Myall Coast Archaeological Services

"Tall Pines" Phone: 49971011 Mobile: 0403071922

Tea Gardens. 2324 Email: archaeology@myallcoast.net.au ACN: 002 992 430

Aboriginal Heritage Assessment

Lot 612 DP 1160096, Blackhead Road, Hallidays Point,

Report to
Coastplan
Tuncurry, NSW
23rd, October 2016

By Len Roberts B.A. (Arch/Hist); Grad. Dip. Comp; Dip. Sp. Ed.
In conjunction with Forster Local Aboriginal Land Council

Myall Coast Archaeological Services
("Tall Pines", Tea Gardens. 2324 Ph: 49 971011)

Aboriginal Heritage Assessment

Table of Contents

1. Introduction

1.1 Background

This report has been prepared at the request of Coastplan, Tuncurry, NSW, to assess the possible impact a proposed rezoning may have on Aboriginal Cultural Heritage at Lot 612 DP 1160096, Blackhead Road, Hallidays Point by:

1. Identifying whether or not Aboriginal objects are, or are likely to be, present in an area;
2. Determining whether or not their activities are likely to harm Aboriginal objects (if present); and
3. Determining whether an Aboriginal heritage Impact Permit (AHIP) application is required.

The development proposal is being assessed as a Planning Proposal under the Environmental Planning and Assessment Act (EP&A).

Although this assessment deals with a particular parcel of land in particular, a wider study area was considered. This is necessary as any Aboriginal heritage management options need to be addressed in context of the wider landscape. Similarly any assessment of Aboriginal archaeology and heritage cannot be undertaken over individual pockets of land but potential impacts of the proposal on Aboriginal heritage of the entire project must be assessed in a local and regional context.

There is no specific proposal per se being considered under this assessment as the results of the assessment will help determine the final layout of the proposal. However, an indicative concept outlines the potential development footprint.

The key objective of the planning proposal is to extend the residential area of the Tallwoods Village. This site provides a more gentle sloping landscape than that provided elsewhere in the village and will enable a more conventional residential development. In addition, parts of the site with ecological values (containing Freshwater Wetlands Endangered Ecological Communities (EEC)) will be protected within an Environmental Management (E3) zone.

Figure 1 illustrates the regional location of the study area; Figure 2 shows the study area in a local context and Figure 3 the study area.

References in this document to the “study area” refer to that parcel of land which will be impacted by the proposal.

Figure 1 Regional Location

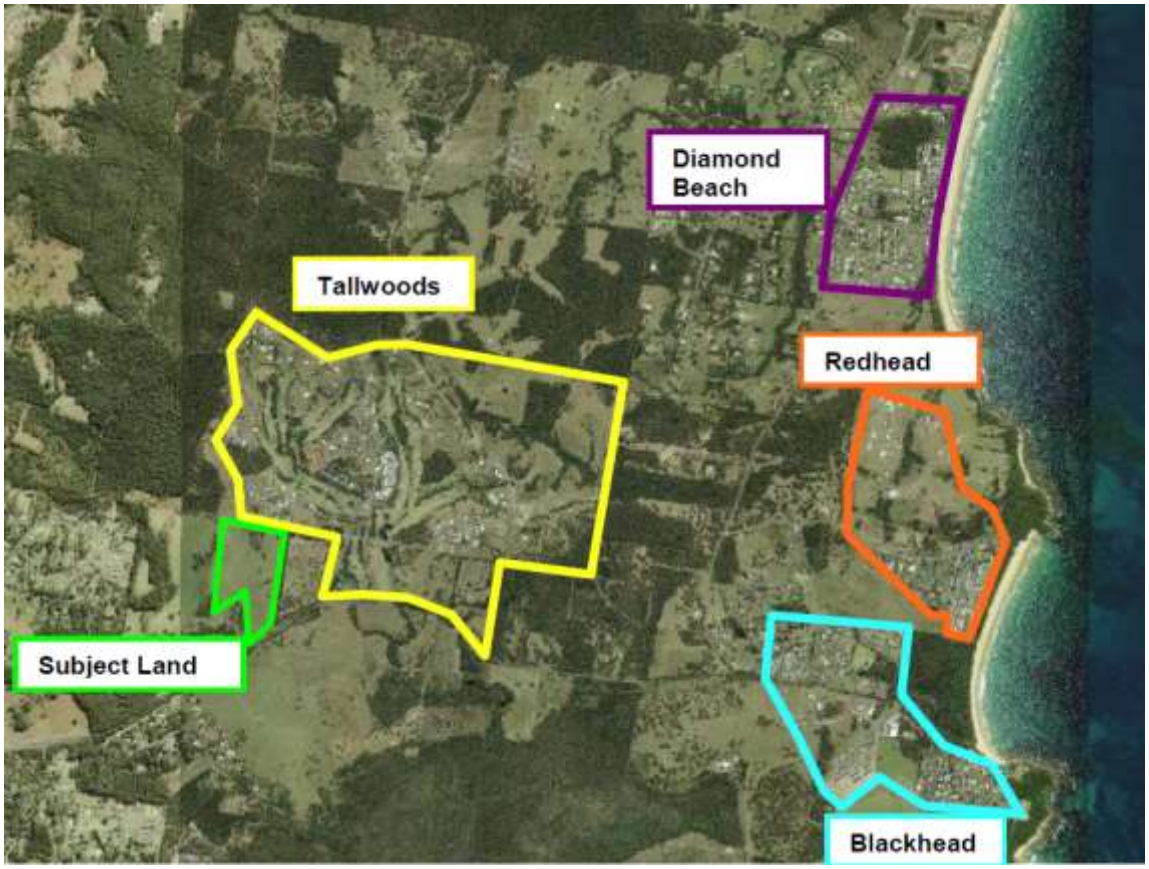


Figure 2 Local context

Figure 3 Study Area

1.2 Legislative Context

Under Section 52 Aboriginal Land Rights Act 1983, Local Aboriginal Land Council has the following functions in relation to Aboriginal culture and heritage:
(a) to take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law,
(b) to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.

The primary law which affects the above functions of a land Council is The *National Parks and Wildlife Act 1974*, (NPW Act) administered by the Office of Environment and Heritage (OEH). It has as one of its Objects, the conservation of objects, places and features of significance to Aboriginal people. That is once an object, place or feature is determined to be significant to Aboriginal people it becomes protected by the NPW Act. Section 85 of that Act, vests authority in the Chief Executive to be responsible for; the proper care, preservation and protection of any Aboriginal objects, features and places. It is not the role of a land council to "care" for the object but the Chief Executive of OEH.

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

Under section 86 of the NPW Act, it is an offence to 'harm' an Aboriginal object. 'Harm' means any act or omission that:

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

However under Section 87 there are certain defences and exemptions that permit harm.

The NPW Act provides several defences to prosecution for an offence. Where a person either knows or does not know they are harming an Aboriginal object, a person has a defence under section 87 where:

- The harm or desecration concerned was authorised by an Aboriginal heritage impact permit (AHIP), and the conditions to which that Aboriginal heritage impact permit was subject were not contravened.
- Due diligence was undertaken and it was reasonably determined that no Aboriginal object would be harmed.
- Was work on land that has been disturbed for maintenance of existing roads, fire and other trails and tracks, maintenance of existing utilities and other similar services
- Land is disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable.

Harm does not include something that is trivial or negligible.

It is section 87 that overrides the function of a Land Council to protect Aboriginal Culture and heritage.

However, before the power to take "proper care" of an Aboriginal Object by the Chief Executive of OEH, the object must first be determined that it is significant to Aboriginal people.

Such determination can only be made by Aboriginal people and ipso facto by its legislated function; an Aboriginal Land Council.

The regulations under the NPW Act set out a generic *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, as well as, a *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* to assess the significance and extent of archaeological evidence in order to apply for an AHIP.

The regulated code links to other planning processes under the EP&A Act and the applicable section in the code referring to the EP&A Act is as follows:

> ***4.1 Development under Part 4 EP&A Act and activities under Part 5 EP&A Act***
>
> *Consideration of the potential impacts of development on Aboriginal heritage is a key part of the environmental impact assessment process under the Environmental Planning and Assessment Act 1979 (EP&A Act). The standards in this code can be used or adapted by proponents to inform the initial assessment of the environmental impacts of an activity on Aboriginal heritage. An environmental impact assessment which meets all of the requirements of this code will satisfy the due diligence test. Alternatively, you could adapt the requirements of this code, provided it still meets the ordinary meaning of exercising due diligence (see section 7.7).*
>
> *If it is found through this initial assessment process that Aboriginal objects will or are likely to be harmed, then further investigation and impact assessment will be required to prepare information about the types of objects and the nature of the harm. This is further explained at step 5 in section 8. If you are going to harm a known Aboriginal object you will need to apply for an AHIP. In this situation, the need to obtain the AHIP is in addition to any approval under the EP&A Act (unless the project is subject to Part 3A EP&A Act).*

As the proposal is a planning proposal, Section 117(2) Direction 2.3 of the Environmental Planning and Assessment Act 1979, must be considered, namely;

> *"A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people."*

Whilst Due diligence is a legislated defence if one harms an Aboriginal Object, an assessment under the generic Due diligence code does not meet the requirements for assessment under the EP and A Act for planning proposals. A fuller assessment is required that assesses and considers Aboriginal cultural heritage values. However, such an archaeological and cultural heritage assessment is part of the legislated Due Diligence process.

The determination of significance is a matter for Aboriginal people and not a Government Department or authority.

Consent authorities must consult with an Aboriginal Land Council with respect to determining significance. Referral to OEH is only triggered if an Aboriginal Object is likely to be harmed and an AHIP is required. There may be specific planning proposal requirement to refer the assessment to OEH. However such requirement could be seen as ultra vires.

2.0 Assessment Process

According to OEH regulated codes, (Archaeological Code of Practice and Due Diligence Code of Practice for protection of Aboriginal Objects in NSW) the objective of any archaeological investigation (where necessary) is to learn about past human societies through the study of material remains and historical, oral and environmental sources. Archaeological investigations locate, identify and study Aboriginal objects, archaeological deposits and potential archaeological deposits, and historical, oral and environmental sources to provide an assessment of the archaeological significance of the objects and the subject area.

In order to fulfil this objective the following steps need to be undertaken:

- Clearly describe the aims of the project. The rationale for the archaeological assessment must be clearly defined through these aims.
- Present a feasible and appropriate methodology for the archaeological survey and other investigations to ensure that work can be clearly linked to these aims.
- Present the findings and interpretation of the results within a wider context of archaeological knowledge and Aboriginal history.
- Ensure that the findings and interpretation of the results support the assessment of the archaeological significance of the subject area.

The purpose of the Code and Guidelines is to assist individuals and organisations to exercise due diligence when determining whether or not to obtain a permit to harm Aboriginal objects. The National Parks and Wildlife Act 1974 (NPW Act) provides that a person who exercises due diligence in determining that their actions would not harm Aboriginal objects has a defence against prosecution if they later harm an object without an Aboriginal heritage impact permit.

The Codes set out the reasonable and practicable steps which individuals and organisations can take to:

1. identify whether or not Aboriginal objects are present in an area
2. consider whether or not their activities are likely to harm Aboriginal objects (if present)
3. make a reasonable determination as to whether an Aboriginal heritage impact permit is required

The aim of this assessment is to identify the Aboriginal heritage and archaeological values of the proposed study area in particular and the landscape area in totality and the potential impacts on those values as a result of the proposal. Rather than only attempting to identify individual sites across the study area, the assessment also takes a landscaped approach to determine any potential Aboriginal archaeological evidence. This will require the identification of the range of landscape units, which are likely to contain Aboriginal archaeological evidence. This will ensure that the landscape context is assessed for significance. The landscape approach as well as previous archaeological work in the area will determine a predictive model of Aboriginal occupation of the study area.

This will be achieved through Aboriginal stakeholder consultation, surveys and literature.

This assessment also provides recommendations on the management and mitigation of impacts on known and unknown (uncovered through post approval work) heritage and values that may be potentially impacted by the proposal.

2.1 Assessment Personnel

The research, visual assessment and report were undertaken by Len Roberts, (BA [Arch.], Grad. Dip. Comp., Dip Sp. Ed.,) who also holds a certificate in Archaeological fieldwork, from Tel Aviv University, Israel. Len has worked on archaeological projects in Australia and overseas. Len is a member (since 1990) and was Deputy Chairperson (2007 -2011) of Karuah Local Aboriginal Land Council and currently Hon. CEO. He was appointed, in 1977, (under S32AV of the Local government Act 1919) as a part time, non- judicial expert (having, special knowledge of and experience in law, local government administration or town planning administration) member of the Local Government Appeals Tribunal from 1977 until it was replaced by the Land and Environment Court in 1980. He has been an expert witness before the Land and Environment court on Aboriginal heritage matters. Len has also taught English and Society (Australiana) at Beifang University, Yinchuan, China as an invited lecturer in second semester 2011.

Len has undertaken archaeological work for various planning and surveying companies, as well as large organizations such as AMP, Department of Public Works, RTA, Local Government Authorities, Energy Australia, Australian Rail and Track Corporation, Rio Tinto, Woolworths and numerous other clients. The projects have ranged from small aquaculture (at sea), industrial and residential projects to large rezoning proposals, as well as linear surveys for sewerage treatment upgrades, pipelines, transmission lines, wind farms, rail line upgrades and highways.

The assessments have included Due Diligence assessments, gateway determinations, as well as assessments under, Parts 3A, 4 and 5 of the EP & A Act

Len has completed various S90 applications, as well as identifying and recording in excess of 1,000 Aboriginal objects and has authored in excess of 120 reports in the last 15 years.

The visual inspection component of this assessment was undertaken on 23/9/2016 by this archaeologist in conjunction with Robert Yettica of Forster LALC.

2.2 Aboriginal Community Consultation

In accordance with the Office of Environment and Heritage (OEH) requirements Aboriginal community consultation was undertaken to advise, consult and oversee the Aboriginal Cultural Heritage Assessment for the project.

For this assessment, the OEH Consultation Guidelines (2010) were followed. The consultation information and correspondence is annexed at Appendix A. It must be noted that despite emails and letters sent out to likely stakeholders only the Forster Land Council responded.

In summary the following occurred:

- An advertisement was placed in the Great Lakes Advocate which covers the study area on the 6/4/2016 (p.35).
- Letters written to Aboriginal people and organisations identified through agency response seeking an expression of interest in the project.
- Forster LALC, responded and was registered as a stakeholder for the project.
- Several further attempts and additional time were made to obtain additional stakeholders but no response was received. This was probably because the area in question was not necessarily an area of interest and secondly and perhaps more importantly, a good relationship exists between the various family groupings and the Land Council and the families are content for the Land Council to manage the cultural heritage matters.

- Initial meeting held with the LALC to explain the project and seek information about the area.
- Visual inspection of the study area was conducted with Robert Yettica of the FLALC
- It was agreed that a combined single report from FLALC and MCAS would be written.

2.3 Assessment Methodology

Various models have been proposed by archaeologists to explain Aboriginal occupation and use of the landscape environments in NSW.

The predictive or contextual model for the archaeological assessment of the site forms the basis for developing a picture of Aboriginal occupation.

The assessment of the data enables a prediction of what form of Aboriginal occupation was likely to have existed on the study area and would show the potential for finding Aboriginal Sites. A field survey is then able to evaluate the prediction and to extrapolate reasons as to why the survey did or did not match the prediction.

The study methodology was based on data research, field survey of the site and report compilation. The analysis and assessment of the study area's archaeological potential and the impact of the proposal required the completion of the following;

• Research

This involved a review of primary and secondary sources including written material, maps, plans, AHIMS database and other reports as outlined in the reference section (10) of this report.

• Predictive modelling;

This involved an analysis of the research to produce a model of possible archaeological deposits within the study area. In order to conduct the analysis of the research material in an effective and consistent manner the following aspects were examined:

1. Aboriginal heritage values
2. Archaeological record
3. Previous Studies
4. Landscape
5. Soils
6. Geological Features
7. Past land use

• Visual Inspection

This involved the "ground truthing" of the above research with the study area's potential to reveal/conceal archaeological evidence. The visual inspection was generally conducted in accordance with the Archaeological Code of Practice, even though the Code is specifically used to undertake test excavations and to apply for an AHIP. The details of the visual inspection are contained within section 4 of this report.

To ensure compliance under the S117 direction, it is proposed to undertake a 6 steps process:

STEP 1 Preliminary assessment

The main purpose of a preliminary assessment is to identify whether there are Aboriginal cultural heritage values associated with the subject site.

This study will use the OEH Due Diligence process for the preliminary assessment. The due diligence process is a standardised process which enables transparency and can be used for all activities across all environments.

STEP 2 Information Requirements

Aboriginal heritage assessment requires a "multi-value" approach which includes a range of methods to satisfy data/information/reporting needs. The information required for understanding Cultural Landscape includes a range of data sets detailing the physical setting (landscape); the history of the peoples living on that land (documentation from archival and oral sources, as well archaeological information)

STEP 3 Integration of information and identification of heritage values

The synthesis and integration of the information collected will provide the description of the Cultural Landscape to provide the basis for identifying the range of heritage values present. It will also provide the basis for development of criteria to clearly support the identification of areas/places/landscapes/features and sites of high heritage value to be considered as candidates for conservation/protection and/or the consideration of suitable off-set strategies eg community enhancement projects. This assessment will then also support the decisions regarding which areas/places/landscapes/features and sites will be impacted and any appropriate short and long-term mitigation requirements.

STEP 4 Information regarding the proposed development

This step will identify the nature and extent of the development and impacts on the Aboriginal heritage values across the development area. The extent of impact will include both direct and indirect impacts and their effect on Aboriginal heritage needs to be quantified to ensure that appropriate management in the context of the assessed values can be determined. Indirect impacts may affect sites or features located immediately beyond the development area or within the development area.

