

**Sanctuary Estate
Overarching Aboriginal Cultural
Heritage Management Plan (Stage 2):**

**Heritage Impact Statement and
statement of agreed measures to
minimise impacts on Aboriginal
cultural heritage**

September 2008

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of agreed measures to minimise impacts
on Aboriginal cultural heritage**

**Prepared by
Umwelt (Australia) Pty Limited**

on behalf of

**Urban Pacific
Landcom**

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1.0 Introduction

The Project

Landcom proposes a large lot residential subdivision on a 119 hectare site at Fletcher (see **Figures 1.1** and **1.2**). The land is identified as Lot 22, DP 1063858, Parish of Hexham, County Northumberland. Approximately 700 residential lots and associated community facilities (schools, community centre, etc.) are proposed for the Estate.

The project area, which was formerly known as Bluegum Vista and is currently identified as the Sanctuary Estate, was granted development consent by Newcastle City Council in 1998. Landcom has entered into an agreement with Urban Pacific Limited to develop the land in stages over the next ten years. **Figure 1.3** shows the design and Master Plan for the Estate, including the layout of residential lots, roads, community facilities, display homes and parks and reserves.

It is intended that an average of approximately 70 lots, in distinct precincts, will be released each year. This gradual release of land means that initial ground-disturbing earthworks and the construction of dwellings will also be staged over several years.

The Sanctuary Estate includes three Aboriginal Heritage Conservation Areas, 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.

Commitment of Landcom and Urban Pacific

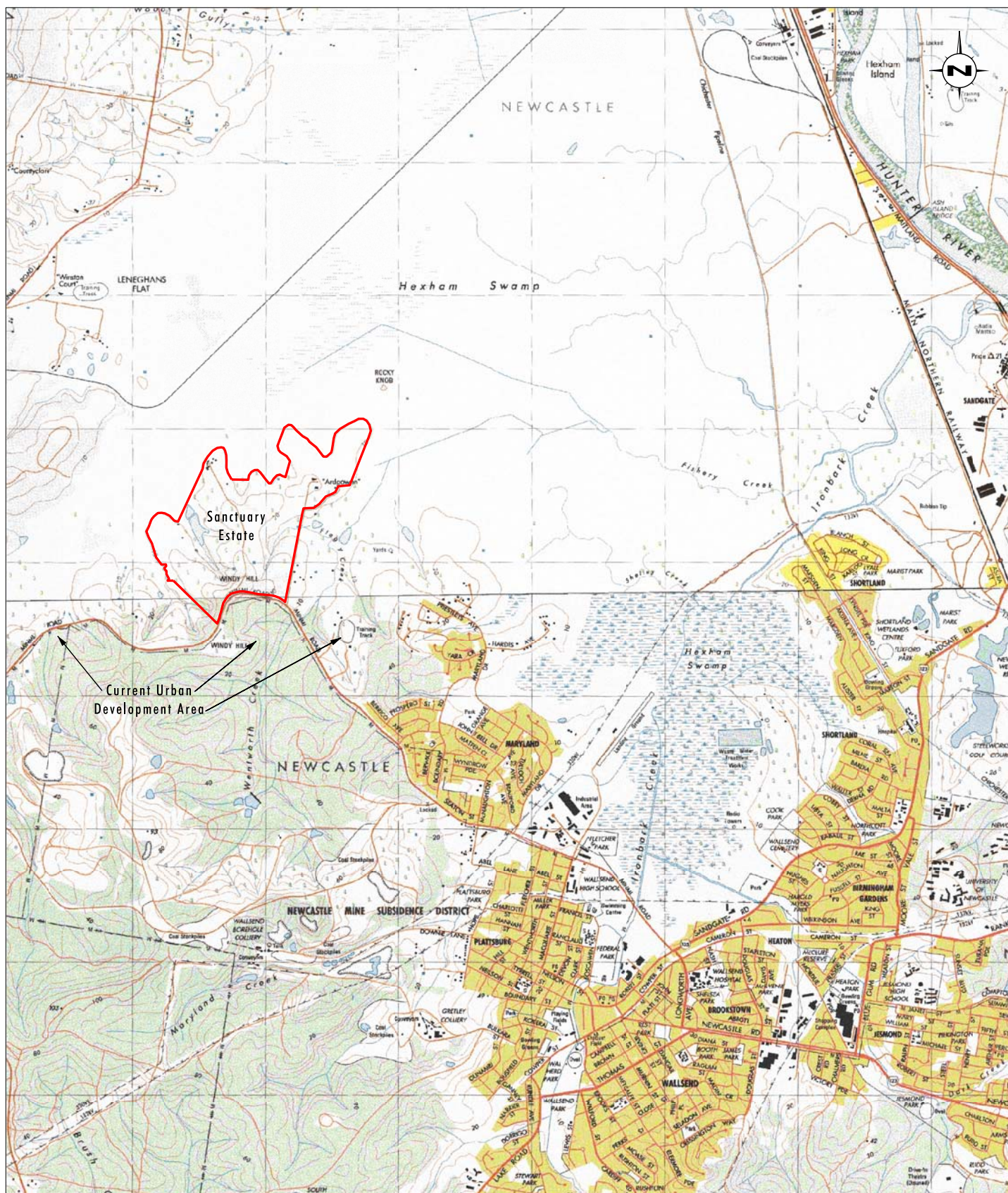
Assessment and management of the Aboriginal cultural heritage values of the estate has been ongoing since 1998. Landcom and Urban Pacific acknowledge the outstanding Aboriginal cultural values of the estate area, which is situated on a long ridge line overlooking the western shoreline of the Hexham Wetland. Known Aboriginal sites on the land are defined as DEC #38-4-0530, DEC #38-4-0496 and DEC #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**.

Landcom and Urban Pacific are committed to working with local Aboriginal community groups 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*. These groups are Awabakal Descendants Traditional Aboriginal Owners Corporation (ADTOAC), Awabakal Traditional Aboriginal Owners Corporation (ATOAC) and Awabakal Local Aboriginal Land Council (LALC).

Liaison, communication and coordination between Landcom, Urban Pacific, local Aboriginal community groups, DECC and Newcastle City Council will be required over the ten year Estate development period and beyond.

This Aboriginal Cultural Heritage Management Plan (ACHMP) sets out how commitments made by Landcom and Urban Pacific in relation to the protection and management of Aboriginal cultural heritage values will be implemented during the development of the Estate and after the Estate has been established

The management of Aboriginal cultural heritage values during the development of the Estate also creates opportunities for Landcom and Urban Pacific 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



Source: 1:25 000 Topographic Maps

0 0.5 1 2 km
1:40 000

Legend

Project Area

FIGURE 1.1

Location of Project Area



Source: Johnson Partners (NSW) Pty Ltd

0 200 400 600m
Approximate Scale 1:12 500

FIGURE 1.2
Project Area
Land Identification



FIGURE 1.3

Location of Aboriginal
Heritage Conservation Areas

ACHMP, the outcomes of partnership development will support the implementation of the ACHMP.

Two Stages of Plan Development

The ACHMP has been prepared in two stages:

- Stage 1 (June 2006) was prepared to fulfil an assurance made to Awabakal Local Aboriginal Land Council that a management plan for the Estate would be prepared and also to comply with the requirements of Heritage Impact Permit S90#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 Section 90 #2332 (copy in **Appendix 1**) and addressed the requirements of a brief prepared in consultation with representatives of the Awabakal LALC and approved by the (then) Department of Environment and Conservation (DEC). A copy of the approved brief is also included in **Appendix 1**. The Stage 1 ACHMP was approved by (then) DEC and is currently being implemented. **Appendix 2** contains a copy of the Action Schedule of the Stage 1 ACHMP.
- This Stage 2 ACHMP supports a second Heritage Impact Permit (s90) application. The new overarching application complements the existing s90 for civil works and covers all residential construction on the Sanctuary Estate. The Stage 2 ACHMP therefore addresses all Aboriginal cultural heritage management activities for the entire Sanctuary Estate. **Appendix 3** contains the proposed action Schedule for all remaining stages of the estate, based on the management approach outlined in the Stage 2 ACHMP. It supersedes the Stage 1 Action Schedule.

1.1 Purpose of the Plan

The purpose of the Stage 2 ACHMP is to amend and update the Stage 1 ACHMP so that it addresses cultural heritage issues associated with both civil works and all residential construction.

The Stage 2 ACHMP provides clear guidance for Landcom, Urban Pacific, their contractors and local Aboriginal community groups (ADTOAC, ATOAC and Awabakal LALC) about how Awabakal cultural heritage values will be respected, interpreted, communicated and protected during all stages of the development of the Estate. The Stage 2 ACHMP accompanies a new s90 application for the residential construction component of the development of the Estate.

1.2 Plan Objectives

The objectives of the ACHMP are:

- to document the tasks that must be completed in order to comply with the requirements of Section 90 Consent #2332 (civil works) and the scheduling of those tasks;
- to document the tasks that must be completed in order to comply with the requirements of the new Section 90 Consent (to be issued concurrently with approval of the Stage 2 ACHMP);

- to document the roles and responsibilities of Landcom, Urban Pacific, their contractors and local Aboriginal community groups during each stage of initial ground-disturbing earthworks and residential construction during the development of the Estate;
- to acknowledge the contribution of Awabakal LALC to earlier parts of the project, including participation in archaeological studies, discussions of significance and development of a broad management strategy for the project area;
- to acknowledge the previous participation of Awabakal LALC in recommending names for streets and places within the Sanctuary Estate;
- to show how Landcom and Urban Pacific propose to work with the three local Aboriginal community groups (ADTOAC, ATOAC and Awabakal LALC) in the future.
- to document the tasks that must be completed to ensure long term protection of the Awabakal cultural heritage values of the three Aboriginal Heritage Conservation Areas that have been identified on the Estate, and the scheduling of those tasks;
- to document the roles and responsibilities of Landcom, Urban Pacific, their contractors and local Aboriginal community groups in the implementation of the tasks required for the long term protection of Aboriginal cultural heritage values in the three Aboriginal Heritage Conservation Areas; and
- to foster a strong and positive working relationship between Landcom, Urban Pacific and local Aboriginal community groups during the development of the Sanctuary Estate.

1.3 Background

The preparation of the Stage 1 and Stage 2 ACHMP follows extensive archaeological and Aboriginal cultural heritage investigations, documentation and analysis. DECC has also previously issued Section 90 Consents (under the *National Parks and Wildlife Act 1974*) for the land. These previous studies and consents are summarised below.

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

1.3.1 Cultural Heritage Investigations

Previous 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 Awabakal LALC representatives.
- c) In 2000, DECC (then NPWS) specified detailed requirements for further archaeological investigations at Bluegum Vista, drawing on the results of other detailed subsurface archaeological studies around Hexham Swamp and the prediction that the Bluegum Vista site would have similar subsurface archaeological values.
- d) Following further consultation with Awabakal LALC, 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 Awabakal LALC.
- 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 Swamp, access to fresh water, flat surfaces, direct access to the diverse wetland plants and habitats. Transect 1 overlooks a rocky 'Knoll' which is considered to be very culturally significant to Aboriginal 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.

1.3.1.1 Management Agreements (2001)

After the excavations and archaeological analysis had been completed in 2001, the cultural significance of the land and its archaeological resources was discussed with Awabakal LALC and a range of management strategies was considered. Two main types of actions were agreed:

- actions to guide the layout of the estate so that highly valued areas would be conserved. Three areas are now included in Conservation Reserves, totalling 4.2 hectares of the Estate; and
- actions to protect Aboriginal heritage values during the development of the Estate and actions that would show respect for the traditional Aboriginal custodians of the land. These include use of Aboriginal place names, signage, use of traditional plants in landscaping etc. It was agreed that a Section 90 application would be made in relation to all artefacts (objects) present on the land, outside of the three conservation areas.

Details about how both of these types of actions will be implemented are included in the ACHMP (Stage 1 and Stage 2).

In accordance with the requirements of s90#2332, the Stage 1 ACHMP also provided an opportunity for Awabakal LALC to conduct final cultural observations and collections during the initial ground disturbing civil works.

This opportunity is continued in a modified form in the Stage 2 ACHMP. The overarching s90 application for residential construction and this Stage 2 ACHMP provide for Awabakal LALC, ADTOAC and ATOAC to conduct final cultural observations and collections (for the purpose of enhancing community cultural knowledge) prior to the commencement of earthworks for each stage of the development of the Estate.

1.3.2 Section 90 Consents

The archaeological investigations have shown that Aboriginal stone artefacts are widely distributed across the land. The sample size from the excavations indicates that many other similar artefacts are likely to be present, distributed across all terrain units in the estate. So

that development of the Estate could occur, a Section 90 application was made to NPWS in 2003 and the Consent was subsequently issued, with conditions.

This Section 90 Consent required, amongst other things, that a representative of the Awabakal Local Aboriginal Land Council have the opportunity to be present during the development of the Estate (as an observer). The Section 90 permit 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 Local Aboriginal Land Council) 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.

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

Landcom advised DEC (now DECC) and Awabakal LALC in 2003 that it proposed to prepare an Aboriginal Cultural Heritage Management Plan 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 are adhered to and that the project will 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 Section 90 Consent. In October 2005, Landcom applied to DEC (now DECC) for renewal of the Section 90 Consent. The new Section 90 (#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.

S90 #2332 is valid for ten years. The Consent contains multiple conditions, including the preparation of the Stage 1 ACHMP. The Section 90 Consent also requires that members of Awabakal LALC have an opportunity to monitor initial ground disturbing earthworks across the Estate. Landcom and Urban Pacific must comply with all conditions.

For the purpose of the ACHMP, six special conditions of s90 #2332 are particularly relevant. Apart from requiring the preparation of the Stage 1 ACHMP (within six months of the s90 being issued), these require the following actions to be completed:

- the three Aboriginal Heritage Conservation Areas (as shown in **Figure 1.3**) must be excluded from residential subdivision and managed for their Aboriginal heritage values;
- DEC (now DECC) (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 Awabakal LALC 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(C) will be provided with progress reports on compliance with all requirements of Section 90 Consent #2332, after one year, five years and at the expiry of the Consent. 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.

1.3.3 Development Consent Requirements

Newcastle City Council granted Development Consent for the 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 has previously advised Landcom that the issue of s90 #2332 and approval of the Stage 1 ACHMP by DECC is sufficient to satisfy the requirements of the Development Consent for the subdivision.

1.3.3.1 NCC Development Assessment Requirements for Residential Development

Newcastle City Council is the Consent Authority for each dwelling to be constructed in the Sanctuary Estate.

Individual allotments in Stage 1 of the Estate (72 lots) are currently being sold. Sales of this stage are expected to continue until early 2009. Over time, individual land holders in Stage 1 and subsequent stages of the Estate will apply to Newcastle City Council for Development Consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Because the Sanctuary Estate area is registered in the DECC AHIMS data base as an Aboriginal heritage site, Newcastle City Council 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 DECC 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, Urban Pacific will obtain written agreement from Newcastle City Council, DECC and Aboriginal community groups that the following protocols and information will satisfy the development assessment requirements in relation to Aboriginal cultural heritage:

- The requirement for an Aboriginal Heritage Impact Assessment is 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 identifies the cultural significance of the land.
- The management strategy outlined in Umwelt 2002 is elaborated in the Stage 2 Sanctuary Aboriginal Cultural Heritage Management Plan (Umwelt 2008). This Plan provides satisfactory information and certainty about how Aboriginal cultural heritage values across the entire Estate will be protected, both during development activities and in the long term. The Stage 2 ACHMP gives effect to the requirements of the two Section 90 Consents (s90 #2332 for civil works and the new s90 for residential dwellings) that together cover the entire development area of the Estate. **Section 5** of the ACHMP sets 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 are specific requirements for residential allotments in Stage 1 of the Estate and for the remaining Stages of the Estate. In issuing the two s90 Consents, DECC is signalling that it accepts 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) have provided written confirmation

that they are 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 Newcastle City Council 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 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.
- Urban Pacific will prepare an Aboriginal cultural heritage information package which will be provided to all incoming landholders. The information package will cover the results of archaeological studies and Aboriginal community consultation about the Estate. It will highlight the important Awabakal cultural heritage values of the Estate and why protection of certain areas is required. The package will set out clearly the responsibilities that the two s90 Consents create for landholders and the appropriate actions to meet those responsibilities. A preliminary draft concept for the information package is included in **Appendix 4** of the ACHMP. The details of the information package will be finalised in consultation with the Sanctuary Aboriginal Cultural Heritage Liaison Committee.

2.0 Plan Making Process

This section explains the process through which Landcom, Urban Pacific and local Aboriginal community groups have worked together during the preparation of the Stage 1 and Stage 2 ACHMP. **Section 2.3** explains how Aboriginal community engagement will continue during the implementation of the ACHMP.

2.1 Stakeholders in Development and Implementation of the ACHMP

Preparation of the overarching s90 application for residential construction and the Stage 2 ACHMP builds on approximately ten years of Aboriginal archaeological studies, consultation with the local Aboriginal community about the cultural values of the Estate area and discussion with DECC about best practice responses on this site to the requirements of the *National Parks and Wildlife Act 1974*.

At the direction of DECC, consultation for the new s90 application and the Stage 2 ACHMP followed the DECC Interim Aboriginal Consultation Guidelines (2006). Details of the consultation process are set out in the Section 90 application, which is included in **Appendix 5** of the Stage 2 ACHMP. In addition to engaging the local Aboriginal community groups, Urban Pacific has involved Newcastle City Council throughout the preparation of the Stage 2 ACHMP (see the discussion of development consent processes for dwellings, in **Section 1**).

In brief, the consultation process leading to the preparation of the Stage 2 ACHMP involved the following steps and community groups:

Aboriginal Groups Involved

Involvement was sought through direct contact with known groups in the area, by advertisements (in the Newcastle Herald and Indigenous Times) seeking Expressions of Interest in the preparation of a new overarching s90 for residential development and through letters sent to DECC, Newcastle City Council, Native Title Services and the Registrar of Aboriginal Owners (Department of Aboriginal Affairs).

As a result, three Aboriginal groups have been involved. These are:

- Awabakal LALC, continuing its previous involvement throughout the assessment and management process for the Estate. For the Stage 2 ACHMP, consultation has involved members of the Awabakal LALC Board, including Marilyn Rose (Acting CEO until her retirement), Steve Howarth (Chairperson for part of the time), Robert Smith and Sean Gordon. Cheryl Kitchener has also been consulted in her ongoing role of coordinating and reporting on works conducted under s90#2332.
- Awabakal Traditional Owners Aboriginal Corporation (ATOAC). Consultation has involved Kerrie Brauer, Nola Hawken and Dene Hawken
- Awabakal Descendents Traditional Owners Aboriginal Corporation (ADTOAC). Consultation has involved Shane Frost.

Two other Aboriginal groups from the lower Hunter initially responded to the request (newspaper advertisement) for Expressions of Interest, but subsequently withdrew because the project area is clearly in traditional Awabakal country and the current administrative area of Awabakal Local Aboriginal Land Council.

Table 2.1 sets out the organisations involved in plan development and/or 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
DECC	<ul style="list-style-type: none"> Regulatory Authority under NPW Act in relation to aboriginal Heritage Impact Permits (s 90 Consents). DECC has issued s90 #2332 and will assess the new overarching s90 for residential construction. DECC has approved the Stage 1 ACHMP and must be satisfied with the Stage 2 ACHMP prior to its implementation. DECC must receive compliance reports at specified intervals, as required by the s90 conditions. 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, see Section 5.8).
Landcom	<ul style="list-style-type: none"> Landcom is the Consent holder in relation to the Section 90 Consent(s). Landcom is the land owner until such time as lots are sold to individual builders/home owners. Landcom will retain ownership of reserve areas and they will be managed by Urban Pacific on Landcom's behalf until a satisfactory alternative is negotiated. Landcom must be satisfied that proposed landscaping and interpretative measures are consistent with Landcom policy and other statutory obligations.
Urban Pacific	<ul style="list-style-type: none"> Has entered into a development agreement with Landcom. Contractual obligations to support implementation of requirements set out in the Section 90 Consent(s). Urban Pacific manages the staged marketing and sale of individual residential allotments. Urban Pacific 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 s90 Consents and ACHMP that cover the land. Urban Pacific issues tenders and principal contracts for ground disturbing earthworks and landscaping of the Aboriginal Heritage Conservation Areas. Urban Pacific must be satisfied that place names are suitable before they are recommended to Newcastle City Council and/or Geographical Names Board. Urban Pacific must be satisfied that proposed landscaping and interpretative measures are consistent with the marketing of the Estate.

Table 2.1 – Roles of Participating Organisations (cont)

Organisation	Role
Awabakal LALC	<ul style="list-style-type: none"> • Have 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 area. 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 their local Aboriginal community, through land claims, housing, education, health and other initiatives. • Members of Awabakal LALC have been involved as representatives of the local Aboriginal community since the beginning of the project (originally known as Bluegum Vista) • Awabakal LALC holds copies of all Aboriginal archaeological studies, reports and plans prepared for the project. • The DECC Interim Aboriginal Consultation Guidelines (2006) require that the Land Council must have an opportunity to contribute to the development of the Stage 2 ACHMP, as it affects the s90 Consent over the land. • In consultation about the Stage 1 ACHMP, it was agreed that Awabakal LALC would have an opportunity to recommend culturally appropriate place and street names for the Sanctuary Estate. • In consultation about the Stage 1 ACHMP it was agreed that Awabakal LALC would have an opportunity to contribute information about culturally appropriate interpretative material for the Estate. This is continued in the Stage 2 ACHMP, via membership of the Liaison Committee. • In s90 #2332, DECC required that Awabakal LALC site Officers must be provided with an opportunity to have cultural observers on site during initial ground-disturbing earthworks for each stage of the development of the subdivision, to conduct cultural salvage. A protocol for providing this opportunity was set out in the Stage 1 ACHMP and has been implemented for Stage 1 of the development of the Sanctuary Estate. The Stage 2 ACHMP continues the agreement that site officers will have an opportunity to conduct observations and collections. Section 5 sets out a revised protocol for these activities. • Awabakal LALC members who are contracted as observers and to conduct cultural salvage must have necessary safety and work accreditations/inductions, prior to commencing work. • In consultation about the Stage 1 ACHMP it was agreed that Awabakal LALC would have an opportunity to contribute to the development of long term landscaping and conservation plans for the three Aboriginal Heritage Conservation Areas. This will include opportunities for reburial of cultural materials that may be collected during the cultural salvage processes for each stage of the Estate. This agreement continues for the Stage 2 ACHMP. • Awabakal LALC has a Care and Control Permit from DECC for the artefacts that have been collected during archaeological investigations and during subsequent cultural observer and collection activities.

Table 2.1 – Roles of Participating Organisations (cont)

Organisation	Role
ADTOAC and ATOAC	<ul style="list-style-type: none"> • In accordance with the DECC Interim Aboriginal Consultation Guidelines (2006), other local Aboriginal groups must be provided with an opportunity to participate in the preparation of the overarching s90 application for residential construction and the preparation of the Stage 2 ACHMP. For the Sanctuary Estate, the relevant groups are ATOAC and ADTOAC. • Future opportunities for these groups to be informed about and contribute to cultural observations and salvage activities for residential allotments are explained in Section 2.3 and Section 5. • ADTOAC and ATOAC are nominated as members of the proposed Sanctuary Aboriginal Cultural Heritage Liaison Committee. The Committee will have a role in discussing, advising, reviewing and overseeing diverse aspects of cultural heritage management in the Estate over the ten year development process and beyond. This includes observation and collection plans for each Stage of the Estate, development of interpretation and cultural heritage information material, potential exhibitions and landscaping concepts. • Members of ATOAC and ADTOAC who are qualified Site Officers will be offered an opportunity to participate in pre earthworks observations and collections for each stage of the Estate. These Site Officers must complete any necessary site inductions prior to participating in these activities.
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. • In Stage 1 of the ground disturbing earthworks, these contractors were responsible for day to day contact and coordination with Awabakal LALC. • 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 (Sections 4 and 5). • Earthworks contractors must advise NSW Police, DECC, Urban Pacific, Landcom and the nominated local Aboriginal community groups in the event that skeletal material suspected of being of human origin is exposed during the civil works (Section 5.8). • Earthworks contractors will coordinate with the Sanctuary Aboriginal Cultural Heritage Liaison Committee during landscape works in the AHCAs, particularly in relation to reburial of cultural objects collected from other parts of the Estate.
Land owners - individual residential properties	<ul style="list-style-type: none"> • These land owners have not been directly involved in the preparation of the s90 application or the preparation of the ACHMP. In general, they are future land owners, other than for a small number of residential lots in Stage 1 of the Estate that have already been sold. DECC has provided advice that Aboriginal Heritage Impact Permit applications should not be made by individual residential property owners within the Estate, but that all Aboriginal heritage impact management issues should be addressed in the overarching s90 and Stage 2 ACHMP (see Appendix 5). • Urban Pacific has provided this advice to existing Stage 1 land purchasers. Details of landholder responsibilities will be set out in information packages and briefings provided to all incoming land holders (see Section 1 and Appendix 4). • Proposed protocols to address development application requirements are discussed in Section 1.3.3.1.

Table 2.1 – Roles of Participating Organisations (cont)

Organisation	Role
Builders of individual residences	<ul style="list-style-type: none"> Future builders have not been involved in the preparation of the overarching s90 application or Stage 2 ACHMP. Urban Pacific is working with a select group of builders who will operate in the Estate. Urban Pacific will ensure that these builders are aware of the Aboriginal cultural heritage values of the Estate, the commitments that have been made, the statutory requirements and the responsibilities of builders in relation to those requirements.
Newcastle City Council	<ul style="list-style-type: none"> Newcastle City Council issued the Development Consent for the Estate in 1998, with conditions. Newcastle City Council will receive and consider applications for development consent for all dwellings to be constructed in the Sanctuary Estate. An agreed protocol between Urban Pacific, Landcom, DECC and Newcastle City Council will set out how Council's development assessment requirements (Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>, and Newcastle City Council LEP) in relation to residential development applications will be met (see Section 1.3.3.1).

2.2 Stage 1 ACHMP Engagement and Development

As noted in **Section 1**, the Stage 1 ACHMP was prepared to address the requirements of a brief prepared in consultation with the Awabakal LALC and approved by DEC(C). In accordance with the brief, the Stage 1 ACHMP was prepared in consultation with Awabakal Local Aboriginal Land Council.

The consultation and Stage 1 Plan making process involved the following activities:

- A Project Steering Committee was established, including three representatives of Awabakal LALC (Ron Gordon, Sean Gordon and Cheryl Kitchener), Landcom (Eric Johnson) and Urban Pacific (David Perram). Pam Dean-Jones (Umwelt) was the independent facilitator for the Committee and prepared draft documents for the Committee's consideration.
- The three Awabakal LALC representatives liaised with other Land Council members about various issues that needed to be resolved during the preparation of the Stage 1 ACHMP.
- The Project Steering Committee initially met three times to consider aspects of the draft brief for the ACHMP. Awabakal LALC signed a letter supporting the brief on 15 March 2006. The Brief and supporting letter were submitted to DEC(C) on 15 March 2006, for their approval.
- The Project Steering Committee visited the Landcom Koala Shores Estate at Tanilba Bay to view a Heritage Conservation Area that had been developed in partnership with Worimi LALC, featuring the natural sand dune vegetation and art work by local Aboriginal artists/craftsmen.
- The Project Steering Committee visited the Sanctuary Estate site with the project landscape architects and an Awabakal LALC member who is a horticulturist. The group discussed perceptions of the landscape at each of the three Aboriginal heritage

conservation Areas and key concepts that the design of landscaping in each area would try to convey to residents.

- The Project Steering Committee met on four occasions to review and discuss drafts of various sections of the ACHMP, providing detailed advice on concepts and implementation measures.
- The draft ACHMP was presented to a full meeting of Awabakal LALC.
- The ACHMP submitted to DEC(C) for its consideration and approval was accompanied by a letter from the Awabakal LALC, stating the Land Council's views on the process, content and anticipated outcomes (a copy of this letter is included in **Appendix 1** of this amended ACHMP).

2.3 Stage 2 ACHMP Consultation and Plan Review Process

The Stage 2 ACHMP has been prepared to accompany a new overarching s90 application (all residential construction). Consultation about the content of the amended and updated (Stage 2) ACHMP was therefore conducted in association with consultation about the new overarching s90 application.

The intent of the engagement process for the Stage 2 ACHMP was threefold:

- To review the implementation of the Stage 1 ACHMP, particularly in relation to the roles and activities (timing, outcomes, practicality) of Aboriginal cultural observers, so that any beneficial amendments could be considered.
- To ensure that all the groups had sufficient background information about the previous studies, consultation and agreements about the land and the development, so that they could provide informed input on the new s90 application and the integration of action associated with that overarching s90 application into the amended ACHMP.
- To obtain comments and feedback from the Aboriginal groups about issues which should be addressed, and processes for ensuring that important Aboriginal cultural heritage values are adequately respected and protected during the development of the residential component of the Estate, acknowledging the previous commitments and requirements imposed by development consent and existing s90 Consents.

To achieve this intent, the following steps were implemented:

1. Initial discussions with Awabakal LALC, because of their long and continuing involvement with the Sanctuary Estate (previously known as Bluegum Vista). Urban Pacific, Landcom and the consultant initially met with representatives of Awabakal LALC to:
 - confirm that all previous reporting responsibilities were up to date
 - obtain feedback on the success of previous on site strategies including cultural salvage, use of Awabakal language for street names and artworks that form part of the public landscaping of the estate
 - clearly distinguish between consultation conducted in relation to statutory cultural heritage issues and any other agreements between Landcom, Urban Pacific and Awabakal LALC (for instance potential opportunities for education and training for young Aboriginal people).

- advise them that for this stage of the project, DECC requires that the Interim Aboriginal Consultation Guidelines (2006) are followed for the consultation.

Initial verbal discussions with ATOAC and ADTOAC, as known Aboriginal community groups with interests in this area, were to advise them that the new s90 process would shortly commence.

2. Initial letters were sent to Awabakal LALC, ATOAC and ADTOAC, formally inviting their participation in consultation about the preparation of the s90 application, and providing preliminary background about the project. Copies of these letters are included in Attachment 4 of the Section 90 application (included in **Appendix 5** of the Stage 2 ACHMP). ATOAC and ADTOAC had not previously been involved in the project as separate organisations. The background information was intended to familiarise them with the previous work and agreements.
3. The three Aboriginal groups, plus Newcastle City Council were invited to attend an on-site briefing at the Sanctuary Estate. A copy of the invitation and attached background material is included in **Appendix 5**. The purposes of the onsite briefing were:
 - to familiarise all groups with the character of the project area;
 - to discuss the background archaeological and cultural heritage studies and conclusions to date
 - to discuss the concept for the s90 application
 - to discuss potential amendments to the Aboriginal Cultural Heritage Management Plan.

All groups were represented at the on site meeting. However, Awabakal LALC was not able to send a Site Officer (due to last minute difficulties with availability) and subsequently expressed concern about their level of involvement in discussions at the meeting.

4. The onsite briefing was held on 25 June 2008, from 9.30 am to 12 noon. Notes of the conversations at the meeting were prepared and are included in **Appendix 5**. These notes were circulated to all participants within five days of the meeting. All groups confirmed the cultural heritage significance of the Estate and its landscape context. All groups supported the previously agreed Aboriginal Heritage Conservation Areas, including the locations and the landscaping and interpretation concepts. All groups supported the use of suitable Awabakal language words for the naming of places in the Estate. All groups supported the preparation of Awabakal Cultural Heritage Information Packages to be provided to all incoming land owners. Options for managing Aboriginal community involvement in future cultural observer and collection activities were discussed.
5. A draft s90 application and draft ACHMP were prepared. Urban Pacific and the consultant met with Awabakal LALC and separately with ATOAC and ADTOAC to discuss the content of the draft documents, how previous input had been incorporated and to seek feedback on the drafts before finalisation. Notes from the discussion at each of these meetings are included in **Appendix 5**. Copies of the relevant notes were forwarded to participants of each meeting within five days of the meeting. A timeframe of two weeks was set for further written comment, so that the s90 application and Stage 2 ACHMP could be submitted to DECC.
6. Correspondence from the three Aboriginal community groups is included in Attachment 3 of the s90 application and **Appendix 6** of the Stage 2 ACHMP.

2.4 Communication Protocols and Procedures for Implementation of the Stage 2 ACHMP

The development of the Sanctuary Estate will take place over a ten year period. Management of Aboriginal cultural heritage values on the land will be required throughout that period. This section sets out how communication will be maintained between Landcom, Urban Pacific, DECC, NCC, Awabakal LALC and other local Aboriginal community groups during that period. Communication procedures are established for various routine matters, events and contingencies.

2.4.1 Project Liaison Committee

Prior to the commencement of ground disturbing earthworks for Stage 2 of the Estate, a new Aboriginal Cultural Heritage Liaison Committee will be established and will continue to operate for all subsequent stages of the Estate.

The Sanctuary Aboriginal Cultural Heritage Liaison Committee will provide a forum for regular liaison about and review of the implementation of the Stage 2 ACHMP. The Traditional Owner groups and Awabakal LALC, who have been involved in the development of the s90 consents that cover the Estate and/or the Stage 2 ACHMP will be invited to participate in the Committee.

It is intended that the membership will continue throughout the development of the Estate. The Sanctuary Aboriginal Cultural Heritage Liaison Committee will include a representative of each of the following organisations:

- Landcom
- Urban Pacific
- Awabakal LALC
- ATOAC
- ADTOAC
- Newcastle City Council
- Umwelt (as a facilitator and technical advisor)

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

An Aboriginal community group may choose to withdraw at any time. If they choose not to continue participation in the Management Committee, they must advise Urban Pacific and DECC in writing.

Urban Pacific will be the principal contact for correspondence or other communication with DECC. Urban Pacific will report feedback from DECC about the ACHMP to the Sanctuary Aboriginal Cultural Heritage Liaison Committee.

2.4.1.1 When will the Committee Meet?

Urban Pacific will issue invitations and agendas for Committee meetings to all Committee members a minimum of two weeks (ten 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 the project partners (Urban Pacific and Landcom) and the facilitator/technical advisor. Meetings will be chaired by the Urban Pacific representative.

It is proposed that the Sanctuary Aboriginal Cultural Heritage Liaison Committee would meet annually to review progress during that year and to discuss key tasks for the following year.

In addition, Urban Pacific will convene a meeting of the Committee twelve weeks prior to the commencement of ground disturbing (civil) works for each new stage of the Estate. The Committee will discuss the implementation of the Aboriginal community cultural salvage activities for that stage of the Estate.

Urban Pacific will also convene a meeting of the Committee eight weeks after the completion of civil works for each stage of the Estate.

At these follow up meetings, Committee members would report and review the results of cultural collection activities. This second meeting for each Stage is also an opportunity to discuss any amendments to the details of the management protocols and to review the progress of landscaping and other works that promote the Aboriginal cultural values of the Estate. This will include the staged landscaping and reburial or artefacts in the Aboriginal heritage conservation areas.

On this basis, it is anticipated that the Committee would meet no more than three times in any one year. However, it is possible that other meetings may be required from time to time, to address particular issues, such as review of designs or publicity material. Wherever possible, Urban Pacific will provide two weeks notice of such meetings to the Committee members.

2.4.1.2 Tasks for the Sanctuary Aboriginal Cultural Heritage Liaison Committee

The Committee will have a number of liaison, discussion and review functions. These will include, but not be 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 proposed overarching strategy for observation, investigation and collection for cultural purposes are provided in **Section 5**.
- Reviewing place names for each Stage, using the list compiled by Awabakal LALC in Stage 1 of the ACHMP as the basis for future discussion (see **Section 3.0**).
- Choosing the place names for the three Aboriginal Heritage Conservation Areas
- Other aspects of the presentation of Aboriginal cultural heritage values in the Estate, for instance including:
 - underlying design of landscaping features in the three Aboriginal Heritage Conservation Areas;

- art work used as part of the landscaping of the Aboriginal Heritage Conservation Areas (see **Section 4**);
- interpretative sign posting at the three Aboriginal Heritage Conservation Areas and along walking or cycle paths in the Estate (see **Section 4**);
- selection of plant species for use in the landscaping of the three Aboriginal heritage Conservation Areas and as street and reserve planting elsewhere in the Estate (see **Section 4**);
- 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 material from the Sanctuary Estate, by community Committee members, in collaboration with DECC, Newcastle City Council (e.g. Lovett Gallery), Landcom and Urban Pacific.
- other features as may be determined during meetings of the Sanctuary Aboriginal Cultural Heritage Liaison Committee and the landscape architects for the Estate. This would include 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 Landcom, Urban Pacific and local Aboriginal community groups will work together to achieve cultural awareness initiatives in the Estate.

The intent is that the new 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 Aboriginal culture.

3.1 Awabakal Language for Place Names in the Estate

Landcom and Urban Pacific have agreed that place names and street names within the Sanctuary Estate 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 7** of this 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.

Landcom, Urban Pacific, the local Aboriginal community groups, Newcastle City Council and the NSW Geographic Names Board are all stakeholders in the selection of place names.

As part of the implementation of the Stage 1 ACHMP, Awabakal LALC nominated a list of Awabakal language words that could be used for the names of streets and other places in the Estate. For instance, words recommended by Awabakal LALC may be used for reserves and parks in the Estate.

Awabakal language words have been used for street names in Stage 1 of the Estate.

Prior to the commencement of civil works in future Stages of the Estate, the Sanctuary Aboriginal Cultural Heritage Liaison Committee will review potential street or place names to be used in each stage.

Landcom and/or Urban Pacific will submit the agreed list of place names to Newcastle City Council and the Geographical Names Board.

3.1.1 Naming Aboriginal Heritage Conservation Areas

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

3.1.2 Information Packages for Incoming Land Owners and/or Occupiers

Urban Pacific will prepare cultural heritage information packages for all incoming land owners and others involved in the development of the Estate. Details of these packages, which will be refined in consultation with the Sanctuary Aboriginal Cultural Heritage Liaison Committee, are introduced in **Section 1** and **Appendix 4**.

4.0 Management of the Values of the Aboriginal Heritage Conservation Areas

4.1 Aboriginal Heritage Conservation Areas

As noted in **Section 1**, on the basis of archaeological investigations and consultation with the Awabakal Aboriginal community, Landcom agreed to three Aboriginal Heritage Conservation Areas within the Estate. These are identified in the DEC (now DECC) Section 90 Consent (#2332) and will be formally reserved for the protection of their conservation and Aboriginal heritage values. The total area included in the conservation areas is 4.2 hectares. The Aboriginal heritage conservation areas 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 three Aboriginal Heritage Conservation areas are shown in **Figures 1.2** and **1.3**. **Plates 4.1** to **4.4** illustrate the character of each of the Aboriginal Heritage Conservation Areas, showing their landscape context (outlook, adjacent terrain and vegetation) and current condition.

The locations of the three Aboriginal Heritage Conservation Areas were determined on the basis of the following attributes. These attributes directly influence the management and design concepts for each area, 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 three Aboriginal Heritage Conservation Areas yielded larger samples of artefacts than other terrain units in the Estate.
- Two of the Aboriginal Heritage Conservation Areas have extensive (although different) views across the Hexham Wetlands, towards Ironbark Creek and the Hunter River. The 'Rocky Knob', believed to be a culturally important feature of the landscape, lies directly below the high vantage point at one of the Aboriginal Heritage Conservation Areas. The 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.
- One Aboriginal Heritage Conservation Area 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 Aboriginal people. Many of these traditional resources are known to and still utilised by local Aboriginal people.
- Both Mount Sugarloaf and the dunes of Stockton Bight can be seen from the Conservation Areas. Mount Sugarloaf is the centre of many Awabakal traditional cultural activities and stories. Apart from being visually prominent, it could traditionally have been reached by a direct ridge top route from the Sanctuary Estate area.



PLATE 4.1
Character of Aboriginal Heritage Conservation Area 1



PLATE 4.2
Outlook across Hexham Swamp and the Knob from AHCA 1



PLATE 4.3
AHCA 2, viewed from AHCA 1



PLATE 4.4
Character and context of AHCA 3

- The whole of the project area would have provided direct access to the resources of the Hunter estuary. The nature of the access and the types and abundance of the resources have varied over the 6000 years since sea level returned to approximately its current position.

4.2 Tenure and Management Responsibilities

The AHCAs are currently in the ownership of Landcom. Options for tenure of the AHCAs after the Estate is established include Newcastle City Council or Community Title or DECC or NSW Lands Department or Hunter Central Rivers Catchment Management Authority. This issue is still subject to negotiation. If land tenure passed to NCC or NSW Lands Department, a Plan of Management (under the Local Government Act and/or the Crown Lands Act) for the conservation areas would need to be prepared. If tenure passed to DECC, as part of the Lower Hunter National Park system, management of the conservation areas would be included in the Plan of Management for the Park.

4.3 NPW Act Requirements for Aboriginal Sites

The NPW Act 1974 makes it an offence to damage or destroy Aboriginal objects (sites) unless a s90 consent has been issued by the Director-General of DEC. 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 Estate has been registered as an Aboriginal site (Site# 38-4-0530, #38-4-0496, #38-4-0683), because of the wide distribution of cultural heritage objects across all terrain units in the landscape. DECC has issued a s90 consent (#2332) for all areas affected by civil works in the Sanctuary Estate. A separate but complementary s90 application covers all residential development areas. The three areas which have been set aside as AHCAs are not covered by these s90 Consents. Damage or destruction of Aboriginal heritage objects within the three AHCAs 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 three AHCAs. 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 three AHCAs and that the requirements of the NPW Act 1974 are complied with, the entire surface of each AHCA will be covered with geotextile fabric. The geotextile cover will then be covered by clean rock and/or soil fill and/or topsoil. This material will be primarily topsoil, subsoil and rock material that must be removed from other parts of the Estate (such as roads). 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 Awabakal Aboriginal community has identified multiple values for the three AHCAs. These values are important to Aboriginal people, but members of local Aboriginal community groups are also keen to share this cultural knowledge and value with other members of the local community. They are particularly keen that residents of the Estate should have an opportunity to understand and appreciate the Aboriginal 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 local Aboriginal community groups have identified two principal objectives for the management of the three 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 of the three AHCAs are:

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

4.4.2 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 Awabakal LALC during the preparation of Umwelt (2002), further discussion with Awabakal LALC during the preparation of the Stage 1 ACHMP (2006) and most recently, discussion with Awabakal LALC and the two other Awabakal family based community groups during the preparation of the stage 2 ACHMP.

