

In

URBIS

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

University of Newcastle,
Central Coast Campus,
Gosford, NSW,

Prepared for
UNIVERSITY OF NEWCASTLE
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1. GLOSSARY

Term	Definition
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
Aboriginal object(s)	As defined in the NPW Act, any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Aboriginal place	As defined in the NPW Act, any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.
ACHA	Aboriginal Cultural Heritage Assessment.
ACHAR	Aboriginal Cultural Heritage Assessment Report.
AHIMS	Aboriginal Heritage Information Management System: a register of previously reported Aboriginal objects and places managed by the DPE.
AHIP	Aboriginal Heritage Impact Permit. A permit issued under Section 90, Division 2 of Part 6 of the <i>NPW Act</i> .
Archaeology	The scientific study of human history, particularly the relics and cultural remains of the distant past.
Art	Art sites can occur in the form of rock engravings or pigment on sandstone outcrops or within shelters. An engraving is some form of image which has been pecked or carved into a rock surface. Engravings typically vary in size and nature, with small abstract geometric forms as well as anthropomorphic figures and animals also depicted. Pigment art is the result of the application of material to a stone to leave a distinct impression. Pigment types include ochre, charcoal and pipeclay.
Artefact	An object made by human agency (e.g. stone artefacts).
Consultation Requirements	<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW, 2010).
DCP	Development Control Plan.
DECCW	Department of Environment, Climate Change and Water NSW.
DPE	Department of Planning and Environment
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i> .
Grinding Grooves	The physical evidence of tool making, or food processing activities undertaken by Aboriginal people. The manual rubbing of stones against other stones creates grooves in the rock; these are usually found on flat areas of abrasive rock such as sandstone.

Term	Definition
Harm	As defined in the NPW Act, to destroy, deface, damage or move an Aboriginal object or destroy, deface or damage a declared Aboriginal place. Harm may be direct or indirect (e.g. through increased visitation or erosion). Harm does not include something that is trivial or negligible.
Isolated find	A single artefact found in an isolated context.
LALC	Local Aboriginal Land Council: corporate body constituted under the <i>Aboriginal Land Rights Act 1983</i> , having a defined boundary within which it operates.
LEP	Local Environment Plan.
Midden	Midden sites are indicative of Aboriginal habitation, subsistence and resource extraction. Midden sites are expressed through the occurrence of shell deposits of edible shell species often associated with dark, ashy soil and charcoal. Middens may or may not contain other archaeological materials including stone tools.
NPW Act	<i>National Parks and Wildlife Act 1974.</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019.</i>
PAD	Potential Archaeological Deposit: a location considered to have a potential for subsurface archaeological material.
RAPs	Registered Aboriginal Parties: Aboriginal persons or organisation who have registered to be consulted on the Project in accordance with the Consultation Requirements.
Scarred / Modified Trees	Trees which display signs of human modification in the form of scars left from intentional bark removal for the creation of tools, or which are carved for ceremonial purposes.

EXECUTIVE SUMMARY

The current report presents the results of an Aboriginal Cultural Heritage Assessment (ACHA) for redevelopment of 305 Mann Street, Gosford, NSW, within the Central Coast Local Government Area (LGA) (hereafter referred to as 'the subject area'). The subject area is legally described as:

- Lots 1, 2, 4, 29, 30, 31 and 32 of Section 1 in Deposited Plan 1591.
- Lot 1 in Deposited Plan 91163.
- Lot 1 in Deposited Plan 911164.

The proposed works are to be undertaken as a State Significant Development Application (SSDA) (SSD-47749715) and will include the demolition of existing structures, excavation and bulk earthworks for site levelling, and construction of a new educational building on the western portion of the subject area with provision of open public space to the east.

The ACHA was undertaken in accordance with Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) and Part 5 of the *National Parks and Wildlife Regulation 2019* (NPW Reg). The ACHA was further conducted in accordance with the following guidelines:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water (DECCW), 2010) (the Consultation Guidelines).
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment and Heritage 2011) (the Assessment Guidelines).
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) (the Code of Practice).
- *The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013* (Burra Charter).

The ACHA concluded that:

- There are no Aboriginal sites registered on AHIMS within the subject area.
- The subject area does not contain landscape features indicative of archaeological potential within the subject area for the most frequent AHIMS site types in the area such as Shelters, Art or Middens. There does, however, remain a possibility that Aboriginal objects such as lithic artefacts remain in situ within the subject area.
- The topography of the subject area does not include any archaeologically sensitive topographic features, as defined in the Due Diligence Code of Practice (DECCW,2010).
- The subject area is located within the Erina soil landscape. The Erina soil landscape consists of moderately deep to deep soils. Rock outcrops are rarely present. The deep soils of the Erina soil landscape indicate that subsurface archaeological material may remain intact despite disturbance during phases of historical land use.
- While there are no longer any watercourses in closer proximity to the subject area, it is possible that prior to urban development the subject area was in proximity to ephemeral drainage lines and wetlands fed by runoff from Mount Mouat to the south-east. The Erina soil landscape can be subject to seasonal waterlogging which may have provided ephemeral water sources. As such, the hydrology of the subject area may indicate archaeological sensitivity.
- Vegetation within the subject area consists of exotic species that were planted subsequent to development. An absence of mature remnant vegetation indicates the subject area will not retain any culturally modified trees.
- Current structures within the subject area largely appear to conform with the natural topography of the area, with the exception of the buildings fronting Mann Street which appear to have required bulk excavation towards the rear of the structures.. The construction and demolition of buildings are likely to have had a moderate degree of impact on the upper layers of the natural soil profile. Deeper soils profiles if present may remain relatively intact. Previous archaeological assessments in the Gosford area

indicate the impact of modern development in urban areas on subsurface archaeological deposits. As disturbance increases, archaeological potential decreases.

- While a geotechnical assessment conducted by SMEC Testing Services for NSW Land & Housing Corporation in 2016 classified the soil profile encountered as fill from a geotechnical perspective, the description suggests that the soil encountered may consist of truncated and disturbed natural soils. Archaeological investigation will be necessary to establish whether Aboriginal cultural material remains in situ.
- Due to the possibility that subsurface soils remain intact and in proximity to potential historical ephemeral watercourses, the subject area has low to moderate potential for Artefact Scatters/Campsites, Isolated Finds and PADs.
- The potential for other site types ranges from nil to low owing to an absence of associated landscape features.
- A statement of significance cannot be made in relation to the subject area without further knowledge of subsurface conditions.
- The proposed works will include bulk excavation across the subject area and will therefore have a direct impact on potential Aboriginal objects.
- RAPs provided comment on the Stage 4 ACHA and Archaeological Research Design & Excavation Methodology which indicated their support of the project and proposed methodology.
- The subject area is currently occupied by hardstand and the heritage listed Mitre 10 store. As such, test excavation cannot be undertaken without consent to remove the hardstand and demolish the extant structures. Therefore, excavation has been recommended to be undertaken following approval of SSD-47749715.

Based on the above conclusions, Urbis recommends the following:

1. A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-47749715.
2. An Archaeological Research Design (ARD) and Excavation Methodology (EM) should be developed to inform and guide archaeological test and, if required, salvage excavation at the subject site. As part of the ARD and EM, specific questions should be developed in relation to any Aboriginal archaeological resources that might be encountered and how Aboriginal people might have used the subject area in the past. This report should be developed in consultation with the RAPs and include a protocol for the handling of any Aboriginal objects and archaeological resources that might be uncovered during the works.
3. A staged archaeological test excavation program be undertaken in accordance with the developed ARD&EM, to determine the cumulative impact of the proposed development, if any. A salvage excavation should be undertaken if the test excavation encounters subsurface Aboriginal archaeological remains. The subsurface archaeological investigation program should be undertaken by appropriately qualified archaeologists with the participation of nominated Aboriginal RAPs. The excavation should be undertaken following the removal of hardstand at the subject area, and therefore cannot be undertaken without the approval of SSD-47749715.
4. Post-excavation reporting should be prepared following the completion of the further archaeological excavation program, with future recommendations based on the findings of the investigation, including in relation to the management, Care and Control and interpretation of any Aboriginal objects identified.
5. Consultation with RAPs should continue until the finalisation of the development and throughout the duration of the project to ensure the opportunity for community input.
6. Aboriginal Cultural Heritage Induction materials should be prepared for inclusion in site inductions for any contractors working at the subject area.
7. In the unlikely event that human remains are uncovered during any site works, the following must be undertaken:
 - 7.1. All works within the vicinity of the find immediately stop. The find must be cordoned-off and signage installed to avoid accidental impact.

- 7.2. Site supervisor or other nominated manager must notify the NSW Police and DPE.
- 7.3. The find must be assessed by the NSW Police and may include the assistance of a qualified forensic anthropologist.
- 7.4. Management recommendations are to be formulated by the Police, DPE and site representatives.
- 7.5. Works are not to recommence until the find has been appropriately managed.

1. INTRODUCTION

Urbis have been engaged by the APP Group on behalf of the University of Newcastle (the Proponent) to conduct an Aboriginal Cultural Heritage Assessment (ACHA) for 305 Mann Street, Gosford, within the Central Coast Local Government Area (LGA) ('the subject area') (see Figure 1 and Figure 2). This assessment has been prepared to consider the proposed redevelopment of the subject area to form the Central Coast Campus of the University of Newcastle. The subject area is legally described as:

- Lots 1, 2, 4, 29, 30, 31 and 32 of Section 1 in Deposited Plan (DP) 1591.
- Lot 1 in DP 91163.
- Lot 1 in DP 91164.

The subject area within the bounds of the Darkinjung Local Aboriginal Land Council (DLALC) and is shown in Figure 1 and Figure 2.

This ACHA has been prepared to inform the Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA) to redevelop the site, being SSD-47749715. This ACHA is prepared to respond to the industry standard Secretary's Environmental Assessment Requirements (SEARs) for SSD-47749715, which stated the following:

19. Aboriginal Cultural Heritage:

Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site.

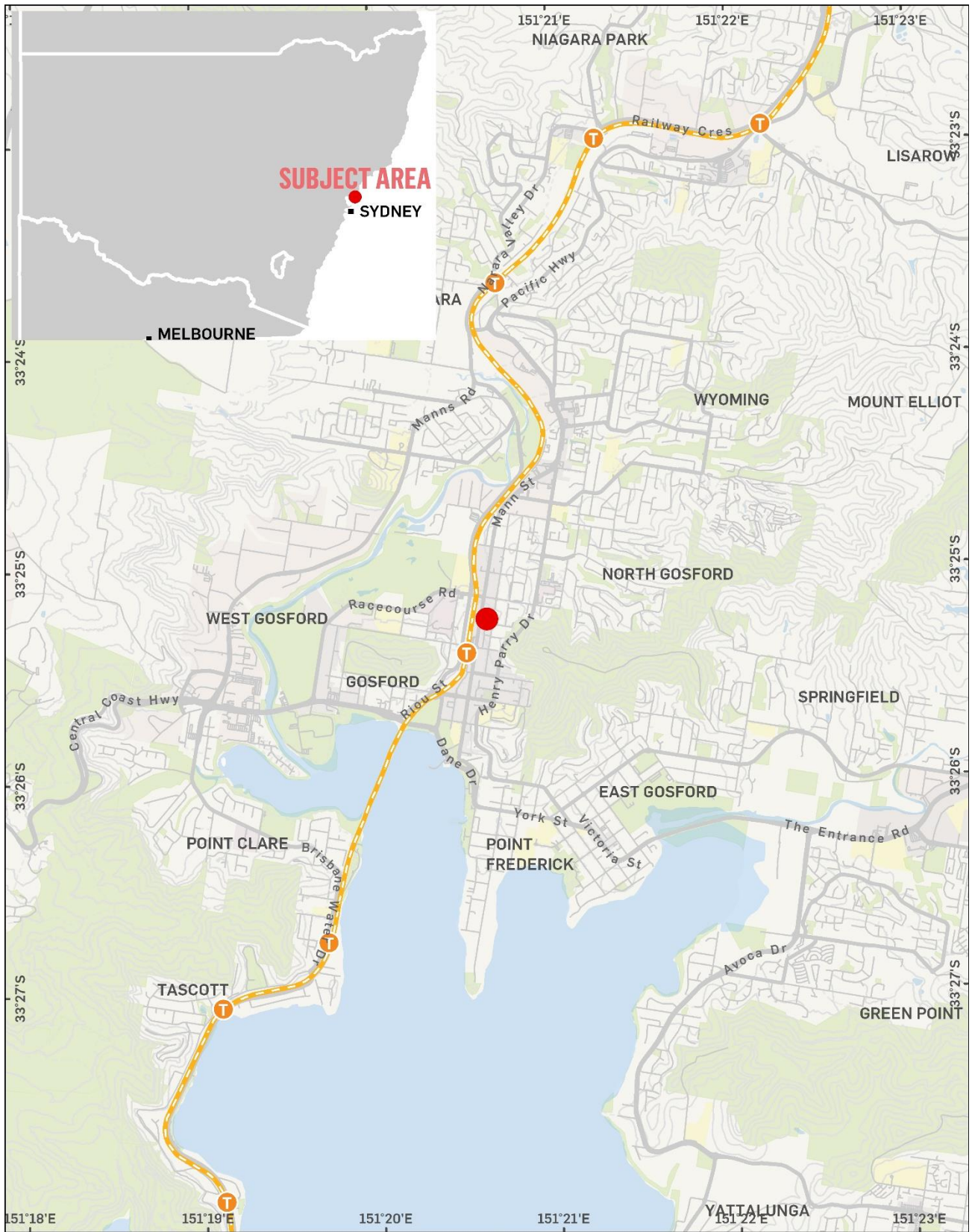
The ACHA has been undertaken to investigate whether development of the subject area will harm Aboriginal objects or places that may exist within the subject area.

1.1. SUBJECT AREA

The subject area is located at 305 Mann Street, Gosford, NSW, legally described as Lots 1, 2, 4, 29, 30, 31 and 32 of Section 1 in DP 1591, Lot 1 in DP 91163 and Lot 1 in DP 91164.

The subject area is approximately 50km north of Sydney and occupies a rectangular portion of land approximately 4650 m² with frontage to Mann Street to the west and bound by Beane Street to the south, Hills Street to the east and commercial properties to the north.

The subject area currently contains several disused structures in the western portion including a heritage listed former Mitre 10 building with modern extensions, and hardstand carparking in the eastern portion.



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Project No: P0041532
 Project Manager: Meggan Walker

● Subject Area

REGIONAL LOCATION
 Central Coast Campus
 The APP Group on behalf of the University of Newcastle

Figure 1 – Regional location of the subject area



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Project No: P0041532
 Project Manager: Meggan Walker

SUBJECT AREA

Central Coast Campus

The APP Group on behalf of the University of Newcastle

Subject Area Contours

Figure 2 – Location of the subject area

1.2. PROPOSED WORKS

The proposed works are to be undertaken as a staged SSDA (SSD-47749715) and will include the establishment of a health, education and innovation precinct associated with the University of Newcastle fronting Mann Street and will include demolition of existing structures, excavation and bulk earthworks for site levelling, and construction of a new educational building on the western portion of the subject area with provision of open public space to the east. The subject area does not currently contain a basement level therefore the proposed development will significantly impact sub-surface archaeological deposits within the subject area.

Plans of the proposed development are included in Figure 3 to Figure 7.



Figure 3 – Proposed works concept design.

Source: Lyons and EJE Architecture, 2022.



Figure 4 – Existing condition and demolition plan

Source: Lyons and EJE Architecture, 2022.

