

# **DUE DILIGENCE ASSESSMENT**

**Blackrock Motor Park** 





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# **1** INTRODUCTION

Barr Property and Planning commissioned RPS to prepare a Conservation Management Plan (CMP), including a Due Diligence Assessment, for the former Rhondda Colliery. This Aboriginal heritage due diligence assessment has been undertaken in accordance with the NSW Office of Environment and Heritage (OEH) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW [now OEH] 2010) (Due Diligence Code) and the NSW OEH Code of Practice for the Investigation of Aboriginal Objects in New South Wales (the Code) (DECCW [now OEH] 2010.

## 1.1 Project Area

The proposed development area is that of the former Rhondda Colliery in the Lake Macquarie local government area, consisting of 630 acres of rehabilitated mining land. The proposed development area is defined as Lot 101 in Deposited Plan (DP) 1073163 (Figure 1).

## 1.2 Proposed Development

The proposed development enacts the conservation incentive of the Lake Macquarie Local Environmental Plan (LEP) 2014 (Section 5.10 (10)). Under the conservation incentive, the consent authority may grant consent to development for any purpose on land on which a heritage item is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed under the Plan. The consent authority must be satisfied that:

- The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent;
- The proposed development is in accordance with a heritage management document approved by the consent authority;
- The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out;
- The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the significance of the Aboriginal place of heritage significance; and
- The proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The proposed development would be classified as a recreational facility (outdoor) according to the definitions contained within the Lake Macquarie LEP 2014. It would use of part of the land as a driver training centre, motoring experiences centre, adventure tourism-based experiences, visitor and training centre and accommodation for users of BlackRock Motor Park. The major components associated with the proposed development include a 5.58km track circuit to facilitate driver training and accommodate safety, education and driver experiences, a skid pan, go-kart circuit, visitor centre including short term accommodation, additional accommodation in the form of villa and lodge facilities, stable café, four-wheel drive experience, BlackRock Village incorporating individual modules containing parking and short term accommodation, as well as ancillary structures.

The proposed development would be classified as a recreational facility (major) according to the definitions contained within the Lake Macquarie LEP 2014. The proposed development would be use of

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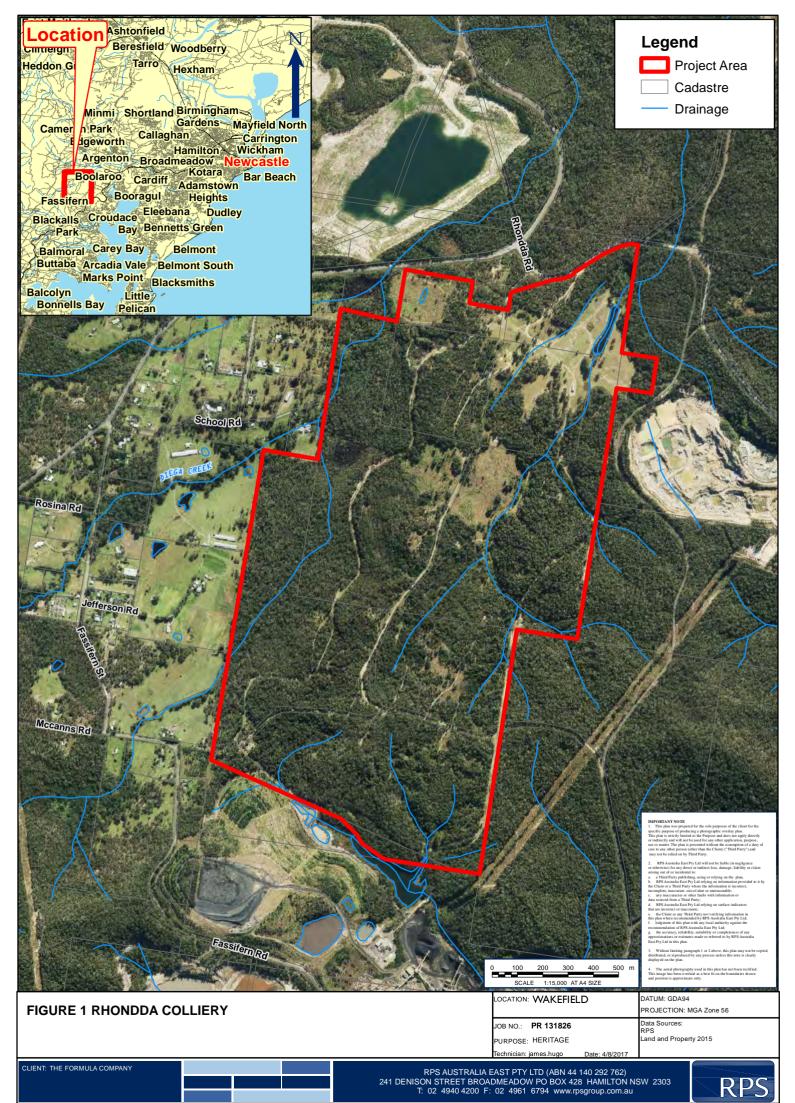
the land as a driver training centre, motoring experiences centre and eco-tourist resort, adventure-based experiences and a Visitor Centre. The major components associated with the proposed development include a four-kilometre track to facilitate driver training and accommodate safety, education and driver experiences, a skid pan, garaging and Visitor Centre, accommodation and Lodge, Go-Kart circuit and Four-Wheel Drive experience (Figure 1.2).

The proposed development is consistent with Clause 5.10 of the Lake Macquarie LEP 2014 and the Conservation Incentive subclause. The proposed development would facilitate the conservation of Rhondda Colliery (167) and the Rhondda Colliery railway (170) with the conservation and adaptive reuse of existing infrastructure, the interpretation of removed infrastructure and the interpretation of the wider cultural significance. The proposed development would be completed in accordance with an approved CMP and would not adversely affect the significance of Rhondda Colliery (167) and Rhondda Colliery railway (170) including the setting.

RPS coordinated with the architect (SHAC), landscape architect (Moir) and other consultants in preparing the development application to ensure an integrated approach to conservation of the cultural significance of the place and interpretation as a form of conservation.

## 1.3 Authorship

RPS Cultural Heritage Consultant Georgia Wright prepared the Due Diligence Assessment. RPS Draftsperson Natalie Wood provided technical assistance. RPS Newcastle Cultural Heritage Manager Tessa Boer-Mah and Joanne McAuley, RPS Principal Cultural Heritage Consultant reviewed the Report.





# 2 STATUTORY CONTEXT

The *National Parks and Wildlife Act 1974* (NPW Act) is the principal Act providing protection for Aboriginal cultural heritage (objects and places) in NSW. It provides protection for Aboriginal cultural heritage irrespective of the level of archaeological or cultural heritage significance or land tenure. The Office of Environment and Heritage (OEH) is responsible for the administration of the NPW Act.

Development applications must be assessed in accordance with the NPW Act and the appropriate approvals obtained as required.

## 2.1 National Parks and Wildlife Act 1974

The NPW Act provides protection for Aboriginal cultural heritage in NSW. Section 86 of the NPW Act states:

- "A person must not harm or desecrate an object that the person knows is an Aboriginal object"
- "A person must not harm an Aboriginal object"
- "A person must not harm or desecrate an Aboriginal place"

Under the NPW Act, it is an offence to harm an Aboriginal object or place. Harming an Aboriginal object or place may result in a fine of up to \$550,000 for an individual and imprisonment for two years; and in the case of a corporation, a fine of up to \$1.1 million. The fine for a strict liability offence (s86 [2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under Section 90 of the NPW Act, or 2) that the proponent exercised due diligence in respect to Aboriginal cultural heritage. The due diligence defence states that if a person or company has exercised due diligence, liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If an Aboriginal object is identified during the proposed activity, all activity within that area must cease and OEH notified (DECCW 2010c:13). The due diligence defence does not authorise continuing harm.

### 2.1.1 Notification of Aboriginal Objects

Under Section 89A of the NPW Act, the proponent must report all Aboriginal objects and places to the Director General of OEH within a reasonable time, unless already recorded on the Aboriginal Heritage Information Management System (AHIMS). Fines of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

### 2.1.2 Investigating and Assessing Aboriginal Cultural Heritage

There are a number of procedural publications governing archaeological practice in NSW. The publications relevant to the investigation and assessment of Aboriginal cultural heritage include the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011), the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) (DECCW 2010b) and the *Aboriginal cultural heritage requirements for proponents 2010* (DECCW 2010a).



The Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010a) codifies a process for consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage. The requirements are consistent with the NPW Act and seek, inter alia, to conserve Aboriginal objects and places of significance to Aboriginal people. Consultation is therefore a fundamental part of the Aboriginal cultural heritage assessment process.

## 2.2 Environmental Planning and Assessment Act 1979

The EPA Act regulates a system of environmental planning and assessment for NSW. Land use planning requires the consideration of environmental impact, including the potential impact on Aboriginal cultural heritage. The NPW Act therefore provides protection for Aboriginal objects or places, and the EPA Act ensures an assessment of Aboriginal cultural heritage as part of the planning and approvals process.

### 2.2.1 Lake Macquarie Local Environmental Plan 2014

The Lake Macquarie Local Environmental Plan (LEP) 2014 requires development consent to demolish, disturb, excavate, or develop land on which an Aboriginal object is located or that is within an Aboriginal place of significance. Council must consider the effect of a proposed development on the significance of an Aboriginal place and any Aboriginal object located at that place. In addition, Council must inform the local Aboriginal community about the application.