Outlook

Each of the AHCAs is situated on bedrock terrain that provides expansive outlook across the alluvial wetland environments of Hexham Swamp and its tributary creeks. AHCAs at transects 1 and 4 have slightly different but very wide views across Hexham Swamp, including The Knob in the foreground. The outlook from AHCA 1 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 AHCA at transect 13 provides a more sheltered landscape outlook, across the confined valley and freshwater meadows of Minmi Creek.

Mount Sugarloaf, the 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 could have been 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 6,000 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 the Bluegum Vista Estate area 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 4 at Bluegum Vista takes in this transformed landscape and provides 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 20th Century, Hexham Swamp has been modified by the installation of floodgates at Hexham. Reports from the early nineteenth century suggest that much of the Hexham swamp 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 Bluegum Vista (i.e. around AHCA 1 and 4) as late as the mid 20th Century. Rainforest species (rusty fig, red ash and grey myrtle also occurred around the swamp margin and remnants persist at The Knob today. Hexham Swamp 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 Bluegum Vista 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 the Estate, 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. However, both tufts and silcretes outcrop elsewhere around the margin of Hexham Swamp 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 have been recovered from subsurface archaeological investigations within the Sanctuary Estate. 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, all of which are now included in the Aboriginal Heritage Conservation Areas 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.

Stories about Landscape and People

There are three main types of story about the Sanctuary project 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 and Nobbys Headland.

Secondly, there are observation and descriptions by early European settlers of the way of life of Aboriginal 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 Aboriginal 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. These stories 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). Aboriginal burial grounds in the Wallsend area are also mentioned, but there is no clear indication of where these were situated. The 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 Aboriginal people, not always friendly, as new settlers competed for the resources that had been valued by Aboriginal people, often unaware of the meaning and importance of the landscape to Aboriginal people.

4.5 Landscaping Concept

Urban Pacific, in conjunction with the project landscape architects and Sanctuary Aboriginal Cultural Heritage Liaison Committee will develop landscape plans for each of the three AHCAs. Some discussion between the (then) project landscape architects and Awabakal LALC occurred in 2006 and 2007 as part of the Stage 1 ACHMP and the development of the first urban release area of the Estate.

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

- each AHCA will be named using a place name recommended by the Sanctuary Aboriginal Cultural Heritage Liaison Committee and reflecting its place in the cultural landscape around the margin of Hexham Wetland;
- Awabakal LALC 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 other Aboriginal community groups have endorsed the idea that an attractive and well interpreted cultural landscape will encourage residents to value the cultural and natural identity of the landscape.
- 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 Aboriginal 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.
- the AHCAs could be planted with species that are endemic to the wetland margins and that would have provided resources for Aboriginal people. This was also discussed initially with Awabakal LALC in 2006 and was further discussed with all groups in 2008. It was further suggested that a planting guide with locally indigenous plants could be prepared as part of the Information Package for incoming residents, to smooth the landscape transition from the private gardens to the conservation areas. Urban Pacific 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 Aboriginal Heritage Conservation Areas. Local Aboriginal people with strong cultural knowledge of plants of traditional value could provide expert advice to the landscaping and rehabilitation teams.
- the landscape design for the third AHCA (incorporating Transect 13 from Umwelt (2002)) should reflect the more enclosed landscape context of this site, which fronts a tributary creek rather than the open outlook across the main wetland.

4.6 Placement of Cultural Heritage Objects

During the preparation of the Stage 1 ACHMP, Awabakal LALC advised that it wished to place many of the artefacts that may be collected during cultural salvage activities in the Sanctuary Estate in the Aboriginal Heritage Conservation Areas. During consultation for the second overarching s90 application and the Stage 2 ACHMP, all groups supported the

concept of retaining the physical evidence of how Aboriginal people used this land in the past on the site (see also **Section 5**).

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 any of the Aboriginal community groups, Awabakal LALC 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 Aboriginal Cultural Heritage Liaison Committee 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 Newcastle City Council Local History Collection (archives), Auchmuty Library cultural collection archives (Newcastle University), Awabakal LALC, or the Sanctuary Sales Centre,
- In general, all artefacts will be reburied within the Aboriginal Heritage Conservation Areas. However, some artefacts may be retained for use in educational or awareness programs and for display;
- 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 Aboriginal community groups will advise DECC and Urban Pacific of the date that artefacts will be placed in the AHCA. If a special event is planned, the Aboriginal community groups will advise DECC and Urban Pacific 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 Aboriginal 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:

- raised boardwalks of suitable low maintenance materials; or
- 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 three AHCAs are all heavily grassed with pasture species. Other weed species are also present. These non native grasses and weeds (herbs and woody weeds) will be removed as part of the landscaping of the AHCAs.

Non native grasses will not be dug out of the ground surface of the AHCA. Grass will be removed in accordance with advice from a specialist horticulturalist, by non excavation methods. Potential methods include use of mild herbicides (that will not runoff to affect habitat in Hexham Wetland) or temporarily covering the ground surface with materials (such as plastic sheeting or weed mat) to exclude light and water from the grasses.

After the grasses and weeds have been removed, the ground surface will be covered with geotextile fabric and a suitable depth of clean fill (weed free), to provide an above ground foundation for all other landscaping activities. The clean fill may include topsoil and/or rocks that are part of the landscaping of the site. Much of this material will be sourced within the Estate, for instance from areas of civil works.

Weeds will be monitored and weed removal will be maintained until the new plants and ground surface covers are established.

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 at the AHCA at transect 13 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 Aboriginal community members of the Sanctuary Aboriginal Cultural Heritage Liaison Committee (ADTOAC, ATOAC and Awabakal LALC), the project horticulturalist and the project landscape architect.

Plants chosen will be consistent with guidelines provided by Newcastle City Council for urban reserves.

All new planting will be in the topsoil that is placed over the natural ground surface. Seeds, tubestock 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 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 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 Landcom, Urban Pacific 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 Swamp;
- 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 Awabakal LALC. 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 Aboriginal 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 Aboriginal cultural heritage of Hexham Swamp and the Wentworth Creek, Minmi Creek and Bluegum Creek catchments. The concept for these displays will be developed in consultation with the Sanctuary Aboriginal Cultural Heritage Liaison Committee members and will be prepared by local Aboriginal people wherever possible. A broader Awabakal cultural heritage exhibition is also being considered.

4.9 Monitoring and Maintenance

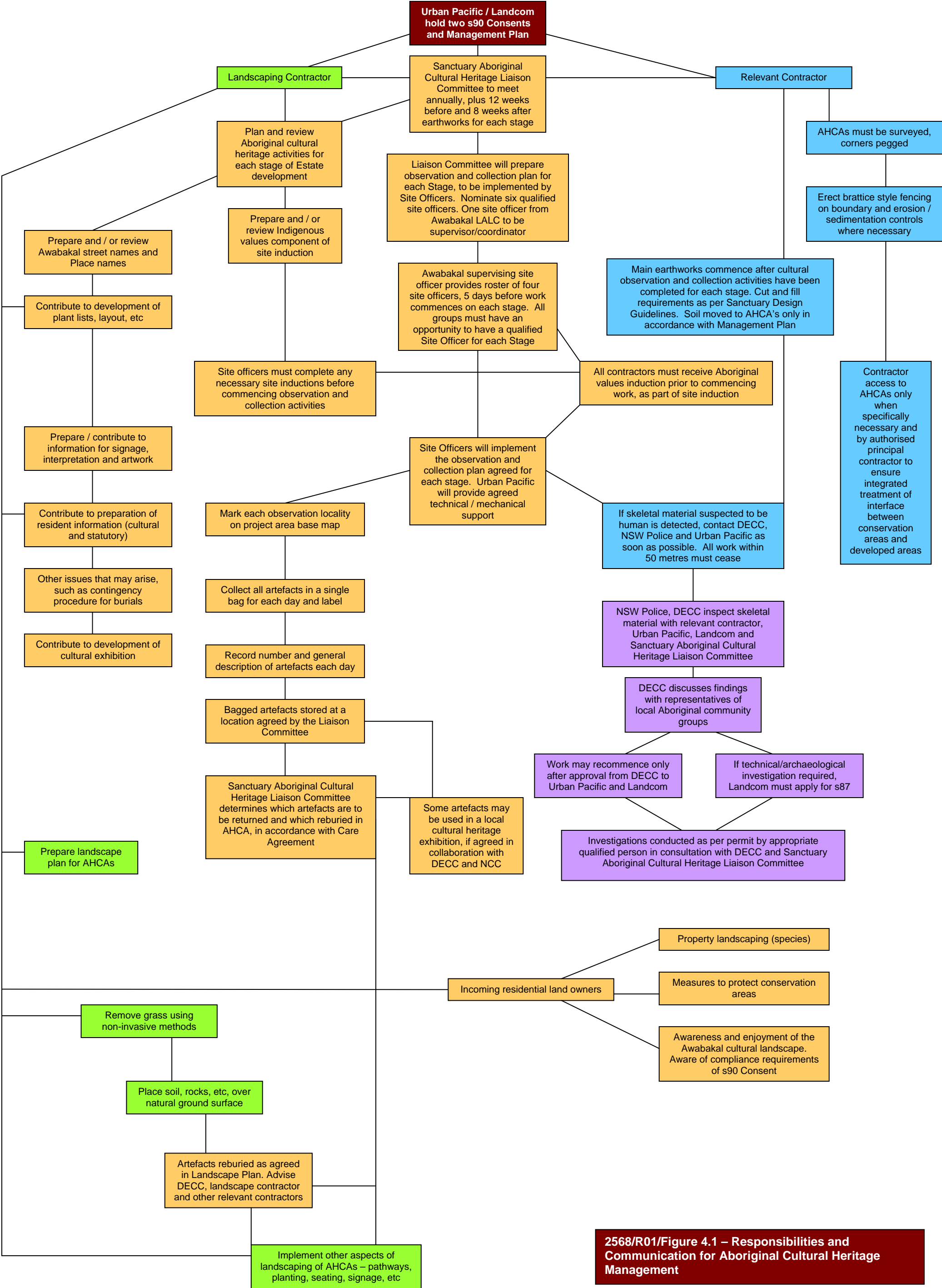
The intent is that the three AHCAs provide an attractive and culturally sensitive open space for the enjoyment of residents in the Estate in perpetuity. To achieve this, ongoing maintenance will be required, including:

- 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 three AHCAs are summarised in **Appendix 3**. The relationship of the various activities is also shown in **Figure 4.1**.



5.0 Development Areas – Civil Works and Residential Construction

All of the development areas of the Estate are or will be covered by a s90 consent. Section 90 #2332 already covers civil works across the whole Estate and a new overarching Section 90 will cover all residential construction areas.

The existing Section 90 (#2332) includes conditions requiring opportunities for Aboriginal community observers during ground disturbing earthworks, in accordance with a protocol set out in the ACHMP. The Stage 1 ACHMP provided a set of communication, training and day to day work management protocols to provide these opportunities.

Consultation with the local Aboriginal community groups indicates a strong desire to extend an opportunity for cultural observations, investigations and collections across the residential development sections of the Estate.

This section discusses a revised protocol for Aboriginal community observation, investigation and collection that could be applied across the entire subdivision area, including the areas affected by civil works and the residential construction sites.

5.1 Soils and Artefact Distribution

Umwelt (2002) provides information about the depth of topsoil cover across the Bluegum Vista Estate (now Sanctuary Estate) 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.

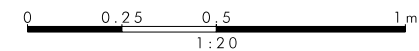
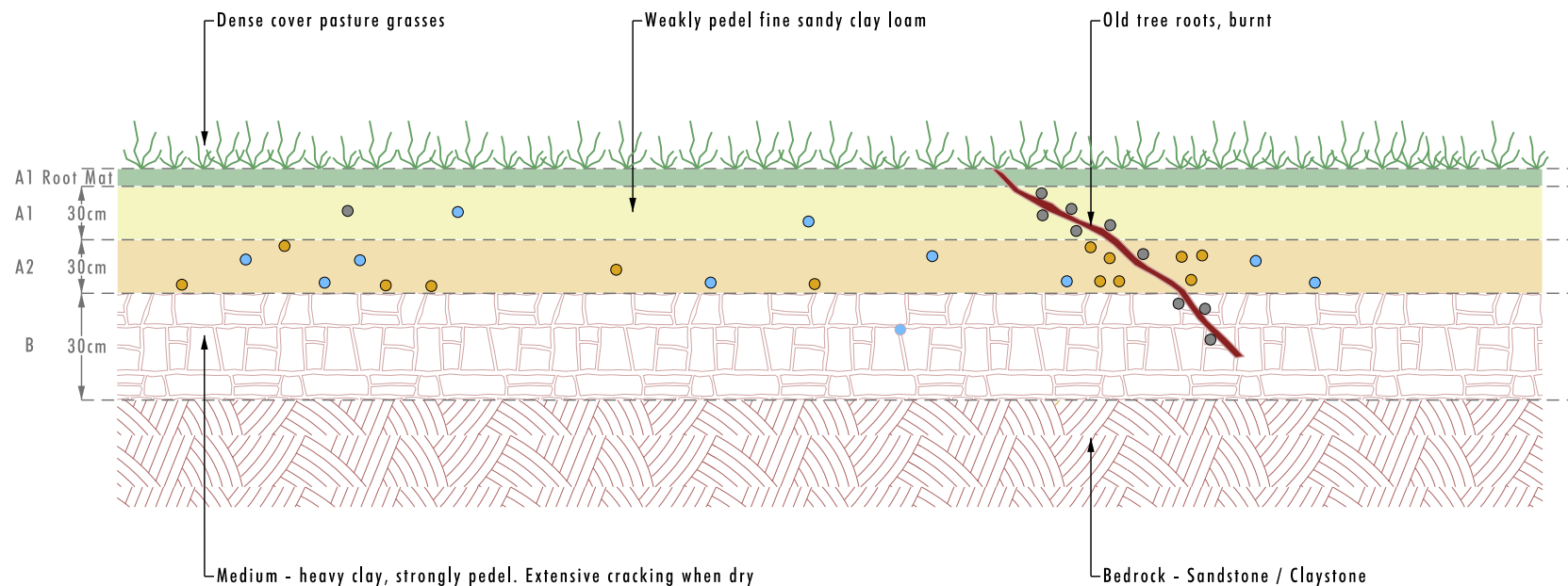
Figure 5.1 shows schematically the distribution of Aboriginal objects in the soil profile.

There was a strongly expressed view by the Aboriginal community groups that the topsoil and any contained archaeological material should be retained within the subdivision. 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 Section 90 #2332. Principally, these are:

- an opportunity must be provided to representatives of the Awabakal LALC to observe and collect Aboriginal objects from those areas over which DEC now (DECC) Section 90 #2332 applies; and



Legend

- Medium - heavy clay, strongly pedel. Extensive cracking when dry
- Bedrock - sandstone / claystone
- Ironstone and drystone gravel
- Charcoal and burnt clay
- Flaked stone artefacts scattered through A1 Horizon, but more common in A2 Horizon. More occurrence in cracks in B Horizon

FIGURE 5.1

Distribution of Aboriginal Artefacts
in Soil Profile

- the three areas that have been designated as Aboriginal Heritage Conservation Areas must not be disturbed by initial ground-disturbing earthworks. No Section 90 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.

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 does 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 Newcastle City Council and will generally be built by a builder contracted to the land owner (future resident).

Section 1 discusses the information package that will be provided to individual land holders about the Aboriginal cultural heritage values of the land and their responsibilities in relation to Consents that cover the land and the ACHMP. This section addresses the process for aboriginal community representatives to make cultural observations and collections in the residential allotment areas of each stage of the Estate.

It is proposed that Aboriginal community representatives will have an opportunity to conduct further observations, investigations and collections for cultural purposes on the residential allotments in each Stage of the subdivision at the same time that these activities are conducted for 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 pedal clay 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 material 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 soil will also remain on site, although their distribution and vertical context will clearly change.

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 three Aboriginal Heritage Conservation Areas must not be disturbed by earthmoving or associated activities during initial ground-disturbing works. The natural ground surface of the Aboriginal Heritage Conservation Areas must not be disturbed during any other part of subdivision construction. Because the Aboriginal Heritage Conservation Areas 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 Aboriginal Heritage Conservation Areas 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 Aboriginal Heritage Conservation Area:

- 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 Aboriginal Heritage Conservation Area as part of site induction prior to the commencement of ground-disturbing works in each stage/precinct of the Estate (see **Section 5.5**).

5.5 Aboriginal Community Observers

The s90 Consent (#2332) requires that representatives of Awabakal LALC are provided with an opportunity to act as cultural heritage observers during the initial ground-disturbing civil works in each stage of the subdivision.

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.

The new overarching s90 proposes that Aboriginal community observers will also now be able to make collections across individual housing allotments.

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 requires complex scheduling of activities and so far has 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, it is proposed to restructure the observation opportunities. 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. Aboriginal community group 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**, Urban Pacific will convene a meeting of the Sanctuary Aboriginal Cultural Heritage Liaison Committee 12 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 (ten working days) will be identified, before major earthworks commence, when qualified Aboriginal community 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 Landcom ownership.
- At its meeting, the Liaison Committee will also discuss any particular observation or collection issues and priorities for the Stage. All groups who are part of the Liaison Committee will have an opportunity to contribute to this discussion. An observation and collection plan will be prepared on the basis of the discussion.
- Awabakal LALC will nominate a supervising Site Officer who will be responsible for record keeping in accordance with the s90 consent 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 any of the three local Aboriginal community groups (ATOAC, ADTOAC and Awabakal LALC).
- Urban Pacific 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.
- 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 Urban Pacific. This list will be provided five days prior to the commencement of the two week observation and collection period.
- All ATOAC, ADTOAC and Awabakal LALC 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 Awabakal LALC 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 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**).
- 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 significant archaeological feature is revealed, the Awabakal LALC Site Officers will contact the other Aboriginal community groups to make them aware of the discovery.
- If DECC wishes to inspect the site during the observation and collection periods, it will contact Urban Pacific. Urban Pacific will advise Landcom (as the consent holder), Awabakal LALC (through the supervising Sites Officer) that DECC will be on site.
- In accordance with the requirements of the *NPW Act 1974* and all Section 90 Consents, if skeletal material with potential to be human is revealed, the work must cease and NSW Police and DECC must be informed. In this situation, the other Aboriginal groups and Urban Pacific must also be informed. No work will recommence until DECC has advised that is appropriate to do so (see also **Section 5.9**).

These protocols are summarised in **Figure 4.1**. They are also included in **Appendix 3**.

5.5.2 Management of Recovered Objects

Cultural objects that are recovered during the observation and collection period for each Stage of the Estate will be covered by a Care and Control Agreement to be submitted to DECC after discussion by the Aboriginal Cultural Heritage Liaison Committee. Artefacts previously collected from the Estate are currently held by Awabakal LALC under a Care and Control Agreement. A Care and Control form to this effect was submitted with the application for the Section 90 consent (#2332).

DECC 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. A sample recording sheet to facilitate rapid recording is included in **Appendix 8** of this Stage 2 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.
- recovered stone artefacts will be stored in robust and clearly marked bags at an agreed location 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**, the Sanctuary Aboriginal Cultural Heritage Liaison Committee will be convened approximately eight weeks after each period of observation and collection.

At this meeting, the supervising Awabakal LALC 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 three Aboriginal Heritage Conservation Areas.
- Artefacts that are returned to the land will be placed in the next Aboriginal Heritage Conservation Area to be landscaped;
- The Aboriginal community groups will have an opportunity to discuss the placement of artefacts in the Aboriginal Heritage Conservation Areas with Urban Pacific and the relevant landscaping contractor, to ensure that this issue is addressed in the landscaping plan for each of the Aboriginal Heritage Conservation Areas (see **Section 5.4**);
- The Aboriginal Cultural Heritage Liaison Committee will advise the landscaping contractor when cultural objects have been placed in the Aboriginal Heritage Conservation Area, so that subsequent landscaping works (such as construction of pathways or boardwalks, planting and installation of art work) may be implemented.
- The Aboriginal Cultural Heritage Liaison Committee will provide advice in writing to DECC about the numbers of artefacts that have been placed in the Aboriginal Heritage Conservation Areas and the localities from which they were collected.
- As noted in **Section 4.6**, some soil material from other parts of the Estate may also be placed in the Aboriginal Heritage Conservation Areas, (over a geotextile 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.

All builders working in the Estate must also complete a cultural heritage introduction as part of their induction activities.

Members of the Sanctuary Aboriginal Cultural Heritage Liaison Committee will contribute to the development and delivery of this induction training.

Contractors will be shown the boundaries of relevant Aboriginal Heritage Conservation Areas 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 three Aboriginal Heritage Conservation Areas 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 Aboriginal Cultural Heritage Conservation Areas 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 Aboriginal Heritage Conservation Area, a barrier of brattice style fencing will be placed along the boundary of the Aboriginal Heritage Conservation Area. This barrier will be maintained throughout the period of initial ground disturbing earthworks and other subdivision construction in the vicinity of the Aboriginal Heritage Conservation Area.

5.7.2 Machinery Excluded

Earthmoving machinery is not permitted to enter the Aboriginal Heritage Conservation Areas for the purpose of earthworks that disturb the natural ground surface.

Section 4 discusses measures to remove pasture grass from the Aboriginal Heritage Conservation Areas 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 Aboriginal Heritage Conservation Areas, 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 Aboriginal Heritage Conservation Area and the adjoining developed area, particularly, where a road forms the interface. In these circumstances, some machinery may enter the Aboriginal Heritage Conservation Area for specific purposes, but must not disturb the natural ground surface.

Entry of any machinery into the Aboriginal Heritage Conservation Areas 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 Aboriginal Heritage Conservation Areas.

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 Aboriginal Heritage Conservation Areas.

Contractors may only enter the Aboriginal Heritage Conservation Areas 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 Aboriginal Heritage Conservation Areas 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 Aboriginal Heritage Conservation Areas.

Earthworks contractors will follow best soil and water management practice, in accordance with the Landcom 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 Aboriginal Heritage Conservation Areas during the initial ground disturbing earthworks; and
- a physical barrier will be placed around the margin of each Conservation Area 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 Aboriginal Heritage Conservation Areas.

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 Aboriginal Heritage Conservation Areas.

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

Vegetation (tree limbs and stumps) that has been removed from the development areas must not be stockpiled within any of the Aboriginal Heritage Conservation Areas. Use of wood chip material that has been derived from on site vegetation may be permitted in the landscaping of the Aboriginal Heritage Conservation Areas, subject to the management procedures in **Section 4**.

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 Aboriginal community groups, 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 (see DECC Section 90 Consent 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 50 metres of the uncovered skeletal material;
- the contractor must contact the NSW Police and the DECC Environment Line (131555) to arrange an inspection. The contractor must also notify Urban Pacific, Landcom and the Awabakal supervising Site Officer;

- NSW Police and DEC will inspect the material. DECC will consult with the relevant local Aboriginal community, including the Awabakal Site Officers and other members of Awabakal LALC, Elders and other local Aboriginal community groups, etc;
- if, after inspection and consultation with the Aboriginal community, DECC 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 87 of the NPW Act. This requires a separate Permit application and approval to the current Section 90 Consent. Any additional investigations that may be required must be completed before earthworks can recommence within 50 metres of the skeletal material (unless DECC provides advice in writing that work can commence closer to the location of the skeletal material); and
- work must not recommence within 50 metres of the skeletal material until approval to recommence has been given by DECC.

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

Appendix 3 summarises the tasks that must be completed during each stage of the initial ground-disturbing earthworks.

The relationship of all tasks is also illustrated in **Figure 4.1**.

6.0 Compliance and Reporting

The DECC s90 Consent #2332 requires reporting of certain information during the implementation of initial ground-disturbing earthworks for each stage of the Estate. Similar reporting requirements are anticipated for the overarching s90 consent for the residential construction areas.

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 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 Section 90 Compliance Monitoring and Reporting

The DECC Section 90 Consent #2332 requires several different reports to be prepared. These are noted below:

- Progress reports on compliance with the conditions of the Consent are to be prepared at the following times (Special conditions applying to consents with salvage #5):
 - within 60 days of the completion of one calendar year after the date of approval of the Consent. This means 60 days after 21 February 2007 (21 April 2007);
 - within 60 days of the completion of five years after the date of the Consent. This means 60 days after 21 February 2011 (21 April 2011); and
 - at the expiry of the Consent. The Consent has been issued for ten years, so the final compliance report must be submitted by 21 February 2016.

An Awabakal LALC representative will prepare these reports on behalf of Landcom. The reports will be provided to the Aboriginal Cultural Heritage Liaison Committee before they are forwarded to DECC.

- A report must be prepared and submitted to DECC 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 Aboriginal community consultation and participation during that stage of the project.

These stage reports on the materials that have been collected will be prepared by a representative of Awabakal LALC, in conjunction with Urban Pacific, using information noted by sites officers (see **Section 5.5**) and any additional records made of the artefacts that have been collected. The reports will be submitted to DECC by Landcom.

DECC 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 Awabakal LALC will prepare any such report, in conjunction with Urban Pacific, if it is required. The report will be provided to all members of the Sanctuary Aboriginal Cultural Heritage Liaison Committee before it is provided to DECC. Landcom will submit the report to DECC.

In the event that DECC decides to revoke the permits that cover the Sanctuary Site, DECC requires that Landcom provides a full report on all work completed up until the date on which the Consent was revoked. The report will include a full list of all objects that were salvaged. The report must be prepared within six months of the Consent being revoked. If the Consent is not revoked before its date of expiry (21 February 2016), this report is not required. A separate report is required on the expiry of the Consent.

6.2 Publicity and Reporting

Landcom, Urban Pacific and the local Aboriginal community groups anticipate that the outcome 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 s90 Consent, DECC 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 will be represented in any media interview or other event; and
- Members of the Aboriginal Cultural Heritage Liaison Committee 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 3 presents a summary of actions required in relation to reporting of cultural heritage management at the Sanctuary Estate.

7.0 References

Department of Environment and Climate Change (2006). Interim Aboriginal Community Consultation Guidelines.

Landcom. Best Practice Soil and Water Management Guidelines for Urban Development.

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

Umwelt (2006). Brief for the Preparation of an Aboriginal Heritage Management Plan for Bluegum Vista Estate. Report prepared for Landcom and Urban Pacific, in conjunction with Awabakal Local Aboriginal Land Council.

Umwelt (2006). Bluegum Vista Aboriginal Cultural Heritage Management Plan. Report prepared for Landcom and Urban Pacific in conjunction with Awabakal Local Aboriginal Land Council

Wallsend and Plattsburg Sun; 13 December and 17 December 1890.

APPENDIX 1

**DECC Section 90 Consent #2332
(Civil Works) and Project Brief
for Stage 1 ACHMP, as approved
by DECC**

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

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*

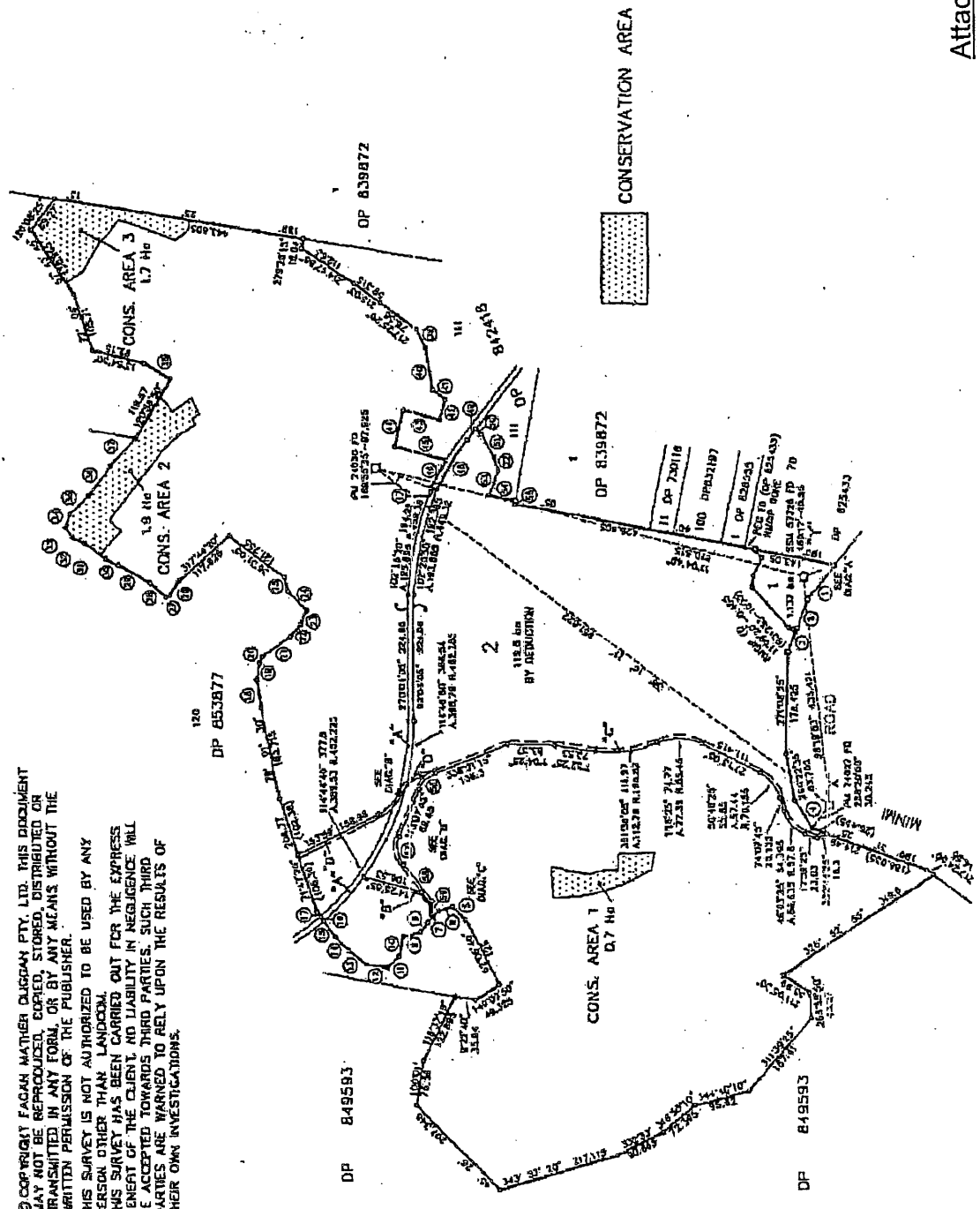
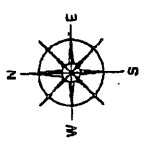
SCHEDULE B:

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

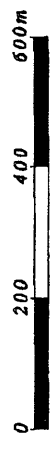
1. The Consent Holder will ensure that the lands delineated in Attachment 1 as Conservation Areas 1, 2 and 3 are excluded from residential subdivision and are managed for their Aboriginal heritage values. Residential subdivision is not to extend within the limits of the Conservation Areas.
2. The Consent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

FIGURE 3
Plan of Conservation Area of
Bluegum Visitor Estate



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

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MAY NOT BE REPRODUCED, COPIED, STORED, DISTRIBUTED OR
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THIS SURVEY IS NOT AUTHORIZED TO BE USED BY ANY
PERSON OTHER THAN LANDOWN.
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.

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
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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 Dean 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
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APPENDIX 2

Action Schedule from Stage 1 ACHMP

Summary of Actions

The actions that are required by this Management Plan are summarised in **Tables S1, S2, S3 and S4**.

Table S1 - Aboriginal Cultural Awareness Activities

Note:

This table includes actions that provide information about Aboriginal cultural heritage to future residents of the Bluegum Vista Estate.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Awabakal LALC will nominate up to three members to liaise with Landcom and Urban Pacific about place names and awareness/interpretation measures.	Awabakal LALC. Urban Pacific to organise consultation schedule	Prior to the commencement of the first stage of initial ground-disturbing works.	Awabakal members nominated. First meeting held. Subsequent meetings scheduled.
2. Develop a list of potential names for streets and places in the Estate, based on local Aboriginal themes.	Urban Pacific in consultation with Awabakal LALC	Initial list to be available prior to the commencement of the first stage of ground-disturbing earthworks. The list will be reviewed and updated on an annual basis.	List of recommended Aboriginal names available to Landcom and Urban Pacific. 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).	Urban Pacific, in consultation with nominated Awabakal LALC co-ordinator.	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 for first stage prepared to satisfaction of Landcom, Urban Pacific and Awabakal LALC
5. Prepare information for incoming new residents about the Aboriginal cultural heritage values of the Estate and respect for those values. This information will make specific reference to the three Aboriginal Heritage Conservation Areas.	Urban Pacific in consultation with Awabakal LALC co-ordinator and Landcom.	To be prepared prior to residents occupying the first stage of the Estate that includes an Aboriginal Heritage Conservation Area.	Appropriate Aboriginal cultural heritage information included in "Welcome Packs" for first group of new residents, and subsequently.

Table S2 - Tasks during Initial Ground-disturbing Civil Works

Please 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 earthworks.

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.	Urban Pacific	Prior to the commencement of each stage.	Clear survey plans of conservation area boundaries are available to contractors and Awabakal site officers.
2. Mark corners of AHCAs with robust pegs.	Urban Pacific	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.

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 Landcom 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.	ACHAs 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.
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 AHCAs and provision of a 1 page information sheet about the importance of protection of Aboriginal heritage and the responsibilities of contractors.	Relevant contractor and Awabakal LALC.	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.	Awabakal LALC	Prior to commencement of initial ground-disturbing earthworks and with review prior to the commencement of each stage of initial ground-disturbing earthworks.	Urban Pacific and principal contractor are aware of nominated sites Officers.
9. Awabakal LALC Site Officers will be subcontracted to the relevant contractor	Awabakal LALC 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.

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
10. Notify Awabakal LALC Sites officers 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.	Awabakal LALC 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, Urban Pacific and Landcom. 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 Awabakal LALC on each day.
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.

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 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 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 AHCAs.
17. At the end of each day, prepare a list of all objects recovered using the recording form provided in Appendix 4 .	Awabakal Site Officers	Each day. Lists will be collated at the Land Council office weekly.	All collected objects are recoded as required by DEC.
18. Discuss (plan) placement of objects in ACHA with DEC and landscaping contractors. Note that Awabakal LALC 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).	Awabakal Project Co-ordinator and Urban Pacific	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 DEC in writing about numbers of artefacts that are proposed to be returned to the AHCAs and the localities from which they were recovered.	Awabakal Project Co-ordinator and Urban Pacific will prepare a report for Landcom to submit to DEC	Prior to placement of artefacts in AHCAs.	Records available of objects that have been recovered and returned

Table S2 - 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 50 metres of the discovery must cease. The following steps must be taken:</p> <ul style="list-style-type: none"> • Contact NSW Police and DEC Environment Line (131555) • NSW Police and DEC will inspect the material • DEC 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 DEC 	<p>Relevant contractor and Landcom</p> <p>DEC, NSW Police, with relevant contractor, Landcom, Urban Pacific and Awabakal LALC (site officers, Project Co-ordinator and others as necessary)</p> <p>DEC and Awabakal LALC</p> <p>DEC, Landcom, 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>

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
<p>21. If DEC determines that further detailed investigation of the skeletal material and/or its context is required, a s87 permit must first be obtained under the NPW Act.</p> <p>A s90 consent will be required before earthworks can recommence.</p>	<p>Urban Pacific will prepare an application for a new s87 permit, in consultation with Awabakal LALC, for lodgement with DEC by Landcom.</p>	<p>Apply for Permit and s90 as soon as possible.</p> <p>DEC process the permit as soon as practicable.</p> <p>All investigations must be completed before earthworks may recommence (see Action 19 re DEC approval to recommence work).</p>	<p>All investigations completed in accordance with the requirements of the NPW Act.</p>

Table S3 - Actions for long-term management of AHCAs

Please 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;*
- *Awabakal LALC 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.	Urban Pacific	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.	Urban Pacific, project landscape architects, in consultation with Awabakal LALC.	Prior to the commencement of landscaping work in each AHCA.	Landscaping plans prepared to satisfaction of Urban Pacific, Landcom and Awabakal LALC
3. Recovered Aboriginal heritage objects from each stage of the Estate will be placed in one of the three AHCAs. Records must be made of the number of artefacts that are returned to each AHCA and the localities from which they were collected.	Awabakal LALC, in consultation with Landcom, DEC, Urban Pacific, NCC and relevant contractor.	Planning for placement of artefacts must be included in the landscaping plan for each of the AHCAs. DEC, Landcom, Urban Pacific and the landscaping contractor must be notified when placement of artefacts has taken place.	Artefacts are returned in accordance with Awabakal LALC wishes and in accordance with DEC requirements.

Table S3 - Actions for long-term management of AHCAs (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 and pasture grasses will be removed from each AHCA, using non invasive (non-excavation) methods.	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).
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 Awabakal LALC.	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.

Table S3 - Actions for long-term management of AHCAs (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 Swamp.	Project landscape architect and landscape contractor in consultation with Awabakal Project Co-ordinator.	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.
11. Information brochures will be prepared for incoming residents explaining the values of the AHCAs and how they can contribute to their sustainable management.	Landcom and Urban Pacific, with Awabakal Project Co-ordinator.	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 Awabakal LALC.	Urban Pacific, in consultation with Awabakal Project Co-ordinator and Project Landscape Architect.	Concept for signage will be developed with the Landscape Plan for the AHCAs and linking 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.

Table S3 - Actions for long-term management of AHCAs (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
13. Prepare displays about Aboriginal cultural heritage of Hexham Swamp and the Wentworth Creek, Minmi Creek and Bluegum Creek catchments at the local community centre and schools. These displays will be developed in consultation with Awabakal LALC members and will be prepared by local Aboriginal people wherever possible.	Urban Pacific, in consultation with local schools and Awabakal Project Co-ordinator.	Prior to the opening of the local Community Centre for the Estate.	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 S4 - Reporting Requirements

Note:

This table includes reports that must be prepared to satisfy the conditions of the DEC 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.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Prepare progress report on compliance with Section 90 Consent conditions by 21 April 2007	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 60 days of one calendar year of the issue of the s90 Consent (by 21 April 2007).	Progress report submitted in accordance with requirements of DEC s90.
2. Prepare progress report on compliance with s90 conditions by 21 April 2011	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 60 days of the completion of 5 years from the date of issue of the s90 Consent (by 21 April 2011).	Progress report submitted in accordance with requirements of DEC s90.
3. Prepare final report on compliance with s90 Consent conditions by 21 February 2016.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	At the expiry of the section 90 Consent (by 21 February 2016).	Progress report submitted in accordance with requirements of DEC s90.
4. 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.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 12 weeks of the conclusion of each Stage of the Project.	Reports submitted in accordance with requirements of DEC s90.
5. Prepare a report on Aboriginal community participation if directed to do so by DEC.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 12 weeks of any such direction by DEC.	Report submitted in accordance with DEC directions.

Table S4 - Reporting Requirements (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
6. Prepare a report on all works completed up to the date of any revocation of the s90 Consent.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Only required in DEC chooses to revoke the s90 Consent. Timing would be specified by DEC if this situation arises.	Report submitted in accordance with DEC directions.
7. Identify opportunities to promote the cultural heritage achievements of the project.	Landcom, Urban Pacific and Awabakal LALC	Ongoing throughout the project.	Positive information about the Aboriginal cultural heritage achievements of the project is available in the general community.
8. If Aboriginal cultural heritage promotion opportunities arise during the period of the s90 Consent, advise DEC of the proposed event/story etc.	Urban Pacific and Landcom	Ongoing throughout the project.	DEC is aware of events when its involvement may be mentioned.
9. In relation to the three AHCAs, ensure that Landcom, Urban Pacific and Awabakal LALC 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.	Landcom, Urban Pacific and Awabakal LALC	Ongoing throughout the project.	Landcom, Urban Pacific and Awabakal LALC jointly determine appropriate promotion/publicity events.
10. Awabakal LALC 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.	Landcom, Urban Pacific and Awabakal LALC	Ongoing throughout the project.	Information that is made publicly available is culturally appropriate.

APPENDIX 3

Action Schedule from Stage 2 ACHMP

Summary of Actions

Stage 2 Sanctuary Aboriginal Cultural Heritage Management Plan

The Actions required by this Management Plan are summarised in Tables S1 to S6

Table S1: Awareness of the Aboriginal cultural heritage values of the Estate
(see also actions listed in Table S2, as tasks that are part of the scope of engagement for the Sanctuary Aboriginal Cultural Heritage Liaison Committee)

Task	Who is Responsible?	When must the task be done?	Indicators of success
1. Develop and review a list of potential street and place names for the Estate, using Awabakal words and building on work already done by Awabakal LALC	Sanctuary Aboriginal Cultural Heritage Liaison Committee	Prior to street names being allocated for Stage 2 of the development of the Estate (see also Table S2)	Suitable Awabakal language names or names based on other local Aboriginal community themes are submitted to NC and Geographical Names Board and approved for use in the Estate.
2. Prepare and review text and designs for signage and interpretative material for use in AHCA's and along pathways through the Estate.	Urban Pacific and Sanctuary Aboriginal Cultural Heritage Liaison Committee	First set of signs and other interpretative material to be ready for the landscaping of the first AHCA and for development of public artwork for Stage 2 of the Estate.	Urban Pacific and local Aboriginal community groups agree on appropriate cultural heritage information and designs for use in public spaces around the Estate.
3. Prepare information for incoming residents about the Aboriginal cultural heritage values of the Estate and their responsibilities.	Urban Pacific in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee.	First material to be ready for distribution to incoming residents in Stage 1 of the Estate, then ongoing.	Incoming residents have suitable information to encourage interest and respect in Awabakal cultural heritage and to implement any actions that are their responsibility to meet statutory requirements.
4. Develop options for wider community awareness raising about the cultural heritage of the Awabakal people	Urban Pacific in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee	As opportunities arise	The best outcome is a high quality community awareness project that showcases Awabakal culture from the Estate area to the broader Newcastle community. However, this project must only be done with the agreement of the aboriginal community group and DECC.