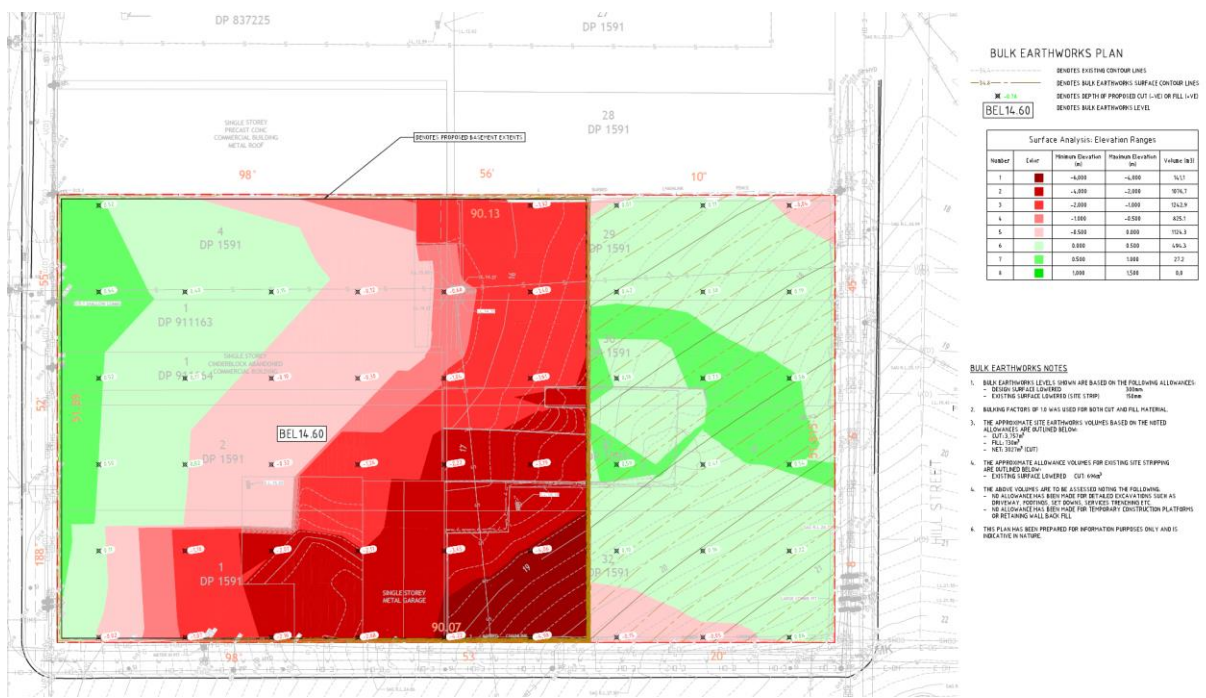


Figure 5 – Bulk earthworks plan.

Source: Lyons and EJE Architecture, 2022.

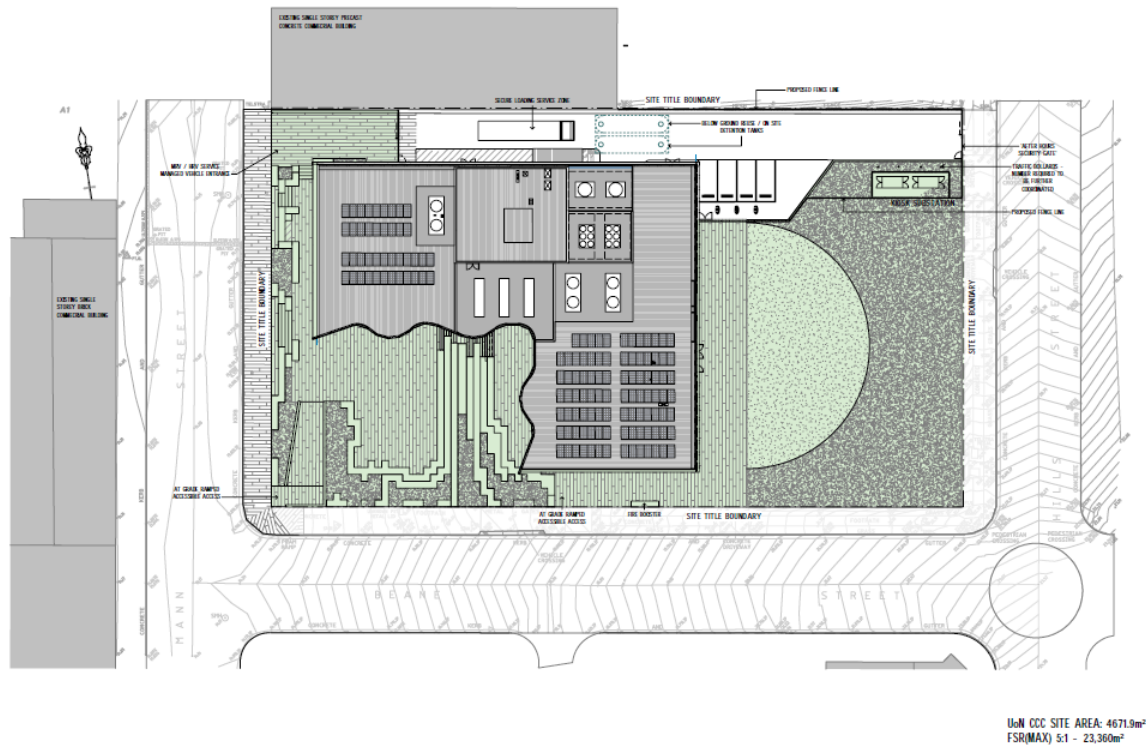


Figure 6 – Site plan.

Source: Lyons and EJE Architecture, 2022.

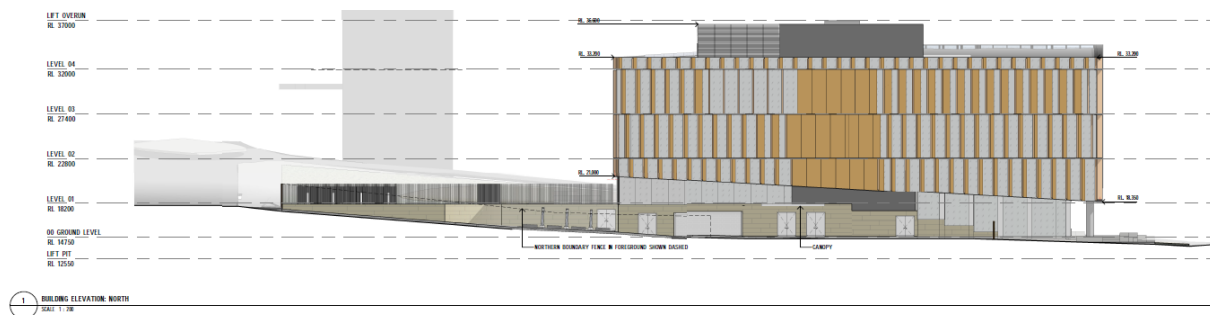


Figure 7 – North elevation.

Source: Lyons and EJE Architecture, 2022.

1.3. METHODOLOGY

The ACHA was undertaken in accordance with Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) and Part 5 of the National Parks and Wildlife Regulation 2019 (NPW Reg). The ACHA was further conducted in accordance with the following guidelines:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water (DECCW, 2010c) (the Consultation Guidelines).
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment and Heritage 2011) (the Assessment Guidelines).
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) (the Code of Practice).
- *The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013* (Burra Charter).

The objectives of the ACHA are to:

- Investigate the presence, or absence, of Aboriginal objects and/or places within and in close proximity to the subject area, and whether those objects and/or places would be impacted by the proposed development.
- Investigate the presence, or absence, of any landscape features that may have the potential to contain Aboriginal objects and/or sites and whether those objects and/or sites would be impacted by the proposed development.
- Document the nature, extent and significance of any Aboriginal objects and/or places and sites that may be located within the subject area.
- Document consultation with the Registered Aboriginal Parties (RAPs) with the aim to identify any spiritual, traditional, historical or contemporary associations or attachments to the subject area and any Aboriginal objects and/or places that might be identified within the subject area.
- Provide management strategies for any identified Aboriginal objects and/or places or cultural heritage values.
- Provide recommendations for the implementation of the identified management strategies.
- Prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to be included with an application for an Aboriginal Heritage Impact Permit for the proposed development, if required.

Section 3.1 of the Assessment Guidelines specifies the content requirements of an ACHAR, which includes the requirements of Regulation 61 of the NPW Reg. The requirements are listed in Table 1 below, together with the sections of the present ACHAR in which they are addressed.

Table 1 – ACHAR Requirements

Requirement	Section of Report
A description of the Aboriginal objects and declared Aboriginal places located within the area of the proposed activity	Section 4.1.3
A description of the cultural heritage values, including the significance of the Aboriginal objects and declared Aboriginal places, that exist across the whole area that will be affected by the proposed activity and the significance of these values for the Aboriginal people who have a cultural association with the land	Section 7
How the requirements for consultation with Aboriginal people have been met (as specified in clause 80C of the NPW Regulation)	Section 3

Requirement	Section of Report
The views of those Aboriginal people regarding the likely impact of the proposed activity on their cultural heritage (if any submissions have been received as a part of the consultation requirements, the report must include a copy of each submission and your response)	Section 3 & Appendix C
Actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposed activity, with reference to the cultural heritage values identified	Section 8
Any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places	Section 8
Any practical measures that may be taken to avoid or mitigate any actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm.	Section 8

1.4. AUTHORSHIP

The present report has been prepared by Owen Barrett, Urbis Consultant Archaeologist with review and quality control undertaken by Meggan Walker, Senior Consultant Archaeologist and Balazs Hansel, Urbis Director, Archaeologist.

Owen Barrett holds a Bachelor of Arts (Archaeology and Palaeoanthropology) from the University of New England and a Diploma (Indigenous Archaeology) from the University of New England. Meggan Walker holds a Bachelor of Arts (Honours - First Class in Archaeology) from the University of Sydney. Balazs Hansel holds a Masters (History) and Masters (Archaeology and Museum Studies) from the University of Szeged (Hungary) and is currently completing a PhD (Archaeology) at the University of Sydney.

1.5. LIMITATIONS

The ACHA was limited to an assessment of Aboriginal cultural heritage and does not consider historical archaeological remains or built heritage items, which are considered under separate reports.

Site inspection was limited by the present hard stand at the site which reduced visibility, and safety concerns regarding access to the extant building.

2. STATUTORY CONTEXT

2.1. HERITAGE CONTROLS

The protection and management of Aboriginal cultural heritage items, places and archaeological sites within New South Wales is governed by the relevant Commonwealth, State or local government legislation. These are discussed below in relation to the present subject area.

2.1.1. Environmental Planning and Assessment Act 1979 (NSW)

The Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) requires that consideration is given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 5.1 and State Significant Infrastructure under Part 5.2), requiring the approval of the Minister for Planning and Public Spaces.
- Minor or routine developments, requiring local council consent, are usually undertaken under Part 4. In limited circumstances, projects may require the Minister's consent.
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

The EP&A Act also controls the making of environmental planning instruments (EPIs) such as (LEPs) and State Environmental Planning Policies (SEPPs). LEPs commonly identify and have provisions for the protection of local heritage items and heritage conservation areas.

The present assessment is being undertaken under Part 5.1 (State Significant Development) of the EPA Act.

2.1.2. The National Parks and Wildlife Act 1974

Management of Aboriginal objects and places in NSW falls under the statutory control of the *National Parks and Wildlife Act 1974* (NPW Act). Application of the NPW Act is in accordance with the *National Parks and Wildlife Regulation 2019* (NPW Reg).

Section 5 of the NPW Act defines Aboriginal objects and Aboriginal places as follows:

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

Aboriginal Place means any place declared to be an Aboriginal place under section 84 of the NPW Act.

The NPW Act provides statutory protection for Aboriginal objects, defining two tiers of offence against which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. The highest tier offences are reserved for knowledgeable harm of Aboriginal objects or knowledgeable desecration of Aboriginal places. Second tier offences are strict liability offences - that is, offences regardless of whether or not the offender knows they are harming an Aboriginal object or desecrating an Aboriginal place - against which defences may be established under the *National Parks and Wildlife Regulation 2009* (NSW) (the NPW Regulation).

It is an offence under section 86 of the NPW Act to harm or desecrate an Aboriginal object or place. Section 87 of the NPW Act specifies that that it is a defence to a prosecution for an offence under section 86 of the NPW Act that the harm or desecration was authorised by an Aboriginal Heritage Impact Permit (AHIP), provided the conditions to which that AHIP was subject were not contravened.

Regulation 61(1) of the NPW Regulation specifies that an application for the issue of an Aboriginal heritage impact permit must be accompanied by an ACHAR. The scope of the ACHAR is specified in Regulation 61(2) and 61(3):

- (2) *A cultural heritage assessment report is to deal with the following matters—*

- (a) *the significance of the Aboriginal objects or Aboriginal places that are the subject of the application,*
- (b) *the actual or likely harm to those Aboriginal objects or Aboriginal places from the proposed activity that is the subject of the application,*
- (c) *any practical measures that may be taken to protect and conserve those Aboriginal objects or Aboriginal places,*
- (d) *any practical measures that may be taken to avoid or mitigate any actual or likely harm to those Aboriginal objects or Aboriginal places.*

(3) *A cultural heritage assessment report must include—*

- (a) *if any submission has been received from a registered Aboriginal party under clause 60 (including any submission on the proposed methodology to be used in the preparation of the report and any submission on the draft report), a copy of the submission, and*
- (b) *the applicant's response to each such submission.*

The present ACHAR is prepared in accordance with the above requirements.

2.1.3. Environment Protection and Biodiversity Conservation Act 1999

In 2004, a new Commonwealth heritage management system was introduced under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The EPBC Act protects any items listed in the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The National Heritage List (NHL) is a list of natural, historic and Indigenous places of outstanding significance to the nation. It was established to protect places that have outstanding value to the nation.

The Commonwealth Heritage List (CHL) was established to protect items and places owned or managed by Commonwealth agencies. The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) is responsible for the implementation of national policy, programs and legislation to protect and conserve Australia's environment and heritage and to promote Australian arts and culture. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the NHL or CHL.

2.1.4. Native Title Act 1993

The Native Title Act 1993 (NTA) established the recognition under Australian law of the Native Title of Aboriginal and Torres Strait Islander peoples over their lands. Native Title recognises that Aboriginal and Torres Strait Islander peoples had a system of law and ownership of their lands before European settlement. Native Title differs from other legislative land rights systems in Australia as it is not a grant or right created by the Australian government or dependant on recognition by the common law to be recognised. Rather it is a pre-existing right, inherent to Indigenous peoples by virtue of their distinct identify as first owners and occupiers of the land and their continuing systems of law.

2.1.5. Aboriginal Land Rights Act 1983

The Aboriginal Land Rights Act 1983 (ALR Act) established Aboriginal Land Councils (at State and Local levels) and these bodies have a statutory obligation under the ALR Act to:

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

The subject area falls within the boundaries of the Darkinjung Local Aboriginal Land Council (DLALC) who have been notified of this project.

2.1.6. State Environmental Planning Policy (Precincts - Regional) 2021

The subject area is encompassed by the State Environmental Planning Policy (Precinct – Regional) 2021 (Regional SEPP) which superseded the State Environmental Planning Policy (Gosford City Centre) 2018. The Regional SEPP identifies items and areas of local heritage significance and outlines development consent requirements.

Under Section 5.36 (2) of the Regional SEPP, development consent is required for:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 9 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

The ACHA was undertaken to determine whether or not Aboriginal archaeological resources are present within the subject area.

2.1.7. The Gosford City Centre Development Control Plan 2018

The EP&A Act requires each LGA to produce a Development Control Plan (DCP). Not all LGAs provide information regarding Aboriginal cultural heritage and specific development controls to protect Aboriginal cultural heritage.

The subject area is listed in the Gosford City Centre DCP, Section 6.1 as a Key Site 1, 299-305 Mann Street (Former Mitre 10 site). The Gosford City Centre DCP does not specifically refer to Aboriginal cultural heritage, with no specific controls identified.

The current ACHA addresses the archaeological potential within the subject area and the likelihood of impacts to any Aboriginal objects and/or sites through the proposed works. Urbis note that as the project is being assessed as an SSDA, the provisions of the Local Council DCP provisions need not apply.

2.2. HERITAGE LISTS & REGISTERS

A review of relevant heritage lists and registers was undertaken to determine whether any Aboriginal cultural heritage items are located within the curtilage of, or in proximity to, the subject area.

2.2.1. Australian Heritage Database

The Australian Heritage Database is a database of heritage items included in the World Heritage List, the National Heritage List (NHL), the Commonwealth Heritage list (CHL) and places in the Register of the

National Estate. The list also includes places under consideration, or that may have been considered, for any one of these lists.

A search of the Australian Heritage Database was completed on 26 September 2022, which did not identify any Aboriginal heritage items within the curtilage, or within proximity, of the subject area.

2.2.2. NSW State Heritage Inventory

The State Heritage Inventory (SHI) is a database of heritage items in NSW which includes declared Aboriginal Places, items listed on the SHR, listed Interim Heritage Orders (IHOs) and items listed of local heritage significance on a local council's LEP.

A search of the SHI was completed on 26 September 2022, which identified one heritage items within curtilage of the subject area listed on the State Environmental Planning Policy (Gosford City Centre) 2018 being 'Mitre 10 store.