## 2.3 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within NSW and to establish Local Aboriginal Land Councils. Under Section 36 of the Act, a Local Aboriginal Land Council, on behalf of Aboriginal people, is able to claim certain Crown land that:

- 1. Is able to be lawfully sold, leased, reserved or dedicated
- 2. Is not lawfully used or occupied
- 3. Will not, or not likely, in the opinion of the Crown Lands minister, be needed for residential purposes
- 4. Will not, or not likely, be needed for public purposes
- 5. Does not comprise land under determination by a claim for native title
- 6. Is not the subject of an approved determination under native title

Claims for land are by application to the Office of the Registrar, Aboriginal Land Rights Act 1983.

## 2.4 Native Title Act 1993

The Commonwealth Native Title Act 1993 establishes a structure for the protection and recognition of native title where:

- Aboriginal people have a native title interest to maintain traditional customs and laws.
- Aboriginal people have sustained connection with the land or waters in question
- The native title rights and interests are recognised by the common law of Australia.

The Native Title Act 1993 establishes processes to determine where native title exists, how activity affecting native title may be carried out, and to provide compensation where native title is impaired or



extinguished. The Act provides Aboriginal people who hold native title rights and interests, or who have made a native title claim, the right to be consulted and in some cases, to participate in decisions about activities proposed to be carried out on the land.



# **3 CONSULTATION**

This section sets out the consultation carried out as part of this Assessment. Consultation is required to assess the cultural significance of Aboriginal objects and places. The purpose of consultation is to assess cultural significance, to provide Aboriginal people with cultural information an active role in the conservation and management of Aboriginal objects and places and to control the way cultural information relating to Aboriginal objects and places is used.

## 3.1 Consultation in Relation to this Assessment

The Lake Macquarie local government area is within the traditional lands of the Awabakal people. Council is required to consult with the Aboriginal community in relation to proposed development within the Lake Macquarie local government area.

Consultation with the Aboriginal community in relation to this Due Diligence Assessment included:

- Notification of preparation of this assessment and proposed development on 19 April 2017:
  - Biraban Local Aboriginal Land Council
  - Awabakal Traditional Owners Aboriginal Corporation
  - Awabakal Descendants Traditional Owners Aboriginal Corporation
- Notification of the assessment and proposed development on 14 July 2017:
  - Biraban Local Aboriginal Land Council
  - Awabakal Traditional Owners Aboriginal Corporation
  - Awabakal Descendants Traditional Owners Aboriginal Corporation

The notification included notification of a due diligence assessment as part of a CMP, notification of the proposed development and a request for cultural information relating to the proposed development area (Appendix A). RPS received no responses to the notifications.



# 4 LANDSCAPE CONTEXT

This section sets out the Aboriginal landscape context for Rhondda Colliery. The landscape context is critical to an understanding of and the potential for archaeological resources associated with Aboriginal land use within or associated with Rhondda Colliery.

## 4.1 Geology

The Permian Newcastle Coal Measures underlie the Rhondda Colliery. The Newcastle Coal Measures consist of conglomerate, sandstone, tuff, shale and coal (Rose et al 1966).

Tuff is a material suitable for manufacturing purposes. Outcrops are documented in the area including north east of Rhondda Colliery at the base of Mount Sugarloaf.

### 4.2 Soils

The soil landscapes represented at Rhondda Colliery include the erosional Gateshead soil landscape and erosional Doyalson soil landscape. The Gateshead soil landscape occurs on undulating rises on Permian conglomerate, shale and sandstone (Matthei 1995:115-116). The dominant soil materials are described in Table 4.1. The soil landscape is associated with minor to moderate sheet erosion in disturbed areas indicating the potential for the movement of surface artefacts.

The Doyalson soil landscape occurs on undulating rises on Munmorah Conglomerate. The dominant soil materials are described in Table 4.1. The erodibility of the soil landscape is moderate (Murphy 1993:49-50). The depth of the A1 and A2 deposit (50-100 centimetres) and erodibility of the soil landscape indicate the potential for subsurface archaeological resources.



### Table 1: Soil landscapes

Dominant soil landscape	Description	
Gateshead soil landscape		
A1	Brownish black sand clay loam. Conglomerate inclusions common.	
A2	Dull yellowish brown sand clay loam. Conglomerate inclusions common.	
Subsoil (B horizon)	Yellowish brown clay. Few conglomerate inclusions.	
Gateshead soil landscape		
A1	Brownish black to yellowish brown loose sand to loam-sand with coarse-grained texture. Loose surface condition. Rock, quartz and conglomerate inclusions common.	
A2	Hard-setting yellowish brown clay sand. Rock, quartz and conglomerate inclusions common.	
Subsoil (B horizon)	Yellowish brown sand clay loam. Texture increasing with depth from light sand clay loam to sand clay loam. Sandstone, quartz and conglomerate inclusions common.	

### 4.3 Landforms

The local landscape is undulating with local relief between 30 metres and 100 metres and slopes between 5 and 15 per cent. Landforms within the proposed development area include cliff, crest, slope and flat landforms with slopes between 5 and 10 per cent.

The landscape is suitable for Aboriginal land use with landforms associated with Diega Creek suitable for access across and movement through the landscape.

### 4.4 Hydrology

Diega Creek is a second order stream extending north-south through Rhondda Colliery. It is a tributary of Cockle Creek, with the confluence with Diega Creek immediately north of Rhondda Colliery. It is associated with a swamp in the west of Rhondda Colliery.

Rhondda Colliery provided a well-watered landscape suitable for Aboriginal land use.

### 4.5 Flora and Fauna

The ecological communities that Aboriginal people encountered within the immediate landscape included Sydney Coastal Dry Sclerophyll Forests. Sydney Coastal Dry Sclerophyll Forests consist of open eucalypt forests 10-25 metres tall with prominent and diverse sclerophyll shrub understorey and open ground cover of sclerophyll sedges (Keith 2006:146-147). Indicative species include Angophora costata (Sydney red gum), Corymbia gummifera (red bloodwood), Eucalyptus piperita (Sydney peppermint), E. haemastoma (broad-leaved scribbly gum) and E. racemosa (narrow-leaved scribbly gum). Indicative shrubs include Aacia linifolia (flax-leaved wattle), A. terminalis (sunshine wattle), Banksia serrata (old

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man banksia), B. spinulosa (hairpin banksia), Epacris pulchella (wallum heath) and Eriostemon australasius (waxflower) (Keith 2006:146-147).

There are numerous ecotones within the immediate area associated with different landforms. Diega Creek and the swamp in the west of Rhondda Colliery provided a resource rich landscape. The ecological communities provided opportunities for subsistence and raw materials suitable for manufacturing and ornamental purposes.

### 4.6 Summary

Rhondda Colliery provided a resource rich landscape. The landforms, access to water, stone and other resources indicate the potential for Aboriginal land use. The landforms associated with Diega Creek provided access across and for movement through the landscape.



# 5 ARCHAEOLOGICAL CONTEXT

Section 5.0 sets out the Aboriginal archaeological context for Rhondda Colliery. The archaeological context provides an understanding of the local archaeological landscape and the potential for archaeological resources associated with Aboriginal land use within or associated with Rhondda Colliery.

## 5.1 Aboriginal Heritage Information Management System

RPS conducted a search of the Aboriginal Heritage Information Management System (AHIMS) on 14 February 2017 for the coordinates GDA Zone 56 Eastings 364694-368694 Northings 6350046-6354046 with a 50 metre buffer. The search identified four Aboriginal objects with the searched area, but no Aboriginal objects within the proposed development area (Figure 2).

Isolated artefacts account for 50 per cent of Aboriginal objects identified within the searched area with two identified. One potential archaeological deposit (PAD) and one grinding groove are also located within the searched area (Table 2).

Туре	Frequency	Percent
Isolated artefact	2	50
PAD	1	25
Grinding groove	1	25
Total	4	100

### Table 2: Type and frequency of Aboriginal objects within the searched area

### 5.2 **Previous Archaeological Assessments**

### Umwelt (1998). Newstan Colliery Life Extension Project: Archaeological Assessment

In 1998 Umwelt prepared an archaeological assessment for an extension of the Newstan Colliery, south of Rhondda Colliery. It considered two component areas including surface facilities (two additional reject disposal areas and the upgrading of the rail loading facilities at Newstan Colliery) and the Life Extension Area (continuation of mining into a new underground mining lease in the area between the existing Newstan and Awaba Colliery leases).

The archaeological survey of the two component areas identified disturbance related to previous mining activities. It also identified three isolated artefacts in the area of the proposed upgrading of rail loading facilities.

Umwelt inspected the sandstone cliffs and nine shelters recorded in the eastern sector of the Life Extension Area including three with archaeological deposit and six with archaeological potential. The shelter aspects included north, south and east, and including a number a drainage line, or within 200 metres of a drainage line. The inspection also identified a set of grinding grooves.

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### Kuskie, P. (2012) Tasman Extension Project: Aboriginal cultural heritage assessment

In 2012 Kuskie prepared an Aboriginal cultural heritage assessment for the Tasman Extension Project for the Tasman Underground Mine, west of Rhondda Colliery. The project represented a proposed extension of the underground mining operations and development of surface infrastructure, including a new pit top and associated run-of-mine coal handling infrastructure and ventilation and surface infrastructure. The proposed mining operations involved continued use of the board and pillar method with total and partial pillar extraction.

Kuskie carried out an archaeological survey of the potential impact area (apart from a 130 hectare portion that could not be sampled due to access constraints). The archaeological survey identified 38 locations with surface artefacts, 35 grinding grooves, 26 shelters with PAD and a grinding groove in direct association with artefacts. The archaeological survey identified 174 stone artefacts across the 38 locations, with frequent silcrete (55.7 per cent of assemblage) and tuff (37.4 per cent of artefact assemblage) artefacts. The distribution of stone artefacts is consistent with discontinuous discard, insufficient in number or in association with other material, to indicate focused activity at any particular location. The areas with the highest artefact densities occurred on access routes, which corresponds with areas with high ground surface exposure.