Task	Who is Responsible?	When must the task be done?	Indicators of success
5. Prepare planting guides for the Conservation Areas, other reserve spaces in the Estate and for private gardens, to identify suitable locally indigenous plant species that could be used in landscaping. (see also Table S2)	Urban Pacific in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee	Prior to the release of the next stage of the Estate and for use in landscaping the first Conservation Area.	Landscaping and planting of Conservation Areas enhances awareness of Awabakal cultural heritage. Incoming residents have suitable information to support choices about contributing to local ecological and cultural continuity.
6. All earthworks and principal building contractors must experience cultural awareness training as part of site induction processes.	Incoming contractors; this requirement will be part of the contract for organisations working on Estate construction. Urban Pacific will develop cultural heritage induction packages in consultation with the Liaison Committee; Liaison Committee members will have an opportunity to contribute to delivery of the information.	Prior to the commencement of Stage 2 of the development of the Estate.	All relevant contractors have experienced a cultural heritage induction prior to commencing work on the Estate.

Table S2 – Ongoing Aboriginal Community Consultation

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Form a Sanctuary Aboriginal Cultural Heritage Liaison Committee. Awabakal LALC, ADTOAC and ATOAC must be invited to participate	Urban Pacific	At least twelve weeks before the Stage 2 subdivision earthworks commence	Aboriginal community groups are invited to participate and accept invitation for first meeting of the Committee
2. Sanctuary Aboriginal Community Liaison Committee to meet annually for review purposes, plus at least 12 weeks before and approximately 8 weeks after the commencement of earthworks for each Stage of the subdivision	Urban Pacific will prepare agendas and send out invitations to each meeting.	Invitations will be sent at least two weeks before each meeting	Invitations and other necessary documents are sent on time to all Committee members.
3. Nominate qualified site officers, including representatives from Awabakal LALC, ADTOAC and ATOAC to participate in pre earthworks observation and collection activities, for cultural purposes.	All Aboriginal groups	Prior to the commencement of observation and collection activities for Stage 2 of the Estate, with sufficient time to ensure that all Site officers have appropriate induction training.	A register of six qualified site officers representing ALALC, ADTOAC and ATOAC is prepared.
4. During observation and collection activities for each Stage of the Estate, other Aboriginal community members may visit for a community field day on one day (out of a maximum of ten field days for each stage).	All Aboriginal groups	To be determined as part of the planning for each stage of the Estate development.	Elders and young people have a chance to participate in observation, collection and cultural learning activities during the development of the Estate.
5. Identify and/or review Awabakal names for streets and places in the Estate, based on local aboriginal themes.	Sanctuary Aboriginal Cultural Heritage Liaison Committee, building on work already done by Awabakal LALC	Prior to the commencement of each stage of development of the Estate.	List of recommended Aboriginal names available to Landcom and Urban Pacific. Geographical Names Board and Newcastle City Council accept recommended names.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
6. Contribute to and review text and designs for signage and interpretative material for use at the AHCA's (Story Boards etc).	Urban Pacific, in consultation Sanctuary Aboriginal Cultural Heritage Liaison Committee	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 for first stage prepared to satisfaction of Landcom, Urban Pacific and Sanctuary Aboriginal Cultural Heritage Liaison Committee
7. Prepare information for incoming new residents about the Aboriginal cultural heritage values of the Estate and respect for those values. This information will make specific reference to the three Aboriginal Heritage Conservation Areas.	Urban Pacific in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee and Landcom, DECC and NCC.	To be prepared prior to residents occupying the first stage of the Estate that includes an Aboriginal Heritage Conservation Area.	Appropriate Aboriginal cultural heritage information included in "Welcome Packs" for first group of new residents, and subsequently.
8. Contribute to the development of planting lists for the Cultural Heritage Conservation Areas and for residential gardens in the Estate, which reflect the traditional Awabakal value of locally indigenous plant species.	Urban Pacific and Sanctuary Aboriginal Cultural Heritage Liaison Committee, in consultation with NCC.	First lists to be available to incoming residents for Stage 1 of the Estate.	Landscaping and planting of Conservation Areas enhances awareness of Awabakal cultural heritage. Incoming residents have suitable information to support choices about contributing to local ecological and cultural continuity.
9. Identify opportunities to promote the cultural heritage achievements of the project. An example which has been suggested for consideration is to develop an exhibition of Awabakal culture to be organised on conjunction with NCC	Landcom, Urban Pacific and Sanctuary Aboriginal Cultural Heritage Liaison Committee	Ongoing throughout the project.	Positive information about the Aboriginal cultural heritage achievements of the project is available in the general community.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
10. If Aboriginal cultural heritage promotion opportunities arise during the period of the s90 Consent, advise DECC of the proposed event/story etc.	Urban Pacific and Landcom	Ongoing throughout the project.	DECC is aware of events when its involvement may be mentioned.
9. In relation to the three AHCA's, ensure that Landcom, Urban Pacific and the Sanctuary Aboriginal Cultural Heritage Liaison Committee are aware of opportunities that may arise for promotion, media coverage etc. and that all member organisations have an opportunity to participate unless they choose not to do so.	Landcom, Urban Pacific and Liaison Committee	Ongoing throughout the project.	Landcom, Urban Pacific and Awabakal LALC jointly determine appropriate promotion/publicity events.
11. The members of the sanctuary Aboriginal Cultural Heritage Liaison Committee 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.	Landcom, Urban Pacific and Liaison Committee	Ongoing throughout the project.	Information that is made publicly available is culturally appropriate.

Table S3: Cultural Observations and Collections Before Each Stage of Earthworks

Task	Who is responsible?	When must this task be done?	Indicators of Success
1. Convene a meeting of the Sanctuary Aboriginal Cultural Heritage Liaison Committee 12 weeks before the commencement of ground disturbing earthworks in a new stage of the subdivision	Urban Pacific	12 weeks before the commencement of ground disturbing earthworks in a new stage of the subdivision	Meeting is held on schedule and prepares a plan for the next stage of the development of the Estate
2. Determine priorities for Aboriginal community observations and collections for the Stage	Sanctuary Aboriginal Cultural Heritage Liaison Committee	Prior to the commencement of observation and collection activities for each stage; preferably at least six weeks before these activities commence.	Aboriginal community groups agree on proposed plan for cultural activities.
3. Identify a period of up to ten days when observation and collection activities may occur for each stage	Sanctuary Aboriginal Cultural Heritage Liaison Committee, with approval of Urban Pacific	At the Liaison Committee meeting	Dates identified for on ground observation and collection activities.
4. Develop a roster from the register of six qualified site officers – to represent all groups	To be signed off by the Liaison Committee, or determined by Urban Pacific if no agreement can be reached.	Prior to the commencement of observations and collections (at least five days before work commences)	Qualified sites officers are notified and available for collection program.
5. Provide technical support for the Site officers during the cultural activities	Urban Pacific, as agreed in the Liaison Committee meeting.	During the cultural activities for each stage of the development of the Estate.	Suitable equipment for scraping topsoil or small excavations is available.
6. Record artefact information as required by the s90 consent	Awabakal LALC site officer (consistent with arrangements for s90#2332)	During cultural observations and collections for each stage of the development of the Estate.	All record keeping requirements of the s90 Consents are met.
7. All site officers must have completed any necessary site inductions	Urban Pacific; Site Officers from each group	Prior to commencing work on each Stage	Necessary inductions have been completed
8. Other community members may attend for an open day if organised and approved for each stage (for cultural learning)	Sanctuary Aboriginal Cultural Heritage Liaison Committee, with agreement from Urban Pacific	To be agreed prior to the commencement of each stage of observations and collections.	Field days are implemented for community cultural learning where agreed.

Task	Who is responsible?	When must this task be done?	Indicators of Success
9. All materials collected on any day are to be stored in a single bag and locations (general) are to be shown on a site map.	Sites officers	Each day of observation and collection activities	Well kept records of collections and artefacts
10. A Care Agreement will be developed for temporary storage and/or display of recovered material	Sanctuary Aboriginal Cultural Heritage Liaison Committee	Prior to Stage 2 and reviewed prior to the commencement of each Stage	Any recovered artefacts are stored safely and in a location where they are available for controlled access by Aboriginal community members (for cultural purposes)
11. Review findings and achievements after each stage	Sanctuary Aboriginal Cultural Heritage Liaison Committee	Approximately 8 weeks after each phase of observation and collection	Processes and protocols assessed and improvements agreed as necessary.

Table S4: Controls during initial earthworks for each stage

Task	Who is responsible?	When must this task be done?	Indicators of success
1. The boundaries of the Aboriginal Heritage Conservation Areas must be surveyed and corners marked with robust pegs. Boundaries facing the development area must be marked with material such as brattice to show clearly areas that are not to be disturbed.	Earthworks contractors, Urban Pacific	Prior to the commencement of earthworks for each Stage of the development of the Estate.	Conservation Areas are clearly marked and all contractors participate in suitable induction activities.
2. Relevant contractors will be shown Conservation Area boundaries	Relevant contractors, Urban Pacific	Prior to the commencement of each stage of the development of the Estate	All contractors participate in suitable indication activities and are aware of the statutory protection of the Conservation Areas
3. Maintain exclusion fencing throughout the construction period in the vicinity of each AHCA	Contractors	Weekly observation and maintenance as necessary	Fencing remains intact for the relevant construction period (unless there is specific authorisation to remove it for a particular task) and contractors properly manage the interface between AHCAs and the construction area.
4. Contractors are aware of their responsibilities in relation to the s90 Consents that have been issued by DECC for the Estate	Urban Pacific, Landcom and contractors	To be included in contractual obligations and in awareness training for each stage of the Estate.	No incidents involving breaches of the Consent by contractors.
5. Follow best practice procedures for managing runoff from earthworks to ensure that creek lines and AHCAs are not degraded	Contractors	Throughout the construction period	Construction work does not contribute excess sediment or other pollutants to the bushland environment around the margins of the developed area of the Estate.
6. In the unlikely event that skeletal material suspected of being of human origin is uncovered during any stage of the development of	Contractors and Landcom are responsible for initial notifications	Work must cease immediately if potential skeletal remains are uncovered.	All notifications and inspections conducted in accordance with the <i>NPW Act 1974</i> .

Task	Who is responsible?	When must this task be done?	Indicators of success
<p>the Estate, all earthworks, civil works or other construction work must cease within 50 metres of the discovery. The following steps must be followed:</p> <p>Notify NSW Police and DECC environment Line (131555)</p> <p>Notify Urban Pacific and Landcom, and all local Aboriginal community groups</p> <p>DECC and NSW Police will inspect the material</p> <p>DECC will consult with the local Aboriginal community.</p> <p>DECC will advise whether further physical anthropology work or other excavation is required. This will require a separate s87 permit.</p> <p>Work must not recommence within 50 metres of the discovery until approval is given by DECC (in writing)</p>			

Table S5: Management of Aboriginal Heritage Conservation Areas

Please 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;*
- *The local Aboriginal community groups would like the AHCAs to be inviting spaces that encourage residents to enjoy the cultural landscape of the Estate;*
- *Options for long term ownership and management of the AHCAs are still being refined and evaluated.*

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.	Urban Pacific	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.	Urban Pacific, project landscape architects, in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee	Prior to the commencement of landscaping work in each AHCA.	Landscaping plans prepared to satisfaction of Urban Pacific, Landcom and the Aboriginal community groups.
3. Recovered Aboriginal heritage objects from each stage of the Estate will be placed in one of the three AHCAs. Records must be made of the number of artefacts that are returned to each AHCA and the localities from which they were collected.	Sanctuary Aboriginal Cultural Heritage Liaison Committee, Urban Pacific, DECC and the relevant contractor.	<p>Planning for placement of artefacts must be included in the landscaping plan for each of the AHCAs.</p> <p>DECC, Landcom, Urban Pacific and the landscaping contractor must be notified when placement of artefacts has taken place.</p> <p>Artefacts will be placed in the AHCAs in a co-ordinated fashion with work on planting, structures and artworks in the AHCAs.</p>	Artefacts are returned in accordance with the wishes of the Sanctuary Aboriginal Cultural Heritage Liaison Committee and in accordance with DECC requirements.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
4. Weeds and pasture grasses will be removed from each AHCA, using non invasive (non-excavation) methods.	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 1974).
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 the Sanctuary Aboriginal Cultural Heritage Liaison Committee.	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 Swamp.	Project landscape architect and landscape contractor in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee.	This is part of the 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.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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.
11. Information brochures will be prepared for incoming residents explaining the values of the AHCAs and how they can contribute to their sustainable management.	Landcom and Urban Pacific, in consultation with the Sanctuary Aboriginal Cultural Heritage Liaison Committee.	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 Sanctuary Aboriginal Cultural Heritage Liaison Committee.	Urban Pacific, in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee and Project Landscape Architect.	Concept for signage will be developed with the Landscape Plan for the AHCAs and linking 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. Consider the preparation of displays about Aboriginal cultural heritage of Hexham Swamp and the Wentworth Creek, Minmi Creek and Bluegum Creek catchments at NCC, the local community centre and schools. These displays will be developed in consultation with Sanctuary Aboriginal Cultural Heritage Liaison Committee and will be prepared by local Aboriginal people wherever possible.	Urban Pacific, in consultation with local schools and Sanctuary Aboriginal Cultural Heritage Liaison Committee.	As appropriate	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 S6: Reporting Requirements

Task	Who is Responsible?	When must this be done?	How will performance be evaluated?
1. Prepare progress and final reports on compliance with DECC Section 90#2332.	Urban Pacific will arrange for these reports to be prepared.	<p>The progress reports are required:</p> <ul style="list-style-type: none"> • Within 60 days of the completion of 5 years from the date of issue of the s90 #2332 consent, i.e. by 21 April 2011 • At the expiry of section 90#2332 (by 21 February 2016). <p>Other dates will be agreed for reporting required by the new overarching s90 consent.</p>	Progress and final reports required by Section 90 #2332 are submitted to DECC by the required dates.
2. Prepare reports on cultural materials (objects under the National Parks and Wildlife Act 1974) that have been collected during each stage of the development of the Estate, as required by Section 90#2332.	<p>Awabakal LALC will prepare the reports and provide them to Urban Pacific.</p> <p>After review by the Sanctuary Aboriginal Cultural Heritage Liaison Committee, Urban Pacific will provide the reports to DECC on behalf of Landcom.</p>	A draft report will be prepared within eight weeks of the completion of observations and collections for each Stage of the project. Draft reports will be discussed at the Sanctuary Aboriginal cultural Heritage Liaison committee meeting scheduled after each stage of development of the Estate.	Reports submitted in accordance with the requirements of DECC Section 90 #2332.
3. Prepare reports that may be required by the conditions of the new overarching Section 90 for residential construction. This will include a report on the observation and collection process and results for each stage of the development of the Estate.	<p>Awabakal LALC will prepare the reports on method and findings of each stage of observation and collection across the residential construction areas of the Estate.</p> <p>Reports will be provided to Urban Pacific and will be reviewed by the Sanctuary Aboriginal Cultural Heritage Liaison Committee at the conclusion of each Stage of the development of the Estate.</p> <p>Urban Pacific will submit reports to DECC on behalf of Landcom.</p>	<p>As above, the reports will be prepared within eight weeks of the completion of observations and collection for each Stage of the development of the Estate.</p> <p>It is intended that one integrated report will be prepared for each Stage of the development of the Estate.</p>	Reports prepared and provided to Urban Pacific within eight weeks of the completion of each Stage of the development of the Estate.

Task	Who is Responsible?	When must this be done?	How will performance be evaluated?
4. Prepare any additional reports as directed by DECC in conditions attached to Section 90 Consents #2332 and the new overarching consent for residential construction.	Urban Pacific will arrange the preparation of these reports on behalf of Landcom. Landcom will submit any required reports to DECC.	Within twelve weeks of any direction by DECC.	Reports submitted in accordance with DECC directions.
5. In the event that DECC revokes one or both of the Section 90 Consents for the development of the Estate, prepare a report on all works completed up to the date of the revocation of the Section 980 Consent.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	This is only required if DECC chooses to revoke a Section 90 Consent. DECC would specify the required timing if this situation arises.	Report submitted in accordance with DECC directions.

APPENDIX 4

Community Education Package Concept



Home
Land
Country
Lake
Bush
Retreat
Peace
Celebrate



Sanctuary
Estate

For further information contact:



....In the heart of Awabakal country

Welcome to Sanctuary Estate

Take a stroll around the Estate's bushland pathways and take time to become acquainted with the landscape of your new home.

At Sanctuary, our homes are in the midst of Awabakal country.

Today's residents at the Sanctuary Estate inherit a landscape that has been valued for thousands of years by the Awabakal people, the traditional Aboriginal owners of the Hunter estuary and wetlands, Lake Macquarie, and the deep valleys and winding ridges leading to the crest of Mount Sugarloaf.

'Awabakal' is generally equated with 'people of the flat water' the protected coastal waterways still so important to the people of the lower Hunter region.

When Europeans first arrived in Awabakal county, smaller groups of Awabakal people had special attachments to particular areas the Pambalong people were linked to the 'big swamp', now known as Hexham Wetlands, and to the eastern footslopes of Mount Sugarloaf, where Sanctuary is now located.

At Sanctuary Estate, we recognise the traditional and continuing value to the Awabakal people of the flat, safe and abundantly resourced estuarine waterways and nearby steep wooded slopes. We strive to settle our development gently in this landscape and to appreciate its cultural connections.

Sanctuary Estate includes three conservation areas that are dedicated to protection of special Awabakal cultural landscapes. Two of the conservation areas have outlooks across the Hexham wetlands, towards Nobbys and the dunes of Stockton Bight in the distance. Turn around and you look back towards Mount Sugarloaf. From these two areas, the foreground is occupied by a small rocky 'island' which still has remnants of rainforest species, is described as being of great spiritual significance and may have been used for burials.

The third conservation area provides a protected outlook over the tall spotted gums and freshwater meadows of Minmi Creek and its tributaries. All three conservation areas are connected by pathways that wind through Spotted Gum and Ironbark woodland a key terrestrial element of the traditional landscape of the Awabakal people.

At Sanctuary Estate, we are working with local Aboriginal people to restore the diverse natural vegetation along the creeks through the Estate, and to maintain ecological and visual links between the Estate, the adjoining big swamp country of Hexham Wetlands and the forested slopes leading to Mount Sugarloaf on the western skyline.

Conservation areas are landscaped using locally important plant species. We encourage residents to incorporate some local plants in their garden and to participate in activities to restore and protect the local bush.

Evidence of the connection of Awabakal people to the landscape is widespread around Sanctuary Estate. Beneath the surface of the three conservation areas are thousands of stone artefacts the remaining physical evidence of how Awabakal people were involved with the landscape that supported them. During investigations for the Sanctuary project, many artefacts were recorded in these areas and elsewhere in the Estate. The local Aboriginal groups requested that artefacts recovered from across the Estate would be reburied in the Conservation areas, so they stay with the land.

Artwork, plant species and story boards in the Conservation Areas all tell part of the story of the Pambalong and Awabakal people.

Awabakal Country

Awabakal Country

Sharing the values of Awabakal country connections in the landscape

The Pambalong people of the 'big swamp', the Ash Island people to the Hunter Estuary; the Five Islands people to Cockle Creek at the northern end of Lake Macquarie; the Kurunbong to the country at the foot of the Sugarloaf Range were all part of the Awabakal tribe. Other groups were at home around Swansea Heads and the mouth of Lake Macquarie or along the rocky coast south of the mouth of the Hunter River.

Sharing connections to country

The various Awabakal groups looked after particular lake, sea and mountain areas, but they often got together to share unexpected bounty like a beached whale, or the arrival of mutton bird flocks or the mullet run; to trade high quality stone for making tools; to meet social, ceremonial and spiritual obligations and to have fun. Some of these special occasions also involved people from further afield, meeting social and spiritual obligations.

Visual, social and spiritual connections

The Watagan and Sugarloaf Ranges dominate the western skyline of Awabakal country and can be seen from everywhere from Stockton, Nobbys, Redhead, from Cockle Creek, from Pulbah Island, from Munibung Hill, from Swansea Heads, from Cooranbong.

From the crest of Mount Sugarloaf, the eastern outlook covers much of Awabakal coastal country; the western outlook would have alerted Awabakal people to the imminent arrival of friendly visitors or strangers from the inland of the Hunter Valley.

Records from the early nineteenth century show that many of the high peaks in Awabakal country were marked with special stone structures used for ceremonial purposes. They were frequented by the eagle a special Awabakal symbol. They are landmarks of great cultural and spiritual significance to Awabakal people. Many other places in the landscape also have traditional stories that explain their form, their purpose, or remind people of their cultural and community obligations.

Awabakal people depended on the natural regeneration of plants and animals and an intimate knowledge of the timing of annual ecological patterns was essential to survive and prosper. It was important to move on before overusing what was available at any one place. It was also important to understand the likely movements of other local groups. Individual groups kept in contact, to best enjoy and protect valued resources.

Key features of the Awabakal country are still visually linked, they are linked by traditional stories and they remind us of the pathways that Awabakal people followed from mountains to lake and sea as they moved around their country to share its natural resources and to join together for special events.

Living in a changing landscape

One of the key environmental stories of our time is climate change and the how familiar landscapes will change as sea level rises. Whilst this is a new challenge for modern Australians, traditional Awabakal people were witnesses to major changes to the coast and wetlands of their country over a period of about 20,000 years.

Prior to 20,000 years ago, the climate was similar to today, but for about 5000 years, the earth cooled slightly. Sea level dropped and kept dropping, to a maximum of -130 metres, 17,000 years ago. The familiar resources of the coastline, wetlands, dunes and estuaries were tens of kilometres further east and today's coastline would have been part of the undulating coastal hinterland, with only terrestrial resources available.

From 10,000 years ago, the sea level rose rapidly, reaching slightly higher than its present level about 6000 years ago. People living at that time saw the sea moving closer, decade by decade. Dry wooded hills were replaced or overlaid by the beaches, open bays, new coastal dunes, estuaries and wetlands, building up the ecological patterns that we associate with the lower Hunter River and Lake Macquarie. Over the last 6000 years, Hexham Wetland has accumulated sediment, flood after flood, and freshwater habitats have gradually replaced shallow estuarine waters around the western margins of the Wetland such as around Sanctuary Estate.

Awabakal people learnt to adapt to the ways that all these changes affected the patterns of valued water, plants, and animals and important features of the landscape. They adjusted to shortages of valued resources, as new habitats were established and old favourites were replaced.

Since European settlers arrived in Awabakal country 200 years ago there have been more big changes to the landscape of the lower Hunter and Lake Macquarie coastal landscape that supported Awabakal people. Large areas of freshwater swamp forest were reported from the northern and western parts of the Hexham Wetlands in the early nineteenth century, but much of this had been cleared for grazing within a few decades. Dense stands of freshwater tea tree grew around the western margins of the wetland.

Despite the construction of railways and pipelines across parts of the Wetland, the balance between freshwater sedgeland and mangrove and saltmarsh areas appears to have remained relatively stable until major works infilling the Hunter Estuary commenced in the 1950s and the floodgates were constructed on Ironbark Creek in the 1960s. The floodgates closed off tidal water from the wetland, degrading the saltmarsh and mangrove that had supported young fish. At the same time, clearing of the ridgelines for grazing and for pit pops for use in nearby coal mines transformed the terrestrial country. Most of the Spotted Gum and Ironbark woodland remnants we see today on or near the Sanctuary Estate have regrown since these early days of clearing and logging.

Many of the fine details of the landscape that was familiar to traditional Awabakal people are now unrecognisable. But the attachment of Awabakal descendants and other local Aboriginal people to the core structure of the landscape and the evidence that it provides of an adaptive and resourceful culture, remains strong.

Settlers and Pambalong Country

From the early days the relationship between the Pambalong Awabakal people and the settlers was complex. There is no doubt that local Awabakal people helped early European settlers to learn to move around the country, to find water and to reach new areas for settlement. But the impact of European settlement on Awabakal people was swift and severe,

From the last 1830s, that land that is now Sanctuary Estate was part of the Estate of William Charles Wentworth (of Blue Mountains crossing fame) hence Wentworth Creek. James Fletcher, who had a long involvement in mining in the lower Hunter (including the J and A Brown mines at Minmi) built the gracious 'Styles Grove' homestead just outside the Sanctuary project area in 1878.

Most of the Estate area was grazed for dairying for more than a century. Other uses included a small coal mining operation, providing coal for local residents; timber cutting and saw milling. Bullock teams were fed and watered near the old sawmill. The broad crest of the main spur extending north into Hexham wetland was cultivated and parts were also excavated for silage.

There are some references to a small village near the end of this main spur (called Bamalong Point) during the mid nineteenth century. Awabakal people, displaced from their productive land and traditional cultural foci, still lived around the district until the early years of the twentieth century. The Wallsend and Plattsburg Sun ran a series of articles in December 1890 describing the lives of Awabakal people around the 'big swamp' and their interactions with local settlers.

Enjoying the future in valued country

Descendents of the Traditional Awabakal Owners of the Big Swamps welcome new people to the home of their ancestors.

We ask new residents to join in looking after this special place. Here are some things you can do:

Enjoy walks and cycle rides around the Estate's pathways, which wind through the rehabilitated forest on the wetland margin and offer views across the big swamps.

Take time to rest quietly in one of our Cultural Heritage Conservation Areas and reflect on how much the landscape has changed and the cultural strength of Awabakal past Awabakal people who adapted to an evolving landscape.

Enjoy the artworks around the Estate's pathways and reserves that tell the story of people's connection to the landscape.

Try some local native plants in your garden, to help maintain ecological connectivity between the wetlands and the mountains.

Visit Mount Sugarloaf and look out across the traditional lands of the Pambalong Awabakal people the custodians of the wetlands.

Protect the tree canopy and ground covers in creek line reserves around the Estate

Respect the cultural values of the Conservation Areas they are not carparks or rubbish dumps.

Contact a local Aboriginal group - the Awabakal families or the Local Aboriginal Land Council, to find out more about traditional Awabakal culture in the lower Hunter.



APPENDIX 5

Overarching s90 Application Residential Construction, Including Consultation Details

**Application for a Section 90 Consent or a Section 87(1)
Permit, under the National Parks and Wildlife Act, 1974**



Clearly indicate which is required

(No GST applicable)

☐ **Section 90 Consent - This application**

(Consent; Consent with Salvage)

Application Fee

- ☐ Work to a owner-occupied dwelling costing up to \$100,000 \$60
- ☐ Other work costing up to \$100,000 \$100
- ☐ Work between \$100,000 - \$250,000 \$150
- ☐ Work between \$250,000 - \$500,000 \$250
- ☐ Work between \$500,000 - \$1million \$400
- ☐ Work between \$1million - \$2million \$750
- ☐ Work between \$2million - \$5million \$1,000
- ☐ Work over \$5million \$2,000 – **This application**

☐ **Section 87(1) Permit**

(Preliminary Research Permit; Excavation Permit; Collection Permit; Rock Art Recording Permit)

Application Fee

- ☐ Permits relating to owner-occupied dwelling \$25
- ☐ All other permits \$100

Name of Person Applying: Mr Kerry Robinson

Position: General Manager, Urban Development North

Company: Landcom

Business Address: Level 4, 251 Wharf Road, Newcastle 2300

Postal Address: PO Box 33, Newcastle 2300

Telephone: Ph. 02 4929 4977
Fax: 02 4929 4034

Name of Contact person: Mr Bruce Gunn

Position: Project Director, Urban Pacific Limited
Phone 02 4907 4913 fax 02 4926 2511
Email bruce.gunn@urbanpacific.com.au

Note that Urban Pacific Limited is Landcom's development partner for Sanctuary Estate.

Name and address of the Heritage Consultant(s) who supplied information:

Umwelt (Australia) Pty Ltd

Contact: Pam Dean-Jones. Phone 02 4950 5322. email pdeanjones@umwelt.com.au

Cost of development/activity work:

More than \$5 million

Is the proposed development/activity for a owner/occupier dwelling? ☐ Yes ☒ NoX

This s90 application is for all residential construction at the Sanctuary Estate. Future individual residences will be owner/occupier dwellings. Development applications in relation to these dwellings will rely on this s90 in relation to Aboriginal cultural heritage requirements of the National Parks and Wildlife Act 1974, unless otherwise specified.

This application complements an existing s90 (#2332, issued February 2006) which relates to the construction of civil and infrastructure works for the subdivision on the same land.

Where consent is sought for development purposes, ☐ Yes X ☐ No

has development consent been granted? (If yes, attach copy of the Development consent and conditions)

Newcastle City Council approved Development Consent for the Bluegum Vista Estate (now Sanctuary Estate) in 1998. A copy of the development consent is attached (**Attachment 1**). The consent was issued under Part 4 of the Environmental Planning and Assessment Act 1979. The development consent relates to the entire subdivision and is still valid.

Condition 26 of the development consent requires evidence of agreement (by DECC) about the assessment and management of Aboriginal cultural heritage resources prior to the commencement of construction works on the land. NCC has previously agreed that the existing s90 (#2332) and Aboriginal Cultural Heritage Management Plan satisfies this consent condition.

Individual allotments in Stage 1 of the estate (72 lots) are currently being sold and sales of this stage are expected to continue for approximately six months. Subsequent stages of Sanctuary Estate will be developed and released for sale over the next ten years, with approximately 750 lots to be released and sold in the total estate.

Individual future land holders will be informed about the potential presence of Aboriginal objects on their land, the existing overarching s90 Consent and the requirements that the Consent places on them. Detailed protocols are set out in the Aboriginal Cultural Heritage Management Plan (2006) as amended 2008 which accompanies this application. In brief, new landholders will be informed via:

- Specific written advice to land purchasers
- General information provided to all land purchasers about the cultural heritage values of the land and how they are being managed.

Over time, individual land owners will apply to Newcastle City Council for development consent to construct residential dwellings. These applications will be made under Part 4 of the *Environmental Planning and Assessment Act 1974*, with reference to Newcastle LEP 2003.

Clause 31 of the Newcastle LEP 2003 relates to development applications affecting sites or

places of Aboriginal heritage significance. Before granting consent for a development that is likely to have an impact on an Aboriginal site or place (i.e. a site that is listed in the DECC AHIMS Register), Newcastle City Council must consider an Aboriginal Heritage Impact Assessment and will notify the Director General of DECC (seeking requirements within 28 days).

The LEP 2003 defines *heritage significance* as historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value to the community of the City of Newcastle.

Future development applications for individual residences will address Clause 31 of Newcastle LEP 2003 by:

- Referring to Umwelt 2002, which is the detailed Aboriginal cultural heritage assessment for the estate, including all civil construction and residential development areas.
- Referring to the Bluegum Vista (Sanctuary) Aboriginal Cultural Heritage Management Plan (Umwelt 2006, amended 2008)
- Referring to the requirements of any s90 consent issued by DECC in relation to the land – the s90 #2332 for civil works and the new s90 for residential dwellings that is the subject of this application.

Location of development/activity:

Sanctuary Estate (Previously known as Bluegum Vista Estate)
Lot 22, DP1063858, Parish Hexham, County Northumberland, Newcastle City Local Government Area.

Nearest town: Minmi

Local Government Area: Newcastle

Attach a map showing topographical features, location of Aboriginal objects/places, location of potential Aboriginal objects, roads, buildings, etc of the area subject to the consent/permit.

Figure 1 shows the location of the Sanctuary Estate. **Figure 2** shows land details, including the already approved Aboriginal Heritage Conservation Areas. **Figure 3** shows the layout (Concept Plan) of the Estate.

NPWS Site Number(s) and Name(s):

Each of the following site numbers is within the Sanctuary Estate and all are covered by the grid reference provided for #38-4-0683

#38-4-0530

#38-4-0496

#38-4-0683 The centre point of this site, which covers multiple terrain units across a large area is AMGE 373150 AMGN 6361850

Specific administrative details about these sites are provided in **Attachment S**.

Please note that the existing s90 (#2332) also applies to these sites, to the extent that they are affected by civil construction works. This s90 application complements the existing s90 Consent, and will provide an overarching s90 for all individual residential allotments and construction of

dwelling, landscaping, swimming pools, outhouses and sheds, all improvements on the land.

Measures to make individual future landholders aware of the requirements of the s90 Consent are discussed in an amended Aboriginal Cultural Heritage Management Plan (titled '*Overarching Sanctuary Estate Aboriginal Cultural Heritage Management Plan (Stage 2)*', which accompanies this application) and outlined below in relation to the development consent process for individual landholders.

Description of Site(s): ie Type of Aboriginal object(s) or Aboriginal place(s)

The three site numbers cover what is considered to be a continuous subsurface scatter of artefacts (of variable density) which extends across all terrain units on the elongated ridge system that comprises the project area. No artefacts were observed on the surface of the project area during archaeological surveys and test excavations conducted to assess the cultural heritage values of the land.

A total of 3001 flaked stone artefacts were recorded from test excavations in 2001/2002. Summary information about the archaeology of the land is provided below in relation to specific questions in the application form.

Name of reports which covers Site(s):

Three previous reports discuss the assessment and management of the project area.

Besant A and Richardson N 1999. Bluegum Hills Stage One Excavation Results.

Umwelt 2002. Management of Aboriginal Cultural Heritage Values in the Bluegum Vista Estate (2 volumes).

Umwelt 2006. Bluegum Vista Aboriginal Cultural Heritage Management Plan.

IMPORTANT: NPWS Site Numbers and exact Australian Map Grid References or NPWS Aboriginal Site Recording forms for any sites without NPWS Site numbers must be supplied in Attachment "S" or the application will not be processed.

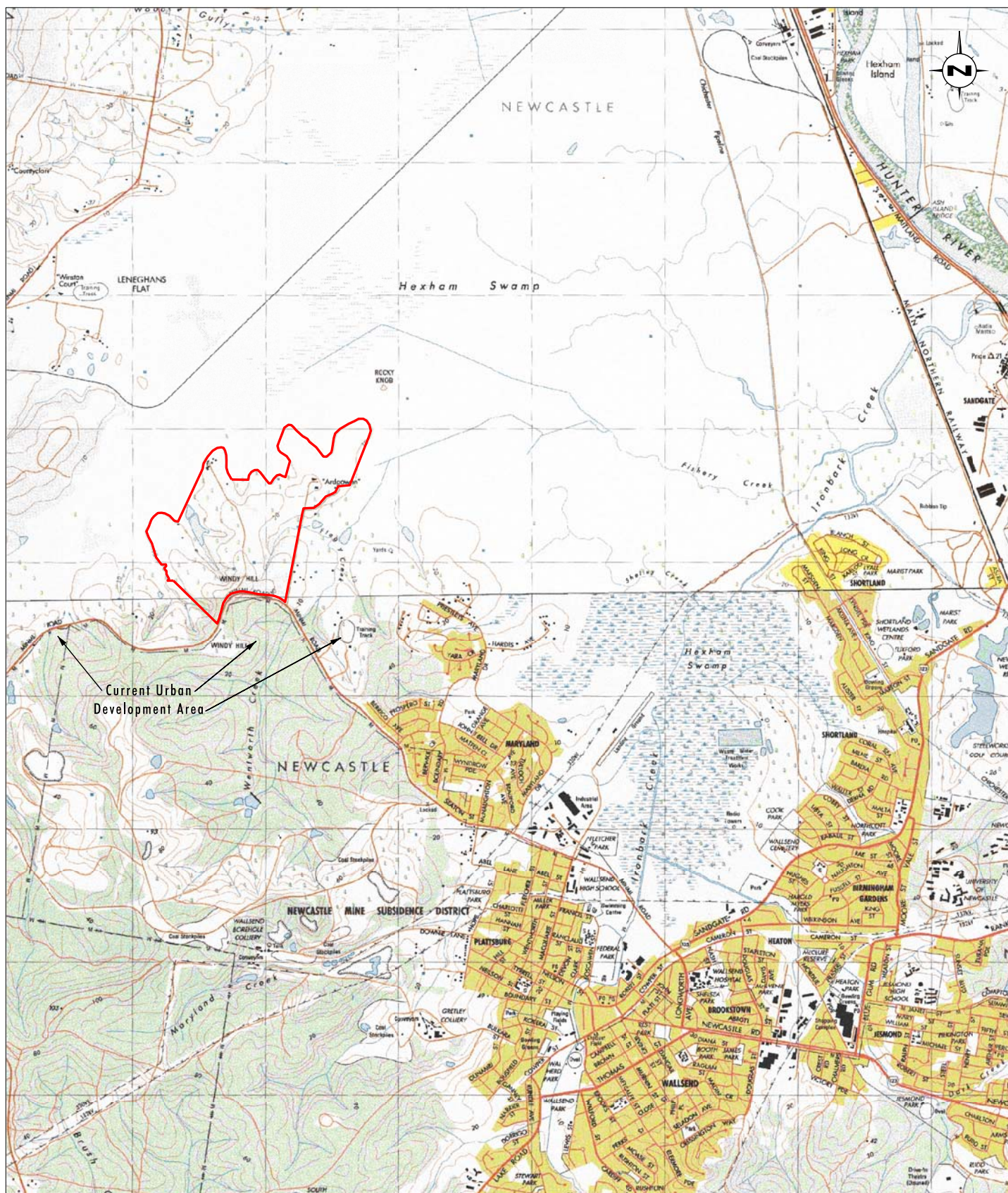
Attach extra information on additional sheets as necessary.

What is the condition of the site(s)? ie Aboriginal object(s) and Aboriginal place(s)

As noted above, the registered site numbers on this land relate to objects (flaked stone artefacts) that were recovered from test excavations. Umwelt conducted 316 square metres of test excavation across 21 terrain units in 2000/2001.

A total of 3001 almost exclusively flaked stone artefacts were recovered from the A1 and A2 horizons of the soil profile (i.e. the soil materials above a heavy clay B horizon) during these test excavations. Very large amounts of other, non artefactual stone fragments were also recovered from the test excavations. These included similar lithologies to the flaked artefacts, but also large amounts of local ironstone and weathered claystone from the soil profile.

The artefact analysis indicated that all the artefacts represented elements of a broad land use



Source: 1:25 000 Topographic Maps

0 0.5 1 2 km
1:40 000

Legend

Project Area

FIGURE 1

Location of Project Area



Source: Johnson Partners (NSW) Pty Ltd

0 200 400 600m
Approximate Scale 1:12 500

FIGURE 2
Development Plan



FIGURE 3

Location of Aboriginal
Heritage Conservation Areas

strategy focusing on the proximity of the land to the interface between terrestrial and aquatic (wetland and creek) resources on the western margins of the Hexham Wetland. Other elements of this cultural land use strategy are not preserved, including implements made from plant materials, shell or bone.

The wetland/creek/terrestrial resource interface has provided diverse and changing landscape attributes over the last 20000 years (i.e. through the period leading into the last glacial and associated very low sea levels and then rising sea level and associated development of coastal landforms and ecological communities during the early Holocene).

The bulk of the assemblage is undifferentiated, unretouched flakes, but it does include diagnostic mid to late Holocene implements such as edge ground fragments (not implements) and backed blades. The stratigraphic integrity of the soil materials on the open slopes of the project area is not sufficient to differentiate a temporal sequence of occupation.

The stone artefacts have been significantly affected by a range of post discard processes that have affected the structure and composition of the archaeological assemblage. Important processes include:

- Uncontrolled heating. Many of the artefacts and non artefactual stone fragments had clearly been affected by high temperatures, showing crazing, pottlidding and heat fracturing. This is attributed to a combination of thousands of years of bushfires and to land clearing (particularly stump burning) practices. The tall open forest which is the natural vegetation of the ridge lines has been cleared for grazing and cultivation for 150 years.
- Bioturbation. The stratigraphy of the excavations provided clear evidence of ongoing impacts of insect and other soil fauna activity on soil structure and stratigraphy. These bioturbation processes also affect the vertical and horizontal distribution of artefacts, as inclusions in the soil profile.
- Sheet erosion. At the time of investigations there was a dense grass cover and surface visibility was poor across much of the project area. However, evidence of sheet erosion was still clear on the upper slopes and leading into the headwaters of the small tributary creeks in the project area.
- Cultivation and grazing. As noted above, this land has been cleared and grazed for 150 years. Some broad flat areas of the ridge crest (e.g. in the vicinity of Transect 1) have also been cultivated. The combined effects of cattle trampling and cultivation on the structure of the heavy soils distributed across much of the ridge system include artefact breakage and loss of stratigraphic and horizontal integrity.

Overall the condition of the land in relation to archaeological integrity is considered to be poor.

The condition of the land in its landscape context has also been affected by 200 years of European occupation of the lower Hunter valley. In particular, significant sedimentation in the lower reaches of tributary creeks on the western side of the Hexham Wetland is apparent. Installation of floodgates on Ironbark Creek in the 1960s dramatically affected the condition of Hexham Wetland, including vegetation and habitat distribution, condition of tidal channels, balance between saline and freshwater conditions.

Despite grazing, weed invasion and local hydrological changes, the character of the rocky knoll, which lies a short distance from the end of the main ridge line in the project area, is relatively intact.

Recent initiatives to open the floodgates will gradually reverse this degradation of contextual value of the project area. Over time, it is anticipated that estuarine wetland habitats will be restored across part of the Hexham Wetland and habitats for wading birds and fish will be strengthened. All these features of the landscape were part of the traditional Aboriginal attachment to the land.

The rocky knoll and much of Hexham Wetland are now within the Hunter Estuary National Park.

Which Aboriginal groups were involved in the heritage assessment and discussions on the proposed development/activity. Attach additional page(s) if necessary.

(It is NPWS policy that wherever possible, consultation with the local Aboriginal community be carried out by the developer/researcher)

Previous stages of the assessment and management of Aboriginal cultural heritage values of the project area date to the late 1990s. Awabakal Local Aboriginal Land Council has been involved in all previous stages of investigation, assessment and management decisions relating to the Aboriginal cultural heritage of the estate. Details of this previous consultation are provided in **Attachment 2**.

