Aboriginal Heritage Management Plan
Kingfisher Park Estate, Fletcher

August 2007
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Prepared by
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on behalf of
Kingston Fletcher Pty Ltd

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1.0 Introduction

This Aboriginal Heritage Management Plan has been prepared as a partnership between the Kingston Fletcher Pty Ltd project team and Awabakal Local Aboriginal Land Council, to describe how Aboriginal heritage values will be protected during the development and occupation of the Kingfisher Park Estate, Fletcher. Awabakal Local Aboriginal Land Council has represented the Aboriginal community throughout the planning, assessment and implementation phases of the Estate.

Newcastle City Council granted Development Consent (DA 04/2732) for the Estate in August 2005. Condition A4.1 of the Development Consent requires that an officer or authorised representative of Awabakal Local Aboriginal Land Council is present during initial earthworks in the project area. This condition applies a recommendation made by ERM 2004 (see Section 2.2.4).

Newcastle City Council has also issued a construction Certificate for Stages 1 and 2 of the Estate (July 2006). The Estate comprises 257 residential lots, plus a community association lot and Public Reserve.

The location of the Estate, west of Wentworth Creek and south of the existing Highland County Estate, off Minmi Road at Fletcher, is shown in Figure 1.1. The proposed layout of residential lots, the community association lot and public reserve is shown in Figure 1.2.

Umwelt (Australia) Pty Ltd was commissioned to prepare the Aboriginal Heritage Management Plan on behalf of the Kingston Fletcher Pty Ltd project. Brett Stein (Asquith and de Witt) and Peter Bowles (McDonald Jones Homes) represented Kingston Fletcher Pty Ltd during discussion of the Plan format and content.

1.1 Proposed Development and Development Context

The Wallsend to Minmi corridor was a significant coal mining area from the late nineteenth century to mid twentieth century. Summerhill Waste Deport, for instance (to the south east of the currently proposed residential Estate), is located in an old open cut pit. The bushland in this area was logged for pit props and the vegetation across the proposed estate is regrowth spotted gum and iron bark. Examples of the vegetation of the project area, indicating an extensive level of past disturbance, are presented in Plates 1.1 and 1.2.

The ridgelines adjacent to the Minmi Road, south of Hexham Swamp, and extending from Maryland to Minmi are identified in the Newcastle Urban Strategy (2005) as a significant residential growth area for Newcastle. The Strategy indicates that between 3000 and 7000 new residents will be accommodated in the Maryland and Fletcher area by 2010. Previously approved residential estates in this growth corridor include Nikkinba Ridge, Highland County and Sanctuary. Kingfisher Park Estate is adjacent to the Highland County Estate. Views of Hexham Swamp and rural lands are noted as positive attributes of the general area, as are potential employment opportunities in the land around Summerhill (to the south of Kingfisher Park at Fletcher).

The structure of the Kingfisher Park Estate focuses development on three low to moderate gradient ridges, which are separated by the tributaries of Wentworth Creek (see Figure 1.2). The proposed estate is approximately 1km south of Hexham Swamp, and the outlook is over bushland and small creeks that are set within deep narrow valleys.
PLATE 1.1
Vegetation of the Project Area
Regrowth Spotted Gum Forest
(Tributary Creek)

PLATE 1.2
Vegetation of the Project Area
(Eastern Ridge)
Access to the new Estate will be via the ridge crest to the west and via an extension of County Drive (Highland County) with a new crossing over the tributary of Wentworth Creek. A large detention basin was constructed just downstream of this crossing as part of the Highland County development. The access points are shown in Figure 1.2. Plate 1.3 shows the location of the proposed new bridge at the extension of County Drive. After heavy rain, water backs up in the tributary creek past this point, retained by the existing detention basin.

The Estate has Public Reserve on three sides. These Reserves cover Wentworth Creek, the tributary of Wentworth Creek that separates Highland County Estate from Kingfisher Park Estate and the ridgeline to the south west of the Estate. Two small tributaries within the Estate (separating the developable land on the ridges) will remain as bushland reserves, managed as community property. A fire hazard reduction zone (approximately 10 metres wide), where some clearing of trees will be required, follows the entire boundary between the Estate and the adjoining bushland reserves.

The residential estate will be developed in stages, over approximately five years. As noted in Section 1.0, a construction certificate has been issued for Stages 1 and 2. The location of these stages is shown in Figure 1.2.

1.2 Purpose of the Plan

The Kingfisher Park, Fletcher Aboriginal Heritage Management Plan (KPFAHMP) sets out how Development Consent Condition A4.1 of Consent DA 04/2732 will be given effect.

However, the KPFAHMP has a more general purpose, which is to provide clear guidance to Kingston Fletcher Pty Ltd, their contractors and the Awabakal Local Aboriginal Land Council about actions that will be implemented to respect the Aboriginal cultural heritage of the land.

The Plan focuses on maintaining and sharing a live culture - the stories of the Pambalong people, rather than seeking to maintain all archaeological aspects of past culture through conservation of stone artefact sites. Notwithstanding this focus, the actions in the plan fully comply with the requirements of the National Parks and Wildlife Act 1974.

The plan concept is consistent with the Newcastle Urban Strategy (2005) which stresses the importance of communication between land owners and the City’s Aboriginal community, to celebrate and support the Aboriginal culture and heritage of the City.

1.2.1 Consultation with Department of Environment and Climate Change (DECC)

The KPFAHMP addresses the management of known Aboriginal cultural objects, including application for a Section 90 consent (Cultural Heritage Impact Permit) to cover the development area and an ongoing cultural observer and salvage program as initial earthworks are implemented for each stage of the Estate development. Approval of the Plan concept and specific statutory consents are required from DECC before the Plan can be implemented.

After a telephone conversation at the outset of the project, a briefing was sent to Brendan Diacono, Manager of the Conservation Unit of DECC Northern Directorate. The briefing provided advice about the project commencement, outlined the background of previous archaeological assessments of the project area and provided an overview of the proposed cultural heritage management rationales and activities. The briefing requested feedback from
DECC, to ensure that the Plan would be considered consistent with current DECC policy requirements and therefore minimise delays after the Plan was submitted for approval.

A copy of this briefing is included in Appendix 1.

Follow up phone calls to DECC revealed that written feedback could not be provided. During a telephone conversation with Diane Crosdale (Acting Manager, Conservation Unit) on 5 July 2007, it was recommended that the plan be prepared and submitted. It was also recommended that the Plan should include thorough documentation of the extent to which the local Aboriginal community had been involved in its preparation.

Information about the role of local Aboriginal community representatives in the preparation of the KPFAHMP is provided in Section 1.3. Copies of correspondence from Awabakal Local Aboriginal Land Council are included in Appendix 2. As noted in Section 1.0, this Plan has been prepared in response to a development Consent Condition which requires the involvement only of the Awabakal Local Aboriginal Land Council.

1.2.2 Plan Objectives

The objectives of the KPFAHMP have been identified in consultation with members of Awabakal Local Aboriginal Land Council. The Plan will:

- describe the traditional Aboriginal culture of the area and the evidence of cultural values and practices in the landscape;
- set out a strategy for respecting and communicating Aboriginal cultural heritage values to the incoming residents of the Estate;
- set out a strategy, agreed with the Awabakal Local Aboriginal Land Council, for collecting any stone artefacts (objects under the National Parks and Wildlife Act 1974) that may become visible during the development of each stage of the Estate;
- link the artefact collection strategy to a s90 application under the National Parks and Wildlife Act 1974;
- set out the roles and responsibilities of contractors and Land Council representatives during the development of the Estate and protocols for effective communication;
- specify certain situations where additional archaeological advice and consultation with the Department of Environment and Climate Change (DECC) are required;
- set out a strategy for future consultation with Awabakal Local Aboriginal Land Council in relation to the management of community land and Public Reserves; and
- address all requirements of Newcastle City Council and DECC with respect to Aboriginal cultural heritage.

1.3 Aboriginal Community Involvement in the Plan Making Process

The most recent Aboriginal archaeology study at Kingfisher Park Estate, Fletcher was prepared by ERM (2004). At that time, Awabakal Local Aboriginal Land Council represented the Aboriginal community. A Land Council Sites Officer (Kevin Gordon) participated in the
field survey. The Land Council provided input about the significance of the archaeological sites and their ongoing management.

In December 2004, DECC (then DEC) released new Interim Guidelines for consultation with Aboriginal communities, which, for new projects, require a range of consultation activities, such as advertising of opportunities to be consulted in relation to the preparation of Aboriginal cultural heritage assessments and management planning.

In this particular case, the KPFAHMP has been prepared (in part) to meet a specific Newcastle City Council development consent condition, which requires the participation only of Awabakal Local Aboriginal Land Council. Other actions in the Plan give effect to recommendations made by ERM (2004), after consultation with Awabakal Local Aboriginal Land Council. Consultation during the preparation of the KPFAHMP has therefore focused on the views of the Land Council members, and continues the consultation previously conducted during the site survey and significance assessment process in 2004.

It is acknowledged that since 2004, three local families have applied to the Native Title Tribunal to be recognised as Awabakal Traditional Owners. None of these families has yet been formally recognised as a Traditional Aboriginal Owner. All three families are members of Awabakal Local Aboriginal Land Council.

Steps in Aboriginal community consultation about the preparation of the KPFAHMP included:

- As the project is a continuation of and implementation of recommendations made by ERM 2004 (partly formalised in the Development Consent – see Section 1), and made in consultation with Awabakal Local Aboriginal Land Council, initial contact was made with the Land Council, continuing of their past direct involvement.

- Brett Stein (Asquith and de Witt) and Ron Gordon visited the project area together for preliminary discussion of the proposed Aboriginal Heritage Management Plan.

- Preliminary discussion of the concepts to be applied in the Management Plan on site was followed by a meeting at the Awabakal Local Aboriginal Land Council office on 14 June 2007. This meeting was attended by Brett Stein and Peter Bowles (representing Kingston Fletcher Pty Ltd), Pam Dean-Jones and four members of the Awabakal Local Aboriginal Land Council, including Ron Gordon, Ray Kelly, Richard McGinness and Uncle Rex Morgan.

The meeting took the form of a briefing on work that had previously taken place in this project area followed by discussion about what the Management Plan would address and how it would be prepared.

It was agreed that:

- the Plan was a useful thing to do;

- the Plan would focus on raising awareness and respect for Aboriginal culture amongst people moving to the Estate, but would also allow for site officers to be present as observers during initial ground disturbing earthworks;

- the Plan would include a new site registration, based on the ridgeline terrain unit in the Estate;
the plan would include a s90 application which, when approved by DECC, would authorise the collection of flaked stone artefacts by Awabakal Local Aboriginal Land Council site officers during ground disturbing earthworks across the Estate;

Umwelt would visit the project area with Ray Kelly to document its current condition, inspect the proposed creek crossing location and review potential management options; and

Umwelt would prepare a briefing for DECC to ensure that they were aware of the proposed Plan and the approach being taken.

Follow up meetings of the project and Awabakal representatives were held on 3 July, 2 August and 8 August 2007, to review progress and to discuss the draft of the Management Plan. At the 3 July meeting, the Land Council representatives confirmed that they were comfortable with the approach being followed in the Plan. Preparation of a draft community information sheet, which would be used as part of the welcome material for incoming residents and would provide them with information about the traditional Aboriginal people of the area, was authorised. The draft information sheet and layout was subsequently discussed with the Land Council members. A copy is included as Appendix 3 of this Plan.

All comments on the working draft were taken into consideration in the preparation of the final draft of the Plan. Six copies of the draft Plan were sent to the Land Council prior to the meeting on 8 August 2007, so that members of the Land Council and of the Management Committee could review the full document and comment on whether they were satisfied that their previous comments had been taken into consideration.

Pam Dean-Jones (Umwelt) met with the Awabakal LALC Management Committee (Ray Kelly, Ron Gordon Sean Gordon, Cheryl Kitchener and Richard McGinness) on 8 August 2007, to discuss the draft Plan and to ensure that the proposed management was practical for Land Council members to implement.

An offer was made to provide a presentation to a full meeting of Land Council members, but the Land Council Management Committee felt this would not be necessary. The Management Committee discussed the draft Plan with a wide cross section of Land Council members at a full meeting of the Land Council on 9 August 2007. It was agreed at that meeting that the Land Council would support the Plan.

The Land Council provided written advice about their support for the actions in the Plan on 27 August 2007.