STEP 5 Integration of assessment with proposed development

This involves using the above information as the basis for assessing the cultural values against the impacts from any proposed development to identify specific outcomes.

This will include consideration of the following:

- justification for any likely impact(s), including any alternatives considered for the proposal;
- Any measures which will be implemented to avoid, mitigate or offset the likely impact(s).
- Demonstration that the input by affected Aboriginal communities has been considered when determining and assessing impacts, developing options, and making final recommendations to ensure that Aboriginal cultural heritage outcomes can be met by the proposed development.

STEP 6 Management strategy for Aboriginal heritage

This section will set out the specific management outcomes arising from the above assessment stages agreed to by the developer for management of the Aboriginal heritage values. This is to include identification of the final development impacts and the places, sites and landscape areas to be avoided and protected or conserved.

It is also to include, the nature of and location of any offsets, requirements for further work such as, archaeological salvage or community collection for objects of high archaeological or community value; specific on-going management protocols for both physical conservation outcomes and specific Aboriginal community requirements. This would include a contingency plan that details the measures to be taken in the event that Aboriginal objects of significance or a nature not anticipated, such as burials or ceremonial items are discovered during the course of works on the development site.

3.0 Step 1 Preliminary Assessment

The preliminary assessment follows the numerical sequencing and headings of the OEH Due Diligence Code.

3.1 Description of Land and Activity

The study area can generally be described as Lot 612 DP 1160096, Blackhead Road, Hallidays Point. The site is located on Blackhead Road, approximately 4.2km west of Halliday's Point. It occurs directly south of the western section of the Tallwoods Village, a larger developing residential estate (approximately 150ha) which comprises a golf course and club encircled by Tallwoods estate.

Blackhead Rd serves as the southern border to the site.

The land has been used for various rural pursuits such as grazing and timber getting. It is well cultivated and pasture improved land. There is limited tree coverage. It is some 17ha in size and currently zoned for primary production.

The proposed activity is to subdivide the land into approximately 114 residential lots with associated infrastructure and environmental buffers.

Land disturbance will occur through block formation through cutting and filling, road construction and once subdivided; housing construction. Figure 5 following is a topographical representation of the study area (site)

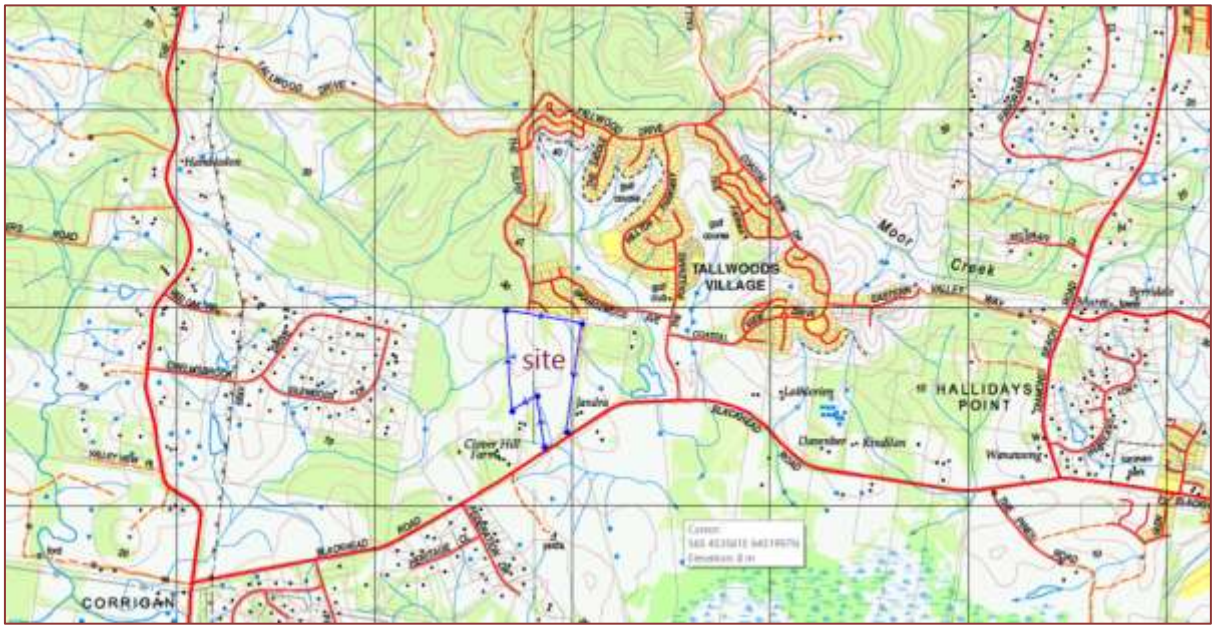


Figure 5 Study area in topographical context

3.2 Is the Land defined as "Disturbed Land" or an exempt or complying development?

Whilst the NPW Act defines disturbed land as:
" Land that has been previously subjected to any activity that has resulted in clear and observable changes to the land's surface. Examples include: ***soil that has been ploughed;*** *urban development*

that has occurred; existing rural infrastructure such as dams and fences; existing roads, trails and walking tracks; and other existing infrastructure such as pipelines, transmission lines and stormwater drainage."

Whilst the definition, includes ploughed land as an example of disturbed land, cultivation, with the associated stick raking and stone gathering, tended to destroy surface evidence. However cultivation and pastoral land use, also helped preserve the archaeological record. In some cases cultivation would expose evidence in others, cover the evidence.

If the definition was to be taken literally and rule out all ploughed land, then planning proposals for farm land would not require assessment.

It would appear that disturbed land that is associated with farming activities, is there as a defence to continue with routine agricultural activities. That is, the disturbance of the land will not be greater than what has already occurred.

Under a planning proposal, Aboriginal heritage values need to be assessed and not merely as a defence against harming an object through continuing activity. As such, disturbed land in a planning proposal context, would constitute a land profile that has been clearly altered through construction, or substantial earthworks, rather than simply having been ploughed. Ploughing may destroy context whereas, construction tends to obliterate.

In this assessment whilst extensive cultivation has occurred, as the land profile has not been altered (except for dams and fencing etc.); it is assumed as non-disturbed.

Thus as this assessment is for a planning proposal, the greater proportion of the study area cannot be classified as disturbed in that *there have not been clear and observable changes to the land surface*. However, whilst there are no clear and observable changes to the landform, the soil profile/horizons have been modified and disturbed through pasture preparation and production.

3.3 Is the activity exempt?

No

3.4 Will the activity involve harm that is trivial or negligible?

No

3.5 Is the activity in an Aboriginal Place or are you already aware of Aboriginal objects on the land?

No

3.6 Is the activity a low impact activity for which there is a defence in the regulation?

No

3.7 Will the activity disturb the ground surface?

Not the proposal per se as the clearing, infrastructure works and erection of buildings for the proposal will occur at the subdivision and residential construction stages post rezoning.

3.8 Does the Aboriginal Heritage Information Management System suggest potential?

No.

3.9 Is there archaeological potential because the proposal is:

- **within 200m of waters;**
  No.
- **located within a sand dune;**
  No.
- **located on a ridge top, ridge line, or headland;**
  No. The higher area could not be described as a ridge top or ridgeline.
- **located within 200m below or above a cliff face;**
  No
- **within 20m of or in a cave, rock shelter, or a cave mouth;**
  No

3.10 Can harm be avoided to the object or disturbance of the landscape feature?

Yes.

3.11 Is Desktop assessment and visual inspection required?

Yes. Desktop assessment and visual inspection forms sections 4.0 and 5.0 (Step 2)

3.12 Are further investigations and impact assessment required?

NO.

4.0 STEP 2A Information Requirements (desktop study)

An understanding of environmental factors within the local landscape provides a context for analysing past human occupation and history of an area. The analysis of environmental factors contributes to the development of the predictive modelling of archaeological sites, as well as providing a basis to contextualise the archaeological material and to interpret patterns of past human behaviour.

In particular, the nature of the local landscape including topography, geology, soils, hydrology and vegetation are factors which affect patterns of past human occupation.

Aboriginal occupation of the landscape and land use practices changed over time. Landuse has the potential to affect the visibility of archaeological material; they may obscure, or expose archaeological sites. In addition, previous disturbances may have exposed archaeological material, such as excavation for dams or other ground disturbing works. It is important that such factors are also considered when making assessments of archaeological resources in an area and understanding the distribution of observed sites.

Whilst this report is primarily focussed on the archaeological aspects of Aboriginal heritage, it is important to acknowledge and assess the importance of Aboriginal cultural context regarding places and landscapes.

4.1 Aboriginal Cultural Context

The estimated minimum viable population of about five hundred was the average size of a so-called tribe in Australia. Several anthropologists feel that 'tribe' does not accurately reflect the interaction and make-up of Aboriginal Australia, preferring the term 'band' to be the most appropriate term to describe the basic social and economic unit of Aboriginal society. It is described as a small-scale population, comprising between 2 to 6 extended family units, who together occupied and exploited a specific area.

The band was by no means a social or cultural isolate but, rather, interacted with other bands in a variety of ways. Typically these interactions involved visits, marriage, ceremonies and trade. As a result of these interactions, clusters of bands were formed; wherein there was a sense of collective identity, often expressed in terms of common and distinctive language.

In recent times the territories of Aboriginal bands generally encompassed the drainage basin of one river and stretched from the shoreline up to the top of an escarpment, another river or prominent landform feature.

The bands developed into regional groupings or cultural areas of interacting Aboriginal societies possessing broadly similar languages, social organisation and customs, material culture and art styles, ways of life and environment. According to the work by Peterson (1986), there is a general correlation between culture areas and major drainage basins, which has been explained on the grounds that a drainage basin is unified by its river system and bounded by its catchment. Water supply determines plant cover and therefore the availability of food and consequently, Aboriginal population density.

According to Horton (1994) Fig 6, the Band that would be of interest to this survey, would be the family groupings of the Biripi who occupied the Mid North Coast around the Manning Valley. Their neighbours to the south are the Worimi to the north, the Dainggatti and to the west, the Kamilaroi.

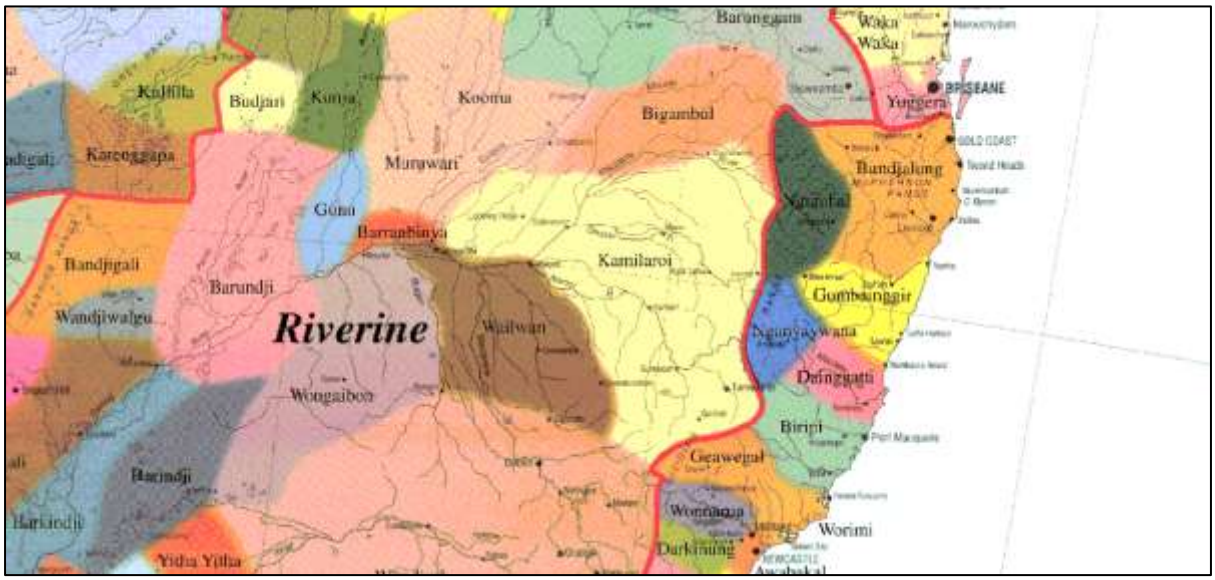


Figure 6 Horton's Map of Aboriginal Territorial Organisation

The Biripi comprised several distinct but interrelated groupings of people, each associated with a separate geographical area. In 1818, Oxley (1820:342-343) noted a large Aboriginal population in the Manning - Great Lakes region, attributing this to the favourable environment.

The earliest inhabitants were hunters and gatherers living off the abundant wildlife. The varied environment - terrestrial, rivers and estuaries, sand dunes and mountains provided a diet of oysters, fish, turtles, kangaroos, wallabies, possums, pigeons, bats, wild fruits and roots.

Trees were an important resource. In addition to providing the raw materials needed to produce products that were utilised in everyday life, trees also provided access to the birds and animals that made use of them. Tree climbing using steps gouged by hatchets, allowed aborigines to access a variety of foodstuffs including wild honey, possums, flying foxes koalas and bird eggs.

There is an assumption that prior to European settlement the land was heavily forested. However, according to early settler's accounts and the Aboriginal oral history, this was not so as regular, light burning was the pattern all over Australia at the time of first European contact. The fires were of low intensity, which meant that they consumed the litter of leaves and branches on the forest floors but did not burn down the trees. Walsh, (p26), cites extracts from the accounts of early explorers,

> *"The extracts from letters, diaries and journals of early European settlers, explorers and government officials describe a parklike landscape of grasslands and grassed open forest lands with very few areas of thick forest. The cessation of regular burning following European settlement allowed a growth of thick forest of young trees that, together with an increasing understorey, choked out the grasses."*

Other uses of fire were for longer term hunting strategies. After firing, the Bush would regenerate; new grass would spring up and attract kangaroos and other animals, on which the hunters could prey. Likewise, fire encouraged the regrowth of eucalyptus trees and of edible plant roots. The ashes acted like manure, and sweet, new green shoots would spring up after the first hard rain following the burn.

The term 'fire-stick farming' has been applied to this aspect of hunting. Aborigines never put out their fires. Campfires were left burning, as were signal fires, including those lit in a sequence to indicate the direction of travel of humans or game.

The food resources available controlled the Aboriginal population, which in turn were related to water resources: the areas with the highest rainfall were generally richest in food. When food was difficult to obtain, the food quest simply required more time and effort rather than new strategies. Thus when times were hard, the people could simply move more often and further afield.

The typical Australian Bands economy is flexible with a wide variety of foods being sought and advantages being taken of seasonal abundance or chance events, such as the stranding of a whale. Aboriginal Australia was not vulnerable to famine through the failure of one crop.

The simplicity and self-sufficiency of Aboriginal society was observed by Captain Cook in 1770, and cited in Beaglehole, 1955 (p.399).

> *"From what I have said of the natives of New Holland they may appear to some to be the most wretched people on earth, but in reality they are far more happier than we Europeans. They live in a tranquillity which is not disturbed by the inequality of condition: the air and sea of their own accord furnishes them with all things necessary for life, they covet not magnificent houses, household stuff etc., they lie in a warm and fine climate and enjoy a very wholesome air, so that they have very little need of clothing and this may seem to be fully sensible of, for many to whom we gave cloth etc. to, left it carelessly upon the sea beach and in the Woods as a thing they had no matter of use for. In short they seemed to set no value upon any thing we gave them, nor would they ever part with anything of their own for any one article we could offer them; this in my opinion argues that they think themselves provided with all the necessary's of life and that they have no superfluities."*

The above comment is probably the first recorded by a European with respect to Aboriginal society and culture. It sets the background or the context in which to assess the cultural significance of an area. From a first contact European perspective it appears that items of value were carried and kept whereas, items of little value discarded. Permanent dwellings were of no interest, nor European belongings. They were not wretched but happy and content. The environment and landscape provided for their needs.

According to the Aboriginal knowledge holders, many of the artefacts found across the landscape today were generally discards and of little importance, yet they are protected by law, whilst the real value which lies in the landscape and the sense of place ,which provided "all the necessary's of life," is not.

It is important in assessing the cultural significance of a place that one does not focus on the discards but on the connection to land. Whilst all land and all objects are significant to the Aboriginal community as they tell a story of place; past and present, not all objects are seen as "valuable". According to the Aboriginal knowledge holders, stone flakes (for instance) in Aboriginal society are superfluous but grinding grooves, hearths, rock shelters, carved trees and ceremonial grounds indicate a sense of connection to the past and present and valued. Cultural assessment should be seen in the context of "home" not through the nebulous value of stone discards that are generally found at the lowest point in a landscape and from not whence they originated.

By 1850 most of the coastal plain had been appropriated by Europeans and traditional social and land-use systems were severely affected. Deprived of their economic base, the Kattang speakers were forced to depend on handouts of food and blankets, many becoming fringe-dwellers on the edges of European settlements. By 1877 only 50 members of the Forster-Tuncurry bands are believed to have survived most living in bark huts on the site now occupied by the Tuncurry Public School (Holman 1954). A number of other campsites, possibly used prior to European intrusion, have

been reported in the Nabiac area, including one beside the Wallamba River near the Glen Ora ceremonial ground (Gilbert 1954b:10).

4.2 Archaeological Record

Historical references indicate that the Blackhead area was used for ceremonial gatherings, and 4 Keepara (ceremonial) grounds (AHIMS #38-3-0010, 38-3-0007, 38-3-0223, 38-3-0231) and ceremonial tree, south of Blackhead.