For this s90 application, consultation with the Aboriginal community has followed the DECC Interim Aboriginal Consultation Guidelines. The following groups have been involved:

Name of Aboriginal group(s):

Awabakal Local Aboriginal Land Council

PO Box 437 Hamilton NSW. Phone 0249654532

Consultation with: Marilyn Rose (Acting CEO), Steve Howarth (Chairperson) and Sean Gordon. Cheryl Kitchener has also been consulted in her ongoing role of coordinating and reporting on works conducted under s90#2332.

Awabakal Traditional Owners Aboriginal Corporation (ATOAC)

PO Box 253 Jesmond NSW. Phone 0249156947.

Consultation with Kerrie Brauer, Nola Hawken and Dene Hawken

Awabakal Descendents Traditional Owners Aboriginal Corporation (ADTOAC)

PO Box 86 Clarencetown NSW. Phone 0249964362

Consultation with Shane Frost.

Please see below for information about two other Aboriginal groups which initially responded to the request for Expressions of Interest, but subsequently withdrew because the project area is clearly in traditional Awabakal country and the current administrative area of Awabakal Local Aboriginal Land Council.

What consultation/involvement has occurred:

Copies of consultation correspondence and documents are provided in **Attachment 3**.

This correspondence includes a copy of the advertisement, letters sent to the three known groups, letters from each of those groups confirming their interest in the project, and letters to and from Newcastle City Council and State authorities nominated in the Interim guidelines.

Also included in the consultation documents are copies of the notes taken at an on site briefing/discussion and notes taken at separate meetings with the Awabakal Local Aboriginal Land Council and Traditional Owner groups. These notes have been reviewed by the groups and they have provided feedback on them.

Letters from Awabakal LALC during the consultation process and comments from the two Traditional Owner groups on the Stage 2 Management Plan and s90 application are also included. Despite several reminders, Awabakal LALC has not yet provided a final letter stating their views about the s90 application and accompanying stage 2 Management Plan.

The information presented below outlines the process followed during consultation, to ensure that all relevant groups had an opportunity to comment on the significance of the cultural values of the land and how they could be managed through this s90 application process.

Steps in the Consultation Process

1. Verbal notification of the three key local groups about the forthcoming process. Awabakal LALC has had a long and continuing involvement with the Sanctuary Estate (previously known as Bluegum Vista). Urban Pacific, Landcom and the consultant initially met with representatives of Awabakal LALC to:

- confirm that all previous reporting responsibilities were up to date
- obtain feedback on the success of previous on site strategies including cultural salvage, use of Awabakal language for street names and artworks that form part of the public landscaping of the estate
- clearly distinguish between cultural heritage management consultation and any other agreements between Landcom, Urban Pacific and Awabakal LALC (for instance potential opportunities for education and training in construction and landscaping for young Awabakal members).
- advise them that for this stage of the project, the full DECC Interim Aboriginal Consultation Guidelines would be followed for the consultation

Initial verbal discussions with ATOAC and ADTOAC were to advise them that the new s90 process would shortly commence.

2. Initial letters to Awabakal LALC, ATOAC and ADTOAC, formally inviting their participation in consultation about the preparation of the s90 application, and providing preliminary background about the project. Copies of these letters are included in **Attachment 3**.
3. Advertisements were placed in the Newcastle Herald and Indigenous Times, in accordance with the DECC Interim Aboriginal Consultation Guidelines. A copy of the advertisement is included in **Attachment 3**.

In response to the formal advertisement process, confirmation of Expression of Interest was received from Awabakal LALC, ATOAC, ADTOAC. Copies are included in **Attachment 3**.

Expressions on Interest were also received from:

- Wonnarua Culture Heritage (Gordon Griffiths)
- Tom and Leanne Miller

4. In accordance with the DECC Interim Aboriginal Consultation Guidelines, letters were sent to:

- DECC
- Newcastle City Council
- Native Title Services
- Registrar of Aboriginal Owners, Department of Aboriginal Affairs

Copies of this correspondence and responses are included in **Attachment 3**.

Responses from DECC, the Registrar of Aboriginal Owners and Native Title Services mentioned:

- Aboriginal owners of the Worimi Conservation Lands
- A large number of Aboriginal groups and organisations based in Muswellbrook, Singleton, Maitland, Kurri Kurri, Fern Bay and Bulga. Further consultation with these groups has not been pursued as their interests clearly relate to Wonnarua or Worimi country. None of these groups responded to the advertisement for Expressions of Interest.

5. The five Aboriginal groups, plus Newcastle City Council, who responded to the request for Expressions of Interest, were invited to attend an on-site briefing at the Sanctuary Estate. A copy of the invitation and attached background material is included in **Attachment 3**. The purposes of the onsite briefing were:

- to familiarise all groups with the character of the project area;
- to discuss the background archaeological and cultural heritage studies and conclusions to date
- to discuss the concept for the s90 application
- to discuss potential amendments to the Aboriginal Heritage Management Plan.

Follow up phone calls were made to Gordon Griffiths and Tom Miller prior to the onsite briefing, to check that they had received the background material and to confirm whether they planned to attend. During those conversations, both confirmed that as the land is in traditional Awabakal country, they would not participate further.

6. The onsite briefing was held on 25 June 2008, from 9.30 am to 12 noon. Notes of the conversations at the meeting were prepared and are included in **Attachment 3**. These notes were circulated to all participants within five days of the meeting.
7. A draft s90 application was prepared (this document), for further consultation.
8. A draft amended Aboriginal Cultural Heritage Management Plan was prepared for discussion with the Aboriginal community groups.
9. A meeting was held with Awabakal LALC to go through the draft Management Plan on Wednesday 13 August. The meeting was attended by five members of the Board of the Land Council, including the Deputy Chairperson (Bob Smith). A copy of notes from the discussion at this meeting is provided in **Attachment 3**. The Land Council has consistently expressed its concern about the involvement of other groups in the consultation process, given the previous long standing involvement of the Land Council.
10. A meeting was held with Kerrie Brauer and Nola Hawken (ATOAC and Shane Frost (ADTAC) on Friday 15 August, to go through the full draft documentation. A copy of the notes taken at this meeting is included in Attachment 3. The notes were sent to both groups for conformation. Kerrie provided some minor amendments. The final copy, incorporating these amendments is included in **Attachment 3**. The two Traditional Owner groups expressed strong interest in ongoing involvement in the management and presentation of

cultural heritage values in the Estate, through the proposed Liaison Committee and pre earthworks collections.

11. All three groups were requested (in writing) to provide comments on the draft documents, including whether they were prepared to support the proposed management strategy and the s90 within that strategy. All three groups stated their intention to respond by the required date (2 weeks after the meetings).
12. Written responses have been received from ATOAC and ADTOAC. As noted above, despite several follow up calls, no response has yet been received from Awabakal LALC.
13. Comments received from the groups during the consultation meetings and in their written submissions have been taken into account in finalising the s90 application and particularly the Stage 2 Management Plan for the Estate.
14. A copy of the edited Stage 2 Management Plan and all appendices (including this s90 application and attachments) has been forwarded to each of the three groups, with a cover letter explaining how their comments (verbal and/or in writing) have been incorporated. Where it was not possible to incorporate feedback completely, this has also been noted and explained.

IMPORTANT: A letter from the relevant local Aboriginal group(s) which shows its views on the proposed development/activity must be attached, or attach evidence of attempts to obtain these views

SECTION 90 CONSENTS

Describe the cultural significance of the affected Aboriginal object(s)/place(s) (social, historic, aesthetic, scientific), their educational/demonstrative potential, and their regional and local rarity/representativeness and reference the criteria used in the assessment.

The results of previous consultation about the archaeological and cultural significance of the land within the Sanctuary Estate are documented in Umwelt 2002 and 2006.

The results of the previous consultation are reiterated here because this s90 application relates to the same site numbers and site context as the existing s90 (#2332). This new s90 is intended to complement the existing s90. It covers the residential development part of the estate, whereas the existing s90 covers the civil and infrastructure (roads, drainage, servicing etc) components of the estate. Together, the two s90 consents will provide certainty about the management of the Aboriginal cultural values of the entire estate.

Previous information and significance

1. *Archaeological significance* – for scientific archaeological research – rarity, representativeness, stratigraphic integrity.

Umwelt 2002 (as noted above) describes the archaeology and stratigraphic context of 360 square metres of test excavation, mostly structured as a series of trenches in transects in each of the terrain units within the estate. A typical cross section of the soil stratigraphy and artefact distribution is shown in **Figure 4** (Figure 4.1 of the 2006 Management Plan).

Umwelt 2002 notes the presence of burnt and decaying tree roots, abundant charcoal, ant nests, abundant non artefactual stone fragments and evidence of cultivation in the soil. They also report the widespread impact of uncontrolled heating (burning) on both artefactual and non artefactual stone and on the clay soil around old tree roots. They note the fracturing and breakage of artefacts that can be attributed to farming and grazing practices.

Umwelt (2002) conclude that although the site contains a large suite of flaked stone artefacts and a very small number of edge ground fragments, the general degradation of the stratigraphic context precludes further intensive investigation, with a view to establishing archaeological changes that may have accompanied landscape changes over the last 20,000 years.

No part of this project area contains artefacts in an intact soil stratigraphic setting. The artefacts must be considered as an amalgam of archaeological material that has accumulated over an unknown period. Analysis of the existing assemblage (transect by transect and as a whole) indicates similar artefact character, but not similar artefact numbers, across all terrain units. This existing analysis provides general information about the nature of occupation strategies in a wetland margin context, acknowledging that earlier (late Pleistocene) non wetland contexts cannot be differentiated from the assemblage.

In this context, further archaeological research at this site would not be expected to provide evidence of how Awabakal people adapted to significant climate change and landscape change as the coastal landscape evolved in the early and mid Holocene.

The level of disturbance of this site is comparable to many other open archaeological sites in the Hunter region.

2. Conservation context

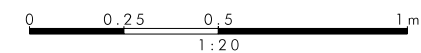
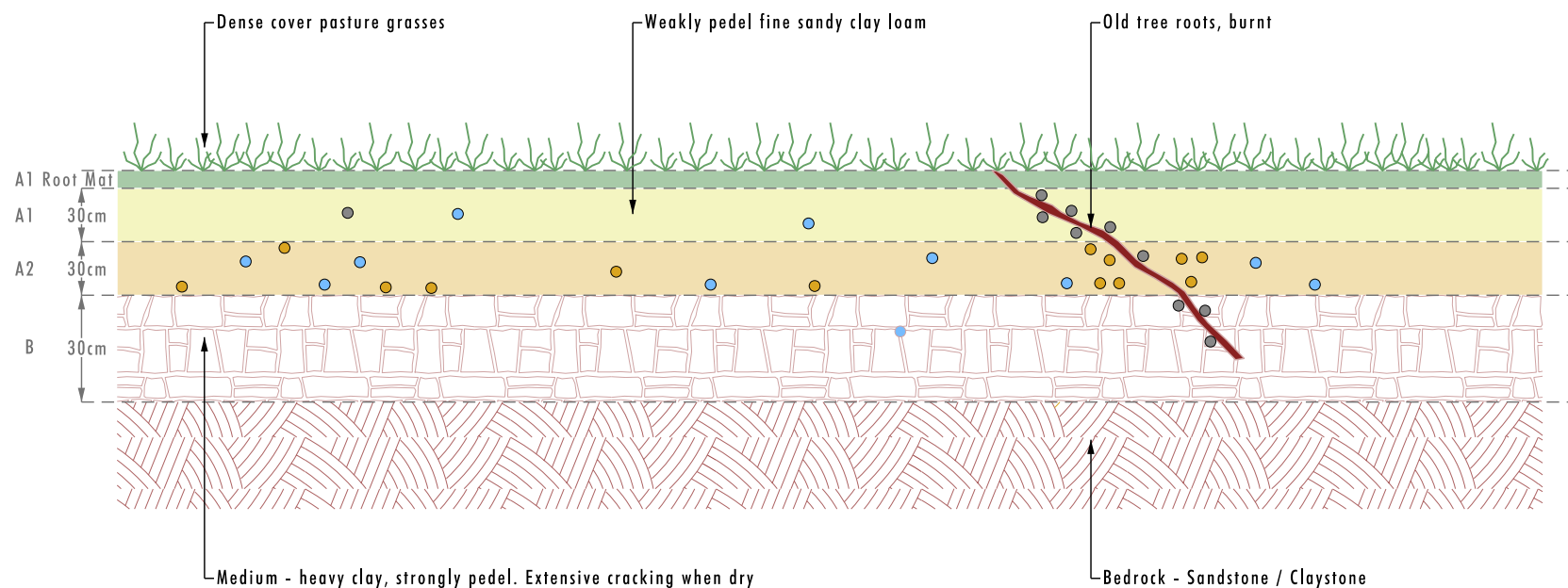
When the Aboriginal Heritage Management Plan for the project area was prepared in 2006, negotiations were continuing about the extent of new National Parks and other conservation areas in the lower Hunter. A number of new National Parks and Conservation Areas have since been gazetted, including the Hunter Estuary National Park which includes parts of Hexham Wetland and its shorelines. The Hunter Estuary National Park is part of a new connecting corridor of conservation lands that extends from the Watagans and Mount Sugarloaf to Port Stephens. Now that this conservation corridor is in place, the broader regional cultural heritage context is also much better represented in conservation than was previously the case.

In the current project area, the highest concentration of artefacts was in Transects 1, 4 and 13. As discussed below, these three areas were also considered to have a higher cultural significance than other parts of the estate. These areas, which are now included in 4.2 hectares of cultural heritage conservation areas within the estate, are all immediately adjacent to the wetland interface and all overlook parts of the new Lower Hunter conservation reserves.

3. Cultural significance – the overall estate, conservation areas, cultural landscape context.

Awabakal LALC has previously advised that the entire project area has a high cultural significance for Aboriginal people. In discussions about significance it was determined that three locations within the project area (Transects 1, 4 and 13) have higher significance than other parts of the estate. The attributes which supported this conclusion were:

- The test excavations indicated a higher concentration of artefacts is present in these areas than in other parts of the estate. A large number of artefacts are likely to remain in the soil profile in these three areas.



Legend

Medium - heavy clay, strongly pedel. Extensive cracking when dry

Bedrock - sandstone / claystone

Ironstone and drystone gravel

Charcoal and burnt clay

Flaked stone artefacts scattered through A1 Horizon, but more common in A2 Horizon. More occurrence in cracks in B Horizon

FIGURE 4

Soil Stratigraphy

- Transects 1 and 4 have extensive outlooks across Hexham Wetland, towards Ironbark Creek and the Hunter River. The dunes along Stockton Bight can be seen from the high point of Transect 1. (**Plates 1 and 2**)
- Like other parts of the Estate, the three higher significance areas also have line of sight to Mount Sugarloaf, a very significant place to Awabakal people.
- Transects 1 and 4 overlook the rocky outcrop/island (shown as 'knob' on the topographic map) immediately to the north of the project area. This rock area is associated with cultural stories, has unusual plant resources and it may have been used for burials.
- Transect 13 is situated in a sheltered position, between two small creek lines draining into the lower reaches of Minmi Creek. The bed of the creek comprises wet meadow (fresh water) (**Plate 3**) and illustrates the local diversity of resources and habitats that would have been available to Awabakal people living around the margins of Hexham Wetland in the late Holocene to very recent times. These resources are still highly valued by Aboriginal people.

Part of each of these higher significance areas has been included in an Aboriginal Heritage Conservation Area within the estate.

4. Awareness or educational potential

It was previously agreed that the three Aboriginal Heritage Conservation Areas provide significant opportunities for sharing knowledge and awareness of Awabakal cultural and the important Awabakal cultural landscapes of the lower Hunter estuary. Examples are noted in the Management Plan, and include:

- Using indigenous plants in landscaping the Conservation Areas
- Placing story signs in each Conservation Area to inform residents and visitors about the Awabakal cultural heritage of the lower Hunter landscape.
- Including Aboriginal art work in each of the Conservation Areas and along connecting pathways to further interpret the cultural values of the landscape.

Additional discussion of cultural significance during consultation for this application

During consultation for the current s90 application, the landscape context values of the project area were strongly reinforced.

This project area occupies a very important position in the landscape. It has direct sight to culturally significant landmarks, such as Mount Sugarloaf, the Knoll, Hexham Wetlands, the dunes of Stockton Bight and the Barrington Ranges to the north.

It is on a likely walking route from Mount Sugarloaf to the wetlands and the coast.

It would have provided direct access to the resources of the Hunter estuary: i.e. this project area encapsulates many of the cultural landscape values of Awabakal people. Incoming residents should be encouraged to appreciate the significance of the project area to Awabakal people and why it is significant. They should be encouraged to contribute to the protection of these values. It would be good to see awareness translated into activity, rather than just something on paper.

In addition, the importance of individual pieces of archaeological material to Awabakal people was stressed. Concern was expressed that any artefacts might be taken off site with soil material

and used for fill elsewhere (or disposed to landfill).

The groups agreed that it was not essential to recover each and every artefact from the land. However, diligent efforts should be made to maximise opportunities for Awabakal people to continue to learn about and recover elements of their cultural heritage and to communicate the importance of that heritage to others coming to live in this highly valued area.

The groups expressed the hope that residents would have an opportunity to appreciate the cultural landscape values of traditional Awabakal people, the continuity of those cultural values today, the attachment of Awabakal people to this area and the adaptive capacity of the Awabakal people through thousands of years of dramatic landscape change.

**Are there areas of land where Aboriginal objects.....X ☐ Yes ☐ No
may occur but are not visible?**

If yes, this needs to be clearly marked on the map of the area

As noted above, subsurface objects could occur across any part of the development area.

What impact will occur to the Aboriginal object(s)/place(s)?

(Indicate on a map the area and Aboriginal object(s)/place(s) to be impacted by the development/activity)

This s90 application complements an existing s90 Consent, granted in 2006 for the civil works associated with the development of the Sanctuary estate. The new s90 relates to each of the 750 residential allotments in the estate. Together, the existing s90 and this new s90 will cover the entire proposed residential development area.

The development that is likely to occur within the residential allotments includes the following:

- Earthworks and subsurface preparation works for drainage, plumbing and other such excavation as required in the course of residential construction, within individual allotments to provide a suitable low gradient building footprint. It is anticipated that these earthworks on individual allotments will affect at least 75% of the surface area of each allotment. Most building blocks are in the range 450m² to 700m² in area. The footprint of dwellings is expected to be around 400m² (without driveways, footpaths and other landscaping). Only a small amount of private open space will remain on each allotment.

Residential building on Sanctuary Estate is required to be in accordance with Sanctuary Design Guidelines (**Attachment 4**). These guidelines complement Newcastle City Council's Development Control Plan requirements and encourage local cut and fill earthworks on the residential allotments, with no net surplus of material. No material should be taken off site during the preparation of individual allotments for slab or other footings. Where it is necessary to remove some material from civil works or dwelling construction sites, it will be placed elsewhere in the Estate, so that all the topsoil material is retained within the Estate area.

The archaeological impact of these earthworks is that any artefacts that now remain in the soil profile will be mixed and relocated within the allotments. The artefacts should not be removed from the allotment. Some artefacts may be damaged by earth moving equipment. It was noted in the archaeological investigations that artefacts had been previously damaged by farming machinery, cattle trampling and fire. A small number of artefacts were also damaged during mechanical test excavation. Further damage during site preparation earthworks is expected to affect a small proportion of the flaked stone material.

The evidence from previous test excavation indicates that other forms of archaeological



PLATE 1
Outlook across Hexham Swamp and the Knob from AHCA 1



PLATE 2
AHCA 2, viewed from AHCA 1

evidence (e.g. hearths or burials) are extremely unlikely in this project area, because of past soil disturbance and heating. The risk of such a site being accidentally disturbed is considered to be very low.

- Other site earthworks for gardens, paths and driveways. As for the house footprint, any soil disturbed by these earthworks will remain on site.

The existing Stage 1 Management Plan contains a range of activities that are designed to minimise the long term impacts of residential development on the values of the Cultural Heritage Conservation Areas. With these measures in place, it is anticipated that development of the residential dwellings over the next ten years will not impact adversely on the values of the Aboriginal Heritage Conservation Areas.

Further details about the long term land tenure and management of the conservation areas are provided in the amended (Stage 2) Aboriginal Cultural Heritage Management Plan.

Why is impact necessary?:

(Outline alternatives which have been considered by the proponent or heritage consultant)

The Sanctuary residential estate has development consent, granted by Newcastle City Council in 1998. A s90 consent has already been issued by DECC (in 2006) to cover the construction of civil works and is currently being implemented. This s90 application extends the coverage of the existing s90 to apply to residential construction. Discussions with DECC in 2006 (and since) foreshadowed this s90 application as the second stage of the statutory framework under the National Parks and Wildlife Act 1974, so that development of the site could proceed.

The s90 completes the statutory provisions necessary to give effect to the intent of the development consent for the Estate (i.e. to facilitate residential development).

On what date will the work start that will impact on the Aboriginal object(s)/place(s):

November 2008

When will this work finish:

November 2018. Landcom and Urban Pacific anticipate the development of the residential allotments will continue for ten years from the date of issue of the s90 consent.

What mitigation measures will be employed to reduce impact?

The Bluegum Vista Aboriginal Cultural Heritage Management Plan (Umwelt 2006) presents mitigation measures that were developed in consultation with Awabakal LALC.

One of the most important values of the project area is its landscape context on the margin of Hexham wetland. The three Aboriginal Heritage Conservation Areas have been selected in part because of the opportunities they provide to interpret the cultural value of this landscape association. The Aboriginal Cultural Heritage Management Plan sets out measures to protect the values of the three Aboriginal Heritage Conservation Areas in perpetuity. The protection of the Aboriginal Cultural Heritage Conservation Areas remains relevant to the current s90 application, with minor amendments. These amendments relate primarily to arrangements for long term tenure and management responsibility for the Conservation Areas. Details are set out in the Amended (Stage 2) Management Plan.

Previously established measures also include cultural observations and collections during the civil works program. These activities have been reviewed as part of the preparation of this s90 application. The amended (Stage 2) Aboriginal Cultural Heritage Management Plan identifies new and more practical observation and collection activities which will be implemented by the Aboriginal groups. It is intended that participation in these activities will be negotiated between the three Aboriginal groups with specific interests in the land. The proposed Sanctuary Aboriginal Cultural Heritage Liaison Committee, in which all three Aboriginal community groups will be invited to participate, will be the principal forum for determining the details of observation and collection activities prior to earthworks for each stage of the Estate.

The amended (Stage 2) Management Plan sets out the concept for observation and collection protocols and activities to apply to the the entire Estate, Stage by Stage – for civil works and to the site preparation for dwelling construction.

Outline any proposals for detailed recording or salvage work, provide research design with methodology. (Include details of work already done - provide separate attachment if necessary)

No archaeological salvage work is proposed. This is consistent with the s90 (#2332) already issued for the civil construction works on the estate.

As noted above, the Aboriginal Cultural Heritage Management Plan provides for Aboriginal cultural observation and collections. The purpose of these activities is to allow Aboriginal people to collect further artefactual material for cultural purposes. The artefacts are physical evidence of the continuity between past occupation and contemporary Aboriginal people and their culture. Collected material may be used for cultural purposes such as passing of traditional cultural knowledge, or for education and display. However, over time, it is anticipated that most of the cultural material will be reburied in the Cultural Heritage Conservation Areas within the Estate.

There is no research design to meet this objective. The Management Plan sets out protocols to ensure the safety of participants and to ensure that basic records are kept to meet DECC requirements.

MANAGEMENT OF RETRIEVED MATERIALS

What excavated material will be left on site?

Only artefactual material and soil samples from the areas of impact will be removed from the site. The intent is that artefacts will be removed temporarily, so that basic recording activities can take place. The three Aboriginal groups may choose to use some material for community awareness and education purposes (for instance, a cultural exhibition has been suggested during the consultation), but most will eventually be replaced in the Conservation Areas, so that they stay with the land from which they came.

Will some or all of it be left for backfilling? ☐ Yes ☐ No ☒ X

Will wet sieving be used? ☐ Yes ☐ No ☒ X

Will material be retained for analysis? ☐ Yes ☐ No ☒ X

(Note: you will be required to deal with this material in accordance with consent/permit conditions).

Does the local Aboriginal community wish to have care of any retrieved material?

☐ Yes ☒ X ☐ No

(You will need to arrange for a completed care agreement application form to be lodged with your application form).

A Care Agreement will be lodged before any observation and collection works commence.

DATES OF ACTIVITY

Anticipated dates of activity which will impact on the Aboriginal object(s):

Start date: November 2008.....

Finish date: (Field work, if applicable) Development of the Estate will occur over a period of ten years. Cultural observation and collection is proposed for each stage of residential land release.....

Finish date: Basic reports on each stage of observation and collection will be prepared according to a schedule agreed with DECC.

Declaration

I certify that to the best of my knowledge
(please print name of person applying)

the information supplied herewith is correct, the relevant application fee of
\$..... is attached and letter from the relevant Aboriginal group(s) is also attached.

Signature of Applicant Date

Send completed form, fee and attachments to the Aboriginal Heritage Unit for the area concerned.

NOTE: All questions must be answered in full or application will not be processed

NOTE: All questions must be answered in full or application will not be processed

Note: Under the NPWS's Guarantee of Service,
the NPWS undertakes to process this application within 8 weeks
of receipt of all relevant information and payment of the fee.

Declaration

I, KERRY ROBINSON certify that to the best of my knowledge
(please print name of person applying)

the information supplied herewith is correct, the relevant application fee of
\$2,000.00 is attached and letter from the relevant Aboriginal group(s) is also attached.



_____/ / .
Signature of Applicant Date

Send completed form, fee and attachments to the Aboriginal Heritage Unit for the area
concerned.

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ATTACHMENT "S"

Application for a Section 90 Consent or a Section 87(1) permit under the National Parks and Wildlife Act, 1974.

IMPORTANT: Complete a separate attachment for each site (Aboriginal object or Aboriginal place)

National Parks and Wildlife Service Site #: 38-4-0530

Note that this site is within the area mapped as the Bluegum Vista Estate Site, with Site #38-4-0496 and Site #38-0-0683. All three site numbers were included within one site with the boundaries of the Estate, at the request of (then) NPWS.

Site Name: Bluegum Vista

Street Address: At the time the site was recorded, the address was 'off Minmi Road', Fletcher

Property name or locality: Sanctuary Estate

Portion number:

(Only for sites without specific street addresses)

Lot 22, DP 1063858, Parish Hexham, County Northumberland, Newcastle Local Government Area

Zone:

Topographic Map Sheet: Wallsend

Australian Map Grid References.

Eastings	AMGE 373150
Northings	AMGN 6361850

Land status: Freehold

Full name of property owner: Landcom

Postal address: PO Box 33 Newcastle 2300

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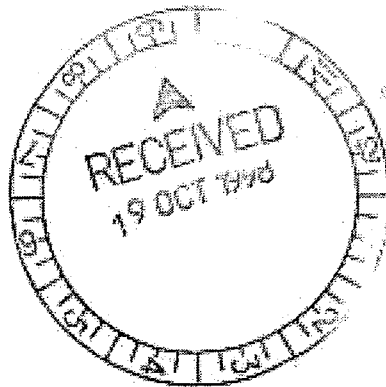
ATTACHMENTS

- Attachment 'S'** Three separate sheets relating to the three registered sites.
- Attachment 1:** Development Consent for the Bluegum Vista Estate (NCC 1998)
- Attachment 2:** Previous Aboriginal community consultation and engagement
- Attachment 3:** Documents relating to Aboriginal community engagement for this s90 application.
- a) Letters to known groups of interest
 - b) Letters to organisations required by the DECC Interim Aboriginal consultation guidelines
 - c) Advertisement placed in newspapers
 - d) Expressions of interest received from Aboriginal groups
 - e) Responses from agencies and local government
 - f) Invitation to participate in an on site briefing, with background information
 - g) Notes from the onsite briefing, distributed to all participating groups
 - h) Correspondence accompanying consultation about the draft s90 application
 - i) Correspondence from Aboriginal groups in relation to the draft s90 application.
- Attachment 4:** Sanctuary Design Guidelines

ATTACHMENT 1

Development Consent for Residential Estate

DA 97/0555



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4929 9111
Facsimile 02 4929 6157
Email mail@ncc.nsw.gov.au

**LOCAL GOVERNMENT ACT, 1919 AND
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**NOTICE TO APPLICANT OF DETERMINATION OF
SUBDIVISION/DEVELOPMENT APPLICATION**

**TO: The Manager
Land Design Pty Ltd
PO Box 429
NELSON BAY NSW 2315**

being the applicant in respect of Subdivision/Development Application No. DA 97/0555 for consent to Subdivision of Lot 20 DP 836450, Lot 112 DP 842418 and Lot 121 DP 853877 NO. 282 - 330 Minmi Road Fletcher.

Notice is hereby given of the determination by the Council of the Subdivision/Development Application No. DA 97/0555 relating to the land as follows:-

SUBDIVISION OF LOT 20 DP 836450, LOT 112 DP 842418 AND LOT 121 DP 853877 NO. 282 - 330 MINMI ROAD FLETCHER.

The subdivision/development application has been determined by:-

* (a) Granting of consent subject to the conditions specified in this notice.

**Consent to operate from: 14 October 1998
Consent to lapse on: 14 October 2003**

CONDITIONS OF CONSENT

1. The subdivision / development being carried out strictly in accordance with the details as set out on the submitted plans, the application form and the applicants written submission except as otherwise provided by the conditions of this consent.
 - i) The developers (Landcom or successors in title) constructing traffic signals at the intersection of R1 with Minmi Road and a roundabout at the intersection of R13 with Minmi Road as proposed in the subdivision layout plan.

- ii) Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved herein, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 102 of the Environmental Planning and Assessment Act, 1979.)

Reason: To confirm and clarify the terms of Council's approval.

2. The following street widths being adopted for the subdivision:-

<u>Street Width</u>	<u>Street Number</u>
1) 5.5 - 11.0 - 5.5	1, 2
2) 5.5 - 11.0 - 7.5	13, 26
3) 4.5 - 10.5 - 4.5	6, 20, 22, 47, 48, 9, 11, 8, 23
4) 5.5 - 9.5 - 7.5	24
5) 5.5 - 7.5 - 7.5	35, 36, 54
6) 4.5 - 7.5 - 4.5	7, 15, 17, 40, 56
7) 4.5 - 5.5 - 4.5	3, 4, 18, 27, 28, 29, 30, 31, 34, 38, 42, 43, 44, 45, 49, 51, 52, 58, 60, 61, 62
8) 4.5 - 5.5 - 2.0	10, 16, 19, 21, 32, 33, 37, 39, 41, 46, 50, 53, 55, 57, 59, 63
9) 3.0 - 5.5 - 3.0	12, 14

R1 and the road between the private school site and R1 being designed to provide appropriate access to adjoining land consistent with the principles of the adopted road layout. Details being submitted with the engineering plans for approval.

Reason: To confirm and clarify the terms of Council's approval.

3. A strategy being implemented which provides for private bus services within the development. Such strategy shall accommodate bus stops and shelters in appropriate locations, at no cost to Council, shall be approved by Council and shall be developed in consultation with Council, Blue Ribbon Coaches and the Department of Transport.

Reason: To confirm and clarify the terms of Council's approval.

4. Submission of a survey plan of subdivision accompanied by seven copies and a Section 50 Certificate from the Hunter Water Corporation Limited.

Reason: To ensure compliance with the requirements of the Local Government Act. (Part XII LGA 1919)

5. Satisfactory arrangements being made with the Hunter Water Corporation Limited for the provision of water supply and sewerage, with Energy Australia for the provision of underground electricity supply and street lighting and with Telstra for the provision of underground telephone service to the lots.

Reason: To ensure that adequate facilities are available in respect of servicing of the land in compliance with the requirements of the above mentioned authorities in a manner which does not detract from the appearance of the proposed development.

6. Construction works not commencing until engineering design details and construction specifications have been submitted to and approved by Council and, where appropriate, the written consent of all intervening land owners has been obtained.
Reason: To ensure that road infrastructure and drainage facilities are constructed to an appropriate standard having regard to the additional traffic movements and runoff likely to be generated by the proposed development.
7. Satisfactory completion of subdivisional works generally in accordance with Council's Subdivision Code and to the requirements of Council.
Reason: To ensure that the proposed development presents an acceptable overall appearance, consistent with Council's Subdivision Code requirements.
8. The developer instituting an erosion protection and soil Stabilisation programme designed in accordance with the requirements of the Soil Conservation Service of New South Wales and Council as part of the site works. A detailed plan shall be submitted to Council for approval prior to the commencement of works.
Reason: To control soil erosion and prevent sedimentation of surrounding lands, both private and public.
9. The developer upon completion of the subdivision works, erecting at each entrance/exit road to the subdivision approved signage of adequate size outlining the owner / builder's obligation to implement soil erosion and sedimentation control measures to protect the environment and to comply with the requirements of the "Clean Waters Act".
Reason: To control soil erosion and prevent sedimentation of surrounding lands and siltation of waterways, both private and public.
10. No works being commenced until the applicant has obtained the approval of the Council for the removal of trees and for any variation in the layout or design of the subdivision necessary to preserve any significant tree or group of trees.
Reason: To advise of the existence of a proclaimed Tree Management Order and to protect the landscape and scenic quality of the locality.
11. Payment of a contribution towards street tree planting in accordance with Council's Subdivision Code at a cost of \$62.00 per tree.
Reason: To improve the streetscape within the development.
12. The area shown as public reserve being transferred, in fee simple, at no cost to Council for dedication as community land and being cleared of all rubbish and noxious plants to the requirements of Council.
Reason: To assist Council in the provision of quality open space having regard to the increased dwelling density proposed.

13. The applicant paying a contribution towards the provision of public amenities and services as follows:
- a) \$1,803.00 per additional lot for Open Space & Recreation
 - b) \$1,306.00 per additional lot for Community Facilities and Services.
 - c) \$374.00 per additional lot for s94 Management.
 - d) \$189.00 per additional lot for Blue Gum Hills Place Management.

The contribution is to be paid and/or land dedicated or works carried out "in kind" prior to certification of the final survey plan of subdivision. The extent of contribution "in kind" to satisfy this condition shall be determined having regard to the land dedication required by conditions of this consent and the need for any facilities within the reserve area to be agreed to by Council prior to installation.

(Note:

- i) This condition is imposed in accordance with the provisions of the Section 94 Contributions Plan No.1 adopted by Council on the 18 August, 1998, a copy of which may be inspected at Council's Customer Enquiry Centre, Ground Floor, City Administration Centre, 282 King Street, Newcastle;
- ii) The amount of contribution payable under this condition has been calculated on the basis of current costs as at the date of consent and shall be indexed until the time of actual payment in accordance with the "Implicit Price Deflator for Gross Fixed Capital Expenditure - Public" published by the Australian Bureau of Statistics each quarter. Any party intending to act on this consent should contact Council's s94 Co-ordinator, City Planning Division for determination of the indexed amount of contribution as at the date of payment)

Reason: To assist Council in the provision of open space and recreational facilities, bikeways and community facilities and services, as well as in undertaking necessary studies to identify community needs having regard to the increased dwelling density proposed.

14. A monetary contribution of \$1,432.00 per additional lot being paid to Council, pursuant to Section 94 of the Environmental Planning and Assessment Act, towards transport facilities in the Blue Gum Hills area, such contribution to be payable prior to certification of the final survey plan of subdivision;

(Note:

- i) This condition is imposed in accordance with the provisions of the Newcastle Section 94 Contribution Plan No. 4 adopted by Council on 2 April 1997, a copy of which may be inspected at Council's City Administration Centre, 282 King Street, Newcastle.
- ii) The amount of contribution payable under this condition has been calculated on the basis of current costs as at the date of consent and shall be indexed until the time of actual payment in accordance with the "Implicit Price Deflator for Gross Fixed Capital Expenditure - Public" published by the Australian Bureau of Statistics each quarter. Any party intending to act on this consent should contact Council's Planning & Development Division for determination of the indexed amount of contribution as at the time of payment.)

Reason: To ensure the provision of adequate transport and road infrastructure in the locality at no cost to Council.

15. The developer designing and constructing the following works in Minmi Road associated with the construction of a roundabout and signalised intersection for the proposed subdivision, at no cost to Council and in accordance with Council's Subdivision Code and to the requirements of Council:
- a) Road pavement.
 - b) Kerb and gutter.
 - c) Footway formation.
 - d) Footway paving.
 - e) Associated drainage works.

(Note: The developer is advised to consult with Council's Engineering Services Division prior to undertaking the design work.)

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic generated by the subdivision.

16. Footpaving, including kerb ramps, being provided in accordance with Council's Subdivision Code on both sides of road no's R1 to its intersection with road no R2, R8, R9, R13 between the roundabouts, R23, R26, R47 and on one side only on all other roads.

In this regard it is advised that on-road shared pedestrian/cycle paths 2.0m wide shall be constructed on the eastern side of R1 and R2 between Minmi Road and R27, on the western side of R13 between Minmi Road and R47, on the southern side of R47 between R13 and R49, on the eastern side of R49 between R47 and the off-road path to R59, on the northern side of R26 and R27 between R13 easterly to the end of R27.

Off road cycle paths 2.0m wide are to be constructed between R1 and R15 and across the weir of the wetlands between R49 and R59.

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movements likely to be generated by the proposed development.

17. Construction of footpaving in the new roads being delayed until virtual completion of building works on the proposed lots in accordance with Council's Subdivision Code.

Note: Council will allow construction of footpaving subject to security, in an amount to be determined by Council, being provided to cover replacement of damaged paving during the building construction phase of the subdivision.

Reason: To avoid damage to concrete footpaving during building works.

18. Proposed street names being submitted for approval by Council and provision, at no cost to Council, of the required street signage in accordance with Council's specification. (Note: The use of names of aboriginal origin and meaning are encouraged).

Reason: To avoid duplication of street names within the Newcastle City Council area and to clearly identify streets in accordance with the requirement of Australia Post.

19. A drainage masterplan and water quality strategy being prepared and implemented which integrates with the landscape management plan. Full details and engineering calculations being submitted with the engineering plans and approved by Council prior to the commencement of any site works, with such plans being prepared by a suitably qualified and experienced hydrologic/hydraulic engineer. The required plan shall, to Council's satisfaction :

- Incorporate stormwater quality controls to ensure the proposed development produces no net increase in the annual rate of sediment export from the catchment. Note; These controls shall be compatible with multiple use and shall be designed to satisfy Council's safety requirements.
- Plot the extent depth and velocity of 100 year ARI overland flowpaths, taking into account the various individual catchments, downstream controls and varying critical storm duration's as these flows are progressively derived. All designated overland flowpaths shall be contained within publicly owned lands.
- Maintain pedestrian and vehicular stability and safety for the critical storm events up to the 100 year ARI in accordance with the velocity/depth product requirements set out in "Stability of Cars and Children in Flooded Streets" Keller and Mitsch 1994.
- Show all lots being clear of the adjacent 100 year ARI flood levels.
- Provide Interallotment drainage together with appropriate easements for all lots which cannot be drained to the proposed roads.
- Nominate minimum floor levels on each lot where flood issues have been identified, incorporating a minimum freeboard of 300mm above the adjacent 100 year Average Recurrence Interval water surface level.

In this regard it is advised that the PMF is RL 5.9m AHD and the 1:100 ARI flood level for the area is RL 3.5m AHD.

- Show all levels as being expressed in metres Australian Height Datum (AHD).
- Ensure all piped and surface flows from the adjoining land are accommodated in the drainage design.

NOTE:

- a) This condition may affect the proposed lot and road layout.
- b) Council requires the engineering details to include the nominated fraction impervious in the rainfall runoff modelling and the expected future development outcomes in regard to potential dual occupancy, duplex and medium density development within the proposal.

Reason: To ensure the adequate disposal of stormwater and to protect the water quality of watercourses and any downstream wetlands areas and to minimise the risk of future flooding of the subject property and adjacent property.

20. The submission to Council, prior to the issue of a subdivision certificate, of a geotechnical assessment prepared by a suitably qualified geotechnical engineer which:

- i) Determines the site classification and soil type of each allotment in accordance with Australian Standard AS 2870 Residential Slabs and Footings.
- ii) Indicates any areas of potential slip or subsidence which may influence road and building design requirements.
- iii) Gives the location, extent and suitability of any fill placed on the site.

Reason: To ensure the stability of the site and adjoining lands and the suitability of the proposed site for any future development.

21. The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council setting out terms of easements as required by this consent. Council, in addition to the owner of the land benefited by the easement, is to be a party whose consent is needed to release or vary easements.

Reason: To ensure the required easements and / or "Rights of Carriageway" is properly registered against the title of the land and is only released, varied or modified at a future date with the concurrence of Council.

22. A Landscape Management Plan in respect of the proposed subdivision being implemented with details submitted with the engineering details and prior to the commencement of site works, such plan being prepared by an accredited landscape designer in accordance with Development Control Plans No 33 and in consultation with Council's Landscape Architect. The required Management Plan shall include, but not be limited to: existing vegetation to be retained and removed, existing topography, adjacent development and open space, existing services, public amenities, extent of cut and fill, access points and "links" to open space; plant species, locations and landscape design principles an ecological definition of any habitat trees; their location within the site; the location of those to be removed; and the criteria to be applied for habitat tree removal, prior to any works commencing.

Preparation of the Management Plan may be done in consultation with Council's Landscape Section and Environmental Protection Unit. Details of Landscape works are to be submitted with the Engineering details, for approval, prior to the implementation of site works.

Street trees are to be provided at a rate of two trees per lot.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site, to enhance the appearance of the development and to add to the landscape quality of the locality.

23. Written confirmation being obtained from the National Parks and Wildlife Service of NSW and supplied to Council prior to construction works commencing concerning the developer's compliance with the Service's requirements in regard to any protected or endangered fauna, including their habitat, within the meaning of the National Parks and Wildlife Act, 1974.

Reason: To advise the necessity for compliance with the particular requirements of other relevant authorities.

24. Prior to the issue of a Subdivision Certificate, preliminary site contamination investigation being carried out by an appropriately qualified consultant in accordance with the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC and NH&MRC (1992)). A report shall be provided to Council containing (but not limited to) the site's history, the method employed in any site investigations carried out, the results of any such investigations, and recommendations in relation to any contamination found on the site.