Accompanying this Plan are copies of the following documents, all of which have been either prepared by the Aboriginal community or have been approved by the Aboriginal community during the consultation process:

- a letter from the Awabakal LALC (Appendix 2);
- a draft community information sheet, providing incoming residents with Aboriginal cultural heritage background and encouraging their adoption of sound land management practices to protect cultural values (Appendix 3);
- a new site card (Appendix 4);
- a s90 application for the recovery of artefacts that may be observed on the ridge terrain during ground disturbing earthworks (Appendix 5); and
A collection recording form to be used by Sites Officers as part of the cultural observer program (Appendix 6).

1.3.1 Correspondence from Awabakal Local Aboriginal Land Council

The correspondence from Awabakal Local Aboriginal Land Council (Appendix 2) makes the following comments in relation to collection of stone material (required by the Development Consent) and respect for cultural heritage values:

- The Land Council Management Committee were satisfied with the information provided to them about the proposed management of the cultural heritage values of the Kingfisher Park Estate; and

- Awabakal Local Aboriginal Land Council supports the management recommendations and looks forward to their role in implementation.

2.0 Aboriginal Cultural Heritage Background

The country to the south and west of Hexham Swamp links the Hunter estuary to the Sugarloaf Range and represents a diverse cross section of the lower Hunter landscape that was the home of the ancestors of Awabakal Aboriginal people. There is widespread ethnographic, historical and archaeological information about the value of this area to traditional Aboriginal people.

2.1 Aboriginal Cultural Landscape – the Pambalong People of the Sugarloaf Foothills and Hexham Swamp

Although there is some uncertainty about the boundaries and relationships between Aboriginal groups in the lower Hunter in early contact times, there is general agreement that the Pambalong people (sometimes also called Bambalong) lived south of the Hunter River, including the land around Hexham swamp and into the foothills of the Sugarloaf Range. The Wallsend and Plattsburg Sun (1890) refers to the Pambalong people as the ‘people of the big swamp’ and suggests that up to 4000 people lived in the estuary, floodplain, wetland and foothill country.

The historical records refer to people who were skilled hunters and fishers, made bark canoes for fishing and navigation around the estuarine wetlands, collected and used plants for food and also for making nets, snares and lines, traded items such as possum skins, and potentially raw materials for flaked artefacts and had a well established social order and communications.

The landscape was defined by landmarks with great cultural or spiritual significance. Mount Sugarloaf itself is regarded as the home of the supernatural being ‘Puttikan’ (Threlkeld in Gunson 1974), and initiation ceremonies were reported to occur on the slopes of the mountain (marked by stone arrangements). A deep (bottomless) hole in the swamps between Mount Sugarloaf and Lake Macquarie was the home of a monster fish. Nobbys Headland was the home of a giant kangaroo like creature which occasionally shook itself, dislodging stones; an important ceremonial bora ground was located in what is now central Wallsend; the “Knob”, 250 metres off the shore of southern Hexham Swamp, is described as being of great spiritual significance and was possibly used for burials.
In the early years of colonial settlement in Newcastle, Aboriginal people (members of the Awabakal Pambalong group) occasionally guided officials searching for escaped convicts in the foothills of the Sugarloaf Range. The creek valleys are deeply incised, with steep side slopes and only a few ridges provide relatively easy access from the coastal lowlands to the ranges and beyond.

This general background provides the dimensions of an Aboriginal (Pambalong) cultural landscape – a diverse area of which Pambalong people were the custodians, and which was in turn shaped by their cultural values.

The broad cultural landscape of the Pambalong people contains terrain and resource elements that can be considered at different scales. For instance, the creek lines of the lower Sugarloaf foothills, the margins and estuarine wetlands of Hexham Swamp, the freshwater wetlands of the Hunter floodplain and the spurs of the Sugarloaf Range are distinct terrain elements and have different resources. Each of the terrain subdivisions of this landscape contributes in different ways to the spiritual, social and economic lives of the Pambalong people, and different types of archaeological evidence can be expected.

However, the Pambalong people had attachments to all of these places, so they are best considered as a single cultural landscape, which incorporates the various elements of daily and seasonal life for the Pambalong people.

The Kingfisher Park Estate at Fletcher is centrally located in this cultural landscape. The extent of the Pambalong Aboriginal cultural landscape is shown in Figure 2.1, which also shows the cultural context of the Kingfisher Park Estate.

2.2 Cultural Heritage Investigations and Observations

2.2.1 Archaeological Assessments of the Project Area

There have been three Aboriginal archaeological assessments covering all or part of this project area. Most recently, ERM (2004) conducted a survey of the proposed Estate as well as another parcel of land to the west. Most of the Estate area had previously been surveyed by AMBS (1999) and by Stuart (1995).

These surveys have resulted in records of multiple grinding grooves in outcrops of sandstone in the bed of the tributary of Wentworth Creek. AMBS (1999) also recorded a single red silcrete flaked piece on an eroded track, upslope from a first order tributary creek. AMBS also suggested that potential archaeological deposits could be located along the creek line, particularly in terraces along the channels.

ERM (2004) relocated the previously recorded grinding grooves and recorded additional sets, to make a total of seven sets of grinding grooves, forming a continuous scatter along approximately 80 metres of the tributary creek. They suggested that all the grinding grooves should be regarded as a single site.

ERM (2004) also recorded a single grey mudstone flaked artefact at the end of a spur, between two tributaries of Wentworth Creek. They discuss the potential for subsurface artefacts to remain undetected in the project area. ERM (2004) conclude that the creek line within which the grinding grooves are located was a focus of activity, and that camping sites may have also been located along this creek and Wentworth Creek (which is outside the current project area). These localities were suggested as potential archaeological deposits.
2.2.1.1 Additional Archaeological Observations

Since ERM (2004) was completed, representatives of Awabakal LALC have visited the proposed subdivision site with representatives of the proponent to discuss the preparation of a cultural heritage management plan. Two flaked artefacts, not previously included in the site records have been observed on eroding surfaces near the end of one of the ridgelines. The location of these surface finds is shown in Figure 1.2. The observation of additional artefacts, part of a low density scatter across the ridges and spurs, is consistent with findings elsewhere in the cultural landscape. It is also consistent with general survey predictions that artefact will become visible when the soil surface is disturbed by erosion, clearing or other events.

2.2.2 Other Archaeological Assessments in this Cultural Landscape

Since the mid 1980s, approximately twenty previous archaeological studies, including surface surveys, excavations, and cultural heritage management plans and plans have been conducted in the cultural landscape that covers the tributaries of the western and southern catchments of Hexham Swamp. All of these studies have been prepared in consultation with Awabakal Local Aboriginal Land Council and other local Aboriginal community representatives.

Few of these studies have involved systematic sampling of assemblages of terrain units within a cultural landscape. Whilst surface evidence of flaked stone artefact scatters is highly dependent on surface condition and visibility, the results of subsurface investigations are affected by the nature of the potential archaeological deposit (for instance, colluvial or alluvial deposits), research and excavation design and the effectiveness of sieving.

Umwelt (2002) conducted systematic subsurface investigations across 21 terrain units identified at the proposed Bluegum Vista Estate (now known as Sanctuary), recovering a total of 3001 flaked stone artefacts. Umwelt observed in its conclusions that culturally flaked material was recovered from all the terrain units, and that the materials from all units are part of one broad traditional land use strategy. All artefacts distributed across the project area reflected day to day social and economic activities. Although the main ridge ends, overlooking Hexham Swap were considered to be culturally important, and appeared to have specific landscape attributes, the technological character of the artefact assemblage did not suggest that this area had been functionally differentiated from other areas. The ridge ends, with views across the wetland, or adjoining the lower wetland reaches of the tributary creeks, did, however, have a higher density of flaked stone material than other parts of the project area (such as the high ridge line near Minmi Road, or the crests of the main spurs).

The high concentration of artefacts on the spur ends adjacent to Hexham Swamp (but not confined to these locations) is consistent with previous results from similar terrain, such as AMBS (1996) at Woods Gully near Black Hill.

Earlier excavations of particular terrain units (such as Everett/HLA Envirosiences 1996 and Mills 1998) investigated what they identified as creek flats or creek terraces, along Wentworth Creek and its tributaries. Mills (1998) found low concentrations of flaked stone artefacts, and Everett/HLA found no artefacts. Nonetheless, AMBS 1999 recommended that a band approximately 30 to 50 metres wide on either side of the main creek tributaries (and up to the 10 metre contour) should be protected as a ‘buffer zone’. This buffer would include an alluvial terrace and any associated artefacts.
2.2.3 Redefinition of Aboriginal Site Boundaries in the Project Area

Currently, the isolated artefacts in the Kingfisher Park Estate at Fletcher have been registered as separate sites. The results of previous archaeological studies in the local area suggest that the definition of Aboriginal ‘sites’ in this area by incidental surface exposures where elements of a low density artefact scatter happen to be exposed, is misleading and not helpful in terms of management.

The grinding grooves in the tributary of Wentworth Creek are also registered as two separate sites.

As part of consultation about the preparation of this Management Plan, a more appropriate site definition has been discussed with the Awabakal community. A briefing note was also forwarded to DECC in late June 2007, seeking feedback on the rationale for a change to the Aboriginal site boundaries at Kingfisher Park Estate, Fletcher (see Appendix 1).

At Bluegum Vista, where the most systematic study of artefact distribution in this cultural landscape has been conducted, the entire ridge and creek system was registered as a single Aboriginal site, made up of an integrated suite of terrain units.

A similar approach is now proposed for the Kingfisher Park Estate. Figure 1.2 shows the proposed boundaries of the artefact scatter site and their relationship with the ridge and creek line terrain in the project area. The various sets of grinding grooves along the tributary creek would also be amalgamated as a single site registration, separate to the artefact scatter. The tributary creek line, downstream of the grinding grooves, is not included in any site definition. This area has been affected by extensive clearing and earthworks leading to the construction of a large detention basin (water quality control pond), several metres deep. Ponded water extends approximately 200 metres upstream of the dam of the detention basin. Plate 1.3 shows water backed up even further into the tributary creek after heavy rain.

New site cards, reflecting this terrain based approach to site definition, are attached in Appendix 4.

The terrain to be included in the proposed single open campsite is illustrated in Figure 1.2 and Plates 2.1 to 2.3.

The south west boundary of the project area follows an upper slope and ridge crest. Residential development will occur on three subsidiary ridges, separated by first and second order tributaries of Wentworth Creek. The northernmost of these ridges has a broad, gently sloping crest. The eastern ridge crest has a slightly steeper long section and a narrower crest. The upper side slopes off both ridges are convex and gentle. The lower side slopes, into the tributary creek valleys and step and concave. Rock outcrop or sandstone float is common on the steeper side slopes. Parts of the upper side slopes are underlain by mudstone or claystone rocks and are poorly drained. These areas support dense thickets of *Melaleuca stypheloides* as well as the spotted gum and iron bark canopy woodland.

2.2.4 Previous Management Recommendations

ERM (2004) recommended several related actions to protect the grinding groove site during construction and occupation of the Estate. These included:

- setting aside a 100m wide buffer zone along the tributary creek (50 metres either side of the creek centre line). The buffer zone would be retained as bushland;
• fencing off the buffer zone (high visibility webbing) during construction to prevent inadvertent incursion of construction vehicles;

• general Aboriginal heritage awareness training for construction workers, without specifically identifying the grinding groove site; and

• integration of suitable soil and water management measures into construction planning, to ensure that the creek line is protected from dumping of construction waste, excessive sediment load and increased concentration of stormwater flows. These measures could also be addressed in a cultural heritage management plan.

In addition, ERM (2004) recommended that the isolated artefact(s) were of low archaeological significance, with no further investigation required. If any of the isolated finds were to be impacted by construction, they should be collected, under an appropriate permit (Section 87).

Awabakal LALC supported these recommendations, but also requested that a Sites Officer should be present during the disturbance phase of construction. The Awabakal letter (Annex A of ERM 2004) is included in Appendix 2 of this Management Plan. As noted in Section 1, Newcastle City Council formalised this request by applying a Consent Condition to that effect (Condition A4.1).

This Aboriginal Heritage Management Plan explains what the Sites Officer(s) will do during the construction phase and how the cultural heritage observer’s activities will be integrated with other activities on site. The Plan also includes a discussion of the relevant permits and approvals under the NPW Act 1974, to ensure that all artefact collections are conducted in compliance with the Act.

2.3 Aboriginal Heritage Conservation Context in this Cultural Landscape

The high conservation value of the Hexham Swamp to Mount Sugarloaf corridor has been recognised in the Lower Hunter Regional Strategy (Department of Planning 2006). Stage 1 of the lower Hunter conservation corridor has now been declared as new National Park and related conservation lands over the crest and slopes of the Sugarloaf Range (July 2007). Most of the former Hexham Swamp and Kooragang Island Nature Reserves are also now included in the Hunter Estuary National Park (4254 hectares). Stage 2 of the conservation corridor includes resolution of the future of the Tank Paddock area on the western margin of Hexham Swamp.

