acknowledges the outstanding Aboriginal cultural values of the Estate area, which is situated on a long ridge line overlooking the western shoreline of the Hexham Wetland. Known Aboriginal sites on the land are defined as AHIMS #38-4-0530, AHIMS #38-4-0496 and AHIMS #38-4-0683, (Centre point AMGE 373150, AMGN 6361850). Further details of the special Awabakal cultural values of the Estate area is presented in **Section 4.0**.



Source: Department of Lands (2006)

0 0.5 1 2 km
1:40 000

Legend

 Sanctuary Estate

FIGURE 1.1

Location of Sanctuary Estate



Legend

- LOTS UNDER CONSERVATION
- LOTS COMPLETE
- HERITAGE CONSERVATION AREA
- PROPOSED MEDIUM DENSITY SITE
- PROPOSED RESIDENTIAL LOT
- PROPOSED PARKS/PLAYING FIELDS
- PROPOSED OPEN SPACE
- PROPOSED COMMERCIAL SITE
- SITE BOUNDARY
- EXISTING BOUNDARY
- PROPOSED BOUNDARY
- SEPP14 WETLAND BOUNDARY (FROM LPMA GIS 2007)
- STAGE BOUNDARY
- SANCTUARY ESTATE (S90 AHIP #2332 AND AHIP #3009
CONSENT AREA AND BLUE GUM VISTA ESTATE (BGV) 38-4-0683)
- FORMER ABORIGINAL HERITAGE CONSERVATION AREA 2 NOW PART OF SANCTUARY DEVELOPMENT

0 200 400 600m
1:12 500

Source: ADW Johnson PTY LTD (2012)

File Name (A4): R06_V1/2568_057.dgn
20130911 13.15



FIGURE 1.2

Sanctuary Estate Development Stages and
Aboriginal Conservation Areas

UrbanGrowth NSW is committed to working with the LACG so that the Estate is developed in a way that respects the long standing Aboriginal cultural values of the area, as well as complying with the requirements of the *National Parks and Wildlife Act 1974*. The LACG consists of Awabakal Descendents Traditional Aboriginal Owners Corporation (ADTOAC), Awabakal Traditional Aboriginal Owners Corporation (ATOAC) and Awabakal Local Aboriginal Land Council (ALALC).

Liaison, communication and coordination between UrbanGrowth NSW, the LACG, OEH and NCC is required over the timeframe of the Estate development period and beyond.

This ACHMP sets out how commitments made by UrbanGrowth NSW and NCC in relation to the protection and management of Aboriginal cultural heritage values will be implemented during the development of Sanctuary and after Sanctuary has been established.

The management of Aboriginal cultural heritage values during the development of Sanctuary also creates opportunities for UrbanGrowth NSW to develop education and training partnerships with the local Aboriginal community, related to practical implementation of the ACHMP. Whilst negotiation of these partnerships is separate to the preparation of the ACHMP, the outcomes of partnership development will support the implementation of the ACHMP.

1.3 Stages of Plan Development

The 2008 Overarching ACHMP incorporated two stages of Sanctuary development:

- Stage 1 (June 2006) was prepared to fulfil an assurance made to ALALC that a management plan for the Estate would be prepared and also to comply with the requirements of AHIP #2332, issued in February 2006, which referred specifically to civil works for the construction of the subdivision. The Stage 1 ACHMP was a condition of AHIP #2332 (copy in **Appendix 1**) and addressed the requirements of a brief prepared in consultation with representatives of the ALALC and approved by the (then) Department of Environment and Conservation (DEC now OEH). The Stage 1 ACHMP was approved by DEC and was implemented until it was replaced by the Stage 2 ACHMP in September 2008.
- Stage 2 (2008) supported a second AHIP application for residential development and included consultation with ALALC, ADTOAC and ATOAC. The second AHIP was to complement the AHIP #2332 for civil works and was to cover all residential construction within Sanctuary. The Stage 2 ACHMP therefore addressed all Aboriginal cultural heritage management activities for the entire Sanctuary Estate. AHIP #3009 for residential development was approved by DEC in September 2008 (refer to **Appendix 1**).

1.4 Purpose of the ACHMP Revision

The purpose of ACHMP (Revision 1) is to amend and update the 2008 ACHMP so that it addresses cultural heritage issues associated with both the development of Sanctuary Estate. The updates will also reflect the compliance requirements of further variations to AHIPS #2332 and #3009 and incorporate approved changes to the design of Sanctuary and tasks that have been completed under the ACHMP since 2008.

ACHMP (Revision 1) will provide clear guidance for UrbanGrowth NSW, their contractors, NCC and the LACG about how Awabakal cultural heritage values will be respected, interpreted, communicated and protected during all stages of the development of Sanctuary.

1.5 Plan Objectives

The objectives of the ACHMP (Revision 1) are:

- to document the tasks that must be completed in order to comply with the ongoing requirements of AHIP #2332 (civil works) and variations and the scheduling of those tasks;
- to document the tasks that must be completed in order to comply with the ongoing requirements of the AHIP #3009 (residential works) and variations (issued concurrently with approval of the Stage 2 ACHMP);
- to document the roles and responsibilities of UrbanGrowth NSW, its contractors and the LACG during each stage of initial ground disturbing earthworks during the development of Sanctuary;
- to acknowledge the contribution of the LACG to the project and to Aboriginal cultural heritage management within Sanctuary;
- to acknowledge how UrbanGrowth NSW has worked and will continue to work with the LACG until UrbanGrowth NSW's development interests at Sanctuary are complete;
- to document the tasks that must be completed to ensure long term protection of the Awabakal cultural heritage values of the two AHCAs that have been incorporated into Sanctuary and the scheduling of those tasks;
- to document the roles and responsibilities of UrbanGrowth NSW, NCC, their contractors and the LACG in the implementation of the tasks required for the long term protection of Aboriginal cultural heritage values in the two AHCAs; and
- to foster a strong and positive working relationship between UrbanGrowth NSW and the LACG during the ongoing development of Sanctuary.

1.6 Background

The preparation of the Stage 1 and Stage 2 ACHMPs followed extensive archaeological and Aboriginal cultural heritage investigations, documentation and analysis. OEH has also previously issued AHIPs (under the *National Parks and Wildlife Act 1974*) for the land. Prior studies and consents are summarised below.

Separate requirements from NCC, under the *Environmental Planning and Assessment Act 1979* are also noted in this section.

1.6.1 Cultural Heritage Investigations

Prior investigations include the following:

- a) A surface archaeological survey was conducted in 1993, revealing no occupation evidence. Awabakal LALC representatives were involved in this survey.
- b) Preliminary archaeological test excavation (test pits) was conducted in 1999 with assistance from ALALC representatives.

- c) In 2000, OEH (then NPWS) specified detailed requirements for further archaeological investigations at Bluegum Vista (now Sanctuary), drawing on the results of other detailed subsurface archaeological studies around Hexham Wetlands and the prediction that the Bluegum Vista site would have similar subsurface archaeological values.
- d) Following further consultation with ALALC, a new PRP application and research design was submitted to NPWS in July 2000, and a permit for extensive test excavations was issued to Landcom on 7 December 2000.
- e) Subsurface excavations to test each of 21 local terrain units in the project area were conducted during the summer of 2000 - 2001, by Umwelt and representatives of ALALC.
- f) Three thousand and one (3001) artefacts were recovered during the excavations, as well as large amounts of non artefactual material of the same rock types. Culturally flaked stone was found in all terrain units. Much of the flaked artefacts and other stone fragments had been affected by heat, such as from bushfires and stump burning.
- g) Although the artefacts across the entire project area broadly represented aspects of the same land use strategy, three areas were considered particularly important because they contained very large samples of artefacts. All of these were places at the ends of spurs, with outlooks over Hexham Wetlands, access to fresh water, flat surfaces, direct access to the diverse wetland plants and habitats. Transect 1 overlooks a rocky knoll known as Rocky Knob which is considered to be very culturally significant to Awabakal people.
- h) Although no dated material is available, the archaeological evidence suggests that Awabakal Aboriginal activities might have become more intensive over the last 3000 years or so, perhaps in response to changes in the Hunter estuary.
- i) AHIP #3009 provided the opportunity for Aboriginal stakeholders to conduct observation and cultural collections within each stage of the development of Sanctuary prior to the commencement of civil works. This has been ongoing throughout Stages 1, 2, 3, 4a, 4b, 5a, 5b, 6, 8 and 9 with compliance reports provided to OEH prepared by ALALC.

Since approval of the 2008 Stage 2 ACHMP further subsurface investigation has been undertaken under a variation to AHIP #3009:

- a) During observation of ground disturbing works in Stage 5B a feature containing fragmented bone was identified by the LACG and works were ceased in this area and an application was prepared for a variation to AHIP #3009 to allow for the manual excavation and subsequent analysis of the bone feature and its contents. As the existing AHIP did not include a methodology for excavating features OEH requested that an appropriate methodology be prepared in consultation with the LACG for inclusion in the variation application. On 9 December 2009 a variation to AHIP #3009 was granted and the bone feature excavation was undertaken on the same day and resulted in the recovery of the bones, eight stone artefacts and some rusty metal. It was apparent that archaeological material recovered was within a secondary context. The bones had been derived from non-meaty parts of a macropod that demonstrated marrow removal and bone tool creation and use. The four utilised artefacts had been employed in the processing of cooked meat. A radiocarbon date for the bone indicated that the macropod died sometime between the dates of 1776 and 1826 and most likely in the early European settlement period (1801 to 1826).

1.6.2 Aboriginal Heritage Impact Permit Requirements

The archaeological investigations undertaken prior to the Stage 1 ACHMP demonstrated that Aboriginal stone artefacts were widely distributed across the landscape. The sample size from the excavations indicated that many other similar artefacts were likely to be present, distributed across all terrain units in the Estate. So that development of the Estate could occur, an AHIP application was made to NPWS in 2003 and a permit was subsequently issued, with conditions.

This AHIP required, amongst other things, that a representative of the ALALC have the opportunity to be present during the development of the Estate (as an observer). The AHIP also required the conservation of three areas, the preparation of a timetable of all works and proposed methods (which must have the concurrence of the ALALC) and a report of all activities undertaken under the permit.

No formal scientific salvage was required but the (then) DEC required that appropriately qualified representatives of the Aboriginal community would have an opportunity to participate as cultural observers during the development of the Estate.

1.6.2.1 Section 90 Consent Renewal (February 2006) and Stage 1 of the ACHMP

Landcom advised DEC (now OEH) and ALALC in 2003 that it proposed to prepare an ACHMP to establish protocols and coordinate the management of conservation areas and other matters. It was agreed that such a plan would be an effective way to ensure that all requirements were adhered to and that the project would progress in a way which is consistent with commitments already made to the local Aboriginal community as well as complying with the NPW Act 1974.

For a number of reasons, Landcom was not able to commence ground disturbing earthworks within the two year period covered by its original AHIP. In October 2005, Landcom applied to DEC for renewal of the AHIP. A new AHIP (#2332), relating to ground disturbing earthworks for development of the subdivision, was issued in February 2006 and is included in **Appendix 1** of this ACHMP.

Initially AHIP #2332 was valid for 10 years. The Consent contained multiple conditions, including the preparation of the Stage 1 ACHMP. The AHIP also required that members of ALALC have an opportunity to monitor initial ground disturbing earthworks across the Estate. UrbanGrowth NSW has complied and will continue to comply with the AHIP conditions.

For the purpose of this revised ACHMP, six special conditions of AHIP #2332 were particularly relevant. Apart from requiring the preparation of the Stage 1 ACHMP (within six months of the AHIP being issued), the AHIP required the following actions to be completed:

- the three Aboriginal Heritage Conservation Areas (now two as shown on **Figure 1.2**) must be excluded from residential subdivision and managed for their Aboriginal heritage values;
- DEC (Planning and Aboriginal Heritage Section, North East Branch) must be advised at least seven days in advance of the dates for commencement of ground disturbing works within the development area;
- representatives of ALALC will be offered an opportunity to monitor initial ground disturbing works during each stage of civil construction works, with the intent of conducting cultural salvage of any significant Aboriginal objects that may be observed;

- DEC will be provided with progress reports on compliance with all requirements of AHIP #2332, after one year, five years and at the expiry of the AHIP. Progress reports on the salvage conducted during each stage of civil construction works must also be submitted; and
- should any possible human skeletal material be uncovered, all work must cease immediately and various organisations must be contacted for advice. Work must not recommence until DEC and other organisations have provided approval.

1.6.2.2 AHIP #3009 and Variations

A second AHIP for residential works within Sanctuary was granted by DECC (now OEH) to Landcom on 30 September 2008. This was issued as a complimentary AHIP to #2332 to allow residential works to occur within Sanctuary in compliance with the management strategy in the Stage 2 ACHMP.

Further variations to both AHIPs #2332 and #3009 have subsequently been granted.

- AHIP #3009 was varied to allow for the manual excavation and subsequent analysis of a bone feature and its contents located during Aboriginal cultural monitoring. On 9 December 2009 a variation to AHIP #3009 was granted by DECCW (now OEH) and the excavation was undertaken on the same day. The report on the outcomes of the excavation was provided to OEH in September 2013.
- A further variation to AHIP #3009 was approved by DECCW in August 2011 after Landcom, DECCW and the LACG had negotiated the exchange of AHCA 2 for the purchase of 'Rocky Knob'. At this time also obtaining a variation to Section 90 AHIP #2332 to allow civil works in AHCA 2 was inadvertently overlooked.
- AHIP #2332 was granted a variation on the 17 April 2013 to include AHCA #2 within the residential development footprint in exchange for 'Rocky Knob'.
- Approval to vary both AHIPs #2332 and #3009 was obtained from OEH on the 17 April 2013 for the addition of Lot 101, DP1048213 that at that time adjoined the eastern boundary of the AHIP areas. The Lot 101 variation area is now shown as Stages 8 and 9 on **Figure 1.2**.
- Also on 17 April 2013 the date on which both AHIP #2332 and #3009 lapse was extended to allow for the completion of all civil and residential works associated with Sanctuary. The date both AHIPs lapse is now February 2022.

Of the above variations to AHIPs #2332 and #3009 only the variation required to excavate the bone feature required any additional compliance conditions. These will be discussed in **Sections 5.5.1.1 and 5.5.1.2**.

1.6.3 Development Consent Requirements

NCC granted Development Consent for the original 700 lot subdivision in 1998. Condition 26 of the Development Consent requires evidence of agreement about the assessment and management of Aboriginal cultural heritage resources prior to the commencement of construction works on the land. NCC subsequently approved the development of the Lot 101 variation area on 21 December 2012 (DA 97_0555).

NCC has previously advised UrbanGrowth NSW that the issue of AHIP #2332 and approval of the Stage 1 ACHMP by DECCW (now OEH) was sufficient to satisfy the requirements of the Development Consent for the subdivision.

1.6.3.1 NCC Development Assessment Requirements for Residential Development

NCC is the Consent Authority for each dwelling to be constructed in the Sanctuary Estate.

Because the Sanctuary Estate area is registered in the OEH Aboriginal Heritage Information Management System (AHIMS) data base as an Aboriginal heritage site, NCC will treat all development applications as Integrated Development. Under the conditions of the Newcastle LEP, Council must consider an Aboriginal Heritage Impact Assessment and must notify OEH and local Aboriginal groups about each development application.

To streamline the development assessment process for development applications made by individual landholders within the Sanctuary Estate, UrbanGrowth NSW has obtained written agreement from NCC, DECC (now OEH) and the LACG that the following protocols and information satisfy the development assessment requirements in relation to Aboriginal cultural heritage:

- The requirement for an Aboriginal Heritage Impact Assessment was satisfied by Umwelt 2002, which is the detailed Aboriginal cultural heritage assessment for the Estate, including all civil construction and residential development areas. This report identified the cultural significance of the land.
- The management strategy outlined in Umwelt 2002 was elaborated in the Stage 2 Sanctuary Aboriginal Cultural Heritage Management Plan (Umwelt 2008). This Plan provided satisfactory information and certainty about how Aboriginal cultural heritage values across the entire Estate would be protected, both during development activities and in the long term. The Stage 2 ACHMP gave effect to the requirements of the two AHIPs (#2332 for civil works and #3009 for residential dwellings) that together covered the entire development area of the Estate. **Section 5.0** of the ACHMP set out the process for Aboriginal community groups to conduct final cultural observations and collections prior to the release of each Stage of the Estate. There were specific requirements for residential allotments in Stage 1 of the Estate and for the remaining Stages of the Estate. In issuing the two AHIPs, DECC was signalling that it accepted the archaeological and cultural heritage management information provided in Umwelt (2002) and Umwelt (2008). Representatives of local Aboriginal community groups (as specified by DECC at the time of each study and Plan) had provided written confirmation that they were satisfied with the results of archaeological investigations and heritage impact mitigation strategies across the entire Estate area (civil works areas and residential construction areas).
- In this context, development applications made to NCC for residences within the Sanctuary Estate will be accompanied by a brief reference to the work that has previously been completed. It is proposed that they will include a copy of a standard letter (signed by DECC (now OEH) and the Aboriginal community groups) that confirms that no further investigation or consultation is required and that there are no requirements for special development consent conditions to be included in Council's consent.

- UrbanGrowth NSW will prepare an updated Aboriginal cultural heritage information brochure which will be made available to all incoming landholders, residents, contractors and interested parties. The brochure will cover the results of archaeological studies and Aboriginal community consultation about Sanctuary. It will highlight the important Awabakal cultural heritage values of the Estate and why protection of certain areas is required. The brochure will set out clearly the responsibilities that the two AHIPs create for UrbanGrowth NSW and provide advice to landholders on what to do if they find Aboriginal cultural material on their land. A workshop with the LACG was held on 23 August 2013 to revise earlier drafts of the information brochure and a draft of this will be provided to the LACG for their review in December 2013. It is proposed that the updated brochure will be completed in early 2014.

2.0 Consultation and Participation

2.1 Revised ACHMP Development and Ongoing Implementation of the ACHMP

Preparation of the overarching s90 application for residential construction (s90 #3009) and the Stage 2 ACHMP built on approximately 10 years of Aboriginal archaeological studies, consultation with the local Aboriginal community about the cultural values of the Estate area and discussion with DECC (now OEH) about best practice responses on this site to the requirements of the *National Parks and Wildlife Act 1974*. This revision of the Stage 2 ACHMP adds to this the experience of five years of the ACHMPs implementation.

In brief, the consultation process leading to the revision of the Stage 2 ACHMP involved discussion of requirements for the updating of the ACHMP at ACHLC meetings held every three months at the Sanctuary Site Office and specifically at the meetings held in May and December 2013 and at a workshop held on 23 August 2013. Attending these meetings were representatives of the LACG, UrbanGrowth NSW and Umwelt.

A draft of the revised ACHMP was provided to the LACG for review and advice on 11 February 2014. Information and advice provided by the LACG was subsequently taken into account for the final revision (correspondence from the LACG is provided in **Appendix 2**). The LACG endorsed the revised ACHMP which they felt was a much clearer and easier to read document.

2.2 Roles of Participating Organisations

Table 2.1 sets out the organisations involved in ACHMP implementation. This Plan will assist all organisations to implement their roles in a coordinated and timely manner.

Table 2.1 – Roles of Participating Organisations

Organisation	Role
OEH	<ul style="list-style-type: none"> • Regulatory Authority under NPW Act in relation to Aboriginal Heritage Impact Permits. OEH has issued AHIPs #2332 and #3009 and will assess this revision of the ACHMP. • OEH will review compliance reports at specified intervals, as required by the AHIP conditions. • OEH must be contacted in the event of discovery of skeletal material that may be of human origin (note NSW Police must also be notified in this instance (refer to Section 5.5.1).
UrbanGrowth NSW	<ul style="list-style-type: none"> • UrbanGrowth NSW is the AHIP holder. • UrbanGrowth NSW is the land owner until such time as lots are sold to individual builders/home owners or to other parties. • UrbanGrowth NSW will retain ownership of reserve areas and they will be managed by UrbanGrowth NSW until they are completed at which time they will be handed over to NCC. • UrbanGrowth NSW must be satisfied that proposed landscaping and interpretative measures are consistent with UrbanGrowth NSW policy and other statutory obligations. • Contractual obligations to support implementation of requirements set out in the AHIPs. • UrbanGrowth NSW manages the staged marketing and sale of individual residential allotments. • UrbanGrowth NSW makes sure that incoming residential land owners and occupiers have been provided with information about the Aboriginal significance of the land and their responsibilities in relation to the AHIPs and ACHMP that cover the management of Aboriginal cultural heritage within Sanctuary. • UrbanGrowth NSW issues tenders and principal contracts for ground disturbing earthworks and landscaping of the Aboriginal Heritage Conservation Areas. • UrbanGrowth NSW must be satisfied that place names are suitable before they are recommended to NCC and/or Geographical Names Board. • UrbanGrowth NSW must be satisfied that proposed landscaping and interpretative measures are consistent with the marketing of the Estate. • Should UrbanGrowth NSW wish to sell part or all of any undeveloped land within Sanctuary, UrbanGrowth NSW will be required to ensure that there is a mechanism to allow transfer of any current AHIPS and of this ACHMP to the new owner/developer. This mechanism would require consultation with the LACG and endorsement by OEH.

Table 2.1 – Roles of Participating Organisations (cont.)

Organisation	Role
Local Awabakal Consultative Group	<ul style="list-style-type: none"> • ADTOAC and ATOAC are registered Native Title for the broader area that encompasses Sanctuary. As recognised Traditional Owners and custodians of the area they have an obligation to promote the awareness, respect, protection and continuation of Aboriginal cultural heritage associated with Sanctuary. • ALALC has statutory responsibilities under the <i>Aboriginal Land Rights Act 1983</i> to promote the awareness, respect, protection and continuation of Aboriginal cultural heritage in their boundaries. The Land Council also has responsibilities under the <i>Aboriginal Land Rights Act 1983</i> to encourage and advance the social and economic wellbeing of the local Aboriginal community, through land claims, housing, education, health and other initiatives. • Members of ALALC have been involved as representatives of the local Aboriginal community since the beginning of the project (originally known as Bluegum Vista). • Members of ADTOAC and ATOAC have been involved in the project since its inception as members of the ALALC, and independently since 2008. • The LACG hold copies of all Aboriginal archaeological studies, reports and plans prepared for the project. • The LACG will provide culturally appropriate street names and names for the AHCAs. • The LACG will have an opportunity to contribute information about culturally appropriate interpretative material for the Estate. • The LACG will agree to in a timely manner provide cultural observers during or prior to initial ground disturbing earthworks for each stage of the development of the subdivision and to conduct cultural salvage in compliance with the protocols in this revised ACHMP. • LACG representatives who are contracted as observers and to conduct cultural salvage must have necessary safety and work accreditations/inductions, prior to commencing work and must wear appropriate PPE. • The LACG will contribute to the development of long term landscaping and conservation plans for the two Aboriginal Heritage Conservation Areas. This will include participating in reburial of cultural materials collected during the cultural salvage processes for each stage of the Estate. • ALALC has a Care and Control Permit from OEH for the artefacts that have been collected during archaeological investigations and during subsequent cultural observer and collection activities and thus all cultural material will be held by ALALC in a secure facility at the ALALC office until such time as it is reburied. • ALALC must ensure that it completes the necessary compliance report at the end of the salvage program for each Stage of the Estate (for details refer to Section 6.1).

Table 2.1 – Roles of Participating Organisations (cont.)

Organisation	Role
Site development contractors (initial ground disturbing earthworks for each stage and landscaping contractors)	<ul style="list-style-type: none"> • Must participate in a site induction in relation to Aboriginal cultural heritage issues. • Earthworks contractors are contractually required to implement on the ground measures to protect Aboriginal Heritage Conservation Areas during all stages of the civil construction works (refer to Sections 4.0 and 5.0). • Earthworks contractors must advise NSW Police, OEH, UrbanGrowth NSW and the LACG in the event that skeletal material suspected of being of human origin is exposed during the civil works (refer to Section 5.8). • Earthworks contractors will coordinate with the Sanctuary ACHLC during landscape works in the AHCA, particularly in relation to reburial of cultural objects collected from other parts of the Estate.
Land owners and builders - individual residents	<ul style="list-style-type: none"> • There are no additional cultural heritage requirements for purchasers or occupants of land within Sanctuary, however, the information brochure identifies that should they find stone or bone tools similar to those shown in the brochure when working on their property, that the Awabakal people would be grateful if they made contact with them, or UrbanGrowth NSW, so that the artefacts can be cared for appropriately.
Newcastle City Council	<ul style="list-style-type: none"> • NCC issued Development Consents for the Estate in 1998 and 2012, with conditions. • NCC will receive and consider applications for development consent for all dwellings to be constructed in the Sanctuary Estate. • An agreed protocol between UrbanGrowth NSW, OEH and NCC has set out how Council's development assessment requirements (Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>, and NCC LEP) in relation to residential development applications have been met (refer Section 1.3.3.1). • NCC will meet management obligations as outlined in the AHCA #1 and #2 Management and Maintenance Plan.

2.3 Communication Protocols and Procedures for Implementation of the Revised ACHMP

The development of Sanctuary is planned to continue to take place over the next nine years. Management of Aboriginal cultural heritage values in the Estate will continue to be required throughout that period. This section sets out how communication will be maintained between UrbanGrowth NSW, OEH, NCC, and the LACG during that period. Communication procedures are established for various routine matters, events and contingencies.

2.3.1 Project Liaison Committee

During the period of initial ground disturbing earthworks for each stage of the Estate, the current ACHLC will continue to operate. The Sanctuary ACHLC provides a forum for regular liaison about and review of the implementation of the Stage 2 ACHMP. It is intended that the membership will continue throughout the development of the Estate. The Sanctuary ACHLC will continue to include a representative of each of the following organisations:

- UrbanGrowth NSW;
- ALALC;
- ATOAC;
- ADTOAC; and
- an archaeologist to act in an advisory capacity may be invited to participate in ACHLC meetings, as required.

OEH may attend meetings of the Committee on request, as necessary. If tenure of the Aboriginal Heritage Conservation Areas transfers to OEH in the future, OEH would need to attend meetings on a regular basis.

Any ACHLC member may choose to withdraw at any time. If they choose not to continue participation in the Management Committee, they must advise UrbanGrowth NSW and OEH in writing. No other Aboriginal community group, other than the current members will be permitted to join the ACHLC or involve themselves in matters related to the ACHMP.

UrbanGrowth NSW is the principal contact for correspondence or other communication with OEH. UrbanGrowth NSW reports feedback from OEH about the ACHMP to the Sanctuary Aboriginal Cultural Heritage Liaison Committee.

2.3.1.1 When Will the Committee Meet?

UrbanGrowth NSW issues invitations and agendas for Committee meetings to all Committee members a minimum of two weeks (10 working days) before any proposed meeting.

It is anticipated that all three local Aboriginal community groups will attend the meetings of the Liaison Committee. However, the minimum quorum for a meeting to proceed will be UrbanGrowth NSW and one member of the LACG. Meetings will be chaired by UrbanGrowth NSW or a nominated representative.

It is proposed that the Sanctuary ACHLC would meet quarterly during the ongoing development phase of the project and special meetings can be convened as agreed.