In the event of contamination being found on the site, remediation works are to be carried out prior to the issue of a Subdivision Certificate.

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

25. A report prepared by a suitably qualified person be submitted to Council in accordance with the Environment Protection Authority's 'Guidelines for Assessing and Managing Acid Sulphate Soils'. Such report being submitted to Council with the required engineering plans and detailing the nature and extent of any acid sulphate soils on the subject premises. In addition, the report should detail any acid sulphate soil management plan required in order to ensure the suitability of the subject premises for the proposed subdivision.

Reason: To prevent environmental pollution and to ensure observance of appropriate public health standards.

26. Written confirmation that the National Parks and Wildlife Service's requirements have been met in respect of the presence of any Aboriginal sites in relation to the proposed development area and that compliance with the requirements of the National Parks and Wildlife Act, 1974, and requirements for the protection of any significant sites having been incorporated into the development proposal shall be submitted to Council with the engineering plans. Any submitted archaeological study shall be accompanied by a letter from the appropriate Local Aboriginal Land Council stating that they are satisfied with the study process and that appropriate arrangements are in place for continued consultation during development of the site.

Note: It is illegal to knowingly damage, deface or destroy a "relic" or Aboriginal Place, without the Directors prior written consent.


27. Where the proposed development involves the possible disturbance of any existing survey permanent Marks or Reference marks, Regulations require that written notice must be given to the Surveyor General not less than 14 days prior to the intended removal or alteration, by the person intending the disturbance. Where a mark is relocated, a Plan for survey information by a Registered Surveyor showing the new position, should be supplied, at no cost to Council. Council will pass the plan to the Surveyor General and the Land Titles Office.

Reason: To ensure that existing survey marks which may be affected by the development are appropriately reinstated.

28. A bush fire reduction strategy being implemented in respect of the subdivision to the satisfaction of Council, details of such to be provided with the engineering plans. No fire reduction work is to occur within future public reserve areas without the concurrence of Council's Environmental Management Division.

Reason: To minimise the extent of property damage and the risk of injury in the event of bushfire.

Yours faithfully



for
Lloyd Arnott
ACTING GENERAL MANAGER

NOTES 1 TO 4 FOLLOW

1. *Section 331A(3) of the Local Government Act provides that the Town Clerk shall not give a certificate under Section 327 of that Act in relation to this land unless a certificate has been issued under Section 50 of the Hunter Water Corporation Act, 1988.*
2. *To ascertain the date upon which the consent becomes effective refer to Section 93 of the Environmental Planning and Assessment Act, 1979.*
3. *To ascertain the extent to which the consent is liable to lapse, refer to Section 99 of the Environmental Planning and Assessment Act, 1979, and Section 335 of the Local Government Act, 1919.*
4. *Section 97 of the Environmental Planning and Assessment Act, 1979 and Section 341 of the Local Government Act, 1919, confer on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this Notice.*

ATTACHMENT 2

Previous Consultation

Sanctuary Estate

Previous Aboriginal Community Consultation – Assessment and Management of Cultural Heritage Values

1. Development Consent requirements

Condition 26 of the Development Consent for the subdivision (NCC, October 1998) requires:

Written confirmation that the National Parks and Wildlife service's requirements have been met in respect of the presence of any Aboriginal sites in relation to the proposed development area and that compliance with the requirements on the National Parks and Wildlife Act (1974) for the protection of any significant sites have been incorporated into the development proposal shall be submitted to Council with the engineering plans. Any submitted archaeological study shall be accompanied by a letter from the appropriate Local Aboriginal land Council stating that they are satisfied with the study process and that appropriate arrangements are in place for continued consultation during the development of the Estate.

2. S87 application, reporting and development of a management strategy

In February 2000, Landcom met with the (then) NPWS to clarify their requirements for the assessment and management of the Aboriginal cultural heritage of the Estate. Amongst other things (relating to the content of permit applications), it was agreed that:

- The Awabakal LALC must be involved in the preparation of a Preliminary Research Permit (PRP) and approve the proposed work;
- NPWS would agree to consider any Section 90 applications for Precinct 1 separately (and prior to the completion of investigations across the rest of the Estate), subject to the agreement of Awabakal LALC.

Between 2000 and 2007, Landcom and their project partner Urban Pacific Limited consulted with Awabakal LALC in relation to all aspects of the project, including the following:

- Consultation about the research design and method of implementation of the s87 permit for subsurface investigations across all terrain units in the Estate.
- Participation in extensive field work to implement the s87 permit. This included the then chairperson, (Kevin McKenny), Ron Gordon, Joe Weatherall and Bob Smith, and field assistants from Yarnteen corporation. In addition to this direct participation, there were several briefings to the full membership of the Land Council.
- Consultation with Awabakal LALC about the future management of the cultural values of the Estate. Landcom's objective was to develop an active partnership between Awabakal LALC and Landcom (and its project partners), with input where required from NPWS (DECC) and Newcastle City Council.
- Discussions with Awabakal LALC during 2001 led to the formulation of the overall management strategy for the project area, including the setting aside of three Aboriginal Cultural Heritage Conservation Areas in outstanding landscape positions (and specific management controls for these areas), use of Aboriginal words for place names in the Estate, landscaping, preparation of cultural heritage education material and ongoing opportunities for collections during earthworks. Awabakal LALC also raised other

community benefits separate to the cultural heritage outcomes. Discussion of these potential benefits (such as training and scholarships) continued outside discussion of the management of cultural heritage on the Estate.

- Awabakal LALC agreed in 2001 to the preparation of application for s90 Consent across all of the Estate, other than the three Conservation Areas.
- Awabakal LALC agreed to the preparation of an Aboriginal Cultural Heritage Management Plan for the Estate to ensure ongoing protection of the Conservation Areas and to guide other activities during the development of the Estate.
- Landcom consulted Awabakal LALC about initial s90 applications, which were approved by DECC in 2004.

3. 2006 s90 and Aboriginal Cultural Heritage Management Plan

In 2006 Landcom and Urban Pacific worked with Awabakal LALC to review and update the s90 consent for all civil works on the Estate and to prepare the Aboriginal Cultural Heritage Management Plan.

The s90 consent (#2332), issued by DECC in early 2006, required the preparation of a Management Plan in consultation with Awabakal LALC. DECC required that a brief for the Management Plan be prepared in consultation with Awabakal LALC and approved by DECC. This requirement was consistent with the previous involvement of the Land Council in studies and management of Aboriginal cultural heritage in the Estate.

A Project Steering Committee was established, including three Land Council members (although other members attended some meetings). This group met several times to discuss aspects of the Management Plan. There were also on site briefings and meetings with the project landscape architect. As previously, there were also briefings for the full Land Council membership. The Management Plan was submitted to DECC with a letter of support from the Land Council (attached) and was approved by DECC in late 2006.

During 2007, Awabakal LALC managed Site Officers to conduct cultural observation and collection activities in the Stage 1 area of the Estate, in accordance with the condition of the S90 Consent requiring that *'representatives of Awabakal LALC are offered an opportunity to monitor initial ground disturbing earthworks in each stage of civil construction, with the intent of enabling the identification and collection of significant Aboriginal objects. Monitoring will be undertaken in accordance with the relevant sections of the Aboriginal Cultural Heritage Management Plan.'*

In correspondence with Landcom and Urban Pacific in late 2007/early 2008, DECC advised that consultation for a second overarching s90 consent application, for residential construction activities, must be conducted in accordance with the DECC Interim Aboriginal Community Consultation Guidelines (2006). Landcom and Urban Pacific met with the Land Council at the commencement of discussions about the new s90 application to advise them of the changed consultation requirements from DECC.

0249654531



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

ATTACHMENT 3

**Consultative Correspondence
and Documents (this application)**

Sanctuary Residential Estate, Fletcher (Newcastle)
Aboriginal Heritage Impact Permit for
residential development
INVITATION TO ABORIGINAL COMMUNITY STAKEHOLDERS

On behalf of Landcom and Urban Pacific, Umwelt invites Aboriginal groups/individuals with an interest in the country around the western margin of Hexham wetlands to register their interest in participating in consultation about the preparation an application for an Aboriginal Heritage Impact Permit (AHIP) for ground disturbing works associated with the construction of individual homes in the Sanctuary Residential Estate.

Aboriginal groups/individuals who have an interest in the management of the Aboriginal cultural heritage of the Sanctuary Estate during the residential construction phase should register their interest with Umwelt (Australia) Pty Ltd. To facilitate the consultation program, please notify us of your interest by 11 June 2008.

Contact details are as follows:

Pam Dean-Jones
Umwelt Australia Pty Limited
Phone: 02 49505322. Fax: 02 49505737.
Email: pdeanjones@umwelt.com.au
Post: PO Box 838 Toronto NSW 2283.

**Preliminary letters of invitation to Awabakal Local Aboriginal Land
Council, Awabakal Descendents Traditional Owners Aboriginal
Corporation and Awabakal Traditional Aboriginal Owners
Corporation**

Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

POSTED

Shane Frost
Awabakal Descendents Traditional Owners Aboriginal Corporation
PO Box 86
Clarencetown NSW 2321

Dear Shane

Re: Preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate

Landcom and its project development partner Urban Pacific are commencing the preparation of a new section 90 (Aboriginal Heritage Impact Permit (AHIP)) application for the Sanctuary residential estate.

The application is for potential impacts on Aboriginal heritage objects during the construction of homes and associated structures on individual residential properties in the Estate. Three Aboriginal sites have previously been registered on the land (DECC #38-4-0496, DECC #38-4-0530 and DECC #38-4-0683). These are all stone artefact scatters, primarily represented by subsurface artefacts.

Landcom already holds an AHIP for the initial earthworks associated with construction of the subdivision of the Sanctuary estate (roads, drainage, footpaths, etc.), issued in February 2006 and valid for ten years. The new AHIP for residential development is intended to complement the existing AHIP for subdivision works.

Invitation to Participate in Consultation about the AHIP

Landcom and Urban Pacific wish to ensure that all current Aboriginal community groups with an interest in the Aboriginal cultural heritage of the traditional Awabakal country have an opportunity to participate in consultation about the ongoing development of the Sanctuary Estate.

In accordance with the requirements of the DECC Interim Aboriginal Consultation Guidelines, Landcom and Urban Pacific are seeking the input of relevant stakeholders from the Aboriginal community to ensure that the new AHIP application thoroughly addresses cultural heritage concerns. Umwelt is assisting Landcom and Urban Pacific with the preparation of the AHIP application.

Please advise Umwelt within ten (10) working days of the date of this letter if you would like to be further involved in the preparation of the AHIP application and/or if you have information that is relevant to the application and/or if you are aware of groups or individual Aboriginal people who should be offered an opportunity to comment on the application. Please contact Pam Dean-Jones at the address at the top of this letter, or on phone 49505322, or email pdean@umwelt.com.au if you would like further information or would like to be involved in the consultation about this AHIP.

Umwelt will be arranging meetings and a site inspection in the near future, to discuss the Aboriginal heritage issues for the content of the AHIP application.

Background

The Sanctuary Estate is located at Fletcher, on the western outskirts of Newcastle. The 700 lot residential Estate, formerly known as Bluegum Vista, was granted development consent in 1998. **Figure 1** and **Figure 2** show the location and general layout of the Estate.

Archaeological and cultural heritage investigations have progressed in consultation with Awabakal Local Aboriginal Land Council (Awabakal LALC) since 1993. A comprehensive Aboriginal Heritage Report was prepared by Umwelt in 2002. Archaeological investigations and ethnographic research documented in that report provide the background for subsequent stakeholder consultation and permit applications for the project.

One of the results of consultation with Awabakal LALC in 2002 was the creation of three Aboriginal Heritage Conservation Areas in the Estate (see **Figure 2**). Each of these Conservation Areas has an outlook across important elements of traditional Awabakal creek and wetland country. All three areas also returned relatively high numbers of stone artefacts during subsurface investigations of the archaeological values of the land.

In 2003, DECC issued a section 90 consent (AHIP) for initial ground disturbing civil works associated with the establishment of the subdivision. The start of these works was delayed and DECC renewed the AHIP with some additional conditions in February 2006. This AHIP (#2332) is currently being implemented.

In accordance with the requirements of the AHIP (#2332), an Aboriginal Heritage Management Plan was prepared in consultation with Awabakal LALC and submitted to DECC in June 2006. DECC approved the Aboriginal Heritage Management Plan in late 2006.

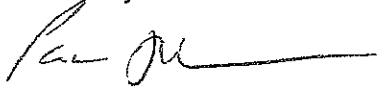
The Aboriginal Heritage Management Plan foreshadows a close working relationship between Awabakal LALC and Urban Pacific during the development of the estate, with ongoing consultation and collaboration. It specifies arrangements for protecting, landscaping and interpreting the three Aboriginal Heritage Conservation Areas, as well as a range of other measures to highlight and respect the Aboriginal cultural heritage values of the land. The Plan sets out a protocol for qualified Awabakal LALC site officers to conduct cultural observations and cultural salvage during the initial ground disturbing earth works for the subdivision. The intent is that many of the artefacts that may be recovered from the Estate during this process will be returned to the land within the three Aboriginal Heritage Conservation Areas.

Construction of Individual Homes

The development that will be covered by the new AHIP application is the construction of individual family homes on the suburban allotments in the Estate. The estate has a number of precincts, each with approximately 70 residences, on allotments ranging in size from about 500 m² (most common) to 1000 m². One precinct is expected to be developed at a time. The development likely to occur on each allotment includes houses, garages, driveways, swimming pools, pathways, decks, pergolas and gardens/landscaping. It is anticipated that virtually the entire surface of the residential allotments will be disturbed as these family homes and associated features are built.

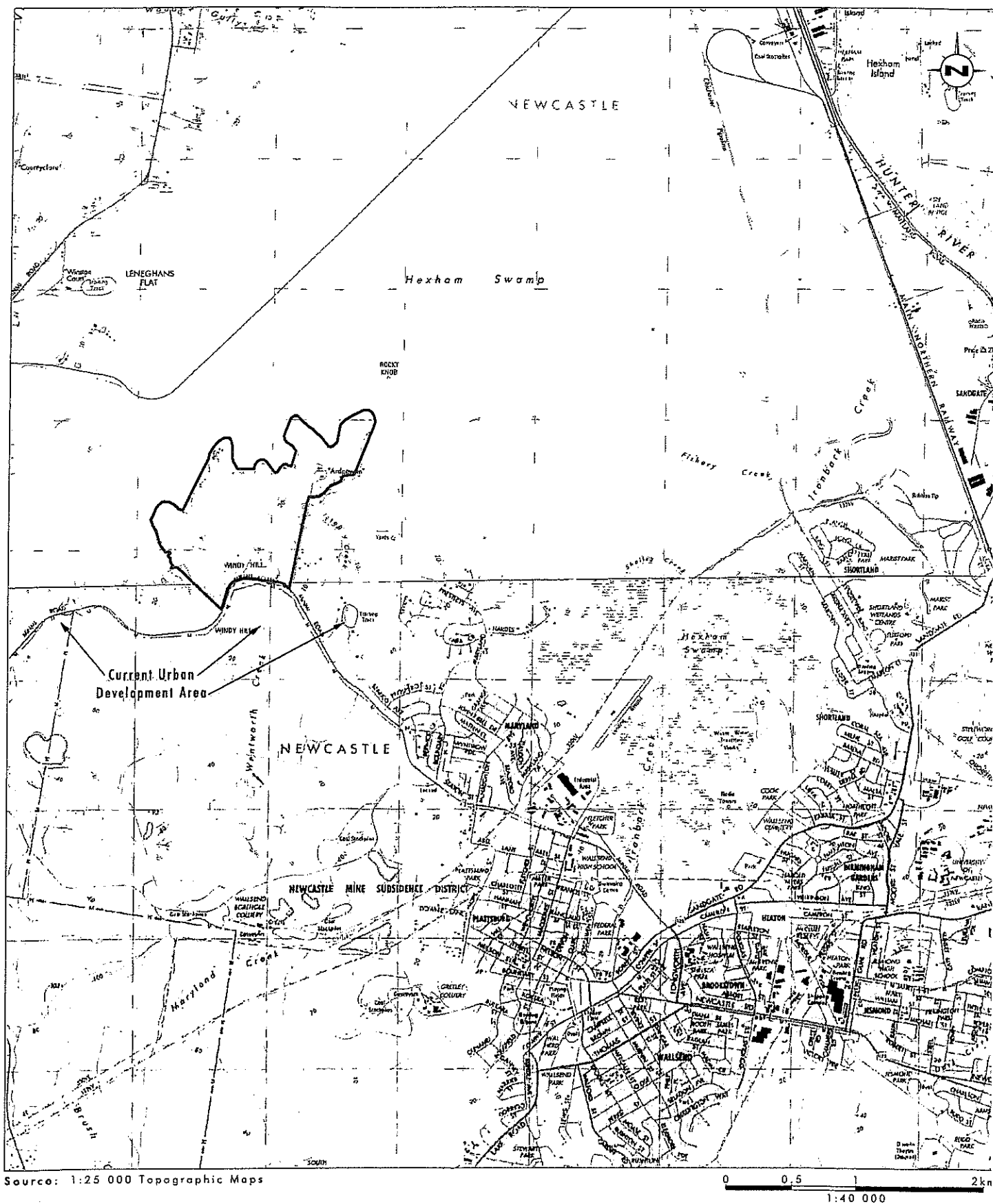
We look forward to your advice and input on this project.

Yours faithfully



Pam Dean-Jones
Associate

encl



Source: 1:25 000 Topographic Maps

0 0.5 1 2 km
1:40 000

Legend


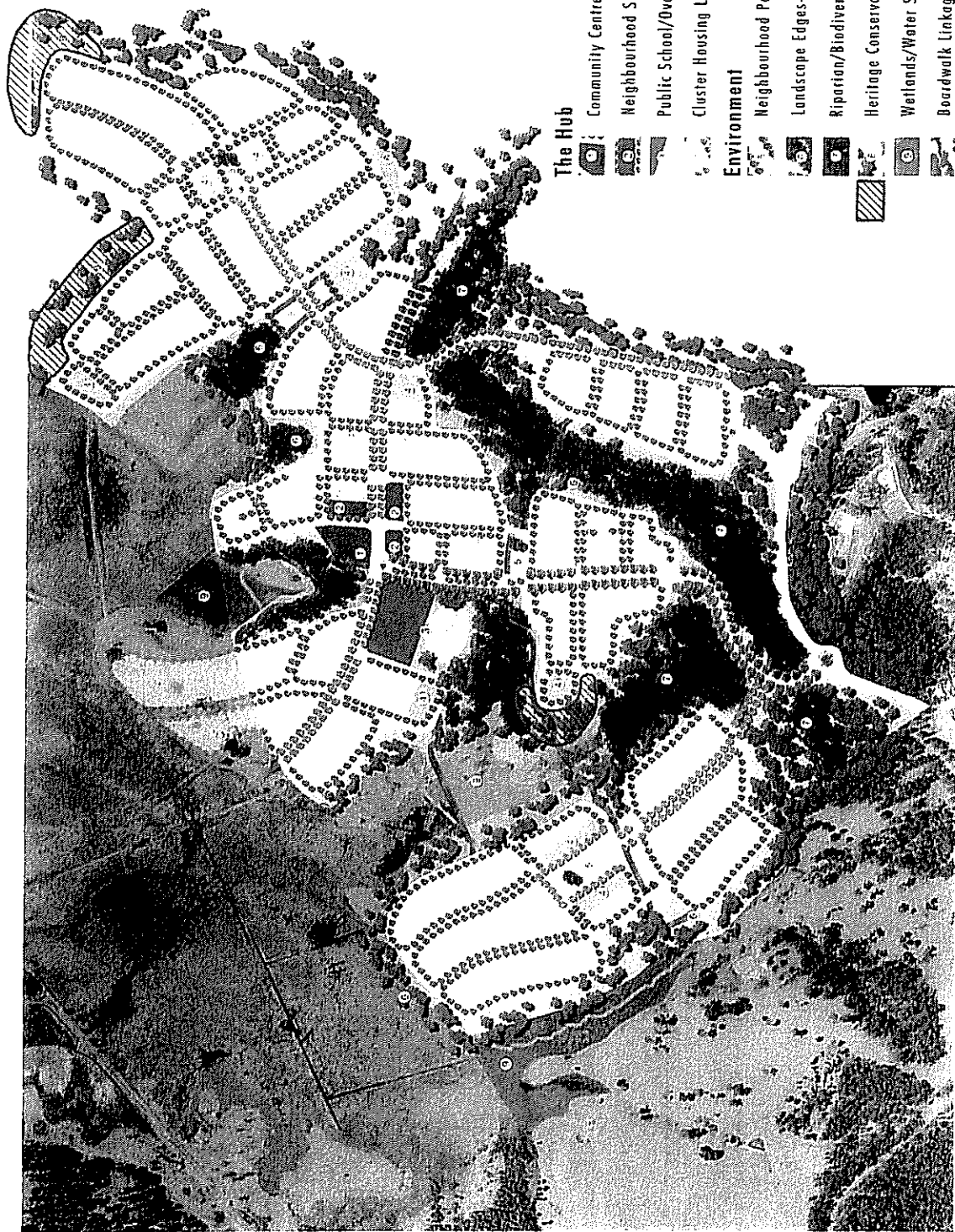
 Project Area

FIGURE 1

Location of Project Area



Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

Dene Hawken
Awabakal Traditional Owners Aboriginal Corporation
PO Box 253
Jesmond NSW 2299

POSTED

Dear Dene, *Kerry & Nola*

Re: Preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate

Landcom and its project development partner Urban Pacific are commencing the preparation of a new section 90 (Aboriginal Heritage Impact Permit (AHIP)) application for the Sanctuary residential estate.

The application is for potential impacts on Aboriginal heritage objects during the construction of homes and associated structures on individual residential properties in the Estate. Three Aboriginal sites have previously been registered on the land (DECC #38-4-0496, DECC #38-4-0530 and DECC #38-4-0683). These are all stone artefact scatters, primarily represented by subsurface artefacts.

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Invitation to Participate in Consultation about the AHIP

Landcom and Urban Pacific wish to ensure that all current Aboriginal community groups with an interest in the Aboriginal cultural heritage of the traditional Awabakal country have an opportunity to participate in consultation about the ongoing development of the Sanctuary Estate.

In accordance with the requirements of the DECC Interim Aboriginal Consultation Guidelines, Landcom and Urban Pacific are seeking the input of relevant stakeholders from the Aboriginal community to ensure that the new AHIP application thoroughly addresses cultural heritage concerns. Umwelt is assisting Landcom and Urban Pacific with the preparation of the AHIP application.

Please advise Umwelt within ten (10) working days of the date of this letter if you would like to be further involved in the preparation of the AHIP application and/or if you have information that is relevant to the application and/or if you are aware of groups or individual Aboriginal people who should be offered an opportunity to comment on the application. Please contact Pam Dean-Jones at the address at the top of this letter, or on phone 49505322, or email pdeanjones@umwelt.com.au if you would like further information or would like to be involved in the consultation about this AHIP.

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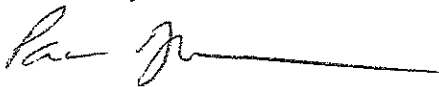
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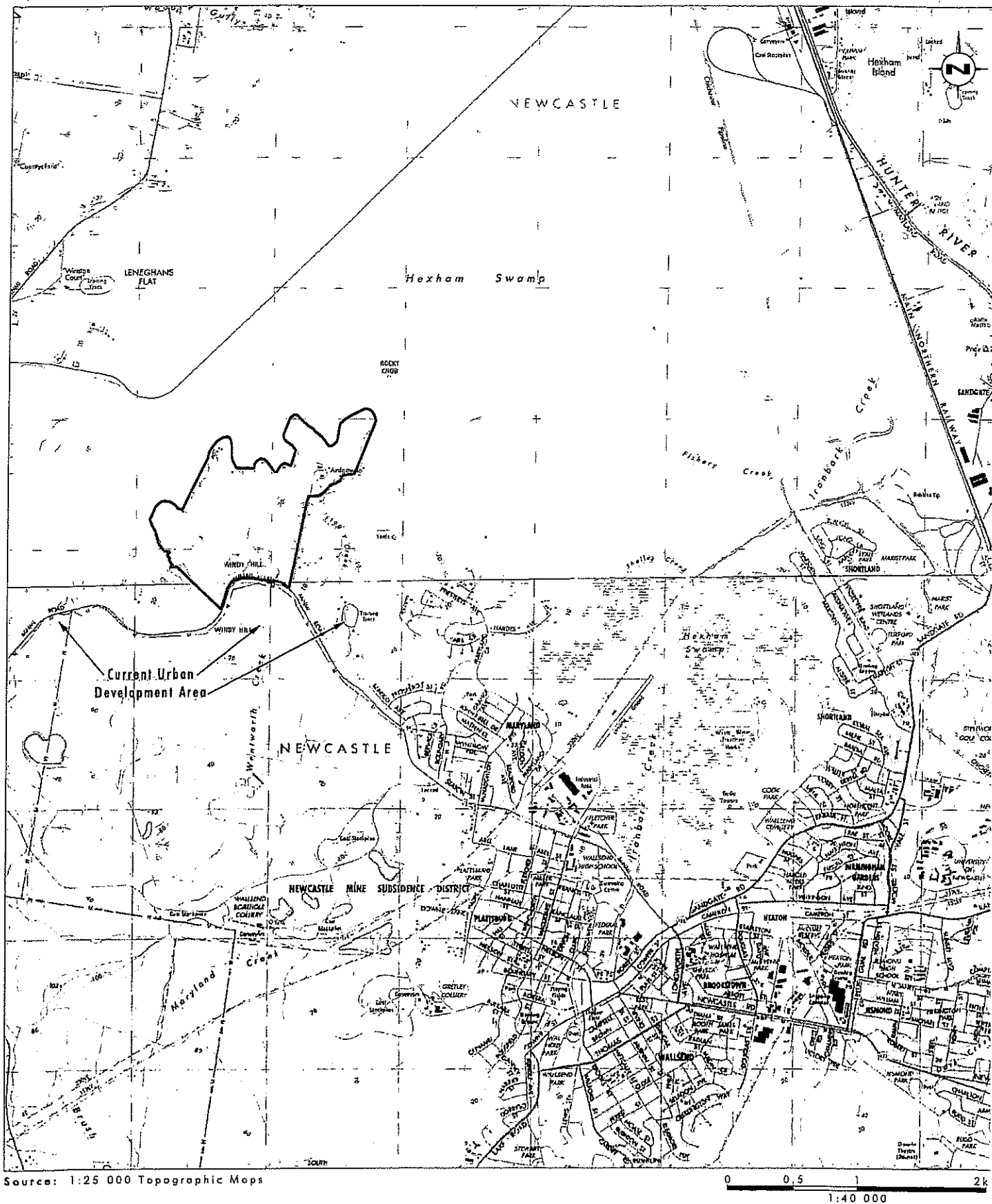
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Yours faithfully



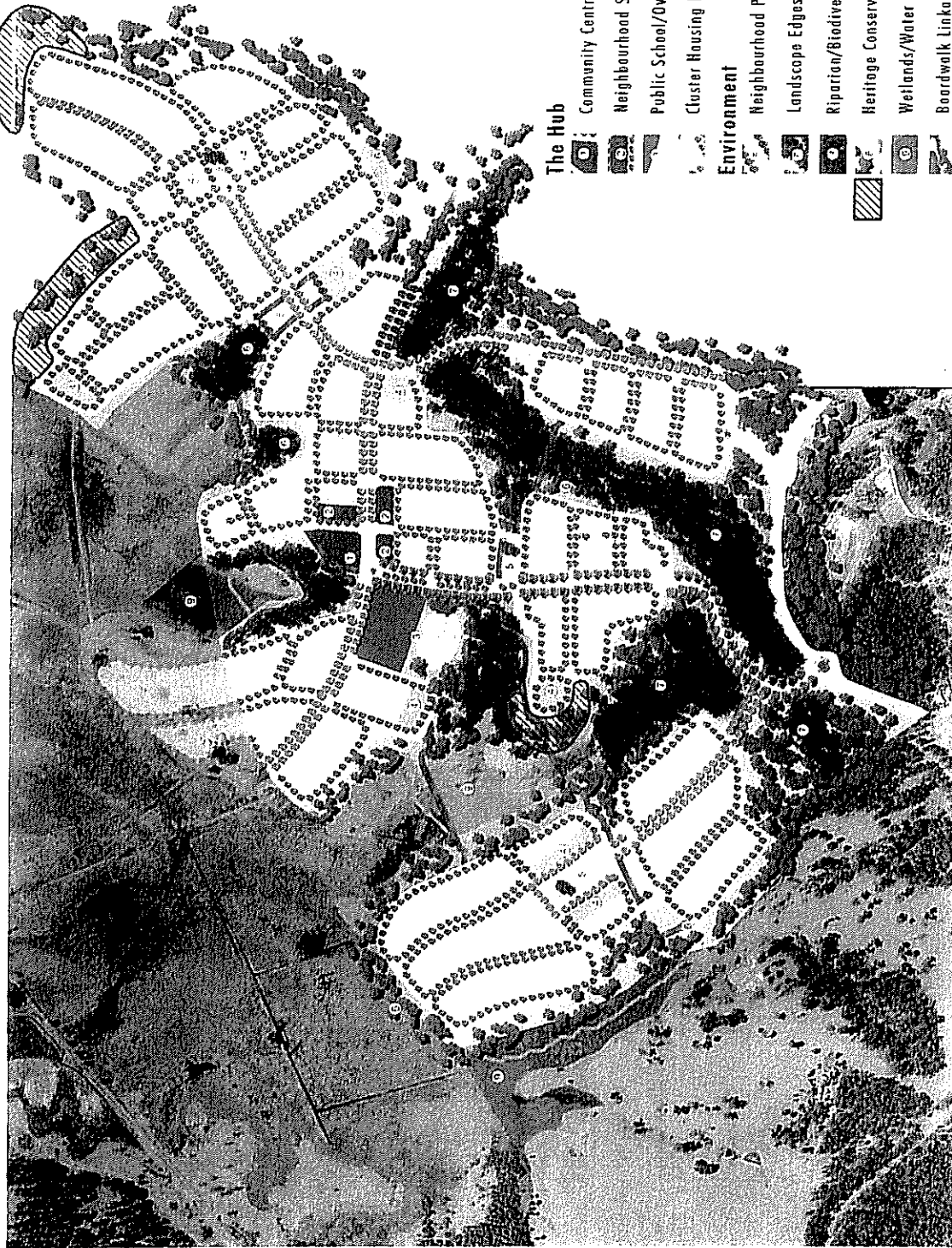
Pam Dean-Jones
Associate

encl



Legend
Project Area

FIGURE
Location of Project Area



Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

POSTED

Ron Gordon
Awabakal Local Aboriginal Land Council
PO Box 437
Hamilton NSW 2303

Dear Ron

Re: Preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate

Landcom and its project development partner Urban Pacific are commencing the preparation of a new section 90 (Aboriginal Heritage Impact Permit (AHIP)) application for the Sanctuary residential estate.

The application is for potential impacts on Aboriginal heritage objects during the construction of homes and associated structures on individual residential properties in the Estate. Three Aboriginal sites have previously been registered on the land (DECC #38-4-0496, DECC #38-4-0530 and DECC #38-4-0683). These are all stone artefact scatters, primarily represented by subsurface artefacts.

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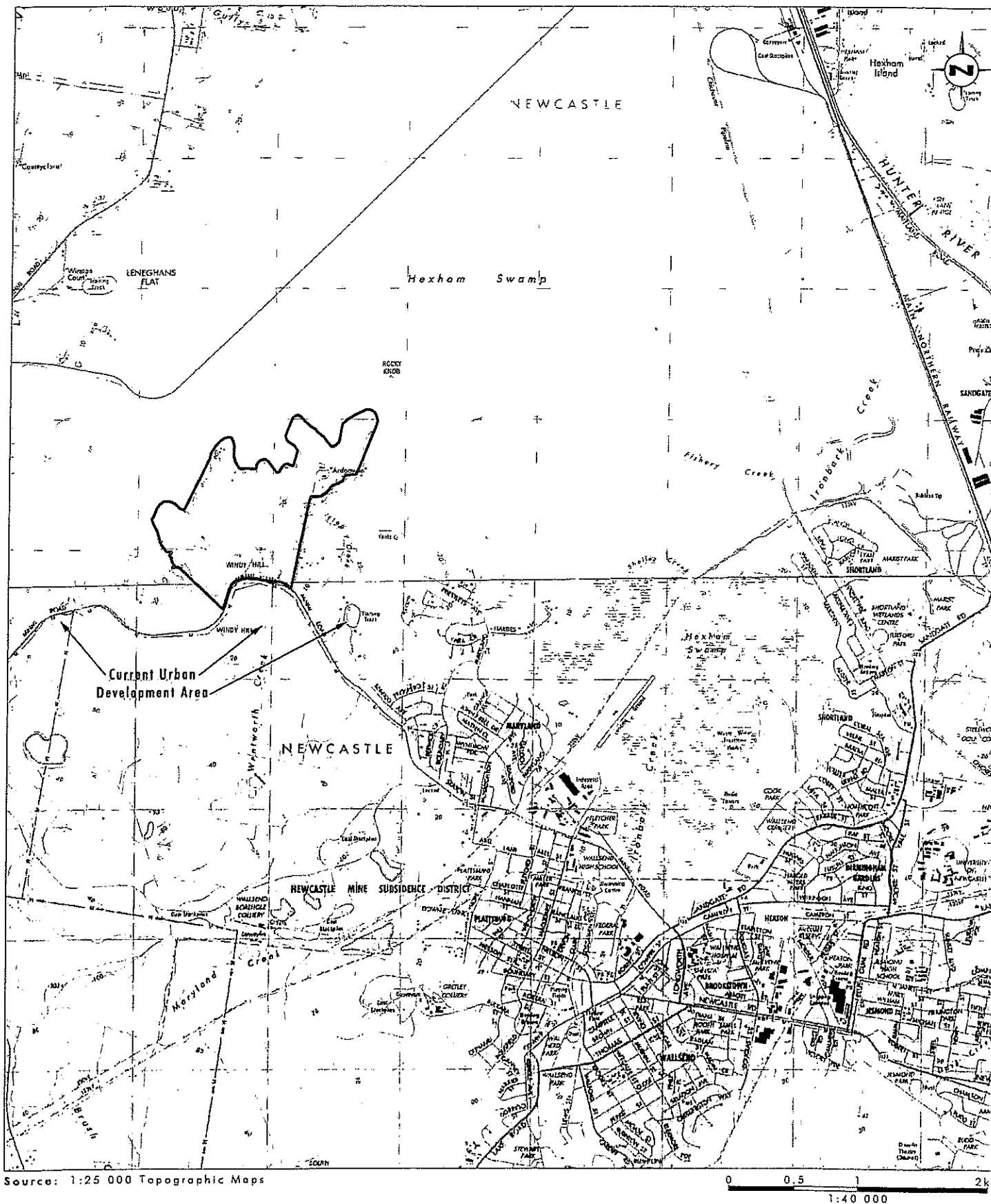
We look forward to your advice and input on this project.

Yours faithfully



Pam Dean-Jones
Associate

encl



Source: 1:25 000 Topographic Maps

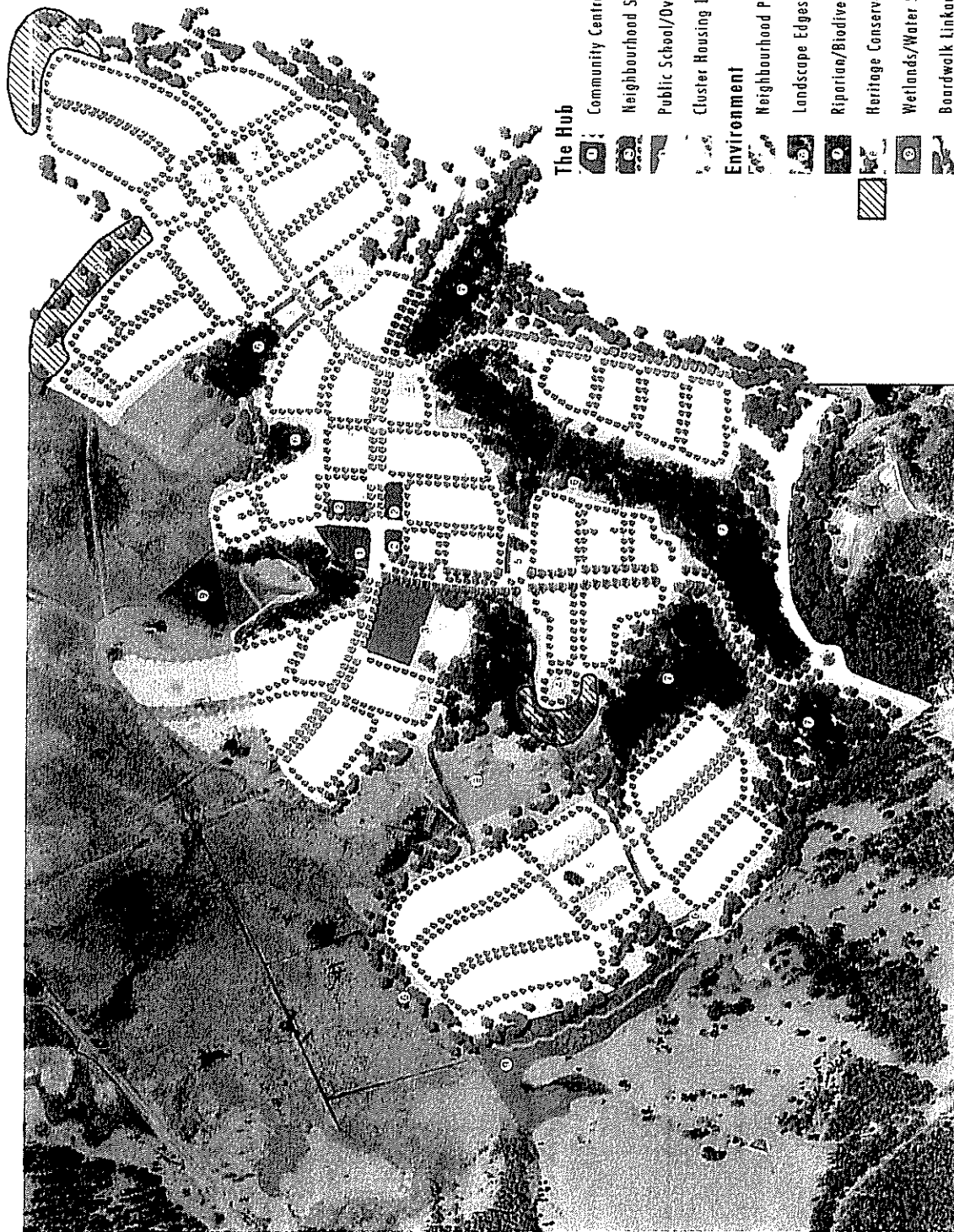
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Legend

Project Area

FIGURE

Location of Project Area



**Registrations of Interest for consultation about Overarching s90 for
residential construction at Sanctuary Estate**

From: lbrauer [lbrauer@bigpond.com]

Sent: Tuesday, 3 June 2008 11:57 AM

To: pdeanjones@umwelt.com.au

Subject: Re: Expression of Interest for the Preparation of a Section 90 Application for Residential Construction, Sanctuary Estate

Importance: High

Hi Pam,

Please find attached our registration of interest for the Preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate.

Kind regards,

Kerrie Brauer

Secretary/Public Officer

ATOAC

Awabakal Traditional Owners Aboriginal Corporation

CONFIDENTIALITY NOTICE: This e-mail is confidential and intended for the addressee only. The use, copying or distribution of this message or any information it contains, by anyone other than the addressee is prohibited by the sender. If you have received this e-mail in error, please delete it and notify the original author immediately. The opinions expressed in this e-mail are those of the author only and do not represent the official view of the corporation. Every reasonable precaution has been taken to ensure that this e-mail, including attachments, does not contain any viruses. However, no liability can be accepted for any damage sustained as a result of such viruses, and recipients are advised to carry out their own checks.

ATOAC
Awabakal Traditional Owners Aboriginal Corporation
P.O.Box 253 Jesmond NSW 2299
Phone: (02) 49156 947
Mobile: 0412866357
Email: klbrauer@bigpond.com
ABN: 90 203 408 309
ICN 4411

26 May 2008

Pam Dean-Jones
Umwelt (Australia) Pty Ltd
PO Box 838
Toronto NSW 2283

Re: Preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate

Dear Pam,

We wish to register our interests to Participate in the Consultation process in relation to the Aboriginal Heritage Impact Permit (AHIP) regarding the new section 90 Application for the (Aboriginal Heritage Impact Permit (AHIP)) for the Sanctuary Residential Estate.

The Sanctuary Estate region at Minmi is regarded as highly significant to the Awabakal people, and this is obvious with the amount of artifacts that are already being retrieved within the area.

It is our understanding that a Section 90 gives the residential developer the consent to destroy Aboriginal artifacts. While there is always the potential for residential developers to do the right thing regarding Aboriginal artifacts/objects, we lately feel we are being railroaded into signing-off on Section 90's without due respect or consideration for the uniqueness of these historical sites.

With regard to the Aboriginal Heritage Management Plan, would you please be able to send out a copy so that we can look through the document.

Although Urban Pacific has worked closely with the Awabakal LALC, we would assume that Urban Pacific would also like to establish a working relationship with the Traditional Owners.

For any further information please don't hesitate in contacting me.

Yours sincerely,



Kerrie Brauer
Secretary/Public Officer

2528-

Pam Dean-Jones

From: Shane Frost [awabakal_to@bigpond.com]
Sent: Thursday, 29 May 2008 8:46 PM
To: pdeanjones@umwelt.com.au
Subject: Invitation to Participate in Consultation Re: AHIP
Importance: High



ALLA Pam,

Just a quick email Pam to let you know our desire to be involved and consulted in regard to the proposed preparation of a new section 90 (AHIP) application for the Sanctuary Residential Estate.