The AHIMS database search area places the study area in a very broad archaeological context in which to assess archaeological potential. These individual sites may contain 1 or many artefacts. The search results of the Aboriginal Heritage Management System are found at Appendix B.

The majority of objects were located during specific cultural assessments and tend to skew results to only that land which has been investigated. However patterns of Aboriginal land use can be postulated from that information.

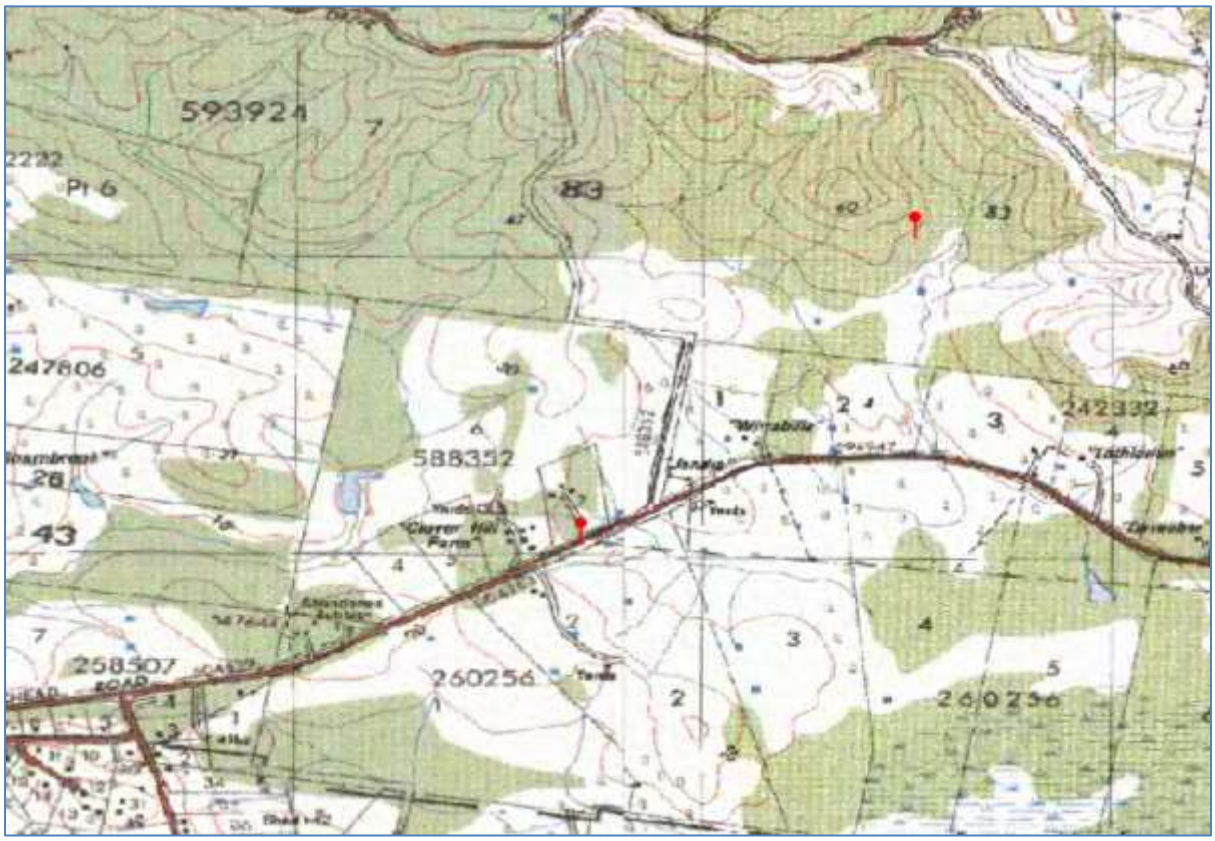


Figure 7 AHIMS Search Area as provided by AHIMS

- The two objects are a midden/artefact (38-2-0106) and artefact (38-3-0278)

An examination of the location of the landscape context of the artefacts reveals that they are generally associated with a water or food source. The artefact scatters tend to be found on elevated ground above swamplands and marsh along the creeks and estuaries. The middens tend to be located close to the ocean often along the fore dunes, but also in association with freshwater resources. Although the recorded objects are correlated with surveys, it is in all likelihood indicative of the paucity of evidence within the study area.

4.3 Previous Studies

Locally, several archaeological surveys have been conducted, that are of interest to this study. The Aboriginal Objects identified at Figure 9 were observed during those surveys and discussed below.

In 2007, Wheeler surveyed a 17.61 hectare section of 210 Diamond Beach Road, Diamond Beach, Lot 6, DP 598522. Archaeological evidence was re-recorded from a survey conducted by Leon & Yettica (for Forster Local Aboriginal Land Council) in 1998.

Relevance:

The study area forms part of the wider landscape where artefacts were found and suggests that the study area would have been used in a transitory or resource way.

A survey was conducted by Bonhomme (1988) on a 840 hectare land parcel extending from the coast west to The Lakes Way, and north from Tuncurry Cemetery to the vicinity of Halidays Point.

Bonhomme's survey area encompassed much of the Tuncurry barrier. Frontal dune exposures and access tracks further inland were searched for archaeological evidence, although no indication is given as to what proportion of the land was directly sampled. The survey resulted in the recording of three middens, two of which (#38-2-025 and -026) were situated near the elevated inland rim of the strand plain.

In 2001, Collins surveyed a pipeline route that traversed the strand plain between Tuncurry and the Halidays Point Sewage Treatment Plant. The #38-2-026 midden previously registered by Bonhomme (1988) was the only site detected.

Relevance:

Whilst a differing landscape the study area forms part of the wider occupation area and suggests that the study area would have been used in a transitory or resource way

In 2003, Roberts, conducted a survey at Lot 5, Blackhead Road, Hallidays Point, 1km east of the study area. No artefacts were observed or potential for subsurface deposits

Relevance:

The study area has similar landform.

In 2004 Leon, *et alia* conducted a survey on 2 lots just north of the study area at Rainbow flat. The land was adjacent to the ridgeline. 10 isolated artefacts were recorded.

Relevance:

The study area is a gentle slope overlooking estuarine lowland and artefacts were found upon the ridgeline to the north. There is potential for the low lying areas to be a repository for aretefacts carried down from higher areas. However, unless there is a natural repository within the study area, it is more likely that the artefacts would be carried down to Frogilla swamp some 1km further down slope.

In 2011, a report to Lidbury Summers and Whiteman, of a large area assessment at 210 Diamond Beach Road, Diamond Beach. This was a continuation of the earlier work by Wheeler in 2007. Two additional incidences of Aboriginal cultural material evidence were detected during the study. A rounded river pebble with pitting marking on two surfaces was located within a drainage line sourced from a constructed dam in the southern section of the study area. A red, chert flake with reworking on the lateral margins and platform was recorded from the far south east corner of the study area. The report also indicated that some potential also remains for archaeological materials (particularly middens) to outside the study area on the eastern perimeters of the subject lands.

Relevance:
The study area forms part of the wider landscape where artefacts were found and suggests that the study area would have been used in a transitory or resource way.

On a state wide basis, several studies have been undertaken which have proven to be definitive works for understanding the correlation of landscape and archaeological potential.

- **Importance of wetlands**

Archaeological investigations by Kuskie (1994), Ruig (1995) and Effenberger and Baker (1996) on margins of various wetlands indicate that artefacts could be found on all types of landscapes abutting wetlands with density in direct correlation to distance from the margin.

Relevance:
The study area is some 20-30m AHD above the wetlands known as Frogilla Swamp. Given that the margin of the wetland is some 1km from the study area it is possible that artefacts could be located within the study area but according to the studies, frequency and density would be diminished.

- **Relationship of Objects and Distance from Water /Song trails**

A report for the Brigalow country undertaken by the Resource and Assessment Council titled Aboriginal cultural heritage assessment NSW western regional assessments final report September 2002 – Brigalow Belt South Stage 2. This large scale landmark study analysed the finding of separate independent studies and was able to establish an information base that highlighted Aboriginal association with forests, travelling stock routes (early roads), rural properties and towns.

The study showed that of the sites recorded, 50% were within 200 metres of water and Aboriginal occupation may have occurred for prolonged periods under the right conditions, made possible by a different array of water features (chains of ponds) that existed prior to European usage of the forests.

Relevance:
The study area is at its closest point form the major permanent water source (Frogilla Swamp). The above study suggests that there would be limited frequency and density of artefacts if at all.

- **Relationship between Stream Order and occupation pattern**

A survey by Jo McDonald 1988 was an east west survey from Dubbo to Tamworth. The report found stream order influenced occupation pattern. Her analysis concluded that;

> *"The size (density and complexity) of archaeological features will vary according to the permanence of water (i.e. stream order), landscape unit and proximity to lithic resources in that density and complexity are greater in 4th order (major creeklines and rivers)."*

Stream order is a measure of the relative size of streams. The smallest tributaries are referred to as first-order streams, while the largest river in the world, the Amazon, is a twelfth-order waterway.

Relevance:
The study area has 2 minor drainage channels (1st order) commencing within its boundaries. They only carry water during rain events and do not hold water. There is some conjecture about the capacity of the drainage channels given that a part of the north eastern drain has been classified floristically as containing wetland flora. It is above a man-made dam and the soil tends to remain soggy after a prolonged rain event due to the dam restricting g flow. The plant species does not

indicate the presence of a wetland but rather according to the statutory ecological assessment conducted over the site)" the vestigial remnants of the original occurrence of the EEC – Subtropical Coastal Floodplain Forest, prior to clearing." The following plate illustrates the area concerned and reinforces the lack of water holding. The stream order therefore suggests limited likelihood of artefactual evidence.

Photo 4: *Freshwater Wetland* EEC in the northeast of the site

Plate 1 NE Drainage channel.

- **Relationship of landform type and ceremonial areas**

Work by Klaver and Heffernan (1991) which was an assessment of sites in the Greater Taree Council area, identified landscape attributes for ceremonial sites. Citing an earlier work by Fitzpatrick (1986), they stated, "Ceremonial grounds were said to comprise two rings, one on top of a low ridge and the other in a level place below. The latter was…"established in a roomy place, so that all the gins could camp there close to the ring." This aligns with this author's findings at North Arm Cove and Kings Hill, Raymond Terrace.

Relevance:

The study area has no attributes for ceremonial areas.

- **Relationship between Object type and landscape**

Brayshaw, in 1986 conducted a Study of Colonial Records of the Aborigines of the Hunter Valley and was able to present an account of the environment and way of life of the Aboriginals at the time of colonial settlement. Her study also indicated areas and landforms of Aboriginal use and occupation. Dean-Jones and Mitchell (1993) conducted a similar assessment of archaeological sites in the Hunter Valley.

The above studies indicated:

- Open campsites would be near water holes
- Grinding grooves are more likely to be found in rocky outcrops exposed by erosion or in creek beds.
- Scarred trees may be present in any type of landscape, but this would depend on the age and type of tree.
- Artefacts are more likely to be found along creek and drainage lines
- Stone arrangements and ceremonial artefacts are more likely to be found in significant landscape aspects such as caves and hills.
- Artefacts can be found in any landscape in proximity to an abundant food/water source.
- Archaeological evidence is more likely to occur in undisturbed areas.

Relevance:
The study area has: disturbance through extensive cultivation; does not contain waterholes; no ceremonial attributes, no rock outcrops and limited drainage lines. However it does have some proximity to an abundant food/water source.

- **Burials**

With respect to burials, work by Donlon (1990), where she analysed skeletons uncovered on beaches on the Central Coast of NSW, ethnographic reports by Bennett 1929, along with other research cited by Mulvaney and Kamminga (1999), has tended to indicate that whilst burials could be found almost anywhere and diverse in practice, intentional or formal burials, generally in Eastern NSW, consisted of isolated burials being placed in sandy type soil, near the high water mark, and sufficient soil depth to bury the person vertically in a sitting position and with various belongings. In the Central west of NSW according to Garnsey (1942: p.23ff), the body was placed in a squatting position; with the elbows placed on the knees and the head between the hands. In this position, the body was placed at the foot of a Coolabah tree facing east. A blaze on the tree was also carved in tribal markings to show the man's status. These carved trees were apparently only associated with the graves of the spiritual leaders. For the period of mourning, the body remained out of the ground. The only recorded cemeteries are within the Murray River corridor or at Broadbeach in Queensland. Most burials are discovered by accident.

Relevance:
The study area does not appear to have landscape conducive to burials.

- **Occupation Pattern**

A general pattern is emerging that more concentrated remains of Aboriginal occupation are associated with wetland or swamp resources along the principal rivers of the region and/or where resources suitable for the manufacture of tools are present.

The pattern of Aboriginal occupation was underpinned by 2 tenets:

- Aboriginal camping areas were always situated in areas of good shelter and good resources
- Base campsites would be near reliable water.

Comment:
The archaeological evidence suggests that base camps were located close to freshwater and food sources. The campsites were in favourable climactic conditions, safe, not only from intruders but also for young children. Campsites were therefore not near fast, flowing rivers, dangerous swampy areas or steep cliffs. (Many Dreamtime stories were developed to keep children away from dangerous areas). Trails from campsites and to other clans were generally along creek lines or ridgelines.

Although archaeological evidence is generally associated with creeks because they are the lowest elevation and natural depositional areas, it is more likely that camping occurred on higher ground.

With respect to the study area it appears the elevated areas overlooking estuarine swamps or creeks were favoured short term occupation or foraging areas. Aboriginal objects are more likely to be found on these crests within 20cm of topsoil. Freshwater was a factor in establishing longer term camping.

4.4 Landscape

The differing landscape creates different land use. For instance swampy or poorly drained land would not be conducive to campsites or burial grounds. Whereas, caves and rock shelters would give rise to artwork, and practical purposes such as shelter or women's birthing areas. Early roads, stock routes and river crossings during European settlement often followed Aboriginal Song Trails (walking trails) and natural features adjacent to such trails were of significance for various reasons. Over the years, the main highways and roads have been realigned and adjusted, but initially the roads between settlements which were generally established around Aboriginal camping grounds, followed the Aboriginal trails.

The landscape survey and classification followed in this report is that formulated by Speight and others in the Australian Soil and Land Survey, Field Handbook, Second Edition.

Landform is basically divided into 2 classifications, the classification covering a larger area is known as Landform Pattern, which can then subdivided into smaller areas known as Landform Elements. About 40 types of landform pattern are defined and include, for example, floodplain, dunefield and hills. Whereas, about 70 of the smaller landform elements are defined, including cliff, footslopes and valley flat. Relative elevation classes have been standardised and used throughout Australia. The landscape is divided into the following classes:

Landform	**Relative Elevation**
Plains	0-9 m
Rises	9-30 m
Low hills	30-90 m
Hills	90-300 m
Mountains	>300 m

Landforms as well as having morphological characteristics (surface dimensions) have been formed by processes. The formation processes can interact to produce an array of landforms. For example, plains can be separated into depositional plains of various kinds or erosional surfaces (peneplain). The formation process contributes to the concealing/revealing and the preserving/destroying of archaeological evidence. The identification of landform is paramount in predicting areas that have the potential to contain archaeological evidence.

Comment:
Topography, hydrology and drainage are important for understanding how accessible an area was for Aboriginal occupation, as well as providing information on available water resources vital to the sustainability of any population.

The study area landform pattern is generally part of the coastal floodplain, with an 30m AHD on the, northern boundary and most of the area until the southern boundary where it slopes to just above 10m AHD. The slope runs over a distance of 500 metres. The site is part of a larger landscape of a

northwest/southeast trending ridgeline that terminates at Hallidays Point. Lithic sandstone, clay, shale and conglomerate are generally the predominant soil composition. The ridgeline forms part of the Tamworth Synclinorial Zone that crops out from Warialda in the west to the coast between Newcastle and Southwest Rocks. (McIlveen, 1974)

The following Figure shows the relative landform/ landscape profile of the wider area.