The above heritage item is not an Aboriginal archaeological item and is therefore not within the scope of the present assessment. The search of the SHI did not identify any Aboriginal heritage items within the curtilage of the subject area.

2.3. SUMMARY

The statutory context of the subject area is summarised as follows:

- The present ACHA aims to establish whether any Aboriginal objects would be harmed by the proposed development of the subject area, thus addressing s.87(2) of the NPW Act and Section 5.36 (2) of the Regional SEPP
- A search of the Australian Heritage Database and State Heritage Inventory did not identify any Aboriginal heritage items within the curtilage of the subject area.
- Impacts to items of Built Heritage Significance are assessed under the HIS, Prepared by Urbis (2022).



GDA 1994 MGA Zone 56

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Project No: P0041532
 Project Manager: Meggan Walker

Historical Heritage Items

Central Coast Campus
 The APP Group on behalf of the University of Newcastle

■ Subject Area ■ Item - General

— Contours

Figure 8 – Historical heritage items in proximity to the subject area

3. ABORIGINAL COMMUNITY CONSULTATION

In administering its statutory functions under Part 6 of the NSW National Parks and Wildlife Act 1974, the Heritage New South Wales within the Department of Planning and Environment (DPE) requires that Proponent consult with Aboriginal people about the Aboriginal cultural heritage values (cultural significance) of Aboriginal objects and/or places within any given development area in accordance with Clause 80c of the NSW National Parks and Wildlife Regulation 2019.

The DPE maintains that the objective of consultation with Aboriginal communities about the cultural heritage values of Aboriginal objects and places is to ensure that Aboriginal people have the opportunity to improve ACHA outcomes by (DECCW 2010a):

- Providing relevant information about the cultural significance and values of Aboriginal objects and/or places.
- Influencing the design of the method to assess cultural and scientific significance of Aboriginal objects and/or places.
- Actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal objects and/or places within the proposed subject area.
- Commenting on draft assessment reports before they are submitted by the Proponent to the DPE.

Consultation in line with the Consultation Requirements (DECCW 2010) is a formal requirement where a Proponent is aware that their development activity has the potential to harm Aboriginal objects or places. The DPE also recommends that these requirements be used when the certainty of harm is not yet established but a proponent has, through some formal development mechanism, been required to undertake a cultural heritage assessment to establish the potential harm their proposal may have on Aboriginal objects and places.

The Consultation Requirements outline a four-stage consultation process that includes the following:

- Stage 1 – Notification of project proposal and registration of interest.
- Stage 2 – Presentation of information about the proposed project.
- Stage 3 – Gathering information about the cultural significance.
- Stage 4 – Review of draft cultural heritage assessment report.

The document also outlines the roles and responsibilities of the DPE, Registered Aboriginal Parties (RAPs) including Local and State Aboriginal Land Councils, and proponents throughout the consultation process.

To meet the requirements of consultation it is expected that proponents will:

- Bring the RAPs, or their nominated representatives, together and be responsible for ensuring appropriate administration and management of the consultation process.
- Consider the cultural perspectives, views, knowledge and advice of the RAPs involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal objects(s) and/or places(s).
- Provide evidence to the DPE of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the RAPs.
- Accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report.
- Provide copies of the cultural heritage assessment report to the RAPs who have been consulted.

The consultation process undertaken to seek active involvement from relevant Aboriginal representatives for the project followed the current NSW statutory guideline, namely, the Consultation Requirements. Section 1.3 of the Consultation Requirements describes the guiding principles of the document. The principles have been derived directly from the principles section of the Australian Heritage Commission's Ask First: A guide to respecting Indigenous heritage places and values (Australian Heritage Commission 2002).

The following outlines the process and results of the consultation conducted during this assessment to ascertain and reflect the Aboriginal cultural heritage values of the subject area.

3.1. STAGE 1: NOTIFICATION OF PROJECT AND REGISTRATION OF INTEREST

The aim of Stage 1 of the community consultation process is to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the subject area.

3.1.1. Native Title

A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 22 August 2022. The search identified that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the subject area. The NNTT was also contacted by email on 22 August 2022 to request a formal search of the NNTT Register. A reply was received on 25 August 2022 indicating that there are no Native Title Determination Applications, Determinations of Native Title, or Indigenous Land Use Agreements over the identified area.

3.1.2. Identification of Potential Stakeholders

To identify Aboriginal people who may be interested in registering as Aboriginal parties for the project, the organisations stipulated in Section 4.12 of the Consultation Guidelines were contacted on 22 March 2022 (Table 2). The template for the emails sent to the above-mentioned organisations is included in Appendix C.

A total of 32 Aboriginal groups and individuals with a potential interest in the subject area were identified during this stage. Contact details for an additional three groups and individuals were provided by Nathan Towney, Pro Vice Chancellor Indigenous Strategy and Leadership at the University of Newcastle bringing the total number of potential stakeholders to 35.

Table 2 – Contacted organisations

Organisation	Date Notification Sent	Date Response Received
Office of the Registrar, Aboriginal Land Rights Act 1983	22 August 2022	No response received
Heritage NSW, Department of Planning and Environment	22 August 2022	25 August 2022
NTS Corp	22 August 2022	No response received
Greater Sydney Local Land Services	22 August 2022	22 August 2022
Darkinjung Local Aboriginal Land Council	22 August 2022	22 August 2022
Central Coast Council	22 August 2022	No response received

In accordance with Section 4.1.3 of the Consultation Guidelines, the 35 Aboriginal groups and individuals identified in the first part of the consultation process were contacted via email and/or telephone on 7 September 2022 (depending on the method identified by each group), to notify them of the proposed project. The letters included a brief introduction to the project and the project location and set a deadline for response of 21 September 2022, providing the 14 days to register an interest required by the Consultation Requirements. A copy of the letter template is included in Appendix C.

Further in accordance with Section 4.1.3 of the Consultation Guidelines, an advertisement was placed in one newspaper, the Koori Mail. This advertisement was published online on 7 September 2022 and registration was open until 21 September 2022, providing the 14 days to register required by the Consultation Requirements. A copy of the advertisement is included in Appendix C.

3.1.3. Registration of Interest

A total of sixteen groups and individuals registered interest in the project as a result of this phase (Table 3). Acknowledgement emails were sent by Urbis to all respondents to confirm registration had been received.

In accordance with Section 4.1.6 of the Consultation Guidelines, the list of Registered Aboriginal Parties (RAPs) was provided to the DPE and the Metropolitan Local Aboriginal Land Council 27 September 2022 (see Appendix C).

Table 3 – Registered Aboriginal Parties

Organisation/Individual	Contact Person
Darkinjung LALC	Matthew Syron
A1 Indigenous Services	Carolyn Hickey
Awabakal & Guringai	Tracey Howie
Awabakal Traditional Owners Aboriginal Corporation	Kerrie Brauer
Corroboree Aboriginal Corporation	Marilyn Carroll-Johnson
Didge Ngunawal Clan	Paul Boyd & Lilly Carroll
Gomery Cultural Consultants	David Horton
Gunjee Wong Cultural Heritage Aboriginal Corporation	Shayne Dickson
Individual	Vickie Parry
Individual	Trudy Smith
Individual	Renee Sales
Kamilaroi Yankuntjatjara Working Group	Phil Khan
Lower Hunter Aboriginal Incorporated	David Ahoy
Widescope Indigenous Group	Steven Hickey
Woka Aboriginal Corporation	Steven Johnson
Yurwang Gundana Consultancy Cultural Heritage Services.	Dean Bell and Merekai Bell

3.2. STAGE 2: PRESENTATION OF PROJECT INFORMATION

The aim of Stage 2 of the community consultation process is to provide registered Aboriginal parties with information about the scope of the proposed project and the proposed cultural heritage assessment process.

3.2.1. Information Pack

A Stage 2/3 information pack was sent to registered Aboriginal parties via email on 30 September 2022. The information pack was prepared as a combination of Stage 2 and 3 of the Consultation Guidelines, and included the following information:

- Project overview, location and purpose.
- Proposed works.
- Project history.

- Brief archaeological and environmental background.
- Protocol of gathering information on cultural heritage significance.
- Request for comment on methodology and recommendations for site investigation, and request for any cultural information the respondent wished to share.

A response to the Stage 2/3 information pack was requested by 28 October 2022, providing the 28 days to respond required by the Consultation Requirements. A copy of the Stage 2/3 information pack is included in Appendix C of this report.

3.3. STAGE 3: GATHERING CULTURAL INFORMATION

Stage 3 of the community consultation process is concerned with gathering feedback on a project, proposed methodologies, and obtaining any cultural information that registered Aboriginal parties wish to share. This may include ethno-historical information, or identification of significant sites or places in the local area.

3.3.1. Responses to Information Pack

Four responses were received in relation to the Stage 2/3 information pack. The responses are included in Appendix C and comments addressed in Table 4 below.

Table 4 – RAP responses to the Stage 2/3 Information Pack

RAP	Response	Urbis Response
<p>Brendan Moyle of Darkinjung Local Aboriginal Land Council</p>	<p>I was curious as to whether Darkinjung was engaged in this.</p> <p>I remain concerned though that you reference the ‘guringai’. Please find attached Darkinjung’s submission to the Central Coast Council’s First Nations Accord which raises serious concerns about their claims of Aboriginality let alone claims of ‘traditional ownership’. Happy to discuss.</p>	<p>Thank you for your email. We confirm that Darkinjung LALC are registered as an Aboriginal Party for consultation on this project. Consultation is in its early stages, but we were contacted by Matthew Syron from your organisation who is included in the original correspondence. We can add you to the contact list personally if you would like to be directly provided with information on the project throughout the process, please let us know.</p> <p>Thank you for your input and we appreciate your concerns. To comply with the wishes of RAPs involved in the ACHA we will remove any reference to traditional custodians from documents for this project.</p> <p>Once again thank you and we look forward to further input from Darkinjung LALC as the project progresses.</p>
<p>Steven Johnson of Woka Aboriginal Corporation</p>	<p>We are Aboriginal people and I have lived all around the area. I have ran businesses in the area. My connections are my heritage my years and years of doing this work. My connection of my life of living in the area. Therefore those previous mentions are my connections.</p>	<p>Thank you for your response. Urbis acknowledges your connection you have with the Gosford area and thank you for your involvement in this project.</p>
<p>Marilyn Carroll-Johnson of Corroboree Aboriginal Corporation</p>	<p>We connect thru our Mother Earth on all of Australia as Aboriginal people, as per legislation, as per our history and our ancestors. And being a nomadic race we have lived all over our country as such have ancestors and family. And I note we are one nation, one people. We acknowledge that the Awabakal and Worimi peoples live in the area. And note we have our own history in the area as well. My</p>	<p>Thank you for your response. Urbis acknowledges the connection you have with the region and thank you for your involvement in this project.</p>

RAP	Response	Urbis Response
	<p>nephew and his extended family also live in the areas and we provide work to his family. Our Elder lives up the coast. We have our own family history in the area as well. We have also participated on projects in the surrounding areas. 1B: We are Aboriginal people whose family have lived in the area and surrounding areas.</p> <p>We as “Aboriginal people” are traditional owners/First People. Being Aboriginal people whose family have lived in the area and surrounding areas, we connect or the area. We have worked on projects in the area for many years.</p>	
<p>Kerrie Brauer of Awabakal Traditional Owners Aboriginal Corporation</p>	<p>With regards to the Subject Area on page, our Elders are greatly concerned with the comment that the Central Coast LGA is on Darkinyung Land in which Figure 1 & 2 do not specify the Darkinyung LALC boundary within the Central Coast LGA, and it is a Historical fact that the Central Coast Region is not Darkinyung. Therefore we believe that the Document needs to be further clarified.</p> <p>With regards to Section 1.2, the AHIMS register is only useful in determining the location of Cultural Heritage sites that have already been recorded. As is stated by the OEH themselves within their own document (see excerpt below), when an AHIMS Web Services (AWS) Search Result is produced it contains a statement that says in the following; ‘Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS’.</p> <p>It must be noted that there are many limitation with an AHIMS search. Firstly site coordinates are not always correct due to errors and changing of computer systems at OEH over the years that failed to correctly translate old coordinate systems to new systems. Secondly, OEH will only provide up to 100 sites per search, thus limiting the search area surrounding the study area and enabling a more comprehensive analysis and finally, few sites have been updated on the OEH AHIMS register to notify if they have been subject to a s87 or s90 and as</p>	<p>Thank you for your response regarding Stages 4.2 and 4.3 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the Consultation Guidelines). In this stage we present and gather information regarding the proposed development of the Central Coast Campus of the University of Newcastle.</p> <p>We appreciate that you approve of the proposed methodology. The document which you reviewed is a record of initial research into the subject area which is explored in more depth in the Aboriginal Cultural Heritage Assessment (ACHA), which also incorporates comments received during this stage. We will integrate your comments into the assessment. We aim to send out a draft ACHA for your review and comments in the coming weeks. We hope that you find that in the ACHA we address some of the issues which you have raised concerns about. In particular:</p> <ul style="list-style-type: none"> ▪ AHIMS: We acknowledge the limitations of the AHIMS register. In the absence of registered sites within the subject area we use the results

RAP	Response	Urbis Response
	<p>such what sites remain in the local area and what sites have been destroyed is unknown.</p> <p>Our Elders also highly recommend that all Contractors receive a Cultural Heritage Toolbox Induction, for all workers involved in the proposed project by the GuriNgai Descendants.</p> <p>We would like to point out that the continued destruction of our Cultural Heritage and Values is demonstrated by the common expressions such as; disturbed areas, isolated finds, contains fill, no visible Aboriginal object and common sites etc, which are used to devalue the project area of our Awabakal & GuriNgai Cultural Heritage, Values and rights to Care for our Land and Sea Country.</p> <p>The Central Coast Region is part of our Traditional Awabakal & GuriNgai Country and is considered by our People to be of great importance within our Cultural Heritage. These areas have not just a physical presence within the Cultural Heritage of our Peoples', but it With regards to the Subject Area on page, our Elders are greatly concerned with the comment that the Central Coast LGA is on Darkinyung Land in which Figure 1 & 2 do not specify the Darkinyung LALC boundary within the Central Coast LGA, and it is a Historical fact that the Central Coast Region is not Darkinyung. Therefore we believe that the Document needs to be further clarified.</p> <p>With regards to Section 1.2, the AHIMS register is only useful in determining the location of Cultural Heritage sites that have already been recorded. As is stated by the OEH themselves within their own document (see excerpt below), when an AHIMS Web Services (AWS) Search Result is produced it contains a statement that says in the following; 'Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS'.</p>	<p>of our AHIMS searches as a guide only to predict if similar Aboriginal sites that are found in the wider area may be present within the subject area.</p> <ul style="list-style-type: none"> ▪ We acknowledge that there is potential for Cultural materials to remain within the subject area. We make an assessment of the potential of the subject area based upon environmental factors such as the site's location within the wider landscape, the Aboriginal cultural heritage context, historical use of the subject area and most importantly, consultation with the Aboriginal community. ▪ Cultural Heritage induction: Urbis will include this as a recommendation of the ACHAR to be implemented as part of the proposal. ▪ We include in the ACHAR an assessment of significance of the subject area which will incorporate comments received including oral histories and we will acknowledge that the area has a high cultural and spiritual significance. ▪ Should cultural material be recovered from the subject area a Care and Control arrangement will be formulated in consultation with the Registered Aboriginal Parties. We hope a suitable arrangement can be agreed upon. <p>In regard to your concerns about involvement of the Darkinjung Aboriginal Land Council, we are bound by the Consultation Guidelines to consult with the registered land council in any region. We are also aware of the contentious nature of historical records but are guided by the Consultation Guidelines and seek to involve any</p>