The letter in relation to this matter is attached to this email.

Looking forward to hearing from you soon Pam.

NGI NOA

Shane Frost

Chairman: Awabakal Descendants Traditional Owners Aboriginal Corporation

Email:awabakal_to@bigpond.com Phone:49964362 Fax:49964325 Mobile:0428320671

This information is intended for the addressee only. The use, copying or distribution of this message or any information it contains, is prohibited by the sender.

30/05/2008



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 29 May 2008

Attention: Pam Dean – Jones: Archaeologist
Umwelt Environmental Consultants
2/20 The Boulevard
TORONTO NSW 2283

Re: Preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate.

ALLA Pam,

I am writing to you in regard to the **Section 90 Aboriginal Heritage Impact Permit that is proposed for Residential Construction at the Sanctuary Estate.**

I would like to notify you of the **Awabakal Descendants Traditional Owners Aboriginal Corporations** interest in this AHIP and our desire to be involved and consulted in relation to any ongoing development of the Sanctuary Estate. It is also our desire, being the direct descendants of the Traditional Awabakal People of the Lake Macquarie/Newcastle area to be consulted in regard to any Aboriginal archaeological management or consultation that is to take place for this area.

We are concerned and desire to be involved in all the affairs that may affect that cultural heritage which is vital to our people in maintaining connectedness in respect of our Traditional Country.

This area falls into the Traditional Tribal Country of our people, the Awabakal. As you can understand this area and every part of our Traditional Country is special to us, not just for the Physical aspect but also the Spiritual and Oral aspect which are all combined to give us our complete culture. Our Traditional Tribal Country is the reason why we take every opportunity to be available for consultation in regard to these very important issues and decisions that need to be made in regard to what gives us the right through birth to be called Traditional Awabakal People.

We are a registered Aboriginal Corporation under the Federal Governments **Aboriginal Corporations Act** to carry out business within Australia in regard to the representation of our people through this corporation known as the **Awabakal Descendants Traditional Owners Aboriginal Corporation.**

I hope this addresses any queries you may have Pam, if not and further information is required please don't hesitate to contact me ASAP. My contact details are as follows.

NGI NOA (Farewell in Awabakal)

Shane Frost
Chairman: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email: shanefrost@bigpond.com Phone: 49964362 Fax: 49964325 Mobile: 0428320671



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

3rd June, 2008

Pam Dean - Jones
Associate
Umwelt (Australia) Pty Ltd
PO Box 838
TORONTO NSW 2283

Dear Pam

The Awabakal Local Aboriginal Land Council wish to lodge an "Expression of Interest" for the preparation of a Section 90 Application for Residential Construction at the Sanctuary Estate.

For further enquiries please contact the Awabakal LALC on the number below.

Yours sincerely

Marilyn Rose

Marilyn Rose
Acting General Manager

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

2568

Phone call from Tom Miller 30 May 2008

To register interest in consultation for Sanctuary s90

Contact details:

Tom Miller, Leanne Miller
Lower Hunter Wonnaruah Council Inc.

Shop2/145 Lang (?) St. Kurri Kurri

Phone Tom 0402 636521
Leanne 0447266590

Office phone/fax 49372455

Spoke to Tom 24/6

He had not realised the land is in Awabakal LALC – he does not want to be involved in the Awabakal area.

2568/responses re consultation/Miller

2568.

WONNARUA CULTURE HERITAGE

ABN: 50574121352

19 O'Donnell Crescent
METFORD NSW 2323

Fax & Phone: 02 47665457
Mob: 0401028807

Fax

To: Pam Dean-Jones From: W.C.H.
Fax: 02 49 505 737 Pages: 1
Re: Sanctuary Residential Estate Date: 10/6/08

ATT Pam Dean-Jones
umwelt

We wonnarua culture Heritage would like to be
Involved with the Sanctuary Residential Estate,
Fletcher (Newcastle) Aboriginal Heritage Project
For Any further information we can be
contacted on the above mobile number

Yours Sincerely



Gordon Griffiths.

Spoke to Gordon
24/6 - he
will not come as

This project is in
Aboriginal country -
would not encroach on
their area.

**Correspondence to Newcastle City Council and NSW State
agencies in accordance with DECC Guidelines**

Umwelt (Australia) Pty Limited
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Ph. 02 4950 5322
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ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

The General Manager
Newcastle City Council
PO Box 488G
Newcastle NSW 2300

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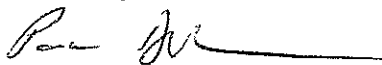
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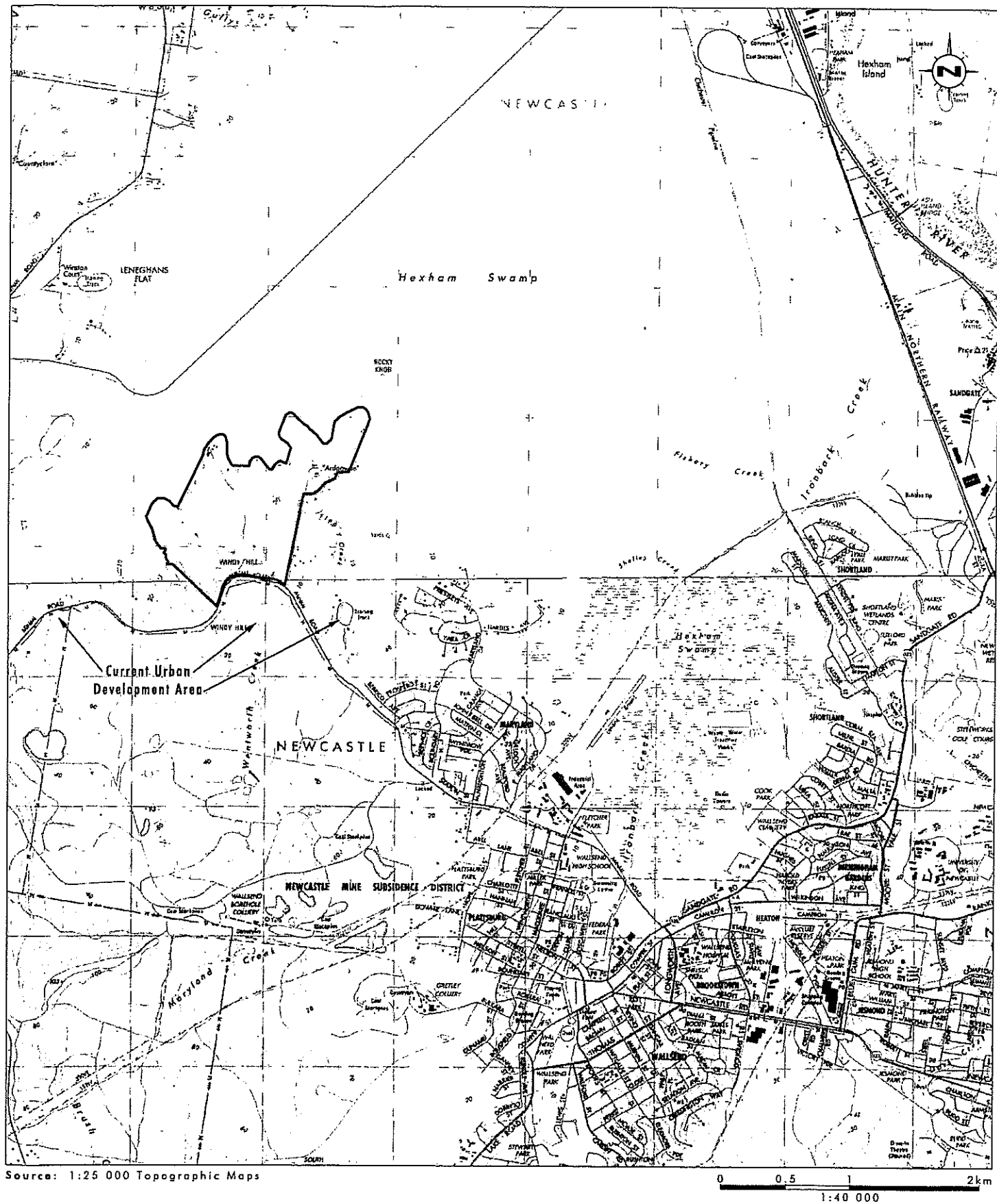
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Yours faithfully



Pam Dean-Jones
Associate

encl



Legend
Project Area

FIGURE 1
Location of Project Area

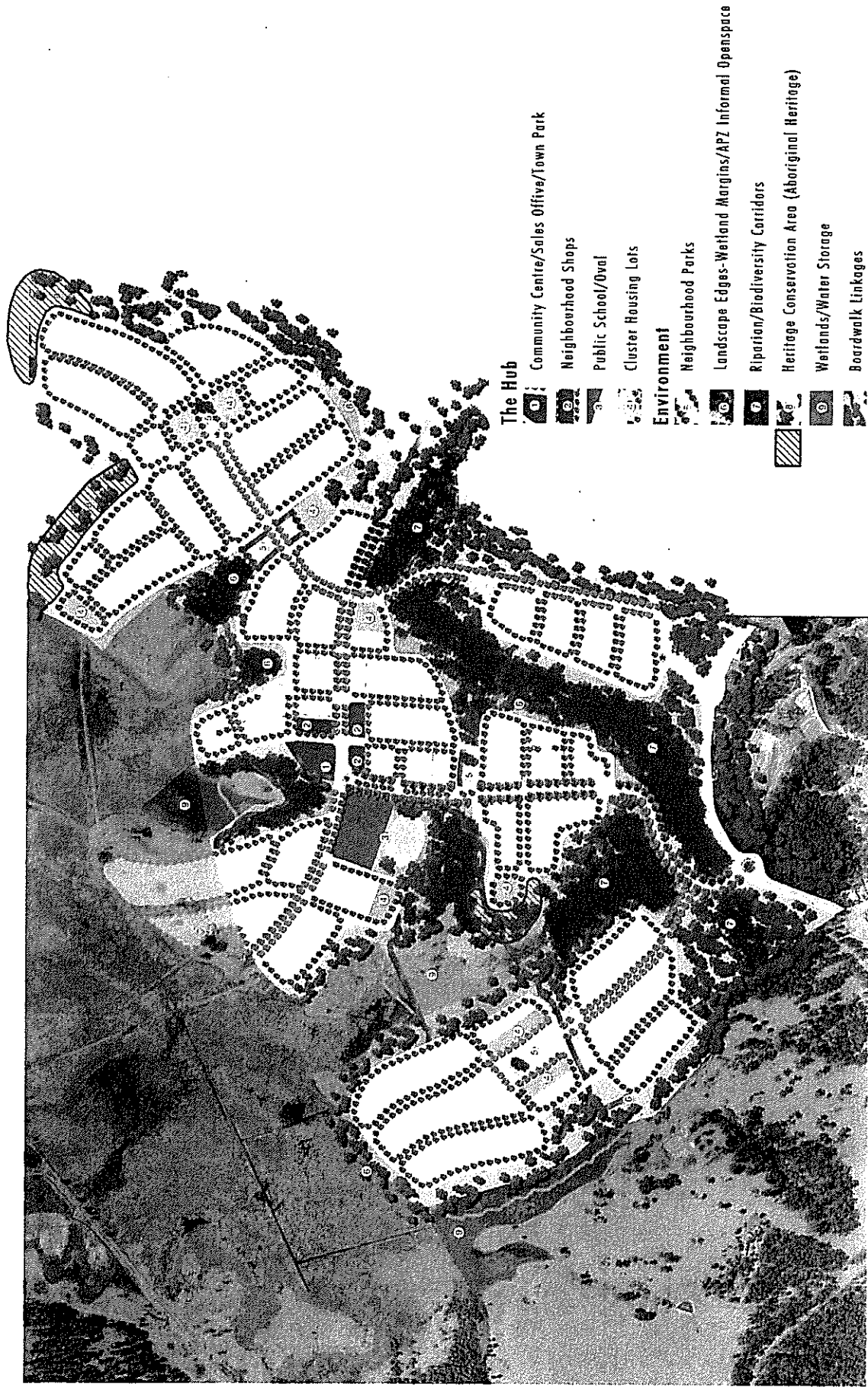


FIGURE 2
Location of Aboriginal
Heritage Conservation Areas

From: Brian Cameron [BCAMERON@ncc.nsw.gov.au]
Sent: Friday, 6 June 2008 3:02 PM
To: pdeanjones@umwelt.com.au
Cc: Sarah Cameron; Mark Dwyer
Subject: Section 90 for Sanctuary Estate, Fletcher

Pam,

I refer to your letter dated 21 may 2008.

As discussed by phone this week, Council would like to participate in discussions relating to the preparation and administration of the proposed Section 90 application.

Myself and Sarah Cameron (Heritage Officer) wish to be involved in any such discussions. Lillian Eastwood, Council's representative on the Guraki Committee, is away until late June and might also wish to be involved on her return to work as well.

Regards

Brian Cameron
Senior Development Officer
Strategic Planning & Development
Ph 4974 2637

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Newcastle City Council
Web: <http://www.newcastle.nsw.gov.au>
E-mail: mail@ncc.nsw.gov.au

Section 90 application for Residential allotments at Sanctuary Estate - ''BCAMERON@ncc.nsw.gov.au'
From: Linda Anslow <lanslow@umwelt.com.au>
To: ''BCAMERON@ncc.nsw.gov.au' <'BCAMERON@ncc.nsw.gov.au>
Date: Wed, 18 Jun 2008 13:15:00 +1000
Subject: FW: Section 90 application for Residential allotments at Sanctuary Estate

Attachments: 2568_On site consultation meeting advice_20080618a_ltr.pdf, s1, s2, s3 & s4
tables attachment-from 2522.pdf, executive summary attachment-from1422.pdf

Dear Brian,

Please find attached a letter and attachments from Pam Dean-Jones of Umwelt (Australia) Pty Limited. If you would like further information, please contact Pam Dean-Jones on 4950 5322.

Regards,

Linda Anslow
Administration Officer
Umwelt (Australia) Pty Limited
PO Box 838
2/20 The Boulevarde
Toronto NSW 2283

Ph (02) 4950 5322
Fax (02) 4950 5737
www.umwelt.com.au

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2568

Section 90 application for Residential allotments at Sanctuary Estate - lanslow@umwelt.com.au
From: Sarah Cameron <SCAMERON@ncc.nsw.gov.au>
To: lanslow@umwelt.com.au <lanslow@umwelt.com.au>
Date: Fri, 20 Jun 2008 16:10:18 +1000
Subject: FW: Section 90 application for Residential allotments at Sanctuary Estate

Attachments: 2568_On site consultation meeting advice_20080618a_ltr.pdf, S1, S2, S3 & S4
tables attachment-from 2522.pdf, executive summary attachment-from1422.pdf

Dear Linda

I am attending the meeting next wednesday with Brian Cameron from NCC
also

Regards

Sarah Cameron
Heritage Officer

Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300
p 4974 2785
f 4974 2701
e scameron@ncc.nsw.gov.au

www.ncc.nsw.gov.au/my_property/our_heritage

From: Brian Cameron
Sent: Friday, 20 June 2008 6:58 AM
To: Sarah Cameron; Lillian Eastwood
Subject: FW: Section 90 application for Residential allotments at
Sanctuary Estate

FYI - On site meeting is proposed next wednesday 25 June 2008. I will be
attending. Please make your own RSVP to Pam and let me know if you will
be attending.

Regards

Brian Cameron
Senior Development Officer

From: Linda Anslow [mailto:lanslow@umwelt.com.au]
Sent: Wednesday, 18 June 2008 4:36 PM
To: Brian Cameron
Subject: Section 90 application for Residential allotments at Sanctuary
Estate

Dear Brian,

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Regards,

Linda Anslow

Administration Officer

Umwelt (Australia) Pty Limited

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Newcastle City Council

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E-mail: mail@ncc.nsw.gov.au



OFFICE OF THE REGISTRAR
ABORIGINAL LAND RIGHTS ACT 1983 (NSW)

17-19 Mannfield Street
Cieba NSW 2037
PO Box 111, Cieba NSW 2037
R 02 9562 6321 F 02 9562 6350

Pam Dean-Jones
Associate
Umwelt (Australia) Pty Ltd
PO Box 838
Toronto NSW 2283

Dear Pam,

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 21 May 2008 regarding your preparation of an Aboriginal Heritage Impact Permit for the construction of homes at Sanctuary Estate northwest of Newcastle in NSW.

I have searched the Register of Aboriginal Owners and the subject land may have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983 (NSW)*.

There are Aboriginal Owners for the Worimi Conservation Lands to the north east of the study area. The Board of Management can be contacted through the DECC:

Robert Quirk
National Parks & Wildlife Service
Hunter Region Office
Level 12B
Teramby Road Nelson Bay, NSW 2315
Phone: (02) 4984-8213 Fax: (02) 4981-5913
Email robert.quirk@environment.nsw.gov.au

I note you are in contact with the Awabakal Local Aboriginal Land Council with regards to the project. They may also be able to assist you in contacting other relevant Aboriginal stakeholders for the project.

Yours sincerely

per Kylie McLeod
Project Officer
Aboriginal Land Rights Act (1983)
20 May 2008

Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

POSTED

Native Title Services
PO Box 2105
Strawberry Hills NSW 2012

Dear Sir/Madam

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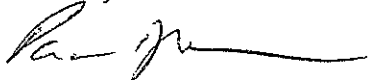
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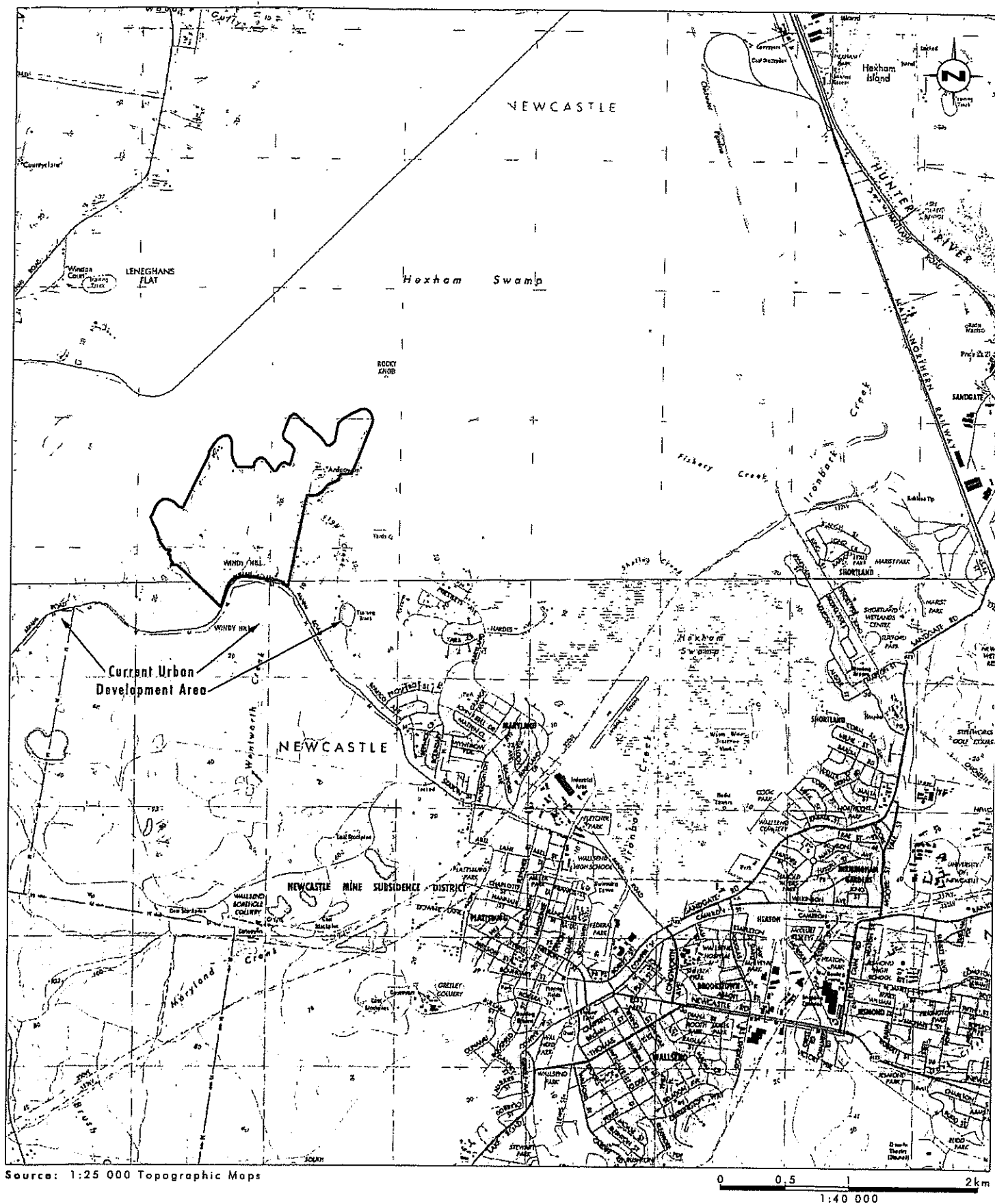
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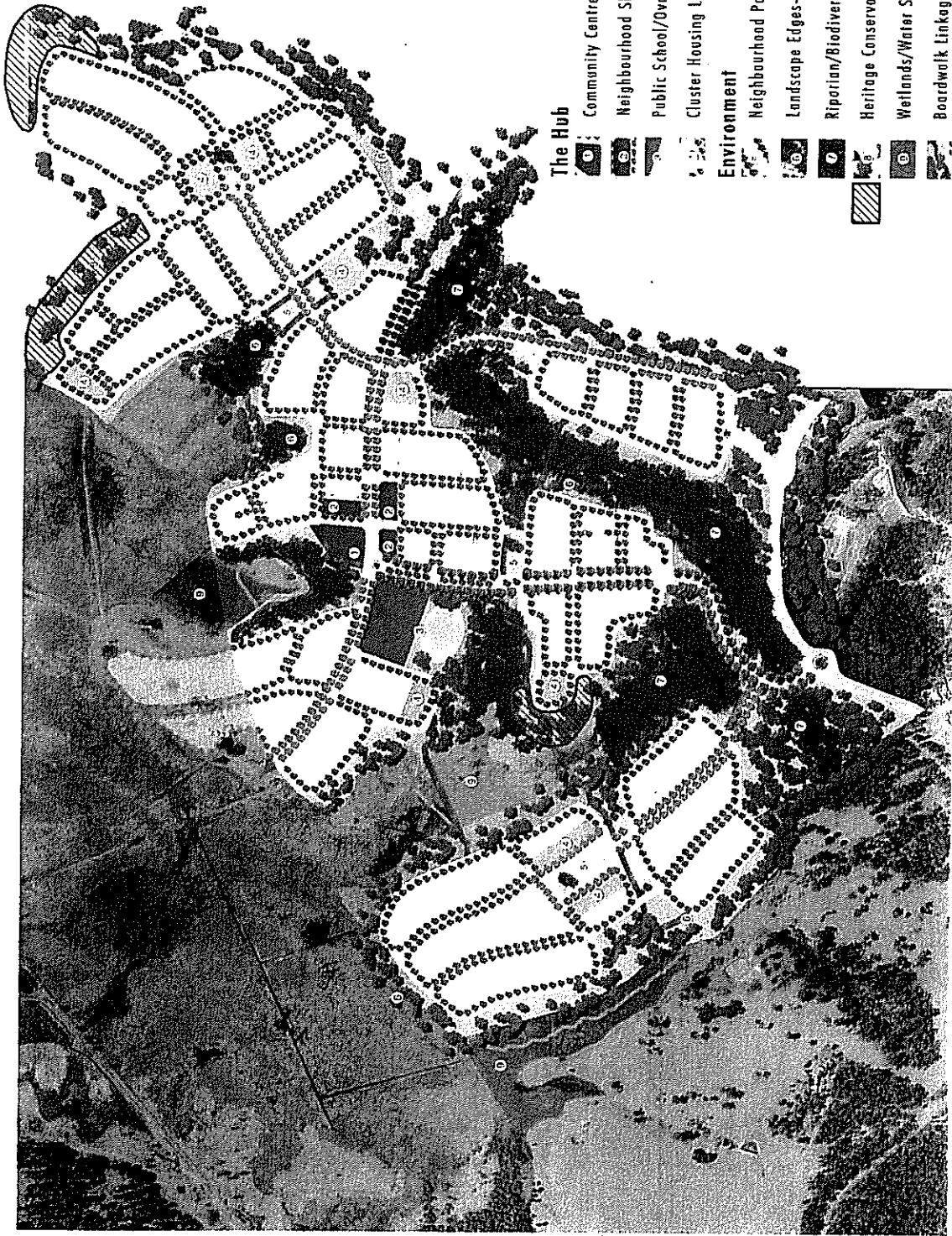
Pam Dean-Jones
Associate

encl



Legend
Project Area

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Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

POSTED

Registrar of Aboriginal Owners, Department of Aboriginal Affairs
Level 13 Tower B, Centennial Plaza, 280 Elizabeth Street
Sydney NSW 2000

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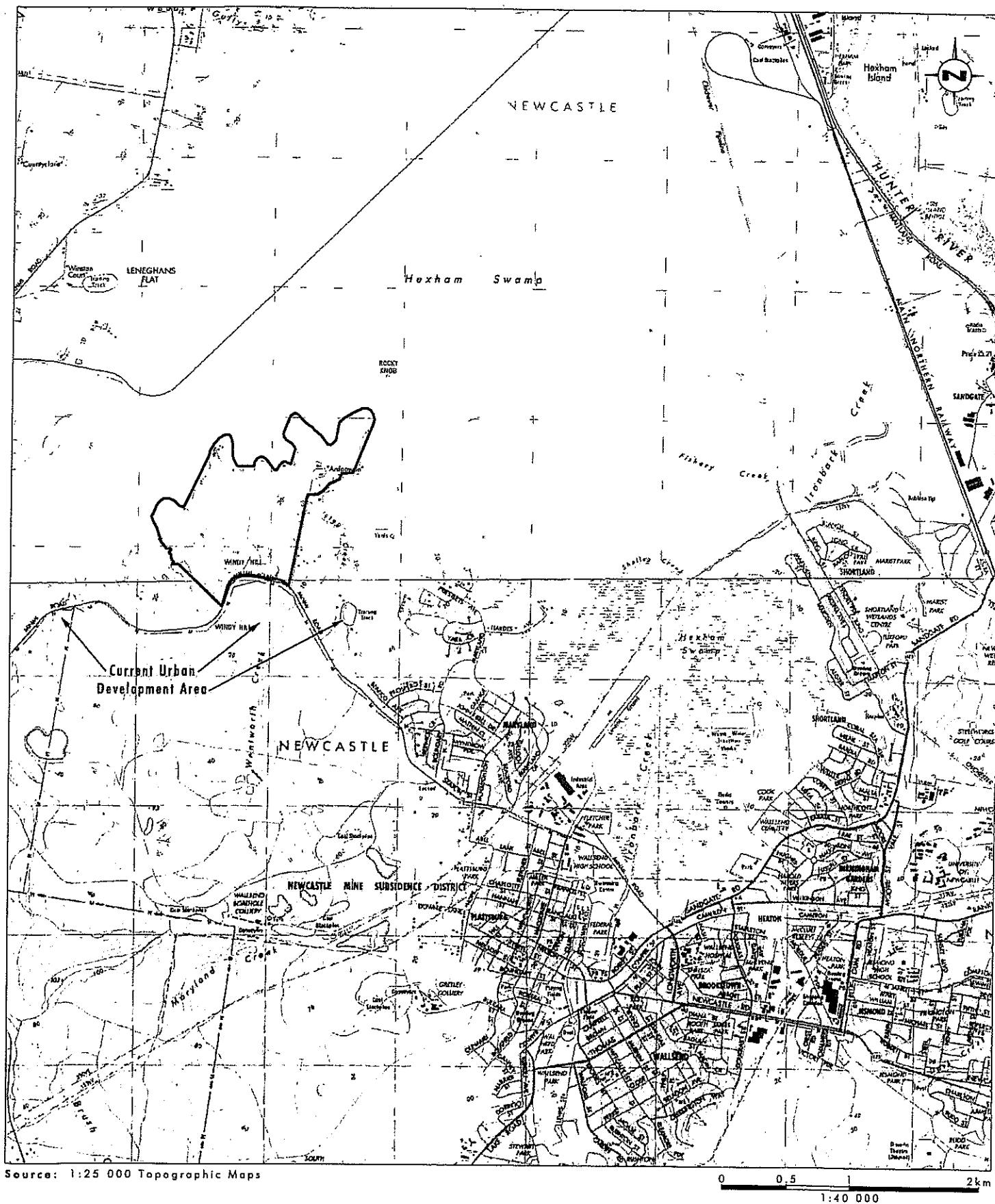
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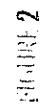
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Associate

encl



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Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/210508

21 May 2008

POSTED

Executive Director, Operations
Department of Environment and Climate Change
PO Box A290
Sydney NSW 1232

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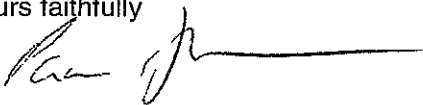
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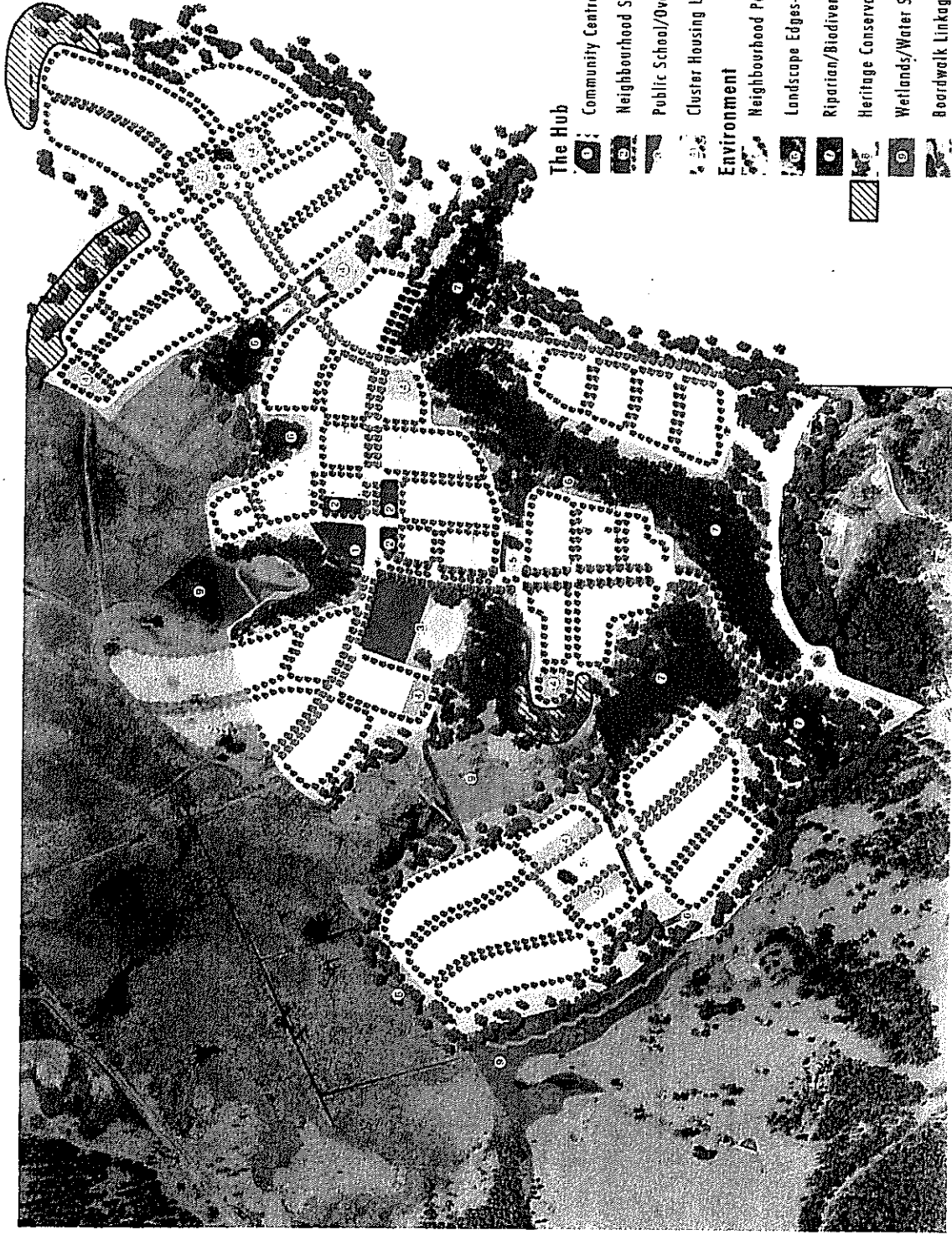
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Your reference : 2568/PDJ/PDJ/210508
Our reference : DOC08/23108 FIL07/482-03
Contact : Nick Pulver (02) 6659 8225
Date : 28 May 2008

Ms Pam Dean-Jones
Associate
Umwelt (Australia) Pty Limited
PO Box 838
TORONTO NSW 2283

RECEIVED

2 JUN 2008

Dear Ms Dean-Jones

**Re: Preparation of a Section 90 Application for proposed residential sub-division at
Sanctuary Estate, Fletcher, NSW – Newcastle LGA**

I refer to your letter of correspondence to the Department of Environment and Climate Change (DECC), dated 21 May 2008 regarding the above matter.

DECC would like to signal our interest in being kept apprised of the consultation process for this Aboriginal Heritage Impact Permit application process. It would be appreciated if copies of relevant documentation, including invites, agendas and minutes could be forwarded to myself at brett.nudd@environment.nsw.gov.au.

Please find attached a list of known Aboriginal parties that DECC feels is likely to also have an interest in your development. I note this is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with DECC's *Interim Community Consultation Requirements for Applicants* (2005).

If you encounter any changes to the contact details of interested Aboriginal parties or become aware of additional parties, we encourage you to forward this information to the Department so we can update our records.

If you have any further question regarding this matter, please contact Nick Pulver, Planning & Aboriginal Heritage Section on (02) 6659 8225.

Yours sincerely



BRETT NUDD

**A/Manager Planning and Aboriginal Heritage – North East
Environment Protection & Regulation Group**

Encl.: Attachment 1

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW



Ltd 156 The Inlet Road BULGA NSW 2330	PO Box 487 CARDIFF NSW 2285
Mimagen Wajaar Pty Ltd 7 Wybalena Close KILABEN BAY NSW 2283	Yarrawalk Enterprises PO Box 906 MUSWELLBROOK NSW 2333
Mur-Roo-Ma Inc. 7 Vardon Road, FERN BAY NSW 2295	Wonn1 Contracting 619 Main Road GLENDALE NSW 2285
Awabakal Traditional Owners Aboriginal Corporation PO Box 253 JESMOND NSW 2299 Contacts: Kerrie Brauer and Dene Hawkin	Awabakal Descendants Traditional Owners Aboriginal Corporation PO Box 38 WALLABADAH NSW 2343 Contact: Shane Frost
Muswellbrook Cultural Consultants 10 Scott street MUSWELLBROOK NSW 2333	Nur-Run-Gee Pty Ltd 22 Popplewell Road FERN BAY NSW 2295
David French 10 Mill Street MUSWELLBROOK NSW 2333	Mingga Consultants 11 Coolibah Close MUSWELLBROOK NSW 2333

**Invitation and background information for on site consultation
meeting, 25 June 2008**

Linda Anslow

From: Linda Anslow [lanslow@umwelt.com.au]
Sent: Wednesday, 18 June 2008 12:24 PM
To: 'awabakal_to@bigpond.com'
Subject: Section 90 application for Residential allotments at Sanctuary Estate
Attachments: on site consultation meeting advice-20080618a_ltr.pdf

Dear Shane,

Please find attached a letter from Pam Dean-Jones of Umwelt (Australia) Pty Limited. If you would like further information, please contact Pam Dean-Jones on 4950 5322.

Regards,

Linda Anslow
Administration Officer
Umwelt (Australia) Pty Limited
PO Box 838
2/20 The Boulevard
Toronto NSW 2283

Ph (02) 4950 5322
Fax (02) 4950 5737
www.umwelt.com.au

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2568

18/06/2008

Linda Anslow

From: Linda Anslow [lanslow@umwelt.com.au]
Sent: Wednesday, 18 June 2008 12:26 PM
To: 'lbrauer@bigpond.com'
Subject: Section 90 application for Residential allotments at Sanctuary Estate
Attachments: on site consultation meeting advice-20080618a_ltr.pdf

Dear Kerrie,

Please find attached a letter from Pam Dean-Jones of Umwelt (Australia) Pty Limited. If you would like further information, please contact Pam Dean-Jones on 4950 5322.

Regards,

Linda Anslow
Administration Officer
Umwelt (Australia) Pty Limited
PO Box 838
2/20 The Boulevarde
Toronto NSW 2283

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2568

18/06/2008

Linda Anslow

From: Linda Anslow [lanslow@umwelt.com.au]
Sent: Wednesday, 18 June 2008 12:31 PM
To: 'awabaka@bigpond.net.au'
Subject: Section 90 application for Residential allotments at Sanctuary Estate
Attachments: on site consultation meeting advice-20080618a_ltr.pdf

Dear Marilyn,

Please find attached a letter from Pam Dean-Jones of Umwelt (Australia) Pty Limited. If you would like further information, please contact Pam Dean-Jones on 4950 5322.

Regards,

Linda Anslow
Administration Officer
Umwelt (Australia) Pty Limited
PO Box 838
2/20 The Boulevard
Toronto NSW 2283

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2568

18/06/2008

Our Ref: 2568/PDJ/PDJ/180608

18 June 2008

To all groups and organisations who have expressed interest in the section 90 application for residential allotments at Sanctuary Estate

Re: On Site Consultation Meeting

Thank you for your interest in the preparation of the section 90 application (Aboriginal Heritage Impact Permit, AHIP) for building on the residential allotments at the Sanctuary Estate, Fletcher.

An on site consultation meeting will be held at the Sanctuary Estate on Wednesday 25 June 2008, from 9.30 am to 12 noon. Meet at the Sanctuary Sales Office which is at the Estate Display Village. Turn into Kurraka Drive from the main entrance off Minmi Road and follow Kurraka Drive to the parking area located on Konara Circuit near the Sales Office. Morning tea will be provided.

This is a consultation meeting and information session. There will be no payment for this meeting.

The objective is to provide an opportunity for all groups who have expressed an interest in this section 90 application to see the landscape context of the development and to discuss the Aboriginal heritage values of the land. The morning will include:

- A familiarisation tour of the land (part four wheel drive, part walking), including the three proposed conservation areas.
- A brief discussion of the archaeological background.
- A brief discussion of the cultural heritage values that are currently known.
- A review of the existing Aboriginal cultural heritage management actions and progress.
- Discussion of potential amendments to the existing Aboriginal Heritage Management Plan.

If you would like to attend, please reply to Pam Dean-Jones on 4950 5322, or email pdean-jones@umwelt.com.au. Please reply by 12 noon, Tuesday 24 June 2008.

Background

Investigation, assessment and management of Aboriginal cultural heritage values associated with the Sanctuary Estate (formerly known as Bluegum Vista) have been continuing for several years. A copy of the Executive Summary of the Aboriginal cultural heritage assessment report for the area is attached to this letter.

Existing Section 90

Landcom currently holds an AHIP for the initial earthworks associated with construction of the subdivision of the Sanctuary estate (roads, drainage, footpaths, etc.), issued in February 2006 and valid for ten years.

A detailed Aboriginal Cultural Heritage Management Plan was prepared in 2006, as part of the requirements of the section 90 consent. Four tables which summarise the actions developed in the Aboriginal Cultural Heritage Management Plan are attached to this letter. These tables set out the ways in which Landcom and Urban Pacific have agreed to manage the development of the Estate and to provide information to incoming residents, so that the Aboriginal cultural heritage values of the land will be known and respected. Actions include:

- Using Awabakal language for all street names in the Estate.
- Preparing brochures about the Aboriginal cultural heritage of the area, to be included in 'Welcome Packs' for incoming land owners.
- Creating three cultural heritage conservation areas within the estate, at locations which have important archaeological and cultural values.
- Managing these conservation areas to protect cultural materials that may be present, including placing stone artefacts collected from other parts of the land within the conservation areas.
- Landscaping the conservation areas to showcase plants of importance to traditional Awabakal people and provision of interpretative signage about the area's Aboriginal heritage stories and values.
- Story signs and art work will be also installed along walkways/bikeways in the Estate.
- Developing material to be exhibited at local schools.
- Protocols for Aboriginal community observers to be present during initial ground disturbing earthworks.

New Section 90 Application

The new AHIP is for residential development on the approved housing allotments and is intended to complement the existing AHIP for subdivision works. It is proposed to submit a single section 90 application for all residential allotments on the Estate (other than the display village which is already covered). When issued, the requirements of the section 90 consent will be implemented over several years, as different parts of the Estate are developed.

We propose to amend the existing Aboriginal Cultural Heritage Management Plan so that it sets out the ways in which Aboriginal cultural heritage values will be managed across the whole Estate. In accordance with the recommendations of the previous extensive archaeological studies of the land, no further archaeological investigations are proposed. This is also consistent with the existing section 90 consent. The presence of Aboriginal community Sites Officers during initial ground disturbing earthworks is for cultural purposes, including collection of material for educational purposes.

A draft of the new section 90 application will be prepared after the meeting on 25 June, together with amendments to the Aboriginal Cultural Heritage Management Plan. The drafts of both these documents will be circulated to interested groups for comment.

For Further Information

If you would like any more information, please contact Pam Dean-Jones on 4950 5322.

Yours faithfully

Pam Dean-Jones
Associate

Attachments

- Executive Summary of Umwelt (2002): Aboriginal Cultural Heritage Values of the Bluegum Vista Estate.
- Tables S1, S2, S3 and S4 (Appendix 5) of the Bluegum Vista Aboriginal Cultural Heritage Management Plan (Umwelt 2006).