In addition to these existing and proposed conservation corridor lands, which will be conserved in perpetuity, several small Aboriginal heritage conservation areas have been created within the layouts of existing residential subdivisions in the Maryland to Minmi area, around the southern margin of Hexham Swamp. These include three small conservation areas within the Sanctuary Estate, on ridges and spurs overlooking the south western margins of Hexham Swamp, and an area along the banks (‘terrace’ and lower slope) of Wentworth Creek, downstream of the current project area. As shown in Figure 1.2, the Kingfisher Park Estate at Fletcher has Public Reserve (managed by Newcastle City Council) on three sides, in addition to bushland Community Property lands along two tributary creeks within the Estate.

The areas of bushland open space held as Community Property cover all the drainage lines in the project area and connect with the Public Reserves along Wentworth Creek and its
tributaries. The Reserves along the creek lines in the Kingfisher Park Estate have a minimum width of 100 metres and are up to 200 metres in width, providing substantial natural areas through the Estate. The terrain included in these reserves includes rocky creek beds, alluvial fill in creek beds (age not known), and steep lower slopes of the creek valleys. The bushland reserves are not formal Aboriginal heritage conservation areas, but will be managed to protect soil stability, ground cover and native vegetation. Well vegetated, stable slopes are a prerequisite for protection of Aboriginal artefact sites.

It is apparent that lands currently managed for Aboriginal heritage conservation or for bushland conservation cover diverse elements of the cultural landscape between Hexham Swamp and the Sugarloaf Range. The conserved terrain also includes known deposits of large numbers of flaked artefacts, and localities identified as culturally important by the Awabakal community.

Although grinding groove sites are within conservation land elsewhere in the lower Hunter (including within the new Lower Hunter National Park), none are currently protected in the lower reaches of the creeks that flow into the southern part of Hexham swamp. The current project has resulted in a suite of grinding grooves being identified and placed in a bushland corridor which will be managed a Public Reserve. Awabakal LALC supports this management proposal.

3.0 Respect for and Communication about Traditional Aboriginal Culture

During consultation with representatives of Awabakal LALC for the preparation of this Management Plan, the views previously stated in correspondence with ERM (2004) were reiterated. Land Council representatives stated clearly that they had three objectives for management during this project:

- conservation of the grinding groove site;
- opportunities to observe and collect any exposed flaked stone artefacts prior to or during initial ground disturbing earthworks; and
- opportunities to foster respect for and communication about the Aboriginal heritage of the Pambalong people.

Fostering respect, awareness and communication is the most important of these objectives. It is proposed to address this objective by preparing information for incoming residents. Representatives of the Awabakal community would work with Kingston Fletcher Pty Ltd to prepare brochures that tell the story of the Pambalong people and their traditional attachment to this country. The brochures could, for instance, include:

- information about the resources valued by Aboriginal people;
- information about how Aboriginal people moved around their country, including the connections between the estuary, wetlands, creek lines, ridges and the crest of the Sugarloaf Range and beyond;
- traditional stories about important places, and traditional Awabakal names for places in the area;
- information about tools and other implements used in traditional times; and
• information about processes that damage the physical evidence of culture. Spiritual ties to country remain, even though the physical evidence of traditional occupation has been destroyed.

A draft of a proposed information brochure is provided in Appendix 3. A simple check list is also included in Appendix 3. These two forms of information are tailored to meet the needs of incoming residents and to support cultural awareness training for construction workers. The information sheet will be available for distribution to the first new residents of the Estate.

4.0 Managing Aboriginal Sites and Objects

As noted in Section 2.2.1, two Aboriginal sites within the project area have previously been registered with DECC. A series of grinding grooves has been recorded along the tributary of Wentworth Creek. An isolated artefact was recorded within the valley of a smaller tributary of this creek. Subsequently, two more flaked stone artefacts have been observed, towards the northern extremity of the ridge line nearest to Wentworth Creek.

The grinding groove site is highly valued by the local Aboriginal community as a place where social activities – making, maintenance, sharing, teaching, story telling, etc. may have occurred.

Members of Awabakal Local Aboriginal land Council believe that flaked stone artefacts are widely distributed through this landscape. The artefacts are not always visible at the surface and there is also evidence that the land surface has been disturbed in the past (clearing, cultivation, timber cutting and nearby mining). The density of the artefact scatter is expected to be very variable, with some concentrations around specific camp sites, or frequently used pathways. It is apparent from multiple previous studies in this landscape that similar raw materials and similar technologies occur in all sites.

The Aboriginal community now holds a large collection of stone artefacts (mostly flaking technology, but also some grinding implements) that can and are being used for cultural education and for raising awareness of Aboriginal culture. Further detailed archaeological investigation of the general archaeological material is not warranted in this landscape. However, as discussed in Section 4.3, Awabakal LALC members are keen to further investigate the area for cultural purposes. In particular, further cultural collections and investigations can help land Council members add more detail to stories about the lives of the Pambalong people.

4.1 Conservation Management

In this Plan, ‘conservation’ refers to measures to protect physical evidence of traditional Aboriginal occupation and also to measures to conserve and respect the culture of Aboriginal people. This culture and its responsibilities and obligations is a living culture and should be encouraged regardless of whether archaeological sites have been damaged.

The Management Plan describes how the grinding groove site will be protected from the effects of construction and proximity to residential development (Section 4.1.1).

The Plan also describes measures to enhance cultural awareness and encourage respect for traditional custodians of the land (Section 3 and Section 4.2.3).
4.1.1 Protection of the Grinding Groove Site

The creek in which the grinding groove site is situated is within a Public Reserve. One section of this reserve was dedicated as part of the Highland County Estate. The Reserve will be extended to provide a corridor with a minimum width of 50 metres and a typical width of 100 metres along the drainage line. The southern boundary of the Public Reserve, along its interface with the Kingfisher Park Estate at Fletcher, will be bordered by a Hazard Reduction Zone, ten metres wide.

Newcastle City Council will be responsible for long term management of the Public Reserve. Discussion with Awabakal Local Aboriginal Land Council has focused on the risks to the grinding groove site during development and occupation of the Kingfisher Park Estate, in addition to existing residential development. Identified risks are:

- the landscape context of the site could be damaged by clearing or underscrubbing, or by weed invasion from the residential areas;
- the character of the creek could be changed by increased sediment load during construction. When an excessive load of sediment moves through a creek, rock holes and the grooves themselves can be filled or buried. Abrasion by coarse sediment can also damage the grinding grooves;
- earth moving machinery can damage the grinding grooves; and
- large numbers of visitors can damage the grooves and also increase the risk of vandalism.

The following management actions that have been agreed with Awabakal Local Aboriginal Land Council, to minimise risks to the grinding groove site:

- No machinery will be permitted to enter the section of the Public Reserve, shown in Figure 4.1.
- The Bushland Management Plan for the Estate will include measures to protect the vegetation in the Public Reserve, both understorey and tree canopy.
- The Bushland Management Plan will provide advice to land owners about the detrimental effects of garden escapees on urban bushland and will highlight how best to manage green waste from suburban gardens. It will also provide guidance on other edge effects such as clearing outside suburban fences.
- The erosion and sediment control plan for the Estate will include measures to ensure that additional coarse sediment does not enter the creek and that water quality in the creek is protected in wet weather (e.g. controlling suspended sediment load).
- During the initial earthworks stage of Estate development, the edge of the Hazard Protection Zone along the boundary of the Public Reserve will be marked with a temporary fence (brattice or similar material) to clearly delineate the no go area for machinery.
- The grinding groove site will not be fenced or sign posted, i.e. there will be nothing to specifically highlight the cultural importance of this part of the creek.
Incorporate measures to protect grinding grooves in bank and management planning, e.g., consultation with Aboriginal community about wind control, erosion control, access point and pathways.

No long term fencing around grinding grooves sites. Erect physical barrier and sediment controls to protect grinding grooves and their context during construction. machinry and all construction materials to be excluded from the reserve.

Provide an information sheet to all incoming residents about the Aboriginal Heritage values of the area and the Estate and how their actions contribute to long term protection of cultural heritage.

Section 90 to cover all developed ridge lines, with Aboriginal Community members during initial earthworks.

**Legend**
- **Proposed Site Boundary**
- **Proposed 200 Application**
- **Grinding Groove Sites (38-4-00552, 38-4-00557)**
- **Isolated Artifact**
- **Low Density Artifact Section**

**Aboriginal Heritage Management**
• Pedestrian access across the creek will be discouraged. Pedestrians will be directed to pathways along the two road accesses to the Estate. Informal tracks through the reserve will be discouraged.

• Should Newcastle Council wish to construct a formal pedestrian path through this part of the Reserve at some time in the future, they will consult further with Awabakal Local Aboriginal Land Council.

• Incoming residents will be provided with information about the traditional Aboriginal culture of the area. The style and content of this cultural awareness raising material will be developed in partnership with Awabakal Local Aboriginal Land Council (see Section 3.0). At this stage, this information will be about the general culture of the Pambalong people, and will not provide directions to the grinding groove site.

4.1.1.1 Further Information about Environmental Controls to Protect the Grinding Groove Site and other Conservation Values

Runoff Management

In relation to Aboriginal heritage, the intent of runoff management during the initial ground-disturbing earthworks is:

• to ensure that the grinding groove site is not adversely affected by sedimentation or scouring following excess sediment loads entering the creek; and

• to protect other cultural landscape and vegetation values associated with Public Reserves and community title areas.

Earthworks contractors will follow best soil and water management practice, as set out in the Environmental Management Plan and approved Construction Plans for the construction phase of the project.

In particular, earthworks contractors will implement the following measures:

• vehicles will not move across the bushland Public Reserves or the community title land, other than for the construction of a new access point (Figure 1.2), during the initial ground disturbing earthworks;

• a physical barrier (e.g. orange brattice, with either hay bales or sediment fence) will be placed around the margin of each Public Reserve and community land area where it abuts the areas to be disturbed by civil works. This barrier will prevent excessive runoff and/or sediment entering the Reserve and community land areas along the creek lines; and

• particular attention will be paid to locations where the earthworks traverse the headwaters of a first order creek.

Stockpiles and Waste Management

No topsoil or other soil or rock material is to be stockpiled within the boundary of any of the Public Reserves or community title areas.

No other construction materials (e.g. gravel, sand, cement, fuel, etc) are to be stockpiled within the boundaries of the Public Reserves or community title areas.
Vegetation (tree limbs and stumps) that has been removed from the development areas must not be stockpiled within any of the Public Reserves or community title areas.

Waste from the construction activities must not be deposited within the Public Reserves or community title areas.

Community information provided to incoming residents will also stress that garden and other waste must be disposed of properly, and not in the Public Reserves or community title areas.

**Weed Management and Protection of Site Context**

The tributary creek in which the grinding groove site is located is affected by weeds (such as lantana). The elongated boundary between the existing development (residences and gardens in the Highland County Estate) and the Public Reserve along the tributary creek provides extensive opportunities for detrimental edge effects which impact on the context of the grinding groove site (see Plates 4.1 and 4.2). These existing effects are not the responsibility of Kingston Fletcher Pty Ltd, but they do highlight the difficulty of maintaining a suitable landscape context around the grinding groove site.

Kingston Fletcher Pty Ltd will document measures in its Bushland Management Plan to minimise edge effects during construction. Kingston Fletcher Pty Ltd will work with Newcastle City Council as the manager of the Public Reserve, to provide input about the long term protection of vegetation and visual context. Future measures will include consultation with Awabakal LALC in relation to weed control programs in the creek.

As noted in **Section 3**, a community information brochure is proposed and will be provided to all incoming residents. The brochure will highlight how urban edge effects can damage and destroy important values, and provide information about best practice management of garden waste, construction of retaining walls, etc.

**Access Management**

Awabakal LALC has stated clearly that it prefers that there is no fencing or signage at the grinding groove site.

It is clear from the design of existing walkways and the presence of earth ‘bike jumps’ in the alluvial fill in the tributary creek downstream of the grinding grooves, that there is currently significant local access and activity in the Public Reserve.

This recreational access presents a threat to the conservation of the grinding groove site in good condition.

Kingston Fletcher Pty Ltd will work with Awabakal LALC and Newcastle City Council to facilitate the involvement of Awabakal LALC in the management of the Public Reserve. In particular, Awabakal LALC must be notified if Council intends to develop further access points to the tributary creek in which the grinding grooves are located, or to construct walking tracks, etc. through the reserve.

