

# Cultural Consulting Services Report

For

Forster Civic Precinct Project for Evermore Pty Ltd.

This report deals with the Aboriginal Heritage contained within this Site.



*S/East Project area*

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## **Introduction**

Gavin Maberly-Smith has engaged Robert Yettica Cultural Consulting Service to prepare an Aboriginal heritage assessment study within the Midcoast Council Boundary area. Has part of the investigation an assessment of the Aboriginal Cultural heritage and values of the project area. The information relating to how the Aboriginal Cultural heritage values of the project area compare with those of the adjoining areas may indirectly affect the Aboriginal Cultural heritage values of this area. This document presents the information required.

## **Location and Extent of Project Area**

The project area lies within the Midcoast Council Local Government Area

## **Objectives and structure of the Document**

The main objectives of the Aboriginal Heritage survey and assessment were to:

- Identify whether Aboriginal sites exist within the project area and within Midcoast Council Shire Boundary Area.
- Identify whether potential archaeological deposits (PADs) exist in the project area and can be predicted for Midcoast Council.
- Determine the heritage values and significance of any sites/PADs in the project area.

Discuss how development may directly affect any sites or PADs within the project area and indirectly affect any sites or PADs.

Develop recommendations for the proponent for appropriate processes for managing sites/or PADs within the project area and lessening the impact on sites and PADs in Midcoast Council. In order to complete an Aboriginal Cultural Heritage assessment of the project area and its Cultural contexts must be understood. Hence the report includes a summary of the following information:

- The landform elements of which the areas are composed, and their suitability for Aboriginal occupation:
- The natural (post-depositional) processes operating within the area that are likely to have protected, disturbed, revealed or obscured Aboriginal sites; The past Aboriginal land use of the areas.

### **Legislative Requirements**

Aboriginal cultural heritage is protected under a suite of Acts and Policies within NSW. The most pertinent sections of those Act/Policies are discussed below.

In NSW Aboriginal cultural heritage is managed primarily under the NSW National Parks and Wildlife Act 1974 (the Act). The following information in relation to the Act is drawn from the DEC interim Community Consultation Requirements for Applicants (2004: 2-3).

The National Parks and Wildlife Act 1974 (NPW Act) is the primary legislation regulating the protection of Aboriginal heritage through the administration of part 6 of the NSW Act. The Department of Environment and Conservation (DEC) administers the NPW Act. Part 6 of the Act provides protection for Aboriginal objects and Aboriginal places (DEC 2004)

- An Aboriginal object is any deposit, object or material evidence (not being handicraft made for sale) relating to Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains (as defined within the meaning of the NPW Act).
- An Aboriginal place is a place which has been declared so by the Minister administering the NPW Act because he or she believes that the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects. Aboriginal places are gazetted in accordance with Section 84 of the NPW Act.

DEC responsibilities under Part 6 of the NPW Act are triggered where an activity is likely to impact on Aboriginal objects (also referred to as sites) and declared Aboriginal places. Such an activity requires the approval of the Director-General of DEC under section 87 or section 90 of the NPW Act. Section 91 of the Act requires that DEC be notified by any person who is aware of the location of an Aboriginal object within reasonable time after discovery of that object.

The decision whether or not to issue consent under section 90 and/or permit under section 87 of the NPW Act is the responsibility of the Director-General of DEC. It is the responsibility of the proponent to supply sufficient information to enable the Director-General to make a decision.

A DEC section 87 permit is required to disturb land for the purpose of discovering an Aboriginal object. DEC section 90 consent is required to destroy damage or deface an Aboriginal object or Aboriginal place. In the Act, these are collectively referred to as “approvals”.

If any site works that are carried out cause ground disturbance within a site or PAD the proponent would be required to apply to the DEC for a Section 90. Consent for the destruction of the site or a Section 87. Permit for the investigation of the site/PAD.

## **2 Environmental Planning and Assessment Act 1979**

The Environmental Planning and Assessment Act 1979 includes legislation in Parts 3, 3A, 4 and 5 of the Act that pertain to Aboriginal cultural heritage. Under the Act environmental impacts, including impacts on Aboriginal cultural heritage must be considered prior to development.

### **Participants**

The survey was conducted on the 23/02/17 by Robert Yettica of Cultural Consulting Services.

### **Methodology**

The survey and assessment was undertaken on Thursday 23<sup>rd</sup> of February 2017 by Robert Yettica (Cultural Consulting Services) the project area DP 47987 was walked over. The ground surface area mainly focused upon was the S/West corner of the project site. Exposure of tree roots, visibility was good to these areas. Areas have been very disturbed due to maintained slashing of this area.

### **HISTORICAL REFERENCE**

The traditional people that inhabited the surveyed area were part of the tribal group known as the Worimi tribe. The Worimi tribe were Katthung speaking people whose tradition tribal boundaries extended from Port Stephens in the south to Forster in the north and west to the Barrington Tops. Other traditional people who occupied adjacent tribal areas were the Geawegal from the Upper Hunter, in the west and the Biripi tribe centred on the Manning River. Our

stories tell us that traditional people used mountain ridges to traverse either to coastal areas or to the inland. Previous surveys undertaken in the Barrington Tops area confirm this. Using the predictive model developed by (Hall) the highest density of artefacts would be found on the lower slopes of the spurs and ridges” (Hall 1991) with settlement many sites within the Worimi traditional boundaries have been destroyed. Some sites were destroyed fairly recently. In 1983 a Bora Ring located in the Coneac State Forest was totally destroyed by the landholder using a bulldozer (Byrne 1992). Descendants of settlers living within the area have artefacts in their possession, which were recovered from the ground following land clearing. Conflict between traditional people and white settlers are well documented. Within the immediate area there was at least one major poisoning episode in the area of Gangat, probably in the (1830)s (Dallas 1998).

### **Sites in the area**

The Worimi people have a deep connection to the land and descendants of the Worimi people still live within the Midcoast Council area.

Research of our archival sources indicates that significant sites do exist within the area and include:

**Open Campsites** – these sites occur where people have travelled and may be a short stop over place or a location to construct stone tools.

**Scarred Trees**- are the result of bark being removed from trees to make a shield, canoe or carrying container. They may also be foot holes cut for climbing trees.

**Carved Trees**- these sites are specific design work carved into trees for ceremonial purposes

**Axe Grooves**- where stone axes were ground and shaped.

**Several** - registered sites exist within ten kilometres.

## **Results**

The area inspected has revealed signs of Aboriginal habitat such as midden materials (shells, bimples, oysters). The area has been very disturbed due to slashing and previous inhabitation.

## **Recommendations.**

Monoriting of the entire site while excavation works have commenced Due to recorded site within project area

To a depth of at least 2m

## **Aboriginal Significance/Sensitivity**

The Aboriginal representative Robert Yettica of Cultural Consulting Services involved in the survey indicated that the area DP47987 has revealed sensitive materials contained in the identified area within the s/west corner.

## **Bibliography**

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