Report No. 1422/R01/V4

Prepared for:

LANDCOM

**MANAGEMENT OF ABORIGINAL CULTURAL HERITAGE VALUES IN THE
BLUEGUM VISTA ESTATE**

EXECUTIVE SUMMARY



Umwelt (Australia) Pty Limited
Environmental and Catchment Management Consultants

**PO Box 838
Toronto NSW 2283**

Ph. (02) 4950 5322

Fax (02) 4950 5737

EXECUTIVE SUMMARY

This report documents the Aboriginal cultural heritage values of the proposed Bluegum Vista residential estate and makes a series of recommendations for the design and management of the estate to recognise and respect those values. The management recommendations have been developed in consultation with the Awabakal Local Aboriginal Land Council (Awabakal LALC) within whose area the proposed subdivision area is located.

Landcom proposes a 700 lot residential estate on a 119 hectare site, situated on a long, gently sloping ridge that forms part of the western catchment and foreshore of Hexham Swamp. Most of the site has been a working farm for approximately 150 years. The entire site was acquired by Landcom as freehold land and comprises Lot 2, DP 1009255. It is anticipated that approximately 67% of the land will be directly affected by residential development. The remainder will provide for natural and cultural heritage protection areas, parkland, water quality management structures and community services.

A surface archaeological survey was conducted in 1993 in consultation with the Awabakal LALC. No evidence of Aboriginal occupation was identified. Subsequently Newcastle City Council imposed a development consent condition requiring written confirmation from NPWS and Awabakal LALC that they were satisfied with Landcom's proposals to manage the Aboriginal cultural heritage values of the subdivision area. In the context of other regional Aboriginal heritage information, NPWS considered that the proposed estate was located within an area of high cultural heritage sensitivity and therefore required further subsurface investigations to clarify the nature and distribution of Aboriginal cultural heritage material on the land.

This report provides the information necessary to satisfy the requirements of the local Aboriginal community, NPWS and Newcastle City Council in relation to the management of cultural heritage values at Bluegum Vista.

STUDY METHOD

Investigations have been conducted under two Preliminary Research Permits (PRPs), issued by NPWS in 1999 and 2000. The PRPs were developed in consultation with NPWS and the Awabakal LALC. Results and interpretation of all these studies are presented in this report. The objective of the investigations was to provide appropriate information to facilitate effective planning and management decisions about the Aboriginal cultural heritage material present in the study area. In this context, the sampling strategy, excavation process and analysis of flaked stone artefacts has been conducted at a level of detail to provide quality management information about past Aboriginal activities on the land. Investigations and analysis have been based on local terrain units, and for the purposes of this study, Aboriginal site boundaries are linked to the boundaries of each terrain unit, from which the excavated trenches provide a sample.

Aboriginal cultural heritage significance has been assessed on the basis of:

- local historical records;
- review of previous Aboriginal cultural heritage investigations from the margins of the lower Hunter wetlands;
- consultation with the local Aboriginal community;
- the results of subsurface investigations conducted within the study area;

- detailed analysis of the stone artefacts recovered from the excavations, including residue analysis;
- detailed evaluation of soil forming processes within the study area and the implications of these for the interpretation of cultural heritage evidence;
- comparison of the results of these investigations with those obtained from similar locations in the lower Hunter Valley; and
- NPWS guidelines for the evaluation of “archaeological” or scientific significance of Aboriginal cultural heritage material.

OUTCOMES AND INTERPRETATION

There were 3001 individual flaked stone artefacts recovered from 316 square metres of subsurface sampling investigations at 20 locations, distributed across the 21 local terrain units (in seven categories) represented in the study area. In addition, large numbers of fragments of the same stone raw materials as the artefacts were recovered. Many of these fragments display diverse evidence of heat impacts and are interpreted as the result of post discard taphonomic processes such as bushfire and stump burning associated with land clearing. They are not artefacts, but their presence and character help to explain the nature of the artefact assemblage.

Culturally flaked stone was recovered from all local terrain units. Analysis of the variability of artefact numbers and the diversity of artefact type and character between sampling transects and between local terrain units, indicates that the complexity of evidence is strongly influenced by sample size. Samples from different terrain units reflect aspects of the same broad land use strategy by Aboriginal people, and no sites representing specific different activities (such as ceremonies) could be differentiated. No evidence of human burials was identified. Although there are general references to the possible presence of burials to the south of Hexham Swamp, the negative result is consistent with the nature of local soils and the extent of past disturbance of the study area.

Notwithstanding the broad similarity of evidence across all parts of the study area, samples from three locations were conspicuous for the intensity of occupation activity that they represented. These were Transect 1 (hillock/headland), Transect 4 (open spur crest) and Transect 13 (sheltered spur crest). These three transects accounted for 13.4%, 11.3% and 8.3% of the artefacts recovered from Stage 2A of the excavation program respectively.

The results of the investigations and analysis suggest the following conclusions about the past Aboriginal occupation of the study area:

- The flaked stone artefacts that are present within the study area represent only a small proportion of the total Aboriginal technology that was used in wetland contexts, because many Aboriginal implements utilised organic materials and do not survive archaeologically in open sites.
- The flaked stone assemblage has been significantly affected by a range of post discard processes that have affected its structure and composition. Uncontrolled heat impacts appear to be the most important (destructive) of these, but bioturbation, cultivation and other forms of disturbance have also affected the vertical and horizontal distribution of flaked stone in the soil, and the integrity of the material (by breakage). Although mechanical excavation and processing techniques also affect the integrity of the stone material, the full range of taphonomic processes, over a period of at least 4000 years, is much more important.

- Proximity to the margin of the wetland is not, by itself, sufficient to explain the variation in density and complexity of occupation evidence. Other important landscape attributes affecting choices about the location of occupation activities in this study area appear to include access to fresh water supplies, gentle gradients, direct access to particular habitat types on the wetland margin, seasonal shelter, aspect and outlook. Two of the three locations with high artefact returns were in positions with outlooks across Hexham Swamp, including close proximity to 'the Knob', which is referred to as a site of high cultural value.
- Although it is possible that this study area was occupied during the late Pleistocene and early Holocene, the stratigraphic integrity of the artefact clusters is not sufficient to differentiate a temporal sequence. The bulk of the assemblage is undifferentiated unretouched flakes, but it does include diagnostic mid to late Holocene implements such as edge ground axe fragments and backed blades. The environmental information suggests that this area may have become more attractive for occupation in the latter part of the Holocene, with a greater diversity of habitats and more reliable access to fresh water in prograding tributary creek deltas. At a broader scale, there does appear to be a greater density of stone artefacts within what can be termed the wetland margin corridor, as opposed to the riparian corridor (tributary and hinterland creeks).
- The two main types of raw material present in the study area are tuff (various tuffs are grouped as fine grained siliceous in the artefact analysis) and silcrete. Both of these materials are known to be available from the gravel beds in the Hunter River upstream of Maitland, from outcrops around the margins of Hexham Swamp and from outcrops at the Newcastle coastline. Limited thin-section analysis conducted to date has not been able to correlate artefact raw materials with specific known sources. Changing environmental conditions during the Late Pleistocene would have changed the accessibility of some sources through floodplain deposition, inundation and changing navigability of the estuarine basins and channels.

SIGNIFICANCE

The significance of the Aboriginal cultural heritage material in the study area has been assessed in cultural terms (value to the Aboriginal community) and in archaeological terms (scientific research and conservation potential).

The Awabakal LALC expressed the view that the entire study area has high Aboriginal significance, but identified three areas as having greater value, of which one had outstanding value. The most highly valued location was considered by the Awabakal LALC to be the area at Transect 1, overlooking the Knob.

Archaeological significance depends on integrity (research potential), representativeness (conservation potential) and awareness or educational potential.

The integrity of all parts of the assemblage at Bluegum Vista has been affected by post discard impacts, including 150 years of farming. However, this is also the case for other Aboriginal sites in the lower Hunter Valley and does not, therefore, lower relative significance.

In the lower Hunter Valley, there are currently almost no wetland margin areas containing Aboriginal heritage material that are managed for conservation. The future management of the Tank Paddock spur, to the north of the present study area, could significantly affect the representativeness and conservation context of the material in the Bluegum Vista estate. However, the management of the Tank Paddock has not been resolved and the significance assessment presented here is based on an assumption that to date no significant conservation outcome has been achieved at the regional scale.

The entire archaeological assemblage at Bluegum Vista comprises subsurface artefacts, with limited direct education potential. However, parts of the estate and surrounding wetlands present a significant cultural landscape context, providing strong opportunities for interpretation and education.

Overall significance has been derived by allocating scores to each cultural and archaeological significance criteria, and ranking the total score. Three areas emerge as having very high significance when all criteria are taken into consideration. These are Transect 1 (hillock/headland), Transect 4 (open spur crest), and Transect 13 (sheltered spur crest).

MANAGEMENT STRATEGIES

The management actions proposed for the Bluegum Vista estate fall into two main categories:

- Actions that guide the layout of the estate to provide for the conservation of highly sensitive areas.
- Actions that provide ongoing protection for cultural heritage values during the construction and occupation stages of the development. This group of actions also includes activities that show respect for the former Aboriginal occupiers of the land, but do not necessarily involve physical conservation of cultural heritage material. The responsibility for management of cultural heritage values post construction will lie outside Landcom.

The actions have been developed in consultation with the Awabakal LALC.

Landcom proposes the following management strategies:

1. Street names, reserve names etc across the entire estate will use Aboriginal (Awabakal language) names, in consultation with the Land Council and as approved by Newcastle City Council. An English translation will also be provided.
2. Two parcels of land will be excluded from the residential development and managed to protect their very high cultural heritage values. These areas provide for conservation of part of Transect 1 (hillock/headland) and part of Transect 13 (sheltered spur crest), at the interface of the spur crest lands and the wetland. The cultural heritage conservation areas will be contiguous with other lands managed for habitat conservation.
3. Interpretation material will be provided at the conservation areas at Transect 1 and Transect 13, with detailed content developed in consultation with the Awabakal LALC.
4. The Transect 1 area, in particular, is expected to be frequently visited because of its other scenic qualities. Landcom will provide reasonable surface treatments (boardwalks, stairs etc) as necessary to prevent degradation of this area, in consultation with the Awabakal LALC.
5. Five small parks across the estate will be managed to conserve and/or recognise the Aboriginal cultural heritage of the land. Vegetated buffer areas around the margin of the subdivision and habitat conservation areas along drainage lines will also augment cultural heritage conservation outcomes.
6. A Consent to Destroy application will be made for all parts of the subdivision area, other than those specifically identified for conservation management. The Consent to Destroy application will recommend monitoring of topsoil stripping operations by representatives of the Awabakal LALC, but will not involve any other archaeological salvage.

7. A cultural heritage management plan will be prepared and implemented during the construction phase for the entire subdivision, in consultation with the Awabakal LALC and NPWS. The management plan will set out detailed scheduling and protocols for the construction stage of the estate. It will address matters such as applications for Consent to Destroy, ongoing consultation with the Awabakal LALC, access to conservation areas (during the subdivision development process), cultural awareness training for contractors, temporary fencing of sensitive areas, and management of drainage or other infrastructure works within areas broadly managed for habitat and cultural heritage retention.
8. Landcom recognises that sustainable management of the Aboriginal cultural heritage sites that have been identified for conservation will require ongoing attention to compatible access and maintenance activities. Matters to be addressed in this ongoing conservation management include future roles for the Aboriginal community, landscape maintenance (mowing, tree planting, public gardens, paths, viewing platforms etc), permanent fencing of sensitive areas, erecting interpretative signage, weed management and maintenance of water quality control structures. Landcom anticipates that the areas within the estate that are set aside for cultural heritage and natural habitat conservation will be managed as Community Lands by Newcastle City Council as the subdivision and residential development are established.

It is proposed that a second Aboriginal Heritage Conservation Management Plan will be prepared on behalf of the responsible management authority (e.g. Newcastle City Council), after the management responsibility for reserves and open space has been negotiated.

CONCLUSION

Based on comprehensive investigation and analysis of Aboriginal cultural heritage values of the study area, and consultation with the local Aboriginal community, this report presents a series of management strategies that will provide a balanced outcome that protects, acknowledges and promotes the Aboriginal cultural heritage values of the Bluegum Vista Estate. Landcom has undertaken to adopt these strategies during the development of the proposed estate. Two areas of high cultural heritage value have been excised from the subdivision and will be managed for conservation. Several actions, such as locality and street naming, are proposed to respect the significance of this area to Aboriginal people. Landcom will ensure that its contractors are aware of their responsibilities in relation to the protection of Aboriginal cultural heritage and that detailed cultural heritage management protocols are in place to guide construction works.

Summary of Actions

The actions that are required by this Management Plan are summarised in Tables S1, S2, S3 and S4.

Table S1 - Aboriginal Cultural Awareness Activities

Note:

This table includes actions that provide information about Aboriginal cultural heritage to future residents of the Bluegum Vista Estate.

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
1. Awabakal LALC will nominate up to three members to liaise with Landcom and Urban Pacific about place names and awareness/interpretation measures.	Awabakal LALC. Urban Pacific to organise consultation schedule	Prior to the commencement of the first stage of initial ground-disturbing works.	Awabakal members nominated. First meeting held. Subsequent meetings scheduled.
2. Develop a list of potential names for streets and places in the Estate, based on local Aboriginal themes.	Urban Pacific in consultation with Awabakal LALC	Initial list to be available prior to the commencement of the first stage of ground-disturbing earthworks. The list will be reviewed and updated on an annual basis.	List of recommended Aboriginal names available to Landcom and Urban Pacific. Geographical Names Board and Newcastle City Council accept recommended names.
4. Prepare text and designs for signage and interpretative material for use at the AHCA's (Story Boards etc).	Urban Pacific, in consultation with nominated Awabakal LALC co-ordinator.	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 for first stage prepared to satisfaction of Landcom, Urban Pacific and Awabakal LALC
5. Prepare information for incoming new residents about the Aboriginal cultural heritage values of the Estate and respect for those values. This information will make specific reference to the three Aboriginal Heritage Conservation Areas.	Urban Pacific in consultation with Awabakal LALC co-ordinator and Landcom.	To be prepared prior to residents occupying the first stage of the Estate that includes an Aboriginal Heritage Conservation Area.	Appropriate Aboriginal cultural heritage information included in "Welcome Packs" for first group of new residents, and subsequently.

Table S2 - Tasks during Initial Ground-disturbing Civil Works

Please 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 earthworks.

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.	Urban Pacific	Prior to the commencement of each stage.	Clear survey plans of conservation area boundaries are available to contractors and Awabakal site officers.
2. Mark corners of AHCA's with robust pegs.	Urban Pacific	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 AHCA's, to ensure that the interface between roads and the AHCA's 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.

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 Landcom 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.	ACHAs 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.
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 AHCAs and provision of a 1 page information sheet about the importance of protection of Aboriginal heritage and the responsibilities of contractors.	Relevant contractor and Awabakal LALC.	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.	Awabakal LALC	Prior to commencement of initial ground-disturbing earthworks and with review prior to the commencement of each stage of initial ground-disturbing earthworks.	Urban Pacific and principal contractor are aware of nominated sites Officers.
9. Awabakal LALC Site Officers will be subcontracted to the relevant contractor	Awabakal LALC 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.

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
10. Notify Awabakal LALC Sites officers 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.	Awabakal LALC 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, Urban Pacific and Landcom. The list will identify two Aboriginal site officers for each day observation activities will take place.	Awabakal LALC 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 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 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 Awabakal LALC on each day.
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.

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 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 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 4.	Awabakal Site Officers	Each day. Lists will be collated at the Land Council office weekly.	All collected objects are recorded as required by DEC.
18. Discuss (plan) placement of objects in ACHA with DEC and landscaping contractors. Note that Awabakal LALC 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).	Awabakal Project Co-ordinator and Urban Pacific	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 DEC 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 and Urban Pacific will prepare a report for Landcom to submit to DEC	Prior to placement of artefacts in AHCA's.	Records available of objects that have been recovered and returned

Table S2 - 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 50 metres of the discovery must cease. The following steps must be taken:</p> <ul style="list-style-type: none"> • Contact NSW Police and DEC Environment Line (131555) • NSW Police and DEC will inspect the material • DEC 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 DEC 	<p>Relevant contractor and Landcom</p> <p>DEC, NSW Police, with relevant contractor, Landcom, Urban Pacific and Awabakal LALC (site officers, Project Coordinator and others as necessary)</p> <p>DEC and Awabakal LALC</p> <p>DEC, Landcom, 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>

Table S2 - Tasks during initial Ground-disturbing Civil Works (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
21. If DEC determines that further detailed investigation of the skeletal material and/or its context is required, a s87 permit must first be obtained under the NPW Act. A s90 consent will be required before earthworks can recommence.	Urban Pacific will prepare an application for a new s87 permit, in consultation with Awabakal LALC, for lodgement with DEC by Landcom.	Apply for Permit and s90 as soon as possible. DEC process the permit as soon as practicable. All investigations must be completed before earthworks may recommence (see Action 19 re DEC approval to recommence work).	All investigations completed in accordance with the requirements of the NPW Act.

Table S3 - Actions for long-term management of AHCAs

Please 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;
- Awabakal LALC 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.	Urban Pacific	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.	Urban Pacific, project landscape architects, in consultation with Awabakal LALC.	Prior to the commencement of landscaping work in each AHCA.	Landscaping plans prepared to satisfaction of Urban Pacific, Landcom and Awabakal LALC
3. Recovered Aboriginal heritage objects from each stage of the Estate will be placed in one of the three AHCAs. Records must be made of the number of artefacts that are returned to each AHCA and the localities from which they were collected.	Awabakal LALC, in consultation with Landcom, DEC, Urban Pacific, NCC and relevant contractor.	Planning for placement of artefacts must be included in the landscaping plan for each of the AHCAs. DEC, Landcom, Urban Pacific and the landscaping contractor must be notified when placement of artefacts has taken place.	Artefacts are returned in accordance with Awabakal LALC wishes and in accordance with DEC requirements.

Table S3 - Actions for long-term management of AHCAs (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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 and pasture grasses will be removed from each AHCA, using non invasive (non-excavation) methods.	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).
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 Awabakal LALC.	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.

Table S3 - Actions for long-term management of AHCAs (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
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>in situ</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 Swamp.	Project landscape architect and landscaping contractor in consultation with Awabakal Project Co-ordinator.	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.
11. Information brochures will be prepared for incoming residents explaining the values of the AHCAs and how they can contribute to their sustainable management.	Landcom and Urban Pacific, with Awabakal Project Co-ordinator.	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. Wordings and illustrations will be chosen in consultation with Awabakal LALC.	Urban Pacific, in consultation with Awabakal Project Co-ordinator and Project Landscape Architect.	Concept for signage will be developed with the Landscape Plan for the AHCAs and linking 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.

Table S3 - Actions for long-term management of AHCAs (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
13. Prepare displays about Aboriginal cultural heritage of Hexham Swamp and the Wentworth Creek, Minmi Creek and Bluegum Creek catchments at the local community centre and schools. These displays will be developed in consultation with Awabakal LALC members and will be prepared by local Aboriginal people wherever possible.	Urban Pacific, in consultation with local schools and Awabakal Project Co-ordinator.	Prior to the opening of the local Community Centre for the Estate.	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 S4 - Reporting Requirements

Note:

This table includes reports that must be prepared to satisfy the conditions of the DEC 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 report on compliance with Section 90 Consent conditions by 21 April 2007	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 60 days of one calendar year of the issue of the s90 Consent (by 21 April 2007).	Progress report submitted in accordance with requirements of DEC s90.
2. Prepare progress report on compliance with s90 conditions by 21 April 2011	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 60 days of the completion of 5 years from the date of issue of the s90 Consent (by 21 April 2011).	Progress report submitted in accordance with requirements of DEC s90.
3. Prepare final report on compliance with s90 Consent conditions by 21 February 2016.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	At the expiry of the section 90 Consent (by 21 February 2016).	Progress report submitted in accordance with requirements of DEC s90.
4. 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.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 12 weeks of the conclusion of each Stage of the Project.	Reports submitted in accordance with requirements of DEC s90.
5. Prepare a report on Aboriginal community participation if directed to do so by DEC.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Within 12 weeks of any such direction by DEC.	Report submitted in accordance with DEC directions.

Table S4 - Reporting Requirements (cont)

Task	Who is responsible?	When must this task be done?	How will performance be evaluated?
6. Prepare a report on all works completed up to the date of any revocation of the s90 Consent.	Urban Pacific will arrange the preparation of the report on behalf of Landcom. Landcom will submit the report.	Only required in DEC chooses to revoke the s90 Consent. Timing would be specified by DEC if this situation arises.	Report submitted in accordance with DEC directions.
7. Identify opportunities to promote the cultural heritage achievements of the project.	Landcom, Urban Pacific and Awabakal LALC	Ongoing throughout the project.	Positive information about the Aboriginal cultural heritage achievements of the project is available in the general community.
8. If Aboriginal cultural heritage promotion opportunities arise during the period of the s90 Consent, advise DEC of the proposed event/story etc.	Urban Pacific and Landcom	Ongoing throughout the project.	DEC is aware of events when its involvement may be mentioned.
9. In relation to the three AHCA's, ensure that Landcom, Urban Pacific and Awabakal LALC 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.	Landcom, Urban Pacific and Awabakal LALC	Ongoing throughout the project.	Landcom, Urban Pacific and Awabakal LALC jointly determine appropriate promotion/publicity events.
10. Awabakal LALC 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.	Landcom, Urban Pacific and Awabakal LALC	Ongoing throughout the project.	Information that is made publicly available is culturally appropriate.

Notes from on site consultation meeting, 25 June 2008

Sanctuary Estate, Fletcher

Aboriginal community consultation about a section 90 application for the construction of buildings on the Estate

Notes from an on-site meeting, 25 June 2008

1. Purpose of the meeting

The on-site meeting was scheduled so that all Awabakal Aboriginal community groups and other stakeholders would have an opportunity for:

- Shared reconnaissance of the landscape context of the project area;
- Discussion of the background of the project and progress to date (archaeological findings, cultural heritage values, management strategies and cultural observers/collections during Stage 1);
- Discussion of the purpose of the proposed section 90 application, including why it is necessary and why the building construction works were not included in the previous section 90 consent.
- Discussion of issues arising from the current broader community consultation than has previously occurred for this project; and
- Discussion of possible activities and responsibilities to be included in the new section 90 application and an amended Aboriginal Cultural Heritage Management Plan for the project

2. People attending

The following people were present:

- Urban Pacific: Bruce Gunn, Jason McIntosh
- Awabakal Traditional Owners Aboriginal Corporation: Kerrie Brauer, Nola Hawken, Dene Hawken
- Awabakal Descendents Traditional Owners Aboriginal Corporation: Shane Frost
- Awabakal Local Aboriginal Land Council: Marilyn Rose
- Newcastle City Council: Brian Cameron, Sarah Cameron
- Umwelt: Pam Dean-Jones

The three Aboriginal community groups attending the meeting all responded to a request for Expressions of Interest in involvement in the preparation of the section 90 application.

Newcastle City Council (NCC) was the determining authority for the development consent held by Landcom for the project and has an interest in the ongoing management of the cultural heritage values of the project area.

3. Background

Investigation of the Aboriginal cultural heritage values of the 119 hectare project area commenced in 1993. NCC issued development consent for the project in 1998. Consent condition 26 requires evidence of agreement about the assessment and management of Aboriginal cultural heritage resources prior to the commencement of construction works on the land.

Since 1998, several stages of archaeological investigation and assessment, cultural heritage consultation, and discussion and refining of management options have been completed. In all of these stages of the Aboriginal cultural heritage assessment and management process, the local Aboriginal community has been represented by Awabakal Local Aboriginal Land Council, in accordance with the DECC guidelines that were current at the time.

DECC issued a section 90 consent (#2332) for all civil works associated with the construction of the subdivision in 2006.

An Aboriginal Cultural Heritage Management Plan was prepared in 2006, setting out all cultural heritage management commitments made by Landcom and Urban Pacific, in consultation with Awabakal Local Aboriginal Land Council.

Stage 1 of the civil works has been completed. Awabakal Local Aboriginal Land Council provided Sites Officers to act as cultural heritage observers during the initial ground disturbing earthworks, in accordance with the requirements of the section 90 consent.

Work has also commenced on the implementation of other aspects of the Aboriginal Cultural Heritage Management Plan, including preliminary landscape design, street names for Stage 1 of the Estate, and preliminary information for incoming land purchasers.

The application for a new section 90 opens a new stage of the Aboriginal cultural heritage management process for the project. The new section 90 is intended to complement the existing section 90. Landcom and Urban Pacific have sought advice from DECC about the process for preparing the new section 90 application.

DECC has advised that a single section 90 application should be made for all building construction on the Estate. DECC has also advised that consultation for the preparation of the new section 90 must be conducted in accordance with the current DECC Guidelines.

It is proposed to amend and update the Aboriginal Cultural Heritage Management Plan (2006) so that it covers all aspects of Aboriginal cultural heritage management during civil works, preparation for construction of building development and ongoing management of the conservation areas.

The amended Management Plan will document and reflect the current consultation with three Awabakal Aboriginal community groups, in accordance with the current DECC Guidelines.

The amended Management Plan will accompany the section 90 application.

To provide certainty for incoming landholders, the section 90 application needs to be submitted to DECC as soon as possible for their speedy processing.

4. Discussion

Issues raised during the morning included the following (**Table 1**).

Table 1: Issues from consultation

Issues	Discussion/Response so far
Does the current section 90 require the contractors to stop work if archaeological material is observed?	No. The section 90 requires work to cease only if skeletal remains are found. Some section 90 consents specify other site types that may cause earthworks to be suspended. It was previously agreed that earthworks in this project area would not cease for stone artefacts. It was also agreed that features such as hearths would be unlikely to be present (or distinguishable), because of the history of disturbance of the land. A high proportion of artefacts recovered to date have been severely heat affected (as would occur with high temperature stump burning or recurrent high temperature bushfire).
<p>Management of excavated soil/overburden during development of individual housing sites. Will material be taken off site? There was concern that if topsoil were taken off site, culturally valued artefacts might end up as part of fill taken to the tip. This was not considered to be respectful or acceptable.</p> <p>The archaeological material, except for any used by the community for cultural purposes/education should all be retained within the project area. This land is very important culturally.</p>	<p>The development consent requires that earthworks associated with levelling blocks for construction are done on an on-site cut and fill basis. No material is to be taken off-site during the preparation of sites for slab or other footings.</p> <p>If excavation is subsequently required for a swimming pool (for instance), that material could currently be taken off site. It is anticipated that there will be a low frequency of back yard swimming pools in this estate (relatively small blocks and large house footprints). Material excavated for a swimming pool would be predominantly subsoil and rock, with a smaller amount of topsoil (say 10m³ at a maximum) that may contain artefacts. This is still a lot of material to search for artefacts.</p>

Issues	Discussion/Response so far
	<p>It was agreed that it would be possible to temporarily stockpile the topsoil (and potentially other material) somewhere in the Estate, so that Aboriginal groups could check the topsoil for the presence of artefacts. Any cultural material recovered from this process could be reburied within the project area – potentially within the Conservation Areas as is proposed for other material.</p>
<p>Is the current protocol for cultural observers to be present during initial ground disturbing earthworks (civil works) sufficient, so that no further cultural observation/collection works would be needed as part of the new section 90?</p> <p>If further observation/investigation/collection is considered necessary during the initial ground disturbing works for preparation of buildings, are there changes to the way in which the cultural observations/collections should be done – in terms of strategy, people involved etc.?</p> <p>The groups would like to maximise their opportunities for investigating/collecting and cultural material.</p>	<p>An option to consider is to discontinue the observations during the initial ground disturbing earthworks for both civil works and preparation of building lots.</p> <p>The observer's (Sites Officers) roles during the earthworks could be modified/replaced with an opportunity before the earthworks commence, when the groups (which groups needs to be decided - see below) could conduct any additional subsurface investigations and collections that they wish.</p> <p>Details of how this would be done would need to be set out in the Management Plan and in the section 90 application.</p> <p>The intent is that any material collected will remain on site (perhaps with some specific exceptions for educational material).</p> <p>Management and co-ordination responsibilities need to be resolved.</p> <p>Would an oral history project or more detailed documentation of traditional cultural resources (such as plant species) on and around the land be an alternative?</p>
<p>This project area occupies a very important position in the landscape. It has direct sight to culturally significant landmarks, such as Mount Sugarloaf, the Knoll, Hexham Wetlands, the dunes of Stockton Bight and the Barrington Ranges to the north.</p> <p>It is on a likely walking route from Mount Sugarloaf to the wetlands and the coast.</p> <p>It would have provided direct access to the resources of the Hunter estuary:</p> <p>i.e. this project area encapsulates many of the cultural landscape values of Awabakal people. Incoming residents should be encouraged to appreciate the significance of the project area to Awabakal people and why it is significant. They should be encouraged to contribute to the protection of these values. It would be good to see awareness translated into activity, rather than just something on paper.</p>	<p>The existing Management Plan refers to the landscape significance of the project area. The proposed landscaping of Conservation Areas, story board interpretative signs and information packages for incoming residents all provide opportunities to make people aware of the significance of the land. Another option might be through local Landcare involvement (also involving the Aboriginal groups) in the reserve areas after the Estate is occupied.</p> <p>Planting guides, identifying local plants for the suburban gardens is already included in the Sanctuary Design Guidelines.</p>

Issues	Discussion/Response so far
<p>Land tenure arrangements for the conservation areas. Who will own the Conservation Areas in the long term and be responsible for maintaining them in a way that respects the cultural significance of the area?</p> <p>How will the Aboriginal groups be involved in the long term maintenance of the landscape?</p> <p>This is a big issue, of interest to all the Aboriginal groups and to NCC.</p>	<p>Options that have been considered include:</p> <ul style="list-style-type: none"> • NCC – Council does not want to have tenure and associated responsibility for management of the Conservation Areas. • DECC – Two of the Conservation Areas adjoin the new Hunter Estuary National Park and it would make sense to have these Conservation Areas in DECC management. DECC has not been enthusiastic to date. If DECC did take on land tenure, it might be possible to have a co-management arrangement with the Aboriginal groups (like NSW Forests did with the elders for Keepa Keepa?). There is a co-management agreement for Stockton Bight National Park, although the situation there is somewhat different to Sanctuary. <p>Co-management agreements for National Parks are usually with people who are registered Traditional Owners.</p> <ul style="list-style-type: none"> • Landcom – this is the current situation and can continue temporarily. Landcom and Urban Pacific are committed to the landscaping and rehabilitation of the Conservation Areas. It is not practical for Landcom to own this land in the long term, when they have no other interest in the Estate. • HCRCMA – The CMA has previously purchased parts of Hexham Wetland (land likely to be inundated) to facilitate the opening of the floodgates. Land purchased by the CMA will be or has been transferred to DECC. The CMA is not a land owning organisation. Some of their programs could provide funding in the short to medium term to contribute to maintenance projects. • Awabakal LALC. The Land Council does not have resources to maintain the Conservation Areas in perpetuity. It is likely that this option would also not be supported by the other Aboriginal groups. • Return to Crown land (could still require a Care and Control arrangement with NCC?) <p>Urban Pacific and Landcom will continue to investigate and consider options.</p>

Issues	Discussion/Response so far
<p>Future roles of the Land Council and the two 'Traditional Owner' groups.</p> <p>This is a significant issue, particularly in the context of uncertainty about long term land tenure for the Conservation Areas.</p> <p>It also relates to responsibilities and involvement in any cultural investigations that might take place under the new section 90 and consultation about the design and wording of interpretative/art materials for the Estate.</p> <p>The DECC guidelines are also in the process of review and the future requirements are not currently known.</p>	<p>The existing Management Plan was developed in consultation with Awabakal LALC and gives the Land Council a central role in activities to highlight and respect the Aboriginal cultural heritage of the project area.</p> <p>The current DECC guidelines specify a process for consultation, but not necessarily for how future involvement opportunities will be allocated.</p>

5. Follow up

A draft section 90 application will be prepared and distributed to the consultation parties for comment. The draft application is likely to be available to the groups by mid July.

Draft amendments to the Aboriginal Cultural Heritage Management Plan will also be prepared and circulated for comment and further discussion. We are aiming for a first draft by mid July, as above.

Other matters for follow up include:

- Potential land tenure arrangements for the Conservation Areas; potential resources and funding support for in perpetuity management of the Conservation Areas.
- Options for pre earthworks cultural investigations or further documentation of cultural values.
- How the three groups will work together on future components of cultural heritage management on this site.
- What opportunities are there for co-management agreements for the Conservation Areas? How would they work?
- Details of requirements for on-site management of cut and fill earthworks.
- What volume of soil could be involved if topsoil or other material from swimming pool excavations was required to be stored within the project area? Where would it be placed? Could the topsoil go into the nearest conservation area? Urban Pacific proposes a managed facility for stockpiling topsoil on a future earthworks site within the Estate.



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

21st July 2008

Pam Dean-Jones
Umwelt Environmental Consultants
Associate
PO Box 838
TORONTO NSW 2283

COPY

Dear Pam,

Re: On Site Consultation Meeting / Sanctuary

I write in relation to the recent meeting held (25th June 08) at the Sanctuary Sales office, which saw a number of key items discussed, including a review of the Aboriginal Cultural Heritage Management Plan developed in partnership with the Awabakal Land Council.

Firstly, we appreciate and acknowledge that Ms Marilyn Rose attended the meeting as the then, Acting Awabakal LALC CEO, however, it must be clearly understood that Marilyn's understanding of the project is very limited and her role was to reiterate the outcomes of the meeting to the current Awabakal LALC Board for consideration.

Having since received your correspondence outlining the discussions held 'and' having closely reviewed the project outcomes thus far, we feel that our role and initial approach has been severely diminished and undermined.

Whilst we appreciate your attempt to implement a fair and equitable democratic system when consulting, we remind you that the Awabakal LALC has a 'legal mandate' to work on country and 'MUST' be consulted with on all land projects. Having said that, might I also add that the 'self proclaimed' Traditional Owner groups are 'NOT' recognized by the Awabakal LALC or it's Community as being Traditional Owners, nor are they registered under any legal system: i.e. Registrar of Aboriginal Owners & Native Title etc as recommended in the DEC Consultation Guidelines.

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

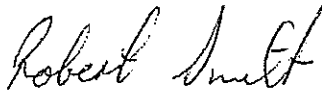
In fact, your approach is running dangerously close to setting a precedence that allows any persons to walk in off the street and comment on issues that significantly effect the ongoing protection and promotion of Aboriginal Culture & Heritage.

We also question the initial discussion and approvals which revolved around 'Apprenticeships' for Aboriginal people coordinated through the Awabakal LALC? Can you please inform us as to what happened to this key objective 'and' if it has in fact been removed from the project, and more so, from the Awabakal LALC, under who's authority?

It is our request that a full and comprehensive review of the project is held with you, Mr. Bruce Gunn, Mr. Jason McIntosh, Ms Cheryl Kitchener and representatives of the Awabakal LALC Board. We do not pretend to have the ability to instruct you on who you can and cannot consult with, however, this meeting is called for the purpose of the Awabakal LALC and its position in relation to this project and not open to any other parties at this time. Last but not least, the Awabakal LALC's initial response to 'NOT' support a blanket Section 90 Permit remains firm.

I look forward to speaking with you in the near future. Should you have any immediate questions in relation to this party, please contact me on the numbers listed at your earliest convenience.

Yours sincerely,
Awabakal Local Aboriginal Land Council



Mr. Robert Smith
Deputy Chairperson

CC: Ms Cheryl Kitchener
Mr. Bruce Gunn

**Notes from meeting with Board of Awabakal LALC, at the Land
Council office, Wednesday 13 August 2008**

Awabakal LALC Meeting 13 August 2008 at 4 pm

Present	Bobby Smith	ALALC – Acting Chairman
	Harry Brandy	ALALC
	Sarah	ALALC
	Michael	ALALC
	One other	ALALC
	Pam Dean-Jones	Umwelt
	Bruce Gunn	Urban Pacific

P D-J Outline of the process to date

The Board members present at the meeting, other than Bob, have had little exposure to this project, in which the Land Council has been involved since the late 1990s. For the benefit of these Board Members, PDJ provided an overview history of the development assessment, archaeological investigations and s87, s90 permits relating to the project:

- Pre development consent – surface survey – found no artefacts
- Development consent 1998, required sign off from DECC that Aboriginal cultural heritage issues had been satisfactorily addressed.
- The consent condition and engagement of DECC resulted in requirements for a more detailed Aboriginal cultural heritage assessment.
- Initial investigation work conducted under a s87 permit – extensive mechanical subsurface testing across all terrain units. Multiple ALALC Sites Officers and trainees were involved in this process and follow up manual excavation.
- Prepared 2 volume report on archaeology with recommendations on management, based on the archaeology and consultation with the Land Council about the cultural values of the project area and how best to reflect them in the subdivision.
- s90 application for civil and infrastructure works submitted and approved by DECC in 2006. The ACHMP was prepared to meet a Landcom commitment to ALALC and to meet a condition of the s90 Consent. It was prepared collaboratively with ALALC and has been approved by DECC. The ACHMP gave the Land Council responsibility for cultural observations and collections from each stage of civil works of the subdivision. Stage 1 civil works are now complete and lots in Stage 1 are being sold. Cheryl Kitchener is preparing the necessary reports (to meet the s90 conditions) on behalf of the Land Council. Cheryl's Stage 1 Report –still not received by Umwelt or UPL. ALALC to advise.

P D-J	Outline of need for overarching s90 for residential housing
--------------	--

Amend existing ACHMP with overarching s90 for residential construction areas.

ECC has advised that it requires a single overarching s90 to accompany the existing s90 for civil works (rather than separate applications for each residential allotment or each stage). In addition, DECC has specified that Urban Pacific/Landcom must comply with the 2006 DECC Interim Aboriginal Consultation Guidelines for this application.

The stage 2 ACHMP covers all aspects of Aboriginal cultural heritage management for the entire Estate – civil works and residential construction.

Harry

Concern about role of TAOs in the process. ALALC does not recognise these groups

P D-J (response)

This is a matter for DECC to resolve. Umwelt and UPL are required to comply with the Consultation Guidelines and DECC will not process applications under the National Parks and Wildlife Act unless they are accompanied by evidence of inclusive consultation with all groups who express an interest in the cultural heritage of the project area. DECC specifies a process of seeking Expressions of Interest. Consultation focuses on the cultural values of the project area and how best to manage these for the s90 for the residential construction areas.

The other groups are also being consulted about the draft documents and their written responses will also be forwarded to DECC.

DECC will decide what weight to give the responses.

Harry and Bob questioned whether it would be possible to have separate s90 processes for each stage of the Estate – given the long time frame for development.

BG

An important requirement is certainty for everyone about the framework for managing Aboriginal cultural heritage values on the Estate, over the ten years or so that it will be in development. At the moment, one stage of the Estate is likely to be released each year, although this might increase slightly if market conditions improve. However, Urban Pacific needs flexibility to deliver the development, and the long lead time involved in separate s90 processes for each Stage would not provide either a clear, certain framework or flexibility (for either UPL or the Aboriginal community). A single overarching s90 to cover all the site, running parallel with the existing s90 for all civil works is a practical solution.

P D-J

An amended ACHMP has been prepared to accompany the new overarching s90 application. This is called Stage 2 ACHMP. The Stage 2 ACHMP continues most of the previous agreements with the Land Council, with two changes.

These changes reflect what has been learnt from the Stage 1 civil works observation and collection experience and DECC's requirement for broad inclusive consultation with all groups:

1. New Observation and Collection process

It is proposed that Aboriginal Site Officers will have an opportunity to conduct observations and collections across the entire area of each stage of the subdivision, prior to the commencement of any earthworks. The Site Officers will be managed by the Land Council. The Stage 2 ACHMP suggests a two week 'window' where Site officers may observe, investigate, collect, etc. Urban Pacific will provide support with a bob cat or similar equipment if needed to assist this process (for instance to do shallow surface scrapes). There is also an allowance for broader community education etc. during this process. Site Officers will not be involved when the major earthworks are taking place. This is seen as a safer option and also allows the final cultural observations and collections to be done in a more natural context.

2. An Aboriginal Cultural Heritage Liaison Committee to be established, to:

- Meet yearly for review purposes
- Meet 12 weeks prior to stage construction commencement
- Meet 8 weeks following stage construction
- Likely maximum of 3 meetings per year
- Meetings to include the 3 Aboriginal groups, NCC and DECC, with Umwelt and convened by UPL.

The Committee has a consultation and review role, and is intended to continue over the ten year Estate development period.

Harry and Bob

Asked whether the Committee could continue without the TAOs.

P D-J (response)

The suggested Liaison Committee membership provides for ongoing consultation opportunities for each of the groups who have expressed interest in the future management of the cultural heritage values of the Estate. There is a provision for any group to choose to withdraw, but clearly the Committee will function best if groups use the opportunity to discuss proposed observations

and collections for each stage and to review the results of the collection process, as well as other cultural actions such as the management of the three Conservation Areas and the preparation of Information Packages for incoming landholders/residents..

This two pronged approach means that there is a clear framework for ongoing consultation with the local Aboriginal community, but there is also an opportunity for flexibility about what is done during each Stage of the release of the Estate. The existing s90 (civil works) refers to an opportunity for the Land Council to conduct observations and collections during civil works – the Stage 2 ACHMP allows this to be tailored to the needs of each stage of Estate development and land release.

P D-J

Has prepared a draft Amended ACHMP and provided 3 copies for ALALC to review, with 2 weeks time frame only. Bobby confirmed ALALC could comply with this time frame and would likely be able to respond much sooner (within one week).

Still to come (for distribution on Friday 15/8/08) is the summary action list for ACHMP (summarising all the actions spread through the document) and indicative/conceptual Community Education Package.

BG

Possibility of ALALC to become involved in Sanctuary community art project, entry statement and paving motifs

ALALC to confirm whether they want their letter July 2008 included in the appendices of the Stage 2 ACHMP / s90 application.

Follow up:

1. Cheryl Kitchener's report on the Stage 1 observation and collection process and results to be provided to Urban Pacific as soon as possible (and before the new application is submitted to DECC)
2. PDJ will complete remaining appendices/attachments to the draft documents and forward copies to ALALC
3. ALALC will provide its written response within two weeks (29 August). There is another meeting on Monday which will enable issues to be discussed with members.