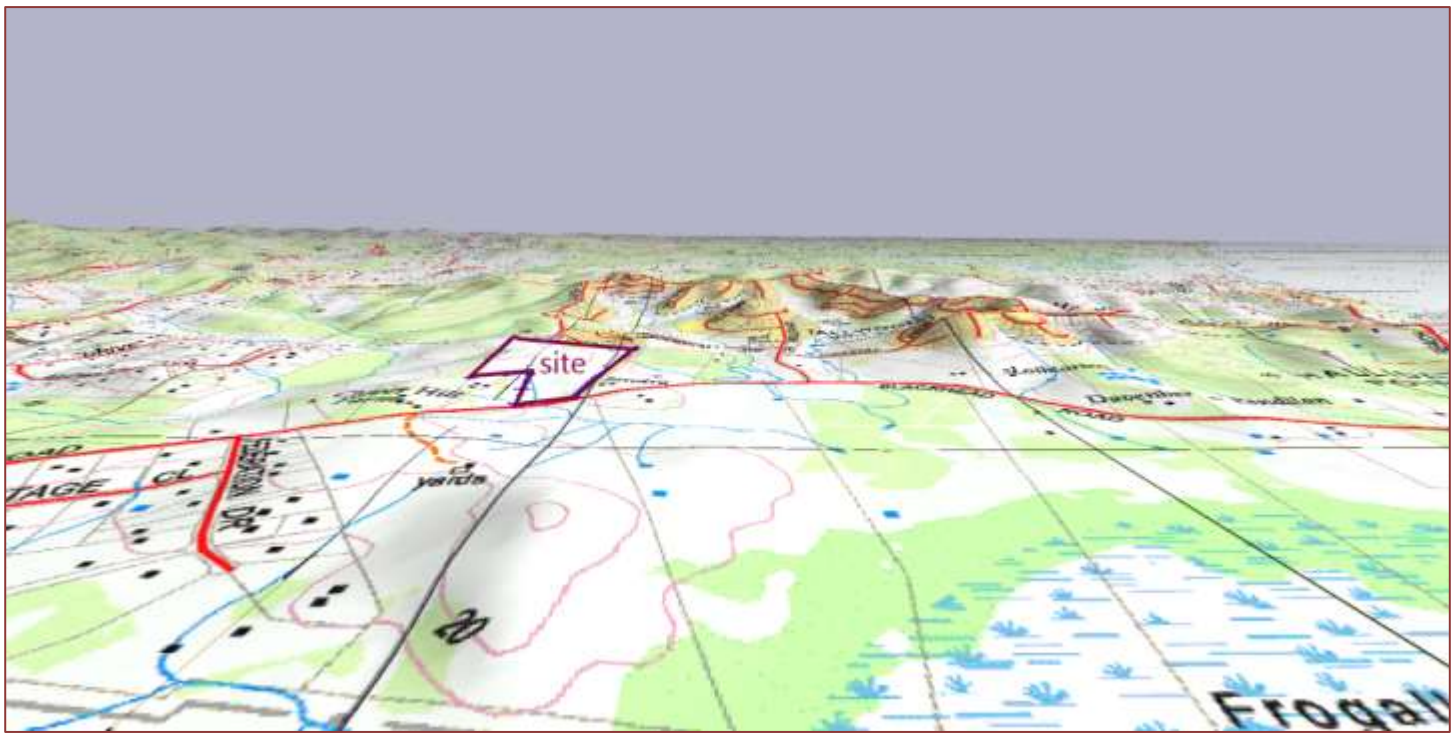


Figure 10 Landscape Context

4.5 Soils

Where an archaeological survey is only a surface investigation, any information relating to subsurface information is important, in that it indicates:

- The possibility of archaeological evidence beneath the surface.
- The possibility of archaeological evidence destroyed through erosion or other natural phenomena.
- The possibility of archaeological evidence preserved through soil/sand deposition.

The main soil features of interest are the depth of deposits, stability of the soil composition and the depositional age of the soil groups. Detailed analysis of the effects of different soils on the burial process of archaeological remains can only be carried out during an excavation.

The susceptibility of land to sheet and rill erosion is governed largely by the topsoil texture, slope of the land, length of slope and the probability of intense summer rainfalls. The topsoil or A horizon is where most nutrients, organic matter, seed and macroporosity so desirable for a seedbed exists. If this is stripped away through soil loss the fertility of the soil is lost and productivity reduced. The first few centimetres of soil also generally contain artefacts.

Soils over the land are generally comprised of consolidated materials. The slopes over the land are not considered steep and there is no evidence of slope instability.

Comment:

The soil is a shale clay composition with very little rock. Soil deposition from the hills and ridges would have occurred overtime, but due to the destruction of the soil profile through earthworks, a reliable analysis of archaeological potential would not be possible.

4.6 Geological Features

The geological data allows for analysis of the landscape to determine any special features that may contribute to historical Aboriginal occupation. There may be particular outcrops or features that would suggest significant Aboriginal use. The upper limits of three drainage depressions occur on site – one on the southern end, one in the west-northwest, and one in the northeast. All three have had a small dam (<10m wide) constructed within them near the boundary fence. These do not have defined channels on site, hence are considered open drainage depressions.

Comment:
There is no indication of a geological abnormality or feature that would suggest special significance to the landscape based on the geological mapping.

4.7 Past Land Use

Past Aboriginal activities are not well manifested by archaeological record because many activities did not leave material evidence or because the material evidence was not durable. Many of the implements were organic material, such as wood and bone and readily decayed when exposed to the elements. Even burials, are subject to the acidic condition of the soil.

Durable evidence, such as stone and rock implements, is affected by European land use. Easily recognisable implements such as stone axes, have found their way into many private collections, well before it became illegal to do so, with no record of the location of the find.

In general, the archaeological record is dependent on the exposure of sites through erosion, weathering, fire, drought and anthropogenic activities.

The vegetation within the study area is predominantly Open Forest dominated by various species. The majority of the trees appear to be of a similar age and would probably be less than 20 years of age.

The current vegetation does not give a good indication of the archaeological potential as it is basically regrowth or introduced grasses and pasture and is not necessarily indicative of what was there over 200 years ago.

The variety of vegetation that was probably on the subject site at European contact would also have lent itself to the fostering of animal food resource. Many of the current animal and bird species found on the subject site most probably existed on the site at European occupation although as to the abundance is speculative but probably more intense and greater variety.

- *European*

The subject land has clearly been long mostly cleared and converted to beef cattle grazing on improved pastures, and is currently maintained for this use. Remnant native vegetation is limited to two main clumps of regrowth forest, some scattered paddock trees, and some remnant wetland vegetation in the northeast drainage depression. Regeneration is minimal due to cattle grazing and routine maintenance.

Implications
The land in the study area has been disturbed by European Activities since 1820. The land has been used for various agricultural and rural pursuits. Although Aboriginal occupation occurred within the study area, evidence of such occupation appears remote, as the past land use has probably destroyed all but scattered and isolated stone artefacts.

- *Aboriginal*
  The 2011 report to Lidbury, Summers and Whiteman put Aboriginal landuse well:

  Aboriginal people believe they have occupied their land since the Dreaming, and stories of the Dreaming show the link between land and people. At the time of first European settlement the Tuncurry - Saltwater district was inhabited by the Kattang speaking peoples of the Worimi and Biripi tribes (Enright 1932; Holmer 1966; Gilbert 1954a). These tribes were divided into a number of local groups, each with a degree of autonomous identity and rights associated with a specific geographical estate. The size, composition and distribution of individual extended family bands within the estate of the larger local group varied in response to social and economic circumstances (Dawson 1935:25).

  Available ethnographic information suggests that a seasonal pattern of movement and resource exploitation was followed (Ella Simon in Ramsland 1987:180; Brayshaw 1986:41), but this may not necessarily have been the case prior to European contact. Even though coastal groups had economic, social and ceremonial links spanning wide areas, life on the coastal plain seems to have been fairly settled, prompting Cunningham (1827:185) to write of the „better order of things‟ obtaining amongst Aboriginal people at Port Stephens and northwards. He describes their "comfortable‟ huts of tea-tree bark that were capable of holding several persons.

Implications:
As land was given as freehold to the new settlers, and as fences, farms and houses were constructed, Aboriginal people found it more and more difficult to travel from camp to camp. Many Aboriginal people were forced onto Missions and Reserves. This meant that much of the traditional areas were now occupied and a loss of historical understanding of the relationship between the land and the people has occurred. Such lack of understanding can only be overcome through the stories of the knowledge holders being related to the landscape that was once there.

4.8 Predictive Model

According to Orton (2000),"In archaeology, predictive modelling refers to a process that considers variables that may influence the location, distribution and density of sites, features or artefacts across the landscape. As well as a review of the results of previous archaeological work and available ethnographic information (to make judgements about past Aboriginal settlement of the landscape), the variables often included in a predictive model are environmental and topographic variables such as soils, distance from landscape features, slope, landform elements, and cultural resources."

A predictive model of Aboriginal object location is constructed to identify areas of high archaeological sensitivity (i.e. locations where there is a high probability of an archaeological site occurring), so it can be used as a basis for the planning and management of Aboriginal sites. Predictive modelling involves reviewing existing literature to determine basic patterns of site distribution. These patterns are then modified according to the specific environment of the study area to form a predictive model of site location. A sampling strategy is employed to test the predictive model and the results of the survey used to confirm refute or modify aspects of the model.

The use of land systems and environmental factors in predictive modelling is based upon the assumption that they provide distinctive sets of constraints, which influenced Aboriginal land use patterns. Following from this is the expectation that land use patterns may differ between each zone, because of differing environmental constraints and that this may result in the physical manifestation of different spatial distributions and forms of archaeological remains.

The predictive model is based on information from the following sources:

- Identification of land systems and landform units
- Previous archaeological surveys conducted within the region
- Distribution of recorded sites and known site density
- Traditional Aboriginal landuse patterns
- Known importance of any part of the study area to the local Aboriginal community

The types, contents and distribution of sites within the study area can be predicted using such modelling.

The following raw materials have been identified in the region (in order of frequency) silcrete, shell indurated mudstone, silicified tuff, chert, quartz and other materials. Artefacts types identified in order of frequency are flakes, cores and tools.

An analysis of the density of distribution, site type and landscape context shows that any archaeological evidence will tend to be middens, scarred trees, stone artefacts associated with a watercourse or midden and occasional ceremonial Objects such as grinding grooves will be dependent on a sandstone outcrop associated with a water course. It is not likely that burials or ceremonial areas will be found given the ethnographic and historical record shows them to be elsewhere. Ceremonial areas, like churches and war memorials today. Tended to serve a wider area.

Where there is a potential for sub-surface deposit with artefacts (such as flaked stone) it is identified as a PAD. Sub-surface deposits are important as they have the potential to contain intact in-situ archaeological material. In some cases, they may contain material that can be placed in chronological sequence. PADs are significant because they may contain new scientific and cultural information and have the potential to further our understanding of past Aboriginal occupation of the region. Generally PADs in the area are associated with middens.

The recorded archaeological data suggests that there is a correlation between watercourses and the presence of Aboriginal sites. There is higher potential for sites to be identified within 200m of a water course, than further away. Sites are likely to occur within flat, open depression, simple slope and crest formations.

Prediction of Site Type, Location and Density
Based on the foregoing information (Section 4) the likely site types to be found within the study area depending on the level of disturbance are:

Isolated stone artefacts
These can be located anywhere in the landscape and represent the remnant of a dispersed artefact scatter (open campsite), the simple loss or random discard of artefacts or anthropogenic and natural processes.

Stone artefact scatters (open campsites)
This type of site can range from as few as two stone artefacts to an extensive scatter containing a variety of tools and flaking debris, sometimes with associated materials such as bone, shell, ochre,

charcoal and hearth stones. An artefact scatter does not necessarily mark a place where actual camping was carried out, but may instead be the product of specialised and/or short-term activities involving some level of stoneworking or whilst in transit from one occupation area to another. Artefact scatters may occur as surface concentrations or indicate subsurface stratified deposits.

Scarred Trees

Whilst only one scarred or carved or modified tree has been identified in the general area, it is possible to observe a modified tree. Most modified trees have been either removed by past logging or destroyed by fire or naturally deteriorated.

Location

Artefacts in the wider area have been found on well-drained low-gradient footslope immediately adjacent to a swamp. Low crests or rises for instance, would have a high level of potential sensitivity. The potential location of artefacts within the study area is likely to be, if present, on a rise or bund overlooking the Frogilla Swamp. Artefacts may also occur subsurface in deposition areas.

Density

Based on adjacent recorded average data density of artefacts will be low and generally in the order of less than 3 artefacts per hectare. However, where a concentrated occupation site occurred numerous artefacts possibly into the thousands can be revealed (Davies 2006).

5.0 STEP 2B Information Requirements (Visual Inspection)

The integration of the information consists of checking the predictive modelling against the on ground reality. The developed predictive modelling indicated that any archaeological evidence would be found in the non- disturbed areas of creek catchments and would generally consist of artefacts and maybe grinding grooves.

Although the entire study area was considered in this assessment, it needed also to be considered in context of the lands relationship to the water and land features nearby which would have impacted on the use of the study area by Aboriginal people

5.1 Strategy

The following was used to inform the visual inspection of the proposal.

- Vehicle traverse used for reconnaissance observations of the proposal area to inform and design a pedestrian survey strategy for the area and any other areas adjacent to the proposal considered not to be disturbed under the NPWS Act.

5.2 Method

- As the proposal is areal, the entire land area of the proposal was inspected by car for reconnaissance observations prior to implementing a survey strategy.
- Survey on foot of those areas deemed by observation to have even the slightest probability to contain evidence of Aboriginal occupation.
- Accurately define and name survey units
- Include representative photographs of survey units and landforms where informative
- Record landform and general soil information for each survey unit
- Record the land surface and vegetation conditions encountered during the survey and how these impact on the visibility of objects
- Record any Aboriginal objects (including those already registered on AHIMS or otherwise known) observed during the survey
- Record survey coverage and calculate survey effectiveness

As the proposed development footprint is over one landform unit; a gentle slope leading to Frogilla Swamp the study area was left as one survey unit.

5.3 Coverage Data

The effectiveness of archaeological field survey is to a large degree related to the degree of ground surface visibility. The dominant factor affecting the ground surface visibility was the disturbed and modified nature of the ground. Although the total amount of exposure was limited, it is believed there was sufficient landform type and exposure to indicate any potential archaeological material that may be present.

The characteristics of the survey unit and effective survey coverage are as follows:

Unit 1

As shown by the following plates, the survey area was constrained by prolific pasture. The trees present were of an age that was far too young to contain scars of Aboriginal origin. There was neither permanent water source on site nor any areas of exposure.

Plate 2 Unit 1

Plate 3 Unit 1

Survey unit	Topography	*Surface slopes*	Visibility	*Area available for detection*	Finds	*Archaeological Survey constraints*
Unit 1	Gentle slope	Generally <5%	Extremely poor almost non existent	10%	nil	Lush pasture

Table1 Survey Effectiveness

5.4 Findings

No Aboriginal objects were located. Although the land was heavily pastured and visibility almost nil, it was still possible (based on landscape attributes) to determine that subsurface objects were unlikely. Nonetheless artefacts can be found in all situations and landforms.

6.0 Step 3 Integration of information and identification of heritage values

The integration of the information consists of checking the predictive modelling against the on ground reality. The developed predictive modelling indicated that any archaeological evidence would be found in the non- disturbed areas of creek catchments and would generally consist of artefacts and maybe grinding grooves.

6.1 Key principles in determining Occupation Pattern

Roberts, 2009 formulated 7 key principles to determine probable Aboriginal land use of a particular area.

Using those principles it is possible to place the study area into Aboriginal occupation context and use.

1. Proximity to water

   There is no known water on site. The nearest potential water is at Frogilla Swamp a km away.

2. Food resource

   The study area is adjacent to a significant food resource, Frogilla Swamp..

3. Geological features

   There is no unusual, unique and prominent geological attributes within the study area.

4. Ease of access

   The study area is easily accessible on foot for all age groups, however, its swampy type conditions would have attracted mosquitos and would not have been a favoured access area.

5. Connectivity

   The study area does not appear to link other areas. The coastline was a favoured travel route at least seasonally.

6. Safety

   The study area is not dangerous or close to dangerous landforms.. There does not appear to be natural protection from harsh and extreme weather. There are no commanding views from various parts of the study area.

7. Archaeological evidence

   Whilst no Aboriginal objects were identified within the study area, the spatial distribution is probably more indicative of the occupation of the total area landscape rather than just the immediate area itself. The overall lack of evidence probably also suffers from the pasture improved nature of much of the land. Nonetheless there is sufficient evidence to attribute intermittent Aboriginal occupation to the study area and its environs.

Comment

Although the majority of the study area has been disturbed, it is still possible to suggest the occupation context and landuse. The information from the above 7 principles indicate:

- The study area was occupied by the Aboriginal community. Food and other practical resources were available nearby and there were no access constraints. However there are

no indications that any of the study area was intensively or extensively used on a permanent basis. The lack of areas such as grinding grooves and low density of archaeological evidence suggest occasional or less intensive use. The landscape and archaeological evidence not too distant from the study area indicate more favourable areas for permanent, occasional and more intensive camping.

The study area was probably used as a resource and rest area on the way to more permanent or intensive occupation sites. There does not appear to be any landscape attributes that would suggest more than occasional use.

6.2 Landscape Significance Assessment

It is important to stress that the significance of a cultural landscape is not dependent on archaeological evidence being significant in itself but the interrelatedness of the individual objects to the cultural landscape as a whole. Through understanding the cultural landscape in an holistic manner one may be able to appreciate the associations that may exist between Aboriginal objects and other features within the landscape.

Using the criteria outlined earlier the significance of the study area in an Aboriginal cultural heritage context can be assessed as follows:

- *Social value*

Much of the oral tradition and knowledge has been lost to the Aboriginal communities today. However as research and surveys discover and reveal greater understanding of the past, communities are rediscovering and appreciating what has gone before. At the present time, there does not appear to be spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community. Similarly there does not appear to be associations with tragic or warmly remembered experiences, periods or events. However that is not to say that discovery of evidence or knowledge of past spiritual connection to the place will not rekindle such association.

- *Historic value*

At this time, there does not appear to be an association of the study area with a person, event, phase or activity of importance to the history of the Aboriginal community.

- *Scientific value*

Technically, there is **NO** scientific value to the study area as no evidence was detected and it was determined that subsurface artefacts would be unlikely. In its purest form archaeological scientific value can only be considered when evidence is observed and scientific analysis of that evidence has value or could add to the archaeological record. However, given that it the land is unlikely to contain evidence, from a scientific perspective, there is always value to use such an area as a control or null value focus. The scientific method usually involves setting up a hypothesis and then seeking to test by objective means whether the hypothesis can be rejected or not. By survey, the archaeologist takes samples of the area and a non-affected control area and tests statistically by comparing artefact composition, density and distribution at the affected and control sites whether or not the hypothesis can be rejected. Potential scientific value for the study area centres on the opportunity to use the area as a control comparison if there is an occasion to examine the landscape of known archaeological potential, of nearby areas such as a ridgeline and wetland. However such opportunity is beyond the remit of determining scientific value for the study area.

- *Aesthetic value*

The sensory, scenic, and creative milieu of various parts of the landscape evokes feelings of a sense of place and its past use, but does not evoke any special or unusual use.

Comment

Aboriginal Heritage is centred on Frogilla Swamp, the coastline and the ridgeline to the north. It must be noted that the study area is but part of the wider landform centred on the coastline and Frogilla Swamp.