RAP	Response	Urbis Response
	<p>It must be noted that there are many limitation with an AHIMS search. Firstly site coordinates are not always correct due to errors and changing of computer systems at OEH over the years that failed to correctly translate old coordinate systems to new systems. Secondly, OEH will only provide up to 100 sites per search, thus limiting the search area surrounding the study area and enabling a more comprehensive analysis and finally, few sites have been updated on the OEH AHIMS register to notify if they have been subject to a s87 or s90 and as such what sites remain in the local area and what sites have been destroyed is unknown.</p> <p>Our Elders also highly recommend that all Contractors receive a Cultural Heritage Toolbox Induction, for all workers involved in the proposed project by the GuriNgai Descendants.</p> <p>We would like to point out that the continued destruction of our Cultural Heritage and Values is demonstrated by the common expressions such as; disturbed areas, isolated finds, contains fill, no visible Aboriginal object and common sites etc, which are used to devalue the project area of our Awabakal & GuriNgai Cultural Heritage, Values and rights to Care for our Land and Sea Country.</p> <p>The Central Coast Region is part of our Traditional Awabakal & GuriNgai Country and is considered by our People to be of great importance within our Cultural Heritage. These areas have not just a physical presence within the Cultural Heritage of our Peoples', but it is part of our oral history and a place of spiritual significance. The landforms and resources of this locale fulfilled not just the basic needs that underpinned our Peoples subsistence but also satisfied the many other aspects that made up what can be described here as being part of the Cultural foundations of our Peoples'.</p> <p>As already previously stated, this area is of high significance to our People and therefore it would be expected that after the many generations of our People that have walked the pathways of their Ancestors, it is obvious that there would be many areas that contain evidence of this connection, resulting from occupation on</p>	<p>Aboriginal people who wish to take part in the process.</p> <p>With reference to your comment about culturally appropriate information and your reluctance to share your cultural heritage with others, can you please let us know if you would like your comments and involvement with the consultation to be withheld from the ACHA.</p>

RAP	Response	Urbis Response
	<p>varying levels. There are physical reminders left by our Ancestors which provide us as Descendants of the Awabakal People an opportunity to make a physical connection through time with our Ancestors. This connection is one of those avenues that produce in us the sense of perception, appreciation, familiarity and recognition of who we are and where we belong as Awabakal People, which is our birthright. Cultural materials are not made overnight, which indicates a significant habitation and continuing revisit within our traditional boundary. It is our belief that just because you cant see them it doesn't mean that it should be assumed that they don't exist.</p> <p>Therefore the Cultural Value and Significance remains high, which is attributed to our Cultural Heritage understanding of the connectivity and aspects of the regions holistic perspectives, thus emphasizing the importance of the whole, instead of a Scientific/Archaeological Value aspect of the independence of its site specific parts.</p> <p>We are bloodline relatives to the GuriNgai peoples through our Apical Ancestors and our Site Officer Representatives have the permission from our elders to care for country and experience to identify cultural objects and also have the Cultural knowledge that has been passed down by our elders.</p> <p>We will also support any comments and/or recommendations from Tracey Howie who is recognized by the wider community as a Traditional Owner of the GuriNgai Peoples of the Central Coast Regions.</p> <p>With regards to restrictions on the location/storage of the material, we do not support any material being held at the Darkinyung LALC.</p> <p>With regard to providing cultural appropriate information, and our Site Officer Representatives are authorised to make decisions concerning all matters being discussed and would be pleased to share verbally any relevant cultural knowledge pertaining to the study area while attending the field assessment, but we do reserve the right and reluctance to share our cultural heritage with others in</p>	

RAP	Response	Urbis Response
	<p>respect to our lore and custom and aspects of the cultural significance that connects us to our country. It is believed by our people that those who shouldn't be privy to this cultural knowledge have no rights or entitlements to it.</p>	

3.4. STAGE 4: REVIEW OF DRAFT ACHAR

The aim of Stage 4 of the community consultation process is to prepare and finalise an ACHAR with input from Registered Aboriginal Parties.

A draft of the present ACHAR was sent to RAPs via email on the 11 November 2022 with comment on the draft ACHAR and appended draft ARD and EM requested by 9 December 2022, providing the 28 days to respond required by the Consultation Requirements. It is noted that the time allowed for comment should reflect the size and complexity of the project.

A total of three responses were received in relation to the Stage 4 draft ACHAR and appended ARD&EM. The responses are included in Appendix C and addressed in Table 5 below.

Table 5 – RAP responses to the Stage 4 Draft ACHAR

RAP	Response	Urbis Response
Didge Ngunawal Clan	Reviewed your documents and is happy for everything from our end.	Thank you for approving our draft ACHA and ARD&EM.
A1 Indigenous Services	I have reviewed the document and support the Information and Methodology.	Thank you for your support for our draft ACHA and ARD&EM
Gunjeewong Cultural Heritage Aboriginal Corporation	Gunjeewong is happy with the Draft ACHAR provided.	Thank you for your response.

4. ABORIGINAL CULTURAL HERITAGE CONTEXT

An assessment of Aboriginal cultural heritage within a particular subject area requires an understanding of the archaeological and environmental contexts in which the area is situated. The following is a review and analysis of those contexts for the present subject area.

4.1. ARCHAEOLOGICAL CONTEXT

A summary of background research for Aboriginal cultural heritage resources within and around the subject area is provided below, including search results from the Aboriginal Heritage Information Management System (AHIMS) and consideration of previous archaeological investigations pertinent to the subject area.

4.1.1. Past Aboriginal Land Use

Aboriginal people have inhabited the Sydney Basin region since at least 30,735+ BP, with some evidence of potential occupation as early as 40,000 years ago (JMCHM 2005a; GML 2019). Due to the absence of written records, much of our understanding of Aboriginal life pre-colonisation is informed by the histories documented in the late 18th and early 19th century by European observers. These histories provide an inherently biased interpretation of Aboriginal life both from the perspective of the observer but also through the act of observation. The social functions, activities and rituals recorded by Europeans may have been impacted by the Observer Effect, also known as the Hawthorne Effect. According to the Observer/Hawthorne Effect, individuals will modify their behaviour in response to their awareness of being observed. With this in mind, by comparing/contrasting these early observations with archaeological evidence is possible to establish a general understanding of the customs, social structure, languages and beliefs of Aboriginal people (Attenbrow 2010).

At the time of European contact, it is believed that the Darkinjung (also spelt Darkinjang or Darkinyung) people inhabited areas from the Hawkesbury River in the south to Lake Macquarie in the north (Tindale, 1974). Included within these territories is the Gosford and the present subject area. Their neighbours to the north were the Awabakal on the east and Wonnarua. Estimates of the size of the Darkinjung population at the time of European contact range from 360 people (Bennett 1968) to 1500 people (Butlin 1993).

The Newcastle penal settlement established in 1804 (and intermittent occupation prior to that date) meant that runaway convicts had travelled through Darkinjung country from at least the 1790s. The Darkinjung are known to have travelled to Sydney to see for themselves the European invaders. In the period 1840 to 1870 European settlement rapidly expanded with a corresponding increase in land clearing and farming. Darkinjung lived and worked on farms and some took up mixed farming

The Aboriginal people of the area utilised the resources afforded by the local forests and waterways. Historical accounts indicate that they used single pronged hunting spears and multi-pronged fishing spears, sometimes propelled by a woomera (Mathew, 1834; Bennett, 1968). Accounts also indicate that fishing lines and nets were also used, with fishhooks and barbs being manufactured from bone and shell (Bennett, 1968). Stone tools, such as cutting blades, scrapers and ground edge axes, were also utilised for a range of purposes. As the archaeological record is limited to materials and objects that were able to withstand degradation and decay, stone tools are the most common type of Aboriginal objects remaining in the archaeological record. Archaeological analyses of these artefacts in their contexts have provided the basis for the interpretation of change in material culture over time. Technologies used for making tools changed, along with preference of raw material. Different types of tools appeared at certain times, for example ground stone hatchets are first observed in the archaeological record around 4,000 BP in the Sydney region (Attenbrow 2010:102). It is argued that these changes in material culture were an indication of changes in social organisation and behaviour.

The Eastern Regional Sequence (ERS) was first developed by McCarthy in 1948 to explain the typological differences he was seeing in stone tool technology in different stratigraphic levels during excavations such as Lapstone Creek near the foot of the Blue Mountains (McCarthy et al 1948). The sequence had three phases that corresponded to different technologies and tool types (the Capertian, Bondaian and Eloueran). The categories have been refined through the interpretation of further excavation data and radiocarbon dates (Hiscock & Attenbrow 2005, JMCHM 2005). It is now thought that prior to 8,500 BP tool technology remained fairly static with a preference for silicified tuff, quartz and some unheated silcrete. Bipolar flaking was rare with unifacial flaking predominant. No backed artefacts have been found of this antiquity.

After 8,500 BP silcrete was more dominant as a raw material and bifacial flaking became the most common technique for tool manufacture. From about 4,000 BP to 1,000 BP backed artefacts appear more frequently.

Tool manufacture techniques become more varied and bipolar flaking increases (JMCHM 2006). It has been argued that from 1,400 to 1,000 years before contact there is evidence of a decline in tool manufacture. This reduction may be the result of decreased tool making, an increase in the use of organic materials, changes in the way tools were made, or changes in what types of tools were preferred (Attenbrow 2010). The reduction in evidence coincides with the reduction in frequency of backed blades as a percentage of the assemblage.

Based on the above background, it is possible that similar evidence of Aboriginal occupation is present within original and/or intact topsoils within the present subject area.

4.1.2. Local Archaeological Reports

Previous archaeological investigations may provide invaluable information on the spatial distribution, nature and extent of archaeological resources in a given area. Summaries of the most pertinent reports to the subject area are provided below.

No previously published archaeological reports relating directly to the present subject area have been identified. However, numerous archaeological reports have been produced relating to the broader area around the present subject area. The most relevant to the specific conditions of the present subject area are summarised below.

4.1.2.1. Archaeological Reports from Local Area

Numerous archaeological reports have been produced relating to the broader area around the present subject area. Many of these are survey and assessment reports which recorded Potential Archaeological Deposits (PADs), Isolated Finds and Artefact Scatters which indicate the potential for sub-surface deposits. The following summaries will focus on excavation reports which identified the potential for Aboriginal Objects.

AMAC Archaeological, 2020. *Aboriginal Cultural Heritage Assessment Report, Lot 11 DP 1250131, Lots 2-7 DP 14761 and Lot 469 DP821073, Central Coast Quarter 26 - 32 Mann Street Gosford, NSW (Central Coast Council LGA)*

The Report presents the findings of an Aboriginal Cultural Heritage Assessment of 26-32 Mann Street, Gosford, approximately 500m south of the present subject area. The assessment included desktop analysis and test excavation of the study area. The desktop assessment determined that the study area had potential for sub-surface Aboriginal objects ranging from low to moderate, based on proximity to water and moderate to high levels of historical ground disturbance. The test excavation program, which consisted of nine 50cm x 50cm test pits, encountered no Aboriginal objects. Nevertheless, intact natural soil profiles were encountered in less disturbed areas beneath modern fill. The report demonstrates that potential artefact-bearing soil deposits are retained beneath modern fill in proximity to the subject area.

Austral Archaeology, 2020. *Aboriginal Cultural Heritage Due Diligence Advice for 10 Young Street, Gosford, New South Wales*

The report presents the findings of an Aboriginal Cultural Heritage Due Diligence Assessment Preliminary Aboriginal Heritage Assessment of 10 Young Street, West Gosford, approximately 1.5km south-east of the present subject area. The assessment included a desktop assessment and archaeological survey of the study area. It was determined that although the study area is located in close proximity to a waterway, Narara Creek, the archaeological potential of the study area was low due to high levels of modern ground disturbance. The report illustrates the deleterious effect of high levels of ground disturbance on the potential for Aboriginal objects, despite the presence of archaeologically sensitive landscape features.

Artefact, 2015. *Proposed Redevelopment of Gosford Hospital, Preliminary Aboriginal Heritage Assessment*

The report presents the findings of a Preliminary Aboriginal Heritage Assessment for the proposed redevelopment of Gosford Hospital, approximately 300m west of the present subject area. The assessment included a desktop assessment and archaeological survey of the study area. The desktop assessment identified that although no previously recorded Aboriginal sites were located within the study area, it was located on a ridge top, which would have offered an elevated, dry camping location, surrounded by numerous subsistence resources. However, the field survey identified that a majority of the study area has been impacted by the development of the Gosford Hospital Precinct, residential dwellings and roads. Due to the sloping terrain of the study area, it was determined that these features would have required significant ground modifications prior to construction. The report therefore concluded that the study area has low

archaeological potential due to high levels of ground disturbance. The report demonstrates that high levels of ground disturbance may significantly reduce archaeological potential, despite the presence of archaeologically sensitive landscape features.

The reports summarised above indicate the impact of modern development in urban areas on subsurface archaeological deposits. As disturbance increases, archaeological potential decreases.

4.1.3. AHIMS Database

The Aboriginal Heritage Information Management System (AHIMS) database comprises previously registered Aboriginal archaeological objects and cultural heritage places in NSW, and it is managed by HNSW, Department of Planning and Environment (DPE) under Section 90Q of the NPW Act. 'Aboriginal objects' is the official term used in AHIMS for Aboriginal archaeological sites. The terms 'Aboriginal sites', 'AHIMS sites' and 'sites' are used herein to describe the nature and spatial distribution of archaeological resources in relation to the subject area.

A search of the AHIMS database was carried out on 8 September 2022 (AHIMS Client Service ID: 715667) for an area of 5 km by 5 km.

The AHIMS search identified No Aboriginal objects or Aboriginal places within the subject area.

In the broader extensive search area, a total of 38 Aboriginal objects were identified.

A summary of all previously registered Aboriginal sites within the extensive search area is provided in Table 6 and Figure 9 and their spatial distribution is shown in Figure 10 and Figure 11. The Basic and Extensive AHIMS search results are included in Appendix A. The results of the search are discussed below.

Table 6 – Summary of extensive AHIMS search (AHIMS Client Service ID: 715667)

Site types	Context	Number	Percentage
Shelter with Art	Closed site	11	28.9%
Shelter with Art and Shell Midden	Closed site	7	18.4%
Shell Midden	Open site	5	13.3%
Grinding Grooves with Rock Engraving	Open site	4	10.5%
Grinding Grooves	Open site	2	5.3%
Midden	Open site	2	5.3%
Rock Engraving	Open site	2	5.3%
Artefact Scatter	Open site	1	2.6%
PAD	Open site	1	2.6%
Shelter with Midden and Artefact	Closed site	1	2.6%
Shelter with Shell Midden	Closed site	1	2.6%
Shelter with Shell Midden and Grinding Grooves	Closed site	1	2.6%
Total		38	100%