Our Ref: 2568/PDJ/PDJ/130808

13 August 2008

Awabakal Local Aboriginal Land Council
PO Box 437
HAMILTON NSW 2303

Dear Sir/Madam

Re: Draft Amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate

Please find attached a draft copy of the amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate.

Thank you for your participation in the consultation during the preparation of this amended plan. Please provide any comments regarding the plan to me in writing by Friday 29 August 2008 using any of the following methods:

Email: pdeanjones@umwelt.com.au

Fax: 49505737

Mail: Pam Dean-Jones
Umwelt (Australia) Pty Limited
PO Box 838
Toronto NSW 2283

Please do not hesitate to contact me if you require any further information.

Yours faithfully

Pam Dean-Jones
Associate

enc

**Notes from meeting with ADTOAC and ATOAC, at Umwelt Office,
Friday 15 August 2008**

Sanctuary Estate

Consultation about an overarching section 90 application for residential construction and the Stage 2 Aboriginal Cultural Heritage Management Plan

Notes from discussions with ATOAC and ADTOAC on Friday 15 August 2008, 3pm to 5.15pm

Present:

Shane Frost (Awabakal Descendents Traditional Owners Aboriginal Corporation)
Kerrie Brauer and Nola Hawken (Awabakal Traditional Owners Aboriginal Corporation)
Bruce Gunn (Urban Pacific Limited)
Steve Edmonds (Landcom)
Pam Dean-Jones (Umwelt)

Introduction

Pam explained the intent of the consultation meeting and the importance of community input to the development of a practical, sustainable cultural heritage management plan for the Sanctuary Estate. The development process will take around ten years, so what is agreed about ongoing Aboriginal community involvement will underpin a wide range of opportunities for future conservation, interpretation and awareness raising about the Awabakal cultural heritage of the area.

The intent is to agree on a robust framework for future Aboriginal community involvement, which allows some flexibility (adaptation) in exactly what is done for cultural investigations, collection and interpretation for each stage of the Estate. The key to this ongoing involvement is the new Sanctuary Aboriginal Cultural Heritage Liaison Committee. The Committee will be open to representatives from all three local Aboriginal community groups, consistent with DECC's current consultation guidelines.

The project has had Development Consent for ten years and over that time a range of archaeological investigations have been conducted with Awabakal Local Aboriginal Land Council, consistent with the then DECC process. The Stage 1 Aboriginal Cultural Heritage Management Plan was prepared in consultation with Awabakal LALC, as was the existing s90 (#2332) which covers civil works across the entire Estate.

The civil works for Stage 1 of the Estate have been completed in accordance with the requirements of the DECC s90 Consent. Awabakal LALC managed a cultural collection process. Some preliminary landscape art work has also been installed in pathways around Stage 1. We are now proposing an alternative observation and collection process, to make the work safer and to allow it to happen in a more natural context – not in the middle of a large construction site, with attendant time constraints.

Kerrie noted that her family had been involved at the very beginning of the project – but not in recent years.

Discussion around aspects of future management

Land tenure for the conservation areas: This has been under discussion for some time. Options considered were DECC, NCC, CMA, Community Title or the Land Council. At this stage, the other open space (e.g. along the creek lines) will be managed in the long term by Newcastle City Council.

The groups stated that they would prefer that DECC managed the three Aboriginal Heritage Conservation Areas. Two of these are contiguous with DECC managed land across Hexham Wetland.

Art work: Any art work used in landscaping and interpretation should feature traditional Awabakal styles, not general 'Aboriginal' styles. For instance, traditional Awabakal people did not make dot paintings and did not install totem poles. If the art is to have an education and cultural function, it should be reflect the traditional local culture.

Steve described the work that Mini Heath had done for the Tanilba Bay subdivision, and how it appeared to have discouraged vandalism. There was general praise for Mini's work.

Placement of fill: All excavated material should be used as fill on site. In some cases, this will mean direct cut and fill on a property. In other cases, some material may be used elsewhere in the Estate. In this way, any cultural material in the topsoil will be retained within the overall Estate area.

Both groups expressed the view that any artefacts observed in pre earthworks activities should be retained on site. They should be relocated into the Conservation Areas. It was initially preferred that this should happen during the investigation period. However, it was agreed that there may be some practical difficulties with this, including:

- DECC requires a basic record of what has been found and relocated – this may no be achievable on any one day of pre earthwork activity.
- It would be better if artefacts were not placed in the Conservation Areas until the initial landscaping is in place – so a temporary storage facility may be necessary.

At this stage, the Land Council has a Care and Control Permit for artefacts collected from the Estate over the last ten years. The current draft application has continued this option.

Both groups expressed the view that the Land Council should not have exclusive rights to Care and Control, although it is preferable that all materials are stored in one safe place until returned to the land. Both groups were concerned that if the Land Council had control, access could be limited.

An independent storage location was preferred. Kerrie said that ATOAC have an arrangement with John di Gravio at the University archives (Cultural Collection Unit), to keep material there. Another option suggested was the Newcastle City Local History Library (Laman Street). Both of these locations would provide opportunities for training before the material is reburied.

Opportunities for display and interpretation

There was enthusiastic discussion of opportunities to present and interpret the Awabakal cultural heritage from the project area and its landscape context on the margin of the Hexham Wetland. Activities should focus on encouraging interest and respect. There is potential for local Aboriginal businesses to be contracted for parts of this work, subject to fair trading requirements.

Projects discussed included:

- The potential for the design of landscaping in Conservation Area 1 (looking out over the Rocky Knob and Hexham Wetland) to include an exposed subsurface profile with artefacts (like the concept at the Museum of Sydney).

- Interpretation material at the sales Office for the Estate could include a PowerPoint style presentation that cycles throughout the day. This or another method could highlight the original vegetation of the wetland and how Awabakal people lived in the area through periods of major climate and landscape change. This would help people appreciate how the area was before it became farmland. It could highlight the abundance of fish and birds and the thriving relationship between Aboriginal people and their country. This could be linked up to the return of more natural estuary processes in the wetland as the floodgates are opened (and also to current climate change responses).
- An exhibition could be organised in conjunction with Newcastle City Council, potentially in the space at the Lovett Gallery in Laman Street. This would be a great opportunity to showcase Awabakal culture and country from Sugarloaf to Nobbys. It could incorporate stories, art, archaeology, history and landscape change. For instance there are records about the relationship between some early white settlers/government and local Awabakal people – this could help to set the record straight and help reconciliation. An exhibition of this type was seen as an exciting opportunity.
- The landscaping of the Conservation Areas should include bush tucker plants, but incoming residents should also be provided with information (guide to landscaping) to encourage the use of locally indigenous plants in suburban gardens.
- It was requested that the Awabakal language words suggested for street names needed review. Street and place signs could also provide the English translation. Choice of names is important – it should not trivialise the cultural value.
- All incoming residents will be provided with a Cultural Heritage information Pack, including both awareness raising material and more formal information about responsibilities under the s90 Consents.

Operation of the Liaison Committee

The strategy and operation of the proposed sanctuary Aboriginal Cultural Heritage Liaison Committee was discussed in detail. This is the group that will make decisions about a wide range of cultural heritage management actions during the development of the Estate.

The liaison Committee is the key to continuing connection between the local Aboriginal community and Urban Pacific. It will, for instance, be the forum for discussion about ongoing management of the Conservation Areas, for developing interpretation projects and for deciding on the specific cultural investigations/collections for each stage of the Estate. The liaison Committee will review the outcomes of investigations/collections for each stage. It will be involved in placing artefacts back into the Conservation Areas.

It was stressed that all three local Aboriginal groups would be invited to participate in the Committee – reflecting past involvement and the strong interest of all three groups. A group may choose not to participate, but the intent is to make the discussion and planning inclusive.

Urban Pacific will convene the meetings of the groups, expected to be up to three times a year – (although there is potential for further involvement if major exhibitions etc. are planned).

It was noted that membership of a community liaison committee can involve significant unpaid time commitments for community members. The groups asked if sitting fees would

be considered, to recognise the value of the involvement of the community members. Landcom and Urban Pacific said that they would consider a sitting fee arrangement, given there is a significant time investment over a long period.

Management of pre earthworks investigation and collection

The current draft s90 and Stage 2 Management Plan continue the involvement of Awabakal LALC Site Officers for on the ground activities. This arrangement was approved by DECC in s90 #2332. The new draft s90 suggests that up to four qualified Site Officers could be involved in investigation and collection activities in each stage, for a period of up to ten working days. The Site Officers would be coordinated by the Land Council. The draft also makes provision for others to visit the site during the cultural collection process for each Stage – for instance, to review progress, or for education purposes.

Both groups questioned whether they would have any opportunity to be involved in the on the ground component if the coordination responsibility rests with the Land Council. They would prefer a set arrangement of two LALC, one ADTOAC and one ATOAC Site Officer to work together. They felt this would be a fairer arrangement.

Meeting conclusion and follow up

Urban Pacific, Landcom and Umwelt thanked the groups for their constructive discussion and ideas.

Written comments on the draft s90 application and Stage 2 Management Plan are needed by 29 August. If comments can be provided earlier, there will be more time for further discussion if needed before the application and draft Plan are submitted to DECC. There is a tight timeframe on this now, so that work can commence on the next Stage of the Estate later this year.

It was acknowledged that the final s90 application and stage 2 Management Plan will be drafted on the basis of what is the best solution for the project. Urban Pacific and Landcom are keen to show respect for the Awabakal heritage of the area in the design and development of the project and will work with all groups to achieve this end.

The final s90 application and Management Plan must meet the requirements of the NPW Act and Newcastle City Council. The documents will attempt to address the different perspectives of the three local Aboriginal community groups, but may not accommodate everything that everyone has suggested. We will do our best to be fair and practical for everyone.

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



DELIVERED

Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/150808

15 August 2008

Kerrie Brauer
Awabakal Traditional Owners Aboriginal Corporation
PO Box 253
JESMOND NSW 2299

Dear Kerrie

Re: Draft Amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate

Please find attached a draft copy of the amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate.

Thank you for your participation in the consultation during the preparation of this amended plan. Please provide any comments regarding the plan to me in writing by Friday 29 August 2008 using any of the following methods:

Email: pdeanjones@umwelt.com.au

Fax: 49505737

Mail: Pam Dean-Jones
Umwelt (Australia) Pty Limited
PO Box 838
Toronto NSW 2283

Please do not hesitate to contact me if you require any further information.

Yours faithfully

A handwritten signature in black ink, appearing to read "Pam Dean-Jones", followed by a long horizontal line.

Pam Dean-Jones
Associate

enc

Umwelt (Australia) Pty Limited
2/20 The Boulevarde
PO Box 838
Toronto NSW 2283



DELIVERED

Ph. 02 4950 5322
Fax. 02 4950 5737
ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/150808

15 August 2008

Shane Frost
Awabakal Descendents Traditional Owners Aboriginal Corporation
PO Box 86
CLARENCETOWN NSW 2321

Dear Shane

Re: Draft Amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate

Please find attached a draft copy of the amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate.

Thank you for your participation in the consultation during the preparation of this amended plan. Please provide any comments regarding the plan to me in writing by Friday 29 August 2008 using any of the following methods:

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Yours faithfully

A handwritten signature in black ink, appearing to read "Pam Dean-Jones", followed by a long horizontal flourish.

Pam Dean-Jones
Associate

enc

Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283



DELIVERED

Ph. 02 4950 5322
Fax. 02 4950 5737

ABN 18 059 519 041

Our Ref: 2568/PDJ/PDJ/130808

13 August 2008

Awabakal Local Aboriginal Land Council
PO Box 437
HAMILTON NSW 2303

Dear Sir/Madam

Re: Draft Amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate

Please find attached a draft copy of the amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate.

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Mail: Pam Dean-Jones
Umwelt (Australia) Pty Limited
PO Box 838
Toronto NSW 2283

Please do not hesitate to contact me if you require any further information.

Yours faithfully

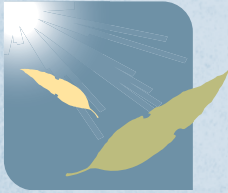
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Pam Dean-Jones
Associate

enc

ATTACHMENT 4

Sanctuary Design Guidelines



sanctuary
the natural balance

design guidelines – 15/11/2007



*Note: All images from Architects and other designers are included within the document as a reference only. They are intended to illustrate a particular objective of the Design Guidelines only, such as a particular roof form or material selection. These designs are not to be replicated at Sanctuary.

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1 introduction





1.0 introduction

These Design Guidelines have been prepared by dKO Architecture for Urban Pacific and Landcom, and relate to the Sanctuary residential community.



2 vision: sanctuary





2.0 vision: sanctuary

The Sanctuary masterplan focuses on the notion of the 'liveable community', a unique place for residents that promotes healthy lifestyles, convenience and safety. This lifestyle is facilitated by a well-located, well-planned neighbourhood that considers both the social and the physical environment.

A distinctive neighbourhood identity will be created, responding to both the unique environment, the culture and the historic built form character. This identity is realised through built form and landscaping in both the public and the private domain.

The planning and design of the homes at Sanctuary involves a process of recognising and identifying the variety of situations and needs of potential future residents. This diversity is catered for by providing an array of innovative housing solutions to suit many varying types of family units and lifestyles.

This innovative process focuses on providing various housing typologies to accommodate a range of preferences and affordability. Moderate income housing is developed as an integrated part of the residential development. Housing types such as the 'Life House' is one of the innovative ideas in addressing moderate income housing needs.

Underpinning an architectural character unique to the Sanctuary estate involves reflecting the historic built form character of the area, incorporating the diversity of needs and lifestyles of future residents, and is implemented through a series of contemporary design elements, as identified in these Design Guidelines.

The *Sanctuary Style* is created.

“To deliver a stylish, secure and thoughtfully designed benchmark development, which provides its community with active lifestyle benefits and convenience of location, all in a friendly and natural environment”



3 purpose of the design guidelines



The principle aim of the Sanctuary Design Guidelines is to create a unique and coherent vision for the built form at the Sanctuary and to assist the project team in maintaining consistency in the character of the urban, landscape and housing design, public and private open spaces, streetscape themes, plus the overall ‘feel’ of Sanctuary.

3.0 purpose of the design guidelines

The Design Guidelines aim to create a cohesive community through principles and controls, which produce a consistent overall aesthetic whilst maintaining opportunities for diversity and variety within each part of the community.

Where unforeseen circumstances arise Urban Pacific and Landcom reserve the right to revise the contents of this document.

The key objectives of the Design Guidelines are as follows:

- To assist purchasers, designers and builders in providing housing which takes optimum advantage of the local setting, climate and outdoor lifestyle opportunities;
- To produce streetscapes which maximise the amenity and attractiveness of the public domain, including streets, parks and semi-public spaces such as landscaped front yards;
- To distinguish particular places and frontages where a distinctive design treatment should be incorporated such as along main entry routes;
- Set objectives, principles and controls to achieve the required design outcomes; and
- Allow for the improvement and development of the overall design and product.

Note: Alternative options may be acceptable if their objectives can be justified.

3.1 approval process

Home buyers at Sanctuary will be offered a range of pre-approved homes by the Project Builder Team. The building team is made up of locally operating builders in the Hunter region. The team has been selected based upon the quality of homes and the ability to produce homes that meet the high standards of the Design Guidelines.

The Design Panel responsible for approvals comprises of architects, landscape architects and representatives from Urban Pacific and Landcom. The main aim of the panel is to provide builders an understanding of the Design Guidelines and to assist with the preparation of homes to ultimately achieve the performance criteria.

The Design Panel will work with the builders through a series of workshops. The design workshop process will cover every aspect of the design of homes including:

- Landscape design and selection;
- Material selection; and
- Architectural design.

It should be noted that meeting these Design Guidelines and securing an endorsement from the Design Panel does not constitute an approval by Newcastle City Council and shall not prejudice any of their considerations. Applicants should ensure that their plans meet all of the Council's requirements and that sufficient documentation is provided to allow the Council to properly consider each application.

The following items must be submitted in full to the Design Panel for review and approval prior to lodging an application for building approval.

Application forms and checklists

Site plan (1:200) including:

- Dimensions and areas of proposed building structures;
- Setbacks to all boundaries and private open space dimensions;
- Original and proposed finished ground levels, including changes in level;
- Allotment boundaries, dimensions, areas and north point;
- Driveways, parking areas, all hardstand surfaces (including paving and pools); and
- Details of proposed retaining walls.

Floor plans, roof plan and elevations (1:100) including:

- Internal layout including rooms, balconies, verandahs, decks, windows, openings and dimensions;
- Shadow diagrams;
- Elevations from four sides, indicating proposed building height;
- Roof form and pitch; and
- Section.

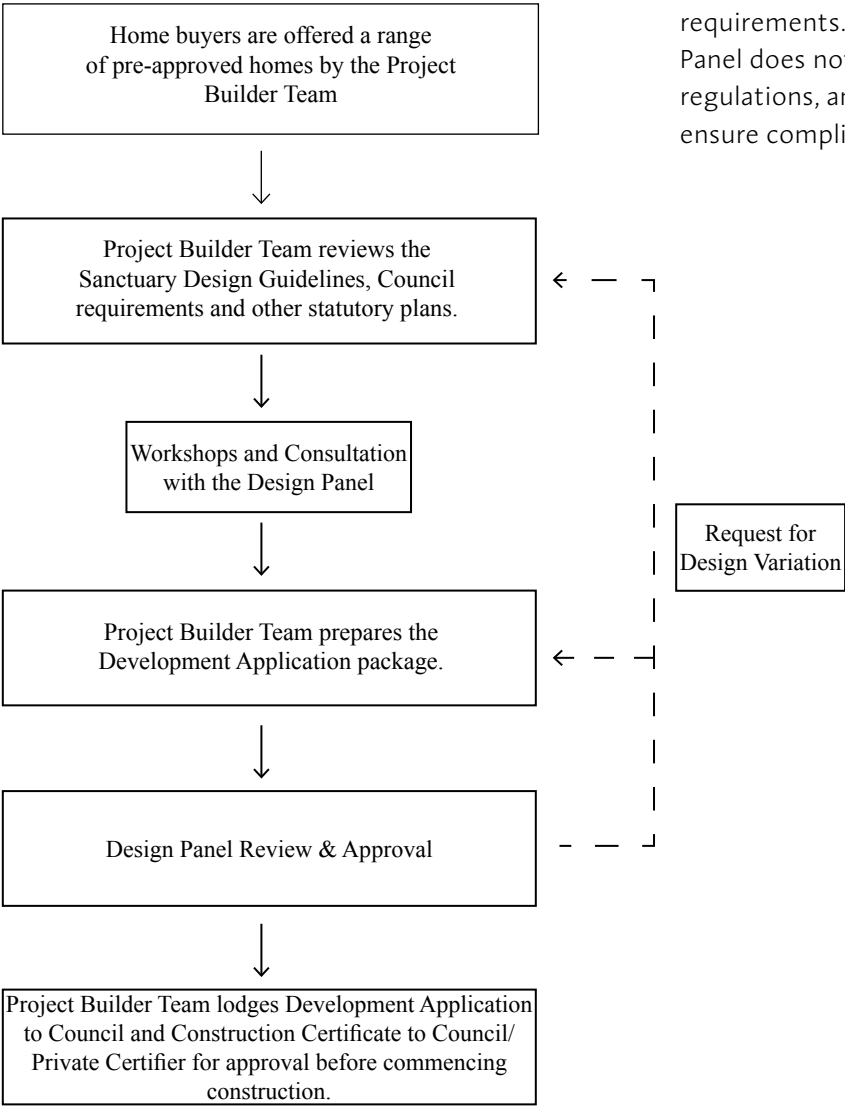
Landscape plan (1:100) and plant schedule.

Materials and colour schedule including:

- Building materials proposed to be used for external walls, roofing, pathways, driveways, fencing, retaining walls; and
- Colour schedule for external walls, roofing, pathways, driveways and fencing.

3.2 statutory requirements

Sanctuary Design Approval Chart



After gaining design approval from the Design Panel, each builder is to submit to the council for a Building Permit to assess the current statutory requirements. Design Approval from the Design Panel does not exempt any building or statutory regulations, and it is the builders’ responsibility to ensure compliance with these regulations.

Figure 3.1.1 Sanctuary Design Approval Chart

4 planning design principles



4.1 relationship to council's codes

While these Design Guidelines incorporate a description of the controls from Council's Development Control Plan (DCP), applicants should consult with Council's DCP, other applicable controls and make their own independent enquiries directly with Council's officers for any further information.

4.2 site coverage

Principles

- Dwellings should demonstrate variation in their development envelope, and should provide adequate opportunity for absorption of rainwater within allotments.

Guidelines

- A single dwelling including any garages/ out buildings, is to occupy not more than two-thirds of the site area; and
- The minimum unoccupied area is to be not less than 45m² for each dwelling. Unoccupied area may include driveways, verandahs and other open space areas.

4.3 building envelope

Principles

- Provide a degree of consistency to establish a neighbourhood character, allowing sufficient diversity as secondary principle;
- Building envelopes to be co-ordinated with house allocations to maintain all significant trees, plus any additional trees worthy of retention to maintain the bush character of the area; and
- Houses are to read as the dominant form, with built elements such as fences, walls, garages, pergolas being secondary, but integral, to the building.

APPENDIX 6

Correspondence from Local Aboriginal Groups – Comments on Draft Overarching s90 and Stage 2 ACHMP

Pam Dean-Jones

From: Shane Frost [awabakal_to@bigpond.com]
Sent: 28 August 2008 20:50
To: Pam Dean-Jones
Cc: klbrauer@bigpond.com
Subject: Draft Amended Aboriginal Cultural Heritage Management Plan Sanctuary Estate
Importance: High



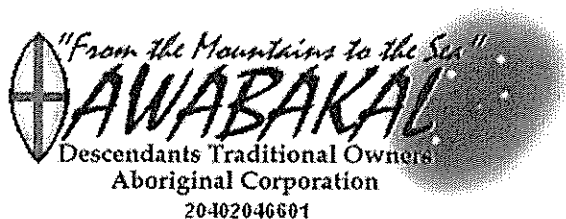
ALLA Pam,

Please find attached to this email our response to the draft you asked us to comment on by Friday the 29th August 2008.

NGI NOA
Shane Frost
Chairman: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email:awabakal_to@bigpond.com Phone:49964362 Fax:49964325 Mobile:0428320671

This information is intended for the addressee only. The use, copying or distribution of this message or any information it contains, is prohibited by the sender.

29/08/2008



PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 27 August 2008

Attention: Pam Dean-Jones
Umwelt (Australia) Pty Limited
PO Box 838
Toronto NSW 2283

Re: Draft Sanctuary Estate Amended Aboriginal Cultural Heritage Management Plan (Stage 2)

ALLA Pam,

I am writing to you in regard to the Draft Amended Aboriginal Cultural Heritage Management Plan for Sanctuary Estate (stage 2). I would like to notify you that the **Awabakal Descendants Traditional Owners Aboriginal Corporation** has considered the contents of the draft report and our comments are as follows.

The report seems to be reasonably comprehensive and covers most areas of concern, although we would like to see an inclusion to the report of such items as:-

- In section 2.4 of the draft report under '**Communication Protocols and Procedures for Implementation of the stage 2 ACHMP**' there is no specific mention of the Awabakal Traditional Owner groups (**ADTOAC & ATOAC**) in this paragraph, all be it we are recognised stakeholders in this project. It is disconcerting as we read this document that the Traditional Owner groups are in many cases not mentioned in locations you would expect us to be mentioned in a draft report which is to manage Awabakal Cultural Heritage or on the other hand we are referred to as 'the local Aboriginal community groups' which generalises us due to there being many Aboriginal community groups located in the area, when in reality this area of land known as 'Sanctuary Estate' is the country on which our ancestors lived and belonged and the artefacts that have been collected already and are goodness knows where and the ones that are still in their original locations were made, utilised and discarded/lost by our ancestors the, Awabakal.
- We would also like to bring to your attention, referring you to the draft report under section 4.7.3 '**Planting Guide**' and section 4.8 '**Signage, Artwork and Interpretation**' and the absence of the inclusion of the Traditional Owner groups (**ADTOAC & ATOAC**) within these paragraphs. We believe that it is imperative for us as Awabakal people to also be included in the consultation regarding the types of plants, signage, artwork and interpretation that is proposed for the areas contained within the development and conservation zones. It would be incongruous to even imagine that the descendants of the traditional people of the area would be left out of speaking for their country in regard to the types of plants that their people used and to give an accurate picture of how their people have lived over the past many thousands of years, especially when relaying it to the wider community. This is why we as the Traditional Descendants of the original people of this area, stress the importance of our involvement in all aspects of this proposed development of the Sanctuary Estate. This area being Awabakal Country, it is therefore essential that the developers and all stakeholders recognise that all cultural aspects and perspectives that are presented through the expected life of this development, be it through artworks, interpretation, signage or any other medium, should only contain 100% Awabakal Cultural Heritage and nothing representative of any other area, so as to give the correct outlook and uniqueness of the Awabakal peoples life/culture. We would like to see a statement in relation to this point added to the draft report so as to address our concern in regard to this crucial issue.

- The management of pre earthworks investigation and collection as it is allows for 4 sites officers from ALALC to monitor and collect any artefacts from the excavations on site. We believe that this should be changed from its current format to incorporate 2 sites officers from the Awabakal LALC and 2 sites officers which represent the Traditional Owner groups (ADTOAC & ATOAC). This arrangement would present a more fair and reasonable result in our opinion under the circumstances so as to engage all parties in this important issue. We again would reiterate that this land that the Sanctuary Estate is being developed on and the artefacts that it contains are there because of our ancestors. It was part of their lives and is one of the things that helps connect us to them as Awabakal People. It would be a grave injustice and unfathomable if anyone would even consider that we, as the descendants of these people, could possibly be left out of the equation by being part of recovering the very things that are the tangible expressions that formed such an important part of our ancestor's lives. These objects that are left are among the very things we can touch that our ancestors have not only touched, but made, which in itself gives us a greater sense of belonging.
- We also support the formation of the Sanctuary Estate Aboriginal Cultural Heritage Liaison Committee made up of all the stakeholder groups to formulate decisions about the wide range of Awabakal Aboriginal cultural heritage management procedures and decisions that are required during the ongoing development of the Estate.

As Awabakal Traditional Owners our land and culture is highly significant to us. It has survived the onslaught of invasion and industrial pursuits from all sides that have ravaged it for the last 200 years. Today we still have many people from all walks of life who are misinformed or are not capable of making decisions that are morally appropriate, people who find it hard to see past their own little world which incorporates discrimination towards their fellow man while they themselves try their very best to exclude those that they fear will take from them what is not theirs anyway, all the while hiding behind the poor excuse they use to justify themselves, using what they themselves purport to loathe, legalism. This has been a challenge for us, but we Awabakal have survived all that has been thrown at us for the last 200 years, many have tried to get rid of us and even stated we exist no more but we are still here after all this and people can say they have a "**legal right**" to try and justify what they do, but we have our **Birth Right** we are Awabakal and no one can ever take that away from us, so we will continue to be involved in all the affairs that may affect that cultural heritage which is vital to our people in maintaining connectedness in respect of our Traditional Country. We do not take it lightly to accept the wilful destruction of what is regarded by us as significant and it must be conveyed to the reader that to make a decision to allow this is very hard, but we do live in an age that we need to be mindful of the needs in our community and we as Awabakal people today need to make hard decisions and unfortunately most of life's situations in this day and age are a compromise, but we must emphasise not just for us but for all parties involved.

As a final note we would also like to see the draft report encapsulate the points made above and below and all the relevant items that were discussed in the meeting held on the 15th August 2008 by their addition to the draft report which would detail the items in such a way that as Awabakal Traditional Owners we have concerns in regard to the level of our involvement in the implementation of some of the aspects of future administration and for the ongoing management within the Sanctuary Estate of the cultural heritage values. We would like to see incorporated into the draft report that the Awabakal Traditional Owners are to be consulted with in **ALL** matters regarding Awabakal Cultural Heritage, the heritage of **OUR** people.

I hope this addresses any queries you may have Pam, if not and further information is required please don't hesitate to contact me ASAP. My contact details are as follows.

NGI NOA

Shane Frost

Chairman: Awabakal Descendants Traditional Owners Aboriginal Corporation

Email: shanefrost@bigpond.com Phone: 49964362 Fax: 49964325 Mobile: 0428320671

Pam Dean-Jones

From: klbrauer@bigpond.com
Sent: 28 August 2008 22:44
To: 'Pam Dean-Jones'
Cc: Dene. Hawken; Shane Frost
Subject: Re: Comments for the Draft Sanctuary Estate Amended Aboriginal Cultural Heritage Management Plan (Stage 2)
Importance: High

Hi Pam,

Please find attached our comments regarding the Draft Sanctuary Estate Amended Aboriginal Cultural Heritage Management Plan (Stage 2). I have also attached the consultation minutes that goes with our comments.

If you require any further information please don't hesitate in giving me a call.

Kind regards,
Kerrie Brauer
Secretary/Public Officer
ATOAC

Awabakal Traditional Owners Aboriginal Corporation
PO Box 253 Jesmond NSW 2299
Phone: (02) 49156 947
Mobile: 0412866357

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02/09/2008

ATOAC
Awabakal Traditional Owners Aboriginal Corporation
P.O.Box 253 Jesmond NSW 2299
Phone: (02) 49156 947
Mobile: 0412866357
Email: klbrauer@bigpond.com
ABN: 90 203 408 309
ICN 4411

28 August 2008

Umwelt (Australia) Pty Ltd
Attention: Pam Dean-Jones
Associate
PO Box 838
Toronto NSW 2283

**Re: Comments for the Draft Sanctuary Estate Amended Aboriginal Cultural Heritage
Management Plan (Stage 2)**

Dear Pam,

With regards to the Draft Sanctuary Estate Amended Aboriginal Cultural Heritage Management Plan (Stage 2), we recognise the Draft prepared by Umwelt is reasonably comprehensive.

However, we believe the Draft document should reflect and include the notes of the discussion with the Awabakal Traditional Owners Aboriginal Corporation (ATOAC) and Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC) from the Consultation Meeting held on Friday 15th August 2008. (see attached)

Our comments to the contents within the consultation minutes from the meeting dated Friday 15th August 2008 are as follows:

Page 1 paragraph 2 & P4 last paragraph, we believe that the reference to the "three local Aboriginal groups" should be defined throughout the consultation minutes to show who the representative groups are, being the Awabakal Traditional Owners Aboriginal Corporation (ATOAC), Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC) and the Awabakal Local Aboriginal Land Council (ALALC).

Page 3 Paragraph 7, we believe that the reference made to 'Aboriginal community' in the consultation meeting should be changed to "(ATOAC), (ADTOAC) and (ALALC)" as the meaning of 'Aboriginal community' has a wider group connotation, whereas defining who the representative groups are is more accurate and specific. Therefore, we would like the Draft Sanctuary Estate Amended Aboriginal Cultural Heritage Management Plan (Stage 2) to consistently refer to who the representative groups are, being "(ATOAC), (ADTOAC) and (ALALC)" instead of the generic 'Aboriginal community'.

Further changes and typos to the attached Consultation Minutes from the Meeting Held on 15th August 2008 are marked in Red for clarification.

For any further information please do not hesitate to call me on (02) 49156947 or 0412866357.

Yours sincerely,



Kerrie Brauer
Secretary/Public Officer

Sanctuary Estate

Consultation about an overarching section 90 application for residential construction and the Stage 2 Aboriginal Cultural Heritage Management Plan

Notes from discussions with ATOAC and ADTOAC on Friday 15 August 2008, 3pm to 5.15pm

Present:

Shane Frost (Awabakal Descendants Traditional Owners Aboriginal Corporation)
Kerrie Brauer and Nola Hawken (Awabakal Traditional Owners Aboriginal Corporation)
Bruce Gunn (Urban Pacific Limited)
Steve Edmonds (Landcom)
Pam Dean-Jones (Umwelt)

Introduction

Pam explained the intent of the consultation meeting and the importance of community input to the development of a practical, sustainable cultural heritage management plan for the Sanctuary Estate. The development process will take around ten years, so what is agreed about ongoing Aboriginal community involvement will underpin a wide range of opportunities for future conservation, interpretation and raising awareness about the Awabakal cultural heritage of the area.

The intent is to agree on a robust framework for future Aboriginal community involvement, which allows some flexibility (adaptation) in exactly what is done for cultural investigations, collection and interpretation for each stage of the Estate. The key to this ongoing involvement is the new Sanctuary Aboriginal Cultural Heritage Liaison Committee. The Committee will be open to representatives from all three local Aboriginal community groups, Awabakal Traditional Owners Aboriginal Corporation (ATOAC), Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC) and the Awabakal Local Aboriginal Land Council (ALALC) consistent with DECC's current consultation guidelines.

The project has had Development Consent for ten years and over that time a range of archaeological investigations have been conducted with Awabakal Local Aboriginal Land Council, consistent with the then DECC process. The Stage 1 Aboriginal Cultural Heritage Management Plan was prepared in consultation with Awabakal LALC, as was the existing s90 (#2332) which covers civil works across the entire Estate.

The civil works for Stage 1 of the Estate have been completed in accordance with the requirements of the DECC s90 Consent. Awabakal LALC managed a cultural collection process. Some preliminary landscape art work has also been installed in pathways around Stage 1. We are now proposing an alternative observation and collection process, to make the work safer and to allow it to happen in a more natural context – not in the middle of a large construction site, with attendant time constraints.

Kerrie noted that her family had been involved at the very beginning of the project – but not in recent years.

Discussion around aspects of future management Land tenure for the conservation areas: This has been under discussion for some time. Options considered were DECC, NCC, CMA, Community Title or the Land Council. At this stage, the other open space (e.g. along the creek lines) will be managed in the long term by Newcastle City Council.

The groups stated that they would prefer that DECC managed the three Aboriginal Heritage Conservation Areas. Two of these are contiguous with DECC managed land across Hexham Wetland.

Art work: Any art work used in landscaping and interpretation should feature traditional Awabakal styles, not general 'Aboriginal' styles. For instance, traditional Awabakal people did not make dot paintings and did not install totem poles. If the art is to have an education and cultural function, it should reflect the local traditional Awabakal culture.

Steve described the work that Mini Heath had done for the Tanilba Bay subdivision, and how it appeared to have discouraged vandalism. There was general praise for Mini's work.

Placement of fill: All excavated material should be used as fill on site. In some cases, this will mean direct cut and fill on a property. In other cases, some material may be used elsewhere in the Estate. In this way, any cultural material in the topsoil will be retained within the overall Estate area.

Both groups expressed the view that any artefacts observed in pre earthworks activities should be retained on site. They should be relocated into the Conservation Areas. It was initially preferred that this should happen during the investigation period. However, it was agreed that there may be some practical difficulties with this, including:

- DECC requires a basic record of what has been found and relocated – this may not be achievable on any one day of pre earthwork activity.
- It would be better if artefacts were not placed in the Conservation Areas until the initial landscaping is in place – so a temporary storage facility may be necessary.

At this stage, the Land Council has a Care and Control Permit for artefacts collected from the Estate over the last ten years. The current draft application has continued this option.

Both groups expressed the view that the Land Council should not have exclusive rights to Care and Control, although it is preferable that all materials are stored in one safe place until returned to the land. Both groups were concerned that if the Land Council had control, access could be limited.

An independent storage location was preferred. Kerrie said that ATOAC have an arrangement with John Di Gravio at the University archives (Cultural Collection Unit), to keep material there. Another option suggested was the Newcastle City Local History Library (Laman Street). Both of these locations would provide opportunities for training before the material is reburied.

Opportunities for display and interpretation

There was enthusiastic discussion of opportunities to present and interpret the Awabakal cultural heritage from the project area and its landscape context on the margin of the Hexham Wetland. Activities should focus on encouraging interest and respect. There is potential for local Aboriginal businesses to be contracted for parts of this work, subject to fair trading requirements.

Projects discussed included:

- The potential for the design of landscaping in Conservation Area 1 (looking out over the Rocky Knob and Hexham Wetland) to include an exposed subsurface profile with artefacts (like the concept at the Museum of Sydney).
- Interpretation material at the sales Office for the Estate could include a PowerPoint style presentation that cycles throughout the day. This or another method could highlight the original vegetation of the wetland and how Awabakal people lived in the area through periods of major climate and landscape change. This would help people appreciate how the area was before it became farmland. It could highlight the abundance of fish and birds and the thriving relationship between Aboriginal people and their country. This could be linked up to the return of more natural estuary processes in the wetland as the floodgates are opened (and also to current climate change responses).
- An exhibition could be organised in conjunction with Newcastle City Council, potentially in the space at the Lovett Gallery in Laman Street. This would be a great opportunity to showcase Awabakal culture and country from Sugarloaf to Nobbys. It could incorporate stories, art, archaeology, history and landscape change. For instance there are records about the relationship between some early white settlers/government and local Awabakal people – this could help to set the record straight and help reconciliation. An exhibition of this type was seen as an exciting opportunity.
- The landscaping of the Conservation Areas should include bush tucker plants, but incoming residents should also be provided with information (guide to landscaping) to encourage the use of locally indigenous plants in suburban gardens.
- It was requested that the Awabakal language words suggested for street names needed review. Street and place signs could also provide the English translation. Choice of names is important – it should not trivialise the cultural value.
- All incoming residents will be provided with a Cultural Heritage information Pack, including both awareness raising material and more formal information about responsibilities under the s90 Consents.

Operation of the Liaison Committee

The strategy and operation of the proposed sanctuary Aboriginal Cultural Heritage Liaison Committee was discussed in detail. This is the group that will make decisions about a wide range of cultural heritage management actions during the development of the Estate.

The liaison Committee is the key to continuing connection between the representative from (ATOAC), (ADTOAC), (ALALC) and Urban Pacific. It will, for instance, be the forum for discussion about ongoing management of the Conservation Areas, for developing interpretation projects and for deciding on the specific cultural investigations/collections for each stage of the Estate. The liaison Committee will review the outcomes of investigations/collections for each stage. It will be involved in placing artefacts back into the Conservation Areas.

It was stressed that all three local Aboriginal groups (ATOAC), (ADTOAC) and (ALALC) would be invited to participate in the Committee – reflecting past involvement and the strong interest of all three groups. A group may choose not to participate, but the intent is to make the discussion and planning inclusive.

Urban Pacific will convene the meetings of the groups, expected to be up to three times a year – (although there is potential for further involvement if major exhibitions etc. are planned).

It was noted that membership of a community liaison committee can involve significant unpaid time commitments for community members. The groups asked if sitting fees would be considered, to recognise the value of the involvement of the community members. Landcom and Urban Pacific said that they would consider a sitting fee arrangement, given there is a significant time investment over a long period.

Management of pre earthworks investigation and collection

The current draft s90 and Stage 2 Management Plan continue the involvement of Awabakal LALC Site Officers for on the ground activities. This arrangement was approved by DECC in s90 #2332. The new draft s90 suggests that up to four qualified Site Officers could be involved in investigation and collection activities in each stage, for a period of up to ten working days. The Site Officers would be coordinated by the Land Council. The draft also makes provision for others to visit the site during the cultural collection process for each Stage – for instance, to review progress, or for education purposes.

Both groups questioned whether they would have any opportunity to be involved in the on the ground component if the coordination responsibility rests with the Land Council. They would prefer a set arrangement of two representatives from the ALALC, one representative from ADTOAC and one representative from ATOAC Site Officers to work together. They felt this would be a fairer arrangement.

Meeting conclusion and follow up

Urban Pacific, Landcom and Umwelt thanked the groups for their constructive discussion and ideas.

Written comments on the draft s90 application and Stage 2 Management Plan are needed by 29 August. If comments can be provided earlier, there will be more time for further discussion if needed before the application and draft Plan are submitted to DECC. There is a tight timeframe on this now, so that work can commence on the next Stage of the Estate later this year.

It was acknowledged that the final s90 application and stage 2 Management Plan will be drafted on the basis of what is the best solution for the project. Urban Pacific and Landcom are keen to show respect for the Awabakal heritage of the area in the design and development of the project and will work with all groups to achieve this end.

The final s90 application and Management Plan must meet the requirements of the NPW Act and Newcastle City Council. The documents will attempt to address the different perspectives of the groups, but may not accommodate everything that everyone has suggested. We will do our best to be fair and practical for everyone.

26/AUG/2008/TUE 17:08

Awabakal LALC

PAX No.

P. 002



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

26th August 2008

Bruce Gunn
Project Director
Urban Pacific
Suite C3
The Boardwalk
Honeysuckle Drive
Newcastle NSW 2300

Attention: Bruce Gunn

Re: Section 90 1st Stage 'Sanctuary Estate'

We refer to the archaeological investigation that was conducted in November 2007 by the Awabakal Local Land Council members and Indigenous Outcomes as part of their cultural heritage training over areas within Stage 1 of the 'Sanctuary Estate Development'

A draft report has been reviewed by the Board at its meeting on the 4th August and we have held discussions with Director Indigenous Outcomes regarding the outcome of this project.

It has been agreed that Stage 1 of the 'Sanctuary Estate' has been significantly investigated and we are happy to support a Section 90 over this area.

Please contact us if you have any questions about our recommendations.

Yours truly,

Robert Smith 
Chairperson
Awabakal Local Aboriginal Land Council

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

APPENDIX 7

Geographical Names Board Guidelines



GEOGRAPHICAL NAMES BOARD OF NEW SOUTH WALES

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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 8

Sample Recording Sheets

Bluegum Vista Estate

Record Management for Collected Aboriginal Artefacts

Background

DEC s90 Consent #2332 requires that basic records be maintained of all significant Aboriginal cultural heritage items that are collected by Awabakal LALC Site Officers 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 (Bluegum Vista), 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 s90 consent 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. DEC 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 flaked pieces. Note 48 in the space for number of flakes and flaked pieces.
- The artefacts use 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 DEC about what has been collected and what has been returned to the Aboriginal Heritage Conservation Areas.

**Bluegum Vista Estate
DEC s90 Consent #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:

**Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283**

**Ph. 02 4950 5322
Fax 02 4950 5737**