

## MEMO

Date: 24 June 2019  
To: Stephanie Ballango – Senior Planner, Landcom  
From: Veronica Norman  
Pages: 4 inc. this page  
Regarding: PR144267 Tuncurry Development Peer Review Memo

### PR144267 Tuncurry Development Peer Review Memo

#### Introduction and scope

An Aboriginal Cultural Heritage Assessment Report (ACHAR) of North Tuncurry was prepared by Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services for Landcom in 2011. Landcom proposed to re-zone land for urban purposes, in the locality of North Tuncurry, NSW via an amendment to the Major Project SEPP pursuant to clause 37 of the Environmental Planning and Assessment Act 1979 (Doowakee, Robert Yettica and Elvina-Jean Paulson consultants 2011:6). Following completion of the draft report the project was put on hold. Landcom are now in the process of updating all technical studies and have requested that RPS undertake a review of the 2011 ACHAR in order to prepare it for public exhibition.

The scope of this peer review memo includes undertaking an updated Aboriginal Heritage Information Management System (AHIMS) search, updating the historical register review and making further recommendations to ensure that the reporting meets the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW [now OEH] 2010) (Code of Practice) and the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW [now OEH] 2010) (Consultation Requirements).

#### Project Area

The Project Area this memo relates to includes the following Lot and Deposit Plans (DPs):

- Lot 331 of DP 1104340
- Lot 294 of DP 43110
- Lot 295 of DP 43110

The Project Area is shown in red Figure 1.

#### Aboriginal Heritage Information Management System

**The nature and location of Aboriginal sites is considered culturally sensitive material and should be removed from this report before it is made publicly accessible.**

# MEMO

Date: 21 June 2019  
Regarding: PR144267 Tuncurry Development Peer Review Memo

The Office of Environment and Heritage (OEH) maintains the AHIMS which includes:

- Information about Aboriginal objects reported to the Director General, Department of Premier and Cabinet,
- Information about Aboriginal Places declared by the Minister for the Environment to be of special significance with respect to Aboriginal culture, and
- Archaeological reports.

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW [now OEH] 2010) states that *'If [a] previous investigation includes a search on the Aboriginal Heritage and Information Management System (AHIMS) database which is over 12 months old you must search AHIMS again to ensure that the information is still current.'* As the original AHIMS search was undertaken in 2011 an additional extensive search was undertaken by Veronica Norman (RPS Heritage Consultant) on 30 May 2019 (Client ID: 424133). The search covered an area of approximately 2 kilometres by 2 kilometres and returned 10 registered Aboriginal sites in the area. One registered Aboriginal site is located within the Project Area (AHIMS # 38-2-0025). Four registered Aboriginal sites are located within 500 metres of the updated Project Area (AHIMS # 38-2-0026, AHIMS # 38-2-0027, AHIMS # 38-2-0028, 38-3-0035).

Survey undertaken as part of the 2011 ACHAR found an extension of AHIMS # 38-2-0025 and that *'it is possible that sites of archaeological/scientific (and/or Aboriginal cultural/social) significance will occur within the cultural landscape'* (Doo-wa-kee, Rob Yettica Cultural Heritage, Elvina Jean Paulson Indigenous Cultural Resource Management Services 2011:36).

## Heritage register searches

The Commonwealth Heritage List (CHL) and the National Heritage List (NHL) fall under the *Environment Protection and Biodiversity Conservation Act 1999* while the State Heritage Register (SHR) was established by the *Heritage Act 1977*. The CHL, NHL and SHR are statutory registers for heritage items. The Register of the National Estate (RNE) is a non-statutory archive of information about places of significance in Australia.

The results of searches for Aboriginal cultural heritage listed sites and / or places on statutory and non-statutory registers, planning instruments and management documents within one kilometre of the Project Area are included below in Table 1. Note that the heritage register search excludes results from the AHIMS. Search results for the AHIMS are detailed in the section above.

**Table 1: Heritage register search**

Register	Results
Register of the National Estate	None
Commonwealth Heritage List	None
National Heritage List	None
State Heritage Register	None
Great Lakes Local Environmental Plan 2014	None

## Findings

### Project Area

The current Project Area is located within 200 metres of Tuncurry Beach, and is therefore considered an area where landscape features indicate the potential presence of Aboriginal objects by the Code of Practice (DECCW [now OEH] 2010:12). Much of the Project Area consists of undeveloped bushland.

# MEMO

Date: 21 June 2019  
Regarding: PR144267 Tuncurry Development Peer Review Memo

## 2011 ACHAR

As the original ACHAR dates from 2011, sections of the report are now out of date and do not reflect current technical and legislative requirements. Following exhibition of the 2011 ACHAR and this memo, an addendum ACHAR should be produced with updated sections including the review of previous archaeological studies and predictive model.

## Aboriginal community consultation

In accordance with the Consultation Requirements project updates should be provided to Registered Aboriginal Parties (RAPs) throughout the life of the project. It is RPS' understanding that consultation has not been maintained since 2011. The Office of Environment and Heritage (OEH) considers evidence of 'regular' updates and consultation being maintained as communication which occurs at least every six months. Breach in this timeframe is considered a lapse in consultation. As consultation for this project has lapsed, it will need to be re-initiated and the consultation process will need to begin anew.

## Site survey

A compliance assessment of the current Project should be undertaken in order to inform an addendum ACHAR. The site survey would include a survey of the Project Area with a representative/s of the Forster Local Aboriginal Council, and detailed assessment of Aboriginal archaeological potential in accordance with the Code of Practice.

## Recommendations

Following public exhibition of the 2011 ACHAR, an addendum ACHAR should be produced. The addendum ACHAR would contain the updated information in this memo, as well as the following:

- Updated Aboriginal community consultation undertaken in line with the Consultation Requirements.
- Update of technical requirements in the ACHAR, including review of previous archaeological studies and the predictive model in order to bring the background research conducted for the project to current standards.
- Site survey of the Project Area with a representative/s of the Forster Local Aboriginal Council and detailed assessment of Aboriginal archaeological potential, in accordance with the Code of Practice.
- No works may commence within the Project Area prior to the addendum ACHAR having been undertaken. Note that the addendum ACHAR may recommend further archaeological assessment.




### Veronica Norman

Heritage Consultant

veronica.norman@rpsgroup.com.au



**Legend**

-  Project Area
-  Shell
-  Shell, Artefact



**FIGURE 1: PROJECT AREA AND AHIMS EXTENSIVE SEARCH**

LOCATION: TUNCURRY, NSW	DATUM: GDA94
JOB NO.: PR 144267	PROJECTION: MGA Zone 56
PURPOSE: DEPARTMENT	Data Sources: RPS, Client Land and Property 2015
Technician: Veronica.Norman Date: 24/06/2019	

CLIENT: LANDCOM

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
Level 13, 255 Pitt Street Sydney, 2001  
T. 02 8270 8300 www.rpsgroup.com.au