Whilst all landscapes are of significance to Aboriginal people there are no observable areas of archaeological significance within the study area.

7.0 STEP 4 Information regarding the proposed development

The extent of impact both direct and on Aboriginal heritage is discussed to ensure that appropriate management in the context of the assessed values can be implemented.

The proposal will ultimately involve residential development and associated infrastructure.

All new development has the potential in the future to alter water use, water flows and soil erosion outside the proposal area.

The study area has been extensively cultivated, visibility is almost negligible and the likelihood of archaeological evidence of existing on site has been assessed as unlikely. However, given that the study area exists between two known areas of archaeological landscapes such likelihood cannot be completely ruled out.

It is not possible to predict with any certainty the level of such indirect impact may have on any unknown or undetected archaeological evidence that may exist, if any, however it is possible, through appropriate management strategies to alleviate or minimise any accidental harm.

It is important to note that whilst all landscape is significant to the Aboriginal community, the landscape within the proposal area is considered to be of occasional occupation and any likely evidence within the proposal area lacks would lack contextual integrity.

8.0 STEP 5 Integration of assessment with proposed development

This step involves using the above information as the basis for assessing the cultural values against the impacts from any proposed development to identify specific outcomes.

- *justification for any likely impact(s), including any alternatives considered for the proposal;*
  As discussed previously there does not appear that the proposal will impact Aboriginal objects..

- *any measures which will be implemented to avoid, mitigate or offset the likely impact(s).*
  A management plan will be implemented to deal with any unknown Aboriginal objects within the study area as well as mitigating any impacts that may occur on artefacts discovered in the course of the development construction.

    - *demonstration that the input by affected Aboriginal communities has been considered when determining and assessing impacts, developing options, and making final recommendations to ensure that acceptable Aboriginal cultural heritage outcomes can be met by the proposed development.*

The affected Aboriginal community represented by the stakeholders (which was established through the application of the OEH consultation requirements) has been consulted throughout this assessment and has had input into the assessment as follows:

- All relevant Aboriginal people or Aboriginal organisations were given the opportunity to express an interest in being consulted and involved in the assessment. Appendix A contains the consultation log.

- Registered stakeholders met with this archaeologist for presentation of the proposal, discuss concerns and knowledge and develop procedures for the visual inspection.

- FLALC undertook visual inspection and made recommendations to be included in the report for consideration

- The draft report sent to stakeholders to offer suggestions and approve its finalisation and outlining their input and recommendations to be included in this assessment.

The registered stakeholder concurred with the findings and recommendations of the report and endorsed the report by co-authoring.

9.0 STEP 6 Management strategy for Aboriginal heritage

This step involves identifying management strategies to be implemented post-approval, including:

- *identification of the nature of and location of any offsets;*
  There is no need for any offsets as there are no Aboriginal Objects that will be impacted directly or indirectly by the proposal.

- *requirements for further work such as archaeological salvage or community collection for objects of high archaeological or community value;*
  At this stage there does not appear to be any requirements for further archaeological work as there are no identified objects of archaeological or community value.

- *Specific on-going management protocols for both physical conservation outcomes and specific Aboriginal community requirements.*
  No specific ongoing management protocols are required. The specific Aboriginal community requests for test excavations are considered by OEH as inappropriate and unnecessary as the assessment has concluded low archaeological value to the study area.

  RECOMMENDATIONS

  After applying the due diligence process including desktop assessment and visual inspection, it is reasonably concluded that an AHIP application is not warranted as Aboriginal Objects are not likely to be harmed due to the disturbed nature of the site and that upon approval from the consent authority work can proceed with caution.

  1. That the consent authority include the following as a condition of consent:
     The consent for this development does not authorise the harming of an Aboriginal object. Under the NPW Act 1974, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object. Whilst undertaking works, if an Aboriginal object is found, work must stop in the vicinity of the object and OEH notified. An application for an AHIP may also be required. Some works may not be able to resume until an AHIP has been granted. Further investigation may be required depending on the type of Aboriginal object that is found. If human skeletal remains are found during the activity, work must stop immediately, the area secured to prevent unauthorised access and the NSW Police contacted. The NPW Act requires that, if a person finds an Aboriginal object on land and the object is not already recorded on AHIMS, they are legally bound under s.89A of the NPW Act to notify OEH as soon as possible of the object's location. This requirement applies to all people and to all situations.

  2. As part of the due diligence process an Aboriginal Cultural Education Program should be developed by the proponent for the induction of personnel involved in the construction activities in the project area. The Local Aboriginal Land Council may be able to assist in delivery of such induction.

  3. A post approval management plan is to be prepared in consultation with the Aboriginal stakeholders to consider preservation and protection of Aboriginal heritage values in the event that new Aboriginal objects of significance or a nature not anticipated, such as burials or ceremonial items are discovered during construction. Appendix C contains a draft plan.

10.0 Certification

This preliminary Aboriginal heritage assessment was prepared in accordance with the brief given by Coastplan to assess of the impact of the proposed rezoning on Aboriginal heritage and was undertaken to consider and assess Aboriginal cultural heritage values and to demonstrate a Due Diligence process.

This report is a joint report between the Forster LALC and MCAS. As such this report reflects the views of the Forster LALC and this archaeologist.

To the best of our knowledge the report accurately reflects the archaeological survey, findings and results, as well as the input and recommendations of the Local Aboriginal Land Council.

Whilst every care has been taken in compiling this report to determine the impact the proposal may have on Aboriginal Heritage and to demonstrate a due diligence process, neither MCAS nor Forster Local Aboriginal Land Council can warrant or guarantee that due diligence has been met. It is the responsibility of the individual or proponent to ensure that they have undertaken due diligence.

Signed

(Archaeologist)
21/10/2016

11.0 References

(Books and Journals)

Beaglehole, J.C. (1955) (ed.)
The Journals of captain James Cook on his Voyage of Discovery. London, Hakluyt Society.

Bennett, F. C. *Ed*. (1981)
The Story of the Aboriginal People of the Central Coast. Brisbane Water Historical Society.

Brayshaw, H (1986)
Aborigines of the Hunter Valley, A Study of Colonial Records, Bicentennial Publication No.4, 1986, Scone & Upper Hunter Historical Society Scone, N.S.W.

Cunningham, P. (1827)
Two Years in New South Wales. London.

Davidson, I, et. Alia (editor) (1995)
Archaeologists and Aborigines Working Together. University of New England Press.

Flood, J (1995)
Archaeology of the Dreamtime. Angus and Robertson

Gould, R. (1980)
Living Archaeology. New York. Cambridge University Press.

Hester, T. R., et al (1997)
Field Methods in Archaeology. Mayfield Publishing Company

Horton, D (1994)
Encyclopaedia of Aboriginal Australia. Aboriginal Studies Press

Mulvaney & Kamminga (1999)
Prehistory of Australia. Allen & Unwin

Orton, C (2000)
Sampling in Archaeology. Cambridge Manuals in Archaeology (Cambridge 2000).

Oxley, J. 1820
Journals of Two Expeditions into the Interior of NSW. John Murray, London

Petersen, N (1986)
Australian Territorial Organisation. Oceania Monograph, Sydney. University of Sydney Press.

Ramsland, J. 1987
The Struggle Against Isolation: A History of the Manning Valley. Library of Australian History, North Sydney.

Schiffer, M.B. et al(1978)
The Design of Archaeological Surveys. *World Archaeology* 10(1):1-28

Speight, J. (1990)
Landform. Contained in *Australian Soil and Land Survey* Field Handbook. 2nd Edition. By R.C. McDonald et al. Inkata Press.

(Archaeological and Scientific Reports)

Bonhomme, T. 1994.
A Study of the Shell Middens of the Central Coast of New South Wales. A Report to the Aboriginal Communities.
~ 1984
An archaeological survey and preliminary assessment of sites in the proposed North Tuncurry development area, NSW. Report to the Great Lakes Shire Council.

Dean-Jones, P & Mitchell, P. B. 1993
Hunter Valley Aboriginal Sites Assessment Project Unpublished Report to NP&WS (NSW).

Donlon, D. (1990)
Ettalong Beach Skeletons. Report for Darkinjung Local Aboriginal Land Council. Analysis of an Australian Aboriginal Skeleton from Wamberal Beach. Report for Darkinjung Local Aboriginal Land Council.

Enright, W.J. 1932
The Kattang (Kutthung) or Worimi: an Aboriginal tribe. Mankind. 75-77.

Gilbert, L.A. 1954a
An old Aboriginal site. The Victorian Naturalist. 71:121-123.
~ 1954b
The History of Nabiac and District. Nabiac Parents and Citizens Association.

Haglund, L. 1986
Assessment of the Prehistoric Heritage in the Lake Macquarie Area. Report to Lake Macquarie City Council.

Holman, A.G. 1954
The History of Tuncurry. The Northern Champion Pty Ltd, Taree.

Klaver, J. & Heffernan, K. (1991)
Greater Taree Aboriginal Heritage Study. Report to Greater Taree City Council

Navin & Officer (1999)
North Wallarah Peninsula Project Site. Aboriginal Cultural Assessment. Report to AGC Woodward- Clyde Pty Ltd.

Roberts, L.B 2004
---2009
Aboriginal Heritage Assessment Newdell Junction, Ravensworth, NSW. Report to TRANSPORT EXPRESS JV ARTC Strategic Alliance- Northern Improvement NSW, Newcastle. NSW

Collins, J 2001
Tuncurry sewage transfer to Hallidays Point and upgrade of Hallidays Point

Maps

Central Mapping Authority

Topographical Map NSW 25k East. Copyright © 2010 NSW Department of Lands

Aboriginal Australia

Source*: Aboriginal Australia by David R. Horton. Names and regions as used by D. Horton in his book "The Encyclopaedia of Aboriginal Australia" published in 1994 by Aboriginal Studies Press for the Australian Institute of Aboriginal and Torres Strait Islander Studies.*

12.0 Glossary

Aboriginal Site

I. Occupation Sites

Evidence of human occupation, which includes food remains, stone tools, baked clay, fire-blackened and fire-cracked stones and charcoal, is found in a range of sites known collectively as occupation sites

- *Shell middens.* These sites are found on the coastline and along the edges of rivers and lakes. It is a deposit composed of the remains of edible shellfish and also usually contains fish and animal bones, stone tools and campfire charcoal.

- *Rock shelters with archaeological deposit.* In rock outcrops such as sandstone and granite, overhangs sometimes form creating useable shelters. Sediment from fires, roof fall, discarded stone tools and food remains form a deposit protected within the shelter and this deposit can be excavated by archaeologists to study patterns of Aboriginal life.

- *Open campsites.* These sites are mostly surface and associated subsurface scatters of stone artefacts, sometimes with fireplaces. They exist throughout the landscape and are the most common site type in rural areas, While found in all environmental locations larger and denser sites tend to be found on riverbanks and lower slopes racing watercourses, as well as ridgelines and other areas that offers movement routes. The study or open sites can assist in understanding patterns of Aboriginal land use.

- *Base camp.* This is the name applied to the major or main area of habitation. They tended to be close to a permanent water source and food source. Generally well sheltered. These camps would be rotated for hygiene reasons. They are different to smaller open campsites, which were mainly camps on transport routes or overnight areas on hunting forays.

2. Aboriginal Reserves and Missions

These places are very important to Aboriginal people today. Although Aboriginal people were often moved to reserves by force and were restricted by harsh regulations, the reserves became home to many people, where they and their families were born, lived and died. Historic cemeteries at many reserves are still cared for by the local Aboriginal community.

3. Rock Paintings

Aboriginal paintings are found on the ceilings and walls of rockshelters, which occur wherever suitable rock surfaces and outcrops, exist. Figures include humans, kangaroos, emus, echidnas, grid patterns, animal tracks, boomerangs, axes, hand stencils and other motifs. Paintings are made with white, red, yellow and black pigments. The motifs may be drawn, painted or stencilled, and charcoal drawings are common as well.

4. Rock Engravings

These occur usually where there is a suitable exposure of fairly flat, soft rock or in rock overhangs. The outlines of motifs were made by hitting the rock surface with a sharp stone to make small holes or pits. Sometimes the pits were jointed to form a groove, by rubbing with a stone. People, animal shapes and tracks are common as well as non-figurative designs such as circles.

5. Grinding Grooves

Grooves are located on flat rock exposures close to a stream or rock hole. They vary in size but are generally long (about 30-40cm in length) and elliptical in shape. Stone axes were ground into the softer stone allowing a working edge to be created or sharpened- Deeper grooves may have been used to work spears or other thin implements.

6. Quarries

Quarry sites occur wherever there are outcrops of siliceous or igneous rock. Stone material was used in creating stone tools, which in turn were used to work wood and provide people with tools to assist in hunting

and gathering activities. Siliceous rock is easily flaked and made useful cutting and scraping tools whereas igneous rock was preferred for edge-ground tools, particularly axes.

7. Ceremonial grounds

These sites were used for initiation ceremonies, marriages, tribal meetings and other important functions and are of great significance to Aboriginal people. Bora rings, which are one or more raised earth rings, were used for male initiations.

8. Stone arrangements

These range from simple stone mounds to complex circles and pathways. Arrangements are found throughout inland New South Wales as well as the coast, where fish traps were sometimes constructed.

9. Carved and scarred trees

Tree bark was used for constructing canoes, shelters, coolamons and shields. Distinctive scars are left from bark removal and can usually be differentiated from natural scars. Carved trees are more distinctive, exhibiting patterns etched into the wood of the tree. They can occur throughout the state although clearing and forestry practices have greatly reduced numbers.

A range of diagnostic criteria has been developed to assist in the identification of Aboriginal scarred trees. The following criteria are based on archaeological work conducted by Simmons (1977) and Beesley (I989) It should be noted that these criteria have never been quantitatively tested or quantified using non-relative criteria such as absolute dating or an analysis of pre-occluded scar morphologies. This is because radiocarbon dating or dendrochronology is mostly inconclusive. and the removal of regrowth exposes trees to further damage.

1. **The scar does not normally run to ground level**: (scars resulting from fire, fungal attack or lightning nearly always reach ground level). However, ground termination does not necessarily discount an Aboriginal Origin (some ethno-historic examples of canoe scars reach the ground);

1. (A). **If a scar extends to the ground, the sides of the original scar must be relatively parallel**: (natural scars tend to be triangular in shape):

2. **The scar is either approximately parallel sided or concave, and symmetrical**: (few natural scars are likely to have these properties except fire scars which may be symmetrical but are wider at the base than their apex. Surveyors marks are typically triangular and often adzed);

3. **The scar should be reasonably regular in outline and regrowth**: scars of natural origin tend to have irregular outlines and may have uneven regrowth:

4. **The ends or the scar should be shaped, either squared off, or pointed** (often as a result of regrowth): (a 'keyhole' profile with a 'tail' is suggestive of branch loss);

5. **A scar which contains adze or axe marks** on the original scar surface is likely to be the result of human scarring. Their morphology arid distribution may lend support to an interpretation of an Aboriginal origin: (marks produced after the scarring event may need to be discounted):

6. **The tree must date to the time of Aboriginal bark exploitation within its region**: (an age *of at least* I00 years is prerequisite)

7. **The tree must be endemic to the region**: (and thus exclude historic plantings).

Field based identification of Aboriginal scars, is based on surface evidence only and will not necessarily provide a definitive classification. In many cases the possibility of a natural origin cannot be ruled out, despite the presence or several diagnostic criteria or the balance or interpretation leaning toward an Aboriginal origin. For this reason interpretations of an Aboriginal origin are qualified by the recorder's degree of certainty. The following categories are used

Definite Aboriginal scar - This is a scar that conforms to all of the criteria and/or has in addition a feature or characteristic that provides definitive identification, such as diagnostic axe or adze marks or an historical identification. All conceivable natural causes of the scar can be reliably discounted.

Aboriginal origin is most likely - This is a scar that conforms to all of the criteria and where a natural origin is considered unlikely and improbable.

Probable Aboriginal sear - this is a scar that conforms to all of the criteria and where an Aboriginal origin is considered to be the most likely. Despite this, a natural origin cannot be ruled out.

Possible Aboriginal scar - This is a scar which conforms to all or most of the criteria and where an Aboriginal origin cannot be reliably considered as more likely than alternative natural causes. The characteristics of this scar will also be consistent with a natural cause.

10. Burials

Aborigines feel equally as respectful about prehistoric burials as modern cemeteries. As Aborigines have lived in Australia for over 30 000 years burials are seen as part of a continuing culture and tradition as well as offering valuable archaeological information. The dead wore sometimes cremated, sometimes placed in trees or rock ledges and sometimes buried. Burials exist throughout New South Wales and can be accidentally uncovered in construction work or become exposed through erosion. It is important that if a skeleton is found it be reported to the police, to a representative of the National Parks and Wildlife Service and to the relevant Aboriginal community group.

II. Natural sacred sites

Many features of the landscape, such as mountains, rocks, waterholes etc., are regarded as sacred sites by Aborigines. They are places associated with Dreamtime ancestors and usually can only be identified by Aboriginal people. They retain a high significance to Aborigines.

Fire- stick Farming

The process of burning to aid in hunting. Animals could be speared or clubbed as they fled to escape the flames. Other uses of fire were for long term hunting strategies. After firing, the bush would regenerate attracting animals on which the hunters would prey. (Flood, p250)

Flake fragment of stone that was used as a tool for weapons, scrapers etc.

Geographical

AHD (Australian Height Datum) Australian standard measurement from the mean high sea level.

Swamp. An almost level, closed, or almost closed depression with a seasonal or permanent water table at or above the surface, commonly aggraded by overbank stream flow (Speight1990: 33).