2.3.1.2 Tasks for the Sanctuary Aboriginal Cultural Heritage Liaison Committee

The Committee has a number of liaison, discussion and review functions. These include, but are not limited to the following:

- planning and reviewing Aboriginal cultural heritage activities for each stage of the development of the Estate. This includes the civil works and the residential construction areas of each Stage. Details of the strategy for observation, investigation and collection for cultural purposes are provided in **Section 5.0**;
- reviewing place names for each Stage, using the list compiled by the LACG as the basis for future discussion (refer **Section 3.0**);
- choosing the place names for the two AHCAs;
- other aspects of the presentation of Aboriginal cultural heritage values in the Estate, for instance including:
 - underlying design of landscaping features in the AHCAs;

- art work used as part of the landscaping of the Aboriginal Heritage Conservation Areas (refer to **Section 4.0**);
- interpretative sign posting at the two AHCAs and along walking or cycle paths in the Estate and in compliance with NCC requirements (refer to **Section 4.0**);
- selection of plant species for use in the landscaping of the two AHCAs (refer to **Section 4.0**);
- determine where any collected artefacts will be temporarily stored or exhibited. For instance, it has been suggested that an exhibition about Awabakal culture in the Sugarloaf/Hexham corridor could be developed around some of the artefactual material recovered from Sanctuary Estate, by community Committee members, in collaboration with OEH, NCC (e.g. Lovett Gallery), and UrbanGrowth NSW; and
- contingency activities if human skeletal material were uncovered during any part of Estate development.

3.0 Cultural Awareness Raising - Place Names and Interpretation

This section sets out how UrbanGrowth NSW and the LACG will work together to achieve cultural awareness initiatives for the Estate.

The intent is that the residential Estate will 'tread lightly' on the Aboriginal cultural heritage values of the land and that its design and landscaping will respect those values, encouraging awareness of local Awabakal culture.

3.1 Awabakal Language for Place Names in the Estate

UrbanGrowth NSW has agreed that place names and street names within Sanctuary will reflect the cultural heritage value of the area to Aboriginal people. Place names are approved by the Geographical Names Board of NSW and include the names of parks and reserves, villages, schools and potentially to the naming of community centres. Streets and roads are named in accordance with procedures set out in the Roads (General) Regulation 2000.

The Geographical Names Board of NSW has published guidelines for the determination of place names. These are included in **Appendix 3** of this revised ACHMP. Importantly, the Guidelines note that names of Aboriginal origin or with a historical background are preferred. The names of people who have had an important association with an area may also be used, most often posthumously, although the names of living people who have made an outstanding contribution to the community may also be considered occasionally. There is a preference not to reuse place names that have already been used within a Local Government Area or in areas adjacent to the borders of a Local Government Area.

Urban Growth NSW, the LACG, NCC and the NSW Geographic Names Board are all stakeholders in the selection of place names.

Awabakal words have been used for existing street names in the Estate. Prior to the commencement of civil works in future Stages of the Estate, the Sanctuary ACHLC will review potential street or place names to be used in each stage.

UrbanGrowth NSW will submit the agreed list of place names to NCC and the Geographical Names Board for approval.

3.1.1 Naming Aboriginal Heritage Conservation Areas

The Sanctuary Aboriginal Cultural Heritage Liaison Committee was to determine an appropriate name for each of the two AHCAs. This name, once approved by the Geographical Names Board, was to be used in signposting within the Estate and in any publications that may be prepared about the Aboriginal cultural heritage values of the places.

AHCA #1 has subsequently been named 'Yutilliko' which in the Awabakal language means 'to show the way by guiding'. The second AHCA will be named at an appropriate time as Sanctuary development progresses towards Stage 15.

3.1.2 Awabakal Cultural Heritage Information for Incoming Land Owners and/or Occupiers

UrbanGrowth NSW is required to prepare Awabakal cultural heritage information brochure to be made available for all incoming land owners, residents and other interested parties in the development of the Estate. Consultation has been ongoing with the LACG in relation to the brochure since late 2008 and in 2013 a workshop was held with the LACG and UrbanGrowth NSW to work on the final design and contents of the brochure. The brochure is currently in draft form and will be subject to ongoing consultation with the LACG. It is proposed that the brochure will be completed in early 2014.

4.0 Management of the Values of the Aboriginal Heritage Conservation Areas

4.1 Aboriginal Heritage Conservation Areas

On the basis of the results of archaeological investigations and consultation with the LACG, UrbanGrowth NSW agreed to three AHCAs within the Estate. These are identified in AHIP #2332 and #3009 for formal reservation for the protection of their conservation and Aboriginal heritage values. The total area included in the conservation areas was 4.3 hectares.

As discussed in **Section 1.6.2.2** on the 19 March 2010 in a meeting of representatives of UrbanGrowth NSW, OEH, ATOAC, ADTOAC and Hunter- Central Rivers CMA an agreement was reached to seek to vary the AHIPs to include AHCA #2 within the development in exchange for the transfer of Lot1 DP 1048213 and Lot 2 DP1024376 known as 'Rocky Knob' to the Hunter - Central Rivers CMA. 'Rocky Knob' is a landscape feature that is of high Aboriginal cultural value within the adjoining Hexham Wetlands. The variation was endorsed for AHIP #3009 in August 2011 and #2332 in April 2013. The area previously identified as AHCA #2 is now approved for impacts associated with the civil works and residential works for Sanctuary.

The two remaining AHCAs are 2.4 hectares in area and are contiguous with other terrain that will be managed to maintain its natural values, such as the steep embankment that surrounds the Estate above Hexham Wetland and vegetated drainage lines. This connectivity of cultural heritage and natural conservation areas opens opportunities for restoration and maintenance of culturally valuable landscapes throughout the Estate.

The locations of the two AHCAs and the former AHCA are shown on **Figure 1.2. Plates 4.1 to 4.4** show their landscape context (outlook, adjacent terrain and vegetation).

The locations of the two AHCAs were identified on the basis of the following attributes. These attributes directly influence the management and design concepts for each area, as discussed in **Section 4.4**.

- The Conservation Area is representative of the terrain that occurs in the Estate and more broadly, around the western margins of Hexham Wetland.
- The Conservation Area is known to contain a large assemblage of Aboriginal flaked stone artefacts. Whilst a sample of these artefacts was obtained during subsurface investigations (Umwelt 2002), it is anticipated that a large number of artefacts remain *in-situ*. The two AHCAs yielded larger samples of artefacts than other terrain units in the Estate.
- The northern-most of the two AHCAs has extensive views across the Hexham Wetlands, towards Ironbark Creek and the Hunter River. 'Rocky Knob', a culturally important feature of the landscape, lies directly below the high vantage point of this AHCA. Rocky Knob is associated with traditional stories and the rainforest species present on the rocky outcrop would also have added to the diversity of local resources for Aboriginal people.
- The second AHCA is situated in a sheltered position between two creek lines draining into the lower reaches of Minmi Creek. At this point, the bed of the creek comprises freshwater wet meadow. This landscape illustrates the diverse resources that would have been used and looked after by traditional Awabakal people. Many of these traditional resources are known to and still utilised by local Aboriginal people.



PLATE 4.1
Aboriginal Heritage Conservation Area 1 (Rocky Knob in background)



PLATE 4.2
Outlook across Hexham Wetlands and Rocky Knob from Aboriginal Heritage Conservation Area 1



PLATE 4.3
Former Aboriginal Heritage Conservation Area 2 now part of the Sanctuary Development



PLATE 4.4
Subsurface testing trench in Aboriginal Heritage Conservation Area 3

- Mount Sugarloaf can be viewed from AHCA #1 and the dunes of Stockton Bight can be seen from the AHCA #2. Mount Sugarloaf is the centre of many Awabakal traditional cultural activities and stories.

4.2 Tenure and Management Responsibilities

AHCA 1 (Lot 174, DP 1113792) is owned by NCC, and ACHA 2 by UrbanGrowth NSW. Land tenure of ACHA 2 will be transferred to NCC upon completion of ACHA 2 construction works.

The Aboriginal Heritage Conservation Area Management Plan for ACHA 1 has been prepared in accordance Section 4.0 of the Sanctuary Estate Overarching Aboriginal Cultural Heritage Management Plan, in consultation with ADTOAC, ALALC and ATOAC, and issued to NCC for implementation. This Plan will be updated to include ACHA 2, upon completion of ACHA 2 construction works.

4.3 NPW Act Requirements for Aboriginal Sites

The NPW Act 1974 makes it an offence to move, damage or destroy (harm) Aboriginal objects (sites) unless an AHIP has been issued by the Director-General of OEH. Other Aboriginal cultural heritage values (such as associations with cultural landscapes) are not specifically protected by the NPW Act, unless they can be gazetted as Aboriginal Places.

The entire Sanctuary area has been registered as an Aboriginal site (Site #38-4-0496, #38-4-0530 and #38-4-0683), because of the wide distribution of cultural heritage objects across all terrain units in the landscape. OEH has issued AHIPs #2332 for all areas affected by civil works in Sanctuary. A separate, but complementary AHIP #3009 covers all residential development areas. The two areas which have been set aside as AHCA's are not covered by these AHIPs. Damage or destruction of Aboriginal heritage objects within the two AHCA's is therefore an offence under the *NPW Act 1974*.

Damage or destruction of Aboriginal sites includes any excavation below the natural ground surface that would damage, deface or disturb the known site.

Sections 4.4 to 4.7 describe the proposed landscaping and interpretation activities for the two AHCA's. Many of these activities will require some form of excavation (e.g. for planting, installation of landscape features, reburial of artefacts, signage etc). To ensure that Aboriginal objects below the natural ground surface are not disturbed by the management of the two AHCA's and that the requirements of the NPW Act 1974 are complied with, the entire surface of each AHCA will be covered with geofabric. The geofabric cover will then be covered by clean rock and/or soil fill and/or topsoil. This material will be primarily topsoil (but can include subsoil and rock material that must be removed from other parts of the Estate such as roads). By retaining all topsoil removed from Sanctuary in this way, all the soil materials that may contain cultural objects (flaked stone artefacts) will be retained within the Estate.

Fill will be placed to a minimum depth necessary to protect the natural ground surface from disturbance and to meet landscaping requirements. Any excavation that is required will take place within this fill material.

4.4 Key Heritage Concepts and Management Objectives

The LACG has identified multiple values for the two AHCAs. These values are important to Aboriginal people, but members of the LACG are also keen to share this cultural knowledge and value with other members of the local community. They are particularly keen that residents and other interested parties should have an opportunity to understand and appreciate the Awabakal cultural landscape in which they have established their homes.

The local Aboriginal community also recognises that this land has 200 years of shared cultural history, overlaid on the traditional culture after European settlers moved into the area.

4.4.1 Objectives for Management of AHCAs

The LACG has identified two principal objectives for the management of the two AHCAs:

- to foster community cultural heritage awareness, sensitivity and pride; and
- to create culturally sensitive community spaces.

From a project perspective, the objectives for management and ongoing operation and maintenance of the two AHCAs are:

- to sustainably comply with OEH requirements;
- to show respect for the Aboriginal cultural landscape in which the Sanctuary development is located; and
- to integrate cultural heritage management with the management of open space and conservation values in the Estate.

The Awabakal values of the AHCAs to be incorporated into the landscape and Design and Management have been included in **Appendix 4**.

4.5 Landscaping Concept

UrbanGrowth NSW, in conjunction with the project landscape architects and Sanctuary ACHLC has developed a landscape plan for AHCA #1. A landscape plan for AHCA #2 will be developed in parallel with Sanctuary Stage 15 design and development.

The concepts that will be/have been incorporated into these landscaping plans include:

- each AHCA will be named using a place name recommended by the LACG and reflecting its place in the cultural landscape around the margin of Hexham Wetland;
- the LACG has previously expressed the view that to conserve Aboriginal cultural heritage values, the AHCAs should be inviting to residents, and have structural elements that make them safe and robust for use by children through to the elderly;
- the landscaping and placement of street furniture should maintain the views across the Hexham Wetland that are a major feature of the outlook of the AHCAs;

- the AHCAs should be linked by the walking/bicycle path around the margin of the Estate and the pathway offers further opportunities to create positive impressions of the Awabakal cultural values of the area. This could be achieved by careful selection of surfacing materials for pathways, by the sinuosity of pathways, by integrated planting, and by artwork or sculpture. During the development of the first stage of the Estate, motifs using small smooth stones in circular patterns have been trialled at intervals along concrete pathways; and
- the AHCAs could be planted with species that are endemic to the wetland margins and that would have provided resources for Awabakal people. References to information on locally occurring indigenous plants will be provided for incoming residents in the Cultural Heritage Information Brochure, to encourage residents to plant these species to smooth the landscape transition from the private gardens to the conservation areas. UrbanGrowth NSW is also conducting some weed removal and rehabilitation planting along drainage lines in the Estate. This biodiversity rehabilitation will also support the cultural landscape protection and interpretation work proposed for the AHCAs. Local Aboriginal people with strong cultural knowledge of plants of traditional value could provide expert advice to the landscaping and rehabilitation teams.

4.6 Placement of Cultural Heritage Objects

The LACG supports the general concept of retaining the physical evidence of how Aboriginal people used this land in the past within Sanctuary by allowing its reburial within the AHCAs (refer to **Section 5.0**).

The following procedures will be followed:

- information about the potential for reburial of artefacts is to be included in the landscaping plan for each AHCA (where artefacts will be placed; will they be in one place or scattered across the AHCA etc);
- although artefacts may be collected by the qualified Site Officers of the LACG, ALALC will coordinate the collection process and will prepare records of artefacts that are being replaced in the landscape. This will include the numbers of artefacts and the areas from which they were collected;
- the Sanctuary ACHLC will decide where artefacts that may be collected during pre earthworks cultural activities for each stage of the Estate will be temporarily stored and/or exhibited. Subject to the Committee's agreement, options for consideration may include the NCC Local History Collection (archives), Auchmuty Library Cultural Collection Archives (Newcastle University), ALALC, or the Sanctuary Sales Centre;
- in general, all artefacts will be reburied within the AHCAs, however, some artefacts may be retained for use in educational or awareness programs and for display, or in the case of more fragile material such as bone or wood, to ensure its ongoing preservation;
- artefacts that are being placed in the AHCAs will generally be placed in the next available conservation area;
- artefacts will be placed in the relevant AHCA after topsoil has been placed over the natural ground surface and before planting and other features have been installed; and

- the LACG will advise OEH and UrbanGrowth NSW of the date that artefacts will be placed in the AHCA. If a special event is planned, the LACG will advise OEH and UrbanGrowth NSW so that they are aware that additional people may be on site and to ensure safe access to the necessary areas.

4.7 Land Management Issues

The objectives of long term land management within the AHCAs are:

- to ensure that artefacts beneath the natural soil surface are not disturbed by surface processes and community activities;
- to maintain an attractive landscape design that respects the Awabakal heritage values of the area;
- to maintain a safe reserve system that can be used and enjoyed by local residents; and
- to ensure that the values of the AHCAs are not compromised by adjacent land uses, e.g. by weed infestation or disposal of rubbish.

4.7.1 Boardwalks and Pathways

Formal pathways will be constructed through the AHCAs. The construction of the pathways will not involve excavation below the natural ground surface of each AHCA.

Pathways will be constructed either as surfaces that are consistent with the design theme for the conservation area and its links to adjacent areas (e.g. gravel, paving, patterned concrete etc). The specific surfaces for each area will be set out in the Landscaping Plan.

Artwork, including paintings and engravings may be used in the surface of pathways. As noted above, artwork with broad cultural themes has been trialled in pathways in the first stage of the Estate.

4.7.2 Removing Weeds and Pasture Grass

It is an offence under the NPW Act 1974 to excavate below the ground surface of a known Aboriginal site, without a relevant permit. The intent of landscape management within the AHCAs is to create a culturally informative landscape that blends with adjacent natural spaces, also preventing disturbance below the 'natural' ground surface.

After more than 150 years of grazing on the land, the two AHCAs are all heavily grassed with pasture species. Other weed species are also present. Declared noxious weeds as declared by the NCC for their Local Government Area and as specifically identified in AHCA areas as shown on Sanctuary Estate Vegetation Management Plan, (Version D, March 2010 – Figure 02, Target Weed Infestation Zone identified) will be removed as part of the landscaping of the AHCAs.

Noxious weed removal is to be undertaken in accordance with the Sanctuary Estate Vegetation Management Plan (Version D, March 2010), noting that 'mechanical removal and clearing' is NOT permitted as a means of weed control except for the removal of bush tobacco. Ongoing weed control is to be undertaken in accordance with Sanctuary Estate Vegetation Management Plan (Version D, March 2010).

4.7.3 Planting Guide

The intent of planting within the AHCAs is to:

- create a pleasant space for Aboriginal people and local residents to visit and use;
- showcase the natural vegetation of the ridges overlooking Hexham Wetland;
- enhance habitat values around the wetland margin and provide continuity with adjoining habitat conservation areas (e.g. along the drainage lines in the Estate);
- showcase examples of traditional food and other economic plants from the margins of the Hunter estuary;
- maintain view corridors across Hexham Wetland from the AHCAs; and
- be consistent with fire management guidelines for the Estate.

Where possible, existing established native plants will be retained. For instance, a large Spotted Gum on the embankment in AHCA #1 will be retained as part of the landscaping of the AHCA. This tree has significant habitat values as well as being a conspicuous element of the landscape at this site.

Other Aboriginal food and economic plants that are likely to have been present in the project area are noted in Umwelt (2002), and include lilies, orchids, ferns, vines, grasses, shrubs and trees. Specific planting lists for each AHCA will be developed during consultation between the LACG members of the Sanctuary Aboriginal Cultural Heritage Liaison Committee, the project horticulturalist and the project landscape architect.

Plants chosen will be consistent with guidelines provided by NCC for urban reserves.

All new planting will be in the topsoil that is placed over the natural ground surface. Seeds, tube stock or more established plants may be used.

4.7.4 Access Restrictions

The proposed uses for the AHCAs are passive recreation, education and visual attractiveness. Access through the AHCAs will be on foot, or wheelchair or bicycle. No motor vehicle access is intended, other than when necessary for maintenance activities (e.g. vehicles will be able to access the AHCAs to bring in fill and when horticultural or fire management works are necessary).

The maintenance of conservation values in these areas is not consistent with use of the AHCAs for parking boats trailers, caravans etc or with dumping of domestic garden waste.

The boundaries of the AHCAs will be marked by low railings or similar structures to minimise the risk that they will be used for parking of vehicles, trailers etc.

Information brochures will be prepared for incoming residents explaining the values of the AHCAs and how they can contribute to their sustainable management.

4.8 Signage, Artwork and Interpretation

The AHCAs are an excellent opportunity to share information about the Aboriginal cultural landscape of the Hexham Wetland and the slopes leading to the Sugarloaf Range. It is proposed that cultural heritage concepts and information will be shared with local residents and other interested parties in the following ways:

- inherent in the design of the landscape in each AHCA (e.g. use of surfaces and plants). Details will be included in the Landscaping Plan;
- various items of public art in the AHCAs, including sculpture, engravings, paintings and designs used in signage. Wherever possible, public art works will be designed and installed by local Aboriginal people, in consultation with UrbanGrowth NSW, their art consultant and the project landscape architects;
- the choice of plants used in landscaping, with preference given to plants that are native to the ridges and spurs around Hexham Wetland;
- information brochures for incoming residents will explain the important Aboriginal heritage values of the Hexham Wetland cultural landscape and the intent of the AHCAs. These brochures will also provide simple guidance on land management activities to help protect the AHCAs and keep them as an attractive resource for all the community;
- story signs will be used at each AHCA and/or along pathways or cycleways linking the AHCAs. These signs will be prepared in consultation with the LACG. They will provide information about interesting cultural heritage attributes of the area, such as stories about landscape features, plants, outlooks etc. These signs will be maintained and updated as necessary over time, so that they continue to reflect well on the local Awabakal community and their culture; and
- displays may be developed from time to time at the local community centre and schools will provide further information about the Awabakal cultural heritage of Hexham Wetlands and the Wentworth Creek, Minmi Creek and Bluegum Creek catchments. The concept for these displays will be developed in consultation with the Sanctuary ACHLC members and will be prepared by local Aboriginal people wherever possible.

4.9 Monitoring and Maintenance

The intent is that the two AHCAs provide an attractive and culturally sensitive open space for the enjoyment of residents in the Estate in perpetuity. To achieve this, ongoing maintenance will be required, including:

- maintenance of plants, so that the AHCAs present an attractive landscape context for the residential areas. This requires ongoing weed control, and replacement of dead plants etc;
- maintenance of surfaces and other structures, including seating, pathways, boardwalks, railings, sculpture etc;
- removal of any dumped rubbish and graffiti; and
- maintenance of signage so that it remains legible and current.

The long term land owner will be responsible for maintenance works. Wherever possible, Aboriginal people will have an opportunity to participate in/contract for landscaping works.

4.10 Checklist and Schedule for Ongoing Management of Aboriginal Heritage Conservation Areas

Actions and responsibilities associated with the long term management and maintenance of the two AHCAs are summarised in **Appendix 5**.

5.0 Development Areas – Civil Works and Residential Construction

All of the development areas of the Estate are covered by two s90 AHIPs. AHIP #2332 covers civil works across the whole Estate and AHIP #3009 covers all residential construction works across the same area. Both AHIPs have also had a number of variations to allow for revisions to the Estate impact footprint.

The existing AHIPs include conditions requiring opportunities for Aboriginal community observers during ground disturbing earthworks, in accordance with a protocol set out in this ACHMP.

This section discusses the protocol for Aboriginal community observation, investigation and collection that has been implemented and should continue to apply across the entire subdivision area, including the areas affected by civil works and residential construction. It is noted that the monitoring of areas affected by civil works acts to also cover areas approved for residential development.

5.1 Soils and Artefact Distribution

Umwelt (2002) provides information about the depth of topsoil cover across Sanctuary and the distribution of Aboriginal cultural heritage objects in the soil profile.

The soils of the Estate are primarily developed on claystones and thinly bedded sandstones within the Newcastle Coal Measures. Soil profiles have strong texture contrast profiles. The topsoil (A horizon) of these profiles varies from fine sandy loam to light clay in texture, but is in all cases clearly differentiated from the subsoil (B horizon) which is highly pedal (cracking when dry), plastic (when wet) medium to heavy clay.

Aboriginal cultural heritage material is confined to the topsoil or A horizon, except in very rare cases where artefacts have fallen down cracks in the subsoil which develop when the soil is very dry. The topsoil also contains many non artefactual stone or iron stone fragments, which are weathering products from the underlying bedrock.

The LACG has requested that the topsoil and any contained archaeological material should be retained within the subdivision (it is noted that this does not apply to the subsoil ie. the B horizon and below). The approach discussed in **Sections 5.2 to 5.5** takes this view into account.

5.2 Ground Disturbing Civil Works

Measures that are required to meet the requirements of the NPW Act during the periods of initial ground disturbing earthworks are set out in AHIP #2332. Principally, these are:

- an opportunity must be provided to representatives of the LACG to observe and collect Aboriginal objects from those areas over which AHIP #2332 apply; and

- the areas that have been designated as AHCAs must not be disturbed by ground disturbing earthworks (except for the reburial of artefacts recovered from the broader subdivision). No AHIP applies to these areas. It is therefore an offence under the NPW Act 1974 to damage or destroy the objects that are located within the Aboriginal Heritage Conservation Areas (it is noted that a variation to AHIP #2332 now allows for ground disturbing earthworks in the area previously identified as AHCA 2 – refer to **Figure 1.2**).

Initial ground disturbing earthworks (civil works) include the following activities:

- clearing of canopy, under story and ground cover vegetation, using earthmoving equipment; and
- stripping of topsoil.

Initial ground disturbing works do not include subsequent excavation or other earthworks for the purposes of road construction, kerb and guttering or installation of services such as electricity, water and sewerage (these excavations will involve rock and subsoil, below the level where artefacts are likely to occur). Excavation for installation of stormwater management devices will also generally not be included, unless the stormwater controls (e.g. detention ponds) are to be excavated in locations where other ground disturbing earthworks have not already taken place. This may apply to detention ponds within the vegetated drainage lines on the property.

5.3 Residential Construction Areas

Residential construction areas are the individual allotments that will be sold to families to build homes (including the dwelling, driveways, paths, gardens and other domestic structures). Each home will require development consent from NCC and will generally be built by a builder contracted to the land owner (future resident).

This section addresses the process for the LACG to make cultural observations and collections in the residential allotment areas of each stage of the Estate as approved by AHIP #3009.

The LACG will have an opportunity to conduct further observations, investigations and collections for cultural purposes on the residential allotments in each Stage of the subdivision in any event where these exceed impacts already arising from the civil works. As for civil works, the focus of cultural heritage interest is the topsoil (A horizon). It is very unlikely that Aboriginal artefacts will occur at depths greater than the top of the B horizon.

The development consent for the subdivision requires that earthworks associated with levelling blocks for construction are done on a cut and fill basis. No topsoil is to be taken off site during the preparation of the land for slab or footing construction. This means that any artefacts that may be present in the topsoil will also remain on site, although their distribution and vertical context will clearly change. There is, however, no requirement for the subsoil (B horizon and below) to be retained within the Estate.

Most residential allotments in the Estate are relatively compact and it is unlikely that residents will subsequently invest in large structures such as back yard swimming pools (lack of space). In the case where deep excavation is required for a pool, the material below the topsoil has a very low probability of containing artefacts. No cultural investigation of this material is necessary.

5.4 Delineation of Conservation Areas

The two AHCAs must not be disturbed by earthmoving or associated activities during initial ground disturbing works. The natural ground surface of the AHCA must not be disturbed during any other part of subdivision development. Because the AHCAs are bounded by roads (separating them from the developed residential areas of the Estate), it may be necessary to coordinate aspects of initial ground disturbing earthworks, and landscaping tasks in the AHCAs to ensure integrated management of the interface, complying with all statutory requirements.

Prior to the commencement of initial ground disturbing earthworks in the vicinity of each AHCA:

- the boundaries of the Aboriginal Heritage Conservation Area must be surveyed;
- corners will be marked with robust pegs; and
- contractors will be shown the boundaries of the relevant AHCA as part of site induction prior to the commencement of ground disturbing works in each stage/precinct of the Estate (refer to **Section 5.5**).

5.5 Aboriginal Community Observers

The AHIP #2332 and #3009 require that representatives of the LACG are provided with an opportunity to act as cultural heritage observers during the initial ground disturbing civil works in each stage of the subdivision. This opportunity has been extended and will continue to be extended to the LACG.

The intent of Aboriginal community involvement as observers in the initial ground disturbing earthworks is to allow observations and collection of any Aboriginal objects that may become visible when the topsoil is exposed during development of the subdivision. Once topsoil has been removed, there is no need for any further cultural heritage monitoring, during subsequent civil works in the subsoil.

During the civil works for Stage 1 of the Estate, Aboriginal Site Officers were present during the stripping of topsoil by heavy earthmoving machinery. This required complex scheduling of activities and provided limited cultural benefit in terms of an opportunity to learn more about the archaeological heritage of the land.

To simplify the process, make observations and collections safer and to increase opportunities for collections that are not affected by the timeframes and practical requirements of active earthworks using heavy machinery, the observation opportunities were restructured. The method outlined below (**Section 5.5.1**) covers both civil works areas and residential construction areas.