**4.1.2 Other Conservation Opportunities in Community Property and Public Reserve Land**

As noted in **Section 1.1**, the proposed residential estate is bounded by Public Reserve and bushland held as community title. A Bushland Plan of Management is in preparation and will describe how canopy and groundcover vegetation will be managed. The protection of ground cover and careful controls over any construction in the community title land and
Public Reserves will provide indirect conservation for any Aboriginal sites and other cultural values that may be associated with the creek lines (apart from the grinding grooves site which is discussed separately in Section 4.1.1).

4.2 Collection of Stone Artefacts from Ridgelines during Initial Ground Disturbing Earthworks

Members of Awabakal Local Aboriginal Land Council have agreed that approvals can be sought to facilitate earthworks and other construction activities across the ridgelines in the estate.

As discussed in Section 3, a new terrain based site registration for all ridge and creek line areas within the estate is included in Appendix 4. A s90 Consent (Heritage Impact Permit) application relating to the ridge crest terrain unit of the site is included in Appendix 5 of this Plan.

4.2.1 Aboriginal Community Observers

The s90 application proposes that cultural observers will be present prior to or during the initial earthworks for the development of each stage of the estate. A consulting archaeologist will not be present unless specifically requested to attend in relation to the contingencies noted in Section 4.4.

Initial earthworks are defined as:

- underscrubbing and disturbance of ground cover vegetation by machinery; and
- stripping or turning over topsoil, for instance from road corridors, service corridors and residential lots.

It is proposed that observers will be present for two distinct components of the establishment of the Estate, to satisfy themselves that the Aboriginal community has had an opportunity to investigate and collect artefacts for cultural reasons. Sites officers will be present:

- to observe the ground surface after the initial removal (or turning over) of the topsoil along the roads. It is anticipated that approximately 10 to 15 cm depth of topsoil will be disturbed and inspected along the road alignments at this time; and
- to observe the ground surface across the residential allotments in each stage after underscrubbing and initial turning over of areas of topsoil. This will be conducted using relatively light weight machinery (such as a bobcat or backhoe) before the blocks are sold to potential residents. Further detail is presented in Section 4.2.4.

The cultural observers will be fully qualified sites officers, provided by Awabakal Local Aboriginal Land Council.

The cultural observers will also be involved in site inductions and cultural heritage awareness training for contractors. These roles and responsibilities and the required communication processes are set out in Sections 4.2.2 to 4.2.5 and are summarised in Table 5.1.
4.2.2 Notifications

The earthworks contractors will notify Awabakal LALC about the program of earthworks. The contractors must contact the Land Council at least seven days prior to the commencement of the ground disturbing earthworks in each Stage and advise them about the following:

- the date of commencement of the works;
- the expected duration of the works and hours of work each day;
- the type of earth working machinery that will be used (e.g. note the suggestion in Section 4.2.1 that light weight machinery will be used in the first instance, to facilitate observations and collections by the Sites Officers);
- location of the Stage;
- specific induction requirements; and
- timing of integration of cultural observation activities into the schedule of earthworks (where relevant).

It is anticipated that Awabakal LALC will provide two qualified sites officers for the days/times during which cultural observations are to be made. Subject to agreement with the contractors and DECC, the observer team could comprise one fully trained sites officer and one trainee.

Awabakal LALC will be responsible for ensuring that sufficient Site Officers are available and have completed the necessary Site Inductions, so that work can progress smoothly. If Awabakal LALC is not able to provide a sites officer on the agreed days, the earthworks will continue, and Awabakal sites officers will return on the next agreed day.

4.2.3 Site Inductions and Cultural Heritage Awareness Training

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

Kingston Fletcher Pty Ltd will work with Awabakal LALC to prepare a short (1 page) information sheet about Aboriginal heritage values and the requirements of the NSW National Parks and Wildlife Act 1974 in relation to Aboriginal sites.

It is anticipated that a qualified Aboriginal sites officer will speak briefly about this information during the site induction process.

4.2.3.1 Safety Inductions for Aboriginal Sites Officers

It is anticipated that the Awabakal sites officers will be subcontractors to the relevant earthworks contractors.

All Awabakal sites officers who are rostered to act as cultural observers must have completed necessary site safety inductions before they commence work on the site.

These safety inductions will be organised between the earthworks contractor and Awabakal LALC.
4.2.4 Collection of Artefacts

It is intended that observation of the freshly disturbed ground surface and collection of any Aboriginal objects that may be visible will be conducted as part of the routine activities at the commencement of each stage of ground disturbing earthworks. The intent is that Aboriginal community representatives will be able to inspect the land and collect visible artefacts in association with two separate components of the development of the Estate:

- At the commencement of civil earthworks. It is proposed that the top 10 to 15 cm of topsoil will be stripped along the road alignments prior to more extensive excavation for road construction. Aboriginal artefacts are expected to be confined to this topsoil unit. Aboriginal Sites Officers will make observations of the exposed surface and may inspect topsoil windrows or stockpiles. When the Sites Officers have completed this task, the major civil works will commence. In general, the civil works will require excavation into the clay subsoil and to bedrock.

- Once the civil works (such as road construction) have been completed, Kingston Fletcher Pty Ltd proposes to underscrub the residential allotments. This will be done Stage by Stage. It is proposed that all of the allotments in Stage 1 will be underscrubbed at one time. At the same time, a small earthworking machine (bobcat or backhoe) will be on site to turn over a sample of the topsoil on each residential allotment in the Stage. The locations will be chosen in consultation with the Awabakal Sites Officers, so that cultural observations can be made. Once these cultural inspections have been completed, the land will be available for sale and construction of new residences.

4.2.4.1 Establishment of the Estate

In general the following procedures will be implemented as part of the establishment of the estate (civil works, including roads, sewer etc.):

- Kingston Fletcher Pty Ltd or their principal earthworks contractor will contact Awabakal LALC at least seven days before the initial topsoil striping will occur. Cultural observations will be a routine part of the initial ground disturbing earthworks in all localities where civil works are proposed;

- Awabakal Sites Officers will be on site during the days when the topsoil (10 to 15 cm) is removed from road alignments and other areas that may be disturbed by civil works;

- the safety of all contractors and subcontractors must be a priority at all times;

- Aboriginal site officers will have an opportunity to observe freshly exposed soil material. They will walk across freshly disturbed areas after the earthmoving equipment has passed. They may inspect windrows of stripped topsoil. Observations may be made when tree stumps are removed and/or when topsoil is scraped or stripped;

- Aboriginal site officers may collect any cultural stone objects (generally flakes and flaked pieces) that they observe on the disturbed ground surface, or in adjacent windrows of topsoil material. The location of each area that is inspected will be marked on a base map of the subdivision. The locations of individual artefacts will not be recorded; and

- all artefacts that may be collected each day will be collected in a single bag which is labelled with the Stage, date and locality within the Estate (see Section 4.2.5 for further information about management of collected materials).

Section 4.4 addresses contingencies.
4.2.4.2 Observations on Individual Allotments

In general, the following procedures will be followed when inspections are made of individual allotments. The collection is intended to recover additional artefactual material for cultural purposes. The process is not intended to achieve total or comprehensive recovery of artefacts that may be present; neither is it intended to be a formal statistically valid sampling program. It is anticipated that approximately two weeks (up to ten working days) will be available for these clearance inspections for each Stage of the Estate.

- Kingston Fletcher Pty Ltd or their principal earthworks contractor will contact Awabakal LALC at least seven days before it is proposed to underscrub and/or partially strip topsoil from each Stage of the Estate.

- A small scale piece of machinery will be used to remove the understorey and ground cover. Trees will be left in place on all allotments. At the same time, the machine will turn over a sample of topsoil on (each or some) allotment(s). The location of the topsoil samples will be determined in consultation with the Awabakal Sites Officers.

- As above, the Sites Officers will inspect the exposed ground surface and/or windrows of stripped topsoil.

- As above, the Sites Officers will collect any visible artefactual material as they see fit. General areas inspected will be marked on a plan of the Estate. The locations of individual artefacts will not be recorded.

- As above, all artefacts that may be collected each day will be collected in a single bag which is labelled with the Stage, date and locality within the Estate (see Section 4.2.5 for further information about management of collected materials).

- When the inspections of underscrubed and partially stripped areas have been completed, that Stage of the Estate will be considered to have no further cultural heritage constraints and allotments can be sold for housing construction.

Section 4.4 addresses contingencies.

4.2.5 Management of Recovered Artefacts

Cultural objects that are recovered from the areas of initial ground-disturbing earthworks will be in the care and control of Awabakal LALC. A Care and Control form to this affect is included with the application for the Section 90 consent (Appendix 5). The following information will be recorded about the materials that are recovered:

- a plan of the development site showing the general localities where observations have taken place and where objects have been recovered;

- a list of all materials recovered. This list will identify the raw material, broad artefact type and size class. A sample recording sheet to facilitate rapid recording is included in Appendix 6 of this Plan. Unless very large numbers of significant cultural objects are collected, this basic information will be recorded each day for all artefacts collected on that day of observations;
recovered stone artefacts will be stored in robust and clearly marked bags at the Awabakal LALC during the construction period. Bags will be labelled with the date, stage, and locality from which the objects were recovered;

- Awabakal LALC may decide to store and/or display some of the recovered artefacts at the Land Council office in the long term. Other materials may be returned to the land;
- artefacts that are returned to the land will be placed in an area of community title land;
- Awabakal LALC will discuss the placement of artefacts in the community title land with the Kingston Fletcher Pty Ltd project team, to determine locations that are unlikely to be disturbed and appropriate timing; and
- Awabakal LALC will advise the Kingston Fletcher Pty Ltd project team when cultural objects have been placed in the community land, but are not required to specify the exact location. Awabakal LALC must also advise DECC in writing when any artefacts have been returned to the land, including an indication of the location (say within a 30 metres by 30 metres area), how many artefacts were returned, and the areas from which they were collected.

4.3 Construction of New Road Access across Tributary Drainage Line

Figure 1.2 shows the location of the proposed construction of a new access to the Estate, extending Country Drive via a culvert across the tributary drainage line. The location is also illustrated in Plate 1.3. Construction of the new culvert involves the following activities:

- Construct a temporary earth dam downstream of the culvert location to prevent water in the detention basin from backing up past this point during construction. Any existing water upstream of the temporary dam will be pumped downstream into the detention basin during the construction period.
- When the soil has dried out, install formwork and lay a concrete slab base in-situ in the creek bed. It is understood that the concrete will need to cure for approximately three weeks before any further construction takes place.
- When the concrete has cured, place the preformed concrete culvert sections across the creek.
- When the culvert sections are in place, backfill around the culvert to provide safe access off the end of County Drive and into the Estate. This construction will be for later use of construction traffic. Further work on the access road will occur when roads are built within the Estate.
- The construction process will affect an area approximately twenty metres upstream and downstream of the actual culvert, as well as the side slope off County Drive and the lower side slope opposite.

The proposed concrete culvert is outside the area of any previously recorded Aboriginal site and is not within the boundary of the site defined by ridge crest terrain. One isolated artefact has previously been observed approximately 80 metres to the south, on the side slope of the valley of a second tributary creek that also drains to the detention basin. It is not anticipated
that this isolated artefact will be disturbed by the construction of a new culvert and vehicle access at the end of County Drive.

The creek bed at the proposed location of the new culvert is affected by water backing up from the detention basin downstream. It is apparent that the valley sides and creek bed have been affected by previous disturbance, including vegetation removal, and earthworks. Subsoil and bedrock are exposed on the lower slopes adjacent to the creek bed.

There is a very low risk that any Aboriginal artefactual material was previously present or remains in this location. The proposed earthworks will not in any way affect the grinding groove site which is approximately 300 metres upstream of the proposed culvert.

In this context, it is considered that a section 90 application and consent is not required for the construction of the culvert. Notwithstanding the very low risk that any cultural material is present at this location, Kingston Fletcher Pty Ltd will provide an opportunity for Awabakal LALC Sites Officers to inspect the culvert location during site preparation at the commencement of the earthworks.

4.4 Contingencies during Ground-Disturbing Earthworks

This plan intends that collection of Aboriginal stone artefacts by Awabakal site officers will be routine activity during the period of initial ground-disturbing earthworks for each Stage of the Estate.

There is a small possibility that other types of Aboriginal cultural objects or features may be revealed during the initial ground-disturbing earthworks. It is possible, although unlikely, for instance, that a hearth or a possible stone arrangement could be uncovered.