Legal

Activity means a project, development, activity or work (ie this term is used in its ordinary way, and does not just refer to an activity as defined by Part 5 EP&A Act)

Disturbed land or land already disturbed by previous activity Land that has been previously subjected to any activity that has resulted in clear and observable changes to the land's surface. Examples include: soil that has been ploughed; urban development that has occurred; existing rural infrastructure such as dams and fences; existing roads, trails and walking tracks; and other existing infrastructure such as pipelines, transmission lines and stormwater drainage.

Due diligence Taking reasonable and practicable steps to avoid harm and protect Aboriginal objects.

harm an object or place includes any act or omission that:
(a) destroys, defaces or damages the object or place, or
(b) in relation to an object—moves the object from the land on which it had been situated, or

(c) is specified by the regulations, or
(d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),
but does not include any act or omission that:
(e) desecrates the object or place, or
(f) is trivial or negligible, or
(g) is excluded from this definition by the regulations.

Sand Dune Refers to sand ridges and sand hills formed by the wind, usually found in desert regions, near a lake or in coastal areas. In areas of Western NSW, windblown dunes can occur along the eastern edges of ephemeral lakes (called lunettes dunes). They can also occur along the banks of rivers.

Waters means the whole or any part of: any river, stream, lake, lagoon, swamp, wetlands, natural watercourse, tidal waters (including the sea). Note: the boundary or tidal waters is defined as the high water mark. [2]

13.0 Appendix

(A) Aboriginal Community Consultation
(B) AHIMS Results
(C) Management plan

APPENDIX A

Consultation Checklist

Stage 1
Letters written: 4/4/2016

(a) the relevant DECCW EPRG regional office
(b) the relevant Local Aboriginal Land Council(s)
(c) the Registrar, *Aboriginal Land Rights Act 1983* for a list of Aboriginal owners
(d) the National Native Title Tribunal for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements
(e) Native Title Services Corporation Limited (NTSCORP Limited)
(f) the relevant local council(s)
(g) the relevant catchment management authorities for contact details of any established Aboriginal reference group.
In that correspondence, proponents must include the information required in 4.1.3 (a) and (b).
Copy of email sent to OEH Nicole Davis and Peter Saad on 4/4/2016 attached

Stage 2

Proponents must write to the Aboriginal people whose names were obtained in step 4.1.2 and the relevant Local Aboriginal Land Council(s) to notify them of the proposed project. The proponent must also place a notice in the local newspaper circulating in the general location of the proposed project explaining the project and its exact location.

Names Obtained:

Saltwater Tribal Council

18 Ronald Road

TAREE, NSW 2430

Ph: (02) 65524440

Ghinni Ghinni Youth and Culture Aboriginal Corporation

PO Box 641

TAREE, NSW 2430

Ph: (02) 65512160

Ghinni_ghinni@hotmail.com

Bindi Aboriginal Heritage and Cultural Centre Inc.

187 Beechwood Road

WAUCHOPE, NSW 2446

Ph: (02) 65864560

Sunrise Guiwan Biripi Elders Corporation

Warner Saunders

PO Box 129

CUNDLETOWN NSW 2430

Ph: 0487660726

Warner.saunders9@gmail.com

Doowakee and Larriki

Mick Leon

PO Box 22

TAREE NSW 2430

Ph 02 6552 7856

Fax 02 6552 7543

Mob 0402 751 584

doowakee@gmail.com

Copy of email attached showing organisations sent above letter seeking expressions of interest and copy of letter attached sent and copy of advertisement attached.

Only FLALC responded and was subsequently registered as a stakeholder.
Proposed project information was included in the notice seeking registration and discussions were held with Jay Currie and Robert Yettica from FLALC. Robert Yettica and the proponent also had separate discussion about the project. The FLALC (Robert Yettica was involved in the field inspection.

Stage 3 – Gathering information about cultural significance

The FLALC reiterated the importance of Frogilla swamp and the Ridgheline connecting the saltwater to the freshwater

Stage 4 – Review of draft cultural heritage assessment report

The report was reviewed by Robert Yettica and Jay Currie who endorsed the report in its entirety and to show that endorsement FLALC was shown as co-authoring the report.

Len Roberts

From: Len Roberts <len@myallcoast.net.au>
Sent: Monday, 4 April 2016 8:01 AM
To: 'Nicole Davis'
Cc: peter.saad@environment.nsw.gov.au
Subject: RE: Consultaion

Hi Nicole, Peter,

With the recent changes within OEH not sure who to send the usual notice seeking potential stakeholders for cultural assessments.

I have therefore sent it you both hoping if I have sent it to the incorrect person, you could forward it on to the correct person and advise me of who that is. Kindest regards Len Roberts.

Myall Coast Archaeological Service has been engaged by Coastplan Forster to undertake (2) Aboriginal Heritage Assessments for (2) Planning Proposals (rezoning). One at *Lots 4 & 5 DP 243425 and Lot 22 DP 255386, Tallwood Drive and Old Soldiers Road, Rainbow Flat,* the other *at Tallwoods Lot 612 Blackhead Road, Hallidays Point.*

An invitation is extended to Aboriginal people and Aboriginal Organisations who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in either or both of the areas of the proposed projects to register an interest in a process of community consultation with the proponent regarding the proposed activities. Please note for legal reasons individuals will need to demonstrate their right to speak on behalf of country. An Aboriginal organisation is either a Land Council or a registered Aboriginal Corporation. It is not a company, partnership or other type of registered organisation.

The purpose of community consultation with Aboriginal people is to assist the proponent in the preparation (if required) of an application for an AHIP and to assist the Director General of OEH in his or her consideration and determination of the application

I understand you may be able to assist in advising me of potential stakeholders. In doing so could you also advise how you came to the conclusion that they are potential knowledge holders of country. A reply by email within 7 days would be greatly appreciated.

Yours sincerely,

Len Roberts
PH: 0403233000
6783 Pacific Highway,
Tea Gardens 2324

Len Roberts

From: Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Sent: Monday, 4 April 2016 8:01 AM
To: Len Roberts
Subject: Automatic reply: Consultaion

Hi, I am currenlty out of the office and will return on Mon 4 April 2016.
Cheers Nicole

AGISTMENT

40 ACRES
for livestock. horses/cattle, 7 fenced paddocks, good access & security. 0413 020 922

MACHINERY & PLANT

EXCAVATOR 2t, Bobcat 763, Hino truck 7.5t, plus extras, will separate, $60,000 ono Ph 0413 362 819 after 5.30pm

PUBLIC NOTICES

ART CLASSES
With multi award winner M.Cranfield 6554 0994

PUBLIC NOTICES

STALLHOLDERS WANTED WEEKEND ON WHEELS
Sunday May 29th.
Taree Rescue Squad is holding a Major Fundraiser Motor Show and would like to invite exhibitors and trade stands to join in.
For more information Phone Taree Rescue Squad on 6551 5550

CLINICAL PSYCHOPHYSICS & HYPNOTHERAPIST
Joanne Witt
Tuncurry
65557521/0431534542

PUBLIC NOTICES

FORSTER TOWN PARK MARKETS
To be held on Sunday
10th April 2016
Bookings and Public Liability Insurance essential.
No jewellery, cake or plant stalls required.
0437 634 056

POSITIONS VACANT

CASUAL HAIRDRESSER
fully qualified Approx 2 days p/w Email: reneekerry83@gmail.com

CREATIVE STYLIST
req for One Hair & Beauty Forster 65548022

PUBLIC NOTICES

Aboriginal Cultural Consultation
Call for expression of interest

Myall Coast Archaeological Service has been engaged by Coastplan Forster to undertake (2) Aboriginal Heritage Assessments for (2) Planning Proposals (rezoning). One at Lots 4 & 5 DP 243425 and Lot 22 DP 255386, Tallwood Drive and Old Soldiers Road, Rainbow Flat, the other at Tallwoods Lot 612 Blackhead Road, Hallidays Point.

An invitation is extended to Aboriginal people and Aboriginal Organisations who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) andr place(s) in either or both of the areas of the proposed projects to register an interest in a process of community consultation with the proponent regarding the proposed activities. Please note for legal reasons individuals will need to demonstrate their right to speak on behalf of country. An Aboriginal organisation is either a Land Council or a registered Aboriginal Corporation. It is not a company, partnership or other type of registered organisation.

The purpose of community consultation with Aboriginal people is to assist the proponent in the preparation (if required) of an application for an AHIP and to assist the Director General of OEH in his or her consideration and determination of the application.

Closing date for registration of interest: 22nd April 2016

To register your interest in either or both projects please contact:

Sue Roberts
Myall Coast Archaeological Services
6783 Pacific Highway
Tea Gardens. 2324
Email:archaeology@myallcoast.net.au

For an expression of interest form, indicate which project you're interested.

Solutions from 30 March 2016

TA1681261

	P		T		C		A		P			T	W	E	E	D	H	E	A	D	S		B		C		U
K	A	N	G	A	R	O	O	C	O	U	R	T		H		V		O		P		T	O	U	G	H	E	N
	W			R		S		C		B			I		N	A	M	O	R	A	T	A		R		I		I
U	N	C	U	T		T	O	O	D	L	E	P	I	P		N		E		C		T	R	E	L	L	I	S
N		A		A		A		M		I		L		R		S	T	Y	L	E		U		A		L		O
L	E	M	O	N	D	R	O	P		C	R	A	Y	O	N		O		O		D	E	L	U	S	I	O	N
U		O		N		A	L	L		Y		U		G		R		I		I		U		U				
C	A	M	E	R	A	M	A	N		I		W	I	N	E	M	A	K	E	R	S		T	I	G	H	T	S
K		I		A		A		I		B		I		D		A		N			H	U	E		G		D	
Y		L	I	T	H	I	U	M		R	A	T	E		O	G	R	E			C		R		E	G	O	S
		E		C		D		E	R	A		H		P		N		W	I	L	L	I	A	M	S			A
F	E	T	C	H		E		N		R	E	F	E	R	E	E				O		T		T	H	E	Y	
		E		E		N	A	T	T	Y		I		O		T	I	A		T	R	I	G		O		I	
A	D	A	P	T	S		M		A		B	R	U	N	E	I		P	A	S	H	A		O	F	T	E	N
	E		A		C	O	O		K	N	E	E		T		S		P		U		I	D	O	L			G
C	L	O	T	H	E		N		E		T		R	O	S	E	G	A	R	D	E	N			A		D	
	I		E		N		G	U	S	T	A	V			K		R		O		B	A	L	M	A	I	N	
	V		N	E	A	P		S				O	V	O	I	D		A	S	K		O		E		S		
D	E	F	T		R		R	E	A	L	L	Y		R		A	N	T		U	N	W	R	I	T	T	E	N
	R		L		I		S		U		A		G		R		U			O		E		H		N	
H	Y	P	E	R	O	P	I	A		N	A	G		A		W	I	S	D	O	M		S		R	O	T	E
	M		A			A		T	I	C		E	N	N	U	I				I		E	C	H	O		A	
M	A	T	T	O	C	K		T		H			U			N	A	M	E	L	Y		R		W		N	
	N		H			C	H	A	T	T	E	R	B	O	X		U		N		O		I	C	E	A	G	E	
E			E	T	C	H		C		I		E		Y		P	L	O	D		U	L	P		R		L	
F	I	B	R	O		O	A	K	U	M		A	B	S	U	R	D		O		R		T	A	S	S	E	L
F		U		E	M	I	R				E	E	L		T		E		D	W	E	E	B		G		T	
E	A	S	T		O		T					T	U	E	S	D	A	Y		S		O		A	N	V	I	L
C			S	A	T	C	H	E	L	S		H		R		E		E	T	C		U		I		A		
T	H	O	U		O		R			E	P	I	C		S	T	U	D		A	D	R	E	N	A	L		I
	E		N		R	I	O			E		N		S		E		I		P		N		S		E		N
S	A	F	A	R	I		P	R	O	P	A	G	A	T	O	R		N		O	V	E	R	T	O	N	E	S
	V		M		N		O		M		V			A		M		T	I	L			A			T		I
R	E	S	I	G	N	E	D		E		E		U	P	P	I	S	H		O	U	T	P	A	C	I	N	G
E		I		U		X		U	N	A	R	M		L		N		E		G		E		C		N		H
L	I	G	H	T	U	P		L		B		O		E	D	E	L	W	E	I	S	S		C	H	E	S	T
O		N		T		E	D	U	C	A	T	I	N	G				O		S		T		E			E	
A	M	A	T	E	U	R		R		S		S		U		S	H	O	R	T	T	E	M	P	E	R	E	D
D		L		D		T	O	U	C	H	S	T	O	N	E			L		S		R		T			D	

SUDOKU No.079 Level of Difficulty: 7

1	6	9	3	8	4	7	5	2
3	2	4	1	7	5	6	8	9
8	7	5	6	2	9	4	1	3
4	3	2	8	1	6	9	7	5
7	5	1	9	4	3	8	2	6
6	9	8	2	5	7	1	3	4
5	1	3	4	9	8	2	6	7
9	8	7	5	6	2	3	4	1
2	4	6	7	3	1	5	9	8

SUDOKU No.2382 Level of Difficulty: 13

6	1	7	2	5	8	3	4	9
4	5	9	1	7	3	6	2	8
2	3	8	6	9	4	5	1	7
3	2	5	7	8	9	4	6	1
1	8	4	5	3	6	9	7	2
9	7	6	4	2	1	8	5	3
8	6	1	9	4	2	7	3	5
5	4	3	8	1	7	2	9	6
7	9	2	3	6	5	1	8	4

POSITIONS VACANT

FT QUALIFIED BUTCHER
required at Smiths Lake. Ph Nathan 0417 286 969.

POSITIONS VACANT

TRACTOR MECHANIC
required. Email CV to infoisus@infoisus.com Phone 0414 881 414

CLASSIES WORK

Buy It... Sell It... Tell It... in your local Classifieds

POSITIONS VACANT

EAGLES BATHROOM KITCHEN PLUMBING

Branch Manager - Forster

About Eagles
We are a locally owned and operated plumbing supplies company with stores throughout the Newcastle Mid-North Eastern Seaboard of NSW.

About the Role
A position has become available at our Forster branch for a results-oriented manager who can demonstrate a successful track record. As Branch Manager, you will be in charge of managing and growing a portfolio of key customer accounts within the community as well as deliver and support training and development of trade specific product knowledge to team members; leading your team to further success. This role requires someone who can control stock levels, complete ordering & conduct purchasing; working to maximise sales and minimise losses. The coordination of drivers and deliveries will need to be arranged. You will directly report to the Area Manager and oversee all aspects of both trade and retail.

What We Need
As Branch Manager you will have the ability to uphold Workplace Health and Safety Standards and Procedures. Demonstration of previous experience and success in managing teams of people. The right person will have concise communication skills to be able to build a strong inter-company relationship with colleagues and staff and be a person who can lead by example whilst looking after and developing your team. The ideal applicant will have the ability to work under pressure and be proficient in working autonomously with a track record in building new accounts and growing existing business. Honesty, reliability and attention to detail are attributes that will be highly regarded. Knowledge of the Plumbing•uilding industry is an advantage.

We Can Offer You
Employment stability with an attractive remuneration package plus incentives with a fully maintained vehicle and company mobile. We pride ourselves on our fun, safe and customer service focused culture.

Please email your resume to
dmcdonaldeaglesplumbing.com.au

Providing a wide choice of quality services for seniors in the Hunter, Central Coast and Manning regions.

Anglican care

PASTORAL CARE ASSOCIATE

Manning Area
Part Time Position

Applications are invited for the above position, which reports directly to the Chaplaincy Services Co-ordinator. The successful applicant will be required to provide pastoral care at both Storm Village and Bishop Tyrrell Place.

To be considered for this role you will have:

Essential Requirements:

- The successful completion of two basic units of Clinical Pastoral Education or currently working towards the same or equivalent.
- Skills in the provision of Pastoral Care, including an understanding and respect for diverse value systems, beliefs and practices.
- Commitment to the provision of a compassionate, non-judgemental, empathic pastoral presence, centred on the skills inherent in reflective listening.
- Capacity to demonstrate an empathic and sensitive approach to the specific needs and feelings of the sick and dying.
- Commitment to the Mission, Vision and Values of Anglican Care.
- A person of active spirituality.

Desirable Requirements:

- Tertiary qualifications in Theology, Pastoral Care or Counselling.
- Experience in a health care setting.
- Highly developed communication & interpersonal skills.
- Demonstrated ability to work as a member of a multidisciplinary team.
- Demonstrated computer literacy.

Apply to: jobs@anglicancare.com.au
Close date: Friday 15th April 2016

eclipse 11620

Anglican Church Newcastle
At Anglican Care it's not just a job, it's a career!
www.anglicancare.com.au

POSITIONS VACANT

Gloria Jean's COFFEES WHARF STREET STORE

Manager/Barista
Experienced Barista required who is passionate about great coffee. Must have cafe experience. Resumes currently being accepted in store.