5.5.1 Pre-earthworks Cultural Observations and Collections

Opportunities for the following activities will occur prior to the initial ground disturbing earthworks for each stage of Estate development. LACG representatives will not be on site during the operation of heavy earth moving machinery required for civil works, except in specific contingencies (**Section 5.9**).

- As noted in **Section 2.0**, UrbanGrowth NSW will convene a meeting of the Sanctuary ACHLC12 weeks before the commencement of ground disturbing earthworks in a new stage of the subdivision.

- At the meeting, a period of up to two weeks (10 working days) will be identified, before major earthworks commence, when qualified LACG representatives will be able to conduct further observations and collections across all land within that Stage. At this time, all land in the Stage will remain in UrbanGrowth NSW ownership.
- At its meeting, the Liaison Committee will also discuss any particular observation or collection issues and priorities for the Stage. An observation and collection plan will be prepared on the basis of the discussion.
- ALALC will nominate a supervising Site Officer who will be responsible for record keeping in accordance with the AHIP reporting requirements.
- During the two week period, qualified Site Officers will have an opportunity to conduct observation and collection activities on behalf of all groups, in accordance with the priorities identified at the Liaison Committee meeting. A maximum of four qualified Site Officers will be on the site at any one time. These may be selected from a panel of six qualified Site Officers, who will be sourced from the LACG.
- UrbanGrowth NSW will provide support for the qualified Site Officers, in the form of lightweight excavation/scraping equipment which can be used to remove ground cover and expose the topsoil at selected locations. Scraping or small scale excavation will be confined to the topsoil unit. A water truck may also be provided if required.
- The supervising Sites Officer will organise the roster for Site Officers to work during the investigations of each Stage. The supervising Site Officer will provide the list of nominated site officers to UrbanGrowth NSW. This list will be provided five days prior to the commencement of the two week observation and collection period.
- All LACG Site Officers who are rostered to act as cultural heritage observers during the observation and collection period must have completed any necessary site inductions before they commence work on the site.
- Other members of ALALC, ADTOAC and ATOAC or other community groups, including elders and young people may visit the site for one day (i.e. a general community field day) if required, during the two week observation/collection period, for instance for cultural knowledge activities, training, as observers, or to discuss the interpretation of the material that has been found.
- Aboriginal Site Officers may collect any cultural stone objects (generally flakes, broken flakes and flaked pieces) that they observe on the exposed ground surface. The location of each area that is inspected will be marked on a base map of the subdivision. The locations of individual artefacts will not be recorded (see **Section 5.5.2**).
- All artefacts that may be collected each day will be collected in a single bag which is labelled with the Stage, date and locality within the Estate (see **Section 5.5.2**).
- If OEH wishes to inspect the site during the observation and collection periods, it will contact UrbanGrowth NSW. UrbanGrowth NSW (as the permit holder) will advise the LACG (through the supervising Sites Officer) that OEH will be on site.
- Given the disturbance history of the land, it is unlikely that significant stratigraphic archaeological features will be present. However, in the rare event that a potentially significant archaeological feature is revealed, the ALALC Site Officer will contact the other LACG members if not present and UrbanGrowth NSW to make them aware of the discovery.

- The potentially significant archaeological feature will be inspected by a suitably qualified archaeologist. If assessed as an archaeological feature of significance it will be excavated using the methodology approved for the excavation of features included in AHIP #3009 (refer to **Section 5.5.1.1** for details). This does not apply to an archaeological feature that contains skeletal material assessed as likely to be of human origin.
- In accordance with the requirements of the *NPW Act 1974* and all AHIPs, if skeletal material with potential to be human is revealed, the work must cease and NSW Police and OEH must be informed. In this situation, the LACG and UrbanGrowth NSW must also be informed. No work will recommence until OEH has advised that is appropriate to do so (see also **Section 5.9**).

These protocols are summarised in **Appendix 5**.

5.5.1.1 Definition of Significant Feature

The following are defined as ‘significant features’. In each case, the identification of the feature must be agreed by the LACG and a suitably qualified archaeologist.

- non human skeletal remains, particularly when associated with mature trees and the skeletal remains are considered to relate to traditional Aboriginal occupation of the land;
- a potential hearth/heat treatment pit/ground oven, as identified by the Local Awabakal Consultative Group representatives present on site and a suitably qualified; and
- features other than those described above that may be classed as ‘significant features’ if this is agreed upon by the LACG and a suitably qualified archaeologist.

Protocols Regarding Identification and Documentation of a Significant Feature

The following methodology has been approved under AHIP #3009 for significant features.

- LACG representatives conducting approved observation and collection activities will contact UrbanGrowth NSW to request assistance from an archaeologist if they find a feature that they consider as ‘significant’. All work will cease in the vicinity of the feature until it has been inspected by an archaeologist and a course of action agreed. An area five metres radius around the feature (or an area agreed between the relevant LACG representatives present on site, an archaeologist and UrbanGrowth NSW - or its contractor) will be excluded from further disturbance while decisions are made about management;
- the LACG representatives, an archaeologist and UrbanGrowth NSW will inspect the feature together;
- UrbanGrowth NSW will advise OEH of the identification of any such feature and will provide further information on the results of consultation between the LACG and the archaeologist and whether additional investigation/salvage will take place; and
- if the feature is considered likely to be of Aboriginal cultural origin and a salvage excavation is considered warranted, a separate permit will not be required from OEH, but UrbanGrowth NSW will advise OEH of the excavation methodology. UrbanGrowth NSW will also report the findings (in accordance with AHIP reporting requirements) to OEH of any excavation that does occur.

A feature is considered **not** to be of cultural origin if:

- skeletal material is clearly identified by an archaeologist and the LACG representatives present on site as belonging to an animal unlikely to have been targeted by Aboriginal people during prehistory, such as domestic livestock;
- it can be clearly demonstrated that non-Aboriginal objects (such as metal items, glass fragments etc.) that have not been modified by Aboriginal people are incorporated within the feature; or
- for any other reasons that demonstrate to the satisfaction of the LACG representatives present on site and an archaeologist that the feature is not a cultural feature of Aboriginal origin.

5.5.1.2 Approved Methodology for the Excavation of Significant Features (where warranted)

In compliance with AHIP #3009 should a feature be considered to warrant salvage excavation, the excavation should be undertaken in accordance with the following methodology:

- the surface of the feature will be cleaned by hand (using trowels, hand shovels and brushes as required) to allow the edges of the feature to be identified;
- a one by one metre square (or multiple one by one metre squares as required to cover the surface extent of the feature) will be demarcated incorporating the feature and these will further be divided into four 50 centimetre by 50 centimetre quadrats;
- the surface extent of the feature will be planned and photographed with reference to the one by one metre grid;
- the feature will then be excavated in cross-section (half-sectioned) to investigate the dimensions and orientation of the feature to more accurately assess whether it is a cultural feature or the result of natural process (for example, a burnt tree root/stump). The excavation will proceed according to the stratigraphy (if any) of the in-filling materials or in five centimetre spits if there is no clearly defined stratigraphy;
- if there is no reason to consider that the feature is not a cultural feature of Aboriginal origin, it will then be photographed in cross-section and a stratigraphic profile of the cross-section will be recorded;
- the confirmed feature will then be excavated in its entirety. All excavated materials (including those from original cross-sectional excavation) will be retained for analysis and samples of relevant materials may then be sent for additional analysis, including radio-carbon dating;
- the excavation of the confirmed feature will continue until the LACG representatives present on site and the archaeologist(s) agree that the entire feature has been removed;
- following the removal of all in-filling material within the confirmed feature, the remaining cut feature will be planned to scale and photographed; and
- following this works can resume in the vicinity of the excavated feature.

A report detailing the excavation process and findings will be prepared and submitted to OEH with the normal reporting on the relevant stage of Sanctuary, unless a different timeframe is agreed by UrbanGrowth NSW and OEH.

5.5.2 Management of Recovered Objects

Cultural objects that are recovered during the observation and collection period for each Stage of the Estate are covered by a Care and Control Agreement approved by OEH. The Care and Control Permit allows ALALC to have care of the cultural objects (artefacts) until such time as they are reburied in one of the AHCAs or they are placed in another facility agreed by all LACG members.

OEH requires that the following information is recorded about the materials that are recovered:

- a plan of the development site showing the localities where observations have taken place and where objects have been recovered;
- a list of all materials recovered. This list will identify the raw material, broad artefact type and size class. The recording sheet prepared to facilitate rapid recording is included in Appendix 6 of this revised ACHMP. Unless very large numbers of significant cultural objects are collected, this basic information will be recorded each day for all artefacts collected on that day of observations; and
- recovered stone artefacts will be stored in robust and clearly marked bags in a secure room in the ALALC office during the construction period. Bags will be labelled with the date, stage, and locality from which the objects were recovered.

5.5.2.1 Determining Long Term Placement of Recovered Objects

As noted in **Section 2.0**, the Sanctuary ACHLC will be convened approximately eight weeks after each period of observation and collection.

At this meeting, the supervising ALALC Site Officer will report to the Committee on the cultural materials that have been found and collected.

- The Liaison Committee may agree to store and/or display some of the recovered artefacts at an agreed location in the long term.
- The Committee may agree that other materials may be returned to the land and placed in the two AHCAs.
- Artefacts that are returned to the land will be placed in the next AHCA to be landscaped.
- The LACG will have an opportunity to discuss the placement of artefacts in the AHCAs with UrbanGrowth NSW and the relevant landscaping contractor, to ensure that this issue is addressed in the landscaping plan for each of the AHCAs (refer to **Section 5.4**).
- The ACHLC will advise the landscaping contractor when cultural objects have been placed in the AHCA, so that subsequent landscaping works (such as construction of pathways or boardwalks, planting and installation of art work) may be implemented.
- The ACHLC will provide advice in writing to OEH about the location and number of artefacts that have been placed in the AHCAs and the localities/Stages from which they were collected.
- As noted in **Section 4.6**, topsoil from other parts of the Estate will also be placed in the AHCAs, (over a geofabric barrier), so that any contained artefacts remain within the Estate.

5.6 Site Induction and Cultural Heritage Awareness Training – Earthworks and Construction Contractors

All contractors and subcontractors who participate in the initial ground disturbing earthworks and associated civil works must have completed an introduction to Aboriginal heritage values as part of the site induction for the project.

Contractors will be shown the boundaries of relevant AHCAs during induction. Boundaries will be clearly marked to highlight exclusion requirements. Marking does not imply signposting.

5.7 Access to Conservation Areas During Earthworks

To protect the Aboriginal heritage values of the two AHCAs during the civil construction phase of the subdivision, vehicle and pedestrian access to the Conservation Areas will be minimised.

5.7.1 Fencing

The aim of fencing of AHCAs during initial ground disturbing earthworks and subsequent phases of subdivision construction is to clearly demarcate areas which must not be disturbed by machinery, soil stockpiles or other construction equipment/activities.

Prior to the commencement of initial ground disturbing earthworks in the vicinity of each AHCA, a barrier of brattice style fencing will be placed along the boundary of the AHCA. This barrier will be maintained throughout the period of initial ground disturbing earthworks and other subdivision construction in the vicinity of an AHCA.

5.7.2 Machinery Excluded

Earthmoving machinery is not permitted to enter the AHCA for the purpose of earthworks that disturb the natural ground surface.

Section 4.0 discusses measures to remove pasture grass from the AHCAs without the use of earthmoving machinery. Small earthmoving machinery may be used to distribute rock and topsoil that is to be placed above the natural ground surface of the AHCAs, provided the machinery is used in a manner that does not disturb the natural ground surface.

At some locations it may be necessary to integrate the management of soil materials across the interface between the AHCA and the adjoining developed area, particularly, where a road forms the interface. In these circumstances, some machinery may enter the AHCA for specific purposes, but must not disturb the natural ground surface.

Entry of any machinery into the AHCAs for these purposes must be authorised by the principal contractor. If the brattice style fence needs to be removed to facilitate this access, it must be replaced as soon as the specific task has been completed.

Machinery must not be parked in the AHCAs.

5.7.3 Contractor Access

In general, contractors working on the civil works associated with the construction of the subdivision will remain outside the brattice style fencing that marks the boundary of the AHCAs.

Contractors may only enter the AHCAs under the direction of the principal contractor.

5.8 Environmental Controls to Protect Conservation Values

5.8.1 Runoff Management

The intent of runoff management during the initial ground disturbing earthworks is:

- to ensure that the Aboriginal objects within the AHCAs are not disturbed in a manner that would comprise a breach of the NPW Act; and
- to protect other cultural landscape and vegetation values associated with each of the AHCAs.

Earthworks contractors will follow best soil and water management practice, in accordance with the UrbanGrowth NSW Soil and Water Management Guidelines and set out in the Environmental Management Plan and approved Construction Plans for the construction phase of the project.

In particular, earthworks contractors will implement the following measures:

- vehicles will not move across the AHCAs during the initial ground disturbing earthworks; and
- a physical barrier will be placed around the margin of each AHCA where it abuts the areas to be disturbed by civil works. This physical barrier may comprise either hay bales or sediment fence. This barrier will prevent excessive runoff and/or sediment entering the AHCAs.

5.8.2 Stockpiles and Waste Management

No topsoil or other soil or rock material is to be stockpiled within the boundary of any of the AHCAs.

No other construction materials (e.g. gravel, sand, cement, fuel, etc) are to be stockpiled within the boundaries of the AHCAs.

Vegetation (tree limbs and stumps) that has been removed from the development areas must not be stockpiled within any of the AHCAs. Use of wood chip material that has been derived from on site vegetation may be permitted in the landscaping of the AHCAs, subject to the management procedures in **Section 4.0**.

Waste from the construction activities must not be deposited within the Aboriginal Heritage Conservation Areas.

As noted above, some excavated soil may be placed in the Conservation Areas, over a protective geotextile barrier, in accordance with the wishes of the Local Awabakal Consultative Group, and following a design set out in the Landscaping Plan.

5.9 Contingencies During Ground disturbing Earthworks

5.9.1 Burials

It is also possible, although very unlikely, that human skeletal material of Aboriginal origin could be revealed during the period of initial ground disturbing earthworks or other earthworks.

There are very specific requirements about notification and ceasing work which must be followed in the event that skeletal material of potential human origin is uncovered (refer to AHIPs in **Appendix 1**). The contractor must take the following steps:

- all work in the vicinity of skeletal material which is thought to represent human remains must cease immediately that the skeletal material is uncovered. For the purposes of this Plan, 'in the vicinity' means within 20 metres of the uncovered skeletal material;
- the contractor must contact the NSW Police and the OEH Environment Line (131 555) to arrange an inspection. The contractor must also notify UrbanGrowth NSW and the ALALC supervising Site Officer;
- NSW Police and OEH will inspect the material. OEH will consult with the LACG;
- if, after inspection and consultation with the Aboriginal community, OEH determines that further detailed investigation is required (e.g. by a specialist physical anthropologist, or excavation of the immediate context of the skeletal material), the relevant permits must be obtained under Section 90 of the NPW Act. This requires a separate Permit application and approval to the current AHIPs. Any additional investigations that may be required must be completed before earthworks can recommence within 20 metres of the skeletal material (unless OEH provides advice in writing that work can commence closer to the location of the skeletal material); and
- work must not recommence within 20 metre radius of the skeletal material until approval to recommence has been given by OEH.

5.9.2 Checklist and Schedule for Aboriginal Heritage Management Tasks During Ground disturbing Earthworks

Appendix 5 summarises the tasks that must be completed during each stage of the initial ground disturbing earthworks.

6.0 Compliance and Reporting

AHIPs #2332 and #3009 require reporting of certain information during the implementation of initial ground disturbing earthworks for each stage of the Estate.

In addition, successful development of the AHCAs will provide opportunities for positive stories about Aboriginal community participation (planning, design and implementation, training and employment) in residential development projects. The long term owner (NCC) will be responsible for maintaining the quality of the AHCAs and should note their condition in regular community reporting. These types of reporting are discussed below.

6.1 AHIP Compliance Monitoring and Reporting

AHIPs #2332 and #3009 require several different reports to be prepared. UrbanGrowth NSW will prepare the following joint reports:

- progress reports on compliance with the conditions of the AHIPs are to be prepared at the following times (Special conditions applying to consents with salvage #5):
 - within 60 days of the completion of five years after the date of AHIP #3009. This means 60 days after 30 September 2013 (i.e. 29 November 2013); and
 - at the expiry of the life of the AHIP. The final compliance report must be submitted by February 2022 or the date upon completion of the development phase of the project if earlier.

It is noted that that the five year compliance report has been provided to OEH in compliance with AHIPs #2332 and #3009.

An ALALC representative will prepare the following reports on behalf of UrbanGrowth NSW. The reports will be provided to the ACHLC before they are forwarded to OEH.

- a report must be prepared and submitted to OEH at the completion of each stage of the civil construction works (specific conditions applying to reports with salvage #7). Each report must include:
 - a complete list of all significant materials recovered (i.e. all objects recovered by the Aboriginal community site officers);
 - a description of the methods used to collect and analyse objects;
 - a description of the objects that were collected;
 - a plan of the development site showing locations of areas monitored and from which objects were salvaged;
 - information about the curation arrangements for any objects that have been collected (see **Section 5.6** for details about the return of salvaged material to the lands within each of the AHCAs); and
 - information about LACG consultation and participation during that stage of the project.

These stage reports on the materials that have been collected have been prepared for Stages 1 to 9 completed to date and will continue to be prepared by a representative of ALALC, in conjunction with UrbanGrowth NSW, using information noted by sites officers (refer to **Section 5.5**) and any additional records made of the artefacts that have been collected. The reports will be submitted to OEH by UrbanGrowth NSW.

OEH may request a summary of all findings (artefacts collected and methods used) with photographs etc to be supplied to local Aboriginal communities or other interested groups (General Terms and Conditions #14). A representative of ALALC will prepare any such report, in conjunction with UrbanGrowth NSW, if it is required. The report will be provided to all members of the Sanctuary ACHLC before it is provided to OEH. UrbanGrowth NSW will submit the report to OEH.

In the event that OEH decides to revoke the permits that cover Sanctuary, OEH requires that UrbanGrowth NSW provides a full report on all work completed up until the date on which the permits were revoked. The report will include a full list of all objects that were salvaged. The report must be prepared within six months of the permits being revoked. If the permits are not revoked before their date of expiry (21 February 2022), this report is not required. A separate report is required on the expiry of the permits.

6.2 Publicity and Reporting

UrbanGrowth NSW and the LACG anticipate that the cultural outcomes of this project will be an achievement of which all parties can be proud. There may be opportunities to showcase the achievements of the project in the local media, the Indigenous media, building or landscaping industry publications and elsewhere. When opportunities to promote the achievements of the project arise during the period of the AHIPs, OEH should also be advised of the likely media coverage.

Should any opportunities arise, all parties will have an opportunity to participate unless they choose not to do so. This means that:

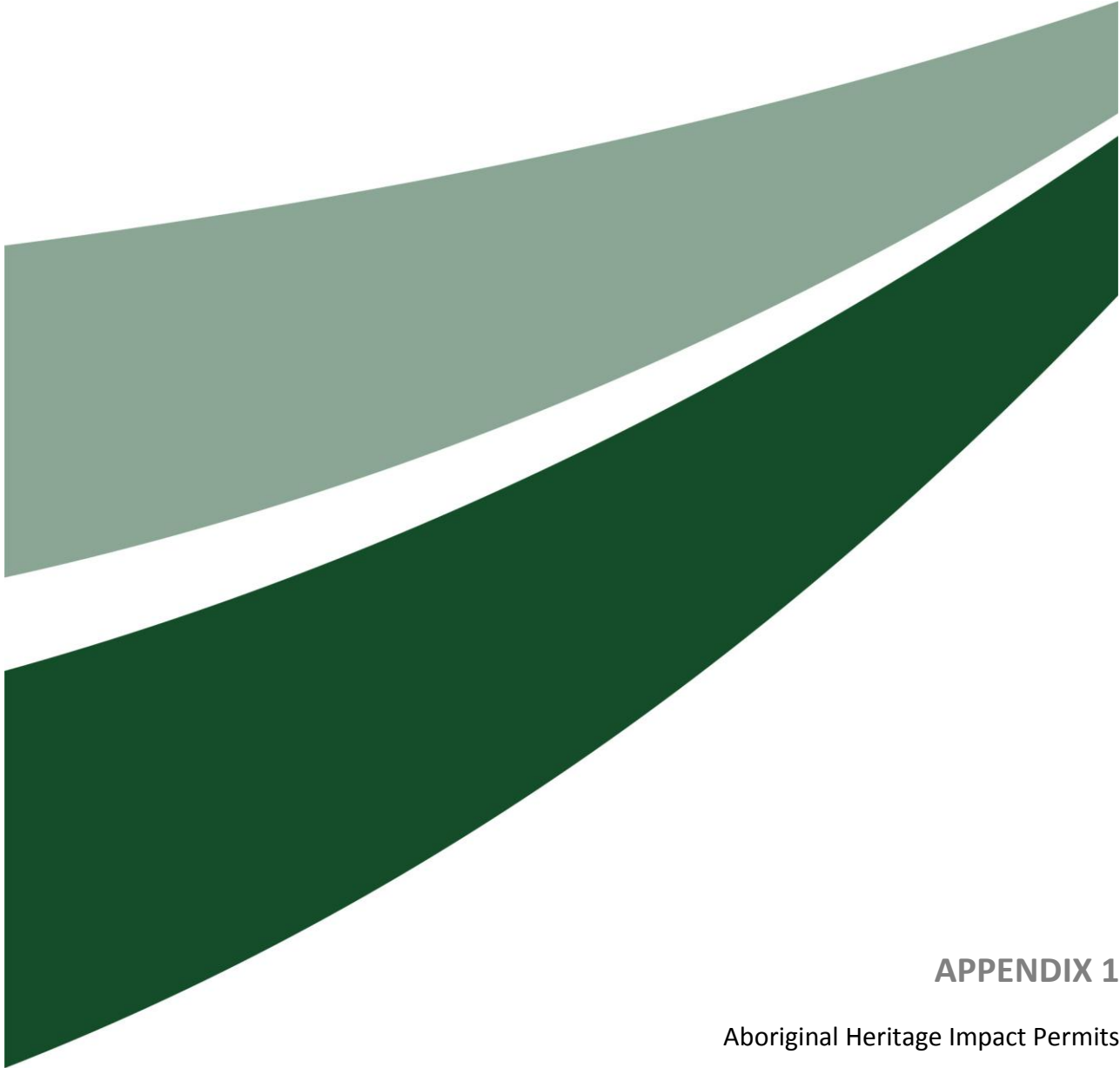
- all parties may identify potential opportunities to promote the achievements of the project in terms of Aboriginal community participation and the incorporation of Aboriginal cultural values and cultural landscapes into the design and development of the Estate;
- when an opportunity for publicity or media coverage is identified by one of the parties, they will advise the other parties before any interviews or other related activities etc. take place;
- unless otherwise agreed, all three parties in the LACG and UrbanGrowth NSW will be represented in any media interview or other event; and
- members of the Sanctuary ACHLC will have an opportunity to comment on the text and photographs that are proposed to be used in any publicity or other media coverage of the achievements of the project.

6.2.1 Checklist of Reporting Requirements

Appendix 5 presents a summary of actions required in relation to reporting of cultural heritage management at Sanctuary.

7.0 References

Umwelt (Australia) Pty Limited (2002). Management of Aboriginal Cultural Heritage Values in the Bluegum Vista Estate (2 volumes). Report prepared for Landcom.



APPENDIX 1

Aboriginal Heritage Impact Permits

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Your reference: -
Our reference: AHIMS No. 2332 / FIL08/14044-02
Notice number: 1132173
Contact: Rosalie Neve (02) 66598221

23 APR 2013

LANDCOM,
ABN 79 268 260 688,
PO Box 33,
NEWCASTLE NSW 2300

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 1132173

Issued pursuant to section 90D(5) *National Parks and Wildlife Act 1974*

BACKGROUND

- A. LANDCOM (the applicant) applied to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) to vary Aboriginal Heritage Impact Permit No. #2332 (the AHIP) granted under section 90D *National Parks and Wildlife Act 1974* (NPW Act). The AHIP authorises the carrying out of Harm to Aboriginal Objects.
- B. OEH received the application on 26-Mar-2013,
- C. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. 2332 in the following manner:

Variation 1

Schedule A: on page 2 of 7 which states that:

"This consent applies to all Aboriginal objects, within the meaning of section 90 of the National Parks and Wildlife Act 1974, excluding human skeletal remains and Aboriginal objects within Conservation Areas 1, 2 and 3 as shown on Attachment 1".

is replaced by:

"This consent applies to all Aboriginal objects, within the meaning of section 90 of the National Parks and Wildlife Act 1974, excluding human skeletal remains and Aboriginal objects within the two Conservation Areas as shown on the figures entitled *Land to which this Variation Applies* at Appendices A - E attached to this Variation, including the area within the dotted blue boundary on the figures at Appendices A and C, shown hatched red at Appendix B and labelled 'Lot 101 Variation Area'".

Variation 2

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Special conditions applying to consents with salvage; Condition 1 on page 2 of 7 which states that:

"The Consent Holder will ensure that the lands delineated in Attachment 1 as Conservation Areas 1, 2 and 3 are excluded from residential subdivision and are managed for their Aboriginal heritage values. Residential subdivision is not to extend within the limits of the Conservation Areas".

is replaced by:

"The Consent Holder will ensure that the lands delineated in Appendix D - E as Heritage Conservation Areas are excluded from residential subdivision and are managed for their Aboriginal heritage values. Residential subdivision is not to extend within the limits of these Conservation Areas".

Variation 3

Specific conditions applying to consents with salvage; Condition 4 on page 4 of 7 which states that:

"Should the objects listed in Schedule 'A' above remain in existence ten (10) years from the date of approval of this Consent, the Consent shall be deemed to be void, and any further damage to the objects will require either an extension to this consent or the preparation of a new Consent document".

is replaced by:

"Should the objects listed in Schedule 'A' above remain in existence sixteen (16) years from the date of approval of this Consent, the Consent shall be deemed to be void, and any further damage to the objects will require either an extension to this consent or the preparation of a new Consent document".

2. You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number 2332 within 14 days.

Ms Diane Crosdale

Manager Planning & Aboriginal Heritage Section

North East - Hunter

(by Delegation)

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Date: 17-Apr-2013

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with all conditions of the original AHIP #2332 issued on 20-Feb-2006 as amended by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.