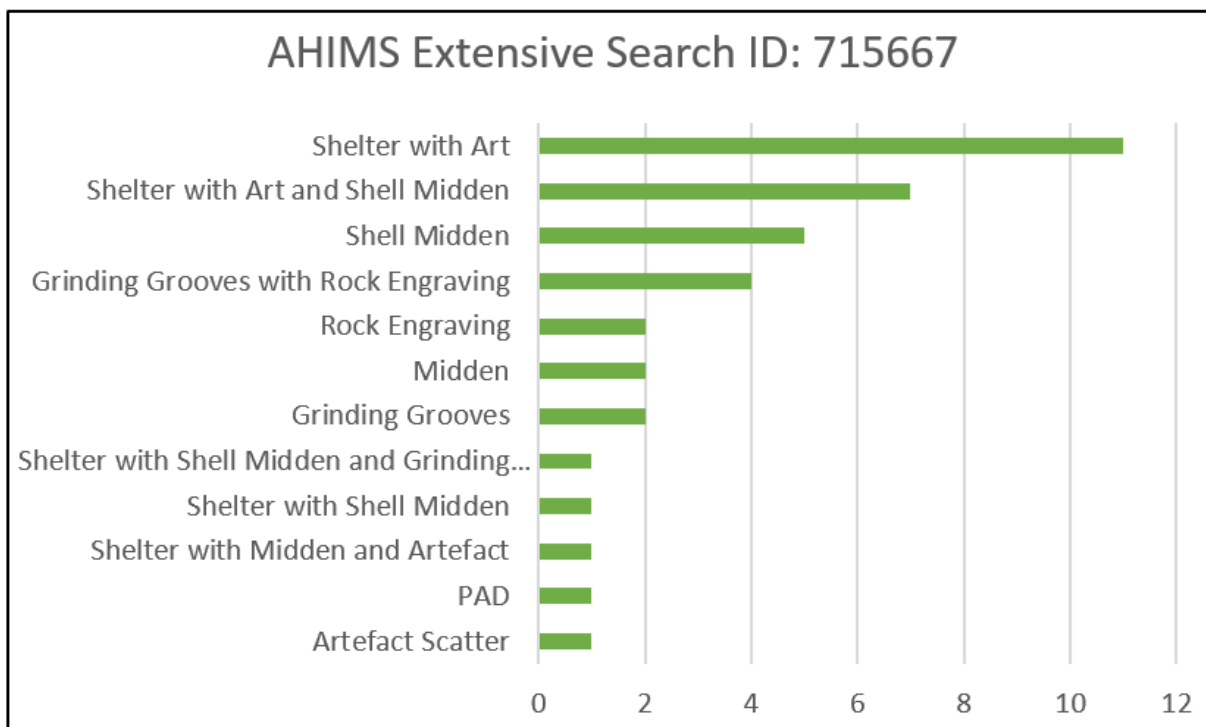


Figure 9 – Site types within the extensive search area

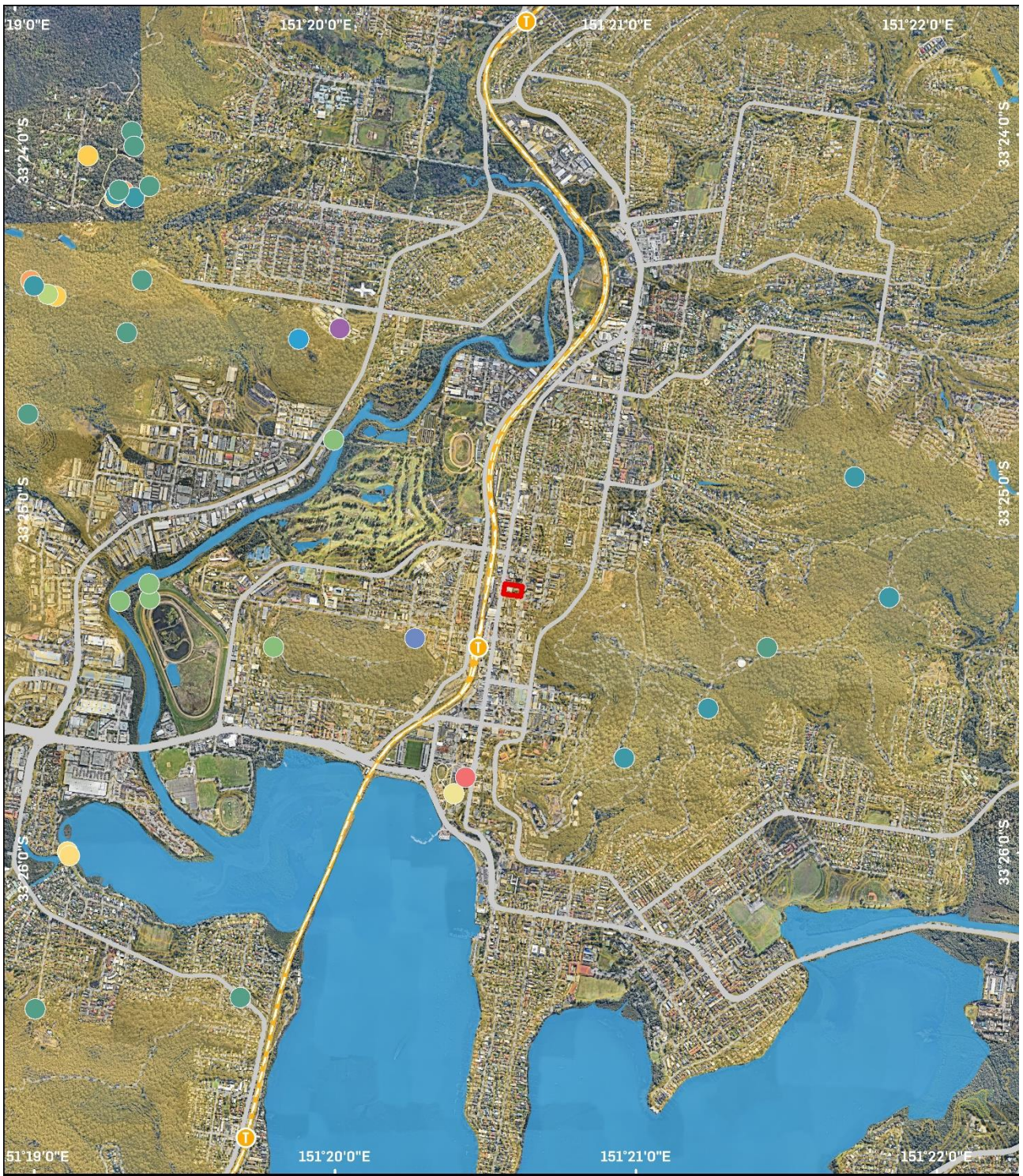
It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or sites in a specified area as it lists recorded sites only identified during previous archaeological survey effort. The wider surroundings of the subject area and the region in general have been the subject of various levels and intensity of archaeological investigations during the last few decades. Most registered sites have been identified through targeted, pre-development surveys for infrastructure and maintenance works, with the restrictions on extent and scope of those developments.

The most common site type within the study area is identified as ‘Shelter with Art’, 29% (N=11). These site types are indicative of the elevated rocky landscape in the wider search area. Their prevalence is evidence of intensive occupation of the area and utilisation of its aquatic resources. This is further exemplified by the site types occurring with next highest frequencies, being Shelter with Art and Shell Midden, 18% (N=7) and Shell Midden, 13 % (N=5). While Shell Middens cannot necessarily be attributed to human agency, the association with Shelters and Art indicate that Aboriginal people were bringing resources to places of habitation for consumption.

Further site types within the extensive search area, Grinding Grooves, Rock Engravings, Artefact Scatter and PAD also testify to the material and artistic culture that existed in the region surrounding the subject area prior to European colonisation.

The spatial distribution of site types within the extensive search area reflects targeted archaeological assessment. Areas subject to less intensive development have fewer registered sites, however, this is not a true representation of Aboriginal land use.

As will be discussed in Section 5 below, the subject area does not contain landscape features indicative of potential within the subject area for the most frequent AHIMS site types such as Shelters, Art or Middens. There does, however, remain a possibility that Aboriginal objects remain in situ within the subject area. See Section 6.2 below for an assessment of archaeological potential.



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Project No: P0041532
 Project Manager: Meggan Walker

AHIMS Sites in Extensive Search area Central Coast Campus

The APP Group on behalf of the University of Newcastle

- | | | | |
|--------------|--------------------------------------|--|-----------------------------------|
| Subject Area | Artefact Scatter | PAD | Shelter with Art and Shell Midden |
| Contours | Grinding Grooves | Rock Engraving | Shelter with Midden and Artefact |
| Hydrology | Grinding Grooves with Rock Engraving | Shell Midden | Shelter with Shell Midden |
| Midden | Shelter with Art | Shelter with Shell Midden and Grinding Grooves | |

Figure 10 – Map of AHIMS sites in extensive search area



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Project No: P0041532

Project Manager: Meggan Walker

AHIMS Sites in Proximity Central Coast Campus

The APP Group on behalf of the University of Newcastle

- Subject Area
- Artefact Scatter
- Shelter with Art and Shell Midden
- PAD
- Shelter with Shell Midden
- Contours
- Shell Midden
- Hydrology

Figure 11 – Map of AHIMS sites in proximity to subject area

4.1.4. Conclusions Drawn from Archaeological Context

The following conclusions are drawn from the archaeological background information, including AHIMS results and pertinent regional archaeological investigations:

- There are no Aboriginal sites registered on AHIMS within the subject area.
- Previous archaeological assessments in the Gosford area demonstrate that intact natural soil profiles can be retained beneath modern fill and despite modern disturbance. Therefore, archaeological potential cannot be ruled out in areas in which the level of historic disturbance is considered low to moderate. As disturbance increases, archaeological potential decreases.
- The most frequent AHIMS site types in the region, include Shelters, Art and Middens. Shelters and Art typically occur in areas with rock outcrops or overhangs. Middens typically occur within Shelters or in proximity to permanent water sources. The potential for these site types is discussed in relation to the environmental context of the subject area in Section 5 and 6 below.

5. ENVIRONMENTAL CONTEXT

The environmental context of a subject area is relevant to its potential for Aboriginal objects and places. Aboriginal objects may be associated with certain landscape features that played a part in the everyday lives and traditional cultural activities of Aboriginal people. Landscape features that are considered indicative of archaeological potential include rock shelters, sand dunes, waterways, waterholes and wetlands. Conversely, disturbance to the landscape after Aboriginal use may reduce the potential for Aboriginal objects and places. An analysis of the landscape within and near to the subject area is provided below.

5.1. TOPOGRAPHY

Certain landform elements are associated with greater archaeological potential for Aboriginal objects and places. Areas that are located on a ridge top, ridge line or headland, located within 200m below or above a cliff face or within 20m of or in a cave, rock shelter or cave mouth are considered sensitive areas for Aboriginal objects and places.

The subject area is situated on the lower foot slopes of Mount Mouat to the south-east, above the flood plain of Narara Creek which feeds into Brisbane Water to the south of the subject area.

The topography of the subject area does not include any archaeologically sensitive topographic features, as defined in the Due Diligence Code of Practice (DECCW,2010).

5.2. SOIL LANDSCAPE AND GEOLOGY

Certain soil landscapes and geological features are associated with greater archaeological potential for Aboriginal objects and places. For example, sand dune systems are associated with the potential presence of burials and sandstone outcrops are associated with the potential presence of grinding grooves and rock art. The depth of natural soils is also relevant to the potential for archaeological materials to be present, especially in areas where disturbance is high. In general, as disturbance level increases, the integrity of any potential archaeological resource decreases. However, disturbance might not remove the archaeological potential even if it decreases integrity of the resources substantially.

The NSW Soil and Land Information System (SALIS) provides information on expected soil landscapes within NSW. There one soil landscape identified in the subject area (Figure 12): the Erina soil landscape. The Erina soil landscape consists of moderately deep to deep (100 – >200 cm) Yellow Podzolic Soils, typically consisting of silt/fine sand grading to silty clay with depth, on fine-grained bedrock in poorly drained areas; moderately deep to deep (50 – >150 cm) Yellow Podzolic Soils and Yellow Earths on coarse-grained parent material on foot slopes and deep (>300 cm) Structured Loams and Yellow Earths along drainage lines. The Erina soil landscape can be subject to high water run-on and seasonal waterlogging of foot slopes. Rock outcrops are rarely present.

The deep soils of the Erina soil landscape indicate that subsurface archaeological material may remain intact despite disturbance during phases of historical land use.

5.3. HYDROLOGY

Proximity to a body of water is a factor in determining archaeological potential. Areas within 200m of the whole or any part of a river, stream, lake, lagoon, swamp, wetlands, natural watercourse, or the high-tide mark of shorelines (including the sea) are considered sensitive areas for Aboriginal objects and places.

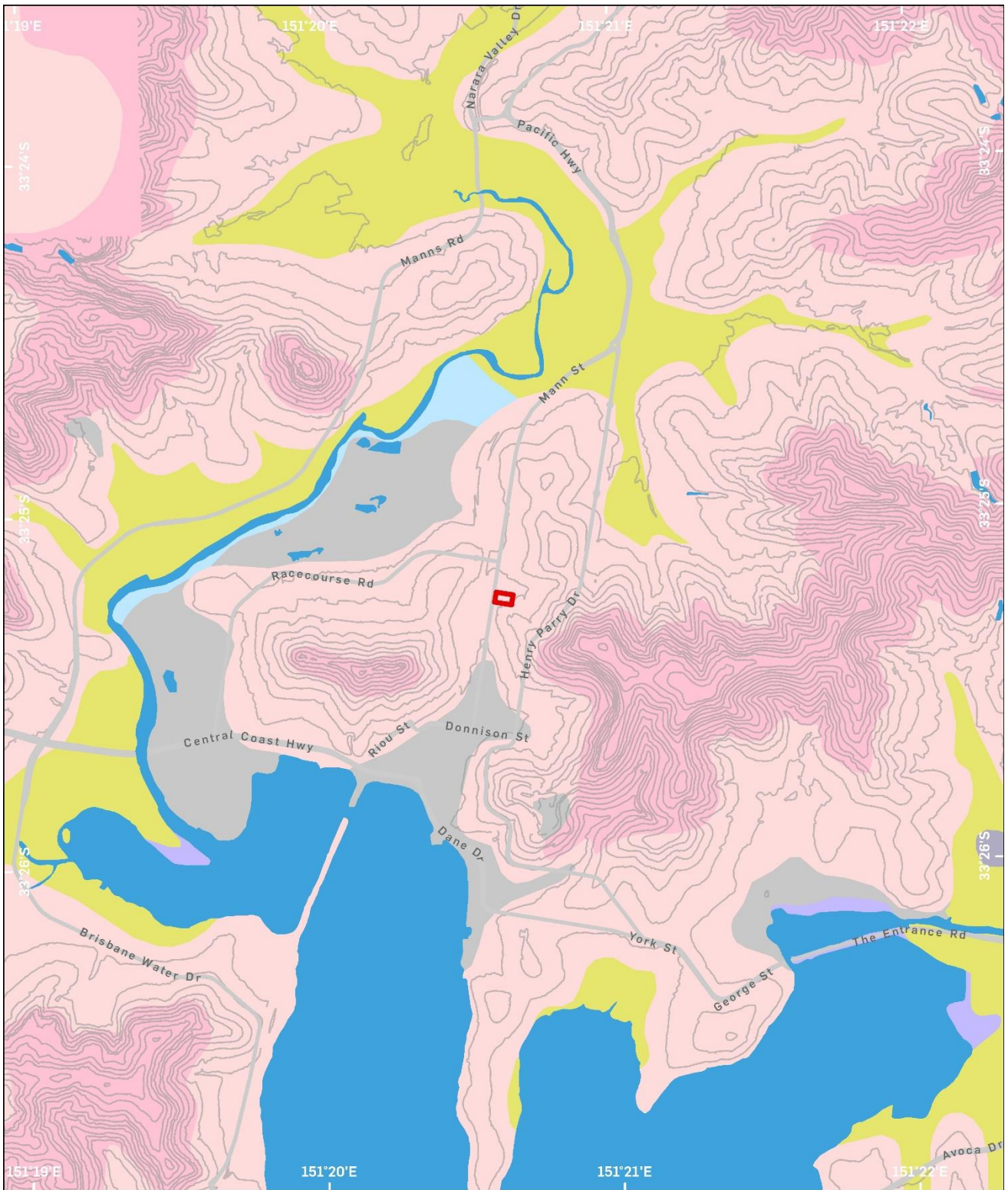
The subject area is approximately 850m east of Bradys Gully, a tributary of Narara Creek. While there are no longer any watercourses in closer proximity to the subject area, it is possible that prior to urban development the subject was in proximity to ephemeral drainage lines and wetlands fed by drainage lines from Mount Mouat to the south-east. As mentioned above (Section 5.2), the Erina soil landscape can be subject to seasonal waterlogging which may have provided ephemeral water sources. As such, the hydrology of the subject area may indicate archaeological sensitivity.

5.4. VEGETATION

The presence of certain types of vegetation within in an area may be indicative of archaeological potential for certain site types, such as modified trees, or more generally of the habitability of an area for Aboriginal people.

Original vegetation would have included tall open forest associated with the Erina soil landscape with species of eucalypt, casuarina, angophora and turpentine. The variety of floral and faunal species in the subject area could have been utilised by Aboriginal people for medicinal, ceremonial and subsistence purposes.

There is a small stand of trees within the subject area carpark. These appear to consist of exotic species that were planted subsequent to development of the subject area. An absence of mature remnant vegetation indicates the subject area will not retain any culturally modified trees. A review of historic aerial photography (Section 5.5 & Figure 13 below) confirms that current vegetation is regrowth following development of the site.



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SOIL LANDSCAPES AND HYDROLOGY

Central Coast Campus

The APP Group on behalf of the University of Newcastle

Project No: P0041532

Project Manager: Meggan Walker

- | | | | | |
|-----------------------|------------------|--------------------------|------------------|--------------|
| Subject Area | Alluvial (ALWY) | Colluvial (COWN) | Erosional (ERLa) | Swamp (SWTs) |
| Hydrology | Alluvial (ALYa) | Disturbed Terrain (DTXX) | Erosional (ERSt) | Water |
| Hydrology 200m Buffer | Colluvial (COHa) | Erosional (EREr) | Estuarine (ESMc) | |
| Contours | | | | |

Figure 12 –Soil Landscapes and Hydrology

5.5. HISTORICAL GROUND DISTURBANCE

Historical ground disturbance, either through human activity (e.g. soil ploughing, construction of buildings and clearing of vegetation) or natural processes (e.g. erosion) reduce the spatial and vertical integrity of archaeological resources within a subject area and expose sub-surface deposits. Ground disturbance can thus reduce the archaeological potential of a site.