The assessment identified significant and widespread cultural associations with the proposed development area through consultation with the Aboriginal community including Mount Sugarloaf, which is a cultural landscape of high cultural significance to the Aboriginal community.

# Umwelt (2010) Aboriginal cultural heritage assessment report: West Wallsend Colliery Continued Operations Project

In 2010 Umwelt prepared an Aboriginal cultural heritage assessment report for the West Wallsend Colliery (WWC) Continued Operations Project, west of Rhondda Colliery. The project involved continued underground mining across 1,085 hectares with 933 hectares (86 per cent) of the proposed underground mining area within the Sugarloaf State Conservation Area.

The assessment identified 62 Aboriginal objects within the WWC Continued Operations proposed development area, 51 of which are within the continued operations proposed development area and 47 of which are within the subsidence impact area. The Aboriginal objects within the WWC Continued Operations proposed development area included grinding grooves (19), grinding grooves associated with a shelter with artefacts, a shelter with artefacts and PAD and artefact scatters and isolated artefacts (36), scarred trees (three) and stone arrangements (two). The grinding grooves identified within the WWC Continued Operations proposed development area indicated that a broad range of activities are taking place than just the grinding of axes, hatchets and adzes including grinding and resharpening of chisels and spear points, and food and ochre preparation.

Detailed analysis of the distribution of Aboriginal objects in relation to catchment areas identified the Cockle Creek and Diega Creek catchments as important resource or occupation areas favoured for most activities (with the exception of stone implement grinding in the Cockle Creek catchment within the proposed continued underground mining area). Bangalow Creek and Palmers Creek catchments, though favoured areas for the grinding of stone implements, appeared less favoured for other activities. However, Umwelt noted that a much larger area of the Cockle Creek and Diega Creek catchments are within the proposed continued underground mining area, with the upper reaches of Bangalow Creek and Palmers Creek are within the proposed continued underground mining area only. Differences observed in the

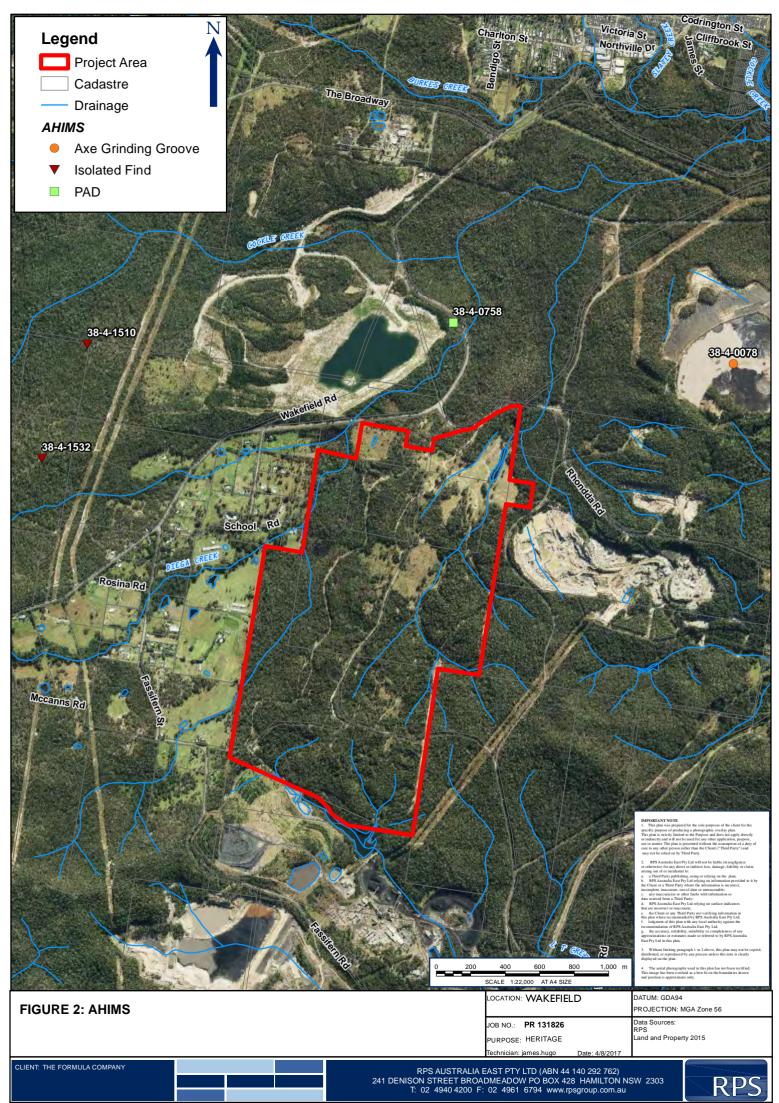
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frequency and type of Aboriginal objects are expected to be biased due to the differences in landforms (in particular gradient) and the size of the areas within each catchment assessed.

## 5.3 Summary

The archaeological landscape is complex consisting of a diverse set of Aboriginal objects associated with Aboriginal land use. Cockle Creek and Diega Creek appear to be important resource or occupation areas with numerous artefacts, shelters (including shelters with artefacts and PAD), grinding grooves and engravings that demonstrate Aboriginal land use. Shelters (including shelters with artefacts and PAD), grinding grooves and engravings are limited to areas with suitable outcrops, which are absent from Rhondda Colliery. The archaeological landscape is related to the cultural landscape of Mount Sugarloaf and is connected with a number of cultural places.





# 6 ARCHAEOLOGICAL SURVEY AND ASSESSMENT OF ABORIGINAL ARCHAEOLOGICAL SENSITIVITY

RPS carried out an archaeological survey to record all (or a representative sample of all) material traces of Aboriginal land use visible on the ground surface or as landscape features and to assess Aboriginal archaeological sensitivity. The archaeological survey and assessment of Aboriginal archaeological sensitivity provide a set of Aboriginal archaeological constraints at Rhondda Colliery.

## 6.1 Archaeological Survey

RPS carried out an archaeological survey on 16 February 2017. The archaeological survey included the operational core of Rhondda Colliery, at the north east of Rhondda Colliery, and regenerated areas throughout, including a swamp to the west of Rhondda Colliery. The operational core of Rhondda Colliery demonstrated substantial ground disturbance associated with the development of Rhondda Colliery including clearing and erosion (Plate 1 and Plate 2). The substantial disturbance associated with the development of Rhondda Colliery, including the railway and siding, and other infrastructure is not visible on the ground surface.

The archaeological survey of regenerated areas included the archaeological survey of a number of including upper, mid and lower slope landforms across the undulating landscape, and a swamp to the west (Plate 3 to Plate 5). Ground disturbance associated with Rhondda Colliery appeared limited, with ground disturbance limited to sheet wash erosion in exposed areas. The level of disturbance associated with Rhondda Colliery is difficult to interpret on the ground surface.

The archaeological survey identified an artefact distribution in association with the swamp to the west of Rhondda Colliery (RC1) (Plate 6). The artefact distribution included two quartz artefacts identified on an exposure west of an access road associated with Rhondda Colliery (Plate 7) (Table 3).





Plate 1 Operational core of Rhondda Colliery, ammunitions store (RPS 2017)



Plate 2 North across operational core of Rhondda Colliery (RPS 2017)





Plate 3 Access road at Rhondda Colliery (RPS 2017)



Plate 4 Mid and lower slope landforms within regenerated area at Rhondda Colliery (RPS 2017)





Plate 5 Swamp at Rhondda Colliery (RPS 2017)



Plate 6 Artefact distribution Rhondda Colliery 1 (RPS 2017)





Plate 7 Artefacts associated with Rhondda Colliery 1 (RPS 2017)

### 6.1.1 Rhondda Colliery 1

Rhondda Colliery 1 (RC1) is an artefact distribution consisting of two quartz artefacts identified on an exposure associated with a swamp (Plate 6 and Plate 7) (Table 3).

Table 3: Artefacts associated with Rhond	da Colliery 1
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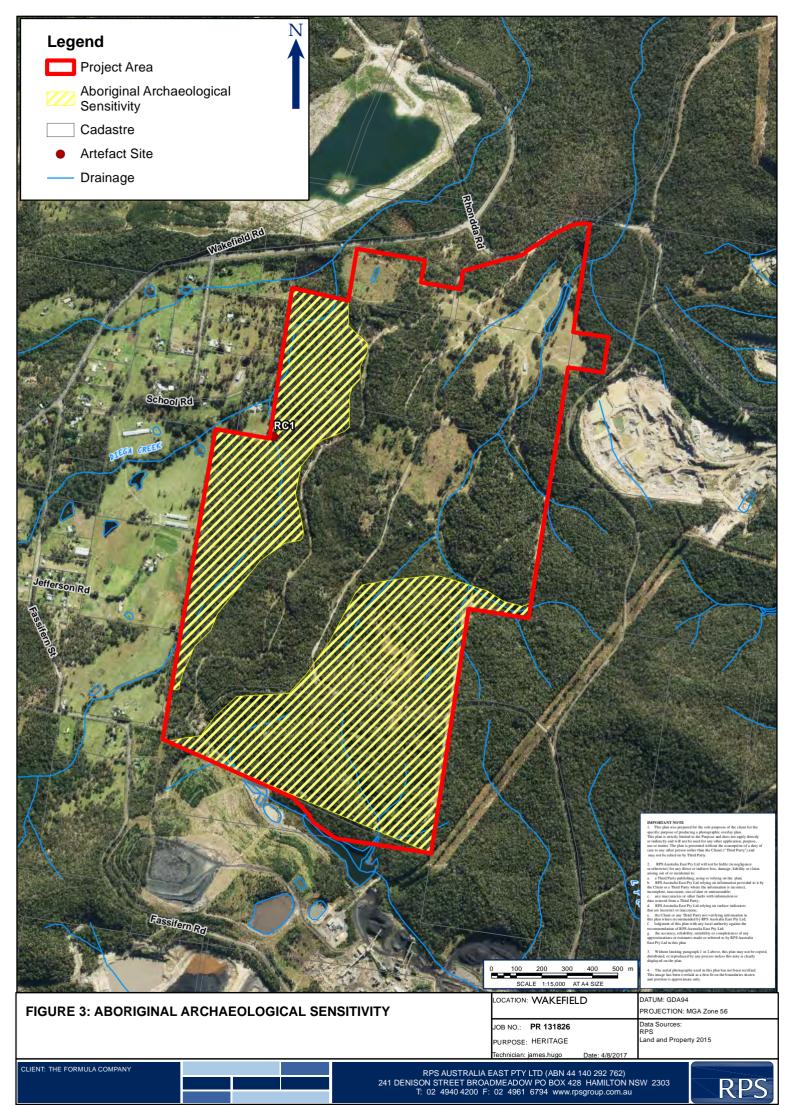
No	Material	Colour	Artefact type
1	Quartz	White	Flake
2	Quartz	White	Flake