WORK WANTED

A1 PAINTING
35 years exp Int/Ext Pensioner discount Call Michael **0447 824084**

ALL LAWNS
Lou's Lawns Mowing, Pruning, Weeding.
Ph 0417 043 759

AUZ TREE
All aspects of Tree work Fully Insu **FREE** quotes.
0419 999 123

BUILDER
Carpenter, Lic 25330C. David - 0412 803 187

WORK WANTED

BATHROOM RENOVATIONS
All types of tiling FREE Quote Lic128477C 65517665 or 0418163803

BUILDER
For all your building & maintenance work. Carpentry, concreting, tiling & bathroom renovations. Free quotes Lic #274894c. Phone Rick Pasini
0410 263 200

CARPENTRY
& Maintenance affordable local insured tradesman. Call Peter 0404 001 909 Lic # 43129C

CHIMNEY SWEEP
Safe, warm, full/insured. Free quotes. Jamos 6551 7883, 0427 013 397

CLEANING & MAINTENANCE
Home & Commercial. Inside & Outside. Insured. Ph Ivan 0427 526 224

DONE4U
Mowing & Slashing + Rubbish removal Ph Ivan 0427 526 224 Insured

POSITIONS VACANT

MID COAST COMMUNITIES

LINKERS

Mid Coast Communities is seeking Coordinators known as 'Linkers' to deliver Ability Links NSW, this position is based in Taree

Successful applicants will be local community connectors who are professional, flexible, innovative, excellent communicators and relationship/network builders who are committed to the essential principles of Ability Links. Linkers ensure people with disability are at the centre of decision making and able to access the same community resources and opportunities as everyone else.

You can find out more about these positions and how to apply by going to our website at

www.midcoastcommunities.org.au or email the Ability Links Team Leader, annathompson@midcc.org.au
Applications close 5pm Fri 15th April 2016

Manning Valley Neighbourhood Services Inc

We are seeking to employ a part time worker for 12 months to::

- Establish & implement an information, referral & court support program for people living with a mental health issue by::
  - Linking them to needed legal/mental health & other services and/or
  - Supporting them to navigate the criminal justice & housing tribunal systems at Taree Court
- Coordinate & lead a team of volunteers to support the above

Interested applicants should go to www.mvns.org.au & follow the steps outlined in the application package.

TAREE AUTO GROUP

I am seeking a Workshop Controller, suit technician wishing to come of the tools, responsible for the efficient work flow through the shop, must have excellent communication and people skills, able to work under pressure, remain focused and well organised, good phone manner and computer skills. Contact Grant Bernasconi on 65521000 resume to PO Box 318 Taree

PACIFIC PALMS SLSC INC

invites expressions of interest for the position of Venue Coordinator. The application package can be accessed at

http://www.pacificpalmsslsc.org.au/#!positions-vacant/wzqss

Applications close 22 April 2016

Dear Potential Stakeholder,

I am writing to you as per the OEH Consultation Guidelines 2010 under the NPW Act 1974 as amended. Myall Coast Archaeological Service has been engaged by Coastplan Forster to undertake (2) Aboriginal Heritage Assessments for (2) Planning Proposals (rezoning). One at Lots 4 & 5 DP 243425 and Lot 22 DP 255386, Tallwood Drive and Old Soldiers Road, Rainbow Flat, the other at Tallwoods Lot 612 Blackhead Road, Hallidays Point.

I am writing to you as your name has been forwarded to me or you responded as An Aboriginal person who may have an interest in Aboriginal Cultural matters in the Singleton Area and may have a right to be consulted regarding the project.

The purpose of the consultation is to:

- Assist in determining appropriate decisions and recommendations, informed by Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of objects and/or places regarding the conservation and management of Aboriginal objects and/or places.

- Assist the proponent in the preparation (if required) of an application for an AHIP and to assist the Director General of DECCW in his or her consideration and determination of the application

- Ensure opportunity for effective involvement of Aboriginal people or groups with relevant cultural knowledge in the heritage-impact assessment processes

- Enable Aboriginal people to efficiently identify those within their communities who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places.

The objective of community consultation is to ensure that Aboriginal people have the opportunity to improve assessment outcomes by:

- providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)
- influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)
- actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area
- Commenting on draft assessment reports before they are submitted by the proponent to DECCW.

An invitation is extended to you as an Aboriginal person or Aboriginal Organisation if you hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proponent regarding the proposed activity. Please note for legal reasons individuals will need to demonstrate their right to speak on behalf of country.

Only Aboriginal persons or Aboriginal organisations can register an interest. If an Aboriginal organisation i.e. Land Council or Registered and active Aboriginal Corporation wishes to register an interest then a representative must be nominated. By law, a company, partnership, trust or business entity is not

considered to be an Aboriginal organisation. **You cannot register an interest on behalf of another person.**

According to the Consultation Guidelines the qualifications of those who can register their interest as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and custom
- recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country
- Have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.

If you meet the qualifications and would like to register an interest please provide the following Information. It is important that all information is supplied to allow proper consideration of your request.

Name
Residential Address
Postal address (if applicable)
Phone
Email (if applicable)
Organisation you are representing (if applicable)
Authority to speak on country

To register your interest, please contact in writing:
Sue Roberts
Myall Coast Archaeological Services
6783 Pacific Highway
Tea Gardens. 2324
Email:archaeology@myallcoast.net.au

Closing date for Registration 5pm 31/5/2016

For record purposes the registration must be in writing. So if you have expressed an interest previously please provide the above information as well. If you are aware of others please pass a copy of this letter to them so that they can respond personally.

Please note Aboriginal people who are registering an interest, your details will be forwarded to DECCW and the Local Aboriginal Land Council (LALC) unless you specify that you do not want your details released.

Once a stakeholder list has been established you will be advised of a consultation meeting to be held at Singleton for the community to determine the stakeholders and to discuss project options. Your earliest response would be greatly appreciated.

Kind regards

Sue Roberts

1O/5/2016

RE: Site Officer - Message (HTML)

File | Message

Ignore | Junk | Delete | Reply | Reply All | Forward | Meeting | More | Move | Rules | OneNote | Actions | Mark Unread | Categorize | Follow Up | Translate | Find | Related | Select | Zoom | Save to Evernote

Delete | Respond | Move | Tags | Editing | Zoom | Evernote

From: CEO <ceo@forsterlalc.org.au>
To: archaeology@myallcoast.net.au
Cc:
Subject: RE: Site Officer

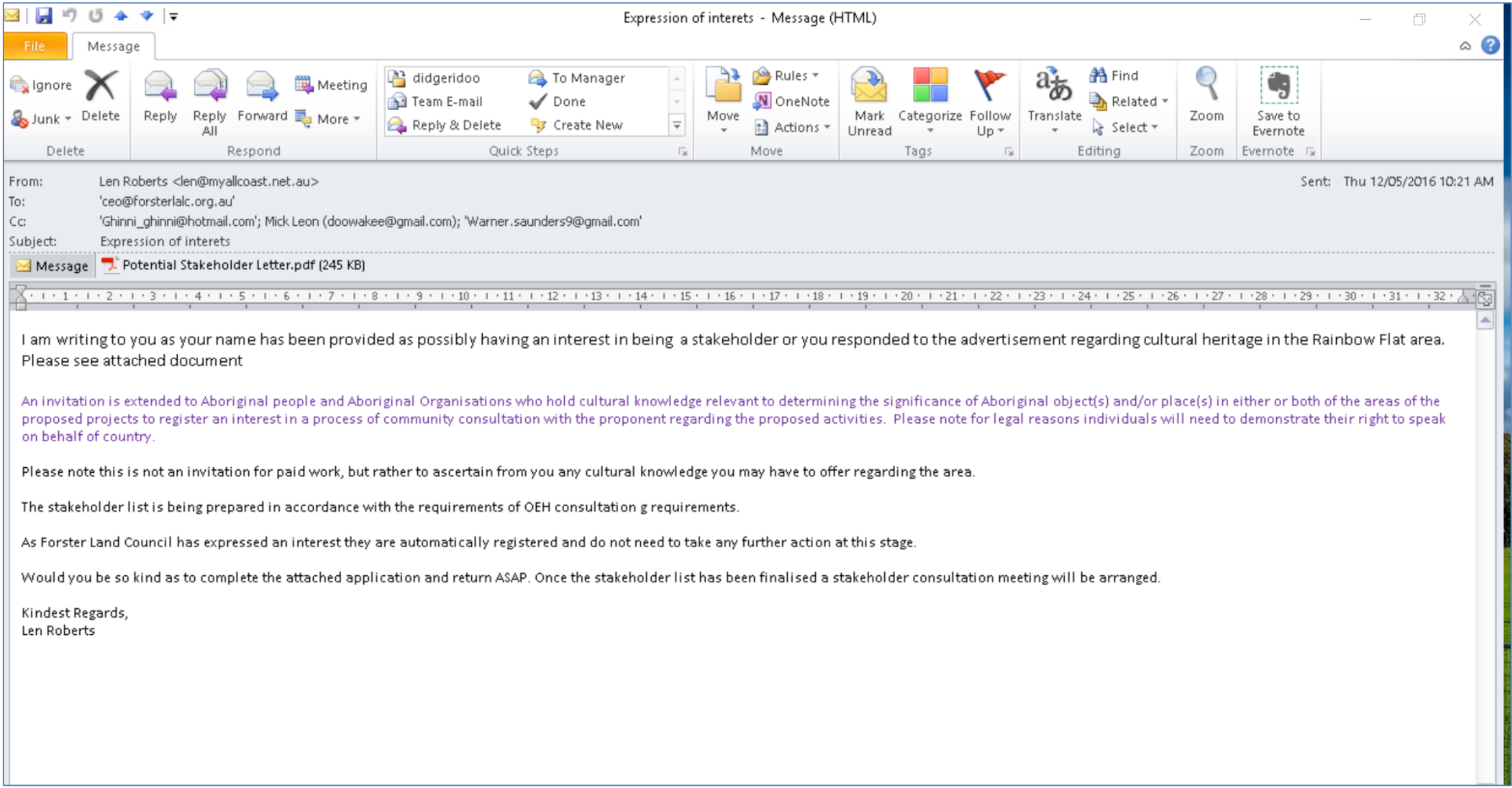
Sent: Fri 15/04/2016 9:31 A

Hi Sue

Im email you regarding the **Aboriginal Cultural Consultation** I would like if you will take on board that FLALC site officer would attend this work at $120 p/h thank you.

Regards
Jay Currie
Chief Executive Officer

Forster Local Aboriginal Land Council
10 Breckenridge Street. Forster NSW 2428
P.O. Box 384, Forster NSW 2428
Ph; 6555 5411 Mob; 0457 009 800
Email; Ceo@forsterlalc.org.au


Expression of interets - Message (HTML)
File
Message
Ignore
Junk
Delete
Reply
Reply All
Forward
Meeting
More
Respond
didgeridoo
Team E-mail
Reply & Delete
To Manager
Done
Create New
Quick Steps
Move
Rules
OneNote
Actions
Move
Mark Unread
Categorize
Follow Up
Tags
Translate
Find
Related
Select
Editing
Zoom
Zoom
Save to Evernote
Evernote
From: Len Roberts <len@myallcoast.net.au>
Sent: Thu 12/05/2016 10:21 AM
To: 'ceo@forsterlalc.org.au'
Cc: 'Ghinni_ghinni@hotmail.com'; Mick Leon (doowakee@gmail.com); 'Warner.saunders9@gmail.com'
Subject: Expression of interets
Message
Potential Stakeholder Letter.pdf (245 KB)
I am writing to you as your name has been provided as possibly having an interest in being a stakeholder or you responded to the advertisement regarding cultural heritage in the Rainbow Flat area. Please see attached document
An invitation is extended to Aboriginal people and Aboriginal Organisations who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in either or both of the areas of the proposed projects to register an interest in a process of community consultation with the proponent regarding the proposed activities. Please note for legal reasons individuals will need to demonstrate their right to speak on behalf of country.
Please note this is not an invitation for paid work, but rather to ascertain from you any cultural knowledge you may have to offer regarding the area.
The stakeholder list is being prepared in accordance with the requirements of OEH consultation g requirements.
As Forster Land Council has expressed an interest they are automatically registered and do not need to take any further action at this stage.
Would you be so kind as to complete the attached application and return ASAP. Once the stakeholder list has been finalised a stakeholder consultation meeting will be arranged.
Kindest Regards,
Len Roberts

Len Roberts

From: CEO <ceo@forsterlalc.org.au>
Sent: Friday, 15 April 2016 9:31 AM
To: archaeology@myallcoast.net.au
Subject: RE: Site Officer

Hi Sue

Im email you regarding the **Aboriginal Cultural Consultation** I would like if you will take on board that FLALC site officer would attend this work at $120 p/h thank you.

Regards
Jay Currie
Chief Executive Officer

Forster Local Aboriginal Land Council
10 Breckenridge Street. Forster NSW 2428
P.O. Box 384, Forster NSW 2428
Ph; 6555 5411 Mob; 0457 009 800
Email; Ceo@forsterlalc.org.au

APPENDIX B

AHIMS Web Services (AWS)
Search Result

Purchase Order/Reference : Tallwoods1

Client Service ID : 250699

Susan Roberts

6783 Pacific Highway
Tea Gardens New South Wales 2324

Attention: Susan Roberts

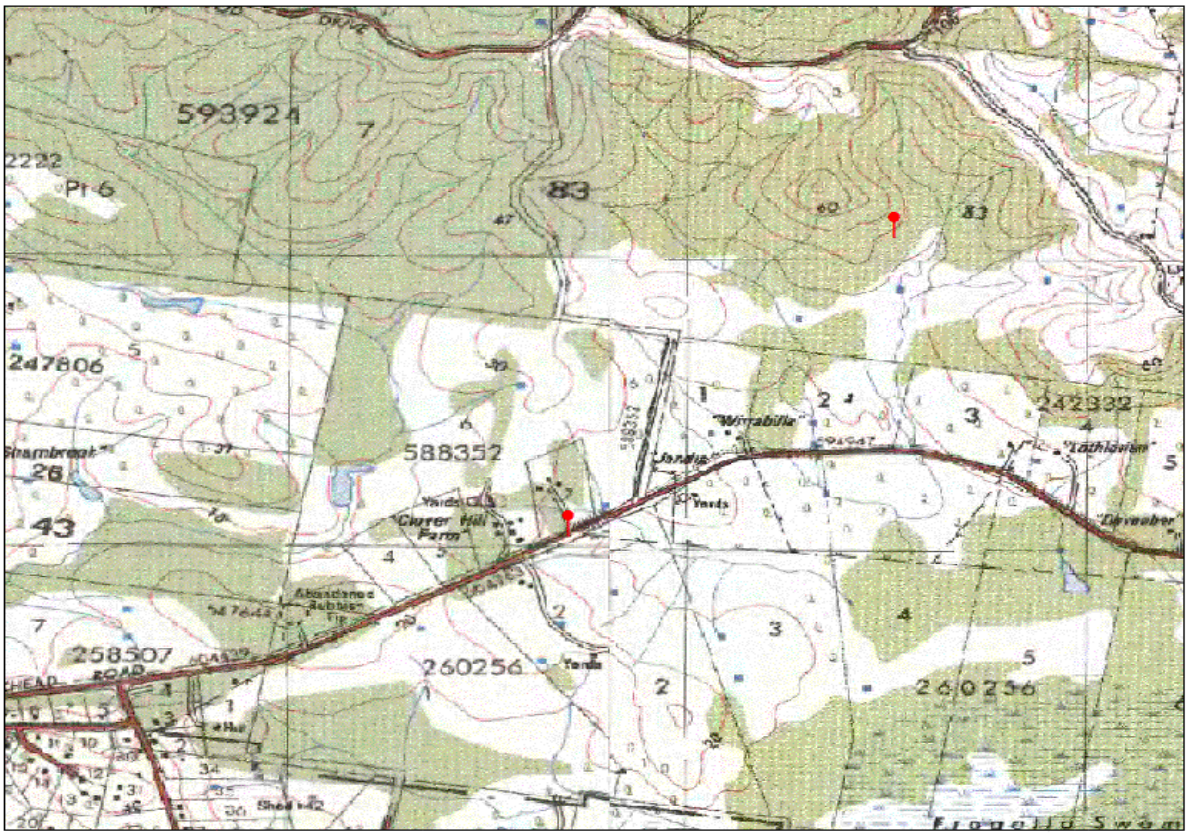
Email: sue@tallpines.net.au

Date: 24 October 2016

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 612, DP:DP1160096 with a Buffer of 1000 meters, conducted by Susan Roberts on 24 October 2016.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

2	**Aboriginal sites are recorded in or near the above location.**
0	**Aboriginal places have been declared in or near the above location. ***

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the NSW Government Gazette (http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150
Locked Bag 5020 Parramatta NSW 2220
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Tallwoods1

Client Service ID : 250699

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-2-0106	Tallwoods 4	AGD	56	452190	6453630	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	
	Contact	**Recorders**	Mick Leon					**Permits**	1834	
38-3-0278	Tallwoods 5	AGD	56	452710	6453750	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	**Recorders**	Mick Leon					**Permits**	1834	

Report generated by AHIMS Web Service on 24/10/2016 for Susan Roberts for the following area at Lot : 612, DP:DP1160096 with a Buffer of 1000 meters. Additional Info : determine impact from nearby proposed development. Number of Aboriginal sites and Aboriginal objects found is 2

APPENDIX C

ABORIGINAL HERITAGE MANAGEMENT PLAN (AHMP)

INTRODUCTION

This Aboriginal Heritage Management Plan (AHMP) has been developed to assist and guide the development of a (insert details) This AHMP defines the actions and procedures that will be implemented for the proposal to facilitate the protection and management of Aboriginal heritage values.

The Aboriginal Heritage Assessment, carried out for the proposal (insert details) identified (insert details) and recommended (insert details)

This AHMP has been prepared not only to protect and enhance Aboriginal heritage values but also establish protocols that will be triggered if any objects are discovered during the development process. It also forms part of a Due Diligence process for the Protection of Aboriginal Objects in New South Wales.

AIMS AND OBJECTIVES

This Aboriginal Heritage Management Plan seeks to establish a framework to ensure that the Aboriginal cultural significance of the site is protected before, during and after the proposed development is undertaken. It aims to foster engagement and understanding of Aboriginal cultural significance and ensure compliance with the relevant state and federal legislation.