The subject area is located north of Brisbane Water, a northern branch of Broken Bay at the mouth of the Hawkesbury River. This area was explored by an expedition led by Governor Phillip only weeks after arriving at Sydney Cove in search of arable land for food crops. With difficulty the party entered Brisbane Water but due to time constraints did not proceed very far. An expedition the following year reached as far as Gosford (Strom, 1982).

The first settlement of the area around Brisbane Water began in 1823, with 300 acres of land being granted to James Webb near Booker Bay, approximately 10km south of Gosford (AMAC 2019, p. 16). Development of the Gosford area soon followed, with the construction of a watch-house on Donnison Street in 1827, a courthouse on Mann Street in 1833 and a post office in 1835 (AMAC 2019, p. 17). Gosford was officially gazetted as a township in 1839 (*Government Gazette of the State of NSW 1839*), with a population of around 221 by 1851 (AMAC 2019, p. 17).

The Newcastle to Gosford section of the Great Northern Railway opened in 1887 followed in 1888 by the Gosford to Hawkesbury River section. It was linked to the southern side of the river in 1889 following construction of the Hawkesbury River Bridge. The railway boosted local industry and made possible new land uses. Gosford remained the northern most extent of the electrified rail system from the 1960's to 1982 (Strom, 1982).

Aerial photographs from 1964 to 2022 (Figure 13) were analysed to develop an understanding of ground disturbance within the subject area. Observations from analysis of the aerial photographs are provided in Table 7 below.

Table 7 – Analysis of historical aerial imagery

Year	Observation
1964	The subject area has been cleared of vegetation and developed by this time. Though the image quality is poor, the subject area appears to contain the early Mitre 10 building in the western portion and residences and outbuildings in the eastern portion. Vegetation appears to consist of small trees only.
1975	The subject area appears to have additional structures in the western portion. Residences remain in the eastern portion. Some trees are evident in the centre of the subject area.
2001	The subject area appears to have had additions to the rear of structures in the eastern portion and has been re-roofed. The residences have been removed from the western portion which has become vehicle access and a car park. Vegetation appears to have been heavily cut back.
2022	There has been little further modification of the subject area. Vegetation has increase in size.

It is evident that the subject area has been subject to varying degrees of ground disturbing activity since at least the mid-19th century with early European settlement of the region. Early clearance of native vegetation is likely to have caused low levels of ground disturbance within the subject area due to erosion. The subject area was then developed following the opening of the Railway Station in 1887 with various structures including warehouses and cordial factory, since demolished. This early development may have resulted in some disturbance including excavation of soils.

Current structures and hardstand within the subject area largely appear to conform with the natural topography of the area, with the exception of the buildings fronting Mann Street which appear to have required bulk excavation towards the rear of the structures. The construction and demolition of buildings are likely to have had a moderate degree of impact on the upper layers of the natural soil profile. Deeper soils profiles if present may remain relatively intact.



GDA 1994 MGA Zone 56



Project No: P0041532
Project Manager: Meggan Walker

 Subject Area

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HISTORICAL AERIAL PHOTOGRAPHS

Central Coast Campus

The APP Group on behalf of the University of Newcastle

Figure 13 – Historical aerial imagery

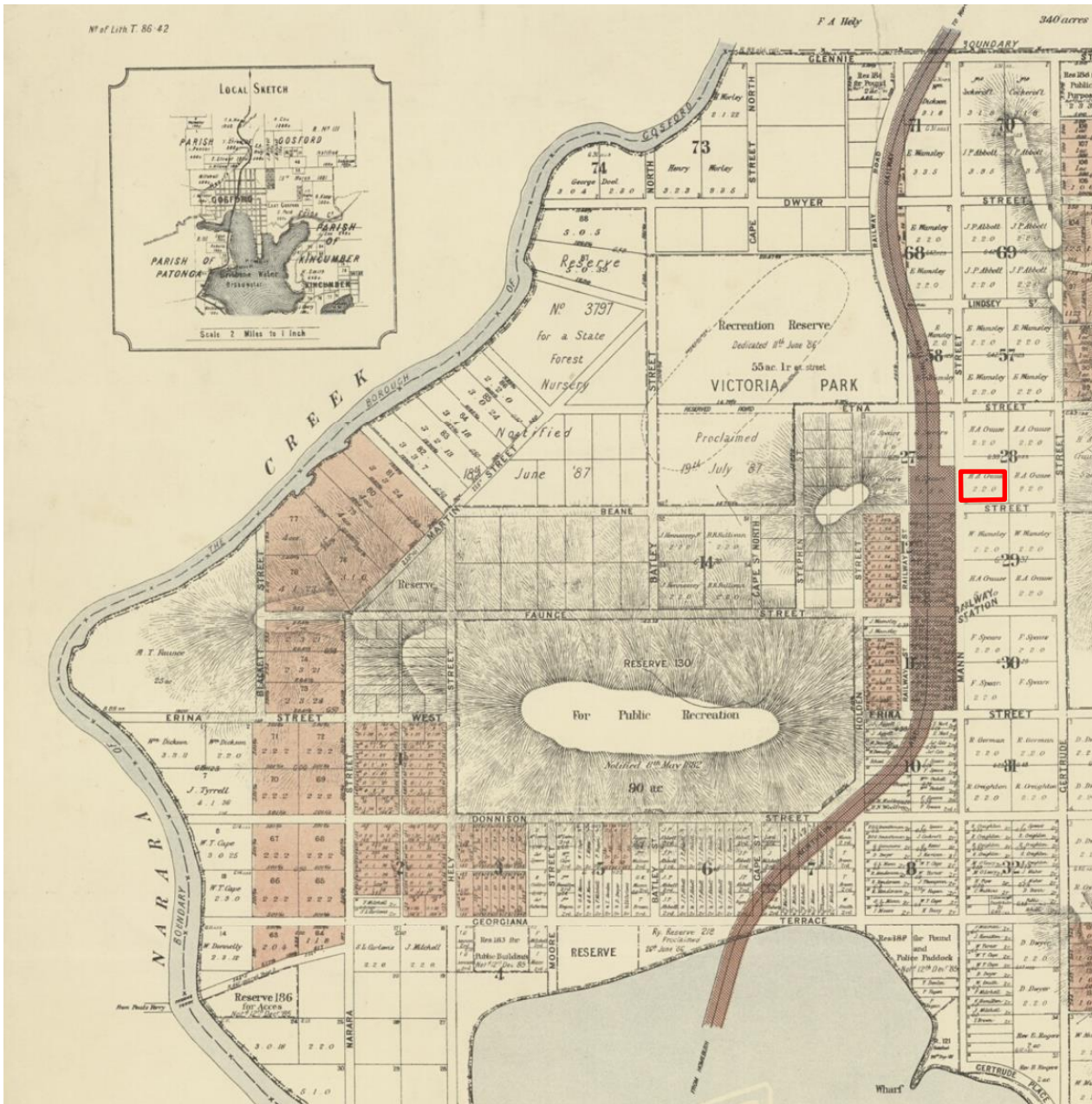


Figure 14 – 1886-1887 plan of the town of Gosford, showing grid pattern and development including train line. Subject area indicated in red.

Source: NSW Department of Lands, 1886, accessed SLNSW, Z/M3 811.259/GOSFORD/1887/1

5.6. CONCLUSIONS DRAWN FROM ENVIRONMENTAL CONTEXT

The following conclusions are drawn from the above assessment of the environmental context of the subject area:

- The topography of the subject area does not include any archaeologically sensitive topographic features, as defined in the Due Diligence Code of Practice (DECCW,2010).
- The subject area is located within the Erina soil landscape. The Erina soil landscape consists of moderately deep to deep soils. Rock outcrops are rarely present. The deep soils of the Erina soil landscape indicate that subsurface archaeological material may remain intact despite disturbance during phases of historical land use.

- While there are no longer any watercourses in closer proximity to the subject area, it is possible that prior to urban development the subject was in proximity to ephemeral drainage lines and wetlands fed by runoff from Mount Mouat to the south-east. The Erina soil landscape can be subject to seasonal waterlogging which may have provided ephemeral water sources. As such, the hydrology of the subject area may indicate archaeological sensitivity.
- Vegetation within the subject area consists of exotic species that were planted subsequent to development. An absence of mature remnant vegetation indicates the subject area will not retain any culturally modified trees.
- Current structures within the subject area largely appear to conform with the natural topography of the area, with the exception of the buildings fronting Mann Street which appear to have required bulk excavation towards the rear of the structures. The construction and demolition of buildings are likely to have had a moderate degree of impact on the upper layers of the natural soil profile. Deeper soils profiles if present may remain relatively intact.

5.7. TECHNICAL INVESTIGATIONS

5.7.1. Geotechnical Investigation

A geotechnical assessment was conducted by SMEC Testing Services for NSW Land & Housing Corporation in 2016 consisting of seven boreholes excavated within the carpark forming the eastern portion of the subject area. The geotechnical investigation report states that fill was observed to depths of 0.5 to 1.1 metres consisting primarily of a dark grey sandy clay/clayey sand with some gravel overlying stiff silty clays. While classified as fill from a geotechnical perspective, the above description suggests that the soil encountered may consist of truncated and disturbed natural soils. Further archaeological investigation will be necessary to establish whether Aboriginal cultural material remains in situ.

The western portion of the subject area which was not assessed during the geotechnical investigation will require further investigation to assess the potential for subsurface archaeology to be retained.

The borehole logs are summarised in Table 8 below, and the location of boreholes included in Figure 15.

Table 8 – Geotechnical Investigation results

Borehole	Depth	Description
1	0.0-0.12m	Concrete
	0.12-0.80m	Sandy Clay/Clayey Sand: dark grey, some fine to medium grained sand, trace of fine gravel
	0.8-2.0m	Silty Clay: Orange brown, medium plasticity
	2.0-3.0m	Silty Clay: light grey, medium plasticity
2	0.0-0.1m	Concrete
	0.1-0.5m	Sandy clay/clayey sand: grey/dark grey, trace of fine to medium grained sand
	0.5-1.4m	Silty clay: orange brown, medium to high plasticity
	1.4-3.0m	Silty clay: grey with orange brown, medium plasticity
3	0.0-0.1m	Concrete
	0.1-0.7m	Sandy clay/clayey sand: grey/dark grey, trace of fine to medium grained sand
	0.7-1.1m	Silty clay: orange brown, medium plasticity, trace of fine to medium grained sand
	1.1-3.0m	Silty Clay: orange brown, medium plasticity
4	0.0-0.1m	Concrete
	0.1-0.7m	Sandy clay: grey/dark grey, fine to medium grained sand
	0.7-1.3m	Clayey sand: grey, fine to medium grained
	1.3-3.0m	Silty clay/sandy clay: orange brown with grey, fine to medium grained sand
5	0.0-0.1m	Concrete
	0.1-1.1m	Sandy gravelly clay: dark grey, fine to medium grained sand, fine gravel.

Borehole	Depth	Description
	1.1-3.0m	Sandy clay: orange brown, fine to medium grained
6	0.0-0.2m	Gravel/sand: red brown, fine grained, fine to medium grained sand
	0.2-0.7m	Sandy gravelly clay: dark grey
	0.7-3.0m	Silty clay: orange brown, medium to high plasticity
7	0.0-0.12m	Concrete
	0.12-0.8m	Sandy clay/clayey sand: dark grey, some fine to medium grained sand, trace of fine gravel
	0.8-2.0m	Silty clay: orange brown, medium plasticity
	2.0-3.0m	Silty Clay: orange brown, medium plasticity

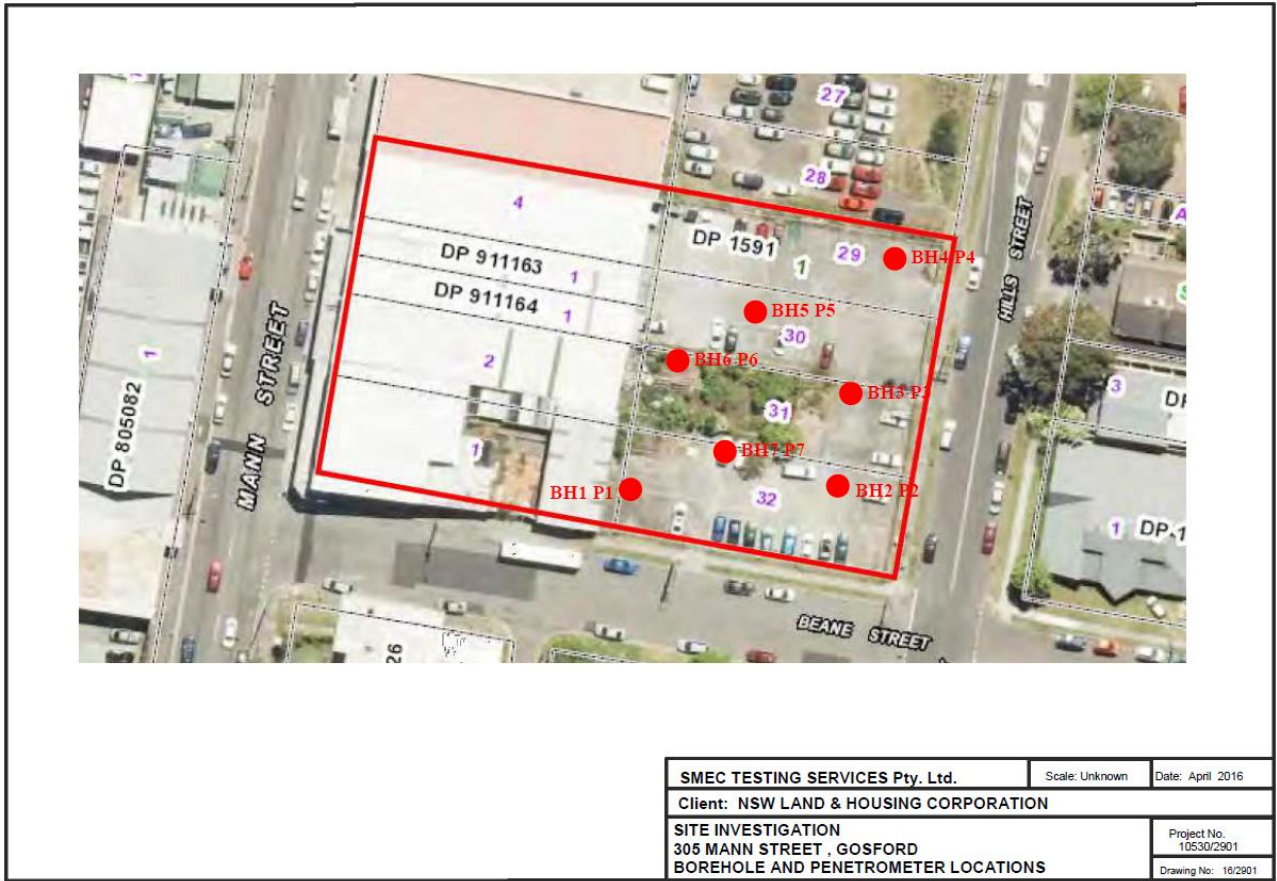


Figure 15 – Geotechnical borehole locations

5.7.2. Site Inspection and Meeting

A separate communication was sent on 26 October 2022 to invite RAPs to attend a site visit.

The site survey and meeting were conducted by Meggan Walker (Senior Archaeologist) and Owen Barrett (Archaeologist) on the 2 November 2022. The RAPs present at the site inspection and meeting are listed in Table 9. Also in attendance were David Quayle of the University of Newcastle and Simone O'Connor and Bailey Trigg of APP Group.

Table 9 – RAPs in attendance at site inspection and meeting

Group	Representative
Darkinjung LALC	Jacob Cain
Darkinjung LALC	Luke Smith
Lower Hunter Aboriginal Incorporated	Eva Haynes
Lower Hunter Aboriginal Incorporated	Alicia Caccamo

The purpose of the site survey and meeting was to conduct a thorough briefing with the RAPs about the proposed development, to conduct a walkover of the subject area with the RAPs, to discuss the information provided in the Stage 2/3 document provided and to discuss potential archaeological mitigation strategies.

During the site survey RAPs were given the opportunity to provide verbal feedback. No specific feedback was given in relation to the subject area. The RAPs agreed with the recommendation for test excavation and added that they would like to be present to monitor the removal of hardstand for the exposure of soils below.