## 6.2 Archaeological Sensitivity

The assessment of Aboriginal archaeological sensitivity is based on an understanding of the landscape, including landform and availability of water, the Aboriginal objects identified within and in association with Rhondda Colliery, and the level of ground disturbance associated with the development of Rhondda Colliery.

The assessment of Aboriginal archaeological sensitivity identified areas of Aboriginal archaeological sensitivity within the east and west of Rhondda Colliery, including the swamp and identified artefact distribution RC1 (Figure 3). The areas of Aboriginal archaeological sensitivity demonstrated limited ground disturbance associated with the development of Rhondda Colliery, and the potential for Aboriginal objects to be identified in association with the first and second order streams that dissect the landscape.

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Path: \\ntlfile1\data\JOBS\131k\131826 Wakefield\10 - Drafting\Arcgis Map Documents\Arch\CMP\131826 Figure 6-1 Ab Arch Sensitivity A A4 20170804.mxd



# 7 SIGNIFICANCE ASSESSMENT

In accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage* (2011), the *Aboriginal cultural heritage consultation requirements for proponents 2010* and the *Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013), the following section assesses the cultural significance of Rhondda Colliery.

The *Burra Charter* defines cultural significance as the sum of the qualities or values that a place embodies. The *Burra Charter* identifies the values – aesthetic, historic, archaeological, social or cultural and spiritual – that contribute to cultural significance. In accordance with the *Burra Charter* and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage* (OEH 2011:7-9), the following significance criteria are assessed:

- Aesthetic value refers to the sensory and perceptual experience of a place. It may consider form, scale, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use.
- Historical value encompasses all aspects of history. It therefore often underlies other values. A place may have historic value because it has influenced, or been influenced by, an historic event, phase, movement or activity, person or group of people.
- Archaeological value refers to the information content of a place and its ability to provide an understanding about an aspect of the past through the archaeological investigation of a place, including the use of archaeological techniques.
- Social or cultural value refers to the spiritual, traditional, historical or contemporary associations and attachments of a place. There is not always consensus as to the cultural value of an object or place as people experience places and events differently. Expressions of cultural value may be in direct conflict.
- Spiritual value refers to the intangible values embodied in or evoked by a place, which give it importance in the spiritual identity. Spiritual value may also be reflected in the intensity of aesthetic and emotional responses or community associations, and be expressed through cultural practices and related places.

## 7.1 Significance Assessment of Rhondda Colliery 1 (RC1)

### 7.1.1 Aesthetic

No known aesthetic significance. Additional information may be determined through additional consultation with the Aboriginal community.

### 7.1.2 Historical

No known historical associations. Additional information may be determined through additional consultation with the Aboriginal community.



### 7.1.3 Archaeological

The archaeological survey identified a low density artefact distribution consisting of two quartz artefacts. The artefacts are significant to the Aboriginal community as an archaeological expression of past Aboriginal land use.

### 7.1.4 Social or Cultural

Rhondda Colliery is part of a cultural landscape associated with Mount Sugarloaf. Additional information may be determined through additional consultation with the Aboriginal community.

### 7.1.5 Spiritual

No known spiritual significance. Additional information may be determined through additional consultation with the Aboriginal community.

## 7.2 Statement of Significance

Rhondda Colliery is part of a cultural landscape associated with Mount Sugarloaf. Mount Sugarloaf is of immense cultural significance. The low density artefact distribution RC1 is of broad archaeological and cultural significance as an archaeological expression of Aboriginal land use and is associated with the use of the cultural landscape associated with Mount Sugarloaf, but there is no specific significance attached to RC1 other than as part of a broader archaeological landscape of significance.



# 8 IMPACT ASSESSMENT

This section assesses the potential for the proposed development to affect Aboriginal objects and areas of Aboriginal archaeological sensitivity.

## 8.1 Description of the Proposed Development

The proposed development is use of the subject land as a driving training centre, motoring experiences centre and resort, for adventure based experiences and as a Corporate Visitor Centre. The major components associated with the proposed development include a four kilometre track to facilitate driver training and accommodate safety, education and driver experiences, a skid pan, garaging and Visitor Centre, accommodation and Lodge, Go-Kart circuit and Four Wheel Drive experience.

## 8.2 Impact Assessment

The archaeological survey of Rhondda Colliery identified a low density artefact distribution on the boundary of Rhondda Colliery (RC1) (Figure 2). RC1 comprised two quartz artefacts associated with a swamp immediately east of the artefact distribution. The archaeological assessment also identified areas of archaeological sensitivity within the Rhondda Colliery (Figure 2).

The proposed Rhondda development would not affect RC1 or areas of Aboriginal archaeological sensitivity. RC1 and areas of Aboriginal archaeological sensitivity form part of a wider ecological buffer between the proposed development and adjacent properties.

Due to substantial ground disturbance, the archaeological potential of the proposed development area is low. The identified risk of harm to Aboriginal objects is low.



# 9 **RECOMMENDATIONS**

It is recommended:

### **Recommendation 1**

Project personnel, contractors and subcontractors should be made aware of all statutory obligations for Aboriginal cultural heritage under the *National Parks and Wildlife Act 1974*, which may be implemented as an induction.

### **Recommendation 2**

This due diligence report should be kept so that it can be presented, if needed, as a defence from prosecution under Section 86 of the *National Parks and Wildlife Act 1974*.

### **Recommendation 3**

If an Aboriginal object is identified, work must cease, and the area cordoned off. The OEH must be notified on Enviroline 131 555 so that the Aboriginal object can be assessed and managed.

### **Recommendation 4**

In the unlikely event human remains are identified, all activity within that area must cease and the area cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted on Enviroline 131 555. OEH will determine if the remains are Aboriginal or not. If the remains are Aboriginal, a management plan must be developed in consultation with the Aboriginal community before work recommences.



# 10 **REFERENCES**

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- Rose G., Jones W.H. and Kennedy D.R. 1966. Newcastle 1:250 000 Geological Sheet SI/56-02, 1st edition, Geological Survey of New South Wales, Sydney.



## Appendix A

Consultation



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### Our Ref: PR131826

19 April 2017

CEO Biraban Local Aboriginal Land Council 68/A Middlepoint Road Toronto NSW 2283 <u>ceo@birabanlalc.com.au</u>

ATT: CEO

Dear Sir/Madam,

# RE: Rhondda Park Driving Education and Recreation Centre: Aboriginal cultural heritage due diligence assessment and interpretation plan

RPS Australia East Pty Ltd will be conducting an Aboriginal cultural heritage due diligence assessment and interpretation plan for the Rhondda Park Driving Education and Recreation Centre, on behalf of The Formula Company.

Rhondda Park Driving Education and Recreation Centre is located at Rhondda Road, Wakefield, NSW, in the Lake Macquarie local government area (Figure 1). Please see attached additional information relating to the project prepared as part of a pre-development application submission.

RPS is contacting you to inform of the project and the area that would be developed as part of the project. RPS carried out an informal inspection of the project area as part of a non-Aboriginal archaeological assessment on 16 February 2017. RPS located two quartz artefacts adjacent to a swamp within the western porion of the project area (Figure 2).

The area that would be affected is considered to be of low archaeological potential due to substantial ground disturbance associated with Rhondda Colliery (Plate 1 and Plate 2). Areas of Aboriginal archaeological sensitivity are located within the north west and south of the project area (Figure 2). The areas of Aboriginal archaeological sensitivity would be conserved as part of the project forming part of an ecological buffer.