Aboriginal cultural heritage observers will note the presence of features that may be hearths, but work will not otherwise be delayed. If a stone arrangement is suspected, the cultural observers will require that earthworks cease within twenty metres of the ‘structure’ until it has been inspected by a qualified consulting archaeologist. Further action, including contacting DECC, will depend on the advice of the archaeologist.

4.4.1 Burials

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

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

- all work in the vicinity of skeletal material which is thought to represent human remains must cease immediately that the skeletal material is uncovered. For the purposes of this Plan, ‘in the vicinity’ means within 50 metres of the uncovered skeletal material;

- the contractor must contact the NSW Police and the DECC Environment Line (131555) to arrange an inspection. The contractor must also notify the Kingston Fletcher Pty Ltd project manager and the Awabakal Local Aboriginal Land Council;
• NSW Police and DECC will inspect the material. DECC will consult with the relevant local Aboriginal community, including the Awabakal Site Officers and other members of Awabakal LALC, Elders etc;

• if, after inspection and consultation with the Aboriginal community, DECC determines that further detailed investigation is required (e.g. by a specialist physical anthropologist, or excavation of the immediate context of the skeletal material), the relevant permits must be obtained under Section 87 of the *NPW Act 1974*. This requires a separate Permit application and approval to the Section 90 Consent. Any additional investigations that may be required must be completed before earthworks can recommence within 50 metres of the skeletal material; and

• work must not recommence within 50 metres of the skeletal material until approval to recommence has been given in writing by DECC.

### 4.5 Documentation and Reporting

The s90 application for the Kingfisher Park Estate at Fletcher ([Appendix 5](#)) includes cultural observations and collection at he commencement of each Stage of the residential Estate. The application is for a ten year period, which will cover the development of the entire Estate.

It is proposed that records will be made of any flaked stone artefacts that may be recovered during the earthworks for the development of the Estate. Records will also be made of any artefacts that are subsequently returned to the land by Awabakal LALC.

In consultation with Awabakal LALC, Kingston Fletcher Pty Ltd will prepare a brief report to DECC at the end of each year of the s90 Consent. The brief report will include:

• a plan showing the areas of the estate in which earthworks have been conducted during that twelve month period;

• information about the observers who have participated;

• information about any cultural heritage awareness activities in the site induction process;

• information about the total number of artefacts that has been recovered by the cultural observers;

• information about how many of the collected artefacts have been stored by Awabakal LALC and how many have been returned to the land. When artefacts are returned to the land, a plan showing the general locality of reburial will also be provided; and

• any other specific information required by the s90 issued by DECC, to demonstrate compliance.

### 5.0 Summary of Roles and Responsibilities

[Table 5.1](#) provides a summary of responsibilities during the earthworks conducted in the development of the Kingfisher Park Estate at Fletcher.

Cultural observation and collection of any visible surface artefacts will be part of the routine process during initial ground disturbing earthworks across the entire site.
Table 5.1 - Summary of Cultural Heritage Roles and Responsibilities

<table>
<thead>
<tr>
<th>When</th>
<th>Responsibilities of Contractors and Kingston Fletcher Pty Ltd</th>
<th>Responsibilities of Aboriginal Community Sites Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Before earthworks commence</strong></td>
<td>• Ensure that earthworks within the terrain unit based site area do not commence until a valid s90 consent has been issued by DECC.</td>
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<tr>
<td></td>
<td>• Advise Awabakal LALC of date of commencement and duration of earthworks (provide at least 7 days notice). <strong>If no sites Officers are available on a day within a properly notified schedule, earthworks will continue.</strong> Sites Officers will recommence their activities on the first available day.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Confirm site safety induction requirements.</td>
<td>• Ensure adequate trained sites officers are available to provide two people for each day of initial ground disturbing earthworks. Prepare roster as necessary. Confirm requirements and complete site safety inductions.</td>
</tr>
<tr>
<td></td>
<td>• Confirm how cultural awareness information will be incorporated into site inductions for contractors. Deliver cultural heritage awareness inductions.</td>
<td>• Confirm who and how cultural awareness information will be incorporated into site inductions for all contractors.</td>
</tr>
<tr>
<td></td>
<td>• Install brattice fencing (or similar) and sediment fence along the boundary between the earthworks area and the tributary creek in which the grinding grooves are located.</td>
<td></td>
</tr>
<tr>
<td><strong>During initial ground disturbing earthworks (civil works)</strong></td>
<td>• Ensure that there is an allowance for shallow topsoil stripping and cultural observations to be made prior to major earthworks required for the civil works.</td>
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</tr>
<tr>
<td></td>
<td>• Provide for routine inspections of the ground surface as topsoil is disturbed/removed.</td>
<td>• Keep records of which Sites Officers have participated in the cultural observers program.</td>
</tr>
<tr>
<td></td>
<td>• Keep Aboriginal sites Officers informed of proposed work areas.</td>
<td>• Inspect disturbed ground surface on an agreed routine basis.</td>
</tr>
<tr>
<td></td>
<td>• Report specific contingency events if they occur.</td>
<td>• Mark areas inspected and where artefacts have been recovered on a site plan (locations of individual artefacts do not need to be recorded) and maintain a listing of all recovered artefacts, by date and location.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Store artefacts in clearly marked bags at Awabakal LALC (one bag per day).</td>
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Table 5.1 - Summary of Cultural Heritage Roles and Responsibilities (cont)

<table>
<thead>
<tr>
<th>When</th>
<th>Responsibilities of Contractors and Kingston Fletcher Pty Ltd</th>
<th>Responsibilities of Aboriginal Community Sites Officers</th>
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</table>
| During initial ground exposure earthworks (individual house allotments) | • Advise Awabakal LALC at least seven days before underscrubbing will commence for each Stage.  
  • Consult with Awabakal LALC Sites Officers about areas where a small machine will strip or turn over topsoil on residential allotments.  
  • Conduct underscrubbing and topsoil stripping as agreed, allowing for routine cultural inspections to occur.  
  • Report specific contingency events if they occur. | • Provide sites officers as agreed to make cultural observations and collection following underscrubbing and topsoil stripping of agreed areas.  
  • Provide advice about where topsoil stripping should occur.  
  • Make observations and collections and record relevant information as required in the section 90 Consent.  
  • Store any recovered artefacts at the Land Council Office.  
  • Assist Kingston Fletcher Pty Ltd to prepare any reports to DECC that may be required by the Section 90 Consent. |
| Ongoing                                   | • Consult with Awabakal LALC about the distribution of cultural heritage information in the Estate.  
  • Advise and consult Awabakal LALC about the management of Community Title Land and Public Reserve Lands in the Estate. | • Work with Kingston Fletcher Pty Ltd to prepare/refine and distribute cultural heritage information to new residents and other stakeholders as necessary.  
  • Participate if required in discussions about the management of cultural heritage issues on Community Title Land and Public Reserves in the Estate.  
  • Provide advice to Kingston Fletcher Pty Ltd and DECC if collected artefacts are proposed to be returned to the ground within the Estate. |
<table>
<thead>
<tr>
<th>When</th>
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<th>Responsibilities of Aboriginal Community Sites Officers</th>
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</thead>
</table>
| Management of collected artefacts | • With Awabakal LALC representatives, advise DECC about proposed return of artefacts to the ground (when and where, how many).  
• With Awabakal LALC, advise when any return of artefacts has been completed. | • Determine which artefacts will be retained for display/education purposes and which will be returned to the land.  
• Advise Kingston Fletcher Pty Ltd of any proposed return of artefacts to the ground, to ensure the place chosen will not be disturbed. If artefacts are returned to the ground, the location will be outside the s90 area.  
• With Kingston Fletcher Pty Ltd, advise DECC of proposed return of artefacts to the ground and when the work has been completed. |
| Contingencies | • In the unlikely event that skeletal material of potential human origin is uncovered during earthworks, all work must cease immediately. Contact the Police, DECC and Awabakal LALC. Work must not commence until approval to do so has been granted by Police and DECC. | • Provide advice as necessary on cultural values and management processes for contingency situations. |
| Other management of cultural landscape values | • Report to DECC as required by the s90 Consent issued prior to the commencement of earthworks.  
• Ensure that Bushland Management Plan and overall Site Environmental Management Plan (e.g. soil and water management) address the management of Aboriginal cultural heritage issues.  
• Liaise with Awabakal LALC in relation to proposed actions and implementation in the public reserve in which the grinding groove site is located.  
• Distribute cultural heritage information as part of ‘Welcome’ packs for new residents moving into the Estate. | • Provide information to Kingston Fletcher Pty Ltd to allow reporting requirements of the s90 Consent to be met (e.g. records of collected materials).  
• Provide input on cultural values and preferred management actions to protect the grinding groove site.  
• Provide input to cultural heritage information sheets (draft is included in Appendix 5 of this Plan). |
6.0 References


Everett C 1996. Sub surface archaeological testing at Lot 2, DP 844711, near Minmi, Hunter Valley NSW. Report for Highland Country Pty Ltd.


Mills and Associates 1995. Archaeological assessment of the proposed Fletcher subdivision south of Minmi Road, Wallsend. Report to Stockland Constructions Pty Ltd and Monteath and Powys Ltd.


Wallsend and Plattsburg Sun 13 December and 17 December 1890.
APPENDIX 1

Briefing to DECC
Aboriginal Heritage Management Plan, Kingston, Fletcher

Issue

DECC’s in principle agreement is sought for the management of Aboriginal objects and the scope of an Aboriginal Heritage Management Plan for the proposed Kingston Fletcher subdivision at Fletcher.

Background

Newcastle City Council has issued Development Consent (DA 04/2732) on 23 August 2005 and a Construction Certificate for stages 1 and 2 only on 6 July 2006. The subdivision is for a total of 257 residential lots plus a community association lot and public reserve and is located to the west of Wentworth Creek at Fletcher (Figure 1).

Archaeology

Aboriginal heritage assessments of the proposed estate (AMBS 1999, ERM 2004) found several sets of grinding grooves on sandstone platforms along a tributary of Wentworth Creek (see Figure 2) and a single silcrete flaked piece. The isolated artefact was located on an eroded track, approximately 40 metres upslope of a small tributary creek. It was not considered to be in situ. AMBS and ERM considered it likely that other artefacts could be located in alluvial deposits (PAD) along Wentworth Creek, with possible low density subsurface scatters on the ridge crests (Figure 2).

Awabakal Local Aboriginal Land Council participated in the surveys and provided advice on cultural significance and acceptable management options. The Land Council considered that the grinding groove site was culturally important, and agreed with the archaeological assessment of the isolated artefact (low significance).

AMBS and ERM both recommended that the grinding groove site(s) should be protected during construction and occupation of the estate. A cultural heritage plan of management for the bushland reserve in which the creek and grinding grooves are situated would achieve this objective.

Subsequently, two more flaked artefacts have been observed on eroding surfaces within the project area, confirming the general prediction that artefacts could be present on flats adjacent to the creeks and along the ridge crests.

Conservation context

The project area is situated within the Newcastle urban development corridor extending along the Minmi Road at Fletcher. It is immediately south of Highland County estate and south west of the Nikkinba Ridge Estate. The Sanctuary Estate (formerly Bluegum Vista) is to the north of Minmi Road, overlooking Hexham Swamp. The conservation context of the project area includes cultural heritage conservation reserves on spur ends overlooking Hexham Swap (within the Sanctuary Estate), a reserve along Wentworth Creek (Nikkinba Ridge Estate) and extensive Public Reserve or community land in bushland along the creek lines in all estates (including the Public Reserve in which the grinding groove site is located). At a broader scale, Hexham Swamp is part of the National Park estate and parts of major ridges extending from Mount Sugarloaf to Hexham Swamp have recently been added to the National Park estate for the lower Hunter.

Awabakal LALC members have advised that they want to focus on cultural heritage management strategies that raise awareness and respect for the traditional custodians of the
area. A large collection of flakes stone artefacts, from diverse terrain units and local landscape contexts, is already available, so the priority is now interpretation, rather than collecting more artefacts.

Proposal

Following further consultation with members of Awabakal Local Aboriginal Land Council, Kingston Fletcher Pty Ltd proposes the following actions to manage the cultural heritage values of the estate:

- Submit a new site registration, based on the terrain units of the project area, to encompass the known artefact scatter on the surface and the potential archaeological deposits along the ridge lines and creek lines. The proposed site boundary is shown in Figure 2. The grinding groove site would be retained as a separate site number.

- Apply for s90 Consent over the ridge lines, as shown in Figure 2. The aim of the s90 application is to provide certainty for McDonald Jones Homes, their contractors and the local Aboriginal community, about how Aboriginal artefacts will be managed during the estate development process. It is proposed that the s90 would include a cultural observation and collection program, linked to initial earthworks across the subdivision area. All drainage lines (other than one creek crossing) would be retained as bushland, and would not be part of the s90 application. An Aboriginal cultural heritage management plan will be prepared in consultation with Awabakal LALC, to support the s90 application.