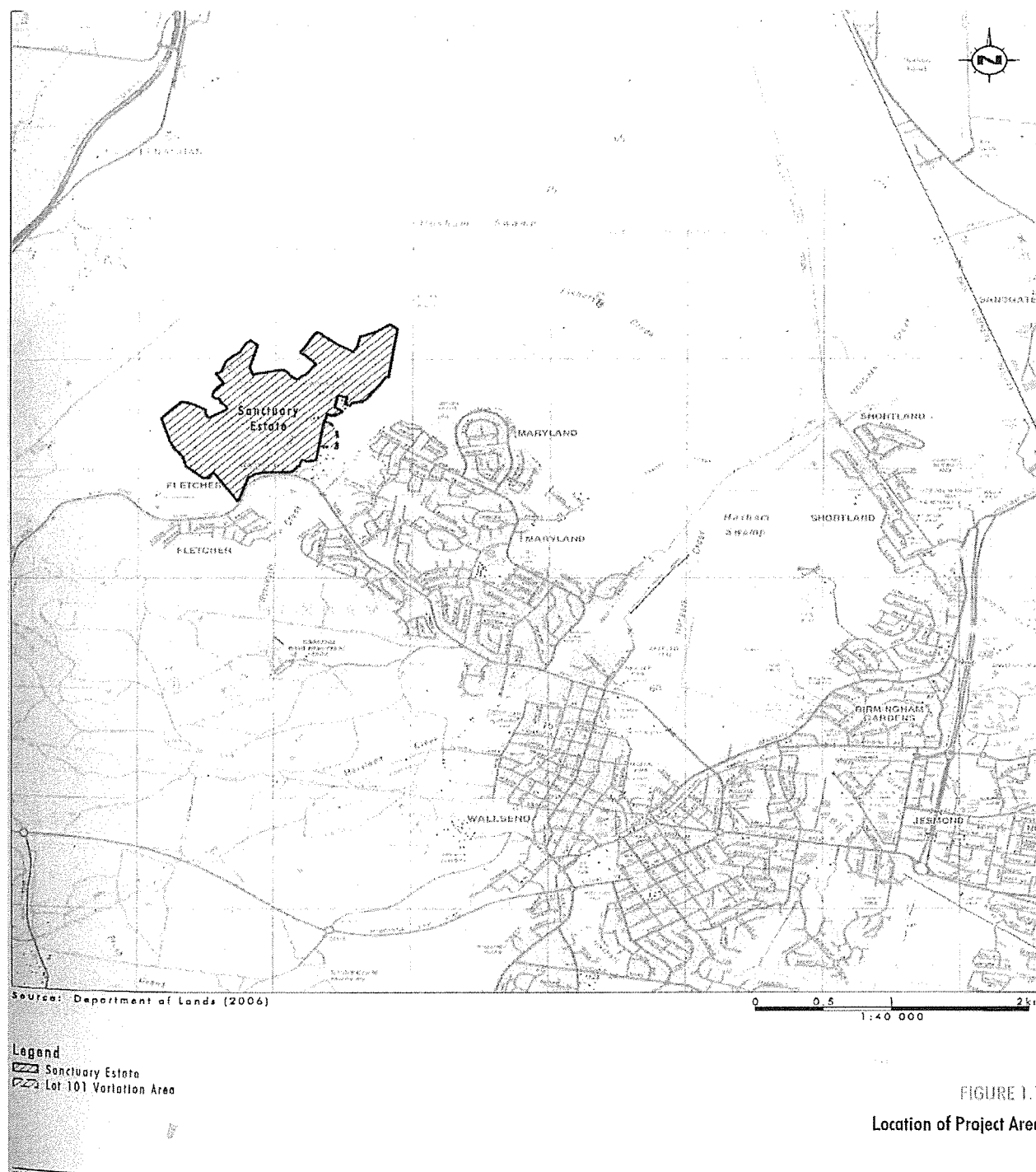
Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

APPENDIX A: LAND TO WHICH THIS VARIATION APPLIES (1)



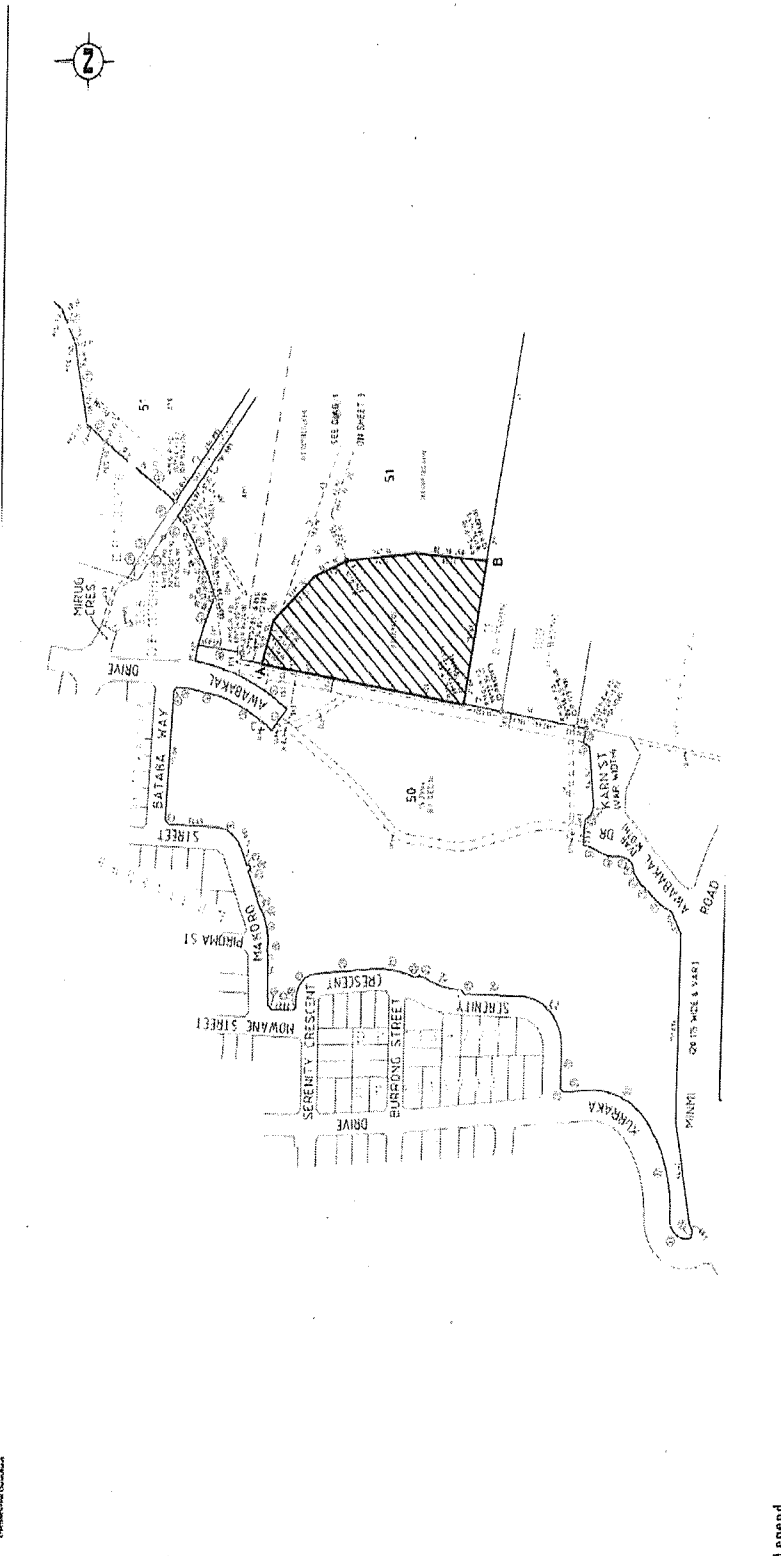
Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

APPENDIX B: LAND TO WHICH THIS VARIATION APPLIES (2)



Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

APPENDIX C: LAND TO WHICH THIS VARIATION APPLIES (3)



Legend

--- Lot 101 Variation Area

FIGURE 7.4

Aerial Map Showing Disturbance
in Lot 101 Variation Area

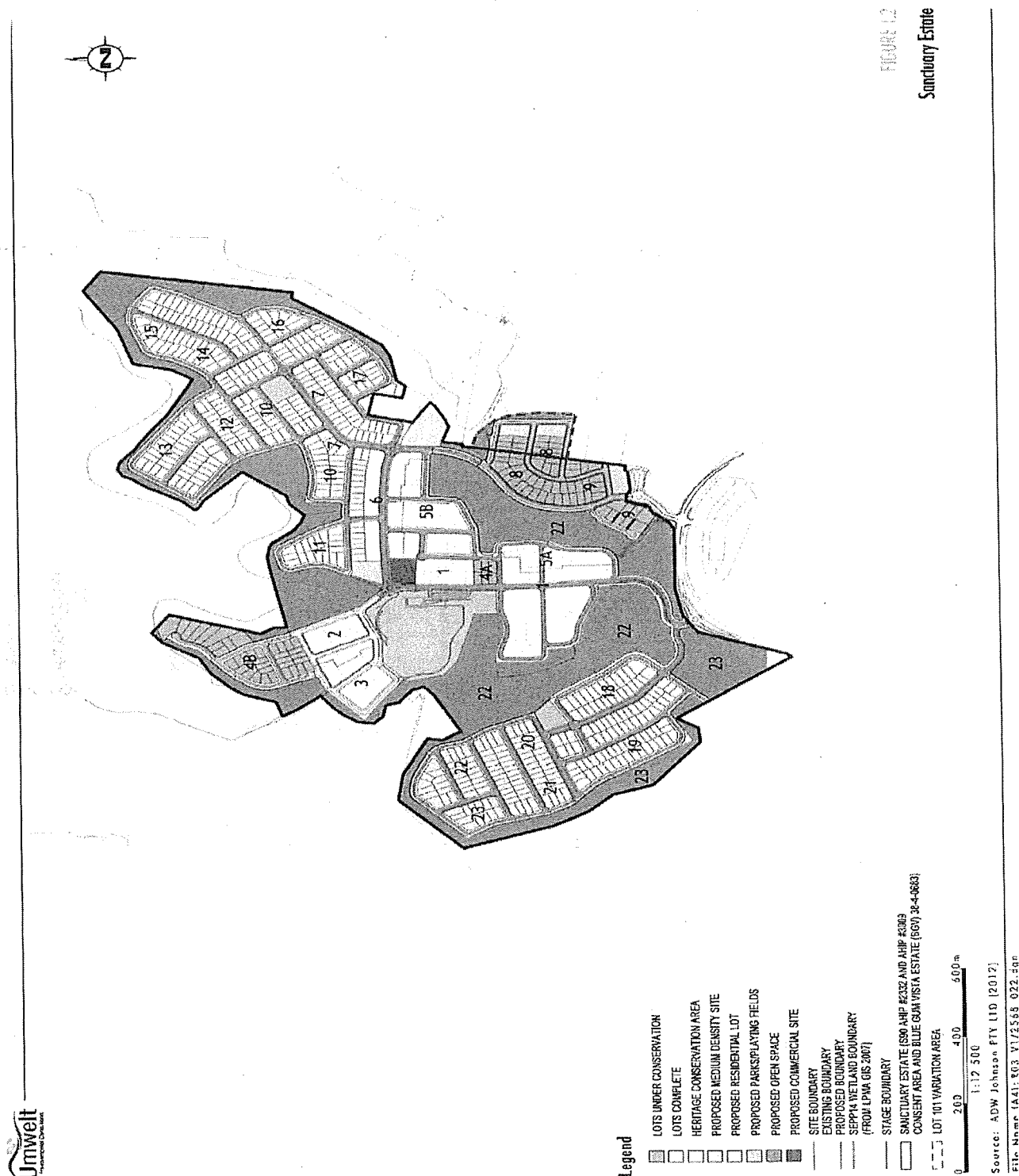
Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

APPENDIX D: LAND TO WHICH THIS VARIATION APPLIES (4)



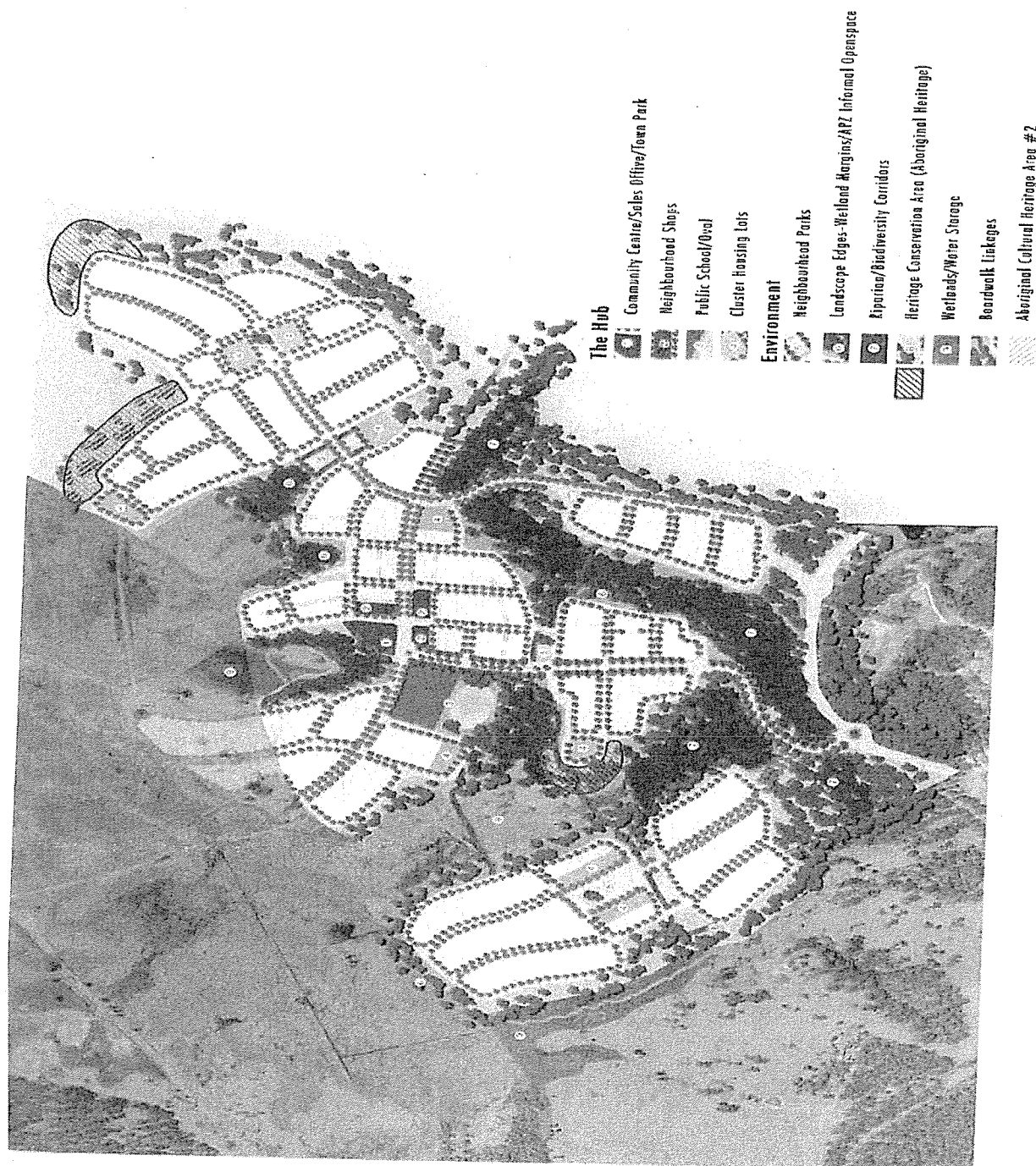
Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

APPENDIX E: LAND TO WHICH THIS VARIATION APPLIES (5)



Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Your reference: -
Our reference: AHIMS No. 3009 / FIL08/14044
Notice number: 1132172
Contact: Rosalie Neve (02) 66598221

23 APR 2013

LANDCOM,
ABN 79 268 260 688,
PO Box 33,
NEWCASTLE NSW 2300

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 1092404

Issued pursuant to section 90D(5) *National Parks and Wildlife Act 1974*

BACKGROUND

- A. LANDCOM (the applicant) applied to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) to vary Aboriginal Heritage Impact Permit No. 1092404 (the AHIP) granted under section 90D *National Parks and Wildlife Act 1974* (NPW Act). The AHIP authorises the carrying out of Harm to Aboriginal Objects.
- B. OEH received the application on 26-Mar-2013.
- C. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. 1092404 in the following manner:

Variation 1

Schedule A: Land to which this AHIP applies on page 3 of 11, which states that:

"All land contained within the area identified as the project area in attachment #1 to this AHIP. This includes all current and future residential blocks created the development and subdivision process".

is replaced by:

"All land contained within the area identified as 'Sanctuary Estate' and 'Lot 101 Variation Area' in Appendices A-E attached to this AHIP Variation. This includes all current and future residential blocks created through the development and subdivision process".

Variation 1

Schedule D: Proposed works on page 4 of 11, which states that:

Notice number 1132172

Page 1 of 8

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

"These works will be carried out in stages over approximately 10 years. Prior to the initiation of each stage, facility will be provided to the registered Aboriginal stakeholder groups to conduct assessment and salvage of the lands within each stage as outlined in the ACHMP which accompanied the application for this AHIP".

is replaced by:

"These works will be carried out in stages over years. Prior to the initiation of each stage, facility will be provided to the Registered Aboriginal Parties (RAP)s to conduct assessment and salvage of the lands within each stage as outlined in the ACHMP which accompanied the application for this AHIP and the RAPs' endorsed methodology measures that have accompanied the subsequent AHIP Variation applications".

Variation 3

Condition 3, Duration of AHIP on page 3 of 11, which states that:

"Unless otherwise revoked in writing this AHIP remains in force for:

- (a) 10 years from the date of commencement; or
- (b) The date on which the final salvage report, is submitted, whichever is sooner."

is replaced by:

"Unless otherwise revoked in writing this AHIP remains in force until:

- (c) 12-Feb-2022"

Please note: All references within the AHIP relating to AHIP duration are varied to reflect this condition.

2. You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number 1092404, within 14 days.

Ms Diane Crosdale

Manager Planning & Aboriginal Heritage Section

North East - Hunter

(by Delegation)

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

Date: 17-Apr-2013

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with all conditions of the original AHIP 1092404 issued on 30-Sep-2008, as amended by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.

National Parks and Wildlife Act 1974 (NPW Act)

Legend

- [Shaded Area] Sanitary Estate
- [Dashed Line] Lat 101 Variation Area

Sources: Department of Lands (2006)

FIGURE 1.1
Location of Project Area

National Parks and Wildlife Act 1974 (NPW Act)

[illegible]

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

APPENDIX C: LAND TO WHICH THIS VARIATION APPLIES (3)



Source: Google Aerial (2006)

Legend

Lot 101 Variation Area

FIGURE 7.4

Aerial Map Showing Disturbance
in Lot 101 Variation Area

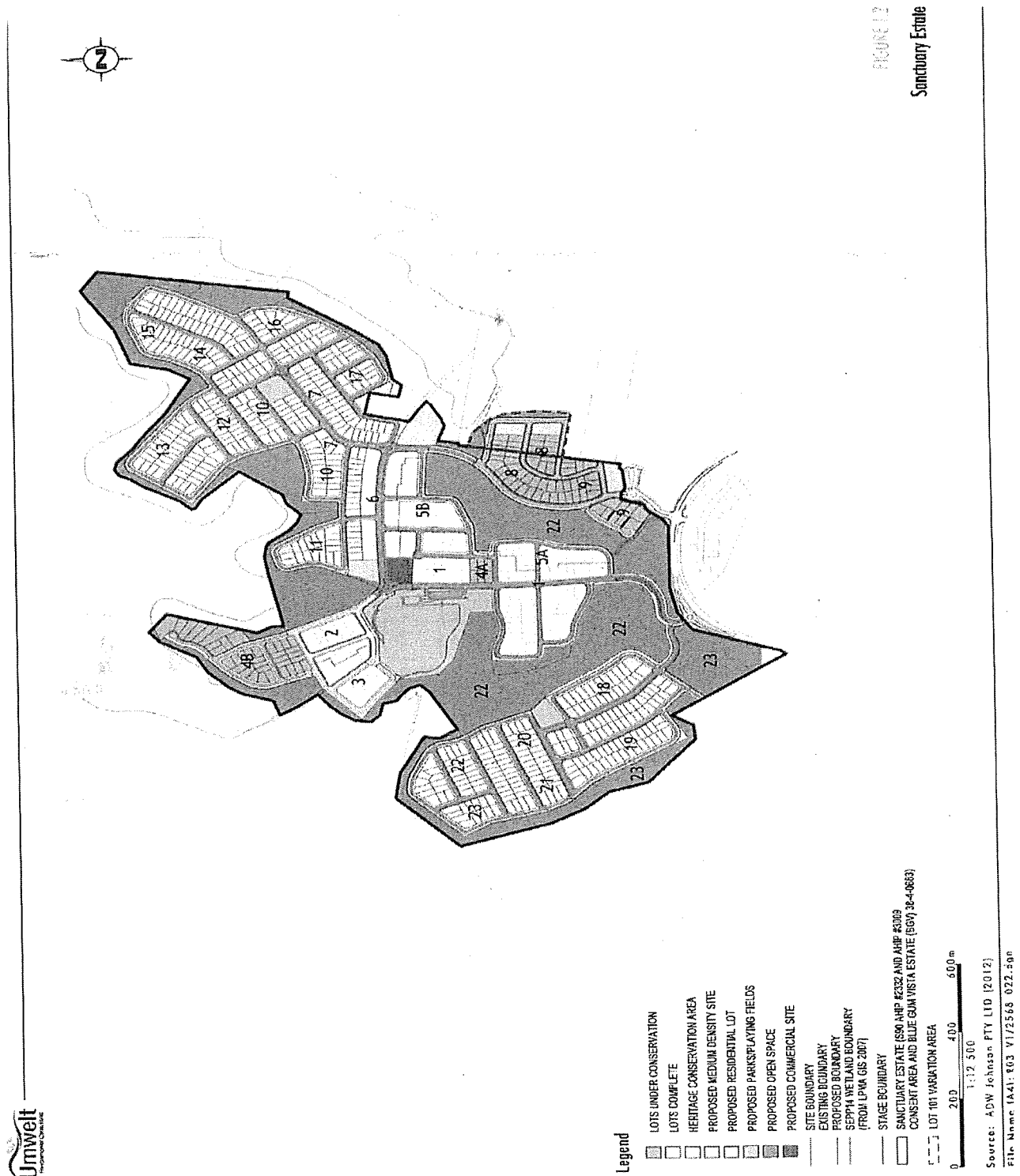
Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

APPENDIX D: LAND TO WHICH THIS VARIATION APPLIES (4)



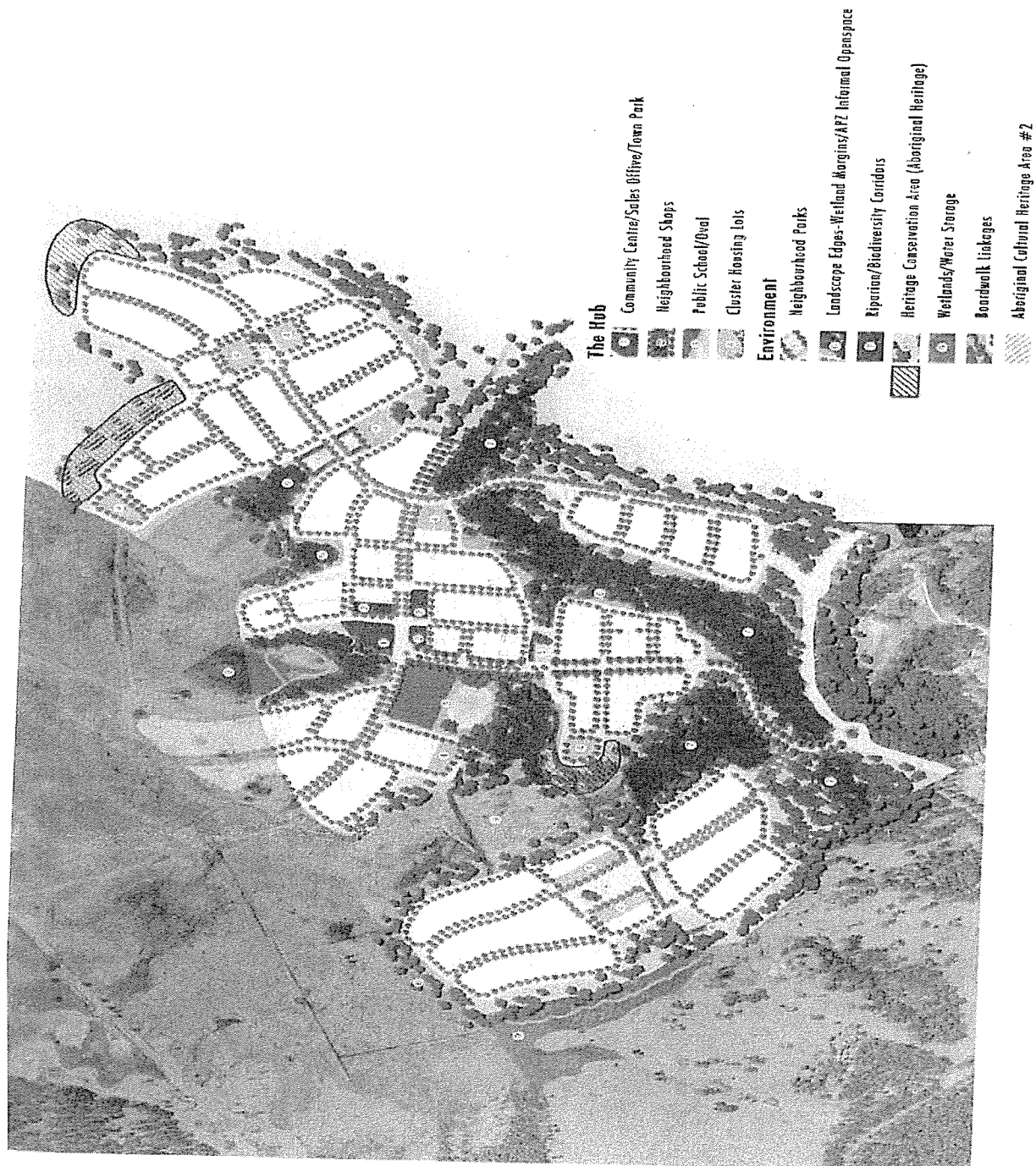
Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

APPENDIX E: LAND TO WHICH THIS VARIATION APPLIES (5)





Department of
Environment and Conservation (NSW)

PERMIT #: 2332

NATIONAL PARKS AND WILDLIFE ACT 1974

SECTION 90

CONSENT

CONSENT TO CARRY OUT THE DESTRUCTION OF AN ABORIGINAL
OBJECT AND PERMIT TO COLLECT AND/OR EXCAVATE FOR THE
PURPOSE OF SALVAGE

WHEREAS the Aboriginal objects described in Schedule "A" are situated upon the land described in Schedule "B", and constitute Aboriginal objects within the meaning of Section 90 of the National Parks and Wildlife Act 1974, and WHEREAS application has been made by:

Steve Edmonds, Development Director Hunter

of:

Landcom
Level 4, 251 Wharf Rd
Newcastle NSW 2300

PO Box 33
Newcastle NSW 2300

FOR CONSENT to destroy those objects in the course of: *civil construction works associated with establishment of the residential subdivision*

NOW I, Lisa Corbyn, Director-General of Department of Environment and Conservation, in pursuance of Section 90 of the said Act, and subject to the conditions hereunder set out DO HEREBY CONSENT to the destruction of the said objects by the said applicant. AND FURTHER, in accordance with the said Conditions and in pursuance of Section 87 of the said Act, I DO HEREBY PERMIT the salvage collection of the said objects from the aforesaid land, prior to destruction of the objects, by representatives of the Awabakal Local Aboriginal Land Council, as named in the said conditions.