Plate 1 Image of disturbances at Rhondda Colliery



Plate 2 Image of disturbances at Rhondda Colliery



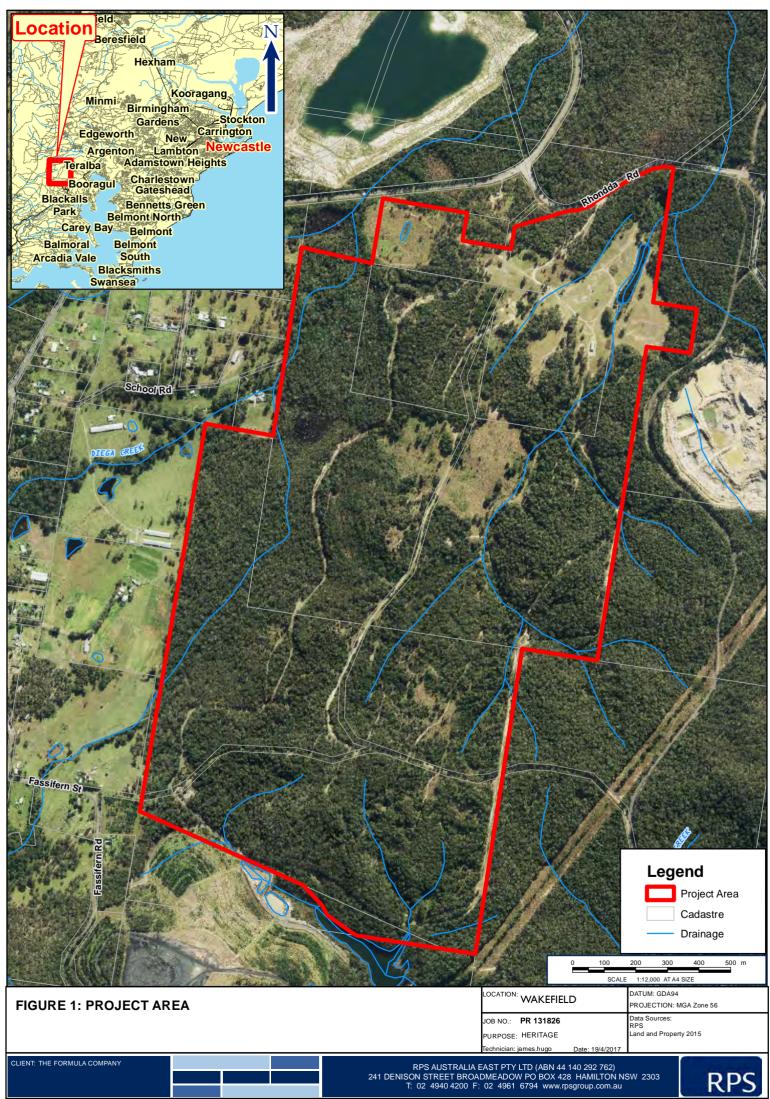
We are requesting cultural information pertinent to the Aboriginal cultural heritage due diligence assessment and interpretation of the project area. Where appropriate, please indicate if it is appropriate to include cultural information provided as part of an interpretation plan for the project area.

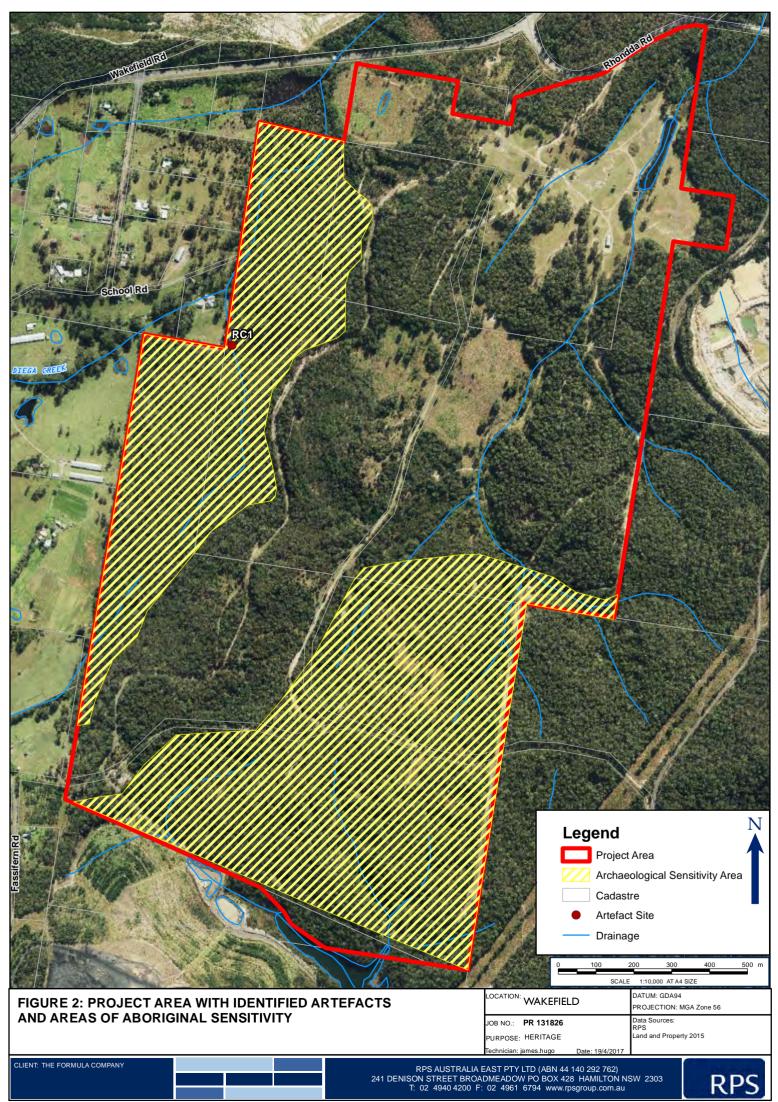
Please forward all correspondence to georgia.wright@rpsgroup.com.au.

Yours faithfully **RPS** 

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Georgia Wright RPS Cultural Heritage Consultant







#### Newcastle Office

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### Our Ref: PR131826

19 April 2017

Kerri Brauer Awabakal Traditional Owners Aboriginal Corporation PO Box 253 Jesmond NSW 2299 kerrie@awabakal.com.au

ATT: Kerrie Brauer

Dear Kerrie,

# RE: Rhondda Park Driving Education and Recreation Centre: Aboriginal cultural heritage due diligence assessment and interpretation plan

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Plate 1 Image of disturbances at Rhondda Colliery