- The reserves along the creek lines and lower slopes in the proposed estate have a minimum width of 100 metres and are up to 200 metres in width, providing substantial natural corridors through the estate. These corridors and other similar bushland corridors in the local area complement the existing formal Aboriginal heritage conservation areas that have been established in consultation with Awabakal LALC and DECC. The bushland reserves in this estate are not proposed as formal Aboriginal cultural heritage conservation areas, but will be managed to protect soil stability, ground cover and native vegetation. A bushland management plan, stormwater management plan and fire management plan are in preparation. All these plans will cross reference the proposed Aboriginal cultural heritage management plan to ensure that cultural heritage values of the creek line corridors are protected.

- The cultural heritage management plan will address how Awabakal site officers will work with earthworks contractors to:
  - collect and record any artefacts that may become visible during the initial earthworks for each stage of the estate; and
  - make decisions about circumstances when specialist archaeological advice and/or DECC involvement is required.

- The cultural heritage management plan will also address:
  - care and control of any finds during the earthworks (e.g. reburied on site, or transferred to the Awabakal LALC keeping place); and
  - measures to ensure construction contractors do not damage the cultural heritage values of the retained bushland areas; and
- concepts for the preparation of interpretative material for residents moving to
the estate. Initial discussions with Awabakal LALC members suggest that this
information could focus on the story of the Pambalong people, with the aim of
fostering respect for the traditional custodians of the country around the Mount
Sugarloaf footslopes and Hexham Swamp.

Timing

Kingston Fletcher is keen to progress with the development of the estate. Discussion to date
indicates that Awabakal LALC is comfortable with the concepts proposed.

Kingston Fletcher proposes to submit the new site registration, s90 application and
Aboriginal Cultural Heritage Management Plan as a single package, with support from
Awabakal LALC.

To facilitate the preparation of documentation that meets DECC requirements and can
therefore be processed without delays for additional information, Kingston Fletcher requests
urgent advice from DECC about its in-principle agreement with the proposed management
concepts.

The site registration, s90 application, Management Plan and correspondence from Awabakal
LALC will be submitted within 4 weeks of DECC providing this in-principle advice.
APPENDIX 2

Correspondence from Awabakal Local Aboriginal Land Council
Pam Dean Jones  
Umwelt(Australia) Pty Limited  
2/20 The Boulevarde  
PO Box 8038  
Toronto  

23 August 2007  

Re: Kingfisher Park Estate  

Dear Pam  

Following your presentation for Kingston Fletcher Pty Ltd regarding Kingfisher Park Estate at a meeting of the management committee of the Awabakal Local Aboriginal Land Council held 8th August 2007.

Members of the Awabakal Local Aboriginal Management Committee were satisfied with your presentation and conveyed to me their optimism for preserving the Aboriginal heritage for this site.

I wish to advise that on behalf of Awabakal Land Council I am prepared to agree to your recommendations contained in document 2421/RO1V2 and look forward to working with you carry out the Aboriginal cultural heritage management for the development of the Kingfisher Park Estate as prescribed in table 5.1 – Summary of Cultural Heritage Roles and Responsibilities.

Yours Sincerely  

Ron Gordon 
Acting Chief Executive Officer
APPENDIX 3

Draft Community Information Sheet
Welcome to Kingston Fletcher Estate, in the traditional country of the Pambalong people who were the custodians of the landscape between the Hexham Wetlands and Mount Sugarloaf. These traditional owners are part of a broader group of Awabakal people and are sometimes known as the ‘people of the swamps’, but their country included complex patterns of stepped ridges, rocky creeks (such as Wentworth Creek and Flaggy Creek), fresh and estuarine wetlands and forests.

Generations of traditional Awabakal and Pambalong custodians have seen dramatic changes to their country, firstly associated with the major climate change events that occurred over 20,000 years and then with the introduction of farming, mining and logging nearly 200 years ago.

The country is still changing as old mining areas are rehabilitated and new urban communities are established. There are, however, still special places that link modern communities with the past and which, with care, will allow future generations to observe at first hand the evidence of past attachments to the land.

Getting to know the Pambalong people

As many as 4000 Aboriginal people may have been living around the Hexham Wetlands when Europeans arrived. These traditional Aboriginal owners knew the country well.

The Pambalong people were skilled hunters and fishers and could identify many plants. They knew where to find fresh water; they knew where fine grained stone could be obtained to make tools and which rock shelves in creeks could be used for grinding smooth edges or for processing plant materials; they knew where particular plants could be gathered for food or for the raw materials used for day to day implements, such as nets, lines, bags, shelters, canoes and spears. They knew about places with special spiritual significance, where only certain people could go.

The country was defined by landmarks with great cultural or spiritual significance. Mount Sugarloaf itself is regarded as the home of the supernatural being Puttkani, and initiation ceremonies were reported to occur on the slopes of the mountain (marked by stone arrangements). A deep (bottomless) hole in the swamps between Mount Sugarloaf and Lake Macquarie was the home of a monster fish. Nobbys Headland was the home of a giant kangaroo like creature which occasionally shook itself, dislodging stones; an important ceremonial bora ground was located in what is now central Wallsend; the "Knob", a small rock outcrop 250 metres off the shore of southern Hexham Swamp, is described as being of great spiritual significance and was possibly used for burials.

In the early years of colonial settlement in Newcastle, Aboriginal people (members of the Pambalong group) occasionally guided officials searching for escaped convicts in the foothills of the Sugarloaf Range. The creek valleys are deeply incised, with steep side slopes and only a few ridges provide relatively easy access from the coastal lowlands to the ranges and beyond.

There are approximately 9000 Aboriginal people living in Newcastle and Lake Macquarie today, but only a few families appear to be descendents of the traditional owners of this area. However, many Aboriginal people feel the responsibility to help look after their culture and try to show respect for the original owners of the country and the places that were important to them.
Some Pambalong words about their environment

These words were recorded by Reverend Lancelot Threlkeld, who was a missionary to the Aborigines in the Lake Macquarie and Newcastle area in the 1820s.

**Water:** Ko-ko in or Ka-il or Nga-rai

**Moon:** Ye-len-na

**Stars:** Mun-ni

**Fire:** Ko-i-yung

**Honey:** Pambalong people had different words for honey, depending on its source: Ki-nil, Ko-rung-nang, Mip-par-rai (from the blossoms of the wild honeyeucalypt tree), Ka-ra-ka (from the grass tree blossom).

The hunting spear made from the stem of the grass tree, with a hardened wooden tip – wa-rai

Life and culture

The Pambalong people moved quite systematically through their country, sometimes seasonally, and sometimes for trade or for particular social or spiritual events. They depended on natural regeneration of plants and animals, so it was important to move on before overusing what was available at any one place.

Within the Kingston Fletcher Estate we are privileged to have evidence of one of the places where traditional Pambalong people gathered routinely to maintain their equipment and to share stories and information. Along a sandstone shelf in the bed of a small creek are clusters of elongated grooves. The grooves are arranged around potholes in the creek bed, where water would have been held after rain. The grooves were made by people grinding the edges of axes and hatchets, the tips of spears, and sometimes ochre for decorating their bodies or their equipment. The grooves and the potholes could also have been used to grind up or pound plants, to make fibrous string, to make flour or to separate seeds from the flesh of fruits.

Imagine people sitting together along the creek, while they reshARPened their tools and processed food plants, chatting about where the best fruits were to be found this year, or where good fresh water might be found, or where the fishing was good, or when the men might head up onto the range country. Mothers and fathers passed on their knowledge of the country, traditional stories and the rules about life to their children.

In addition to the grinding grooves occasional small stone artefacts, the remains of tools that would once have been used as spear tips, and for general cutting and scraping activities are scattered in the soil along ridges and creek banks.

Care in managing the water, stone, plants and animals that were available to traditional Aboriginal people does not mean that the landscape stayed the same indefinitely, or that Aboriginal people did not change the ways that they did things over time. Some 17000 years ago, the climate was cooler than now, and sea level was about 130 metres lower than at present. The coastline was tens of kilometres away and the valley of Wentworth Creek and other creek in the foothills of the Sugarloaf Range were part of a system of entirely land based resources. From 10,000 years ago to 6000 years ago, sea level rose rapidly. People living at that time saw the sea moving closer, decade by decade. Dry wooded creek valleys were transformed into salt water bays, gradually infilling with sediment delivered from the sea and from flood waters. People had to learn to adjust to change.

There have been more big changes to the land since European settlers arrived nearly 200 years ago. There is coal under the ridgelines in this area and the country of the traditional Pambalong people was part of the coal mining industry in the late nineteenth and early twentieth centuries. Underground and open cut pits were established around Wallsend and through to Mimi.

The spotted gum forests on the ridges were logged to provide pit props, supporting the roof of underground workings. Most of the trees seen today on the ridges around Wentworth Creek have multiple small trunks, regrown since mining. In the late nineteenth century, farmers also moved onto the ridges closest to the Hoxham wetland, grazing their stock across the wetland itself. Just before Christmas 1890, the Wallsend and Maitland Sun published a series of articles about the vanishing culture of the traditional Aboriginal owners of this country to the west of Newcastle, whose lives had been dramatically affected by the introduction of new foods, weapons and diseases. Other articles in the Newcastle Sun told of clashes between displaced local Aboriginal people and farmers.

Treading lightly on the past

In the last ten years, another wave of landscape change has come to the creeks and ridges, as old mining land is rehabilitated to create new urban communities. Bushland reserves within new communities like Kingston Fletcher provide habitat for wildlife, helping to link larger bushland areas together. They continue the natural visual character of the land and provide a sense of space for residents. However, these reserves also protect some aspects of the landscapes that were culturally valued by traditional Aboriginal people.

All residents can help to keep these reserve areas naturally and culturally valuable. Here are some things you can do:

- Enjoy walks in and around the bushland reserves, but keep motor bikes and other vehicles out;
- Use your green waste for mulch or compost, or take it to Summerhill Waste Depot for recycling, rather than place it in the bush. Similarly, dispose of general household waste by recycling or at Summerhill Waste Depot, not in the bush reserves;
- Always dispose of paint and other household chemicals properly, not by tipping them in the bush or the creek;
- Protect the tree canopy in the reserves, and help restore the understorey plants;
- Make sure retaining walls and other structures are properly designed and keep them within the boundaries of your property, so as not to disturb the bushland;
- Make sure your stormwater is properly connected, so that flows from roofs and driveways do not unnecessarily damage the creek line;
- Contact one of the Local Aboriginal Land Councils to find out more about traditional Aboriginal culture in the lower Hunter;
- Learn about traditional Aboriginal food and fibre plants from this area and plant some in your garden; or
- Visit Mount Sugarloaf and look out across the traditional lands of the Pambalong people – the custodians of the wetlands.
APPENDIX 4

New Site Registration Information
**SITE IDENTIFICATION**

<table>
<thead>
<tr>
<th>Site name</th>
<th>Kingston-Wentworth Creek</th>
<th>NPWS Site Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner/manager</td>
<td>McDonald Jones Homes</td>
<td></td>
</tr>
<tr>
<td>Owner Address</td>
<td>Level 1, 116 High Street East Maitland, 2323</td>
<td></td>
</tr>
</tbody>
</table>

**LOCATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>Fletcher</th>
</tr>
</thead>
<tbody>
<tr>
<td>How to get to the site</td>
<td>The development is located west of Wentworth Creek and south of the existing Highland County Estate, off Minmi Road at Fletcher. Off Minmi Road Fletcher proceed along Highland Way and into Hebrides Road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1:250,000 map name</th>
<th>Wallsend 9232-3S</th>
<th>NPWS map code</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMG Zone</td>
<td>56</td>
<td>AMG Northing</td>
</tr>
<tr>
<td>AMG Easting</td>
<td>372785</td>
<td>Map scale</td>
</tr>
<tr>
<td>AMG Northing</td>
<td>6361016</td>
<td>Map name</td>
</tr>
<tr>
<td>NPWS District Name (see map)</td>
<td>Coffs harbour</td>
<td>NPWS Zone (see map)</td>
</tr>
<tr>
<td>Portion no.</td>
<td>Lot 2414 DP1008132, Lot 3 DP 844711, Lot 30 DP 869101 and part Lot 35 DP 800036</td>
<td>Parish</td>
</tr>
</tbody>
</table>