TERMS AND CONDITIONS OF THIS CONSENT

This Consent is issued subject to General Terms and Conditions covering all Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to destroy Aboriginal objects and any Special Conditions, all of which conditions are detailed in the attached pages.

DATED at Coffs Harbour this Twentieth day of February, 2006

Gary Dawson
Director - North East Branch

Issued for the Director-General of
Department of Environment and Conservation

NPWS is part of the Department of Environment and Conservation

SCHEDULE A:

This consent applies to all Aboriginal objects, within the meaning of section 90 of the National Parks and Wildlife Act 1974, excluding human skeletal remains and Aboriginal objects within Conservation Areas 1, 2 and 3 as shown on Attachment 1 entitled: *Figure 3: Plan of Conservation Area of Blue Gum Vista Estate, REF:R03_V1/1422_174.dgn, Umwelt (Australia) Pty Ltd, Source: Fagan Mather Duggan Surveyors*

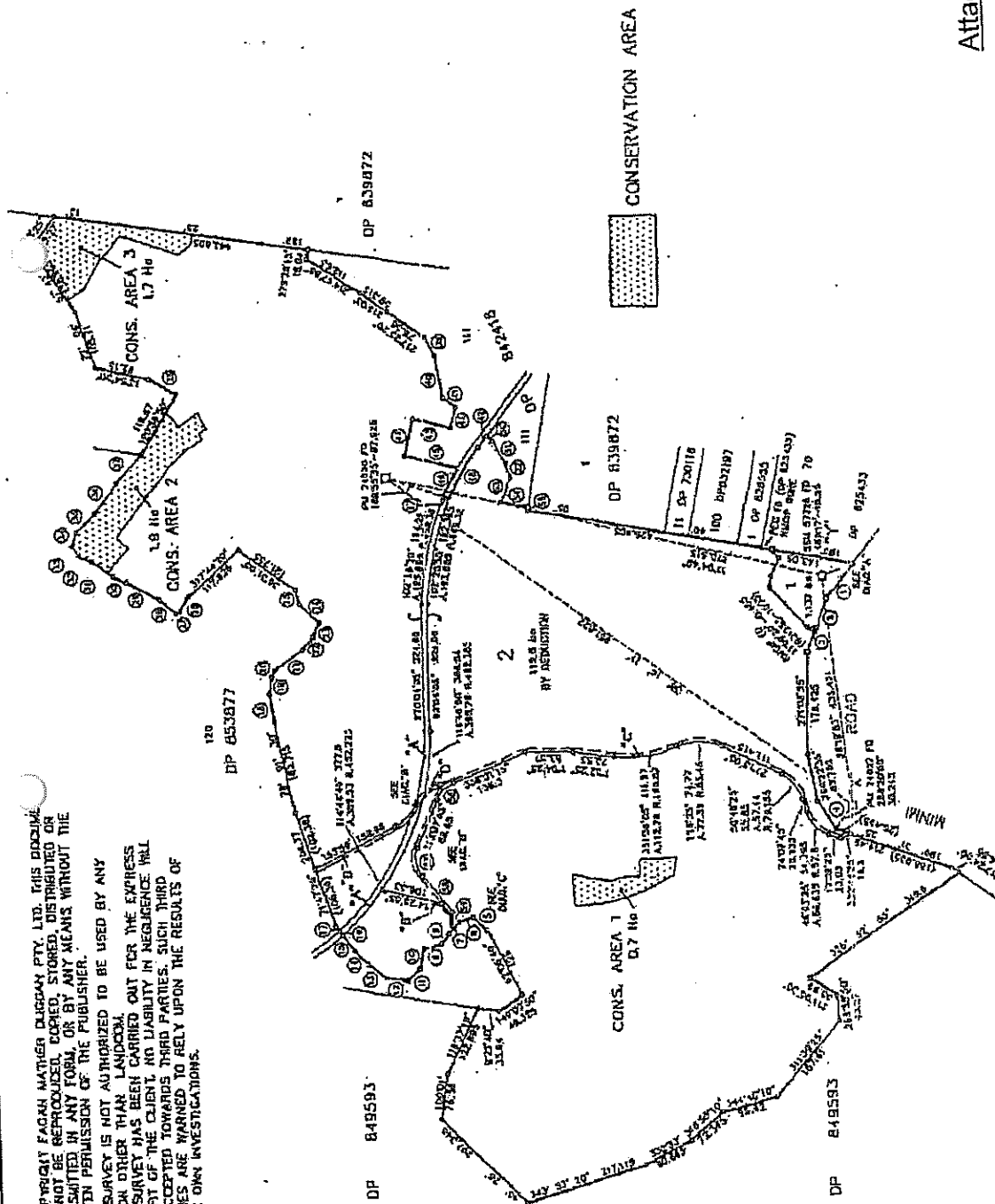
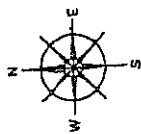
SCHEDULE B:

DEC #38-4-0530, DEC #38-4-0496, DEC #38-4-0683 (centrepoint AMGE 373150, AMGN 6361850) Lot 22 DP1063858, Parish Hexham, County Northumberland, Newcastle City Local Government Area

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

1. The Consent Holder will ensure that the lands delineated in Attachment 1 as Conservation Areas 1, 2 and 3 are excluded from residential subdivision and are managed for their Aboriginal heritage values. Residential subdivision is not to extend within the limits of the Conservation Areas.
2. The Consent Holder will prepare an Aboriginal Cultural Heritage Management Plan in relation to the development area. The Consent holder will ensure that:
 - (i) A Brief is prepared in relation to the proposed Aboriginal Cultural Heritage Management Plan within three months of commencement of this Consent. The Brief must be prepared to the satisfaction of the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) following consultation with the Awabakal Local Aboriginal Land Council.
 - (ii) The Aboriginal Cultural Heritage Management Plan, which is to be prepared in accordance with the approved Brief, is completed within six months of the commencement of this Consent. The Aboriginal Cultural Heritage Management Plan must be completed in accordance with the above Brief and be prepared to the satisfaction of the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) following consultation with the Awabakal Local Aboriginal Land Council.
3. The Consent Holder will notify the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) at least seven days in advance of the dates for commencement of ground disturbing works within the development area.
4. The Consent Holder will ensure that representatives of the Awabakal Local Aboriginal Land Council are offered an opportunity to monitor initial ground disturbing works, in each stage of civil construction, with the intent of enabling the identification and salvage of significant Aboriginal objects. Monitoring will be undertaken in accordance with the relevant sections of the Aboriginal Cultural Heritage Management Plan.

NPWS is part of the Department of Environment and Conservation



Attachment 1

FIGURE 3
Plan of Conservation Area of
Bluegum Visitor Estate

A4 Scale 1:11 000 Rel No.: R03_V1/1422_074.dgn

Umwelt (Australia) Pty Limited
Source: Fagan Mather Duggan Surveyors

5. The Consent Holder will provide the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) with progressive reports on compliance with the Terms and Conditions attached to this Consent at the following intervals:
 - (i) within 60 days of the completion of one calendar year after the date of approval of this Consent,
 - (ii) within 60 days of the completion of 5 years after the date of approval of this Consent, and
 - (iii) upon expiry of this Consent.
6. The Consent Holder will ensure that should any skeletal material be uncovered which is thought to represent human remains, all work must cease in the immediate vicinity and the Consent Holder must contact the NSW Police and Department of Environment and Conservation (Environment Line, phone 131555). Work must not recommence in the area where the skeletal material has been uncovered until such time as NSW Police and Department of Environment and Conservation have provided advice, following consultation with the relevant Aboriginal community groups, on whether there are any subsequent approval requirements.

SPECIFIC CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

1. The Consent covers only those objects described in the Consent and in any Schedules thereto.
2. In the case of Consents granted to cover development activities, the Consent is granted to cover only those circumstances described in the Schedules.
3. The Consent is conditional upon all relevant development approvals having been obtained.
4. Should the objects listed in Schedule 'A' above remain in existence ten (10) years from the date of approval of this Consent, the Consent shall be deemed to be void, and any further damage to the objects will require either an extension to this Consent, or the preparation of a new Consent document.
5. The salvage work is to be carried out by representatives of the Awabakal Local Aboriginal Land Council in accordance with the relevant sections of a completed Aboriginal Cultural Heritage Management Plan required under this Consent.
6. Should any 'relic', defined under the Heritage Act of NSW be uncovered, then excavation or disturbance of that area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the Heritage Act, 1977 (as amended). Historic Archaeologists of the Heritage Council can be contacted on (02) 96356155

A 'relic' under the Heritage Act is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- (b) which is 50 or more years old.

7. The holder of the Consent shall provide the Department of Environment and Conservation with a report at the completion of each stage of civil construction works involving salvage, or as otherwise agreed with the Planning and Aboriginal Heritage Section, North East Branch, or upon expiry of the Consent or any renewal thereof, whichever occurs first. Such report shall include:

- a complete list of all significant materials recovered;
- a description of the methods of collection and analysis used;
- a description of the significant Aboriginal objects salvaged;
- a plan of the development site, including the location of areas monitored and salvaged;
- a discussion of management and curation arrangements for any Aboriginal objects to be retained by the Consent Holder and/or Aboriginal community;
- summary of consultation undertaken with Aboriginal Community Groups in regard to participation in salvage activities on the development site.

General Terms and Conditions

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit.
3. A Consent covers only that area stated in the Consent.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.

NPWS is part of the Department of Environment and Conservation

Consent with Salvage #2332

9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.
10. The Department of Environment and Conservation shall have the right to copy all such reports prepared under DEC Permits or Consents, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the DEC shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The Department of Environment and Conservation may supply copies of relevant reports as furnished by the holder of the Permit or Consent to local Aboriginal communities. Upon request by the Service, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interested local groups.
15. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) provide an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the Department of

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Environment and Conservation within two weeks from the date of revocation of that Permit;

- (iii) provide the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered.
- (b) The Department of Environment and Conservation shall have the right to use and authorise the use of information collected under the Permit.

20 February 2006

End

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



AHIP number: 1092404

AHIMS number: 3009

AHIP Issued To:

LANDCOM,
ABN 79 268 260 688,
PO Box 33,
NEWCASTLE NSW 2300
REGISTERED POST

DECC Office issuing this AHIP

Department of Environment and Climate Change (NSW)
North East Branch
24 Moonee Street
Coffs Harbour, NSW, 2450
Telephone: (02)66 515 946
FAX: (02)66 516 187

Short description of activity and/or location

This AHIP is to cover Phase 2 of the Sanctuary residential subdivision at Sanctuary Estates in the Newcastle LGA and at the location indicated in Attachment #1 to this AHIP. This AHIP complements S90 AHIP #2332 which was previously issued to cover all civil works and infrastructure required for the development. This AHIP covers all other works, including works associated with residential construction within the project area.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



CONSENT TO DESTROY, DEFACE AND DAMAGE ABORIGINAL OBJECTS

Background

On 04-Sep-2008 an application was made to the Director General of the Department of Environment and Climate Change for a consent pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

Numerous archaeological assessments have been carried out both in the general area and at the specific location. As a result of these investigations, extensive subsurface deposits of Aboriginal stone objects have been identified within the project area and it is clearly understood that further deposits exist within the development envelope. Archaeological assessment combined with Aboriginal stakeholder consultation has identified three specific areas which have been designated as Aboriginal Cultural Heritage Conservation Areas (see figure 1.3 of the Aboriginal Cultural Heritage Management Plan (ACHMP) which are to be set aside in perpetuity. Long-term management arrangements for these locations are to be finalised no later than the expiry date of this AHIP.

In 1998 development consent was given by Newcastle City Council DA#97/0555. In 2005, DECC issued a S90 AHIP (AHIP #2332) over the development area which covered civil works and infrastructure. That AHIP is valid for ten years. The current consent being sought will complement AHIP#2332 and will cover any further impacts on individual lots within the development. This consent will also be issued for a period of 10 years. DECC has been advised that this is the proposed period required to cover any further activity at the location.

Consent given subject to conditions

A consent is given to destroy, deface and damage Aboriginal objects identified in Schedule C, in accordance with the conditions of this AHIP.

This consent is given pursuant to section 90 of the *National Parks and Wildlife Act 1974*.

.....
Mr Gary Davey

Director

North East

(by Delegation)

DATED: 30-Sep-2008

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



CONDITIONS OF AHIP

Schedule A: Land to which this AHIP applies

All land contained within the area identified as the project area in attachment #1 to this AHIP. This includes all current and future residential blocks created the development and subdivision process.

Schedule B: Protected Aboriginal objects

All land and objects contained within the 3 (three) Aboriginal Heritage Conservation Areas within the project estate and as identified in Figure 1.3 of the ACHMP provided with the application for this AHIP.

Control and responsibility for these conservation areas will remain with the AHIP Holder until such time as an alternative management regime is formulated and endorsed by DECC and the registered Aboriginal stakeholder groups. This management regime must be finalised prior to the expiration of this AHIP.

Burials

All human remains in, on or under the land.

Schedule C: Aboriginal objects to be destroyed, damaged or defaced

All Aboriginal objects on that land which is identified in Attachment #1 to this AHIP as 'The Project Area' other than the protected land and Aboriginal objects described in Schedule B.

AHIMS SITE ID	SITE NAME	SITE FEATURE	EASTINGS	NORTHINGS	DATUM – AGD or GDA
38-4-0530	Bluegum Hills 1	Aboriginal stone objects	373240	6362240	AGD
38-4-0496	NR-OCS-4	Aboriginal stone objects	373040	6361900	AGD
38-4-0683 *	Bluegum Vista Estate	Aboriginal Cultural Objects	373150	6361850	AGD

* AHIMS Site #38-4-0683 is bounded by the perimeter of the project area and includes all land within the development envelope excepting those areas defined as Aboriginal Conservation Heritage Areas and protected under Schedule B of this AHIP.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Schedule D: Proposed works

The proposed works include all activities associated with the subdivision, sale and private development of the residential lots within the project area. This includes, but is not limited to, the clearing and levelling of blocks, the building of residential dwellings and subsequent revegetation and landscaping activities carried out by private landholders.

These works will be carried out in stages over approximately 10 years. Prior to the initiation of each stage, facility will be provided to the registered Aboriginal stakeholder groups to conduct assessment and salvage of the lands within each stage as outlined in the ACHMP which accompanied the application for this AHIP.

COMMENCEMENT AND OVERSEEING OF ACTIVITIES RELATING TO THIS AHIP

Commencement of AHIP

1. This AHIP commences on the date it is signed unless otherwise provided by this AHIP.
2. The AHIP holder must not, in a salvage area described in an AHIP that remains in force, commence activities that would damage, destroy or deface any Aboriginal object or Aboriginal Place, unless the following have taken place:
 - (a) the salvage works described in that AHIP have been completed; and
 - (b) the AHIP holder responsible for the salvage works has notified the DECC in writing that those works have been completed.

Duration of AHIP

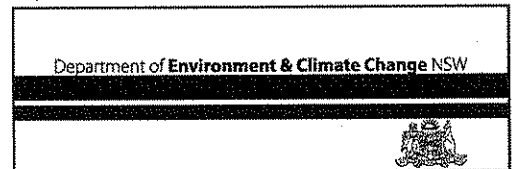
3. Unless otherwise revoked in writing, this AHIP remains in force for:
 - (a) 10 Years from the date of commencement; or
 - (b) the date on which the final salvage report, is submitted, whichever is the sooner.

Responsibility for compliance with conditions of AHIP

4. The AHIP holder must ensure that all of its employees, contractors, sub-contractors, agents and invitees are made aware of and comply with the conditions of this AHIP.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Project manager to oversee the activities relating to this AHIP

5. The AHIP holder must appoint a suitably qualified and experienced individual who is responsible for overseeing, for and on behalf of the AHIP holder, the activities relating to this AHIP.
6. The individual appointed must be the individual nominated in the application form.
7. If an alternative individual is appointed whilst this AHIP remains in force, the AHIP holder must advise the DECC office in writing within 14 days of the new appointment.

Notification of commencement of work

8. Prior to the proposed commencement of activities authorised by this AHIP, the AHIP holder must give the DECC office written notice of the proposed commencement date of those activities.

GENERAL OPERATIONAL CONDITIONS

Activities must not damage Aboriginal objects

9. The AHIP holder must not damage Aboriginal objects other than those Aboriginal objects specified in Schedule C.

Activities must be in accordance with methodology

10. Activities must be carried out in accordance with the methodology specified in the application to which this AHIP applies, except as otherwise expressly provided by a condition of this AHIP.
11. Facility must be provided for a qualified archaeologist to be present for any monitoring or salvage works conducted under authority of this AHIP.

PROTECTION OF ABORIGINAL OBJECTS

Protection of Aboriginal objects

12. The AHIP holder must ensure that Aboriginal objects specified in Schedule B are not damaged.

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Section 90 of the National Parks and Wildlife Act 1974



13. To the fullest extent possible, each protected Aboriginal object must be clearly marked so as to provide a clear visual marker to persons on foot or in vehicles in the vicinity of that Aboriginal object.
14. The AHIP holder must ensure that persons entering the land such as employees, contractors, sub-contractors, agents and invitees have a copy of any Map referred to in Schedule B.
15. Appropriate sediment control measures must be installed, operated and maintained so as to prevent any disturbance of a protected Aboriginal object.
16. Vehicles must not be driven on or in the immediate vicinity of a protected Aboriginal object.

NOTIFICATION AND REPORTING CONDITIONS

Human remains

17. If any human remains are disturbed in, on or under the land, the AHIP holder must:
 - (a) not further disturb or move these remains;
 - (b) immediately cease all work at the particular location;
 - (c) notify DECC's Environment Line on 131 555 and the local police as soon as practicable and provide any available details of the remains and their location; and
 - (d) not recommence any work at the particular location unless authorised in writing by the DECC.

Incidents which may breach the Act or AHIP

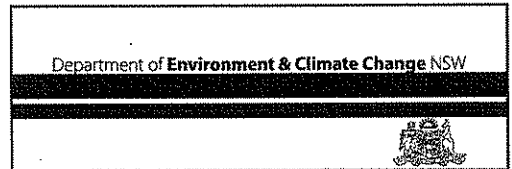
18. The AHIP holder must notify the DECC office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.90 or s86 of the Act not authorised by an AHIP;
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

19. Where an authorised officer reasonably suspects that an incident which may have breached the Act or AHIP has occurred, the officer may request in writing that the AHIP holder prepare a written report about that incident. The report must detail:
 - (a) the nature of the incident;
 - (b) the nature and location of relevant Aboriginal objects or Aboriginal places, referring to and providing maps and photos where appropriate;
 - (c) the impact of the incident on Aboriginal objects or Aboriginal places;
 - (d) any conditions of an AHIP which may have been breached; and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



20. The report must be provided to the DECC office by the due date specified by the authorised officer.

Report about damage to Aboriginal objects under s.90

21. Progress reports must be provided to DECC as per the reporting conditions outlined in Table S6 included in the ACHMP which accompanied the application for this S90 AHIP.
22. The AHIP holder must prepare a final report about the activities relating to the damage of Aboriginal objects as consented to by this AHIP, as soon as practicable after completing the activities. The report must:
- (a) include a short summary of the report;
 - (b) provide details of the objects which were fully or partially damaged in the course of undertaking the activities;
 - (c) describe any ongoing consultation with or involvement of representatives of local Aboriginal groups in relation to this AHIP;
 - (d) describe how any protected Aboriginal objects were managed during the period covered by the AHIP;
 - (e) comment on the effectiveness of monitoring activities and mitigation measures that were implemented; and
 - (f) comment on the effectiveness of any management plan which was in place.
23. The report must be provided to the DECC office by September 2019.

Provision of copies of reports to local Aboriginal groups

24. The AHIP holder must provide a copy of each report provided to the DECC under this AHIP to each local Aboriginal group, within 14 days after each report is provided to the DECC.

Copy of this AHIP to be provided to local Aboriginal groups

25. The AHIP holder must provide a copy of this AHIP to each local Aboriginal group, within 14 days of receipt of the AHIP from DECC.

OTHER GENERAL CONDITIONS

Indemnity

26. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Director General of DECC, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from

- (a) any damage or destruction to any real or personal property; and
- (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any activities undertaken pursuant to this AHIP.

Release

27. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Director General of DECC, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any activities undertaken pursuant to this AHIP.

Ongoing obligation to comply with due dates

28. Where a condition of this AHIP specifies a date by which something must be done or ceased to be done, the AHIP holder has a continuing obligation to comply with that condition after that date (subject to any written revocation or variation of the AHIP by DECC).

Written notice

29. Any requirement to provide written notice to the DECC office in this AHIP may be complied with by faxing the notice to the DECC office's fax number or by sending by registered post to the DECC office's address. The DECC office's contact details are specified at the front of this AHIP.

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object(s)	has the same meaning as in the Act
Aboriginal place	has the same meaning as in the Act
Act	means the <i>National Parks and Wildlife Act 1974</i>
AHIMS	means the Aboriginal Heritage Information Management System maintained by DECC

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



AHIP holder	means the person listed on the cover page under the heading "AHIP issued to"
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Authorised officer	means an employee of the DECC who is appointed as authorised officer under s.156B of the Act
Community collection	means the recovery of Aboriginal objects by representative(s) of the Aboriginal community
Damage	in relation to an Aboriginal object or Aboriginal place, unless otherwise specified in this AHIP, includes destruction and defacement
DECC	Department of Environment and Climate Change (NSW)
DECC office	means the office listed on the cover page of this AHIP
Director General	means the Director General of DECC
Invasive analysis	Any analysis of an Aboriginal object that damage the Aboriginal object
Land	means the land described at Schedule A
Local Aboriginal groups	means the following the following groups: Awabakal LALC PO Box 437 Hamilton, NSW, 2303[Name of group] Awabakal Traditional Owners Aboriginal Corporation (ATOAC) PO Box 253 Jesmond, NSW, 2299 Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC) PO Box 86 Clarencetown, NSW, 2321
Non-invasive analysis	Any analysis of an Aboriginal object that does not damage the Aboriginal object
Protected Aboriginal objects	means those Aboriginal objects which are described in Schedule B
Salvage	the recovery of Aboriginal objects in accordance with the archaeological research methodology accompanying the application, as modified by the conditions of this AHIP
Standards and	means the Aboriginal Cultural Heritage Standards and Guidelines Kit

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Guidelines Kit

(NSW National Parks and Wildlife Service 1997) as amended or replaced from time to time

INFORMATION ABOUT THIS AHIP

Responsibilities of AHIP holder

The AHIP holder is responsible for ensuring the AHIP holder's employees, contractors, sub-contractors agents, invitees are made aware of and comply with the conditions of this AHIP.

Penalties for breach of the Act

Significant penalties can be imposed by a court for failure to obtain or breach of an AHIP. The DECC can also issue penalty notices.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the National Parks and Wildlife Act

Newly identified Aboriginal objects need to be notified to the Director General under s.91 of the Act using the form available on www.environment.nsw.gov.au

Stop work orders and interim protection orders may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

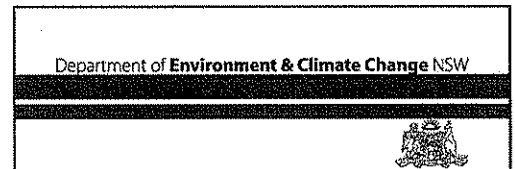
This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the DECC office in writing for a variation of any conditions of an AHIP. Requests for variations may need to be accompanied by evidence of further consultation with interested parties including Aboriginal stakeholders and in some cases may include payment of

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



fees. The conditions of an AHIP may be varied at any time at the discretion of the Director General. The AHIP holder may appeal a decision of the Director General to vary the conditions of the AHIP.

Transfer of AHIP

An AHIP is not transferable. The surrender or revocation of an existing AHIP could occur at the same time an AHIP is issued to a new AHIP holder.

Revocation of AHIP

An AHIP may be revoked at any time at the discretion of the Director General. Prior to revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in DECC's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that DECC can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

DECC is able to make copies of any reports provided to DECC under this AHIP.

Landcom Urban Pacific
Awabakal Local Aboriginal Land Council

**Draft Brief for an Aboriginal Cultural Heritage Management Plan for
the Bluegum Vista Estate**

March 2006

Introduction

Landcom and Urban Pacific recognise the important Aboriginal cultural heritage values of the Bluegum Vista Estate and wish to ensure that development of the Estate proceeds in manner which respects these values.

The Aboriginal Cultural Heritage Management Plan (ACHMP) for Bluegum Vista Estate is to be prepared to provide Landcom, Urban Pacific, their contractors for subdivision development, and members of the Awabakal Local Aboriginal Land Council, with clear guidance about requirements to meet their responsibilities in relation to Aboriginal cultural heritage issues during the development of the residential estate. The ACHMP will provide schedules of actions, protocols for communication and other measures as may be necessary to ensure that all parties are aware of agreed responsibilities and understand what is necessary to achieve best practice management of Aboriginal cultural heritage objects and specified Aboriginal cultural heritage values.

In addition to guiding the parties, the ACHMP is required to demonstrate compliance with Development Consent Condition 26 (Newcastle City Council 1998) and Condition 2 of the (draft) s90 Consent issued by Department of Environment and Conservation (DEC) (February 2006).

The preparation of the ACHMP follows extensive archaeological and Aboriginal cultural heritage investigations, documentation and analysis (Umwelt 2002).

The Awabakal Local Aboriginal Land Council must be given an opportunity to participate in the preparation of the brief for the ACHMP and the ACHMP itself. The brief and the ACHMP must be prepared to the satisfaction of DEC.

It is envisaged that the brief and the ACHMP will be completed and approved within six months.

The content of this brief for the ACHMP reflects issues raised during ongoing liaison between Landcom, Urban Pacific and Awabakal Local Aboriginal Land Council about how Aboriginal objects and specific Aboriginal cultural heritage values of the Estate land (Aboriginal Heritage Conservation Areas) will be protected during development and maintained into the future. The ACHMP is not intended to address other arrangements that may be made between the parties as part of social impact mitigation, including, for instance, employment and training opportunities. These matters will be dealt with separately.

Awabakal Local Aboriginal Land Council Participation

As agreed in discussions with Landcom and Urban Pacific, the Awabakal Local Aboriginal Land Council (ALALC) will be represented in discussions and reviews of draft documents throughout the preparation of the brief and the ACHMP. A Project Steering Committee, comprising one representative of Landcom, one representative of Urban Pacific and two representatives of ALALC (with a third representative available as a backup if necessary) will meet weekly or fortnightly. A program of up to seven meetings is anticipated. The ALALC representatives will be nominated in advance and will provide input and advice on behalf of other members of the Land Council.

In addition, the draft ACHMP may be presented to a full meeting of ALALC for their information and feedback, if required.

Notes of the outcomes of each meeting, including presentations to a full meeting of the Land Council, will be prepared and made available to those attending. These notes will also provide a record of consultation and will be provided to DEC with the ACHMP, as evidence of the extent of opportunities for Aboriginal community input.