Plate 2 Image of disturbances at Rhondda Colliery

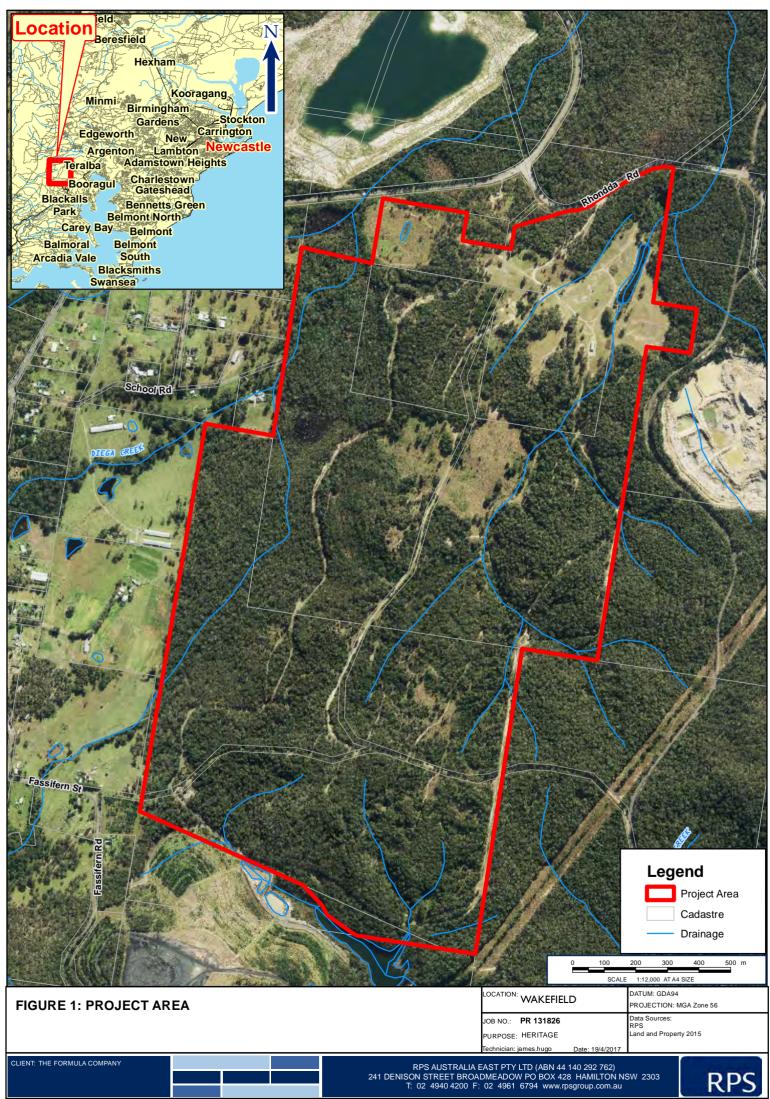


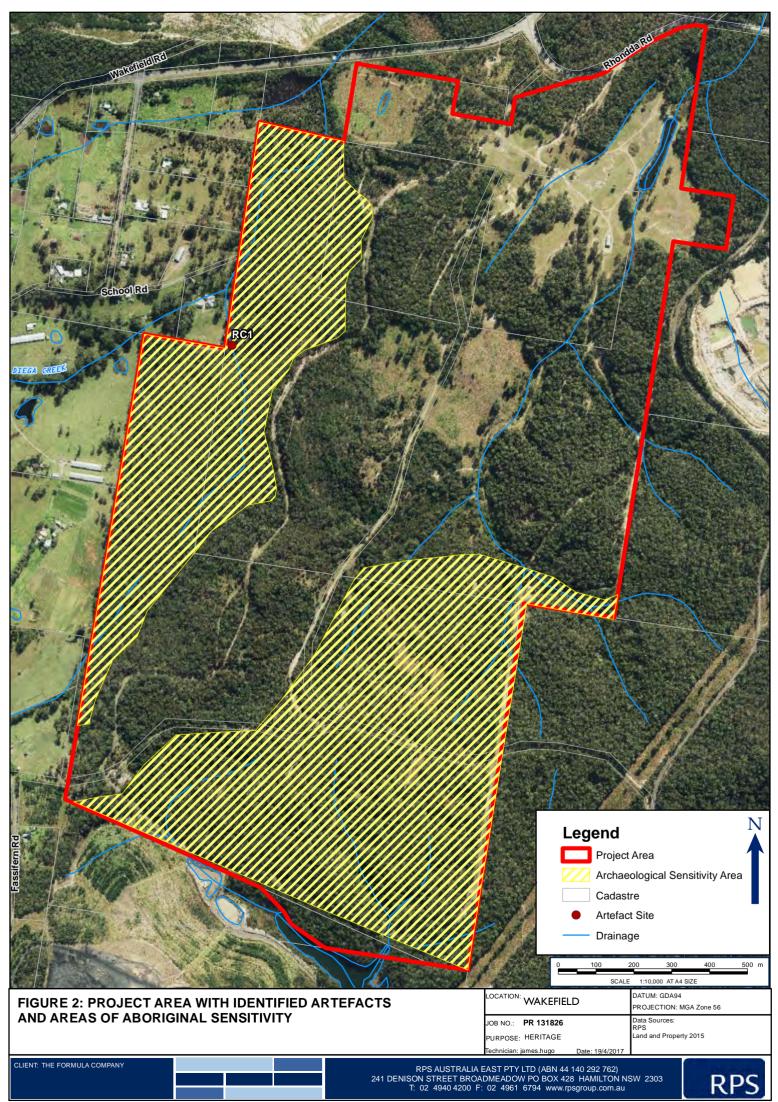
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Please forward all correspondence to georgia.wright@rpsgroup.com.au.

Yours faithfully **RPS** 

Georgia Wright RPS Cultural Heritage Consultant







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### Our Ref: PR131826

19 April 2017

Peter Leven Awabakal Descendants Traditional Owners Aboriginal Corporation PO Box 137 Budgewoi NSW 2262 peterleven@v7mail.com

ATT: Peter Leven

Dear Peter,

# **RE:** Rhondda Park Driving Education and Recreation Centre: Aboriginal cultural heritage due diligence assessment and interpretation plan

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RPS is contacting you to inform of the project and the area that would be developed as part of the project. RPS carried out an informal inspection of the project area as part of a non-Aboriginal archaeological assessment on 16 February 2017. RPS located two quartz artefacts adjacent to a swamp within the western porion of the project area (Figure 2).

The area that would be affected is considered to be of low archaeological potential due to substantial ground disturbance associated with Rhondda Colliery (Plate 1 and Plate 2). Areas of Aboriginal archaeological sensitivity are located within the north west and south of the project area (Figure 2). The areas of Aboriginal archaeological sensitivity would be conserved as part of the project forming part of an ecological buffer.





Plate 1 Image of disturbances at Rhondda Colliery

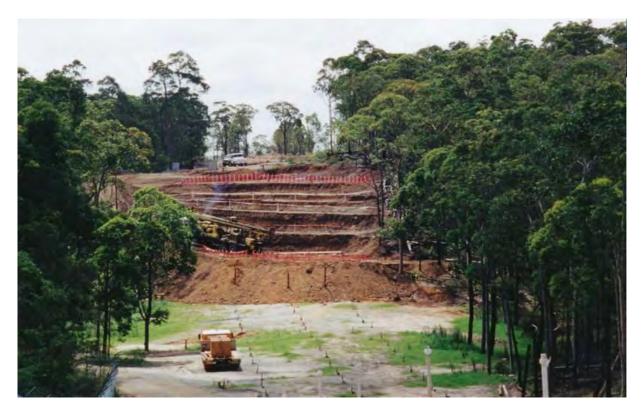


Plate 2 Image of disturbances at Rhondda Colliery



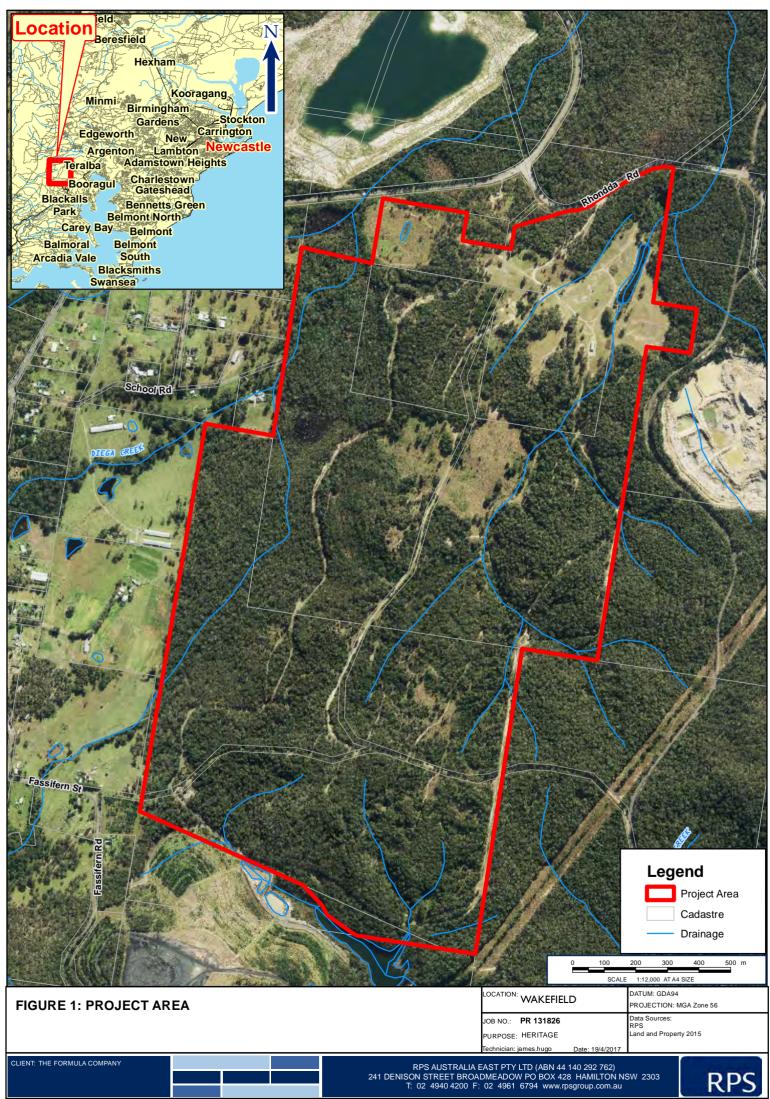
We are requesting cultural information pertinent to the Aboriginal cultural heritage due diligence assessment and interpretation of the project area. Where appropriate, please indicate if it is appropriate to include cultural information provided as part of an interpretation plan for the project area.

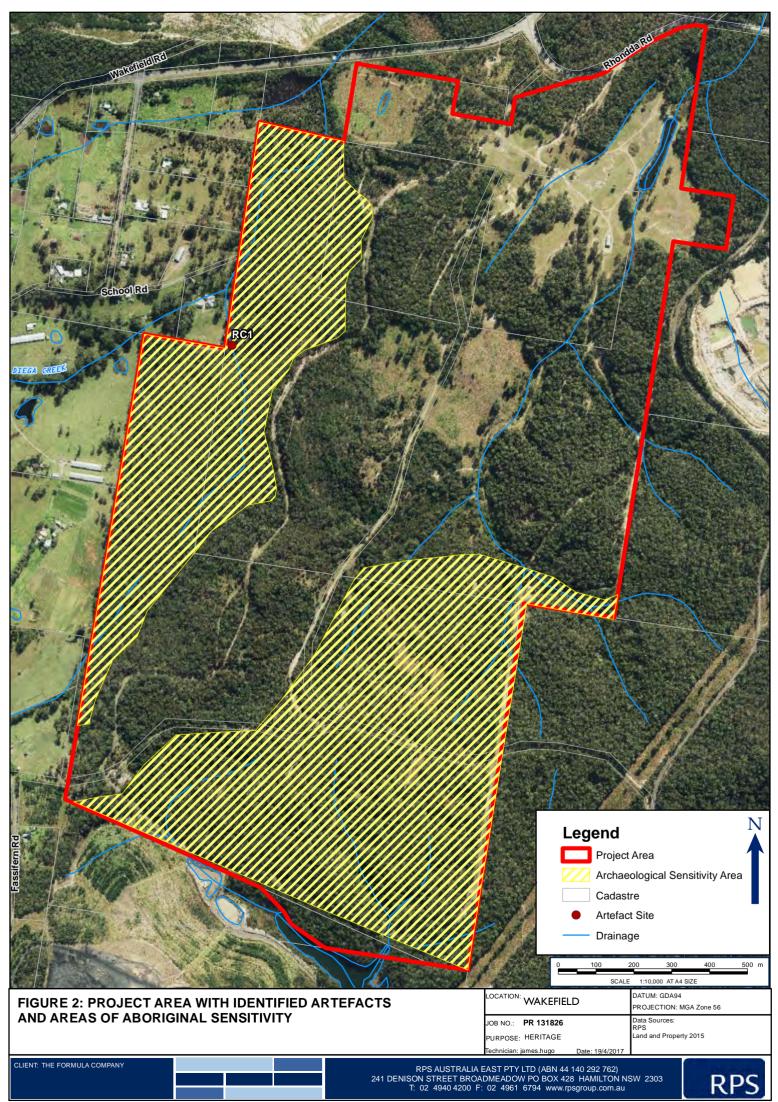
Please forward all correspondence to georgia.wright@rpsgroup.com.au.

Yours faithfully **RPS** 

ſ

Georgia Wright RPS Cultural Heritage Consultant





Dear Sir or Madam,

I am following up on a notification sent on 19 April 2017 in relation to a project at the former Rhondda Colliery. We are finalising the Conservation Management Plan for the project, which includes an Aboriginal cultural heritage due diligence component.