The design of the development has had due regard to the known objects/potential areas of Aboriginal cultural sensitivity and as such, these areas are all located in areas of proposed conservation, buffer zones, or within areas that will allow for them to be retained within their existing setting.

This plan aims to ensure that any additional finds are managed in a manner that is consistent with the cultural sensitivity of the local Aboriginal community and in accordance with legislation. This framework seeks to ensure that any additional finds are not destroyed but rather managed/conserved in the manner which the custodians of the culture deem appropriate..

ABORIGINAL COMMUNITY

It is acknowledged that the Aboriginal community have a principal role in identifying cultural significance and cultural values and that Aboriginal people have the right to be consulted and involved in all aspects of investigation and decision making.

Ongoing Consultation throughout the assessment phase of the project has occurred with the Aboriginal community through the established registered stakeholders (Registered Aboriginal Parties); LALC, (insert details)

In relation to Aboriginal heritage it is recognised that the Local Aboriginal Land Council ((insert details) LALC) function as the central point of contact with the Aboriginal community in relation to heritage issues. Where Aboriginal community participation is specified in the actions and procedures throughout this document, it is understood that LALC will generally fulfil this role.

LALC representatives and the other registered stakeholders (insert details) will be consulted on the effectiveness of this AHMP, any future versions, and any other heritage issues that are deemed relevant by either party.

DEFINITIONS

The following definitions apply to this plan:

- **Aboriginal Relic** *refers to burial sites and associated artefacts and human remains.*
- **AHA** refers to the Aboriginal Heritage Advisor
- **AHIP** is an Aboriginal Heritage Impact permit
- **Archaeologist** *refers to Myall Coast Archaeological Services or their nominee.*
- **ARG** *refers to the advisory group / consultative committee established to advise the proponent on all Aboriginal matters of interest throughout the life of the project. It is constituted with representatives of the RAP and the proponent. It is an administrative arm to ensure ongoing consultation throughout the life of the project. It is not a RAP.*
- **Expected finds** *refers to existing unrecorded objects expected to be present in a subsurface / surface context as identified in the previous assessment of the sites in the project area.*
- **OEH** *refers to the Office of Environment and Heritage.*
- **RAP** *refers to the registered Aboriginal parties.*
- **The Proponent** *refers to* (insert details) *and its agents/contractors.*
- **Unexpected or New** *refers to other objects that are outside of the range of those that were identified (and expected also to be present in a subsurface context) as part of the previous assessment of the sites in the project area.*

It is expressly understood by all parties (the Proponent, RAP ARG,) that:

- An AHIP is not required as all known Objects are to be protected/conserved and left in-situ or non existent.
- If during construction objects are discovered and harm cannot be avoided then an AHIP will be sought
- The plan is a result of a consultative process between RAP and the Proponent.
- This plan deals with the ongoing management of Aboriginal Cultural Heritage for the development approval, and may be reviewed and updated from time to time.
- This plan sets out the requirements, protocols and procedures for protecting the known Aboriginal Objects and new or unexpected Aboriginal Objects and Aboriginal relics.
- It sets out the roles, responsibilities, relationships and conduct of all parties and personnel including dispute resolution procedures
- It sets out clear procedures for monitoring, recording and managing expected and unexpected Aboriginal heritage (objects / artefacts) and relics.
- The plan must be in force prior to any ground disturbance process.

THE PLAN

1. Details of induction program for all workers associated with construction activities

An Aboriginal Heritage induction program will be developed and approved by ARG. It may be reviewed and updated from time to time as deemed necessary.

The program will outline protocols and responsibilities with respect to the management of Aboriginal cultural heritage for the site. It will also provide an overview of the site types present as well as procedures for reporting the identification of Aboriginal archaeological sites.

In addition, Aboriginal cultural awareness training will be mandatory for all staff whose roles may reasonably bring them into contact with Aboriginal sites and / or involve consultation with local Aboriginal community members. Training will also be offered on a voluntary basis to all other staff and contractors.

An Aboriginal cultural awareness training package will be developed for use throughout the operational life of the development. The training package will be completed prior to ground disturbance works commencing.

The cultural awareness training package is to be developed in collaboration with the RAP and will, at a minimum, involve the presentation of information on the Aboriginal history of the area (pre- and post-contact), the nature of known sites, potential Aboriginal archaeological resources, identification of Aboriginal archaeological sites, relevant management policies and procedures, and statutory obligations.

A register of all persons having completed Aboriginal heritage inductions & cultural awareness training will be maintained throughout the construction and operational phases of the development.

2. Details of WHS protocols required for site access

2.1 Safety

Access to the site during construction will be via approved site or visitor's induction only. There will be no unauthorised access to the site during the construction operations phases.

All persons attending the site must abide by all site safety policies and procedures whilst on site.

All work activities conducted on the site must be assessed and documented to identify potential hazards and any controls implemented. A Risk Assessment (RA) and Safe Work Procedure (SWP) will be developed for the tasks to be conducted by the proponent. The RA and SWP will be reviewed and approved by the proponent to the tasks being conducted.

2.2 Relationship obligations of Aboriginal Induction Service providers with other workers / management

All workers, Aboriginal inductors and contractors shall treat each other with due professionalism, courtesy and respect. If an occasion arises where a person feels aggrieved by another's behaviour or attitude then the dispute resolution process is triggered.

An outline of the procedures and protocols between the contractors, employees and the Aboriginal monitors / workers, shall be developed and completed in conjunction with the proponent, prior to commencement of the construction project.

2.3 Aboriginal Community Access

Aboriginal community members may, during the development process, wish to access the site and / or areas within the site for cultural purposes (e.g. education and ceremony).

The proponent is committed to facilitating such access. All access requests must go through ARG and be approved by ARG. The relevant site inductions and safety briefings will be required to be completed.

Access, in all instances, will be subject to relevant operational and safety considerations and cannot be guaranteed; and access to some of the site will be restricted during periods of construction.

There will be no unauthorised access to the site.

3. Responsibilities of stakeholders

Each party involved in the development of the site and / or having knowledge / carriage of matters relating to matters of Aboriginal cultural heritage have varying responsibilities. This section outlines the understood responsibilities.

Aboriginal Heritage Advisor - to advise on Aboriginal heritage matters.

Archaeologist - to assess and develop management strategies for known, new objects and relics and other tasks identified in the management plan.

ARG - to advise the proponent on all Aboriginal matters of interest throughout the life of the project and to oversee the functions and tasks in which the RAP may be involved.

Cessnock City Council - Monitor compliance with consent conditions and issue various compliance orders if necessary.

Proponent - responsible for the preparation and fulfilment of the management plan in consultation with RAP and Archaeologist in accordance with the guidelines for consultation.

RAP - to be consulted in accordance with legislated consultation guidelines regarding Aboriginal heritage management and undertake tasks as per the management plan.

4. Details of mitigation and management strategies

Prior to construction and in collaboration with ARG a survey map indicating the known objects and conservation transect and buffer zones will be produced and form the basis for management protocols.

A table/checklist of management procedures will also be produced outfling what is protected, mitigation measures required and other actions will also be established. The table will outline the actions, responsibility for those actions and time frame for implementation.

All Aboriginal heritage management and mitigation works carried out under the AHMP for the project will be documented to a standard comparable to that required by the Code of Practice for Archaeological Investigation of Aboriginal Objects 2010. This includes the completion of site cards in accordance with salvage and repatriation protocols granted under any AHIP.

The map and table will be standalone documents but will form part of this document at Appendix A

5. Procedures for new sites, relics and human remains

Refer to flowcharts 1, 2 and 3 in schedule 1 of this document

6. Reporting

ARG will develop the process and reporting format, including a data sheet to document the artefacts and compliance with mitigation measures. Such reporting shall be undertaken at least annually. ARG will be responsible for ensuring appropriate recording occurs and personnel to undertake the report compilation. The archaeologist may be involved at the request of ARG.

7. Compliance / review procedures

7.1 Review / update of the plan

The plan will be reviewed every three to five years by ARG and may include seeking technical advice from the archaeologist.

The review of the AHMP will involve a compliance audit to ensure that management procedures have been adhered to.

Request for review of the AHMP may also be raised by any of the stakeholders as part of ongoing implementation procedures.

If the AHMP is to be revised, copies of the document are to be sent to the registered Aboriginal parties for comment for a 7 day review period prior to finalisation. Their comments will be taken into account and the plan amended as required.

Following review and revision of the AHMP it, along with the RAP comments, will be forwarded to the consent authority (insert details) for endorsement if applicable.

7.2 Suspected non-compliance with condition of consent

If a person has good reason to believe the proponent is not implementing the Aboriginal heritage conditions of Approval satisfactorily, then that person, or the supervisor, must notify the nominated dispute contact person giving full details outlining the potential breach. The nominated contact person shall refer the matter to ARG.

ARG shall meet to discuss the concern and if unable to resolve the concern, must refer the matter to Cessnock City Council for independent review.

8. Dispute Resolution

It is understood by all parties that any dispute regarding performance or activities conducted under this plan that:

- The issues will be resolved quickly rather an allowing them to escalate through inaction;
- All relevant parties should be consulted so that all sides of the story are taken into account;
- It will be handled sensitively – disputes should, where possible and appropriate, be resolved in a confidential context in order to minimise impact on others not affected by the dispute, and
- Work is to continue normally during the dispute resolution process subject to any reasonable concerns about WHS issues.

8.1 The resolution process

- The proponent in consultation with ARG shall nominate a person to be the dispute contact in the event a dispute arises.
- The monitor and / or project employee who feels that there is a dispute will contact their supervisor to discuss the concern.
- The supervisor will listen carefully to the monitor(s) and together they will try to resolve the dispute. If the supervisor and the concerned person are unable to resolve the dispute or it is not

appropriate that the supervisor deal with it, the matter should be referred to the nominated dispute contact person.

- The dispute is either resolved or referred to ARG.
- The dispute is either resolved or referred to an independent conciliator or mediator.

8.2 Technical Dispute

A technical dispute occurs where two parties disagree on a methodological or interpretative issue for any of the management recommendations of this AHMP.

The normal dispute resolution process above will apply except that the independent conciliator shall be the archaeologist who's decision will be final.

9. Ongoing consultation process

ARG has been established under a separate process as the conduit for ongoing consultation. Matters arising shall be considered at ARG meetings.

10. Ongoing / Future Management

It is recognised that given the history of the site there is the potential for addition items / relics of Aboriginal cultural heritage to be uncovered during the construction phase of the project. The purpose of this ACMP is to put in place a framework that would protect and manage any such finds.

An important element of this is providing the opportunity for the local community to manage their cultural heritage in a manner that both retains the link to place, and fosters greater understanding. This section sets the proposal for ongoing management of relics that may be found.

10.1 Cultural heritage

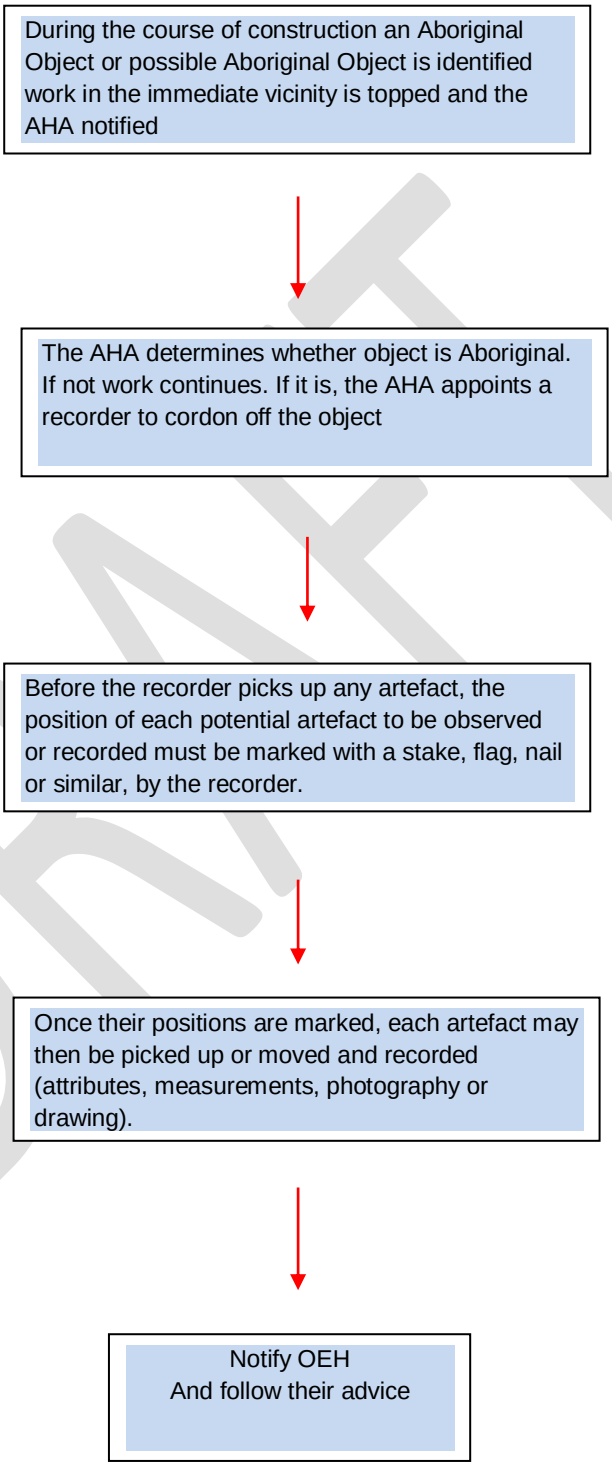
The LAIC have been nominated custodian of Aboriginal cultural heritage associated with the site.

10.2 Onsite retention / display

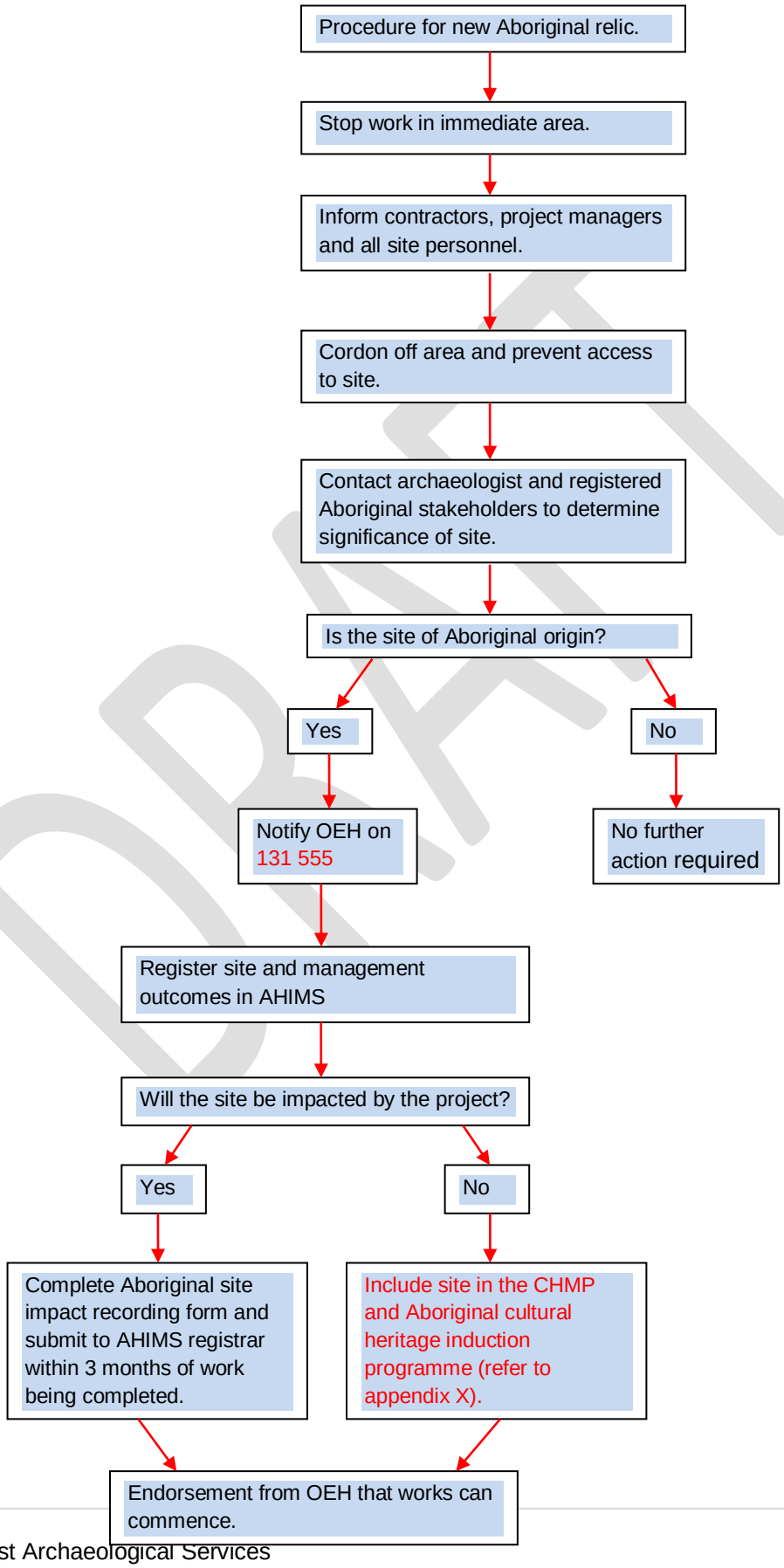
(insert details)

SCHEDULE 1

FLOWCHART 1 – PROCEDURE FOR UNRECORDED ABORIGINAL OBJECTS



FLOWCHART 2 – PROCEDURE FOR ABORIGINAL RELICS



FLOWCHART 3 – PROCEDURE FOR HUMAN REMAINS