Scope of Work

The ACHMP must address the following matters:

- measures to protect the Aboriginal cultural heritage sites and their landscape context as designated in the s90 Consent to Destroy issued for the Estate (DEC, February 2006). In particular, the ACHMP must state how three Aboriginal Heritage Conservation Areas (see **Figure 1**) will be protected from development impacts during the initial ground disturbing civil works associated with the Estate;
- the ACHMP must also detail measures that will be implemented to manage and protect the cultural heritage values of the three Aboriginal Heritage Conservation Areas, after the Estate is occupied by residents. This will include land tenure, access, interpretation (such as landscape and bush tucker resources) and a range of land management requirements (including landscaping/planting) for the Aboriginal Heritage Conservation Areas;
- provisions for representatives of Awabakal LALC to act as cultural heritage observer(s) during initial earthworks for civil construction activities on the Estate. These cultural heritage observer(s) may also salvage (collect) significant Aboriginal cultural heritage objects from the areas disturbed by the initial ground disturbing earthworks. Protocols for this cultural salvage must be defined in the ACHMP. Accordingly, the ACHMP must document how salvaged objects will be recorded, reported and stored;
- provisions for notification of all relevant parties, and other procedures, in the event of the discovery of a suspected human burial;
- a process for participation by Awabakal LALC in discussions with Newcastle City Council and the Geographical Names Board about the use of Awabakal language names for streets or other places within the estate. The ACHMP will discuss possible themes for street and place names in each of the stages of the Estate. The ACHMP will also discuss the use of Awabakal

cultural heritage stories or other information in interpretation or promotion material that may be used in or about the Estate; and

- provisions for review, reporting of implementation and assessment of the ACHMP.

Wherever possible, actions are to be specified in operational terms, stating who is responsible, what must be done, where the action must be done, when the action must take place and what is considered to be satisfactory performance.

The view of the Project Steering Committee is that the overall approach for management of Aboriginal cultural heritage issues in the Estate will draw on the concepts of “touch the ground lightly, break down barriers”.

Specific Issues to be Addressed

The Plan must contain specific reference to the following issues:

1. Objectives, Protocols and Procedures

This part of the Plan will develop the framework for other actions and establish how all the parties will work together to implement the Plan.

- a statement of the intent and objectives of the ACHMP;
- roles and responsibilities of Landcom, Urban Pacific, Awabakal LALC and contractors working on the subdivision. This will include specific requirements of the Aboriginal observers who will be on site during the initial period of ground disturbing works for each stage of the Estate. The Plan will make clear the role of Awabakal LALC as a subcontractor on the Estate during the initial ground disturbing earthworks, and the related aspects of site inductions and work cards;
- communication protocols between Awabakal LALC, Landcom, Urban Pacific, DEC, Newcastle City Council and on site contractors for routine activities and in the event of unforeseen significant cultural heritage impacts or discoveries (suspected human skeletal material);
- processes for recommending Awabakal language names for places within the estate, including streets, parks, reserves, Aboriginal Heritage Conservation Areas etc; and
- long term ownership and management responsibility for the Aboriginal Heritage Conservation Areas and consistent management principles for all three areas.

2. Prior to the Commencement of Initial Ground Disturbing Civil Works

These actions are to ensure that all contractors working on the land have a basic understanding of their responsibilities in relation to Aboriginal cultural heritage and what they must and must not do on a day to day basis.

- Participation of representatives of Awabakal LALC in the cultural heritage awareness aspects of Site Induction for contractors, to ensure that initial ground disturbing earthworks are conducted in a manner that is consistent with the requirements of the ACHMP.
- Definition of areas to which the s90 applies and those areas which are required to be managed for conservation of Aboriginal heritage objects.

3. During Initial Ground Disturbing Civil Works

These actions are designed to ensure that the cultural heritage values of the three Aboriginal Heritage Conservation Areas are protected during the initial earthworks phase of each stage of the Estate, and that other requirements of the s90 for the Estate are properly implemented.

- Temporary fencing and signposting of all Aboriginal Heritage Conservation Areas and identification of other natural parkland/reserves during the period of initial ground disturbing works. This will address the location of fencing, types of fencing that are suitable, information to be provided, maintenance during construction etc.
- Runoff management (erosion and sedimentation controls) during construction. The intent is to prevent excessive scouring or deposition across the Aboriginal Heritage Conservation Areas and reserves. Poor runoff management could damage the ground surface, expose artefacts and damage vegetation. It has previously been acknowledged that some water management structures may be required within the drainage corridors. Detailed protocols will be prepared to minimise potential impacts of these structures on the landscape.
- Access management during initial earthworks and construction. The contractors working on the project will be responsible for controlling access to protected areas. The intent is to prevent vehicles and machinery moving across any of the Aboriginal Heritage Conservation Areas during the construction period. In general, pedestrian access would also be restricted, although there may be specific exemptions for Aboriginal observers.
- Routine notification of Aboriginal cultural heritage observer(s) about the commencement of relevant ground disturbing works, attendance opportunities and requirements.
- Safety of Aboriginal cultural heritage observer(s) whilst on the construction site.
- What Aboriginal cultural heritage observer(s) will do on the site.
- Procedures in the event that appropriately trained Aboriginal cultural heritage observer(s) are unable to attend on specified days.
- Management of any Aboriginal cultural heritage objects that may be recovered by Aboriginal cultural heritage observers during the period of initial ground disturbing works for each stage of the Estate. This addresses recording and care and control procedures.
- Circumstances in which construction activities must cease pending specific Aboriginal cultural heritage advice; how and from whom that advice must be obtained. It is anticipated that this will apply only to the discovery of potential human skeletal material.

4. Ongoing Management of Aboriginal Heritage Conservation Areas

These actions are designed to ensure that the Aboriginal Heritage Conservation Areas are managed in a way that protects their cultural heritage values and that presents Aboriginal heritage to the community in a positive way – something to be proud of.

- long term management of the Aboriginal Heritage Conservation Areas, after the completion of the initial ground disturbing works. The ACHMP will document which organisation(s) are responsible and how it is proposed that they will work together;
- managing general public access to the Aboriginal Heritage Conservation Areas to balance the benefits of awareness with potential impacts on the sites. This will need to consider matters such as formal pathways/boardwalks, lookout platforms etc;
- ensuring suitable access to the Aboriginal Heritage Conservation Areas for Aboriginal community elders and others as may be necessary for cultural learning and suggest potential ways that the Conservation Areas could be used by Awabakal representatives in future community awareness and education programs in Aboriginal Cultural Heritage (note that understanding these potential future uses may affect the design of landscaping and access facilities at the Aboriginal Heritage Conservation Areas, but the implementation of potential future education programs is not part of the ACHMP) ;
- if required, long term fencing or other demarcation of Aboriginal Heritage Conservation Areas – materials, style, location and maintenance;
- signposting of Aboriginal Heritage Conservation Areas with Awabakal cultural heritage information. Signs must also comply with Council's requirements and SEPP64. The Plan will consider the broad intent and content of signage, and any specific restrictions on information that can be included;
- ongoing information for land owners within the Estate about management requirements for protection of the values of the Aboriginal Heritage Conservation Areas – for instance, in relation to weed management, disposal of garden wastes, access restrictions (e.g. not for parking boats, trailers etc); and
- protocols for long term communication about any management issues affecting the Aboriginal Heritage Conservation Areas after the Estate is established.

5. Reporting

These actions are to ensure that the reporting requirements of the s90 Consent are met.

- compliance monitoring and reporting during the period of initial ground disturbing works (as required by the s90 Consent);
- reporting on the Aboriginal cultural heritage achievements of the Conservation Areas in the long term;

Relationship of the ACHMP and DEC s90 Consent to Destroy

The s90 Consent to Destroy is issued to Landcom. The ACHMP will set out how Landcom (as the Consent Holder), Urban Pacific, their contractors and Awabakal LALC will comply with the conditions of the s90 Consent to Destroy.

The ACHMP must be prepared to the satisfaction of DEC.

Timing of Preparation of the ACHMP

The ACHMP is required to be prepared and approved by DEC no later than six months after the issue of the s90 Consent to Destroy.

Preparation of the Plan will commence immediately. All efforts should be made to complete the ACHMP, addressing any issues raised by ALALC, by the end of May 2006. This allows up to eight weeks for any necessary discussion with DEC and for DEC administrative processes.



Department of
Environment and Conservation (NSW)

PERMIT #: 2332

NATIONAL PARKS AND WILDLIFE ACT 1974

SECTION 90

CONSENT

CONSENT TO CARRY OUT THE DESTRUCTION OF AN ABORIGINAL
OBJECT AND PERMIT TO COLLECT AND/OR EXCAVATE FOR THE
PURPOSE OF SALVAGE

WHEREAS the Aboriginal objects described in Schedule "A" are situated upon the land described in Schedule "B", and constitute Aboriginal objects within the meaning of Section 90 of the National Parks and Wildlife Act 1974, and WHEREAS application has been made by:

Steve Edmonds, Development Director Hunter

of:

Landcom
Level 4, 251 Wharf Rd
Newcastle NSW 2300

PO Box 33
Newcastle NSW 2300

FOR CONSENT to destroy those objects in the course of: *civil construction works associated with establishment of the residential subdivision*

NOW I, Lisa Corbyn, Director-General of Department of Environment and Conservation, in pursuance of Section 90 of the said Act, and subject to the conditions hereunder set out DO HEREBY CONSENT to the destruction of the said objects by the said applicant. AND FURTHER, in accordance with the said Conditions and in pursuance of Section 87 of the said Act, I DO HEREBY PERMIT the salvage collection of the said objects from the aforesaid land, prior to destruction of the objects, by representatives of the Awabakal Local Aboriginal Land Council, as named in the said conditions.

TERMS AND CONDITIONS OF THIS CONSENT

This Consent is issued subject to General Terms and Conditions covering all Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to destroy Aboriginal objects and any Special Conditions, all of which conditions are detailed in the attached pages.

DATED at Coffs Harbour this Twentieth day of February, 2006

Gary Doney
Director - North East Branch

Issued for the Director-General of
Department of Environment and Conservation

NPWS is part of the Department of Environment and Conservation

Consent with Salvage #2332

SCHEDULE A:

This consent applies to all Aboriginal objects, within the meaning of section 90 of the National Parks and Wildlife Act 1974, excluding human skeletal remains and Aboriginal objects within Conservation Areas 1, 2 and 3 as shown on Attachment 1 entitled: *Figure 3: Plan of Conservation Area of Blue Gum Vista Estate, REF:R03_V1/1422_174.dgn, Umwelt (Australia) Pty Ltd, Source: Fagan Mather Duggan Surveyors*

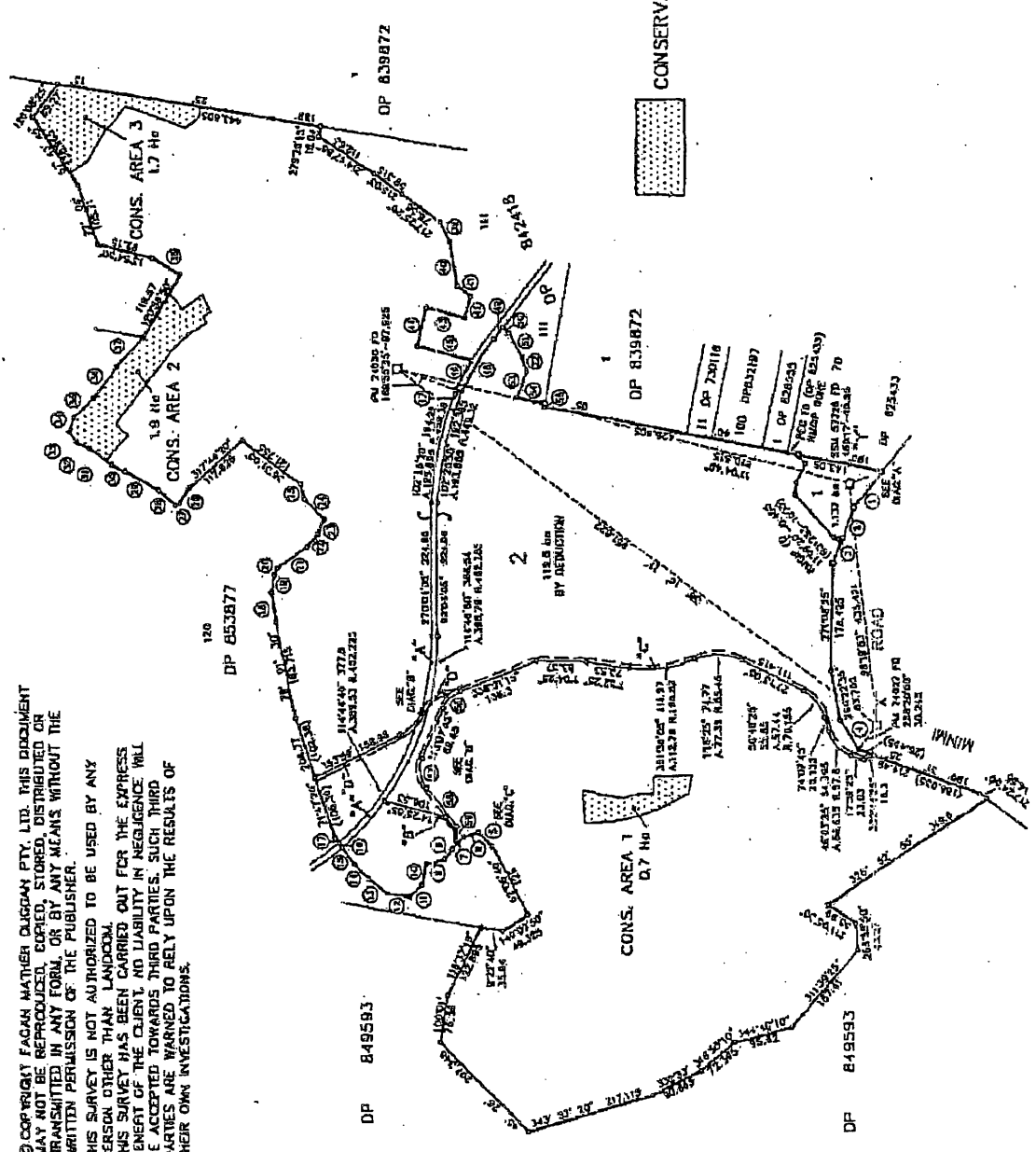
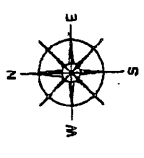
SCHEDULE B:

DEC #38-4-0530, DEC #38-4-0496, DEC #38-4-0683 (centrepont AMGE 373150, AMGN 6361850) Lot 22 DP1063858, Parish Hexham, County Northumberland, Newcastle City Local Government Area

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

1. The Consent Holder will ensure that the lands delineated in Attachment 1 as Conservation Areas 1, 2 and 3 are excluded from residential subdivision and are managed for their Aboriginal heritage values. Residential subdivision is not to extend within the limits of the Conservation Areas.
2. The Consent Holder will prepare an Aboriginal Cultural Heritage Management Plan in relation to the development area. The Consent holder will ensure that:
 - (i) A Brief is prepared in relation to the proposed Aboriginal Cultural Heritage Management Plan within three months of commencement of this Consent. The Brief must be prepared to the satisfaction of the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) following consultation with the Awabakal Local Aboriginal Land Council.
 - (ii) The Aboriginal Cultural Heritage Management Plan, which is to be prepared in accordance with the approved Brief, is completed within six months of the commencement of this Consent. The Aboriginal Cultural Heritage Management Plan must be completed in accordance with the above Brief and be prepared to the satisfaction of the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) following consultation with the Awabakal Local Aboriginal Land Council.
3. The Consent Holder will notify the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) at least seven days in advance of the dates for commencement of ground disturbing works within the development area.
4. The Consent Holder will ensure that representatives of the Awabakal Local Aboriginal Land Council are offered an opportunity to monitor initial ground disturbing works, in each stage of civil construction, with the intent of enabling the identification and salvage of significant Aboriginal objects. Monitoring will be undertaken in accordance with the relevant sections of the Aboriginal Cultural Heritage Management Plan.

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THIS SURVEY IS NOT AUTHORIZED TO BE USED BY ANY PERSON OTHER THAN LANDSCAPE.

THIS SURVEY HAS BEEN CARRIED OUT FOR THE EXPRESS BENEFIT OF THE CLIENT. NO LIABILITY IN NEGLIGENCE WILL BE ACCEPTED TOWARDS THIRD PARTIES. SUCH THIRD PARTIES ARE WARNED TO RELY UPON THE RESULTS OF THEIR OWN INVESTIGATIONS.

Attachment 1

FIGURE 3
Plan of Conservation Area of
Bluegum Visitor Estate



A4 Scale 1:11 000 Ref No.:R03_V1/1422_074.dgn

Umwelt (Australia) Pty Limited
Source: Fagan Mather Duggan Surveyors

5. The Consent Holder will provide the Department of Environment and Conservation (Planning and Aboriginal Heritage Section, North East Branch) with progressive reports on compliance with the Terms and Conditions attached to this Consent at the following intervals:
 - (i) within 60 days of the completion of one calendar year after the date of approval of this Consent,
 - (ii) within 60 days of the completion of 5 years after the date of approval of this Consent, and
 - (iii) upon expiry of this Consent.
6. The Consent Holder will ensure that should any skeletal material be uncovered which is thought to represent human remains, all work must cease in the immediate vicinity and the Consent Holder must contact the NSW Police and Department of Environment and Conservation (Environment Line, phone 131555). Work must not recommence in the area where the skeletal material has been uncovered until such time as NSW Police and Department of Environment and Conservation have provided advice, following consultation with the relevant Aboriginal community groups, on whether there are any subsequent approval requirements.

SPECIFIC CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

1. The Consent covers only those objects described in the Consent and in any Schedules thereto.
2. In the case of Consents granted to cover development activities, the Consent is granted to cover only those circumstances described in the Schedules.
3. The Consent is conditional upon all relevant development approvals having been obtained.
4. Should the objects listed in Schedule 'A' above remain in existence ten (10) years from the date of approval of this Consent, the Consent shall be deemed to be void, and any further damage to the objects will require either an extension to this Consent, or the preparation of a new Consent document.
5. The salvage work is to be carried out by representatives of the Awabakal Local Aboriginal Land Council in accordance with the relevant sections of a completed Aboriginal Cultural Heritage Management Plan required under this Consent.
6. Should any 'relic', defined under the Heritage Act of NSW be uncovered, then excavation or disturbance of that area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the Heritage Act, 1977 (as amended). Historic Archaeologists of the Heritage Council can be contacted on (02) 96356155

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Consent with Salvage #2332

A 'relic' under the Heritage Act is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- (b) which is 50 or more years old.

7. The holder of the Consent shall provide the Department of Environment and Conservation with a report at the completion of each stage of civil construction works involving salvage, or as otherwise agreed with the Planning and Aboriginal Heritage Section, North East Branch, or upon expiry of the Consent or any renewal thereof, whichever occurs first. Such report shall include:

- a complete list of all significant materials recovered;
- a description of the methods of collection and analysis used;
- a description of the significant Aboriginal objects salvaged;
- a plan of the development site, including the location of areas monitored and salvaged;
- a discussion of management and curation arrangements for any Aboriginal objects to be retained by the Consent Holder and/or Aboriginal community;
- summary of consultation undertaken with Aboriginal Community Groups in regard to participation in salvage activities on the development site.

General Terms and Conditions

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit.
3. A Consent covers only that area stated in the Consent.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.

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Consent with Salvage #2332

9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.
10. The Department of Environment and Conservation shall have the right to copy all such reports prepared under DEC Permits or Consents, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the DEC shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The Department of Environment and Conservation may supply copies of relevant reports as furnished by the holder of the Permit or Consent to local Aboriginal communities. Upon request by the Service, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interested local groups.
15. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) provide an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the Department of

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Consent with Salvage #2332

Environment and Conservation within two weeks from the date of revocation of that Permit;

(iii) provide the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered.

(b) The Department of Environment and Conservation shall have the right to use and authorise the use of information collected under the Permit.

20 February 2006

End

NPWS is part of the Department of Environment and Conservation



AWABAKAL
LOCAL ABORIGINAL LAND COUNCIL
127 MAITLAND ROAD
ISLINGTON NSW 2296
ABN: 19 759 066 759

9th June 2006

Ms Claire Everett
Northern Directorate Archaeologist
Department of Environment and Conservation
Locked Bag 914
COFFS HARBOUR 2450

Dear Claire

Re: Aboriginal Cultural Heritage Management Plan for Bluegum Vista Residential Estate

This letter confirms that Awabakal Local Aboriginal Land Council is satisfied with the Aboriginal Cultural Heritage Management Plan that has been prepared for the Bluegum Vista Estate. We have been closely involved in the preparation of the Plan and it covers the things that we asked to be included.

Members of Awabakal Local Aboriginal Land Council have been involved in all aspects of the Aboriginal cultural heritage assessment and management planning process for the Bluegum Vista Estate over a period of more than ten years. Our view has always been that this land on the edge of Hexham Swamp is an important cultural place.

We participated in the original surface surveys and in all phases of the archaeological excavations that have been done for the project. The results of these studies provided archaeological evidence to support our views about the significance of the land to Awabakal people.

We discussed how the Aboriginal community values of the land should best be managed with Umwelt, Landcom and DEC over the period 2000 to 2002. More recently, four members of the Executive of the Land Council have worked on the documents required by the s90 for the land, with Landcom, Urban Pacific and Umwelt. Our representatives on this working group have been Ron Gordon (Coordinator), Sean Gordon (Chairperson), Cheryl Kitchener and Ashley Gordon. Our Executive has discussed issues with Land Council members.

The working group met weekly or fortnightly from early February through to mid May 2006 to go through all the issues that we wanted considered in the preparation of the brief and the Cultural Heritage Management Plan. We have also met on site with the landscape architects for the project to talk about how the Aboriginal themes could be used in the landscaping of the Conservation Areas and other open space in the Estate. We have spent some time talking through the practicalities of our Site Officers being present during each phase of civil earthworks over the next ten years or so.

We have already sent a letter to DEC (March 2006) supporting the brief that we helped to prepare for the Management Plan.

AWABAKAL LOCAL ABORIGINAL LAND COUNCIL
Phone: 02 4965 4532 FAX: 02 4965 4531
PO Box 437 HAMILTON NSW 2303
E-mail: awabaka@bigpond.net.au

0249654531

Page 2:

We now want to provide our support for the Management Plan. The Plan will raise the profile of Aboriginal culture in the Newcastle area. Streets and places in the Estate will have Awabakal language names that we have chosen. Our sites officers will be employed to check for any new artefacts that may become visible as the earthworks for the project proceed. We plan to return many of these and other artefacts from the site to the Conservation Areas. Other artefacts will be kept in our museum for teaching about culture. We will also have a coordination role to assist with reporting and preparing the information that is used in brochures and signs for the Estate. We are very pleased that the Conservation Areas will be landscaped with Aboriginal themes to make them attractive places for residents to visit and be proud of. We will contribute more to the design of this landscaping as the project proceeds.

If you would like more information about the views of our members, please ring me at the Land Council office, on 49654532.

Yours sincerely,



Ron Gordon
Co-ordinator

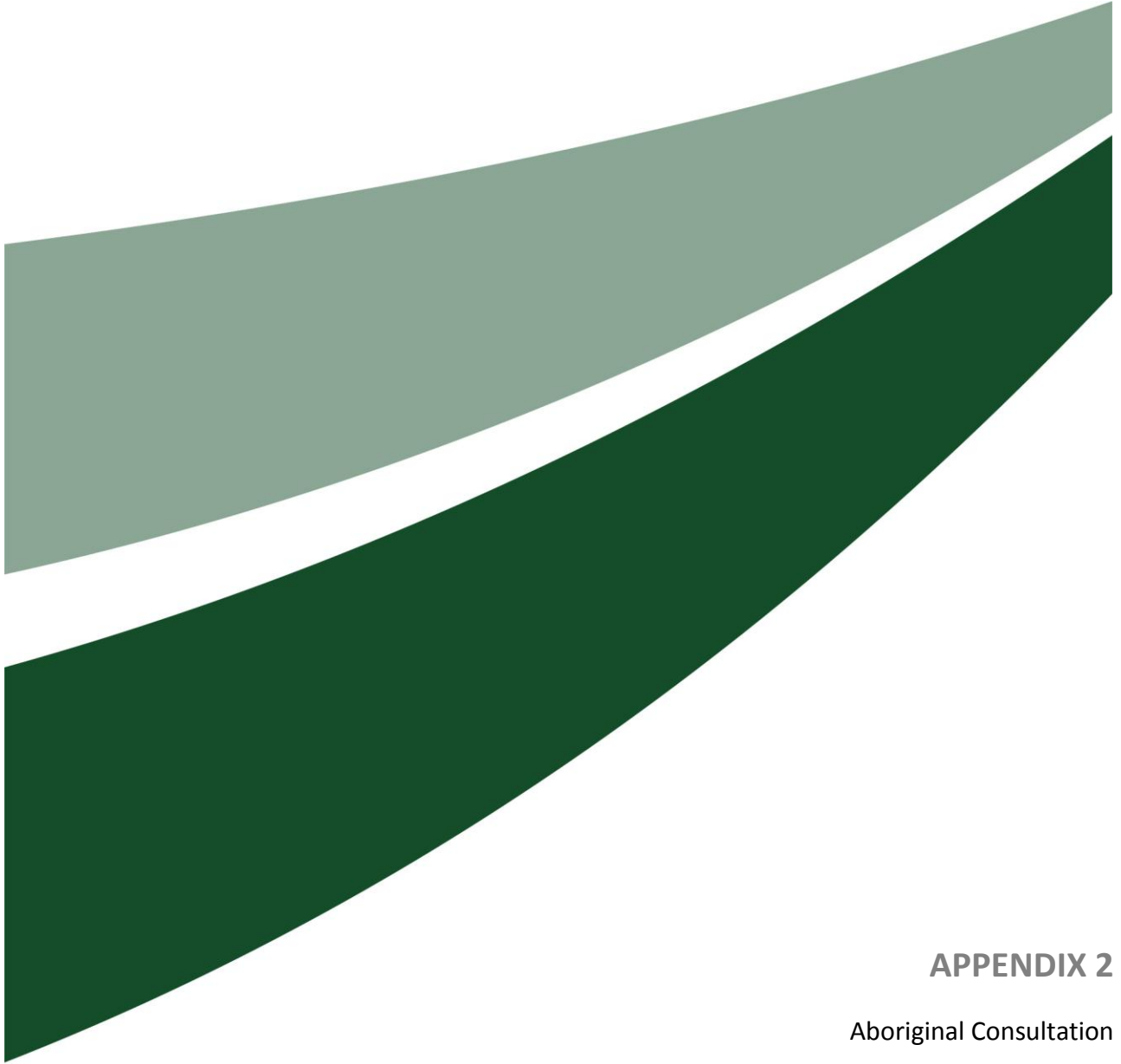
0249654531



AWABAKAL
LOCAL ABORIGINAL LAND COUNCIL
127 MAITLAND ROAD
ISLINGTON NSW 2296

Date: 14/6/06To: Pam Dear JonesOrganisation: Munwelt (Australia)Fax Number: 49 505 737From: Ron GordonNumber of Pages (Including Cover): 3Message: Copy of letter as requested

AWABAKAL LOCAL ABORIGINAL LAND COUNCIL
Phone: 02 4965 4532 FAX: 02 4965 4531
PO Box 437 HAMILTON NSW 2303



APPENDIX 2

Aboriginal Consultation

Janice Wilson

From: Awabakal [culture@awabakallalc.com.au]
Sent: Friday, 21 February 2014 3:27 PM
To: Janice Wilson
Cc: CEO
Subject: Re: Sanctuary ACHMP revised & Brochure.