The proposal is to develop part of the former Rhondda Colliery. As noted in the notification sent on 19 April 2017, the development would be confined to core operational area associated with the former Rhondda Colliery. The area proposed for development demonstrated significant ground disturbance associated with the operation of the former Rhondda Colliery.

Inspection of the wider project area identified two quartz artefacts within an area of sensitivity. The Aboriginal objects and areas of sensitivity would be conserved as part of the development. Please refer to the attached notification from April 2017 for further information.

We would appreciate any comments in relation to the cultural significance of the area for inclusion in the CMP.

Kind regards,



Georgia Wright Cultural Heritage Consultant RPS Australia Asia Pacific PO Box 428, Hamilton, NSW, Australia, 2303 GPO Box 4401, Sydney, NSW 2001. Tel: +61 2 4940 4200 Fax: +61 2 4961 6794 Email: Georgia.Wright@rpsgroup.com.au www: http://rpsgroup.com.au

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Dear Kerrie,

I am following up on a notification sent on 19 April 2017 in relation to a project at the former Rhondda Colliery. We are finalising the Conservation Management Plan for the project, which includes an Aboriginal cultural heritage due diligence component.

The proposal is to develop part of the former Rhondda Colliery. As noted in the notification sent on 19 April 2017, the development would be confined to core operational area associated with the former Rhondda Colliery. The area proposed for development demonstrated significant ground disturbance associated with the operation of the former Rhondda Colliery.

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Dear Peter,

I am following up on a notification sent on 19 April 2017 in relation to a project at the former Rhondda Colliery. We are finalising the Conservation Management Plan for the project, which includes an Aboriginal cultural heritage due diligence component.

The proposal is to develop part of the former Rhondda Colliery. As noted in the notification sent on 19 April 2017, the development would be confined to core operational area associated with the former Rhondda Colliery. The area proposed for development demonstrated significant ground disturbance associated with the operation of the former Rhondda Colliery.

Inspection of the wider project area identified two quartz artefacts within an area of sensitivity. The Aboriginal objects and areas of sensitivity would be conserved as part of the development. Please refer to the attached notification from April 2017 for further information.

We would appreciate comments in relation to the cultural significance of the area for inclusion in the CMP.

Kind regards,

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Georgia Wright Cultural Heritage Consultant RPS Australia Asia Pacific PO Box 428, Hamilton, NSW, Australia, 2303 GPO Box 4401, Sydney, NSW 2001. Tel: +61 2 4940 4200 Fax: +61 2 4961 6794 Email: Georgia.Wright@rpsgroup.com.au www: http://rpsgroup.com.au

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### Appendix B

AHIMS



### AHIMS Web Services (AWS)

Extensive search - Site list report

Client Service ID : 266603

<u>SiteID</u>	SiteName	<u>Datum</u>	<u>Zone</u>	Easting	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
38-4-0758	Pad1 - Westside Mine Southern Extension	AGD	56	367005	6353550	Open site	Valid	Potential		
								Archaeological		
								Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>	Unki	nown Author	•			<u>Permits</u>	1937	
38-4-1510	Isolated Artefact(-2)	GDA	56	364986	6353611	Open site	Valid	Artefact : 1		
	Contact	<u>Recorders</u>	ecob	iological				<u>Permits</u>		
38-4-1532	Diega Creek IF7	GDA	56	364723	6352948	Open site	Valid	Artefact : 1		
	Contact	<u>Recorders</u>	Umv	velt (Australi	a) Pty Limited			<u>Permits</u>		
38-4-0078	Teralba;1;	AGD	56	368630	6353310	Open site	Valid	Grinding Groove : -	Axe Grinding	312,1456,9845
									Groove	8
	<u>Contact</u>	<b>Recorders</b>	Len	Dyall				Permits		

Report generated by AHIMS Web Service on 14/02/2017 for Jo Nelson for the following area at Datum :GDA, Zone : 56, Eastings : 364694 - 368694, Northings : 6350046 - 6354046 with a Buffer of 50 meters. Additional Info : for Report. Number of Aboriginal sites and Aboriginal objects found is 4

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



### Appendix C

**The Proposed Development** 



it	No	Drn	Chk	Date	Comment
MCC					
ation Meeting	-				
Base Plan					
1					
A					
d Plans	-				

SCAI	_E				4.5000
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DRA	WN		API	PROVED	
TG			٦ŀ	1	

EXPIERENCES

















# RHONDDA

DEFINITION FORMALLY A COAL MINING VALLEY IN WALES, AND ITS FAMOUS FOR STRONG MASCULINE CULTURAL TIES WITHIN A SOCIAL COMMUNITY THAT EXPRESSED ITSELF OUTSIDE THE INDUSTRY IN THE FORM OF MALE VOICE CHOIRS, SPORT AND

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SHAC

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PROPOSED SITE ENTRANCE OFF RHONDDA ROAD, REFER CIVIL - DOCUMENTATION FOR INTERSECTION UPGRADE AND TRAFFIC REPORT FOR INFORMATION.

SOME CLEARING REQUIRED ADJOINING PROPOSED SITE ENTRANCE, REFER ENVIRONMENTAL REPORT FOR INFORMATION.

EXISTING PONDS + WETLANDS

EXISTING HYDRANT PUMP PLANT ADJACENT IRRIGATION POND TO BE RETAINED.

EXISTING OVERHEAD POWER LINE AND POLES SHOWN RED, REFER SEE FOR INFORMATION REGARDING POLE ADJUSTMENT NEAR PROPOSED SKID PAN.

EXISTING GRAVEL FIRE TRAIL TO BE USED AS EMERGENCY EXIT ONLY, REFER CIVIL ENGINEER DOCUMENTATION. DASHED INDICATES DEVELOPMENT SETBACK FROM EXISTING OVERHEAD POWER LINE.

EXISTING GRAVEL FIRE TRAIL TO BE USED AS EMERGENCY EXIT ONLY, REFER CIVIL ENGINEER DOCUMENTATION. EXISTING GRAVEL TRACK TO BE USED TO ACCESS SITE REHABILITATION AND MAINTENANCE COMPOUND, REFER DAA2602 FOR INFORMATION