**SITE DESCRIPTION**

<table>
<thead>
<tr>
<th>Site type(s)</th>
<th>Artefact Scatter</th>
<th>Site type code (NPWS use only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of site and contents</td>
<td>A landscape approach has been utilised for this site assessment. Although surface artefacts have only been identified at the coordinates recorded above, the site area encompasses the entire ridge an spur crest landform unit shown on Figure 1. It is believed that there is potential for a low density scatter of artefacts in a subsurface context within the entire area of the ridgecrest and spur crest. The ridges and spurs are generally 75 to 250 metres wide, with a gently sloping convex form above the break of slope into deep creek valleys.</td>
<td></td>
</tr>
</tbody>
</table>

| CHECKLIST: eg. length, width, depth, height of site, shelter, deposit, structure, element eg. tree scar, grooves in rock. |
| DEPOSIT: colour, texture, estimated depth, stratigraphy, contents-shell, bone, stone, charcoal, density & distribution of these, stone types, artefact types. |
| ART: area of decorated surface, motifs, colours, wet./dry pigment, engraving technique, no. of figures, sizes, patination. |
| BURIALS: number & condition of bone, position, age, sex, associated artefacts. |
| TREES: number, alive, dead, likely age, scar shape, position, size, patterns, axe marks, regrowth. |
| QUARRIES: rock type, debris, recognisable artefacts, percentage quarried |
Attach photographs and sketches, eg. plan & section of shelter.
Do NOT dig, disturb or damage site or contents.
## SITE ENVIRONMENT

<table>
<thead>
<tr>
<th>Land form</th>
<th>Ridge and spur crest</th>
<th>Aspect</th>
<th>Ridges trend east and north east, with side slopes to east and west.</th>
<th>Slope</th>
<th>10</th>
</tr>
</thead>
</table>

Mark position of the site

### Local rock type
- Interbedded sandstone, conglomerate and mudstone

### Land use/effect
- Early twentieth century coal mining, vegetation clearance, soil disturbance; recent residential development on adjacent ridgelines

### Distance from drinking water
- <50m

### Resource zone (eg. estuarine, river, forest)
- Forest

### Edible plants
- Not known

### Faunal resources (include shellfish)
- Kangaroos, possums, birds

### Other exploitable resources (eg. ochre)
- Not known

### Are there other sites in the locality
- Yes

### Are they in the Sites Register
- Yes

### Other site types include
- Isolated Find, Axe Grinding Grooves; Large an dense artefact scatters on spur ends overlooking Hexham Swamp, about 1km from the location of this site.

## SITE MANAGEMENT

### Site condition
- Disturbed
- The site area has been previously logged for pit props and partially cleared; there are unsealed tracks traversing the area.

### Management recommendations
- Apply for s90 Consent over the ridge lines, as shown in Figure 1. It is proposed that the s90 would include a cultural observation and collection program, linked to initial earthworks across the subdivision area. All drainage lines (other than one creek crossing) would be retained as bushland, and would not be part of the s90 application. An Aboriginal cultural heritage management plan will be prepared in consultation with Awabakal LALC, to support the s90 application.

### Have artefacts been removed from site
- No

### By whom
- Not removed

### When
- Not removed

### Deposited at

### Consent applied for
- Consent issued

### Date of issue
- Consent number

## SITE INSPECTION AND RECORDING

<table>
<thead>
<tr>
<th>Reason for investigation</th>
<th>Residential development</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Were local Aborigines contacted or present for the recording</th>
<th>Not contacted</th>
<th>Contacted and present</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Names and addresses</th>
<th>Ron Gordon ALALC 127 Maitland Road Islington 2296</th>
</tr>
</thead>
</table>

Version: June 1998

Data entered by:  
Date entered:
| **Is the site important to local Aborigines** | Discussion with Ray Kelly, Ron Gordon, Richard McGinness and Uncle Rex Morgan at Awabakal LALC, plus their previous written comments (AMBS 1999, ERM 2004) all indicate that this site is not of high cultural value. The adjacent grinding groove site on a tributary of Wentworth Creek is much more important from a cultural perspective. The Land Council representatives have indicated that they believe that this site is similar to many others on the ridges and spurs between the Sugarloaf Range and the Hunter/Lake Macquarie estuaries, all of which are within traditional Awabakal/Pambalong country. The community representatives have suggested that protection and continuity of Aboriginal culture is important to them, but that individual low density artefact scatters are not their highest priority. |
| **Photographs taken** | Yes |
| **Site recorded by** | Pam Dean-Jones |
| **Address/institution** | Umwelt (Australia) Pty Ltd PO Box 838, Toronto, NSW, 2283. |
APPENDIX 5

S90 Application
Application for a Section 90 Consent or a Section 87(1) Permit, under the National Parks and Wildlife Act, 1974

Clearly indicate which is required

☑ Section 90 Consent
(Consent; Consent with Salvage)

Application Fee

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

Name of Person Applying: Peter Bowles
(For Permits, this must be the person actually doing the work or physically supervising the work)

Position: Development Manager
(In the case of a Consent, person applying must be CEO, Manager or similar senior executive)

Company: Kingston Fletcher Pty Ltd
(In the case of a Consent, applicant must be the developer, not a project manager or consultant)

Business Address: Level 1, 116 High Street East Maitland, 2323

Postal Address: As above

Telephone: Ph. (02) 49332400

Name of Contact person: As above
(If different to person applying)

Position:

Name and address of the Heritage Consultant(s) who supplied information:
Pam Dean-Jones
Umwelt (Australia) Pty Limited
2/20 The Boulevarde
TORONTO NSW 2283
Cost of development/activity work: $15 million

Is the proposed development/activity for a owner/occupier dwelling? ☐ Yes ☑ No

Where consent is sought for development purposes, .................................................. ☑ Yes ☐ No has development consent been granted? (If yes, attach copy of the Development consent and conditions) A copy of the Notice of Determination of Development Application and the relevant condition is attached. Consent was issued by Newcastle City Council in August 2005.

Location of development/activity: The development is located west of Wentworth Creek and south of the existing Highland County Estate, off Minmi Road at Fletcher.

Nearest town: Minmi to west, Maryland/Wallsend to east

Local Government Area: Newcastle

Attach a map showing topographical features, location of Aboriginal objects/places, location of potential Aboriginal objects, roads, buildings, etc of the area subject to the consent/permit. Maps attached: Figure 1 is topographic map extract, Figure 2 is a detailed plan of the development and site boundaries.

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

New Site: Kingston-Wentworth Creek

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

Low density artefact scatter (2 flakes) with possible artefacts in a subsurface context.

Name of reports which covers Site(s):


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

What is the condition of the site(s)? ie Aboriginal object(s) and Aboriginal place(s)
The site area is disturbed has been previously logged for pit props and partially cleared.
There are tracks along all spurs and ridge crests.

Which Aboriginal groups were involved in the heritage assessment and discussions on the proposed development/activity. Attach additional page(s) if necessary.
(It is NPWS policy that wherever possible, consultation with the local Aboriginal community be carried out by the developer/researcher)

Name of Aboriginal group(s): Awabakal Local Aboriginal Land Council (ALALC)

Address: 127 Maitland Road
Islington 2296

Telephone / Fax: 49654532 / 49654531

Person(s) contacted: Ron Gordon, Sean Gordon, Ray Kelly, Richard McGinness,
Cheryl Kitchener, Rex Morgan.

What consultation/involvement has occurred:

The most recent Aboriginal archaeology study at Kingfisher Park was prepared by ERM (2004). At that time, Awabakal Local Aboriginal Land Council represented the Aboriginal community. A Land Council Sites Officer (Kevin Gordon) participated in the field survey. The Land Council provided input about the significance of the archaeological sites and their ongoing management.

In December 2004, DECC (then DEC) released new Interim Guidelines for consultation with Aboriginal communities, which, for new projects, require a range of consultation activities, such as advertising of opportunities to be consulted in relation to the preparation of Aboriginal cultural heritage assessments and management planning.

In this particular case, the Kingfisher Park Estate AHMP (Umwelt 2007) has been prepared to meet a specific Newcastle City Council development consent condition, which requires the participation only of Awabakal Local Aboriginal Land Council. Other actions in the Plan give effect to recommendations made by ERM (2004), after consultation with Awabakal Local Aboriginal Land Council. Consultation during the preparation of the Kingfisher Park Estate AHMP has therefore focused on the views of the Land Council members, and continues the consultation previously conducted during the site survey and significance assessment process in 2004.

Since 2004, three local families have applied to the Native Title Tribunal to be recognised as Awabakal Traditional Owners. None of these families has yet been formally recognised as a Traditional Aboriginal Owner. All three families are members of Awabakal Local Aboriginal Land Council.

Steps in Aboriginal community consultation for the preparation of the KFAHMP included:
• As the project is a continuation of and implementation of recommendations made by ERM 2004 (partly formalised in the Development Consent – see Section 1 of Umwelt 2007), and made in consultation with Awabakal Local Aboriginal Land Council, initial contact was made with the Land Council.

• Brett Stein (Asquith and de Witt) and Ron Gordon (ALALC) visited the project area together for preliminary discussion of the proposed Aboriginal Heritage Management Plan.

• Preliminary discussion of the concepts to be applied in the Management Plan on site was followed by a meeting at the Awabakal Local Aboriginal Land Council office on 14 June 2007. This meeting was attended by Brett Stein and Peter Bowles (representing Kingston Fletcher), Pam Dean-Jones and four members of the Awabakal Local Aboriginal Land Council, including Ron Gordon, Ray Kelly, Richard McGinness and Uncle Rex Morgan.

The meeting took the form of a briefing on work that had previously taken place in this project area followed by discussion about what the Management Plan would address and how it would be prepared.

It was agreed that:

- The Plan was a useful thing to do;
- The Plan would focus on raising awareness and respect for Aboriginal culture amongst people moving to the Estate, but would also allow for site officers to be present as observers during initial ground disturbing earthworks;
- The Plan would include a new site registration, based on the ridgeline terrain unit in the Estate;
- The plan would include a s90 application which, when approved by DECC, would authorise the collection of flaked stone artefacts by Awabakal Local Aboriginal Land Council site officers during ground disturbing earthworks across the Estate;
- Umwelt would visit the project area with Ray Kelly to document its current condition, inspect the proposed creek crossing location and review potential management options.
- Umwelt would prepare a briefing for DECC to ensure that they were aware of the proposed Plan and the approach being taken.

• Follow up meetings of the project and Awabakal representatives were held on 3 July and 8 August 2007, to review progress and to discuss the working draft of the Management Plan. At the 3 July meeting, the Land Council representatives confirmed that they were comfortable with the approach being followed in the Plan. Preparation of a draft community information sheet, which would be used as part of the welcome material for incoming residents and would provide them with information about the traditional Aboriginal people of the area, was authorised. The draft information sheet and layout was subsequently discussed with the Land Council members. A copy is included as Appendix 3 in Umwelt 2007. Comments made at this meeting were incorporated into a revised draft Plan.
Six copies of the revised draft of the Aboriginal Heritage Management Plan were sent to Awabakal LALC for the information of the Land Council Management Committee and other members, prior to a meeting with the Management Committee on 8 August. This was to allow members to review the information and consider whether their previous comments had been incorporated to their satisfaction.

The final draft Plan was discussed with the Management Committee on 8 August 2007. The consultant offered to provide a presentation to a full meeting of Land Council members, but the Land Council Management Committee felt this would not be necessary. Members of the Management Committee discussed the draft Management Plan with a full meeting of Land Council members on 9 August 2007. Members agreed that the Plan met the needs of the Land Council in terms of on site activity and community information.

Accompanying the plan are copies of the following documents, all of which have been either prepared by the Aboriginal community or have been approved by the Aboriginal community during the consultation process (Umwelt 2007):

- Letters from the Awabakal LALC (from the 2004 survey and in relation to the Management Plan and s90 recommendations) (Appendix 2);
- A draft community information sheet, providing incoming residents with Aboriginal cultural heritage background and encouraging their adoption of sound land management practices to protect cultural values (Appendix 3).
- A new site card (Appendix 4)
- A s90 application for the recovery of artefacts that may be observed on the ridge terrain during ground disturbing earthworks (Appendix 5).
- Draft checklists for site officers (Appendix 6)

IMPORTANT: A letter from the relevant local Aboriginal group(s) which shows its views on the proposed development/activity must be attached, or attach evidence of attempts to obtain these views
SECTION 90 CONSENTS

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

Discussion with Ray Kelly, Ron Gordon, Sean Gordon, Cheryl Kitchener, Richard McGinness and Uncle Rex Morgan at Awabakal LALC, plus the Land Council's previous written comments (AMBS 1999, ERM 2004) all indicate that this artefact scatter site is not of high cultural value. The adjacent grinding groove site on a tributary of Wentworth Creek is much more important from a cultural perspective. The Land Council representatives have indicated that they believe that the low density artefact scatter site is similar to many others on the ridges and spurs between the Sugarloaf Range and the Hunter/Lake Macquarie estuaries, all of which are within traditional Awabakal/Pambalong country. The community representatives have suggested that protection and continuity of Aboriginal culture is important to them, but that individual low density artefact scatters are not their highest priority.