Hi Jan,

Draft ACHMP

The revised draft ACHMP for Sanctuary Estate looks great and much more easier to find what one is looking for.

Major concerns to the Awabakal Local Aboriginal Land Council have been addressed accordingly in the draft ie.

(Impacts to artefacts, soil(s) taken off site, efficient times for pre investigation's etc.)

Other than that, we do not wish to add anything further. On behalf of the Awabakal Local Aboriginal Land Council,
we are satisfied with the revised ACHMP and would like to be notified if any changes are proposed.

Brochure

As a stakeholder/member of the LACG for Sanctuary Estate, we'd like to raise a concern that was mentioned previously in the last LACG meeting at the Sales office.

- The preparation and consuming of Native plants (bush tucker).

It was spoken about and agreed upon by all members of the LACG at the last meeting, that absolutely no text what so ever containing any information on how to prepare, cook or what parts of a plant are edible, are to be advertised in any form within the ACHA.

Could this please be amended, as Awabakal Local Aboriginal Land Council do not wish to be a part of any misleading or false information where it could endanger somebodies life.

Please do not hesitate to contact me, if you have any enquiries.

Regards



PETER TOWNSEND
Culture & Heritage Officer



Awabakal Local Aboriginal Land Council

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Yaamakara. I am a Wiradjuri/Weilwan man. I acknowledge the traditional people of this country, elders, children past and present.

Janice Wilson

From: PeterLeven [peterleven@y7mail.com]
Sent: Thursday, 20 February 2014 6:34 PM
To: Janice Wilson
Cc: Kerrie Brauer
Subject: RE: 2568G - Sanctuary Aboriginal Cultural Heritage Management Plan - Revision 1

Hi Jan,

I have just finished reviewing the documents and can find no further issues in addition to the typos pointed out by kerrie.

All the changes are clear and I have no problem with the amendments to the documents.

Kind regards,
Peter Leven
Assistant Manager
Awabakal Descendants Traditional Owners Aboriginal Corporation
Email peterleven@y7mail.com Phone 0261608000 Mobile 0405149684



From: Janice Wilson [mailto:jwilson@umwelt.com.au]
Sent: Thursday, 20 February 2014 1:31 PM
To: peterleven@y7mail.com
Subject: FW: 2568G - Sanctuary Aboriginal Cultural Heritage Management Plan - Revision 1

Hi Peter

I was wondering if you have any comments in relation to the revision to the Sanctuary ACHMP I forwarded to you last week. Kerrie Brauer has given support for the document with only two changes to correct some typos. Urbangrowth NSW would like this document finalised next Monday and I would be grateful if you require any changes that you let me know by next Monday morning.

I am sure that Kerrie would be happy to discuss her review of the ACHMP if your require any assistance or I am happy to have a chat if that would assist.

Kind regards

Janice Wilson
Manager Cultural Heritage/Associate

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Please consider the environment before printing this email

From: Janice Wilson
Sent: Thursday, 13 February 2014 10:12 AM
To: 'peterleven@y7mail.com'
Subject: FW: 2568G - Sanctuary Aboriginal Cultural Heritage Management Plan - Revision 1

Hi Peter

As in my previous email please find below an email in relation to the revisions to the Sanctuary ACHMP. This email was also sent to Kerrie and Peter Townsend. UrbanGrowth NSW desire to have a response from the Local Awabakal Consultant Group within two weeks and before Shane returns. Shane's return email suggested that I send this on to you.

Please call if you wish to discuss anything in the attached documents – Kerrie will also know all about it.

Cheers and many thanks

Janice Wilson
Manager Cultural Heritage/Associate

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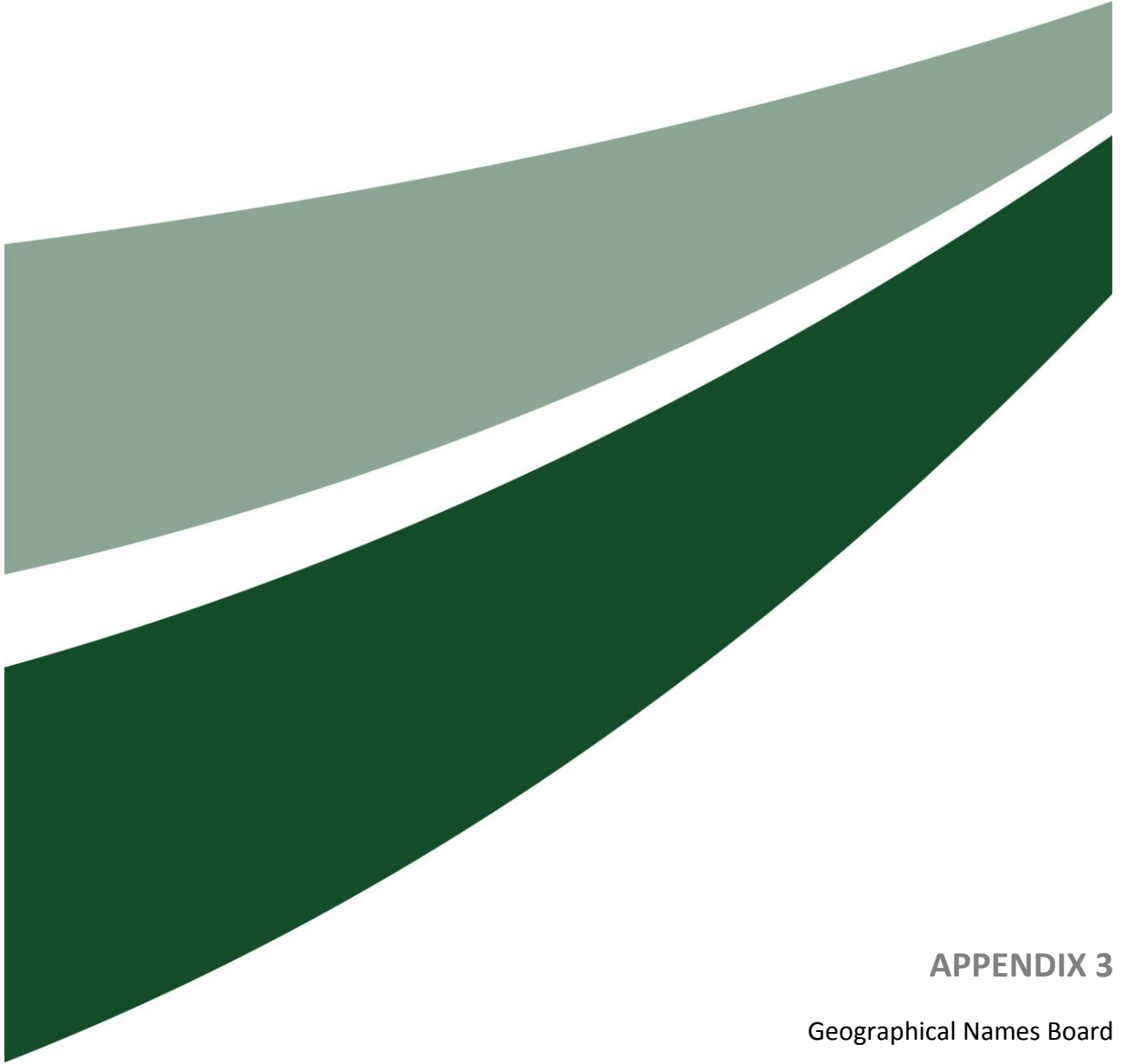
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From: Janice Wilson
Sent: Tuesday, 11 February 2014 2:38 PM
To: 'Shane Frost'; 'kerrie@awabakal.com.au'; 'culture@awabakallalc.com.au'
Cc: 'Jeff Apitz'
Subject: 2568G - Sanctuary Aboriginal Cultural Heritage Management Plan - Revision 1

Hi Shane, Kerrie and Peter

Please find attached for your review a copy of the revised Sanctuary ACHMP. The ACHMP has been revised to include AHIP #3009 and all the variations to AHIPs #2332 and #3009. Some information has been removed from the text where it is no longer relevant and some has been revised to reflect changes over time since it was initially written in 2008.



APPENDIX 3

Geographical Names Board



GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES

Name Search	LGA Maps	New Proposals	The Board	Information	Related Links
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:: Home :: Information :: Guidelines For The Determination Of Place Names ::

Guidelines For The Determination Of Place Names

Endorsed by the Geographical Names Board of New South Wales on 17 October 1996.

- A name suggested for any place that owes its origin to the peculiarity of the topographic feature designated, such as shape, vegetation, animal life, etc., may be accepted but, in doing so, care should be exercised in avoiding duplication of names already used for other features.

The Geographical Names Board prefers to avoid the repetition of commonly used names.

Sugar Loaf, Sandy, Back, Bald, Deep, Long, Kangaroo, Reedy, Rocky, Spring and Stony are examples of such names.

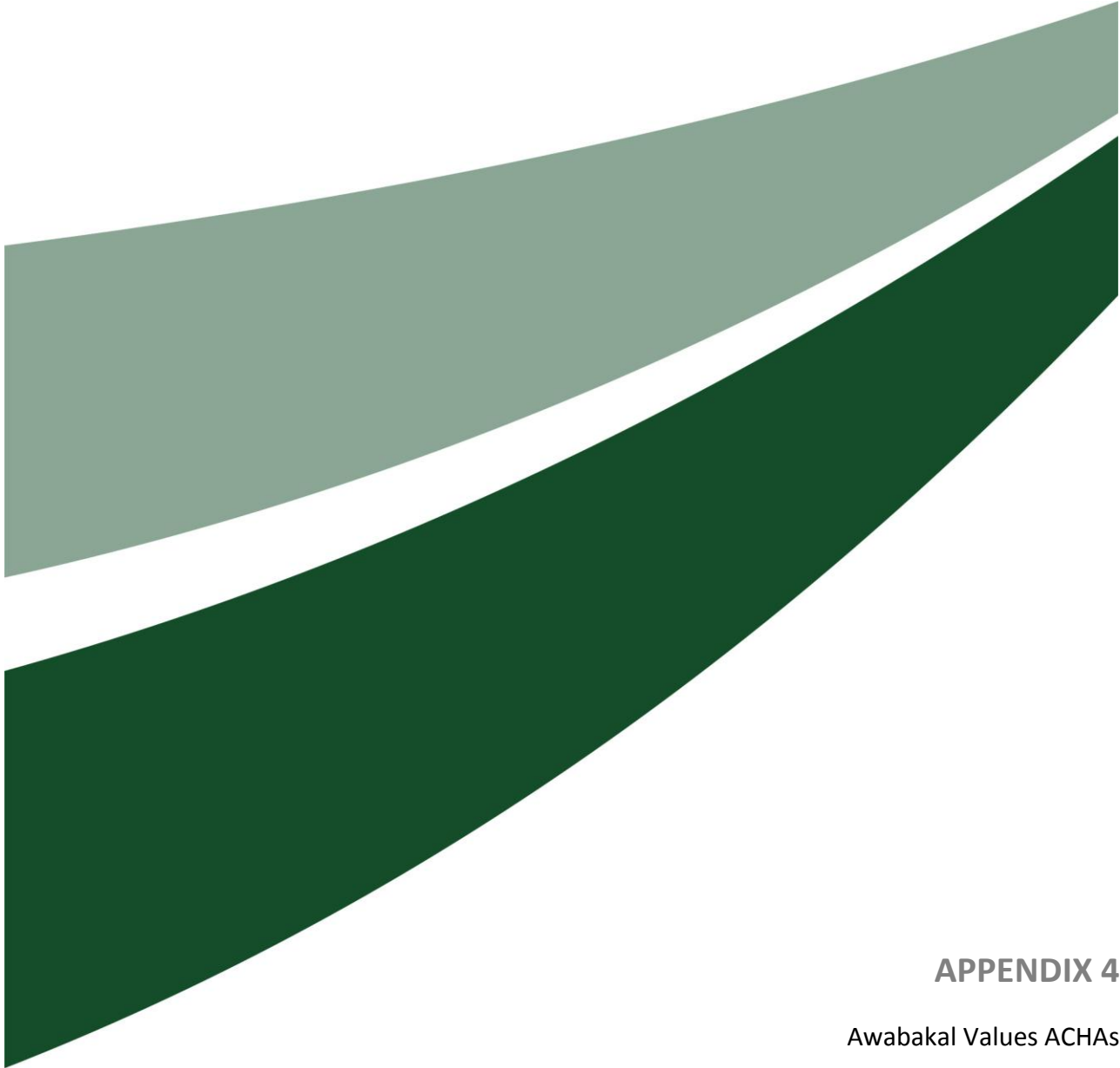
- Easily pronounced names should, as far as possible, be used.
- Names of Aboriginal origin or with a historical background are preferred.
- Names acknowledging the multicultural nature of our society are encouraged.
- The changing of long established place names is generally not preferred, except where necessary to avoid ambiguity or duplication.
 - If considered appropriate, place names may perpetuate the names of eminent persons, particularly those of early explorers, settlers and naturalists.
 - Names of persons should normally only be given posthumously but the Board, at its discretion, may approve a feature name which honours a living person. Such a person's contribution to the local community should have been of outstanding benefit to the community. Ownership of the land is not sufficient reason for the application of the owner's name to a geographical feature. The Board will not approve the naming of a feature after a person still holding public office.
 - The Board may approve a first or given name as part of a geographical name only where it is necessary to appropriately honour the person referred to or where it is necessary to avoid ambiguity.
- Long and clumsily constructed names and named composed of two or more words should be avoided.
- The multiplication of names for different parts of the same topographical feature such as a stream or mountain range will be avoided whenever possible and the one name applied to a stream or mountain range throughout its entire length.
- The naming of forks, arms and branches of a river as North Branch and South Branch is not favoured. Generally, it is preferable to assign independent names to river branches.
- The use of cardinal points of the compass as a prefix or suffix to an existing name is not favoured. However well established names which carry such a prefix or suffix may be approved.
- Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.

- When a choice is offered between two or more names for the same place, locality or feature, all sanctioned by local usage, the Board may adopt one of such names as is considered appropriate in accordance with the rules outlined above.
- The possessive form should be avoided whenever possible without destroying the sound of the name or changing its descriptive application, eg, Howes Valley should be written without the apostrophe.
- The use of hyphens in connecting parts of names should, as far as possible be avoided.
- Names considered offensive or likely to give offence will not be approved.

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APPENDIX 4

Awabakal Values ACHAs

Appendix 4 – Awabakal Values ACHAs

Awabakal Values to be Incorporated in Landscape Design and Management

The Aboriginal cultural heritage values of the AHCAs are summarised below. This information is based on discussion with ADTOAC, ALALC and ATOAC.

Outlook

Each of the AHCAs is situated on bedrock terrain that provides expansive outlook across the alluvial environment of Hexham Wetlands and its tributary creeks. One of the AHCAs has very wide views across Hexham Swamp, including Rocky Knob in the foreground. The outlook extends to the dunes at Stockton Bight and west to Mount Sugarloaf. It would therefore have afforded observations of the movement of traditional people around much of the Minmi, Pambalong, Shortland and Hexham areas.

The second AHCA provides a more sheltered landscape outlook, across the confined valley and freshwater meadows of Minmi Creek.

Mount Sugarloaf, Rocky Knob and the lands north along Stockton Bight are all landscape features with significant spiritual associations for Awabakal people, often captured in traditional stories (see below).

In addition to these outlooks, the ridge line on which Sanctuary Estate is situated provides a direct link to the high country of the Sugarloaf Range and was an important passing through area as well as having the resources for significant (cyclic) camping activity (see below re: shifting of resource use around the wetland margins).

Aboriginal Experience of Landscape Change

In addition to the value placed on the landscape context and outlook that the AHCAs have now, they are also recognised as being places where major changes to the landscape could have been observed. These changes operated at short term and longer term time scales. For instance, Hexham Swamp is a flood storage basin for the Hunter estuary and in major flood events it fills to form a large lake-like waterbody. Traditional Aboriginal people would have observed this transition and the subsequent slow drying out many times and would also have benefited from the variety of plant resources available through flood periods.

In the longer term, the occupation of the area by Aboriginal people more than spans the late Pleistocene sea level fall (reaching a minimum of about -120 metres 18,000 years ago) and the Holocene sea level rise. At the end of the Last Glacial, sea level rose rapidly to 10,000 years ago with a tapering rate of rise to reach a level slightly above current levels about 6000 years ago, and a slight fall about 3000 years ago.

Since sea level stabilised approximately 6000 years ago, there have been significant changes to the local landscape as depositional processes formed new terrain.

The margins of Sanctuary are mapped as an early Holocene Beach, formed from sandy sediments brought landward across the continental shelf as sea level rose. The beach would have fronted an open bay or estuarine lagoon, with a low sandy barrier separating it from the open ocean.

By 5000 years ago, the first dune transgressions had commenced at Stockton Bight (within sight of AHCA 1) and fluvial infilling of the Hunter estuary had commenced. These major

sand movements in the dune fields were repeated 2300 years ago and again about 500 years ago.

There is evidence in the lower Hunter of very rapid accretion of the floodplain and fluvial delta in the upper part of the estuary. The Hunter floodplain at Maitland has accreted up to 10 metres vertically over the last 2000 years. In the lower estuary, open water has transformed to a complex network of intersecting tidal channels, tidal flats and mangrove swamps. There are numerous palaeo channels across the surface of the floodplain, reflecting a mixture of sinuous delta distributary channels and later channel switching (since 1860, the length of the estuarine channel between Hexham and Maitland has shortened by 44 per cent, as it has straightened and infilled).

Aboriginal people would have paddled across the evolving bays and channels in canoes made from timber and melaleuca bark accessible around the margins of Hexham Swamp, to obtain fish/shellfish, estuarine wetland plants, and stone for raw materials as well as to interact and conduct ceremonies with Worimi people across the estuary to the north.

The outlook from AHCA 1 and 2 at Sanctuary takes in this transformed landscape and provide an opportunity to imagine how traditional Aboriginal people would have adapted to and explained the major changes that occurred. There are no known traditional Aboriginal stories about the dramatic changes that have occurred in the lower Hunter landscape.

The Resources of Wetland and Ridgeline

Since the mid twentieth century, Hexham Wetland has been modified by the installation of floodgates at Hexham. Reports from the early nineteenth century suggest that much of the Hexham Wetland area was fresh water wetland (swamp forest), segmented by sinuous estuarine channels bordered by mangrove forest and intertidal saltmarsh winding across the wetland basin. Until the mid twentieth century, the habitat mix persisted as roughly equivalent areas of freshwater wetland, brackish meadow and saltmarsh, with smaller areas of mangrove along the channel of Ironbark Creek. Lush growth of freshwater tea tree is reported around the northern extremity of Sanctuary (i.e. around AHCA 1) as late as the mid twentieth century. Rainforest species (rusty fig, red ash and grey myrtle also occurred around the swamp margin and remnants currently persist at Rocky Knob. Hexham Wetland is known for the very large numbers of waterbirds that congregate there. In earlier times, the wetlands and estuarine channels would also have provided abundant fish, shellfish and crustaceans, as well as attracting macropods and smaller marsupials.

These habitats and the species associated with them present a diverse suite of plant and animal resources for Aboriginal people. The combination of starchy plants, and abundant protein, as well as plants suitable for economic purposes such as shelter, containers, and materials for wrapping the dead would have been highly valued in traditional times.

Several early commentators from the lower Hunter Valley describe netted baskets that were worn by women around the foreheads and hanging down their backs. These baskets were quite large and were used to carry fish hooks (made of shell obtained from the estuary and coast), prepared bark for string, gum for gluing spears and items of food.

Newspaper reports (Wallsend and Plattsburg Sun) from the late nineteenth century suggest that as many as 4000 Aboriginal people lived around the wetlands of the lower Hunter, referring particularly to the Big Swamp (Hexham Swamp). These articles also note that to conserve resources, groups of Aboriginal people were always aware of the locations of other groups around the margin of the wetland and that they had a system of moving camp in opposite directions from each other (rather than following) so that local resources could recover before the arrival of another group.

Away from the wetland, the ridgeline at Sanctuary is part of a well graded series of ridges in the foothills of the Sugarloaf Range. Between these ridges, deep valleys include stands of fruiting rainforest plants as well as various eucalypts and understorey species valued for food and medicinal purposes. Creeks draining either side of the main ridges in the state would have provided fresh water, at least intermittently, and potentially pools of standing water in all but the driest times.

Archaeology - Stone Reflections of the Past

Within Sanctuary, sandstone outcrops (potentially suitable for grinding) occur at the break of slope above the wetland margin and also at the highest points of the main ridge. Materials recovered from archaeological excavation suggest poor suitability of locally available claystones and ironstones for quality flake manufacture (for use as tools). However, both tuffs and silcretes outcrop elsewhere around the margin of Hexham Wetland and along the Newcastle coastline (south of the Hunter River). Very large numbers of flaked stone artefacts have been recovered from several archaeological excavations on low ridges around the western shoreline of the Hexham Wetland.

A total of 3001 stone artefacts were recovered from subsurface archaeological investigations within Sanctuary. The assemblage was dominated (66 per cent of all artefacts) by fine grained siliceous flakes (and flaked pieces, retouched flakes, broken flakes), with silcrete the next most important material (29 per cent of all artefacts). Chert, petrified wood, quartz and quartzite were present in very small amounts. The assemblage included one grindstone fragment, one anvil, part of an edge ground axe and several hammerstones.

The artefacts are widely distributed in samples obtained from all terrain units in the project area. However, larger numbers of artefacts were recovered from three sample areas, two of which are now included in the ACHAs for the Estate. Each of these sample areas occupies the end of a ridge or spur, with direct access to the adjacent wetland.

Analysis of residues on selected flakes and the grindstone fragment revealed a variety of plant starches and phytoliths derived from grasses and reeds, including wet milling of starchy siliceous plants. Some residues also indicated the working of skins. Some flakes also had smoothing and polish indicative of wood working.

Many of the flaked implements and also most of the non artefactual stone fragments in the soil profile are affected by heat. It was concluded that although some siliceous raw materials may have been deliberately heat treated by Aboriginal people to improve the flaking quality of the stone, most of the evidence of heating was of non controlled, high temperature effects, such as may be associated with multiple wildfire events (over thousands of years) and stump burning that accompanied clearing of the natural vegetation of the ridgelines.

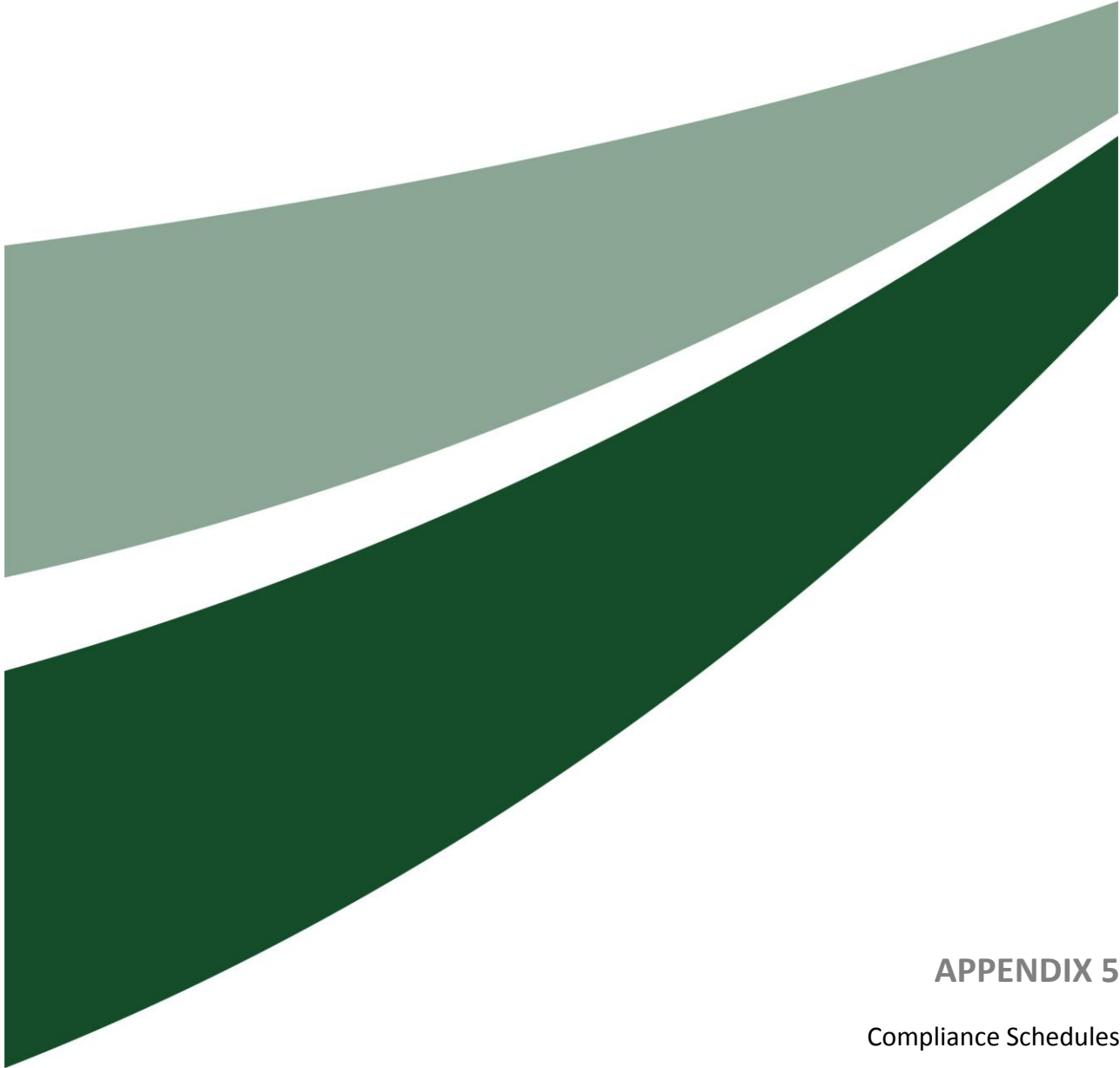
Since the commencement of Aboriginal cultural monitoring several hundred more stone artefacts have been recovered and a bone feature was excavated which recovered bones from a kangaroo or wallaby that was consumed and its bones broken open to extract the nutrient rich marrow. A bone tool recovered from the feature had been used to make holes in a hide and stone tools recovered had been used to cut up of the cooked kangaroo/wallaby meat and also for cutting up a cooked lizard, most likely as goanna. Human tooth prints were also observed on the bones,

Stories about Landscape and People

There are three main types of story about the Sanctuary area and associated cultural landscapes. Firstly, there are traditional Awabakal stories about their Country. Those that have been reported relate mostly to major landscape features with spiritual associations such as Mount Sugarloaf, Pambalong Swamp, Rocky Knob and Nobbys Headland.