The subject area was inspected to assess predictions of the desktop study as to the level of ground disturbance and the potential for the original soil profile to remain intact. The visual inspection confirmed the predictions in Section 5.5 which discusses historic ground disturbance. The western portion of the study area which contains the Mitre 10 building is determined to have required bulk earthworks towards the rear of the structures (Figure 16), however, internal floor levels are staggered which may have mitigated this disturbance (Figure 17). The garage on the southern boundary displays a cut and fill levelling method which will have caused minimal disturbance to deeper soil profiles (Figure 18). The eastern portion of the subject area which currently consists of concrete hardstand generally conforms to the topography of the surrounding area and therefore appears to have not been subjected to a high level of ground disturbance (Figure 19). Varying ground levels adjacent to the subject area appear to indicate more recent approaches to levelling of the surrounding area. Figure 20 suggests the importation of fill to create a level surface for Beane Street and the pedestrian footpath. Figure 21 shows the change in level in the Lot to the north of the subject area in which bulk earth removal has created a surface approximately level to the Mann Street frontage.



Figure 16 – Variation in levels indicating ground disturbance. View north east.

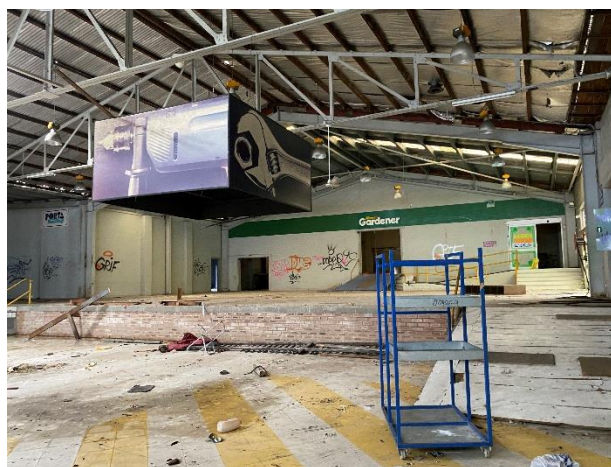


Figure 17 – Internal variation in levels.



Figure 18 – Cut and fill levelling. Southern boundary.



Figure 19 – Hardstand conforms to landscape topography.



Figure 20 – Beane Street raised to create level surface.



Figure 21 – Adjacent property cut down to create a level surface.

6. PREDICTIVE MODEL

A predictive model may be used to estimate the nature and distribution of evidence of Aboriginal land use in a subject area. A predictive model should consider variables that may influence the location, distribution and density of sites, features or artefacts within a subject area. Variables typically relate to the environment and topography, such as soils, landscape features, slope, landform and cultural resources.

The general process archaeologists employ to determine the likelihood of any particular site type (artefact scatter, shelter, midden etc) occurring within a given subject area requires the synthesis of information for general distribution of archaeological sites within the wider area including:

- Detailed analysis of previous archaeological investigations within the same region.
- Presence or absence of landscape features that present potential for archaeological resources (human occupation, use) such as raised terraces adjacent to permeant water.
- Analysis of the geology and soil landscape within the subject area which allows for a determination to be made of the type of raw material that would have been available for artefact production (silcrete, tuff, quartz etc) and the potential for the accumulation of archaeological resource within the subject area.
- Investigation of and determination of the level of disturbance/historical land use within the subject area which may impact on or remove entirely any potential archaeological material.

An indicative process of determining the likelihood of a given site occurring within a subject area is provided in Table 10 below.

Table 10 – Indicative process for determining the potential presence of a site

Likelihood	Indicative subject area context	Indicative action
High	Low level of ground disturbance in combination with at least one archaeologically sensitive landscape feature or Aboriginal object (either registered or newly identified) within the subject area.	Detailed archaeological investigation including but not limited to survey, test excavation and potentially (depending on density and/or significance of archaeological deposit) salvage excavation.
Moderate	Moderate level of ground disturbance in combination with at least one archaeologically sensitive landscape feature or Aboriginal object (either registered or newly identified) within the subject area.	Detailed archaeological investigation including but not limited to survey, test excavation and potentially (depending on density and/or significance of archaeological deposit) salvage excavation.
Low	High level of ground disturbance in combination with at least one archaeologically sensitive landscape feature or Aboriginal object (either registered or newly identified) within the subject area.	Employ chance finds procedure and works can continue without further archaeological investigation.
Nil	Complete ground disturbance (i.e. complete removal of natural soil landscape); or no archaeologically sensitive landscape features and no archaeological sites within subject area.	Employ chance finds procedure and works can continue without further archaeological investigation.

6.1. TYPICAL SITE TYPES

A range of Aboriginal site types are known to occur within New South Wales. Site types that are typically encountered in the Cumberland Plain are described below.

Art sites can occur in the form of rock engravings or pigment on sandstone outcrops or within shelters. An engraving is some form of image which has been pecked or carved into a rock surface. Engravings typically vary in size and nature, with small abstract geometric forms as well as anthropomorphic figures and animals also depicted. In the Sydney region engravings tend to be located on the tops of Hawkesbury Sandstone ridges where vistas occur. Pigment art is the result of the application of material to a stone to leave a distinct impression. Pigment types include ochre, charcoal and pipeclay. Pigment art within the Sydney region is usually located in areas associated with habitation and sustenance.

Artefact Scatters/Camp Sites represent past Aboriginal subsistence and stone knapping activities and include archaeological remains such as stone artefacts and hearths. This site type usually appears as surface scatters of stone artefacts in areas where vegetation is limited, and ground surface visibility increases. Such scatters of artefacts are also often exposed by erosion, agricultural events such as ploughing, and the creation of informal, unsealed vehicle access tracks and walking paths. These types of sites are often located on dry, relatively flat land along or adjacent to rivers and creeks. Camp sites containing surface or subsurface deposit from repeated or continued occupation are more likely to occur on elevated ground near the most permanent, reliable water sources. Flat, open areas associated with creeks and their resource-rich surrounds would have offered ideal camping areas to the Aboriginal inhabitants of the local area.

Bora / Ceremonial Sites are locations that have spiritual or ceremonial values to Aboriginal people. Aboriginal ceremonial sites may comprise natural landforms and, in some cases, will also have archaeological material. Bora grounds are a ceremonial site type, usually consisting of a cleared area around one or more raised earth circles, and often comprised of two circles of different sizes, connected by a pathway, and accompanied by ground drawings or mouldings of people, animals or deities, and geometrically carved designs on the surrounding trees.

Burials of the dead often took place relatively close to camp site locations. This is due to the fact that most people tended to die in or close to camp (unless killed in warfare or hunting accidents), and it is difficult to move a body long distance. Soft, sandy soils on, or close to, rivers and creeks allowed for easier movement of earth for burial; and burials may also occur within rock shelters or middens. Aboriginal burial sites may be marked by stone cairns, carved trees or a natural landmark. Burial sites may also be identified through historic records or oral histories.

Contact Sites are most likely to occur in locations of Aboriginal and settler interaction, such as on the edge of pastoral properties or towns. Artefacts located at such sites may involve the use of introduced materials such as glass or ceramics by Aboriginal people or be sites of Aboriginal occupation in the historical period.

Grinding Grooves are the physical evidence of tool making or food processing activities undertaken by Aboriginal people. The manual rubbing of stones against other stones creates grooves in the rock; these are usually found on flat areas of abrasive rock such as sandstone. They may be associated with creek beds, or water sources such as rock pools in creek beds and on platforms, as water enables wet-grinding to occur.

Isolated Finds represent artefactual material in singular, one-off occurrences. Isolated finds are generally indicative of stone tool production, although can also include contact sites. Isolated finds may represent a single item discard event or be the result of limited stone knapping activity. The presence of such isolated artefacts may indicate the presence of a more extensive, in situ buried archaeological deposit, or a larger deposit obscured by low ground visibility. Isolated artefacts are likely to be located on landforms associated with past Aboriginal activities, such as ridgelines that would have provided ease of movement through the area, and level areas with access to water, particularly creeks and rivers.

Middens are indicative of Aboriginal habitation, subsistence and resource extraction. Midden sites are expressed through the occurrence of shell deposits of edible shell species often associated with dark, ashy soil and charcoal. Middens often occur in shelters, or in eroded or collapsed sand dunes. Middens occur along the coast or in proximity to waterways, where edible resources were extracted. Midden may represent a single meal or an accumulation over a long period of time involving many different activities. They are also often associated with other artefact types.

Modified Trees are evidence of the utilisation of trees by Aboriginal people for various purposes, including the construction of shelters (huts), canoes, paddles, shields, baskets and bowls, fishing lines, cloaks, torches

and bedding, as well as being beaten into fibre for string bags or ornaments. The removal of bark exposes the heart wood of the tree, resulting in a scar. Trees may also have been scarred in order to gain access to food resources (e.g. cutting toeholds so as to climb the tree and catch possums or birds), or to mark locations such as tribal territories. Such scars, when they occur, are typically described as scarred trees. These sites most often occur in areas with mature, remnant native vegetation. The locations of scarred trees often reflect an absence of historical clearance of vegetation rather than the actual pattern of scarred trees. Carved trees are different from scarred trees, and the carved designs may indicate totemic affiliation; they may also have been carved for ceremonial purposes or as grave markers.

Potential Archaeological Deposits (PADs) are areas where there is no surface expression of stone artefacts, but due to a landscape feature there is a strong likelihood that the area will contain buried deposits of stone artefacts. Landscape features which may feature in PADs include proximity to waterways, particularly terraces and flats near third order streams and above; ridge lines, ridge tops and sand dune systems.

Shelters are places of Aboriginal habitation. They take the form of rock overhangs which provided shelter and safety to Aboriginal people. Suitable overhangs must be large and wide enough to have accommodated people with low flooding risk. Due to the nature of these sites, with generic rock overhangs common particularly in areas with an abundance of sandstone, their use by Aboriginal people is generally confirmed through the correlation of other site types including middens, art, PAD and/or artefactual deposits.

6.2. ASSESSMENT OF ARCHAEOLOGICAL POTENTIAL

The likelihood of the site types described in 6.1 above occurring within the present subject area is assessed in Table 11 below.

Table 11 – Predictive Model

Site Type	Assessment	Potential
Art	The study area does not contain any landscape features indicative of the potential for art.	Nil
Artefact Scatters / Campsites	The possibility of historical ephemeral water sources in proximity to the subject area increases the likelihood of Artefact Scatters and Campsites (Section 5.3). Historical ground disturbance, however, is likely to have impacted the upper soil profile.	Low - Moderate
Bora / Ceremonial	Historical disturbance from pastoral activities and development of the subject site are likely to have removed any evidence of bora grounds.	Nil
Burial	The Erina soil profile consists of deep silty/sandy deposits which may be conducive to burials. Historical ground disturbance, however, will have reduced the likelihood that burials will remain intact within the subject area.	Low
Contact site	Gosford did not become a focal point for settlement until the late 1830s, remaining largely undeveloped by European settlers until the 1840s. The construction of the trainline in 1887 resulted in intensification of settlement, including the sale and development of the subject area. As such, there is low potential for contact archaeology to occur as European settlers were generally scarce in the region until the latter portions of the 19 th century and outside of the period generally accepted as the 'contact' period.	Nil

Site Type	Assessment	Potential
Grinding Grooves	The subject area does not contain any visible sandstone outcrops, nor are there water sources directly within the subject area.	Nil
Isolated Finds	The possibility of historical ephemeral water sources in proximity to the subject area increases the likelihood of Isolated Finds (section 5.3). Historical ground disturbance, however, is likely to have impacted the upper soil profile.	Low - Moderate
Midden	The subject area is not close to a major waterway. Historical ephemeral water courses in proximity to the subject area is unlikely to have been a source of shellfish for Aboriginal people.	Nil
Modified Trees	All current vegetation within the subject area appears to be regrowth following development of the subject area.	Nil
PAD	The possibility of historical ephemeral water sources in proximity to the subject area increases the likelihood of PAD (Section 5.3). Historical ground disturbance, however, is likely to have impacted the upper soil profile.	Low - Moderate
Shelters	The subject area does not contain any rock overhangs suitable for shelters.	Nil

6.3. SUMMARY

The assessments of the archaeological and environmental contexts of the subject area are summarised as follows:

- Previous archaeological assessments in the Gosford area indicate the impact of modern development in urban areas on subsurface archaeological deposits. As disturbance increases, archaeological potential decreases.
- There are no Aboriginal sites registered on AHIMS within the subject area.
- The subject area does not contain landscape features indicative of archaeological potential within the subject area for the most frequent AHIMS site types in the area such as Shelters, Art or Middens. There does, however, remain a possibility that Aboriginal objects such as stone tools remain in situ within the subject area.
- The topography of the subject area does not include any archaeologically sensitive topographic features, as defined in the Due Diligence Code of Practice (DECCW,2010).
- The subject area is located within the Erina soil landscape. The Erina soil landscape consists of moderately deep to deep soils. Rock outcrops are rarely present. The deep soils of the Erina soil landscape indicate that subsurface archaeological material may remain intact despite disturbance during phases of historical land use.
- While there are no longer any watercourses in closer proximity to the subject area, it is possible that prior to urban development the subject was in proximity to ephemeral drainage lines and wetlands fed by runoff from Mount Mouat to the south-east. The Erina soil landscape can be subject to seasonal waterlogging which may have provided ephemeral water sources. As such, the hydrology of the subject area may indicate archaeological sensitivity.

- Vegetation within the subject area consists of exotic species that were planted subsequent to development. An absence of mature remnant vegetation indicates the subject area will not retain any culturally modified trees.
- Current structures within the subject area largely appear to conform with the natural topography of the area, with the exception of the buildings fronting Mann Street which appear to have required bulk excavation towards the rear of the structures. The construction and demolition of buildings are likely to have had a moderate degree of impact on the upper layers of the natural soil profile. Deeper soils profiles if present may remain relatively intact.
- Due to the possibility that subsurface soils remain intact, proximity to potential historical ephemeral watercourses, the subject area has low to moderate to high potential for Artefact Scatters / Campsites, Isolated Finds and PADs.
- The potential for other site types ranges from nil to low owing to an absence of associated landscape features.

7. SIGNIFICANCE ASSESSMENT

The following is an assessment and discussion of the cultural significance of the subject area, made in consultation with the RAPs. The assessment follows principles and procedures outlined in the Burra Charter the Assessment Guidelines.

The Burra Charter defines cultural significance as being derived from the following values: social or cultural value, historic value, scientific value and aesthetic value. Aesthetic, historic, scientific and social values are commonly interrelated. All assessments of heritage values occur within a social and historic context. Therefore, all potential heritage values will have a social component.

Assessment of each value should be graded in terms that allow the significance to be described and compared (e.g. high, moderate, or low). In applying these criteria, consideration should be given to:

- Research potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
- Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- Rarity: is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
- Education potential: does the subject area contain teaching sites or sites that might have teaching potential?

Heritage significance is assessed by considering each cultural or archaeological site against the significance criteria set out in the Assessment Guidelines. The Assessment Guidelines require that the assessment and justification in a statement of significance includes a discussion of whether any value meets the following criteria:

- Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value.
- Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value.
- Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state? – scientific (archaeological) value.
- Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – aesthetic value.

7.1. ASSESSMENT OF HERITAGE VALUES

The following assessment of the social or cultural, historic, scientific and aesthetic values of the subject area has been prepared in accordance with the Assessment Guidelines.

In acknowledgment that the Aboriginal community themselves are in the best position to identify heritage values, the assessment is informed by consultation with the Aboriginal community. Consultation with Aboriginal people should provide insight into past events. The RAPs were invited to provide comment and input into this ACHAR and to the assessment of cultural heritage values for the subject area, as documented in this report. Any culturally sensitive values identified have not been explicitly included in the report or made publicly available. Any such values would be documented and lodged with the knowledge holder providing the information.

7.1.1. Social or Cultural Value

Social or cultural value encompasses the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods, or events. Communities can experience a sense of loss should a place of social or cultural value be damaged or destroyed. Social or cultural values can therefore only be identified through consultation with Aboriginal people.

Comments received from the representatives of the project RAPs do not specifically refer to the subject area although responses indicate that the Gosford area is significant to Aboriginal People, both past and present, due to familial connections with the Central Coast (see Section 3.3.1).

Steven Johnson of Woka Aboriginal Corporation notes that *'We are Aboriginal people and I have lived all around the area. I have ran businesses in the area. My connections are my heritage my years and years of doing this work. My connection of my life of living in the area. Therefore those previous mentions are my connections'*.

