

18 February 2016

**ADW Johnson**  
5 Pioneer Avenue  
Tuggerah, NSW 2259

Attn: **Stephanie Van Dissel (Senior Town Planner)**

## **Re: Precinct 7A, Warnervale – Proposed Re-zoning – Aboriginal Heritage**

Dear Stephanie,

### **Background**

Extent Heritage Pty Ltd (Extent) has been commissioned by ADW Johnson, on behalf of AVJennings, to advise on the Aboriginal heritage associated with a potential re-zoning of Precinct 7A, Warnervale, NSW (Lot 2, DP 1101086). This precinct was encompassed within an earlier re-zoning undertaken by Wyong Shire Council in 2008, but due to the presence of Aboriginal objects/sites, and the potential complexity in obtaining an Aboriginal Heritage Impact Permit (AHIP), it was left as RE1- Public Recreation. AVJennings is now exploring the potential to re-visit this re-zoning. Information sought from Extent included a review of the existing Aboriginal heritage study, liaison with the relevant Aboriginal stakeholders, and identification of any future requirements.

Extent has reviewed the 2008 investigation of the site entitled, "The archaeological investigation for sites of Indigenous cultural significance in Precinct 7A, Warnervale, Central Coast, NSW" by Archaeological Surveys and Reports Pty Ltd. This report identified 18 Aboriginal objects/sites within the precinct, primarily in association with a broad ridgeline in the centre of the study area. These sites were characterised as containing isolated or very low densities of Aboriginal objects (stone artefacts) situated on tracks or exposures, and were generally considered of low archaeological significance. Only one site, 'Bitova OS 4', contained a higher density of artefacts (~40), near a water tower on the highest point of the ridge, but this similarly retained little research potential being on a disturbed and truncated soil profile. The report recommended that further investigation was required and appropriate permits from the NSW State government obtained should development in these areas be proposed. Comments from the Aboriginal stakeholders were broadly in agreement, although Guringai Tribal Link Aboriginal Corporation (GTLAC) and Darkinjung Local Aboriginal Land Council (LALC) considered Bitova OS 4 of greater cultural significance, and GTLAC also disagreed with the investigative methods proposed.

We consider that the report provides a good baseline assessment for the Aboriginal objects/sites and deposits within the precinct. Based on a brief site visit and regional archaeological models, the findings appear consistent with a fairly ephemeral use of the region in the past – a lack of significant water course being a major hindrance to more extensive occupation. The report does, however, have some deficiencies, most notably that it no longer fulfils current Aboriginal heritage guidelines or requirements (which were modified in 2010), and that no further investigation and characterisation of the sites was undertaken, most notably Bitova OS 4. This latter issue was a recommendation of the report, but was never implemented.

## Aboriginal Consultation

As part of the rezoning discussions, Extent (Alan Williams), AVJennings (Andrew Gallagher) and ADW Johnson (Stephanie Van Dissel, Chris Smith) met with the relevant Aboriginal stakeholders. The intent of these meetings was to engage the stakeholders early in the proposed re-zoning, and obtain their thoughts and feedback on the site. Meetings were held with representatives of Darkinjung LALC (Lynne Hamilton and Lee Davidson) on 15 January 2016 at Warnies Café, Warnervale Road, NSW; and GTLAC (Tracey Howie) on the 2 February 2016 at the same venue. Following a presentation of AVJennings development and design concepts, a site visit was undertaken to visit the precinct on both occasions.

Feedback from the meetings was similar to that provided in 2008. Specifically, that Bitova OS 4 required further investigation, and that any development should appropriately manage Aboriginal heritage within the site. However, there were no issues raised over re-zoning the entire precinct to residential, since *in situ* conservation of the deposits was not considered critical. Rather, there was a preference that appropriate assessment and consideration of any cultural deposits be undertaken through the development process; and areas of cultural value (if present) were managed respectfully. An approach AVJennings, ADW Johnson and Extent supported. In addition, there was significant interest from the Aboriginal stakeholders to ensure appropriate interpretation of Aboriginal heritage was undertaken as part of any development.

## Conclusions and Recommendations

Based on a review of the existing study, and feedback from the Aboriginal stakeholders, there appears to be no cultural heritage constraints on re-zoning the site from RE1 to residential. However, the presence of Aboriginal objects/sites within the precinct does require further assessment, and approvals from the Office of Environment and Heritage (OEH) would need to be sought prior to any development being undertaken. Should significant cultural materials be identified during such works, they could be managed and, if necessary, protected through the subsequent planning and approval requirements following re-zoning.

Further investigation would need to take the form of an Aboriginal Cultural Heritage Assessment Report, which is required for sub-surface investigations, and as supporting documentation for an Aboriginal Heritage Impact Permit (AHIP) application. This document must be prepared in accordance with OEH's (2010) *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* and (2010) *Aboriginal Consultation Requirements for Proponents*, and should focus on further characterisation of the previously identified cultural deposits, most notably Bitova OS 4. Please note that due to mandatory timeframes dictated in OEH guidelines, this report would require 3-6 months to complete, with a further two months added for OEH processing times should an AHIP be required.

For further information, please contact Alan Williams on 02 9555 4000.

Yours sincerely



Dr. Alan Williams MAACA

Aboriginal Heritage Team Leader