Secondly, there are observation and descriptions by early European settlers of the way of life of Awabakal people. The most local of these (from the Wallsend and Plattsburg Sun) were not written until the late nineteenth century and draw on a mixture of anecdotal reports from a period when much of the traditional lifestyle of local Awabakal people must have been dramatically changed. Hexham Wetland was cleared for grazing by the mid nineteenth century and mining was also well established at Minmi by the mid to late nineteenth century. The stories reported at that time cover hunting and fishing techniques and responsibilities, grinding of plant materials, roasting of meats and a variety of ceremonies (sometimes at specialist ceremonial sites in the foothills of the Sugarloaf Range). Awabakal burial grounds in the Wallsend area are also mentioned, but there is no clear indication of where these were situated. Rocky Knob is mentioned as an important spiritual place, but the specific details of its value have not survived.

Thirdly, there are stories of encounters between European settlers and Awabakal people, not always friendly, as new settlers competed for the resources that had been valued by Awabakal people, often unaware of the meaning and importance of the landscape to those people.



APPENDIX 5

Compliance Schedules

Compliance Requirements

The actions that are required by this Revised Management Plan are summarised in **Tables 1, 2, 3 and 4.**

Table 1 – Aboriginal Cultural Awareness Activities

Note:

This table includes actions that provide information about Aboriginal cultural heritage to future residents of Sanctuary.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. The LACG will nominate up to three members to liaise with UrbanGrowth NSW about place names and awareness/interpretation measures.	LACG UrbanGrowth NSW to organise consultation schedule	Task completed.	Awabakal members have been nominated and meetings continue on a quarterly basis.
2. Continue to develop a list of potential names for streets and places in the Estate, based on local Aboriginal themes.	UrbanGrowth NSW in consultation with LACG	Initial list has been prepared. The list will be reviewed and updated on an annual basis, as required.	List of recommended Aboriginal names available to Landcom and UrbanGrowth NSW. Geographical Names Board and Newcastle City Council accept recommended names.
4. Prepare text and designs for signage and interpretative material for use at the AHCAs (Story Boards etc).	UrbanGrowth NSW, in consultation with LACG	Overall theme and strategy to be prepared prior to the establishment of the first Aboriginal Heritage Conservation Area. Material for first Aboriginal Heritage Conservation Area to be prepared prior to the completion of landscaping works in that AHCA. Other material prepared as needed for the stages of the Estate.	Overall themes and material prepared to satisfaction of UrbanGrowth NSW and LACG.
5. Prepare information for contractors, residents and other interested parties about the Aboriginal cultural heritage values of the Estate and respect for those values. This information will make specific reference to the two Aboriginal Heritage Conservation Areas.	UrbanGrowth NSW in consultation with LACG	To be prepared prior to residents occupying the first stage of the Estate that includes an Aboriginal Heritage Conservation Area, and subsequently.	Appropriate Aboriginal cultural heritage information included in "Welcome Packs" for new residents, and subsequently.

Table 2 – Tasks During Initial Ground Disturbing Civil Works

Note:

The relevant contractor may be the principal contractor or a subcontractor for earthworks. This will be clarified prior to the commencement of initial ground disturbing earthwork for any stage.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Survey the boundaries of the AHCA that is potentially affected by the stage of initial ground disturbing civil works.	UrbanGrowth NSW	Prior to the commencement of each stage.	Clear survey plans of conservation area boundaries are available to contractors and LACG site officers.
2. Mark corners of AHCAs with robust pegs.	UrbanGrowth NSW	Prior to commencement of each stage; prior to site induction on Aboriginal heritage issues.	Pegs are installed and maintained.
3. Install a barrier of brattice style fencing, on the surveyed boundary of the AHCA, to prevent unauthorised machinery access.	Relevant contractor	Prior to commencement of initial ground disturbing earthworks in that area.	Brattice fencing is in place.
4. Maintain the exclusion fencing throughout the construction period in the vicinity of that AHCA. <i>Note: In some instances, co-ordination will be required between the contractors responsible for civil works and the contractors responsible for landscaping works in the AHCAs, to ensure that the interface between roads and the AHCAs is properly managed. The exclusion fence may be temporarily removed for specific purposes, only when authorised by the relevant contractor. The fence must be replaced before the end of each day.</i>	Relevant contractor	Weekly observations and maintenance as necessary.	Fencing remains intact for entire relevant construction period, unless short term removal is specifically authorised by the relevant contractor to manage the interface between the construction area and an AHCA.
5. Erect appropriate controls where necessary, inside the brattice fencing to prevent excessive sediment or runoff entering the AHCAs during earthworks. Erosion and sediment controls are to be in accordance with UrbanGrowth NSW Soil and Water Management Guidelines (see Site Environmental Management Plan). Sediment control fence may replace brattice style fencing where erosion and sediment controls are necessary.	Relevant contractor	Prior to the commencement of ground disturbing earthworks for each relevant stage of the project. Surface runoff controls are to remain in place throughout the construction period.	AHCAs are protected by sediment controls maintained in accordance with the Environmental Management Plan for the project area.
6. No stockpiles of soil, rock or cleared vegetation material are to be placed within the boundary of any AHCA. No other waste or raw materials are to be stored inside the boundary of the AHCAs.	Relevant contractor	Throughout the construction period.	AHCAs remain free of all construction materials and wastes throughout the construction period.

Table 2 – Tasks During Initial Ground Disturbing Civil Works (cont.)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
7. Site inductions for all contractors and subcontractors are to include an Aboriginal heritage awareness induction. This will include inspection of the marked boundaries of the ACHAs and provision of a 1 page information sheet about the importance of protection of Aboriginal heritage and the responsibilities of contractors.	Relevant contractor and UrbanGrowth NSW	Prior to commencement of initial ground disturbing works and for new contractors/subcontractors prior to their commencing work on the site.	All contractors and subcontractors have received a cultural heritage induction and are aware of exclusion areas and the role of Awabakal site officers during the project.
8. Nominate up to six qualified Aboriginal sites officers who may be rostered to work as cultural heritage observers during initial ground disturbing earthworks.	LACG	Prior to commencement of initial ground disturbing earthworks and with review prior to the commencement of each stage of initial ground disturbing earthworks.	UrbanGrowth NSW and principal contractor are aware of nominated sites Officers.
9. LACG Site Officers will be subcontracted to the relevant contractor	LACG and relevant contractor	During each stage of initial ground disturbing earthworks.	Appropriate contracts are in place for employment of Site Officers during initial ground disturbing earthworks.
10. Notify LACG about details of each stage of initial ground disturbing earthworks (timing, location, induction requirements, anticipated hours/days of work).	Relevant contractor for each stage	At least 7 days prior to the commencement of each stage.	LACG has suitable information in time to organise site officers for the stage.
11. Provide a list (roster) of Aboriginal site officers for each stage of initial ground disturbing earthworks, to principal contractor and UrbanGrowth NSW. The list will identify two Aboriginal site officers for each day observation activities will take place.	Awabakal LALC Supervising Site Officer	Five days prior to the commencement of each stage of initial ground disturbing earthworks.	Proposed Aboriginal site officers for each stage are known to the relevant contractor.
12. Ensure all rostered Aboriginal site officers have completed necessary safety inductions and other specific site requirements. The Co-ordinator will also complete safety inductions.	Awabakal LALC Supervising Site Officer.	Prior to the commencement of each stage of initial ground disturbing earthworks.	All Aboriginal site officers have completed relevant inductions before they work on the construction site.
13. Advise relevant contractor if a rostered site officer is unable to attend and organise a replacement. (Note that if a replacement is unavailable, work will proceed with one site officer. If neither rostered officer is able to attend and no replacements are available, work will proceed without the site officers).	Awabakal LALC Supervising Site Officer.	The day before the Site Officer will not be available, unless a Site Officer calls in sick in the morning.	Relevant contractor is aware of who will represent LACG on each day.

Table 2 – Tasks During Initial Ground Disturbing Civil Works (cont.)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
14. Aboriginal site officers will have an opportunity to inspect the exposed ground surface during initial ground disturbing earthworks. They will work in a co-ordinated manner with the relevant contractor.	Relevant contractor and Site Officers	After stripping/scraping of topsoil or tree stump renewal, as necessary during each day.	Safe observation periods are available for Site Officers for each unit of earthworks.
15. At the end of each day, all collected Aboriginal heritage objects from the day's observations will be collected in a single bag, labelled with the date and locality. Site officers will also note localities from which objects have not been collected during each day.	Awabakal LALC Site Officers	After stripping/scraping of topsoil or tree stump renewal, as necessary during each day.	Clearly labelled bags of cultural objects from each inspection area, together with a summary record of inspection units from which objects have and have not been collected.
16. Store all clearly labelled bags of cultural objects at Awabakal LALC during construction phase.	Awabakal LALC Site Officers	Bags will be moved to Land Council office for storage on a weekly basis during each stage of initial ground disturbing earthworks.	Safe storage of objects prior to opportunities to replace objects in the AHCA's.
17. At the end of each day, prepare a list of all objects recovered using the recording form provided in Appendix 5 .	Awabakal LALC Site Officers	Each day. Lists will be collated at the Land Council office weekly.	All collected objects are recorded as required by OEH.
18. Discuss (plan) placement of objects in ACHA with OEH and landscaping contractors. Note that LACG may choose to keep some artefacts for display or teaching purposes at the Land Council office or another keeping place (see also Section 5.5).	LACG and UrbanGrowth NSW	Concept to be discussed and approved at management plan stage. Details to be included in landscaping plan for each ACHA.	Artefacts are returned to the next available ACHA.
19. Advise OEH in writing about numbers of artefacts that are proposed to be returned to the AHCA's and the localities from which they were recovered.	Awabakal Project Co-ordinator will prepare a report for UrbanGrowth NSW to submit to OEH	Prior to placement of artefacts in AHCA's.	Records available of objects that have been recovered and returned

Table 2 – Tasks During Initial Ground Disturbing Civil Works (cont.)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
<p>20. In the event that skeletal material suspected of being of human origin is uncovered during the initial ground disturbing earthworks, all earthworks, civil works or other construction work within 20 metre radius of the discovery must cease. The following steps must be taken:</p> <ul style="list-style-type: none"> • Contact NSW Police and OEH Environment Line (131555) • NSW Police and OEH will inspect the material • OEH will consult the local Aboriginal community (Awabakal members and elders) • Work must not recommence within 50 metres of the skeletal material until approval is given by OEH 	<p>Relevant contractor and UrbanGrowth NSW</p> <p>OEH, NSW Police, with relevant contractor, UrbanGrowth NSW and LACG (site officers, Project Co-ordinator and others as necessary)</p> <p>OEH and LACG</p> <p>OEH, UrbanGrowth NSW, relevant contractor</p>	<p>Work must cease immediately the material is observed. Contact relevant authorities as soon as possible to expedite resolution of the issue.</p> <p>As soon as practicable after reporting.</p> <p>During site inspection and as soon as practicable after that time.</p>	<p>All notifications and inspections conducted in accordance with the <i>National Parks and Wildlife Act 1974</i> (NPW Act).</p>
<p>21. If OEH determines that further detailed investigation of the skeletal material and/or its context is required, AHIP must first be obtained under the NPW Act. An AHIP will be required before earthworks can recommence.</p>	<p>UrbanGrowth NSW will prepare an application for an AHIP, in consultation with LACG, for lodgement with OEH.</p>	<p>Apply for AHIP as soon as possible.</p> <p>OEH process the permit as soon as practicable.</p> <p>All investigations must be completed before earthworks may recommence (see Action 19 re OEH approval to recommence work).</p>	<p>All investigations completed in accordance with the requirements of the NPW Act.</p>

Table 3 – Actions for Long-term Management of AHCAs

Note:

- This table addresses the landscaping that is proposed within the AHCAs to highlight and enhance their Aboriginal cultural heritage values, and the long term maintenance of those values;
- LACG would like the AHCAs to be inviting spaces that encourage residents to enjoy the cultural landscape of the Estate;
- There are two options for long term ownership and management of the AHCAs. Ownership may be transferred from Landcom to Newcastle City Council, or the land may be covered by Community Title. Discussions with Newcastle City Council are continuing so that an appropriate long term owner can be determined.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Consideration will be given to conservation zoning (7(a), or restrictive covenants on the AHCAs, for the purpose of protecting the Aboriginal cultural heritage values of the AHCAs.	UrbanGrowth NSW	Prior to the handover to the long term owner.	A conservation strategy, appropriate to the long term owner, is in place.
2. Prepare a landscaping plan for each of the AHCAs. Each plan may include planting, pathways or boardwalks, artwork and other structures.	UrbanGrowth NSW, project landscape architects, in consultation with LACG.	Prior to the commencement of landscaping work in each AHCA.	Landscaping plans prepared to satisfaction of UrbanGrowth NSW and LACG
3. Recovered Aboriginal heritage objects from each stage of the Estate will be placed in one of the two AHCAs. Records must be made of the number of artefacts that are returned to each AHCA and the localities from which they were collected.	LACG, in consultation with OEH, UrbanGrowth NSW, NCC and relevant contractor.	Planning for placement of artefacts must be included in the landscaping plan for each of the AHCAs. OEH, UrbanGrowth NSW and the landscaping contractor must be notified when placement of artefacts has taken place.	Artefacts are returned in accordance with LACG wishes and in accordance with OEH requirements.
3. (Continued)		Artefacts will be placed in the AHCAs in a co-ordinated fashion with work on planting, structures and artworks in the AHCAs.	
4. Weeds will be removed from each AHCA, using non invasive (non-excavation) methods, where practicable.	Landscaping contractor	Before other landscaping activities in the AHCAs take place.	Weeds are removed without disturbance of the natural ground surface (i.e. in compliance with NPW Act).

Table 3 – Actions for Long-term Management of AHCAs (cont.)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
5. An appropriate cover of clean fill, comprising topsoil and rocks suitable for landscaping, will be placed over the natural ground surface after weeds have been removed. A layer of geotextile fabric will be placed over the natural ground surface prior to the placement of the fill material, as necessary.	Landscape contractors, on advice from Project landscape architect.	Before planting and installation of structures such as walls, pathways, seating, sculpture etc.	Entire surface of AHCA is covered with sufficient depth of soil to ensure that the natural soil surface (and Aboriginal heritage objects that are beneath the natural soil surface) is not disturbed by landscaping works and subsequent use of the AHCA.
6. Established large native plants (spotted gum etc) in the AHCA will be retained wherever possible.	Project landscape architect	Designs maintaining existing established species are to be prepared prior to the commencement of initial ground disturbing earthworks in the stages of the Estate near to each AHCA.	Healthy established trees are retained in AHCAs throughout the development of the Estate.
7. Develop specific planting lists for each AHCA, including local plants of significance to Aboriginal people. Plants chosen will be consistent with guidelines provided by Newcastle City Council for urban reserves.	Project landscape architect, in consultation with LACG.	Species lists to be prepared with the landscape plan for each AHCA, before initial ground disturbing earthworks commence in the Stages of the Estate adjacent to the AHCA.	Species chosen for revegetation of each AHCA reflect its Aboriginal cultural values.
8. All new planting will be in the topsoil that is placed over the natural ground surface. Seeds, tube stock or more established plants may be used.	Project landscaping contractor	During initial planting and subsequent maintenance of plantings.	Excavation to place plants does not disturb <i>insitu</i> natural soil or the artefacts that may be included below the surface of the natural soil.
9. Planting will maintain view corridors across the AHCAs to Hexham Wetlands.	Project landscape architect and landscape contractor in consultation with LACG.	Criteria for design of landscaping, but will require monitoring as plants become established.	Outlook across the Hexham Swamp wetland is maintained from the reserves and from the main vehicle and pedestrian routes within the residential parts of the Estate.
10. Appropriate signage and other controls will be erected to discourage parking of vehicles, trailers etc and rubbish dumping in the AHCAs after the completion of landscaping works.	Long term owner	Methods for controlling these activities will be included in the design of the AHCAs, and residents will be advised by signage and other information when they move into the Estate.	The Aboriginal cultural landscape created in the AHCAs is available for community enjoyment and is not degraded by incompatible uses.

Table 3 – Actions for Long-term Management of AHCAs (cont.)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
11. Information brochures will be prepared for residents, contractors and other interested parties explaining the values of the AHCAs and how they can contribute to their sustainable management.	UrbanGrowth NSW and LACG.	Prior to initial residents moving into the Estate.	New residents have access to information about the cultural landscape of the Estate.
12. Install story signs at each AHCA and/or along pathways or cycleways linking the AHCAs. Wording and illustrations will be chosen in consultation with LACG.	UrbanGrowth NSW, in consultation with LACG, an Art Coordinator and Project Landscape Architect.	Concept for signage will be developed with the Landscape Plan for the AHCAs and liking pathways/cycleways. Detailed designs will be prepared and signage installed prior to the completion of landscaping in each AHCA.	Clear and culturally appropriate signage presents information to the local community, supporting concepts that are conveyed via the design of the AHCAs.
13. Prepare displays about Aboriginal cultural heritage of Hexham Wetland and the Wentworth Creek, Minmi Creek and Bluegum Creek catchments at the local community centre and schools. These displays will be developed by the LACG members and will be prepared by local Aboriginal people wherever possible.	The LACG, in consultation with local schools and Newcastle City Council.	As required.	Positive impressions of Aboriginal cultural heritage values are woven into the design and development of the Estate.
14. Maintain the restored cultural landscape in the AHCAs by regular inspections and removal of weeds, rubbish, graffiti etc.	Long term owner	Ongoing from completion of each AHCA.	The AHCAs remain safe, attractive and convey positive cultural messages.

Table 4 - Reporting Requirements

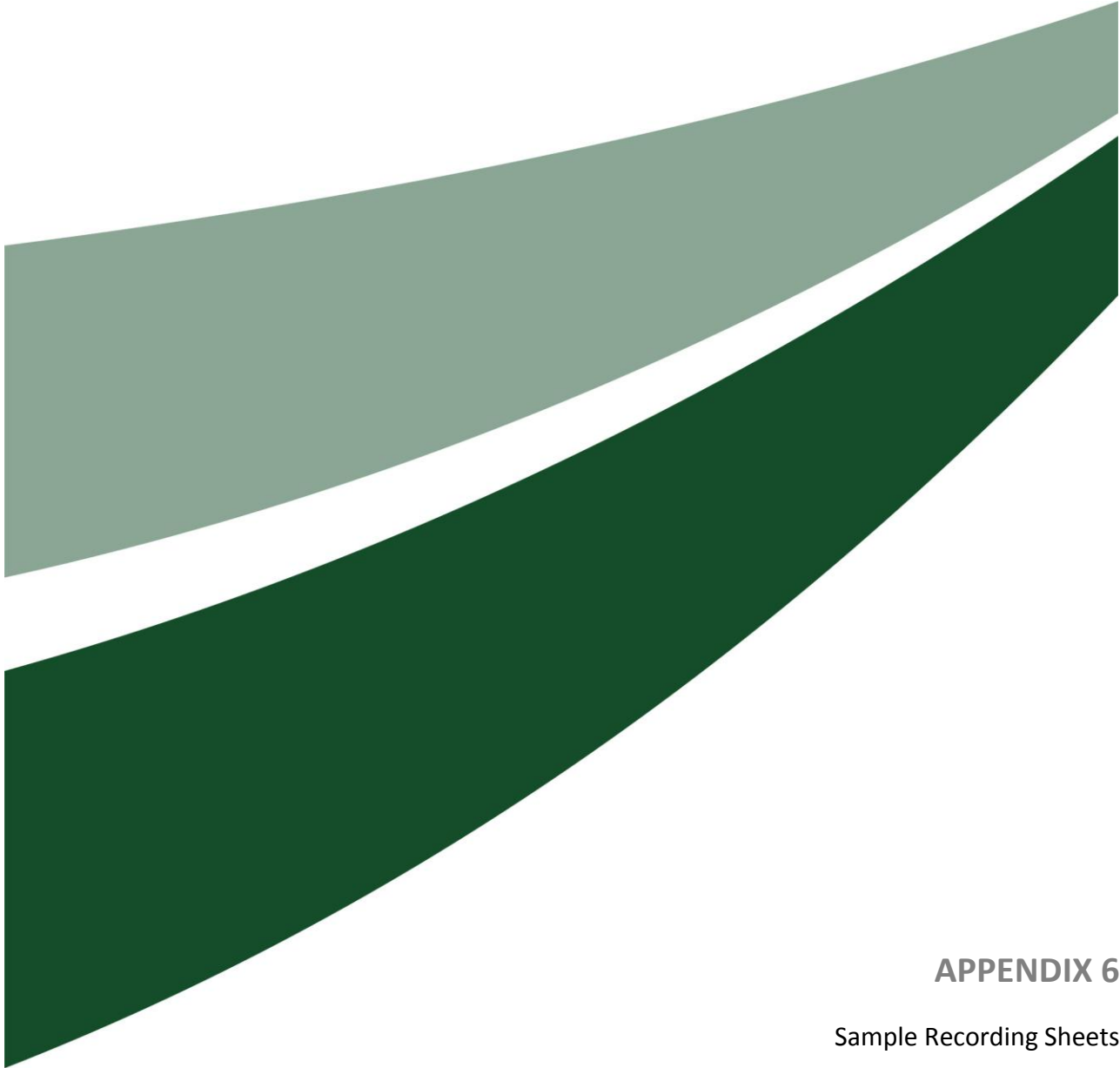
Note:

This table includes reports that must be prepared to satisfy the conditions of the OEH section 90 consent. It also includes protocols for communication between the parties when opportunities arise for public reports and promotion of the Aboriginal heritage values of the AHCA's.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Prepare progress joint report on compliance with AHIPs	UrbanGrowth NSW will arrange the preparation of the report for submission to OEH.	Within 60 days of the completion of five years after the date of approval of AHIP #3009. This means 60 days after 30 September 2013 (29 November 2013); It is noted that this reporting requirement has been fulfilled by UrbanGrowth NSW.	Progress report submitted in accordance with requirements of OEH AHIPs and this ACHMP.
2. Prepare final joint report on compliance with AHIP conditions.	UrbanGrowth NSW will arrange the preparation of the report for submission to OEH.	At the expiry of the section 90 Consent (by 22 February 2022).	Progress report submitted in accordance with requirements of OEH AHIPs and this ACHMP.
3. Prepare reports on materials that have been salvaged at the end of each Stage of the initial ground disturbing civil works in the development of the Estate. These can be joint reports where a number of Stages are completed over a short period of time.	UrbanGrowth NSW will arrange the preparation of the report by ALALC and will submit the report to OEH.	Reports are completed for Stages 1, 2, 3, 4a, 4b, 5a, 5b, 6, 8 and 9 completed to date. Reports for remaining Stages will be completed within 8 weeks of the conclusion of the civil works for each Stage of the Project.	Reports submitted in accordance with requirements of OEH AHIPs.
4. Prepare a report on Aboriginal community participation if directed to do so by OEH.	UrbanGrowth NSW will arrange the preparation of the report.	Within 12 weeks of any such direction by OEH.	Report submitted in accordance with OEH directions.
5. Prepare a joint report on all works completed up to the date of any revocation of the any AHIP.	UrbanGrowth NSW will arrange the preparation of the report.	Only required if OEH chooses to revoke any AHIP. Timing would be specified by OEH if this situation arises.	Report submitted in accordance with OEH directions.
6. Identify opportunities to promote the cultural heritage achievements of the project.	UrbanGrowth NSW and LACG	Ongoing throughout the project.	Positive information about the Aboriginal cultural heritage achievements of the project is available in the general community.

Table 4 - Reporting Requirements (cont.)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
7. If Aboriginal cultural heritage promotion opportunities arise during the period of the AHIP, advise OEH of the proposed event/story etc.	UrbanGrowth NSW	Ongoing throughout the project.	OEH is aware of events when its involvement may be mentioned.
8. In relation to the two AHCAs, ensure that UrbanGrowth NSW and LACG are aware of opportunities that may arise for promotion, media coverage etc. and that all three organisations have an opportunity to participate unless they choose not to do so.	UrbanGrowth NSW and LACG	Ongoing throughout the project.	UrbanGrowth NSW and LACG jointly determine appropriate promotion/publicity events.
9. LACG must have an opportunity to comment of draft text, photos etc used in materials promoting the Aboriginal cultural heritage conservation areas, before they are made public.	UrbanGrowth NSW and LACG	Ongoing throughout the project.	Information that is made publicly available is culturally appropriate.



APPENDIX 6

Sample Recording Sheets

Sanctuary Estate Record Management for Collected Aboriginal Artefacts

Background

OEH AHIP #2332 requires that basic records be maintained of all significant Aboriginal cultural heritage items that are collected by Awabakal LALC Site Officers¹ during initial ground disturbing earthworks.

In general, collected artefacts are to be recorded during each day that Site Officers are working as cultural observers for the project.

What to do

1. Store all artefacts that are collected each day in a single bag.
2. Make sure that the Project (Sanctuary), Stage, date and locality of the initial ground disturbing earthworks are recorded on the bag in which the artefacts are to be stored.
3. Make sure that the AHIP number (#2332) is marked on the bag label.
4. Make a note on the bag label about how many cultural objects are in the bag.
5. Make sure that the locality from which the artefacts were collected is marked on a project base map, together with the date and stage. The Project base map will be provided by the principal contractor.
6. On the Table provided on the reverse of this sheet, enter a brief description of the types of materials that have been collected. OEHL needs summary information about the number of artefacts that have been collected, and their general character. You do not need to record each object separately. **For example**, you might collect a total of 50 objects on a day.
 - Of these, 48 are flakes and/or broken flakes or flaked pieces. Note 48 in the space for number of flakes, broken flakes and flaked pieces.
 - The artefacts are manufactured from both tuff and silcrete. Circle both tuff and silcrete in the raw material space. Circle “other” if other raw materials are also represented.
 - All the artefacts are estimated to be less than 30 mm in maximum dimension (you do not need to measure them all individually). Circle this statement in the size box.
 - Make similar records (total number, raw materials and size class) for any cores or edge ground pieces. Enter “zero” (0) for categories where nothing was found on that day.
7. Use a new copy of the artefact record sheet each day. Make sure the date has been entered on the form.
8. Use the “Any Other Observations” space only if a hearth or burial are identified.
9. File the record sheet at Awabakal LALC, ready for later use to prepare reports to OEHL about what has been collected and what has been returned to the Aboriginal Heritage Conservation Areas.

¹ The revised ACHMP also includes the participation of ADTOAC and ATOAC in cultural monitoring and collection, however, in compliance with AHIP #2332 ALALC must still maintain the records and fulfil reporting requirements.

**Sanctuary Estate
OEH AHIP #2332
Record Form: Collected Aboriginal Artefacts**

Stage:

Date:

Site Officers on duty:

Has the collection locality been marked on the Project base map? Yes No

Total number of artefacts collected today:

Artefact information:

- fill in the number of items collected in each category and circle the appropriate descriptions; and
- if nothing was collected on any day, enter zero (0) in each number space.

Flakes and flaked pieces Number:	Raw materials Tuff Silcrete Other	Size Artefacts are generally less than 30mm maximum dimension Artefacts are generally larger than 30mm
Cores Number:	Raw materials Tuff Silcrete Other	Size Artefacts are generally less than 30mm maximum dimension Artefacts are generally larger than 30mm
Ground implements Number:	Raw materials Tuff Silcrete Other	Size Artefacts are generally less than 30mm maximum dimension Artefacts are generally larger than 30mm

Any other observations:



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