Marilyn Carroll-Johnson of Corroboree Aboriginal Corporation states *'We as "Aboriginal people" are traditional owners/First People. Being Aboriginal people whose family have lived in the area and surrounding areas, we connect or the area. We have worked on projects in the area for many years.'*

Kerrie Brauer of Awabakal Traditional Owners Aboriginal Corporation states *'The Central Coast Region is part of our Traditional Awabakal & Guringai Country and is considered by our People to be of great importance within our Cultural Heritage. These areas have not just a physical presence within the Cultural Heritage of our Peoples', but it is part of our oral history and a place of spiritual significance. The landforms and resources of this locale fulfilled not just the basic needs that underpinned our Peoples subsistence but also satisfied the many other aspects that made up what can be described here as being part of the Cultural foundations of our Peoples'*.

Based on the evidence obtained during the consultation process, the subject area is determined to have social and cultural value to the Aboriginal community due their ongoing familial connections with the wider cultural landscape.

7.1.2. Historic Value

Historic value encompasses the history of aesthetics, science and society. A place may have historic value because it is associated with a historic figure, event, phase or activity in an Aboriginal community. The significance of a place will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. Places may also have 'shared' historic values with other (non-Aboriginal) communities.

Places of post-contact Aboriginal history have generally been poorly recognised in investigations of Aboriginal heritage. Consequently, the Aboriginal involvement and contribution to important regional historical themes is often missing from accepted historical narratives. For this reason, it is often necessary to collect oral histories along with archival or documentary research to gain a sufficient understanding of historic values.

There is nil potential for contact sites within the subject area and no evidence of association with an important figure, event, phase or activity related to Aboriginal cultural heritage. It is therefore considered unlikely that the subject area has any historic value.

7.1.3. Scientific (Archaeological) Value

Scientific value relates to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific value will be gathered through any archaeological investigation undertaken. Archaeological investigations must be carried out according to the Code of Practice.

The scientific value of the subject area is not currently able to be known, although it has been determined that the subject area has a low to moderate potential for Aboriginal objects to occur in a subsurface capacity. An assessment of scientific value should be completed following excavation and form part of post-excavation reporting.

7.1.4. Aesthetic Value

Aesthetic value of a place relates to the sensory, scenic, architectural and creative aspects of a place. It may include visual aspects, such as form, scale, colour, texture and material of the fabric, and the smells and sounds associated with the place and its use.

No specific comments relating to aesthetic value have been identified by RAPs during consultation. It is noted that the subject area represents a modified urban landscape with incursions from former historic uses.

It is unlikely that the sensory aspects of the subject area in its present form resemble those prior to historical development. It is therefore unlikely that the subject area as a whole has any aesthetic value. However, aesthetic value may reside in any as yet unknown archaeological remains within the subject area. Therefore, an accurate assessment of aesthetic is not possible without further investigation.

7.2. STATEMENT OF SIGNIFICANCE

Based on the evidence obtained during the consultation process, the subject area is determined to have social and cultural value to the Aboriginal community because of its association with the broader cultural landscape. Without further investigation of the subject area it is difficult to determine to what degree that value translates to social and cultural significance for the subject area specifically.

The scientific value and aesthetic value of the subject area cannot be determined without further investigation. However, it is anticipated that the subject area has low to moderate potential for subsurface Aboriginal objects. This determination is based on the presence of deep soils which may retain potential despite historic ground disturbance, as well as the possibility that the subject area was proximity to ephemeral water sources prior to European modification of the landscape.

It is therefore recommended that an archaeological test excavation program be undertaken. The proposed archaeological test excavation would provide an opportunity to ensure that any original soil profiles and their archaeological potential, are properly investigated. This will ensure that any identified archaeological resources are managed and salvaged if harm cannot be avoided. The analysis and interpretation of any identified Aboriginal archaeological resources would provide opportunity for the Aboriginal and the general community to understand and appreciate the history of the area.

8. IMPACT ASSESSMENT

The following is an assessment of the potential impact of the proposed development on any Aboriginal objects and/or Aboriginal places within the subject area and the possible strategies for avoiding or minimising harm to those Aboriginal objects and/or Aboriginal places.

The potential harm to Aboriginal objects and Aboriginal places that is likely to be caused by a proposed activity is the effect of that activity on the Aboriginal heritage values identified above. According to the NPW Act, "harm" to an object or place includes any act or omission that:

- Destroys, defaces, or damages the object or place.
- Moves the object from the land on which it had been situated.
- Causes or permits the object or place to be harmed.

Harm does not include something that is trivial or negligible, such as picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on or off a track, picnicking, camping or other similar recreational activities.

The Assessment Guidelines define harm to Aboriginal objects and Aboriginal places as being either direct or indirect:

- **Direct harm** may occur as the result of any activity which disturbs the ground including, but not limited to, site preparation activities, installation of services and infrastructure, roadworks, excavation, flood mitigation measures.
- **Indirect harm** may affect sites or features located immediately beyond or within the area of the proposed activity. Examples include, but are not limited to, increased impact on art in a shelter from increased visitation, destruction from increased erosion and changes in access to wild food resources.

The present assessment of potential harm follows the principles of ecologically sustainable development (ESD), in particular the precautionary principle and the principle of inter-generational equity:

- The **precautionary principle** states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.
- The **principle of inter-generational equity** holds that the present generation should make every effort to ensure the health, diversity and productivity of the environment, which includes cultural heritage, is available for the benefit of future generations. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will result in an incomplete archaeological record and will negatively affect intergenerational equity.

Consideration of potential harm to Aboriginal objects and Aboriginal places according to ESD principles allows for an understanding of the cumulative impact of the proposed activity and an understanding of how harm can be avoided or minimised, if possible.

8.1. ASSESSMENT OF POTENTIAL HARM

The potential harm to Aboriginal cultural heritage arising from the proposed works relates to the bulk earthworks within the subject area (Figure 5).

While no Aboriginal objects are known to exist within the subject area, this assessment has concluded that there is a low to moderate potential for Artefact Scatters / Campsites, Isolated Finds and PADs within the subject area.

Based on the above, harm to the Aboriginal objects which may occur in the subject area will be direct and complete across the majority of the subject area.

The principle of inter-generational equity (IGE) holds that the present generation should make every effort to ensure the health, diversity and productivity of the environment – which includes cultural heritage – is available for the benefit of future generations.

Cumulative impact of any development on Aboriginal sites assesses the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area. For example, if an

artefact scatter is destroyed in the course of a proposed development, how many artefact scatters are likely to remain in that area and how will the destruction of that site affect the overall archaeological evidence remaining in that area? If a site type that was once common in an area becomes rare, the loss of that site (and site type) will affect our ability to understand past Aboriginal land uses, will result in an incomplete archaeological record and will negatively affect intergenerational equity.

As discussed in Section 7 above, the Aboriginal heritage values that exist within the subject area cannot be fully assessed without further knowledge of subsurface conditions. It is therefore recommended that an archaeological test excavation program be undertaken to determine the cumulative impact of the proposed development, if any.

8.2. AVOIDING AND MINIMISING OF HARM

All practicable measures must be taken to avoid harm and conserve any significant Aboriginal objects and/or Aboriginal places, along with their cultural heritage values. Avoidance and conservation measures must be feasible and within the financial viability of the proposed activity.

Avoidance of harm to any potential Aboriginal objects within the subject area is determined to be unfeasible owing to the extent of the proposed works, which will include significant ground disturbing activities. As such, harm mitigation measures including the preparation of further reporting and undertaking of archaeological field methodologies including test and salvage excavation should be applied. Due to the presence of the heritage-listed Mitre 10 building and extant hardstand, hand excavation under the Code of Practice prior to approval of SSD-47749715 is not possible, as excavation is not able to be undertaken through the use of hand tools until such a time as the hardstand is mechanically removed. As such, excavation should be undertaken following approval of SSD-47749715 and as a Condition of Consent for the SSDA.

An Archaeological Research Design (ARD) and Excavation Methodology (EM) should be developed to inform and guide archaeological test and, if required, salvage excavation at the subject site. As part of the ARD and EM, specific questions should be developed in relation to any Aboriginal archaeological resource that might be encountered and how Aboriginal people might have used the subject area in the past. This report should be developed in consultation with the RAPs, and include a protocol for the handling of any Aboriginal objects and archaeological resources that might be uncovered during the works.

A staged archaeological test excavation program should then be undertaken in accordance with the developed ARD&EM, to determine the cumulative impact of the proposed development, if any. A salvage excavation should be undertaken if the test excavation encounters subsurface Aboriginal archaeological remains. The subsurface archaeological investigation program should be undertaken by appropriately qualified archaeologists with the participation of nominated Aboriginal RAPs. The excavation should be undertaken following the removal of hardstand at the subject area, and therefore cannot be undertaken without the approval of SSD-47749715.

The results of the excavation program should be detailed in a post-excavation report to be provided to Heritage NSW on the completion of the works. Bulk excavation works should not occur prior to the completion of archaeological works and without the approval of the supervising archaeologist. Further recommendations on the basis of the findings of the field investigations should be made within the post excavation report, including in relation to the management or interpretation any Aboriginal objects identified. Further recommendations could include the *in situ* retention of significant deposits through redesign if required.

In the unlikely event that human remains are uncovered during the archaeological excavation program or the proposed works, the following steps must be followed:

1. All works within the vicinity of the find must immediately stop. The find must be cordoned-off and signage installed to avoid accidental impact.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.

To ensure the ongoing opportunity for Aboriginal community input in harm minimisation strategies, consultation with RAPs should continue until the completion of the proposed development.

9. CONCLUSIONS & RECOMMENDATIONS

The ACHA concluded that:

- There are no Aboriginal sites registered on AHIMS within the subject area.
- The subject area does not contain landscape features indicative of archaeological potential within the subject area for the most frequent AHIMS site types in the area such as Shelters, Art or Middens. There does, however, remain a possibility that Aboriginal objects such as lithic artefacts remain in situ within the subject area.
- The topography of the subject area does not include any archaeologically sensitive topographic features, as defined in the Due Diligence Code of Practice (DECCW,2010).
- The subject area is located within the Erina soil landscape. The Erina soil landscape consists of moderately deep to deep soils. Rock outcrops are rarely present. The deep soils of the Erina soil landscape indicate that subsurface archaeological material may remain intact despite disturbance during phases of historical land use.
- While there are no longer any watercourses in closer proximity to the subject area, it is possible that prior to urban development the subject area was in proximity to ephemeral drainage lines and wetlands fed by runoff from Mount Mouat to the south-east. The Erina soil landscape can be subject to seasonal waterlogging which may have provided ephemeral water sources. As such, the hydrology of the subject area may indicate archaeological sensitivity.
- Vegetation within the subject area consists of exotic species that were planted subsequent to development. An absence of mature remnant vegetation indicates the subject area will not retain any culturally modified trees.
- Current structures within the subject area largely appear to conform with the natural topography of the area, with the exception of the buildings fronting Mann Street which appear to have required bulk excavation towards the rear of the structures. The construction and demolition of buildings are likely to have had a moderate degree of impact on the upper layers of the natural soil profile. Deeper soils profiles if present may remain relatively intact. Previous archaeological assessments in the Gosford area indicate the impact of modern development in urban areas on subsurface archaeological deposits. As disturbance increases, archaeological potential decreases.
- While a geotechnical assessment conducted by SMEC Testing Services for NSW Land & Housing Corporation in 2016 classified the soil profile encountered as fill from a geotechnical perspective, the description suggests that the soil encountered may consist of truncated and disturbed natural soils. Archaeological investigation will be necessary to establish whether Aboriginal cultural material remains in situ.
- Due to the possibility that subsurface soils remain intact and proximity to potential historical ephemeral watercourses, the subject area has low to moderate potential for Artefact Scatters / Campsites, Isolated Finds and PADs.
- The potential for other site types ranges from nil to low owing to an absence of associated landscape features.
- A statement of significance cannot be made in relation to the subject area without further knowledge of subsurface conditions.
- The proposed works will include bulk excavation across the subject area and will therefore have a direct impact on potential Aboriginal objects.
- RAPs provided comment on the Stage 4 ACHA and Archaeological Research Design & Excavation Methodology which indicated their support of the project and proposed methodology.
- The subject area is currently occupied by hardstand and the heritage listed Mitre 10 store. As such, test excavation cannot be undertaken without consent to remove the hardstand and demolish the extant structures. Therefore, excavation has been recommended to be undertaken following approval of SSD-47749715.

Based on the above conclusions, Urbis recommends the following:

1. A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-47749715.
2. An Archaeological Research Design (ARD) and Excavation Methodology (EM) should be developed to inform and guide archaeological test and, if required, salvage excavation at the subject site. As part of the ARD and EM, specific questions should be developed in relation to any Aboriginal archaeological resource that might be encountered and how Aboriginal people might have used the subject area in the past. This report should be developed in consultation with the RAPs and include a protocol for the handling of any Aboriginal objects and archaeological resources that might be uncovered during the works.
3. A staged archaeological test excavation program be undertaken in accordance with the developed ARD&EM, to determine the cumulative impact of the proposed development, if any. A salvage excavation should be undertaken if the test excavation encounters subsurface Aboriginal archaeological remains. The subsurface archaeological investigation program should be undertaken by appropriately qualified archaeologists with the participation of nominated Aboriginal RAPs. The excavation should be undertaken following the removal of hardstand at the subject area, and therefore cannot be undertaken without the approval of SSD-47749715.
4. Post-excavation reporting should be prepared following completion of the further archaeological excavation program, with further recommendations based on the findings of the investigation, including in relation to the management Care and Control and interpretation of any Aboriginal objects identified.
5. Consultation with RAPs should continue until the finalisation of the development and throughout the duration of the project to ensure the opportunity for community input.
6. Aboriginal Cultural Heritage Induction. It is recommended that induction materials be prepared for inclusion in site inductions for any contractors working at the subject area.
7. In the unlikely event that human remains are uncovered during any site works, the following must be undertaken:
 - 7.1. All works within the vicinity of the find immediately stop. The find must be cordoned-off and signage installed to avoid accidental impact.
 - 7.2. Site supervisor or other nominated manager must notify the NSW Police and DPE.
 - 7.3. The find must be assessed by the NSW Police, and may include the assistance of a qualified forensic anthropologist.
 - 7.4. Management recommendations are to be formulated by the Police, DPE and site representatives.
 - 7.5. Works are not to recommence until the find has been appropriately managed.

10. REFERENCES

Archaeological Management & Consulting Group (AMAC) 2019, *Baseline Archaeological Assessment, Central Coast Quarter, 26 Mann St, Gosford, NSW*

Attenbrow, V. 2010, *Sydney's Aboriginal Past, 2nd Edition*, University of New South Wales Press, Sydney: Australia.

Australia ICOMOS Incorporated, 2013. *The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance*.

Clarkson, C., Jacobs, Z., Marwick, B., Fullagar, R., Wallis, L., Smith, M., Roberts, R.G., Hayes, E., Lowe, K., Carah, X., Florin, S.A., McNeil, J., Cox, D., Arnold, L.J., Hua, Q., Huntley, J., Brand, H.E.A., Manne, T., Fairbairn, A., Shulmeister, J., Lyle, L., Salinas, M., Page, M., Connell, K., Park, G., Norman, K., Murphy, T. and Pardoe, C. 2017, *Human occupation of northern Australia by 65,000 years ago*, *Nature*, vol. 547, pp. 306-310.

Department of Environment Climate Change and Water, 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

DECCW, 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

DECCW, 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*.

Environment Protection and Biodiversity Conservation Act 1999.

Hiscock, P. and Attenbrow, V. 2005. *Australia's Eastern Regional Sequence Revisited: Technology and Change at Capertee 3*. Oxford: BAR Monograph Series 1397 Archaeopress.

McCarthy, F. D., Brammell, E., and Noone, H. V. V. 1948. *The stone implements of Australia. Memoirs of the Australian Museum 9, 1-94*.

National Parks and Wildlife Act 1974.

National Parks and Wildlife Regulations 2009.

Office of Environment and Heritage, 2011. *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.

SMEC Testing Services, 2016. *Preliminary Site Investigation Report*.

Strom, B, 1982. *Gosford/Wyong History and Heritage*, Gosford District Historical Research and Heritage Association.

11. DISCLAIMER

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APPENDIX A

**BASIC AND EXTENSIVE AHIMS
SEARCH RESULTS**

APPENDIX B

**REGISTERED ABORIGINAL PARTY
CONSULTATION LOG**

APPENDIX C

**REGISTERED ABORIGINAL PARTY
CONSULTATION DOCUMENTS**

APPENDIX D

**RESEARCH DESIGN AND
METHODOLOGY**