CIVIL ENGINEER

T 4943 1777

CONSULTANTS

TOWN PLANNING

Barr Property & Planning



Northrop Consulting Engineers Moir Landscape Architecture

LANDSCAPE ARCHITECT

T 4965 3500

A WARTER DAD BORD



GHD Australia

T 4979 9983



ENVIRONMENTAL ENGINEER MJD Environmental T 0416 208 684

HERITAGE CONSULTANT T 4940 4200

SECA Solution

T 4032 7979

RPS

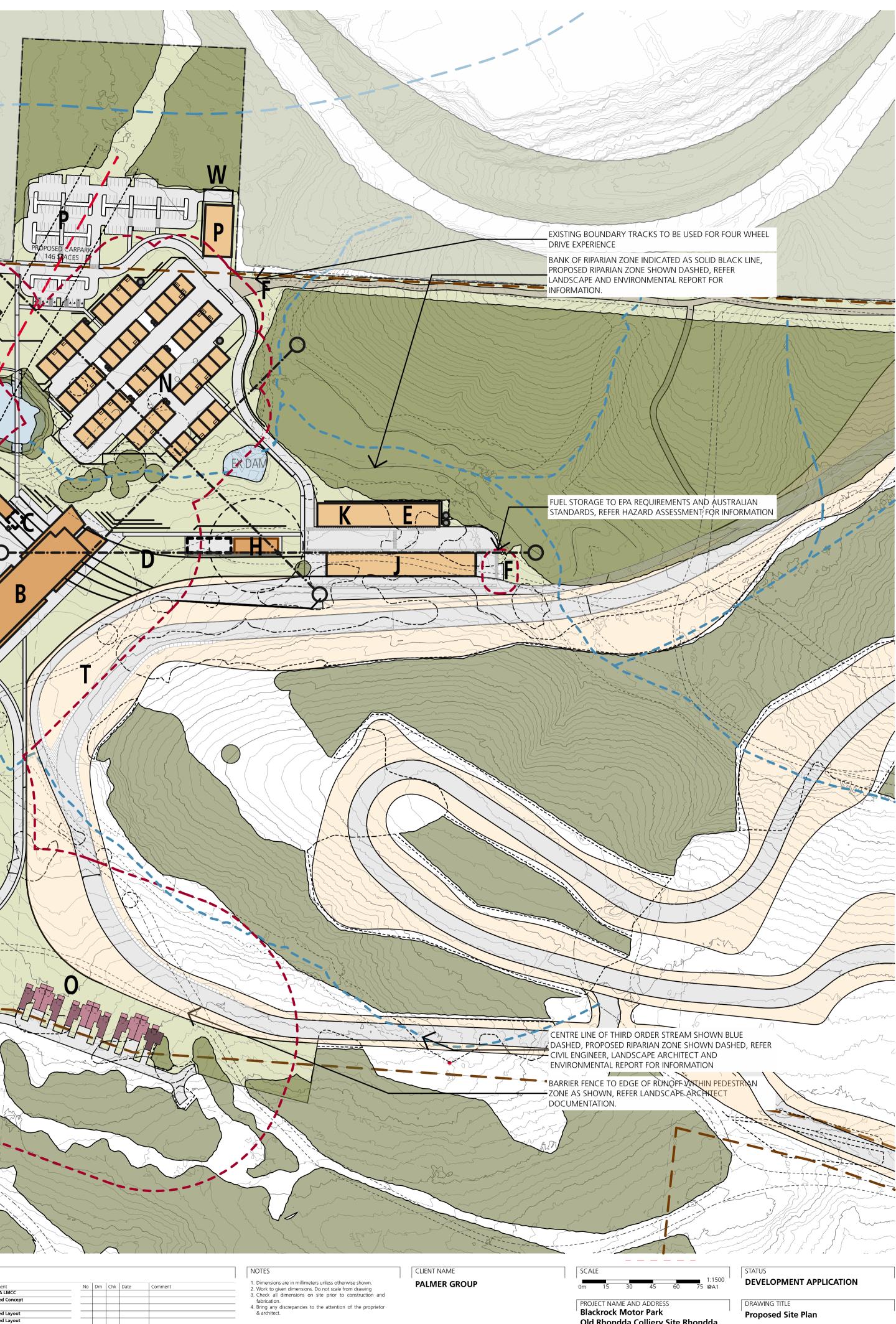
RPS Group

TRAFFIC ENGINEER RISK ASSESSMENT

SECAsolution » OEP RISK

EP Risk T 4048 2845 AMENDMENTS

( MUNITION



No	Drn	Chk	Date	Comment	No	Drn	Chk	Date	Comment
01	TG	JΗ	10.08.17	For DA LMCC					
02	TG	JH	10.01.18	Revised Concept					
03	TG	JH	19.01.18	Client					
04	TG	JH	24.01.18	Revised Layout					
05	TG	JH	20.02.18	Revised Layout					
06	TG	JH	10.04.18	50% Deisgn Review					
07	TG	JH	12.04.18	Coordination					
08	TG	JH	24.04.18	Coordination					
09	TG	JH	23.05.18	Revised Base Plan					

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E info@shac.com.au Australia





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KEY - Stati	ions
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z	SITE ENTRY / WELCOME CENTRE VISITOR CENTRE CONCOURSE DISPLAY LAWN EMERGENCY CENTRE FOUR WHEEL DRIVE EXPERIENCE GO KARTS STABLE CAFE IRRIGATION POND & FISH STOCK PITS MECHANICS FUEL FARM SITE REHABILITATION AND MAINTENANCE BUILDING BLACKROCK VILLAGE OVERNIGHT ACCOMMODATION, SHORT STAY PARKING ADVENTURE PLAYGROUND LODGE SKID PAN & SAFETY TRAINING TRACK SEWERAGE PUMP STATION VIP PARKING WASTE STORAGE MAJOR NORTH SOUTH GRID LINE MAJOR RAST WEST GRID LINE PROJECT SETOUT POINT
KEY - Site	Macro
GENERAL	BOUNDARY LINE - WHOLE SITE
· ·	BOUNDARY LINE - INTERNAL
	CONTOUR 5M
	CONTOUR 1M
	BUSHFIRE APZ
	DRY CREEK LINE
00	FIRST ORDER GRID LINE
00	SECOND ORDER GRID LINE
	EXISTING WATERCOURSE
	LANDSCAPED AREA 01
	LANDSCAPED AREA 02

SEWERAGE TRANSPIRATION EXISTING TREE CANOPY

EXISTING TREE CANOPY REMOVED

PROPOSED TRACK

HERITAGE CURTILAGE

HERITAGE ITEM

PROPOSED POOL

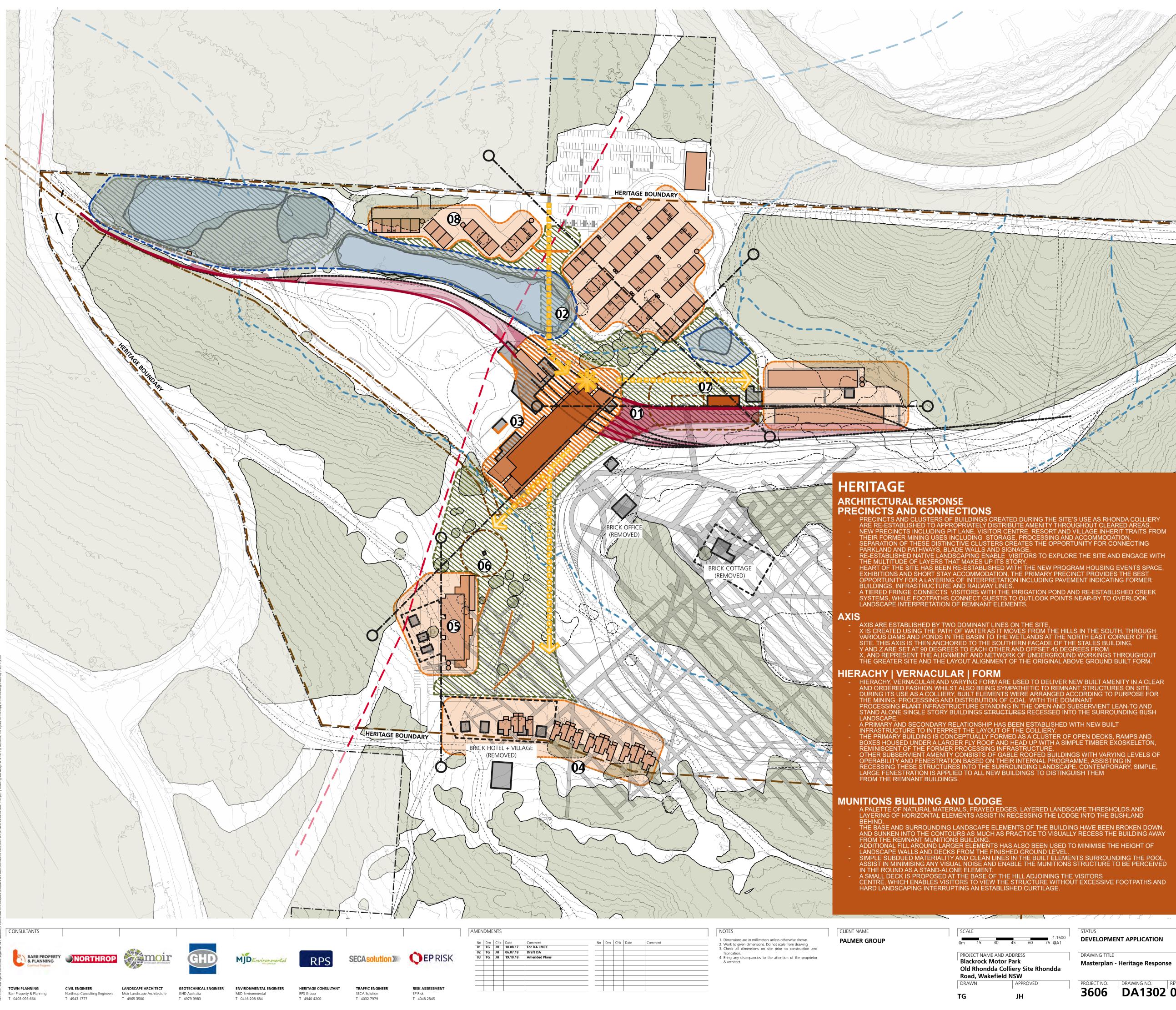
EXISTING ROAD PROPOSED ROAD ROOF OVERHANG

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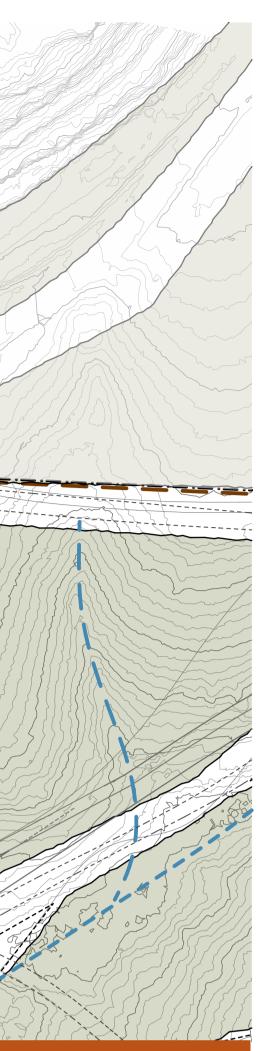
i....i

EXISTING TREE CANOPY MANAGED



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TG			٦F	I		

	No	Drn	Chk	Date	Comment
мсс					
l Plans					
		-			



### STATUS DEVELOPMENT APPLICATION

DRAWING TITLE Masterplan - Heritage Response



### **RESPONSE PRINCIPLES**

- **01.** FORMER RAIL CORRIDOR PAVEMENT, PLANTING AND LANDSCAPE ELEMENTS WITHIN FORMER RAIL CORRIDOR.
- **02.** DAMS AND WATERCOURSES SIGNAGE AND SCULPTURE TO HERITAGE AND AND LANDSCAPE ARCHITECT DETAIL.
- **03.** INTERPRETATION OF FORMER SCREENING AND PROCESSING

RE-ESTABLISHMENT OF MAJOR SITE PRECINCT, MARKINGS IN AND ALTERNATE PAVEMENT INDICATING FORMER BUILDING OUTLINES. MAJOR COMPONENTS OF PROGRAM LOCATED WITHIN PRECINCT.

# **04.** CABINS

NEW CABINS PROPOSED IN LOCATION OF FORMER SITE ACCOMMODATION.

## **05.** LODGE

BLACKROCK LODGE PROPOSED ON SITE OF FORMER ACCOMMODATION OVERLOOKING MAJOR PRECINCT AND TRACK.

## **06.** MUNITIONS STORE

EXISTING STRUCTURE RETAINED, CURTILAGE ESTABLISHED, NEW VIEWING PLATFORM TO BASE OF HILL, REFER NOTES ABOVE.

### **07.** STABLES

EXISTING STABLES BUILDING RETAINED AND ADAPTED AS CAFE, AMENITY EXTENDED WITH ARBOUR AND CURTILAGE ESTABLISHED.

# HERITAGE PHOTOS







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