Are there areas of land where Aboriginal objects........................................Yes □ No
may occur but are not visible?
If yes, this needs to be clearly marked on the map of the area

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

The entire site will be impacted by the development of the Kingfisher Park Estate.

Why is impact necessary?:
(Outline alternatives which have been considered by the proponent or heritage consultant)

Kingston Fletcher Pty Ltd was granted Development Consent (DA 04/2732) for the Estate in August 2005 (attached). There are 257 residential lots across the ridges and spurs.

On what date will the work start that will impact on the Aboriginal object(s)/place(s): October 2007

When will this work finish: October 2012

What mitigation measures will be employed to reduce impact?

The s90 application proposes that cultural observers will be present during the initial earthworks for the development of each stage of the estate. A consulting archaeologist will not be present unless specifically requested to attend in relation to the contingencies noted in Section 4.4 of Umwelt (2007).
The cultural observers will be fully qualified sites officers, provided by Awabakal Local Aboriginal Land Council. It is proposed that the cultural observers will inspect the exposed surface at each stage of topsoil stripping.

The cultural observers will also be involved in site inductions and cultural heritage awareness training for contractors. These roles and responsibilities and the required communication processes are set out in Sections 4.2.2 to 4.2.5 and are summarised in Table 4.1 of Umwelt (2007).

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

Collection of Artefacts

It is intended that observation of the freshly disturbed ground surface and collection of any Aboriginal objects that may be visible will be conducted as part of the routine activities during each stage of ground disturbing earthworks. The collection process has been designed in consultation with Awabakal LALC, including feedback from them about the practicality of collection programs by observers working on other residential developments in the region.

In general the following procedures will be implemented:

- Contractors will advise Awabakal LALC about proposed schedules for earthworks.

- Earthworks will be conducted in two stages. The first stage will use light weight earthmoving equipment to strip only the top 10-15 cm of soil, so that site Officers can make observations and any collections that they feel appropriate. When this work has been done, larger earthmoving machinery will complete the excavation etc for roads, and service infrastructure. After the subdivision earthworks have been completed, individual allotments will be underscrubbed in release areas. As for the earlier earthworks, light weight machinery will be used, and disturbance will be conducted in consultation with Awabakal Site Officers. Approximately two weeks will be allowed for this process for each release area.

- Awabakal Sites Officers will attend contractor briefings about daily work areas and targets as required by the relevant earthworks contractor;

- the safety of all contractors and subcontractors must be a priority at all times;

- Aboriginal site officers will have an opportunity to observe freshly exposed soil material. They will walk across freshly disturbed areas after the earthmoving machinery has turned over the soil. They may inspect windrows of stripped topsoil or exposed areas. Observations may be made when tree stumps are removed and/or when topsoil is scraped or stripped;
- cultural observations will be a routine part of the initial ground disturbing earthworks in all localities of the Estate and will be made intermittently during each day, in coordination with the representative of the relevant earthworks contractor;

- Aboriginal site officers may collect any cultural stone objects (generally flakes and flaked pieces) that they observe on the disturbed ground surface, or in adjacent windrows of topsoil material. The location of each area that is inspected will be marked on a base map of the subdivision. The locations of individual artefacts will not be recorded; and

- all artefacts that may be collected each day will be collected in a single bag which is labelled with the Stage, date and locality within the Estate.

The following information will be recorded about the materials that are recovered:

- a plan of the development site showing the localities where observations have taken place and where objects have been recovered;

- a list of all materials recovered. This list will identify the raw material, broad artefact type and size class. A sample recording sheet to facilitate rapid recording is included in Appendix 6 of Umwelt (2007). Unless very large numbers of significant cultural objects are collected, this basic information will be recorded each day for all artefacts collected on that day of observations;

- recovered stone artefacts will be stored in robust and clearly marked bags at the Awabakal LALC during the construction period. Bags will be labelled with the date, stage, and locality from which the objects were recovered;

- Awabakal LALC may decide to store and/or display some of the recovered artefacts at the Land Council office in the long term. Other materials may be returned to the land;

- artefacts that are returned to the land will be placed in an area of community title land;

- Awabakal LALC will discuss the placement of artefacts in the community title land with the Kingston Fletcher project team, to determine locations that are unlikely to be disturbed and appropriate timing; and

- Awabakal LALC will advise the Kingston Fletcher project team when cultural objects have been placed in the community land, but are not required to specify the exact location. Awabakal LALC must also advise DECC in writing when any artefacts have been returned to the land, including an indication of the location (say within a 30 metres by 30 metres area), how many artefacts were returned, and the areas from which they were collected.

**MANAGEMENT OF RETRIEVED MATERIALS**

**What excavated material will be left on site?**

Only artefactual material will be removed from the site. There is no specific excavation proposed. Earthmoving equipment will be used to expose and strip the topsoil.
Will some or all of it be left for backfilling? ........................................... ☑ Yes □ No

Will wet sieving be used? .......................................................... □ Yes ☑ No

Will material be retained for analysis? ........................................... ☑ Yes □ No
(Note: you will be required to deal with this material in accordance with consent/permit conditions).

Note that no detailed analysis is proposed, as this is a cultural salvage program. However, the Sites Officers will retain the material they collect and will record basic information about the artefacts as they go.

Does the local Aboriginal community wish to have care of any retrieved material? ........................................... ☑ Yes □ No
(You will need to arrange for a completed care agreement application form to be lodged with your application form).

DATES OF ACTIVITY

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

Start date: October 2007

Finish date: (Field work, if applicable) October 2012

Finish date: (analysis, report) N/A

Declaration

I Pam Dean-Jones certify that to the best of my knowledge the information supplied herewith is correct, the relevant application fee of $2000 is attached and letter from the relevant Aboriginal group(s) is also attached.

______________________________
Signature of Applicant /Date

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

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

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

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

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

National Parks and Wildlife Service Site #: New Site

Site Name: Kingston-Wentworth Creek

Street Address:

Property name or locality: The property is located west of Wentworth Creek and south of the existing Highland County Estate, off Minmi Road at Fletcher. Off Minmi Road proceed along Highland Way and into Hebrides Road

Portion number: Lot 2414 DP1008132, Lot 3 DP 844711, Lot 36 DP 869101 and part Lot 35 DP 800036

Parish: Hexham

County: Northumberland
(Only for sites without specific street addresses)

Zone: 56 Topographic Map Sheet: Wallsend 9232-3S

Australian Map Grid References.

Eastings 372785
Northing 6361016

Land status: Private

Full name of property owner: Kingston Fletcher Pty Ltd

Postal address: Level 1, 116 High Street East Maitland, 2323
NOTICE OF DETERMINATION
DEVELOPMENT APPLICATION
Section 81 Environmental Planning and Assessment Act 1979

To: KINGSTON FLETCHER PTY LTD
Of: PO BOX 903
NEWCASTLE NSW 2300

Development Application No: 04/2732

Land to which the Application relates:
LOT 3, DP 844711 (499 MINMI ROAD, FLETCHER), LOT 36, DP 869101 (20A PLATTSBURG PARADE, FLETCHER), LOT 2414, DP 1008132 (50 HEBRIDES ROAD, FLETCHER) AND PART LOT 35, DP 800036 (87 MINMI ROAD, MINMI) NSW 2287

Proposed Development:
SUBDIVISION OF 4 LOTS INTO 257 COMMUNITY TITLE RESIDENTIAL LOTS, ONE COMMUNITY ASSOCIATION LOT, ONE RESIDUE LOT AND THE DEDICATION OF PUBLIC ROAD AND PUBLIC RESERVE

Determination

The Development Application has been determined by granting of CONSENT subject to the conditions specified in the attached Schedule 1.

Date from which consent operates: 23 Aug 2005

Date on which the consent lapses: 23 Aug 2010

Right of Appeal:
If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land & Environment Court within 12 months after the date on which you receive this notice.

Review of determination
Section 82A of the Environmental Planning and Assessment Act 1979 allows you to request Council to review this decision, provided the request is lodged within 12 months of the date of determination and is accompanied by the prescribed fee.

Notes:
1. A public enquiry, pursuant to Section 119 of the Act, has not been held in respect of this development application.
2. There is no right of appeal to the Land and Environment Court of NSW by any objector to the proposal approved by this development consent.

__________________________
Brian Cameron
SENIOR DEVELOPMENT OFFICER

23 Aug 2005
Date of Determination
A.3.30  A twelve-month maintenance period applying in respect of each applicable stage of the development prior to Council accepting maintenance responsibility for the proposed site landscaping. Each maintenance period is to commence at the date of registration of the respective plan of subdivision.

In this regard a cash bond or bank guarantee in an amount equivalent to 25% of the contract value of landscaping and associated maintenance, or an alternative lesser amount as may be agreed to by Council, together with the required Landscape Establishment report, is to be submitted to Council prior to certification of the Subdivision Plan in respect of for each stage of the development.

(Note:  

i) A further two inspections of the landscaping will be undertaken by Council officers in accordance with the terms of this consent.

ii) Any defects or maintenance requirements identified by Council officers are to be rectified by the developer prior to Council’s acceptance of maintenance responsibility and the release of the bond.

iii) In the event that the developer fails to rectify defects notified by Council within one month of notification, or undertake adequate maintenance, Council may elect to call on all or part of the bond to effect the required rectification works or maintenance.)

Reason: To ensure the establishment and ongoing viability of all proposed landscaping works without cost to public sector resources.

A.4  Conditions Requiring the Submission of Future Applications to Council or The Approval of Other Authorities

A.4.1  The Developer inviting an officer or authorised representative of the Awabakal Local Aboriginal Land Council (LALC) to be present on site during initial site works for each stage of development and as otherwise requested by the LALC. Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, work must cease immediately and the Principal Certifying Authority informed. Work may only be resumed following written consent being obtained from the National Parks and Wildlife Service. Copies of any such consents are to be provided to the Principal Certifying Authority prior to the resumption of work.

(Note:  It is illegal to knowingly damage, deface or destroy a "relic" or Aboriginal Place without the prior written consent of the Director General of the Department of Infrastructure, Planning and Natural Resources.

Reason: To advise the necessity for compliance with the particular requirements of the National Parks and Wildlife Act 1974 in respect of Aboriginal relics or artefacts.
APPENDIX 6

Sample Recording Sheet for Cultural Observers
Appendix 6 - Kingston Fletcher Estate

Records of Aboriginal objects collected during initial ground disturbing earthworks

Fill in a record sheet each day that Sites Officers are present on the Kingston Fletcher Estate for the purpose of making cultural observations and collections.

What to do

1. Mark on a plan of the development the areas that you have inspected that day. Identify general areas where any objects were collected. A copy of the base plan is attached.

2. Store all the artefacts that are collected each day in a single bag (one bag for each day).

3. Make sure that each bag is labelled with the project name, the date, and the section 90 number. Mark the number of artefacts that are in the bag on the label.

4. Use the Table on the reverse side of this sheet to enter information about the material you have collected.

5. Use a separate Table for each day.

6. File the completed record tables and site plans at the Awabakal LALC office, with the bags of artefacts.

7. Information on these forms will be needed to complete the reporting requirements in the section 90 consent.

8. If it is later decide to return these artefacts to the ground within the estate, mark that information on the form in the space provided. You will need to let DECC know when artefacts are to be returned to the ground.
Kingston Fletcher Estate

Information about Collected Aboriginal Artefacts

- Section 90 consent number:

- Date:

- Site Officers on duty:

- Total number of artefacts collected today:

- Has the area in which these materials were collected been marked on the project base map?
  Yes  No

Artefacts

- Flakes and flaked pieces

  Raw material (circle applicable ones):  Tuff  Silcrete  Other

  Size (circle applicable ones):  Less than 30mm maximum dimension
                                More than 30mm maximum dimension

- Other (such as edge ground implements)

  Raw material (circle applicable ones):  Tuff  Silcrete  Other

  Size (circle applicable ones):  Less than 30mm maximum dimension
                                More than 30mm maximum dimension

Management

- Stored at Awabakal LALC pending decision

- All returned to ground

- …….. (number) retained for display or education, others returned to the ground